

REVISED ORDINANCE A
(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1150 SOUTH COLUMBIA STREET TO MIXED USE-VILLAGE-CONDITIONAL ZONING DISTRICT (MU-V-CZD) (PROJECT #18-039)(2021-03-24/O-1)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Wendi Ramsden, on behalf of both David L. Robert (Owner) and C. H. Hotel Associates, Limited Partnership (Owner and Contract Purchaser), to rezone 4.07 acres located at 1150 South Columbia on property identified as Orange County Property Identifier Numbers 9788-20-4502, 9788-20-5716, and 9788-20-6500, including a portion of Monroe Street Right-of-Way to be abandoned, to allow a mix of multifamily residential units and ground floor office/commercial space, and finds that the amendment if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan, as explained by, but not limited to, the following goals of the Comprehensive Plan:

- Diversified housing types (*A Place for Everyone.3*)
- Business and Live/Work space (*Community Prosperity and Engagement.1,.3*)
- Accessible frontage, transit access, and underground car park (*Getting Around.2,.4,.8*)
- Minimize sprawl and preservation of natural areas (*Good Places, New Spaces.1,.2,.6,.8*)
- Natural area preservation and high quality Stormwater control measures (*Nurturing Our Community.2,.3,.7,.8*)
- Contribute to housing for UNC and UNC Health Care employees (*Town and Gown Collaboration.4*)

WHEREAS, the application, if rezoned to Mixed Use-Village-Conditional Zoning District (MU-V-CZD) according to the rezoning plan dated April 26, 2018 and last revised February 16, 2021 and the conditions listed below would:

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

MODIFICATIONS TO REGULATIONS

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

1) Section 3.6.3 Resource Conservation District (RCD):

Section 3.6.3(e) Permitted uses and activities in resource conservation

district: A Modification to Regulations is requested to allow a parking lot and building within the managed and upland zone of the resource conservation district which is not a permitted use within the resource conservation district according to Table 3.6.3-2.

Section 3.6.3(f) Dimensional regulations: Land disturbance is limited to specific percentages of the total land area in different zones of the RCD. The Upland and Managed Use zones are limited to 40 percent disturbance. The developer is proposing the following land disturbance limits:

Existing Standards	Proposed Disturbed Area	Total land disturbed	Total Impervious Surface
Stream Side Zone	Less than 20%	2,210sf	0
Managed Use Zone	60%	23,100sf	5,380sf
Upland Use Zone	53%	18,300sf	13,650 sf (39%)

2) Section 5.6 Landscaping, screening and buffering: The developer is requesting a reduction of the width and plantings in the street side landscape buffer on South Columbia Street. The required buffer is 30 feet wide and planted to 'D' level opacity. The buffer as currently designed will vary in width between zero and 30 feet with an average width of 12 feet. The modification also requests a 70 percent reduction in plant material from the required 23 canopy trees, 47 understory trees and 156 shrubs to 7 canopy trees, 15 understory trees, and 50 shrubs within the project site.

3) Section 5.3.2 Steep slopes: Section 5.3.2 specifies that the disturbance of steep slopes is to be minimized in order to protect water bodies from the effects of erosion on water quality, to protect plant and animal habitat, and to preserve the natural beauty and economic value of the Town's wooded hillsides. The developer is requesting to disturb all steep slopes, equivalent to 9,541 SF, exceeding the stated disturbance limit of 25 percent of existing steep slopes on site.

4) Section 3.5.1 Mixed Use-Village: Section 3.5.1 specifies that the Mixed Use-Village (MU-V) mixed use district have a mix of at least 25 percent floor area residential and a minimum 25 percent floor area in office/commercial uses. The developer is requesting a Modification to Regulation to a minimum of 3.5 percent of floor area for non-residential uses.

CONDITIONAL ZONING DISTRICT

WHEREAS, the Council of the Town of Chapel Hill that it finds, in this particular case, the proposed rezoning with the uses allowed in Mixed Use-Village (MU-V), subject to the conditions below, satisfies the purposes of Mixed Use-Village-Conditional Zoning District (MU-V-CZD).

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

SECTION I

The following Orange County parcels identified by Parcel Identifier Numbers (PINs) 9788-20-4502, 9788-20-5716, and 9788-20-6500, including 0.16 acres of the Monroe Street Right-of-way to be abandoned, shown on plans dated April 26, 2018 and revised February 16, 2021, shall be rezoned to Mixed Use-Village-Conditional Zoning District (MU-V-CZD):

LEGAL DESCRIPTION

Beginning at a point on the southeastern corner of the site on South Columbia Street right of way proceeding clockwise; Thence S21°56'21"W a distance of 56.75' to a point; Thence with a curve with a length of 190.58' and a radius of 624.07' on a chord with a bearing of S73°46'10"W and a length of 189.84' to a point; Thence N71°07'45"W a distance of 95.08' to a point; Thence S79°16'08"W a distance of 122.25' to a point; Thence N73°28'55"W a distance of 136.66' to a point; Thence N39°12'39"W a distance of 87.02' to a point; Thence N50°35'02"E a distance of 75.5' to a point; Thence N14°46'29"E a distance of 120.51' to a point; Thence N07°51'23"W a distance of 31.79' to a point; Thence S84°08'40"E a distance of 236.95' to a point; Thence N20°02'39"E a distance of 43.27' to a point; Thence N20°02'47"E a distance of 71.13' to a point; Thence N20°03'12"E a distance of 83.74' to a point; Thence S165°07'37"E a distance of 55.98' to a point; Thence with a curve with a length of 123.96' and a radius of 615.67' on a chord with a bearing of S284°21'48"E a distance of 123.75' to a point; Thence S26°01'25"E a distance of 76.10' to a point; Thence S24°31'26"E a distance of 83.48' to a point; Thence S24°31'26"E a distance of 75.06' to a point; Thence S25°30'25"E a distance of 32.20' to a point; Which is the point of beginning, having an area of 160,985.63 square feet or 3.698 acres, including to the midpoint of the adjoining South Columbia Street right-of-way.

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 March 24, 2023 (2 years from the date of this approval) or the land shall revert to its previous zoning designation. [LUMO 4.4.5(f)]
2. Consent to Conditions: This approval is not effective until the property owner provides written consent to the approval. Written consent must be provided within 10 days of enactment by the Town Council.
3. Land Use Intensity: This Conditional Zoning Atlas Amendment authorizes the following:

Land Use Intensity Mixed Use-Village	
Permitted Uses	<ul style="list-style-type: none">• Business – General• Business – Office-type• Business - Convenience• Dwelling Units, multifamily, over 7 dwelling units
Gross Land Area	177,090 sq. ft. (4.07 acres)
Maximum Floor Area	57,000 sq. ft.
Maximum Impervious Surface	48,950 sq. ft.
Number of Dwelling Units	60

Minimum Affordable Units	9
Nonresidential Floor Area	Minimum: 2,000 sq. ft. Maximum: 3,000 sq. ft.
Maximum Land Disturbance	71,635 sq. ft.
Maximum Parking Spaces	120 spaces
Minimum Parking Spaces	34 spaces (MU-V minimum is 50% of standard requirement)
Minimum Bicycle Parking Spaces	21 spaces

4. Affordable Housing Plan/Performance Agreement: Prior to the issuance of a Zoning Compliance Permit, the developer must submit an Affordable Housing Plan to be incorporated into an Affordable Housing Performance Agreement to be executed by the developer, the Town Manager (or designee), and the non-profit agency that will administer the affordable housing units that will contain the following information:

General information about the nature and scope of the covered development, including:

- a. 15% of the market rate units
- b. The developer will construct nine (9) affordable unit(s) on-site, five (5) of which will be available to households earning 65 percent of the AMI and four (4) of which will be available to households earning 80 percent of the AMI.
- c. The Plan will include information on:
 - i. The total number of market rate units and Affordable Dwelling Units in the development.
 - ii. The number of bedrooms and bathrooms in each Affordable Dwelling Unit.
 - iii. The approximate square footage of each Affordable Dwelling Unit.
 - iv. The pricing for each Affordable Dwelling Unit. The pricing of each unit or lot shall be determined prior to issuing a Zoning Compliance Permit. At the time of sale, this price may be adjusted if there has been a change in the median income or a change in the formulas used in this ordinance.
 - v. Documentation and plans regarding the exterior appearance, materials and finishes of the development for each of the Affordable Dwelling Units.
- d. Any and all other information that the Town Manager may require that is needed to demonstrate compliance with the Council's Affordable Housing Policies.

The Affordable Housing Plan and Performance Agreement shall be reviewed and approved by the Town Manager prior to issuance of a Zoning Compliance Permit.

5. Housing Plan: The developer shall provide the following:
- a. 15 percent of the market rate homes (nine (9) proposed units) will be affordable town homes. Five of the units will be reserved for those making less than 65% of the median income and four will be made available to those making 80% of the median income.
 - b. Size of the affordable units will meet or exceed the minimum size requirements found in Table 3.10-2 of the Land Use Management Ordinance.
 - c. The affordable units are to be placed within an organization ensuring their continued affordability for at least ninety-nine years.
 - d. The units be integrated into the development with preference to intersperse the affordable units throughout the development.
6. Landscape Bufferyards: The landscape bufferyards shall be provided as shown in the developer's buffer plan sheet (SUP-7.0) and summarized in the following table:

Buffer Area	Buffer	Buffer Area	Buffer
South	30' Type D Buffers	North	20' Type C Buffer
East	30' Type D Modified Buffer	West	20' Type C Alternative Buffer

7. NCDOT Improvements: Prior to performing work in the NC Department of Transportation (NCDOT) Right-of-Way, the developer will need to obtain the following:
 - Approved NCDOT Driveway Permit for proposed access to South Columbia Street
 - Approved NCDOT Three-Party Encroachment Agreement with OWASA for any proposed water and sewer construction
 - Approved NCDOT Three-Party Encroachment Agreement with the Town of Chapel Hill for any proposed/stipulated sidewalk and appurtenances
8. NCDOT Approval: Prior to issuance of a Zoning Compliance Permit and/or encroachment permit, the developer will need to submit complete and detailed plans per NCDOT requirements for approval.
9. Road Improvements: Prior to issuance of a Zoning Final Inspection, the following road improvements shall be made subject to review and approval by NCDOT and the Town:
 - a. Improvements to bicycle lane demarcations for the southbound right-turn lane
 - b. Northbound left-turn lane into site from S. Columbia Street
10. Traffic Signal Timing: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a payment-in-lieu of \$50,000 to the Town to retime traffic signals at NC 54 Bypass/US 15-501 and S. Columbia Street ramps.
11. Street Lighting: Prior to issuance of a Zoning Final Inspection, the developer shall install required street lighting along the frontage on South Columbia Street per NCDOT and Town standards. Review and approval of the proposed lighting shall be completed prior to issuance of a Zoning Compliance Permit.
12. Pedestrian Improvements: Prior to the issuance of Zoning Compliance Permit, the developer shall provide a payment-in-lieu of \$50,000 to the Town for two pedestrian crosswalks at the intersection of NC 86/S. Columbia Street and US 15-501/NC 54 Ramp. The Town will upgrade the traffic signal with crosswalks/pedestrian signals in all approaches prior to the issuance of first Certificate of Occupancy to the Columbia Street Annex project.
13. Traffic Counts: Prior to issuance of a Zoning Compliance Permit, additional traffic counts shall be conducted at locations to be reviewed and approved by NCDOT and the Town Manager, and any necessary updates to the Traffic Impact Analysis shall be made. The report shall address the North-South Bus Rapid Transit project.
14. Pedestrian-Activated Signal Improvements: Prior to issuance of a Zoning Compliance Permit, the developer shall submit plans for a pedestrian-activated signal with Rectangular Rapid Flashing Beacons for the crosswalk north of Purefoy Road on S. Columbia Street to be reviewed and approved by the Town Manager and NCDOT. The plans shall include ADA ramps aligned to serve the crosswalk location. The improvements shall be completed prior to issuance of a Zoning Final Inspection.
15. Right Turn on Red Restrictions: Prior to issuance of a Zoning Compliance Permit, the

developer shall submit plans for signal design to be reviewed and approved by the Town Manager and NCDOT that shall include a restricted right-turn on red movement if the pedestrian signals are activated. .

16. Stream Restoration:

- a. Prior to issuance of a Zoning Compliance Permit, the developer will engage a stream restoration engineer to analyze the current stream condition and enumerate needed enhancements and repairs to create a stable and healthy stream. All improvements shall be reviewed and approved by the Town Manager. The improvements shall provide riparian buffer restoration or enhancement to mitigate impacts proposed within the Resource Conservation District (RCD) buffer per the restoration or enhance requirement listed in Section 5.18.8 (e) (7) and Section 5.18.8 (e)(7)(F) of the Land Use Management Ordinance. Areas of channel degradation should be restored (degraded culverts in stream channel, fill placed in buffer, etc.). All stream improvements shall be completed prior to issuance of a Zoning Final Inspection.
- b. Stream restoration be provided in order to reduce nitrogen loading to less than or equal to the existing conditions nitrogen loading to the stream as computed by the Stormwater Nitrogen and Phosphorous (SNAP) tool.
- c. The stream restoration should remove fill material along the entire length of stream within the boundaries of their property. Soil bioengineering techniques that prevent the erosion of stream banks shall be considered in the design of the stream restoration.
- d. The developer is responsible for obtaining 401/404 permits and any state permits prior to starting construction of the stream restoration.
- e. The Home Owners Association will provide annual inspection reports of the stream restoration to the Town in addition to the annual inspection reports of the stormwater control measures on site.

17. Invasive Vegetation: The developer shall remove non-native invasive vegetation from the stream buffer area and replant native woody material prior to issuance of a Zoning Final Inspection. Details of the proposed work shall be reviewed and approved prior to issuance of a Zoning Compliance Permit.

18. Wildlife Habitat Enhancement: The developer shall hire a biologist to prepare a wildlife habitat enhancement recommendation for review and approval prior to issuance of a Zoning Compliance Permit. Any recommendations shall be implemented prior to issuance of a Zoning Final Inspection.

19. Preservation of Western Property: The Homeowners’ Association (HOA) will permanently preserve, prior to issuance of a Zoning Compliance Permit, and maintain forest west of the stream in a natural state with the exception of the stream and habitat enhancements previously described. The easement shall be recorded with the Orange County Register of Deeds.

20. Resource Conservation District Disturbance and Impervious Area Limitations:

Existing Standards	Maximum Disturbed Area	Maximum land disturbed	Maximum Impervious Surface
Stream Side Zone	Less than 20%	2,210sf	0

Managed Use Zone	60%	23,100sf	5,380sf
Upland Use Zone	53%	18,300sf	13,650 sf (39%)

21. Stream Maintenance: The HOA will assure regular and ongoing stream maintenance. HOA documents shall include language to ensure continued stream maintenance.

22. 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 Construction 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 storm water control measures(s) and other improvements and acceptance by the Town after final site inspection, 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 percent (25%) 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. [LUMO 4.9.3]

TOWN OF CHAPEL HILL – CONDITIONAL ZONING STANDARD STIPULATIONS

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

Access

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

Transportation

24. Transportation Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit a Transportation Management Plan, subject to Town Manager approval. The Transportation Management Plan shall include monitoring of electric vehicle parking spaces usage. [LUMO 4.5.2]
25. Bicycle Parking: Prior to issuance of a Zoning Compliance Permit, the developer shall provide dimensioned details that comply with the Town parking standards for required and/or proposed bicycle parking spaces. Bicycle parking spaces should be placed near building entrances. The spaces must comply with the Spring 2010 Association of Pedestrian and Bicycle Professionals Guidelines and the Class I and Class II bicycle parking standards required by the Town Design Manual. [LUMO 4.5.2]
26. 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]
27. 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]
28. Lighting: Prior to issuance of a Zoning Compliance Permit, the developer shall design and install street lighting along the site frontage. Design and construction details must be approved by the Town Manager and the North Carolina Department of Transportation (NCDOT).
29. Driveway Permit: The developer must obtain an approved driveway permit and/or encroachment agreement(s) prior to beginning any proposed work within the NCDOT right-of-way. As a condition of the permit, the permittee shall be responsible for the design and construction of stipulated improvements in accordance with NCDOT requirements. An approved permit will be issued upon receipt of approved roadway and signal construction plans, inspection fees, and any necessary performance and indemnity bonds.
30. 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.
31. 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]
32. 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]
33. Low Vision Design Features: Any proposed pedestrian facilities should incorporate low vision design features as feasible. [LUMO 4.5.2]
34. Repairs in Public Right-of-Way: Prior to issuance of a Certificate of Occupancy, the developer shall repair all damage for work in the public right-of-way related to the construction of this project, which may include pavement milling and overlay. The design

of such repairs must be reviewed and approved by the Town Manager and NCDOT prior to issuance of a Zoning Compliance Permit. [Town Code 17-40]

35. Street Closure Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a street closure plan, subject to Town Manager and NCDOT approval, for any work requiring street, sidewalk, or lane closure(s). [Town Code 21-7.1]
36. Work Zone Traffic Control Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a Work Zone Traffic Control Plan and a Construction Management Plan for approval by the Town Manager and NCDOT. The Work Zone Traffic Control Plan shall comply with the U.S. Department of Transportation Manual on Uniform Traffic Control Devices. The Construction Management Plan shall provide staging, construction worker parking, construction vehicle routes, and hours of construction. [Town Code 17-47]

Landscaping and Building Elevations

37. Invasive Exotic Vegetation: Prior to issuance of a Zoning Compliance Permit, the developer shall identify on the planting plan any known invasive exotic species of vegetation, as defined by the Southeast Exotic Pest Plant Council (SE-EPPC), and provide notes indicating removal of these species from the landscape buffer areas prior to planting. [Town Design Manual]
38. Alternate Buffer: Prior to issuance of a Zoning Compliance Permit, approval shall be required from the Community Design Commission for any proposed alternate buffer. [LUMO 5.6.8]
39. Landscape Protection: Prior to issuance of a Zoning Compliance Permit, a detailed Landscape Protection Plan shall be approved. The plan shall include a complete and currently updated tree survey showing critical root zones of all rare and specimen trees and labeled according to size and species. The plan shall also indicate which trees will be removed and which will remain. The plan shall also include standard notes, fencing details, and location of fencing. [LUMO 5.7.3]
40. 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]
41. Landscape Planting Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall provide a detailed Landscape Planting Plan with a detailed planting list, subject to Town Manager approval. [LUMO 4.5.3]
42. 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]
43. 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.

44. 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).
45. Lighting Plan Approval: Prior to issuance of a Zoning Compliance Permit, the Community Design Commission shall approve 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]
46. Community Design Commission Approval: The Community Design Commission shall review and approve the building elevations, including the location and screening of all HVAC/Air Handling Units for the site, prior to issuance of a Zoning Compliance Permit. [LUMO 8.5.5] Within the Town's historic districts, the Historic District Commission will act in place of the Community Design Commission. [LUMO 8.4.6]

Environment

47. Stormwater Management Plan: This project must comply with the Section 5.4 Stormwater Management of the Land Use Management Ordinance or whatever stormwater regulations are applicable at the time of issuance of Zoning Compliance Permit.
48. Erosion Control Bond: If one (1) acre or more is uncovered by land-disturbing activities for this 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. The financial guarantee is intended to cover the costs of restoration of failed or failing soil erosion and sedimentation controls, and/or to remedy damages resulting from land-disturbing activities, should the responsible party or parties fail to provide prompt and effective remedies acceptable to the Town. [Town Code 5-98]
49. Silt Control: The developer shall take appropriate measures to prevent and remove the deposit of wet or dry silt on adjacent roadways. [Town Code 5-86]
50. Erosion Control: The developer shall provide a copy of the approved erosion and sediment control permit from Orange County Erosion Control Division prior to receiving a Zoning Compliance Permit. 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.
51. Erosion Control Inspections: In addition to the requirement during construction that an inspection occurs after every rainfall, the developer shall inspect the erosion and sediment control devices daily, make any necessary repairs or adjustments to the devices, and maintain inspection logs documenting the daily inspections and any necessary repairs. [Orange County Erosion Control]

52. 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. The stormwater control measures must discharge outside of the 50 foot RCD Streamside Zone in a non-erosive manner.
53. Curb Inlets: The developer shall provide pre-cast curb inlet hoods and covers stating, "Dump No Waste! Drains to Jordan Lake", in accordance with the specifications of the Town Standard Detail SD-5A, for all new curb inlets for private, Town and State rights-of-way. [Town of Chapel Hill Design Manual]
54. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-built plans should be in DXF binary format using State plane coordinates and NAVD 88.
55. On-Site/Adjacent Stormwater Features: 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.
56. 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.
57. Jordan Riparian Buffer: Any proposed impact in the Jordan Riparian Buffer require the submission of a Jordan Riparian Buffer Authorization application. The developer shall demonstrate a NO PRACTICAL ALTERNATIVE for the proposed disturbance and meet the requirement in Section 5.18 of the Land Use Management Ordinance.
58. Stream Restoration: All stream crossings should be constructed perpendicular to the stream. No mechanical equipment should be brought into the streamside RCD buffer/Jordan Riparian Buffer without consulting with the Town stormwater staff beforehand.
59. Homeowners' Association Responsibilities: The Homeowners' Association shall be responsible for the maintenance, repair and operation of the Stormwater Control Measures, ditches and storm sewer conveyances located outside public right-of-way.
60. P.E Certification: The developer shall provide shall provide a certification, signed and sealed by North Carolina –licensed Professional Engineer, that the Stormwater Control Measure are constructed in accordance with the approved plans and specifications.
61. Energy Efficiency: Prior to issuance of a Zoning Compliance Permit, an energy efficiency plan shall incorporate a "20 percent more energy efficient" feature relative to the 90.1 energy efficiency standard of the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), as amended and in effect at the time of Conditional Zoning approval. Comparable standards generally recognized as applicable to building energy consumption, as amended and in effect at the time of building permit issuance, may be used by the developer when incorporating the "20 percent more energy efficient" feature into the final plans. An energy model should be used to demonstrate that the design will meet the aforementioned energy performance target. [Town Policy April 2007]

62. Energy Management Plan: Prior to issuance of a Zoning Compliance Permit, the developer shall submit an Energy Management Plan (EMP) for Town approval. The plan shall: a) consider utilizing sustainable energy, currently defined as solar, wind, geothermal, biofuels, hydroelectric power; b) consider purchase of carbon offset credits and green power production through coordination with the NC GreenPower program; c) provide for 20 percent more efficiency that also ensures indoor air quality and adequate access to natural lighting, and allows for the proposed utilization of sustainable energy in the project; and (d) if requested, provide for the property owner to report to the Town of Chapel Hill the actual energy performance of the plan, as implemented, during the period ending one year after occupancy. [Town Policy April 2007]

Recreation

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

Water, Sewer, and Other Utilities

65. Utility/Lighting Plan Approval: The final utility/lighting plan shall be approved by Orange Water and Sewer Authority (OWASA), Duke Energy Company, other applicable local utility service providers, and the Town Manager before issuance of a Zoning Compliance Permit. The developer shall be responsible for assuring that these utilities can continue to serve the development. In addition, detailed construction drawings shall be submitted to OWASA for review/approval prior to issuance of a Zoning Compliance Permit. [LUMO 4.5.3]
66. 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]
67. Relocation of Overhead Utilities Underground: Prior to issuance of a Certificate of Occupancy, the developer will install underground all public utilities that are currently located overhead on the site except for 3 phase or greater electric lines. [LUMO 5.12.2]
68. 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]
69. OWASA Approval: Prior to issuance of a Zoning Compliance Permit, any easement plats and documentation as required by OWASA and the Town Manager shall be recorded. [LUMO 5.12]

70. 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

71. 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.
72. 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.
73. Dedication and Maintenance of Common Area to Homeowners' Association: The developer 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.
74. 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.

Fire Safety

75. Fire Department Access: All turns, radii, bridges, and depressions within roadways shall be designed and constructed to be accessible by the largest fire apparatus operated by the Town of Chapel Hill. Technical information on this equipment is available from the Towns Fire Marshal. 2018 NCFC Section 503, Appendix D.
76. Fire Department Access/Construction: Fencing around projects shall include access gates with a 20 foot swing or slide motion. Any areas which will be inaccessible for firefighting or rescue operations shall be noted. Emergency access designation for apparatus shall be provided. 2018 NCFC Section 503, Appendix D.
77. Obstruction of Fire Apparatus Access Roads: Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times. 2018 NCFC 503.4
78. Traffic Calming Devices: Traffic calming devices shall be prohibited unless approved by the fire code official. 2018 NCFC 503.4.1

79. Water Supply for Fire Protection: When required, an approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site. 2018 NCFC 3312
80. Fire Sprinklers: The developer shall install sprinklers under the North Carolina Fire Protection Code (NC FPC) prior to issuance of a Certificate of Occupancy. Prior to issuance of a Zoning Compliance Permit, the plans shall show all proposed fire department connections to such systems. [TOWN CODE 7-56]
81. 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]
82. 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]
83. 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.
84. Fire Department Connections and Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40 feet in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. [NC FPC 912 & NC FPC 2018 3313]
85. Fire Command Center: Where required in the North Carolina Fire Protection Code and in all high rise buildings, a fire command center must be constructed in accordance with Section 508, NC FPC 2018.
86. 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]
87. Fire Apparatus Access Road: Any fire apparatus access roads (any public/private street, parking lot access, fire lanes and access roadways) used for fire department access shall be all-weather and designed to carry the imposed load of fire apparatus weighing at least 80,000 lbs. Fire apparatus access roads shall have a minimum width of 20 feet exclusive of shoulders with an overhead clearance of at least 13 feet 6 inches for structures not exceeding 30 feet in height and shall provide access to within 150 feet of

all exterior portions of the building. Structures exceeding 30 feet in height shall be provided with an aerial apparatus access road 26 feet in width in the immediate vicinity of the building or portion thereof and shall provide at least one of the required access roads to be located not less than 15 feet and not more than 30 feet from the structure parallel to one entire side of the structure. [NC FPC 2018 502.1, 503.1.1, 503.2.1, D102.1 SECOND ACCESS DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DOT APPROVAL]

88. 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.
89. Building Height: Buildings exceeding 30 feet or three stories in height must have at least two means of fire apparatus access separated by at least one half the diagonal distance of the building. [NC FPC 2018, D104.1, D104.3 DEPENDENT UPON NORTH CAROLINA DEPARTMENT OF TRANSPORTATION DOT APPROVAL]
90. Fire Access: Prior to issuance of a Certificate of Occupancy, fire access shall be reviewed and approved by the Town of Chapel Hill.
91. 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]
92. 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]
93. 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]
94. 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]
95. 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]
96. Key Boxes: Where required by the fire code official, a secure key box, mounted on the address side of the building, near the main entrance, shall be provided to ensure adequate access to the building based on life safety and/or fire protection needs. [NC FPC 2018, 506]

97. Automatic Fire Sprinkler System Required: An automatic fire sprinkler system meeting the requirements of NFPA Standard #13 and Town Code 7-56 is required to be installed in non-residential construction.
98. Fire Department Connections, Locations: Any required FDCs for any buildings shall meet the design and installation requirements for the current, approved edition of NFPA 13, 13D, 13R, or 14 of the NC FPC 2018 and Town Code 7-38 for location. FDCs shall be installed within 100 feet of a hydrant or unless otherwise approved by the fire code official and shall not be obstructed or hindered by parking or landscaping. FDCs shall be equipped with National Standard Thread (NST) and be a 2.5" siamese.
99. Fire Department Connections, Installation: A working space of not less than 36 inches in width and depth and a working space of 78 inches in height shall be provided on all sides with the exception of wall mounted FDCs unless otherwise approved by the fire code official. The FDCs where required must be physically protected from impacts by an approved barrier. [NC FPC 2018, 912.1, 912.2 912.2.1, 312]
100. Fire Department Connections, Standpipes: When the building being constructed requires standpipes, a temporary standpipe connection will be constructed with ready Fire Department Access when the building is not more than 40' in height. Such standpipes shall provide usable connections adjacent to the stairs and shall continue with building progression always being not more than one floor below the highest floor of the building. NC FPC 2012 Section 1413.
101. 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.
102. 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]
103. 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]
104. Emergency Responder Radio Coverage in New Buildings: All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. [NC FPC 2018 Section 510.1]
105. Construction/Demolition: All Construction and demolition conducted shall be in compliance of the current edition of Chapter 14 of the NC FPC.

Solid Waste Management and Recycling

106. 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]
107. 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]
108. 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

109. 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]
110. 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

111. 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]
112. 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]

113. 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]
114. 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]
115. Open Burning: The open burning of trees, limbs, stumps, and construction debris associated with site development is prohibited. [Town Code 7-7]
116. Detailed Plans: Prior to the issuance of a Zoning Compliance Permit, final detailed site plans, grading plans, utility/lighting plans, stormwater management plans (with hydrologic calculations), landscape plans, and landscape maintenance plans shall be approved by the Town Manager. Such plans shall conform to plans approved by this application and demonstrate compliance with all applicable regulations and the design standards of the Chapel Hill Land Use Management Ordinance and the Design Manual. [LUMO 4.5.3]
117. Certificates of Occupancy: No Certificates of Occupancy shall be issued until all required public improvements are complete. A note to this effect shall be placed on the final plats.

If the Town Manager approves a phasing plan, no Certificates of Occupancy shall be issued for a phase until all required public improvements for that phase are complete, and no Building Permits for any phase shall be issued until all public improvements required in previous phases are completed to a point adjacent to the new phase. A note to this effect shall be placed on the final plats.
118. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before issuance of any Certificates of Occupancy.
119. 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.
120. As-Built Plans: Prior to the issuance of a Certificate of Occupancy, the developer shall provide certified as-built plans for building footprints, parking lots, street improvements, storm drainage systems and stormwater management structures, and all other impervious surfaces, and a tally of the constructed impervious area. The as-

built plans should be in DXF binary format using State plane coordinates and NAVD 88.
[Town Design Manual Chapter 10]

121. Vested Right: Approval of a Conditional Zoning District and the associated district-specific plan constitutes a site specific development plan establishing a vested right. 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.
122. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
123. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
124. Not-Comprehensive: The listing of these standard stipulations, and the specific stipulations applicable to this Permit, is not intended to be comprehensive and does not exclude other state and local laws and regulations which may be applicable to this Permit and development project.

BE IT FURTHER RESOLVED that the Council hereby approves the application for Conditional Zoning for South Columbia Street Annex at 1150 South Columbia Street.

This the 24 day of March, 2021.