

ORDINANCE A

(Approving the Conditional Zoning Application)

AN ORDINANCE AMENDING THE CHAPEL HILL ZONING ATLAS TO REZONE THE PROPERTY LOCATED AT 1651 OLD LYSTRA ROAD FROM RESIDENTIAL-LOW DENSITY-1 (R-LD1) TO RESIDENTIAL-4-CONDITIONAL ZONING DISTRICT (R-4-CZD) (PROJECT #CZD-25-6) (2026-MO-DAY]/O-#)

WHEREAS, the Council of the Town of Chapel Hill has considered the application for Conditional Zoning submitted by Thomas and Hutton, on behalf of owner Holy Trinity Anglican Church of Chatham Inc., to rezone an 12.41-acre portion of a parcel located at 1651 Old Lystra Road on property identified as Orange County Property Identifier Number 9787008466, to allow development of a place of worship and residential units, 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; and
- Achieves the purposes of the Comprehensive Plan;

WHEREAS, the application, if rezoned according to the district-specific plan dated [date of most recent plan set], 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 5.6.6: Landscape, Screening, and Buffering

Modify the specifications to use existing vegetation to meet buffer planting requirements, as shown on the site plan. The Design Manual requirements for shrubs, understory and canopy trees do not apply.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree due to the dense existing vegetation and the desire for environmental protection.

2) LUMO Section 5.2.6: Flag Lots

Modify the standard to allow the proposed flag lot to meet the minimum lot width at a point up to 300 feet from the public right-of-way.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the lot layout is similar to surrounding properties and the drive will be maintained by the more traffic-intense use.

3) LUMO Section 5.5.1: Recreation Space

Modify the standard to reduce the minimum recreation space requirement to 1,350 square feet.

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the recreation space would create undue hardships on the development and the development is preserving green space.

4) LUMO Section 5.9.7: Vehicle and Bicycle Parking

Modify the standard to reduce the

This finding is based on a determination that the public purposes are satisfied to an equivalent or greater degree as the recreation space would create undue hardships on the development and the development is preserving green space.

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 Residential-4-Conditional Zoning District (R-4-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 portion of Orange County parcel(s) identified by Parcel Identifier Number (PIN) 9787008466, described below, along with the area extending to the centerline of the adjoining Old Lystra Road, shall be rezoned to Residential-4-Conditional Zoning District (R-4-CZD):

BEGINNING at a iron pipe on the western side of Old Lystra Road, said pipe being a control corner having NAD 83(2011) State Plane Coordinates of North=770,282.837 & East= 1,981,603.292; thence leaving the aforesaid right of way S 45°06'05"E a distance of 29.84 feet to a computed point situated in the center of the road; thence along the centerline the following course and distances: S 49°00'59"W a distance of 87.63 feet to a computed point; thence S 46°38'36"W a distance of 42.94 feet to a computed point; thence leaving the centerline of the road S 88°45'39"W a distance of 44.73 feet a computed point situated in the eastern right of way of Old Lystra Road; thence leaving the aforementioned right of way S 88°45'39"W a distance of 508.73 feet to a ½ iron pipe situated in the northern property line of land owned by Clyde Thompson, Heirs (PIN: 9786196724); the leave the aforesaid northern property line N 22°07'35"W a distance of 451.93 feet to a ½" iron pipe situated in the eastern property line of lands owned by Jo Anne Merrit; along the aforesaid property line and with the eastern property line of lands owned by Stephen & Judy Mumford and the eastern right of way line of Wave Road thence N 19°11'47"E a distance of 482.03 feet to an iron pipe; thence leaving the aforementioned right of way N 20°38'24"E a distance of 118.05 feet to an

iron pipe situated in the eastern property line of lands owned by Steven Harenberg; thence leaving the aforementioned property line S 89°56'55"E a distance of 679.10 feet to an iron pipe, said pipe being the southwestern corner of lands owned by Gerald Atwater; thence along the aforementioned southern property line N 89°48'44"E a distance of 264.79 feet to an iron pipe, said pipe being the southwestern corner of lands owned by Timothy & Amy Elinoff; thence with the aforementioned southern property line N 88°34'25"E a distance of 162.97 feet to an iron pipe, said pipe being the northwestern corner of lands owned by Eston Rives; thence along the aforementioned western property line S 01°47'45"E a distance of 164.35 feet to an iron pipe; thence continuing with the aforementioned property N 89°58'58"W a distance of 547.23 feet to an iron pipe; thence continuing with the aforementioned property S 00°01'02"W a distance of 64.99 feet to an iron pipe, said pipe being the northeastern corner of lands owned by Shari Smith; thence with the aforementioned northern property line N 86°44'03"W a distance of 272.64 feet to an iron pipe; thence with western property line of the aforementioned land S 26°24'49"W a distance of 255.68 feet to an iron pipe, said pipe being a western property corner of lands owned by Eston Rives; thence with Eston Rives land the following courses and distances: S 12°01'13"W a distance of 288.50 feet to an iron pipe; S 79°07'36"E a distance of 320.88 feet to an iron pipe; N 07°05'58"E a distance of 73.38 feet to an iron pipe; thence S 45°06'05"E a distance of 221.36 feet to the place and point of beginning, having an area of 540,608 Square Feet or 12.411 Acres more or less.

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 4.4.5(I)]
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	Place of Worship; Single-family dwelling; Multi-family, attached or detached Customary accessory uses
Net Land Area (NLA)	Approximately 12.41 ac.
Gross Land Area (GLA)	Approximately 12.45 ac.
Maximum Floor Area	36,000 sq. ft.
Permitted Dwelling Units	0-10 total units
Dimensional Regulations	Per LUMO
Maximum Vehicular Parking	Per LUMO
Minimum Electric Vehicular (EV) Parking	5% of church parking spaces served by EV-charging stations

	25% of church parking spaces designed to be EV-ready
Minimum Bicycle Parking	Per LUMO
Maximum Total Impervious Surface	Per LUMO (70% of GLA)
Maximum Land Disturbance	300,000 sq. ft.
Resource Conservation District Maximum Land Disturbance	8,000 sq. ft. of disturbance in the Upland Zone
Steep Slopes Maximum Land Disturbance	11,300 sq. ft. of area containing natural slopes 25% or greater
Minimum Tree Canopy Coverage	Per LUMO
Minimum Active Recreation Space	1,350 sq. ft.

4. Modifications to Land Use Intensity: This approval establishes minimums and maximums as indicated in the above Land Use Intensity Table. These amounts apply to the entire project site, including areas within the Resource Conservation District (RCD) and areas containing steep slopes. These amounts may be modified according to the criteria and procedures established in LUMO 4.4.6. Additional modifications to amounts in the Land Use Intensity table shall be considered as follows:
- a. A change in the net land area or gross land area shall constitute a minor modification, provided the land area is established by a survey or legal description, and provided there is no resulting change to the zoning district boundary approved by the Town Council.
 - b. An increase in the RCD maximum impervious surface, RCD maximum land disturbance, maximum total impervious surface, or steep slopes maximum land disturbance shall constitute a major modification.
 - c. An increase in 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.

Environment

5. Critical Root Zone: The developer shall not impact more than twenty-five percent (25%) of the critical root zone of any rare or specimen tree on adjacent parcels.
6. Stormwater Performance Guarantee: A stormwater performance and maintenance guarantee in an amount satisfiable to the Town Manager shall be provided to meet the requirements of LUMO 4.9.3 prior to the approval of Constructional plans. The performance guarantees and maintenance guarantees shall be satisfactory as to their form and manner of execution, and as to the sufficiency of their amount in securing the satisfactory construction, installation, or maintenance of the required stormwater control measure. The performance surety shall be an amount equal to one hundred and twenty-five percent (125%) of the total cost of uncompleted stormwater control measure(s) and conveyances prior to final plat recordation. The total cost of the storm water control measure(s) and conveyance(s) shall include the value of all materials, piping and other structures, seeding and soil stabilization, design and engineering, grading, excavation, fill, and other work. The developer shall submit unit cost information pertaining to all storm water control measure(s) and/or bids from the grading contractor hired to perform the work and any change orders related thereto as a method to determine the basis for cost of the work. The final cost determination shall be made by the Stormwater Management Division, taking into consideration any additional costs as deemed necessary for completion of the stormwater control measure(s) and conveyance(s).

Upon completion of the stormwater control measures(s) and other improvements and acceptance by the Town after final site inspection, the one hundred and twenty-five percent (125%) of the performance surety shall be released to the developer and a maintenance bond in an amount of twenty-five (25) percent of the construction cost estimate shall be submitted by the developer prior to the issuance of certificate of occupancy. No sooner than one year after the recording date of the deed(s), easements and maintenance agreement, the owner may request release of the remainder of the maintenance bond. Upon request by the owner, the Stormwater Management Division shall inspect the storm water control structure(s) to determine that the storm water measure(s) are performing as required by this Ordinance. The Stormwater Management Division, upon determining that the storm water control(s) are performing as required by this Ordinance, and after any repairs to the storm water control structure(s) are made by the owner, shall release the remaining maintenance bond.

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

Transportation, Access, and Connectivity

7. Traffic Signs: The developer shall be responsible for placement and maintenance of temporary regulatory signs before approval of a Zoning Final Inspection.
8. 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.
9. 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.
10. 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.
11. Bicycle Parking: Bicycle parking spaces must also comply with the Spring 2015 Association of Pedestrian and Bicycle Professionals Guidelines.

Sustainability

12. Electric Vehicle Infrastructure: The developer shall ensure that their facilities support the use of current and future levels of electric vehicles by their residents and visitors by supplying the following, consistent with Town Council policy:
 - a. For each non-residential building served by 10 or more on-site parking spaces, the developer shall install Level 2 electric vehicle supply equipment (EVSE) at 5% of

those spaces (rounded up). A further 25% of the total parking spaces (rounded up) shall be made EVSE ready. EVSE Ready means that a continuous raceway or conduit has been installed connecting a parking space to an electrical panel, there is dedicated capacity within that electrical panel to serve the EVSE, electrical breakers and wires have been installed and have been terminated in a junction box at the parking space designed for future electric vehicle charging.

- b. All initial and future EV charging designs should ensure that each EVSE-equipped parking space is capable of providing at least 6.6 kW. Designs must also adhere to U.S. Access Board's most recently updated version of the Design Recommendations for Accessible Electric Vehicle Charging Stations.

13. 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.

a. The Climate Action Plan shall include, at a minimum, the following commitments:

- All-electric building and site design
- All-electric appliances (no fossil fuel appliances)
- LED lighting only for interior spaces
- LED lighting only for exterior spaces, including street/parking lot lighting (3000 Kelvin or lower)
- Meets International Dark-Sky Association's principles for outdoor lighting
- WaterSense-rated appliances and equipment only
- Energy Star-rated appliances and equipment only
- Exceeds the Town's standard for tree canopy coverage and adds shading
- No irrigation with potable water
- Exceeds Town standards for green infrastructure elements (trees, bioretention) to reduce extreme heat impacts
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- b. If conditions or other limitations outside of the developer's control make it impractical or impossible to meet the climate action commitments within the condition directly above, the developer may work with staff to develop alternatives that provide what the Town Manager determines to be an equivalent or better outcome. Any such changes will be included in the Zoning Compliance Permit.

Owners Association

14. Applicability: The Owners' Association conditions shall apply for multifamily development with multiple owners. These conditions shall go into effect subsequent to any plat application delineating any parcel or lot creating common land area, however designated.

15. Owners' Association: An Owners' Association, or similar legal entity 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 Owners' Association documents shall be approved by the Town Manager prior to recordation at the County Register of Deeds Office and shall be cross-referenced on the final plat. The Owners' Association documents shall comply with LUMO 4.6.6.

16. Owners' Association Responsibilities: The Owners' Association shall be responsible for the maintenance, repair, and operation of common areas including but not limited to required bufferyard(s), open space, recreation areas, paths, community gardens, drives, shared parking areas, shared refuse collection areas, and shared stormwater

management facilities. The Owners' Association shall be responsible for the maintenance of internal streets, including any streets proposed for public maintenance prior to NCDOT or the Town assuming ownership.

17. Dedication and Maintenance of Common Area to Owners' Association: The developer shall provide for review the deed(s) conveying to the Owners' Association all common areas, however designated. These documents shall be cross-referenced on the final plat and reviewed and approved by the Town Manager prior to recordation at the County Register of Deeds Office.
18. Solar Collection Devices: The Owners' 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.
19. Home Occupations: The Owners' Association, or similar entity, shall not include covenants or other conditions of sale that restrict or prohibit home occupation businesses as regulated by the Town of Chapel Hill.

Miscellaneous

20. Affordable Housing Plan: The developer shall submit an Affordable Housing Plan to the Town for review and approval if the criteria of LUMO 3.10.1(b) are met.
21. Conversion of Residential Rental Units to Ownership Units: If multifamily 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.
22. 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.
23. State or Federal Approvals: Any required State or federal approvals, permits, or encroachment agreements, including but not limited to NCDOT approvals and 401/404 permits, 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.
24. 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 4.4.5]
25. 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.

26. Cumulative Tracking: Each Residential Permit or 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)
27. 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.
28. 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]
29. 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.
30. 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.
31. Continued Validity: Continued validity and effectiveness of this approval shall be expressly conditioned on the continued compliance with the plans and conditions listed above.
32. Non-Severability: If any of the above conditions is held to be invalid, approval in its entirety shall be void.
33. 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 Holy Trinity Anglican Church at 1651 Old Lystra Road.

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