

Town of Chapel Hill Planning Department  
306 North Columbia Street  
Chapel Hill, NC 27516

(919) 968-2728

## DESCRIPTION OF REQUIRED INFORMATION

(Refer to Land Development Permit Application)

Revised January 28, 2003

### 1. Copy of Recorded Plat

- a. Copy of the recorded plat for the zoning lot; or
- b. Copy of both the current recorded deed and the deed recorded prior to October 8, 1956.

### 2. Area Map

- a. An Area Map should describe the context in which the new project is to be developed and should include the following:
  - Property lines, zoning district boundaries, land uses, project names of site and surrounding properties, and corporate limit lines;
  - Existing roads (public and private), right-of-ways, sidewalks, driveways, parking areas;
  - Street names and dedicated open space;
  - Existing utilities;
  - Access and utility easements and fire hydrants;
  - Resource Conservation District and/or Watershed Protection District limits and water bodies, if applicable;
  - Wooded areas, if applicable;
  - Structures and their use(s); and
  - Other external features and existing conditions that may impact the proposal.

Generally, the extent of the area included should equal ten (10) times the site area. However, some projects may require more or less area, depending upon the nature and use of the proposal. The critical area to be shown is that area which may directly affect or be affected by the proposed project. It is recommended that the applicant meet with the staff before this map is drawn, to determine the extent and configuration of the "critical area".

The buildings, parking areas, drives, and other site features need not be an exact scale representation of these items. If they are not to scale, but represented graphically, dimensions must be provided to show spatial relationships

- b. A perimeter line of 1,000 feet (500 feet in the case of a minor subdivision) from and surrounding the lot lines of the property with property lines and the names of property owners within said 1,000 foot perimeter line identified.
- c. Any project less than 10 acres shall be shown on a sketch map at a scale of not less than 1" = 100', nor more than 1" = 20'.
- d. Any project over 10 acres can be shown on a sketch map at a scale of not less than 1" = 400'.

3. **Mailing List, 500 feet**

List of owners of those properties located within 500 feet of the subject property boundaries with the full name and address of each property owner.

4. **Stamped, Pre-Addressed Envelopes**

Stamped, pre-addressed business envelopes (size 10) for each owner of property on the mailing list as shown at the top of the next page (Please make sure that the flaps of envelopes are not pointed, they get caught in the machine):

<p>(insert name of proposed development) c/o Planning Department Town of Chapel Hill 306 N. Columbia Street Chapel Hill, NC 27516</p>	<p>STAMP **</p>
<p>Tax Map Number Name(s) and Address (include ZIP) of Property Owner(s)</p>	

\*\*Note: The Post Office does not like predated postage meter mail. Due to the time period between the submittal and mailing of these envelopes we suggest the use of postage stamps, rather than postage meters.

5. **Statement of Justification (Special Use)**

In order to grant a Special Use Permit the Council must make the required four findings contained in Section 4.5 of the Land Use Management Ordinance. The applicant shall submit a statement entitled Statement of Justification prepared by the Applicant, presenting factual information supporting each of the four required findings.

The four required findings and suggested considerations to be addressed under each are listed below.

**Finding #1: *That the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.***

Suggested Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets, street intersections, and sight lines at street intersections and driveways.
- b. Provision of services and utilities, including sewer, water, electric, garbage collection, and fire protection.
- c. Drainage Plans.
- d. Relationship of the site to the Chapel Hill Floodway/Floodplain/Resource Conservation District.
- e. Other considerations relevant to the proposed use.

**Finding #2: That the use or development complies with all required regulations and standards of this chapter, including all applicable provisions of Article 3, 4, and 5 and the applicable specific standards contained in Section 6, and with all other applicable regulations.**

Suggested Considerations:

- a. Compliance with Development Ordinance and land development regulations and standards, including street improvements, screening and landscape buffer requirements, setbacks, height, parking and intensity regulations.
- b. Provision of recreation areas and open space.
- c. Other considerations relevant to the proposed use.

**Finding #3: That the use or development is located, designed, and proposed to be operated so as to maintain or enhance the value of contiguous property, or that the use or development is a public necessity.**

Suggested Considerations:

- a. Relationship of the proposed use and the character of development to surrounding uses, including possible conflicts between uses and how conflicts will be handled.
- b. Conformance of the proposed use with the Zoning Atlas and the Comprehensive Plan for development of Chapel Hill and its environs.
- c. Affect on the value of surrounding properties determined to be contiguous property.
- d. If the use is a public necessity, state the reasons for this designation.
- e. Other considerations relevant to the proposed use.

**Finding #4: That the use or development conforms with the general plans for the physical development of the Town as embodied in this chapter and in the Comprehensive Plan.**

Suggested Considerations:

- a. Conformance of the proposed development with the Zoning Atlas and the Comprehensive Plan for development of Chapel Hill and its environs.
- b. Relationship of the site to the Chapel Hill Resource Conservation District, the Chapel Hill Thoroughfare Plan, the Greenways Plan, the Land Use Plan, and the Urban Services Area.
- c. Other considerations relevant to the proposed use.

All Special Use Permit requests are reviewed by the Town Council at a Public Hearing. The Supreme Court of the State of North Carolina has determined that public hearings on Special Use Permit requests are quasi-judicial proceedings requiring the following fair trial elements:

1. The party whose rights are being determined must be given the opportunity to offer evidence, cross examine adverse witnesses, inspect documents, and offer evidence in explanation and rebuttal;
2. Absent stipulations or waiver, such a board may not base findings as to the existence or non-existence of crucial facts upon unsworn statements;
3. Crucial findings of fact which are unsupported by competent material, and substantial evidence in view of the entire record, as submitted, cannot stand.

This means that the applicant must provide the information upon which the Council can make the four findings of fact required by the Development Ordinance to grant a Special Use Permit. This information must be supported by competent material, and substantial evidence and (unless waived) must be presented as sworn testimony. Letters submitted to the Council which are not presented by the writer at the public hearing cannot be used to establish the required four findings of fact.

A denial of the Special Use Permit must be based upon findings to the contrary, which are supported by competent material, and substantial evidence appearing in the record. Information presented at the public hearing by persons opposed to the requested Special Use Permit must meet the same requirements as information presented in support of the request.

**6. Preliminary Plat**

Refer to Section 4.6 and article 5 of the Land Use Management Ordinance.

**7. Traffic Impact Statement**

In general terms this report should:

- a. Evaluate the impact of added traffic generated by the proposed development on area streets and intersections.
- b. Recommend, as appropriate, means for accommodating traffic in a safe manner.

**8. Recordable Plat of Property**

Refer to Section 4.6 and article 5 of the Land Use Management Ordinance.

**9. Detailed Site Plan**

- a. Utility and drainage information, including location of water, sewer, electric and drainage lines, proposed easements, and fire hydrants.
- b. Site information, including existing topography at minimum 5-foot intervals, finished grade, natural drainage features, lot lines and dimensions, existing vegetation to be retained, floodway and floodplain, and Resource Conservation District boundaries.
- c. Building and access information, including building locations, parking (compact, regular & handicapped) and loading areas, driveways, refuse collection facilities, sidewalks, paths, streets, rights-of-way, sight triangles, improved recreation facilities and areas, and free-standing signs. Include proposed right-of-way widths and proposed street names, and dimensions of the above improvements.

- d. Off-site information should show all streets, buildings/structures, easements, topography and any other significant physical features within 300 feet of the site.
- e. Other information required to determine compliance with the Development Ordinance, including landscape buffers, screens, setbacks, openspace, livability space, shading of parking areas, proposed use(s) of building(s) and areas designated for each.
- f. Phasing Plan, if applicable.
- g. Appropriate scale, not less than 1" = 50'.

**10. Detailed Exterior Elevations**

- a. Detailed exterior elevations showing materials; colors; fenestration; entrances; roof forms; architectural detailing such as lintels, cornices, brick bond; and appurtenant fixtures, such as lighting.
- b. Appropriate scale, not less than 1" = 10'.

**11. Detailed Site Analysis**

Applicable to all Special Use Permit and Special Use Permit Modification applications, and all major subdivision applications which create more than 25 lots. The Site Analysis shall express the potential and the constraints of the site and shall include a plan which provides:

- a. Description and analysis of what surrounds a site in terms of roads, utilities, and other land uses;
- b. Analysis of slopes, soils, drainage patterns, environmental constraints (e.g., wetlands, areas listed in the Orange County Inventory of Natural Resources) existing vegetation, and vistas, both on the site and immediately surrounding the site;
- c. Existing land features including rock croppings, fence rows, existing drives, grave sites, etc.; and
- d. A review of access and circulation issues in the vicinity of the site.

**12. Elevation Outline**

- a. An outline of each elevation of the building, including the finished grade line along the foundation.
- b. Appropriate scale, not less than 1" = 10'.

**13. Copy of Valid Zoning Compliance Permit**

Copies of Zoning Compliance Permit are available at the Planning Department.

**14. Utility Services Clearance**

Notification from each utility provider (water, sewer, gas, electric, telephone, cable, as applicable) that service is now available to the proposed development. Where a septic tank or well is to be used, evidence of Health Department approval shall be submitted.

**15. Copy of Approved Erosion Control Plan**

Copy of the plan and permit issued by the County Erosion Control Officer.

**16. Recordable Plat of Easements, Rights-of-Way, and Dedications**

a. A recordable plat showing all dedications, including utility easements, drainage easements, access easements, pedestrian easements, street rights-of-way, and permanent open space.

b. The following certificate signed by the property owner(s) and notarized:

"(I/We) hereby acknowledge this plat and allotment to be (my/our) free act and deed and that (I/we) hereby dedicate to public use as (streets, parks, playgrounds, open space, and easements) forever all areas so shown or indicated on said plat."

c. A scale not larger than 1" = 50' and not smaller than 1" = 100'.

**17. Copy of Application Fee Receipt**

Obtained from the Town's Revenue Collector upon payment of fee in the Tax Office.

**18. Project Fact Sheet**

Refer to form available in the Planning Department.

**19. Sketch Plan**

Map at an appropriate scale showing the following: lot lines with measured distances; location and outline of existing structure(s); location and outline of proposed structure(s); location of existing walkways, wall, fences, driveways and parking areas; location of proposed walkways, patio, walls, fences, driveways and parking areas including proposed construction materials; location of significant large trees.

**20. Statement of Justification (Rezoning)**

A statement justifying the requested map change based upon one or more of the following:

1. The amendment would correct a manifest error in the map;
2. The amendment is warranted due to changed or changing conditions in the area or in the jurisdiction generally;
3. The amendment achieves the purposes of the Comprehensive Plan.

**21. Statement of Justification (Dimensional Variance)**

A variance from the dimensional regulations of the Development Ordinance may be granted by the Board of Adjustment if it finds that strict enforcement of the regulations would result in practical difficulties or unnecessary hardships to the applicant for the variance, and that, by granting the variance, the intent of this chapter and the Comprehensive Plan will be observed, public safety and welfare secured, and substantial justice done. The Statement of Justification (Variance) shall address the above findings and shall be based upon the following determinations:

- a. That strict compliance with the regulations allows no reasonable use of the applicant's property;
- b. That the hardship complained of is one suffered by the applicant rather than by neighbors or the general public;
- c. That the hardship relates to the applicant's property rather than to personal circumstances;
- d. That the hardship is peculiar to the applicant's property, rather than a hardship shared by the neighborhood or resulting from the existence of nonconforming situations in the vicinity;
- e. That the hardship is not the result of the applicant's own actions;
- f. That the variance will not substantially interfere with or injure the rights of others whose property would be affected by granting of the variance; and
- g. That the variance will not result in a violation of the provisions of Article 3 by allowing the enlargement, expansion, extension, or the greater permanence or intensity of nonconforming use or feature.

Contact the Planning Department for information regarding Resource Conservation District or Watershed Protection District Variances.

**22. Subdivision Fact Sheet**

Refer to form available in the Planning Department.

**23. An 11" x 17" or 8 1/2" x 11" reduction of plans**

The above plans need to be submitted to the Planning Department and should include the area maps, sketch maps, site plan or preliminary or minor plat, and any other relevant plans that the Council or Boards/Commissions need to review during their discussion and deliberations.

**24. Landscape Protection Plan**

A separate, detailed hand-out has been prepared for this item. This hand-out is available from the Planning Department. Contact the Urban Forester with questions (968-2796).

**25. Letter of Exemption from Town's Engineering Department**

Please consult the Town's Engineering Department (968-2833).

**26. Solid Waste Management Plan**

Please consult the Town's Solid Waste Planner (968-2796).

**27. Stormwater Impact Statement**

Please consult the Town's Engineering Department (968-2833).

**28. DXF File**

This autocad-created file needs to be submitted to the Planning Department and should include existing and new property lines, roads, easements, resource conservation district areas, floodplain areas, and any other information that will be required for a Final Plat to be recorded. The preferred base for the DXF File is North Carolina State Plan Coordinates - NAD 1927, although NAD 1983 is acceptable.

## REMINDERS

**Tax Map Information - Map Number(s), Block Number(s), Lot Number(s)**

Should be on all correspondence, transmittal forms, maps, application forms, plats and plans.

**Boards, Commissions and Council Meetings - Plan Requirements**

The following number of plans will need to be submitted to the Planning Department prior to Board/Commission review:

**Typical Schedule of Print Submission**

<b><i>Board/Commission</i></b>	<b><i>Due By</i></b>	<b><i>No. of sets of Prints</i></b>
Planning Board	1 month prior to meeting	18 folded, 2 rolled
Transportation Board	1 month prior to meeting	13 folded
Council	10 days prior to meeting	10 folded
Design Commission	1 <sup>st</sup> day of the month	16 folded