

**AN ORDINANCE APPROVING AN APPLICATION FOR A SPECIAL USE PERMIT  
FOR TRIPLE A HOMES, INC.**

WHEREAS, Triple A Homes, Inc. (the "Applicant") has applied to the Town of Pittsboro for a special use permit for a certain tract or parcel of land containing approximately .23 acres of land located at 882 Unit A and Unit B Thompson Street (PID 000924188) for use as a two-unit Townhouse project; and

WHEREAS, the special use requested to be permitted herein will not materially endanger the public health, safety, or general welfare if located and developed according to the plan as submitted and modified as hereinafter set forth. The townhouse will generate a minimum amount of traffic and will have a low impact on adjacent land uses, and therefore does not pose danger to life or property; and

WHEREAS, the special use requested meets all required conditions and specifications including all regulations and standards generally applicable within the R-10 zoning district and specifically applicable to the proposed use of the property as a townhouse project, with the exception of a variance of certain standards attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, the special use requested to be permitted herein will not substantially injure the value of adjoining property if developed in accordance with the plan as submitted and modified as hereinafter set forth. Due to the low land use impact in the area the possibility of injuring property value is not a concern; and

WHEREAS, the proposed special use, if developed according to the plan as submitted and modified as hereinafter set forth and approved hereby, will be in harmony with the intensity, scale, and character of development existing or planned within the surrounding area in which it is to be located; and

WHEREAS, the proposed special use, if developed according to the plan as submitted and modified as hereinafter set forth and approved hereby, is consistent with the comprehensive plan of the Town and in general conformity with the plan of development of Pittsboro and its environs; and

WHEREAS, the Applicant has agreed to the stipulations and conditions set forth herein.

Stipulations Regarding State and Federal Government Approvals

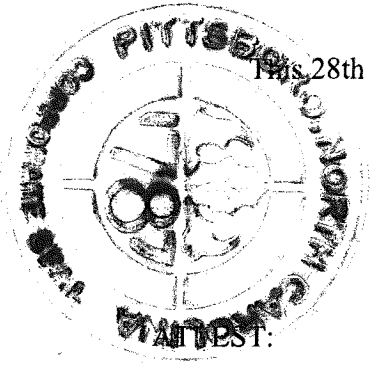
1. Permits. Any required State or Federal approvals and permits, including the approval and recording of a minor subdivision plat and a Certificate of Occupancy shall be obtained and

copies submitted to the Town. The sidewalk fee-in-lieu amount shall be approved by the Town Engineer and paid prior to a Certificate of Occupancy is issued.

- 2.
3. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions herein listed. A violation of any site plan or these conditions will be considered a violation of the Zoning Ordinance and subject to the same enforcement and penalties as provided therein.
4. Non-Severability. If any condition(s) herein is held to be invalid, this approval in its entirety shall be void.
5. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the Town as to further development of the Applicant's property and this permit shall not give the Applicant any vested right to develop its property in any other manner than as set forth herein.
6. Appeal. The Town shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the Town concerning this resolution, or any action to enforce the provisions hereof, the Applicant, its successors or assigns shall indemnify and hold the Town harmless from all loss, cost or expense, including reasonable attorneys' fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF PITTSBORO as follows:

The Board of Commissioners of the Town of Pittsboro hereby approves the application for the Special Use Permit in accordance with the plans and conditions listed above upon acceptance thereof by the Applicant. The Special Use Permit shall expire twelve months from the date of issuance. Continued compliance with the approved site plan and this permit issued by the Board shall entitle applicants to the continued use of the property. A copy of this Ordinance shall be filed with the Chatham County Register of Deeds Office.



This 28th day of June, 2021.

TOWN OF PITTSBORO

Jim Nass  
Jim Nass, Mayor

Cassandra M Bullock  
Cassandra M. Bullock, Town Clerk

I certify this to be a true copy of the original instrument,  
duly adopted by the Board of Commissioners of the Town  
of Pittsboro, NC, on June 28  
2021.

ACCEPTED:  
Triple A Homes, Inc.

By: D. H.

Cassandra M Bullock 7/7/2021  
Town Clerk Date

May 31, 2021

Town of Pittsboro  
Attn: Theresa Thompson, Planning Director  
480 Hillsboro Street, Suite 400  
Pittsboro, North Carolina 27312

RE: Request for variations from specified requirements

Mrs. Thompson:

Per Section 5.3.2.E.2. of the Zoning Ordinance, the Board of Commissioners may not attach additional conditions that modify or alter the specific requirements set forth in this Ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. Due to the townhouse already being constructed and only consisting of two (2) units, I am requesting the following applicable variations from the Zoning Ordinance Standards:

Section 5.3.3.45

A. Where Required

R-15, R-12, R-10, O-I, and C-1 districts.

B. Platting

- (1) The site plan submitted with the application for a special use permit shall also serve as the preliminary plat of subdivision.
- (2) A final plat of the entire or portion of the townhouse development shall be submitted and approved in accordance with the Town's Subdivision Regulations prior to occupancy of any of the townhouse units.

C. Site Plan Requirements

- (1) The site plan shall show the location of the buildings, streets, alleys, walks, parking area, recreation areas and facilities, numbered and dimensioned residential sites, and common areas to be conveyed to an owners' association, the members of which shall be all of the owners of sites within the development.
- (2) The design standards for planned unit developments (Section 3.3.36) shall be applicable to townhouse developments; and in addition, the following requirements shall be complied with:
  - (a) Sites: The site plan shall number and show the location and dimension of sites within the development. Site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a structure and shall be sufficient in size to contain the structure to be constructed thereon; the site may be of any larger size desired by the developer, provided that in no case shall a site be located within twenty (20) feet of any public right of way.
  - (b) Common areas. All areas on the site plan, other than public streets

and sites, shall be shown and designated as common areas, the fee simple title to which shall be conveyed by the developer to the owners' association. Such common areas shall not be subdivided or conveyed by the owners' association.

(c) Covenant and restrictions. The developer shall file with an application for preliminary approval a declaration of covenants and restrictions governing the common areas, the owners' association and sites. The restrictions shall contain (but not be limited to) provisions for the following:

- (i) The owner's association shall be organized and in legal existence prior to the sale of any structures in the development.
- (ii) Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a site.
- (iii) The owners' association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance of facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all structures located within the development. It shall be further provided that upon default by the owners' association in the payment to the government authority entitled thereto of any ad valorem taxes levied against the common areas or assessments for public improvements to the common areas, which default shall continue for a period of 6 months, each owner of a site in the development shall become personally obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of sites in the development. If such sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then such sum shall become a continuing lien on the site of the owner, his heirs, devisees, personal representatives and assigns, and the taxing or assessing governmental authority may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the lot of the owner.
- (iv) The owners' association shall be empowered to levy assessments against the owners of sites within the development for the payment of expenditures made by the owners' association for the items set forth in the preceding paragraph and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the site of the owner.

- (v) Easements over the common areas or access, ingress and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a site.
- (vi) All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.

Section 5.3.3.37 Planned Unit Development (PUD)

A. Where Required

R-15, R-12, R-10, O-I, RA, RA-2, and RA-5 districts.

B. Purpose and Permissible Uses

To provide desirable open space, tree cover, recreation areas, scenic vistas and variety in residential properties by allowing certain variations in lot sizes and dimensional requirements. The development proposed in the PUD Plan shall allow for a mix of residential uses delineated in the Plan. Permissible residential uses include one-family detached residences, two-family residences, townhouse residences, multifamily dwellings, and residential condominiums. Manufactured homes are not permissible residential uses in a PUD. Permissible public and institutional uses that support residential development shall be the same as those specified in Sec. 5.2.1, Table of Permitted Uses for the zoning district in which the proposed PUD is located. Condominiums shall also comply with the requirements of Section 5.3.3.16.

C. Area, Yard and Height Requirements

The area, yard height requirements in Section 5.4, Table of Area, Yard, and Height Requirements, may be varied in the Special Use Permit for the PUD approved by the Town.

The maximum number of dwelling units per gross acre shall be no greater than that permitted in the underlying zoning district in which the proposed PUD is located except, that in the R-12 and R-10 zoning districts, the maximum number of dwelling units in a PUD shall not exceed twelve units per gross acre and in the R-15 zoning district, the maximum number of dwelling units in a PUD shall not exceed eight units per gross acre.

The permissible density, lot sizes, building setbacks, and building heights shall be determined during the special use permit review process. In exchange for flexibility in dimensional requirements and density, PUDs shall provide a design, as agreed upon in the Special Use Permit review process, that (i) ensures quality development and construction that is compatible with and which enhances or exceeds surrounding land uses and character of development, (ii) provides open space and community amenities, (iii) preserves sensitive environmental features, (iv) includes landscaping and screening that ensures compatibility with the area, (v) provides an efficient design and layout of

utilities, streets, and other infrastructure and (vi) includes creative and innovative design and construction principles.

The PUD concept shall not be used as a means to circumvent the Town's density and dimensional requirements solely to achieve a higher density of development. PUD design, construction standards, and amenities shall be superior to that of permissible traditional development. To achieve this objectives, PUDs shall include the following features:

- (1) An overall design that encourages cluster and compact development that is interrelated and linked by sidewalks and/or pedestrian paths.
- (2) A community building or club house.
- (3) The following building design and appearance features incorporated into all buildings containing multifamily residences:
  - (a) Multiple building materials or multiple surface textures; and
  - (b) Façade modulations, architectural elements, or roof line changes.
- (4) Landscaping and screening, in accordance with the standards delineated in Section 7.4, Screening Requirements and in Appendix 1, on the periphery of the development to adequately buffer any adjoining dissimilar land uses or lower density residential uses. Plantings, fencing, walls, or earthen berms, alone or in combination, may be approved to achieve appropriate buffering and screening of adjoining properties.
- (5) Foundation landscaping for all buildings, including community buildings, storage and maintenance buildings and garage buildings.
- (6) Building heights and setbacks on the periphery of the development that are compatible with adjoining land uses.
- (7) Five percent of the gross land area reserved as common space, including the minimum active recreational space required in subsection D.

D. Recreational Space Requirements

Play areas shall be provided for all residential building groups with over five units. The play areas shall contain a minimum of 56 square feet per unit and each unit must be located within 1,320 feet (five-minute walk) of the play area by way of sidewalk or multi-use path. If the play area cannot meet the geographical requirement, then multiple play areas must be provided so as to provide recreation space within a five-minute walk from every residence.

E. Access and Parking Requirements

- (1) Principal vehicular access points shall be designed to provide for smooth traffic flow, minimizing hazards to vehicular, pedestrian,

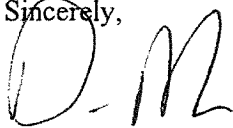
or bicycle traffic. Where a PUD abuts a major collector, arterial road or highway, direct access to such roads or highway from individual lots, units, or buildings shall be limited.

- (2) Points of access and egress shall consist of driveways or roadways at least 20 feet in width and shall be set back a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion.
- (3) Parking areas shall have a stabilized surface with parking spaces and traffic lanes clearly marked.
- (4) The property shall not extend across any major arterial street.

F. Site Plan Requirements

- (1) Topography - Topography of the site at contour intervals no greater than five (5) feet.
- (2) Structures - Location and approximate size of all existing and proposed structures within the site and all buildings and structures within 500 feet. All easement or rights-of-way, public or private, adjoining or intersecting such property.
- (3) Circulation - Automobile, pedestrian and bicycle circulation within, to, and from the site including proposed points of access and egress and proposed pattern of internal automobile and pedestrian circulation.
- (4) Parking and Loading - Location and extent of parking and loading areas and proposed lighting facilities for parking and loading areas.
- (5) Timing - Proposed schedule of development including stages likely to be followed.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Morse', written over the word 'Sincerely,'.

Dan Morse  
Triple A Homes, Inc.