



Carrboro New Unified Development Ordinance

Land Use Ordinance Analysis September 2025

The following table is a section-by-section review of Carrboro's current Land Use Ordinance ("LUO"). The table identifies the current articles, section numbers, section titles, and includes a short description of the current section contents. Articles are identified with green rows. The column on the right "Implementation Ideas in the New UDO" details recommendations for how to revise the current section for greater consistency with the Town's adopted policy guidance, State law, regulatory best practice, or community input received to date. In some cases, there are questions or ideas that merit further discussion or consideration included in yellow cells. Some articles are supplemented with text in a grey row found at the end of the article's contents. These grey rows suggest new sections or information that could be added to the new UDO. The ideas and information in this table form the basis for the recommendations to be included in the Code Diagnosis, the "blueprint" for the Town's new Unified Development Ordinance.

CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE			
§	Title	Description	Implementation Ideas in New UDO
Yellow cells include topics for further discussion with Town staff and officials			
Article I. General Provisions			
15-1	Short Title	This ordinance is officially called the Carrboro Land Use Ordinance.	- Changing name to Unified Development Ordinance - Include reference to Official Zoning Map and any other applicable maps in addition to the Zoning Map
15-2	Authority	Ordinance derives authority from multiple North Carolina General Statutes and various Session Laws.	Carry forward with new references to Town Charter and include references to various NCGS statutes and special legislation
15-3	Jurisdiction	Ordinance applies within Carrboro's planning jurisdiction; jurisdictional adjustments allowed by mutual agreement per G.S. 160D-203.	- Clarify what constitutes the "planning jurisdiction" - Discuss. What about the Tiers in the Northern Transition Area (this appears to be addressed in the definitions, but it is very complicated. Also, how can you limit development in one area based on what happens in a different area)? - Suggest adding additional clarity regarding the applicability of these standards to bona fide farms and agricultural uses - Clarify the standards in the UDO are minimum requirements unless subject to an authorized condition of approval, approved variance, vested right, or preferred development incentive
15-4	Effective Date	Ordinance originally enacted and effective November 25, 1980.	- Replace with new effective date - Discuss the Town's desire to have both an adoption date and an effective date (it is not uncommon to delay the effective date for 60-90 days to allow the Town time to update its applications forms, conduct training, etc.)
15-5	Relationship To Existing Zoning, Subdivision, and Flood Control Ordinances	Substantively unchanged provisions are continuations of earlier ordinances; prior unlawful situations remain unlawful.	Delete. This language is from 1980. No need to carry forward. Prior approval, violations, continue as set down in a new Transitional Standards section in new Chapter 1, Administration

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15-6	Relationship To Comprehensive Plan, Land Use Plan, and Other Adopted Plans	Comprehensive Plan guides development; ordinance amendments may revise the Future Land Use Map if inconsistent.	- Relocate to new section on Consistency with Adopted Policy Guidance in new Chapter 1, Administration - Enumerate adopted policy guidance documents (Carrboro Connects, Climate Action Plan, Racial Equity Action Plan, etc.) - Clarify that plans and policy guidance is advisory in nature - Clarify that UDO should be amended to be consistent with policy guidance, but lack of consistency is not unlawful and does not invalidate UDO
15-7	No Use of Land or Buildings Except in Conformity with Chapter Provisions	All land and building use must comply with ordinance provisions unless excepted under Article VIII.	- Relocate to new Applicability section in Chapter 1, Administration - Enhance with more discussion about no grading, tree removal, transfer of land, construction of buildings, except in compliance with the UDO - Clarify that there is no double counting and subdivision rules apply to division of land everywhere in Town (except for subdivisions exempted by State law) - Discuss. Supplement current applicability provisions with new details about how the UDO comports with recent changes to NCGS Section 160D-601(d) pertaining to downzoning. In essence, the approach proposed in the new UDO consists of the following three pillars: 1) recognize all existing lawfully-established nonconformities existing on or before June 14, 2024 are now considered conforming, and may be continued as they existed upon the effective date of the UDO. 2) require any new development and any changes to existing development to comply with all standards in the UDO in place at the time of application. In cases where existing development can not comply with all applicable standards, then the applicant may: rezone the land, seek a variance, or furnish consent to the Town for permission to change existing development without reaching full compliance (or, to become nonconforming). 3) Development subject to landowner consent may continue subject to the rules for nonconformities in the UDO. Recent changes by the General Assembly to the nonconforming sign provisions will require a slightly more nuanced approach to how existing alterations to nonconforming signs are treated
15-8	Fees	Reasonable fees cover administrative costs; must be paid with applications; staff may delay approvals for unpaid fees.	- Relocate this material to the Applications portion of the Common Review Procedures section of new Chapter 2, Applications - Carry forward references to fee schedule and timing of fee payments - Discuss. Shall we address timing of fines/civil penalties with this material?
15-9	Stricter Regulation Controls	More restrictive provisions for health, safety, or environment prevail over less restrictive laws or ordinances.	Replace with a new comprehensive Conflict section that addresses internal conflicts and external conflicts

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Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. - Add a new Applicability section that describes application to governmental units - Add a new Transitional Standards section that address already approved (but unfinished) applications, prior approvals, existing violations, etc. This section also clarifies that lawfully-established nonconformities existing prior to June 14, 2024 are no longer considered nonconforming and may be continued and replaced in kind - Add a new Section on Vested Rights (relocate current Section 15-128.2 & 3 material on vested rights to this section) - Add a new section establishing the Purpose and Intent for the UDO that is based on general statutory language and statements from adopted policy guidance - Add a new section on Severability to protect UDO language if a clause or section is struck down - Reduce the number of chapters from 21 to 11 & re-name chapters to more intuitive names - Include chapter number in sections (but remove use of roman numerals) - Remove gender-based language - Remove "legalese" language (e.g., "notwithstanding the forgoing", "without limiting the generality of the foregoing" etc.) - Remove reserved placeholders throughout ordinance - Remove editor's notes regarding amendment dates (the UDO is a repeal and replace document) - Formalize capitalization conventions, including for each review authority and permit procedure - Provide one space after a period ending a sentence in the new UDO - For General Statutes citations, use: "NCGS§160D-903"			
Article II. Basic Definition and Interpretations			
15-15	Definitions of Basic Terms	Contains the definition for the words and phrases used in the Chapter	- Relocate these to a new Terms Defined section of new Chapter 10, Word Usage - Ensure consistency with 160D terminology (e.g., Building, Dwelling, Development, etc.) - Ensure all use types (principal, accessory, temporary) are defined - Removal any standards from definitions - If terms are defined in-line in portions of the UDO text, use cross-references in Terms Defined instead of duplication definitions - Remove obsolete terms (conditional use permit, extraterritorial planning area, etc.) - Remove definitions of terms that are not used in the ordinance text - Identify and add definitions for terms used but not already defined
15-16	Lots Divided by District Lines	Provides regulations for the determination of zoning when a lot created before the effective date of the ordinance contains two or more zoning districts	- Relocate these provisions to the General Dimensional Standards section of new Chapter 5, Measurement - Abolish Subsection (c); very confusing - Discuss how bifurcated lots of less than 2 acres are currently addressed – not sure this is legal

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Article III. Administrative Mechanisms.			
Part I. Planning Board (note this material also includes review of the most recent text amendment on Boards and Commissions)			
15-21 (As amended)	Appointment and Terms of Planning Board Members	Outlines composition, appointment, terms, voting rights, and removal procedures for Planning Board members, ensuring representation from town, ETJ, and transition areas.	- Carry forward in Planning Board portion of Review Authorities section of new Chapter 2, Applications - Discuss. Note that terms are not required to be 3 years (only BOA has 3-year terms). Need to clarify if there is a Town policy on Planning Board member terms - Note that the Town may appoint ETJ members if the County does not do it within 90 days of notification about the need for an appointment - Remove language about terms starting in 2007 or 2009, no longer needed - Suggest relocating attendance, removal, and desired member attributes material to an outside Rules of Procedure document
15-22 (As amended)	Meetings of the Planning Board	Establishes meeting schedule, notice posting, public access, and procedures to promote open deliberation and agenda transparency.	- Remove and relocate to Planning Board Rules of Procedure document - Discuss. There are several provisions in the LUO that call for review of quasi-judicial decisions by the Planning Board or any number of Advisory Committees. While this is not unlawful <i>per se</i>, it is not advisable. NCGS160D-301.b.6 clarifies that no part of a Planning Board forum or recommendation may be used as the basis for a quasi-judicial decision by a different body. See also: https://canons.sog.unc.edu/2016/01/advisory-board-review-of-quasi-judicial-decisions/ - Based on this, we suggest removing the current practice of review of special use permits by multiple boards or committees - Discuss. Suggest changing sign posting requirements for advance notice purposes only as a matter of policy rather than as a code requirement - Discuss. Suggest removing references to Historic Commissions, COAs, and related provisions as they are not authorized.
15-23	Quorum and Voting	Defines quorum requirements and voting rules, including provisions for roll call votes upon request.	- Suggest the quorum standard be set at four regardless of attendance

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15-24	Planning Board Officers	Designates annual officer appointments for chair and vice-chairs; limits chair tenure and defines vacancy procedures.	Carry forward officer provisions, but suggest Chair term limits be relocated to the Rules of Procedure
15-25 (As Amended)	Powers and Duties of the Planning Boards	Enumerates Planning Board duties including planning studies, development policy recommendations, and review of land use proposals.	- Address powers and duties through cross references to Application Review Summary Table section of new Chapter 2, Applications - Carry forward and enhance details on Planning Board role in the preparation and update of comprehensive plan policy guidance - Discuss. Suggest abolishing Planning Board review of special use permits (B) (see notes in Sec. 15-22)
15-26 (As Amended)	Advisory Committees	- Allows creation of advisory committees to support the work of the Planning Board. - The NTAAC is re-aligned as a subcommittee of the Planning Board instead of being its own advisory board.	- Discuss. Why would the Town Council need to appoint even more advisory committees than already exist? - Discuss. The NTAAC is now the NTAS; a subcommittee of the Planning Board with a sole focus on ETJ areas in the Northern Study Area. It has the exact same function as the Planning Board, but a limited geographic scope. Suggest removal of references to this subcommittee - Discuss. The NTAS should not be involved in any quasi-judicial decisions (just like the Planning Board should not)
Part II. Board of Adjustment			
15-29 (As Amended)	Appointment and Term of Board of Adjustment	Describes board composition, appointment by jurisdiction, terms, and removal procedures, ensuring proportional representation.	- Carry forward in new subsection on Board of Adjustment in Review Authorities section of new Chapter 2, Applications - Suggest adding language about how alternate member designation/seating is handled - Note that the Town may appoint ETJ members if the County does not do it within 90 days of notification about the need for an appointment - Discuss the ability of members to serve after their terms have expired; suggest allowing terms to continue until replacements are installed instead - Suggest removing language pertaining to initial appointment term expiration - Suggest relocating attendance and removal material to Rules of Procedure
15-30	Meetings of the Board of Adjustment	Details meeting schedules, special meeting protocol, public access, and adherence to quasi-judicial procedures.	Carry forward with other BOA material in new subsection
15-31	Quorum	Specifies quorum rules based on active membership and defines presence for quorum calculation.	- Suggest establishing a single quorum count of four members - Clarify that tie votes are denials

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§	Title	Description	Implementation Ideas in New UDO
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15-32	Voting	Explains voting procedures, conflict of interest standards, excusals, and roll call provisions for quasi-judicial matters.	- Carry forward but supplement with a summary table that sets out 4/5 majority amounts when seating is less than 9 members - Relocate conflict of interest provisions to the General Standards portion of the new Review Authorities section in new Chapter 2, Applications
15-33	Board of Adjustment Officers	Mandates annual election of chair and vice-chair, term limits, and voting participation for officers.	Carry forward
15-34	Power and Duties of Board of Adjustment	Lists Board of Adjustment powers, including variances, appeals, special use permits, and zoning map interpretations.	- Address powers and duties through cross references to Application Review Summary Table portion of new Chapter 2, Applications - Suggest removing special exceptions from the UDO as these are no longer authorized under 160D - Remove BOA review of major subdivisions, this is unnecessary, even if subject to special use requirements - Delegate Planning Director to interpret UDO text and Zoning Map boundaries - Discuss. Consolidate the Type A and B special use permits in favor of a single procedure decided by Town Council (or the BOA, but not both)
Part III. Land Use Administrator and Planning Director			
15-37	Land Use Administrator	Authorizes Town Manager to designate staff as Land Use Administrator; prohibits conflicts of interest in administrative decisions.	Discuss if the Zoning Administrator or Land Use Administrator positions have any review responsibility under the UDO. If not, suggest removal
15-38	Planning Director	Defines Planning Director's authority over minor plats, editorial ordinance corrections, and documentation procedures.	- Carry forward in new subsection on Town Staff in Review Authorities section of new Chapter 2, Applications - Address powers and duties through cross references to Application Review Summary Table portion of new Chapter 2, Applications - Supplement with the following powers and duties: Preside over the Technical Review Committee, conduct pre-application conferences, enforce the UDO, maintain the Official Zoning Map, process development applications and prepare staff reports, and maintain public records pertaining to the UDO - Discuss. Which Town staff members serves as the floodplain Administrator? Who serves as the Stormwater Administrator? Who serves as the Watershed Administrator?
Part IV. Town Council			

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15-40	The Town Council	Outlines Council roles in quasi-judicial and legislative capacities, and sets decision-making standards under conflict of interest rules.	- Carry forward in new subsection on Town Staff in Review Authorities section of new Chapter 2, Applications - Address powers and duties through cross references to Application Review Summary Table portion of new Chapter 2, Applications - Relocate conflict of interest provisions to the General Standards portion of the new Review Authorities section in new Chapter 2, Applications
Part V. Transportation, Mobility, and Greenway's Advisory Commission			
15-42 (As Amended)	Appointment and Terms of TMGAC	Establishes commission membership, appointment, terms, removal, and criteria for diverse and qualified representation.	Discuss. What application procedures does the TMGAC review or decide under the LDO? If none, suggest removal from the new UDO. Suggest the Town either incorporate this body into TRC reviews or establish a single Joint Review Committee step comprised of this and all other advisory boards, who would review applications as a group rather than as individual committees (if this committee's main function is review of site plans and subdivisions, suggest incorporating into TRC)
15-43 (As Amended)	Organization and Meetings of TMGAC	Details meeting procedures, quorum, officer election.	Relocate to Rules of Procedure
15-44 (As Amended)	Powers and Duties of TMGAC	Defines duties including beautification initiatives, inter-agency coordination, development appearance review, and acting as historic or preservation district commission.	Section identifies a Safe Routes to School Subcommittee; what role does this committee have in development review? If none, suggest removal. If limited to site plan and subdivision, suggest rolling into TRC Discuss. Other parts of the current LDO call for the Appearance Commission to serve as the Historic Preservation Commission and the Neighborhood Preservation District Commission – both of which are proposed for abolition
Part VI. Climate and Environmental Advisory Board			
15-45	Appointment and Terms of CEAC	Describes membership criteria, appointment, terms, and conditions for removal due to absences or performance.	Discuss. What application procedures does the CEAC review or decide under the LDO? If none, suggest removal from the new UDO. Suggest the Town either incorporate this body into TRC reviews or establish a single Joint Review Committee step comprised of this and all other advisory boards, who would review applications as a group rather than as individual committees (if this committee's main function is review of site plans and subdivisions, suggest incorporating into TRC)
15-45.1	Organization and Meetings of the CEAC	Outlines meeting structure, quorum requirements, and election of officers for one-year terms.	Relocate to Rules of Procedure

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15-45.2	Powers and Duties of the CEAC	Empowers CEAC to advise on environmental policy, promote sustainable development practices, and adopt operational goals.	Suggest removal – this body does not appear to have a role in development application reviews; perhaps text amendments, but that can be addressed as policy, not via the development ordinance
Part VII. Membership Limitations			
	Membership Limits	Limits members to two consecutive full terms per board; outlines exceptions and oath requirement before service.	Suggest relocating to general section on Review Authorities in new Chapter 2, Applications
Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. q. While there is no current section in the LDO, suggest abolition of the Appearance Commission altogether (this includes abolition of the Neighborhood Preservation District Commission, and the Historic Preservation Commission since the Appearance Commission serves in these capacities) r. Relocate Review Authorities to a portion of new Chapter 2, Applications s. Establish a new section of general standards for all review authorities that address oath, conflict, rules of procedure, etc. t. Supplement the list of Town staff responsible for making decisions under the UDO (e.g., Engineer, Stormwater Administrator, Floodplain administrator, Watershed Administrator, Building Inspector, etc.)			
Article IV. Permit and Final Plat Approval			
Part 1. Permit Requirements			

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15-46	Permits required	Land use changes or developments require zoning, special use, or sign permits; major subdivisions need special use or plat approval; conditional use permits convert to special use permits.	- Establish a new Application Types Section of Chapter 2, Applications, and locate all application types here. Remove instances where one section deals with two or more different permit types – 1 sub-section per procedure is best practice - Suggest removing the Type B Special Use Permit, in favor of the single SUP decided by Town Council (the Type A) - Carry forward SUP recording requirements - Suggest removing conversion language about conditional use permit and conditional use zoning district translations as this should have taken place four years ago - Discuss. The use of special use permits for subdivision review is not typical, and we would normally suggest abolition. However, there is an opportunity to consider waiving SUP requirements for subdivisions that provide affordable housing units or pay accelerated fee-in-lieu for affordable housing - The current subdivision process is murky – should be preliminary plat, minor grading, construction drawing review, erosion control, then infrastructure, then final plat - Discuss. The bona fide farm exemption from SUPs (its okay to exempt bona fide farms SUPs generally, but the Statutes permit application of subdivision, flood, stormwater, and WSW rules) - Delete (g) because unnecessary, or locate to in the Development Agreement procedure
15-47	No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled	No land use, occupancy, or lot sales until permit conditions and ordinance requirements are satisfied.	Relocate to Applicability section in Chapter 1, Administration
15-48	Who May Submit Permit Applications	Permit applications can only be submitted by those legally authorized; proof may be required if authorization is questioned.	Relocate to Applications portion of Common Review Standards section in new Chapter 2, Applications

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15-48.1	Concept Plan Review Procedures Prior to Submitting Applications	Applicants for specified permits must first present concept plans at advisory board meetings and gather feedback before formal application.	- Discuss. Is it accurate to say that any special use permit application (A and B) and every conditional rezoning application requires a concept plan? (if so, why is 1 single use type listed with respect to conditional zoning?) - Discuss. Is the following process description accurate - It looks like applications with concept plans must 1st go to Development Review, then applicant prepares and presents either a conceptual preliminary plan or a site sketch plan to the Joint Advisory Board ("JAB"). JAB members may then meet with their individual advisory committees to discuss (it does not appear the applicant has to attend). Then, applicant submits their application, has to go back to JAB for 2nd visit. Then application moves on to the next review body (typically the Planning Board). (We note that the rules require that the Developer provide a response to all advisory board comments at that time) - Suggest replace all this with a pre-application conference conducted by a TRC with participation by Joint Advisory Board members. Applicants prepare pre-ap submittal and that is reviewed. Pre-ap material not binding on applicant or Town. Development Application may be submitted after pre-ap (and neighborhood meeting, if required). - Strongly suggest Joint Advisory Board review be collapsed into TRC review at pre-ap stage. If the Town MUST have joint Advisory Board, suggest it be scheduled before Planning Board, BOA, or Council meeting, but only 1 JAB meeting be conducted - The standards need to clarify that concept plan does not substitute for site plan - Applicability is murky (why is (a) here?) - Suggest requiring concept plans for SUPs and certain conditional rezonings, but concept plans, in these instances, are filed with the application, not prior to it - Replace (b) with new pre-application requirements- suggest adding "walkabout" as a voluntary option during the pre-application conference stage

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15-49	Applications to be Complete	Permit applications must be complete; additional detailed drawings required if development impacts are significant.	- Relocate this material to the Application Filing portion of the Common Review Standards Section of new Chapter 2, Applications - Supplement with additional detail on what constitutes a complete application, including some details in current Appendix A-2 - Clarify that permit choice options are not triggered until application is declared complete - Suggest retaining the first part of (c) regarding completeness, but it is unnecessary to discuss details associated with a construction drawing at this point - Discuss. The construction management plan provisions could be applied as a condition, rather than basic standards. If a condition, then does not need to be codified here - Suggest removing staff discretion regarding requirement for construction management plan- standards should be clear about when they are required - Discuss. The thresholds of "significant impacts" as these may be considered arbitrary - The standards for approval of a construction management plan are vague - Discuss. Participation by "surrounding" residents and businesses seems vague. Which ones? Consider making compliance with codified standards that address these issues be identified on a plan sheet instead of this neighborhood process – establish clear standards and apply them rather than an unpredictable and potentially illegal review by neighbors - Construction management plan requirements need their own subsection if kept. Do not leave in application completeness standards - Carry forward subsection (c)(2) with other completeness standards - Discuss. Section (d) likely violates due process. List what's required and stick to it; not okay to add additional criteria after an application has been filed

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15-50	Site Planning Procedures for Major Subdivisions	Major subdivisions require a phased site planning process, including a site walkabout, design discussions, and a concept plan using a four-step conservation-oriented layout.	- Discuss. Is this process description accurate - 1) Prepare site analysis plan 2) Walkabout 3) Conference with staff regarding conceptual preliminary plan 4) Prepare conceptual preliminary plan (4-step approach) 5) Then to Joint Advisory Board Have I submitted an application yet? If not, why are there all these steps? - Suggest the above five steps be addressed as part of a pre-application process. A site analysis is an acceptable requirement for a pre-ap, but walkabouts should be at applicant's request not mandatory. - Suggest that the sketch provided during the pre-application should replace the conceptual preliminary plan- it is inappropriate to apply the 4-step process to concept plans – this is an over-reach. An application has not yet been submitted. There could be instances where an applicant may wish to follow this process, but that should be voluntary, or only applied in certain instances like a conservation subdivision - Discuss. The 14 items for a conceptual preliminary plan should be objectives or goals, not standards...unless the applicant is doing a "special" subdivision like a conservation subdivision - Suggest staff (or TRC) decisions on preliminary plats that meet Town targets for the inclusion of affordable housing, so-called "middle" housing, or that meet target affordable housing fee-in-lieu amounts (other phases of the major subdivision review process are already completed by Town staff)
15-51	Staff Consultation After Application Submitted	Staff reviews and discusses submitted applications to ensure completeness and understanding before proceeding.	- Discuss. Suggest this section be abolished. The application completeness section should address the degree of application completeness and what must be done to render a complete application - Not sure why there would be a staff interpretation of the applicable requirements. The application submittal requirements should be clear. The completeness review should address these issues. Assume the Town will continue to allow an applicant to determine if their own application is complete

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15-52	Zoning Permits	Administrator issues zoning permits unless application is incomplete, outside jurisdiction, or noncompliant. May notify surrounding property owners. Also contains procedures for wireless facilities.	- Split these various permit procedures into discrete application types. Special use permit applications have their own section with relevant material. Zoning permit applications have their own section. There is also a common review procedures section that addresses the common or typical steps in most or all application review processes. - Discuss. Remove (b)(1). If a use requires a special use permit, then list it as a SUP in the use table instead of listing it as a zoning permit - Discuss. The Administrator should not have the authority to make a by-right use a special use permit - Discuss. Remove (c) as it allows the ZA to deviate from statutory notice requirements with no standards. Either notice everybody every time or notice no-one ever. - Suggest an automatic notification sign-up process where residents can sign up for automatic notification about applications on certain tax numbers – up to the resident to find out what the application is - Discuss. Remove (e) as it violates the applicant's due process rights. - Relocate material pertaining to wireless facilities to the use-specific standards for these uses
15-53	Performance Guarantee to Ensure Compliance with Zoning Permit	A performance guarantee may allow use or occupancy before full compliance if circumstances prevent immediate fulfillment of all requirements.	- Relocate these provisions to a new Performance Guarantee procedure in the Application Types section in Chapter 2, Applications - Use this single procedure for all performance guarantees - Expand the procedure to recognize applicant-requested and Town-mandated guarantees - Ensure the standards comply with all applicable requirements
15-54	Special Use Permits-A and Special Use Permits-B	Town Council or Board of Adjustment grants special use permits if standards are met; permits denied if negative impacts or nonconformance found.	- Carry forward in single Special Use Permit procedure - Abolish type B and send all SUP applications to Town Council - Reduce reliance on SUPs by adding more codified standards

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Carrboro New Unified Development Ordinance

Land Use Ordinance Analysis September 2025

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15-54.1	Affordable Housing Goal and Alternative Methods of Achieving Goal	Developments not meeting 15% affordable housing must contribute financially or provide other alternatives as specified.	- Suggest add a new Affordable Housing section to new Chapter 7, Standards - Discuss. Should the 15% goal be revisited? - Discuss. Carry forward FIL option, but supplement with a couple examples to help applicant's understand the calculation - Suggest not counting deed-restricted affordable units towards allowable residential density - Suggest all affordable units be subject deed restriction requirements - Consider exempting residential developments that meet the Town's targets for affordable housing or missing middle units from having to undergo SUP review (allow administrative decision on the preliminary plat instead) - Consider exempting residential developments that provide FIL that exceeds the current amount (perhaps up to 25%) from SUP review - Prepare a menu of potential waivers for developments that provide 100% affordable
15-55	Burden of Presenting Evidence, Burden of Persuasion	The burden to present a complete application is on the applicant. The burden of presenting evidence to lead to a denial shall be on the party urging the permit denial.	Address this in the application filing portion – no need to discuss burden of proof – it is always on the applicant
15-55.1	Findings and Burden of Proof Special Use Permits-A required for Taller Buildings in Commercial Districts	Taller commercial buildings require special findings that they harmonize with surroundings, protect property values, and align with adopted plans.	- Discuss. It is not clear what this is for. What is a "taller" building, and does it exceed the max height for the district...or is this solely for buildings that are taller than the building around them? These standards need to be clarified - Discuss. Buildings that exceed max heights should only do so through conditional zoning and/or incentives, not via an SUP process - The standards could be drafted to require step-downs or other compatibility measures that are applied regardless of whether a SUP is required or not
15-56	Recommendation on Special Use Permit – B Applications	Planning staff provide findings and recommendations on special use permit-B applications; advisory board input may be requested.	Delete. Abolish Type B SUPs. Suggest not referring an SUP to any other review body

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15-57	Recommendation on Special Use Permits – A	Special use permit-A applications must be reviewed by relevant advisory boards before Council hearings; staff and board reports must accompany applications.	Remove review of SUPs by other advisory bodies, this creates potential legal exposure through improper reliance on evidence developed outside of evidentiary hearing Suggest SUPs only be reviewed by Town Council Suggest standards require a concept plan to be submitted with an SUP- applicant may file a site plan at risk in lieu of a concept plan. If no site plan filed with SUP application, must undergo site plan review after SUP approval
15-58	Board of Adjustment Action on Special Use Permits – B and Town Council Action on Special Use Permits – A	Regardless of the SUP type, a three step procedure should be followed that includes a complete application, compliance with requirements, and a vote supported with findings of fact if application is denied.	Carry forward with other SUP application material in Specific Applications section of new Chapter 2, Applications
15-59	Additional Requirements on Special Use Permits -B and - A	Boards may impose additional reasonable conditions on special use permits to ensure public safety and plan conformity, but cannot exceed statutory authority.	- Discuss. Assume this means no COA may deviate from a code requirement. Suggest removal of the extraordinary situations language in favor of rules that permit more restricted COA - Note the current SUP requirements call for all conditions to be accepted in writing by applicant
15-60	Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use Permits	Use, occupancy, or lot sales may proceed before development completion if a satisfactory performance guarantee is provided.	- Relocate to basic Performance Guarantee procedure in new Chapter 2, Applications - Do not require SUP for subdivisions that include 15% affordable housing or include an affordable housing FIL of 25 percent - Conform this to General Statutes changes regarding 30-days for inspection and release
15-61	Completing Development in Phases	Phased developments must follow approved schedules; related improvements must align with permitted phase timelines.	Carry forward in Phased Development portion of Common Review Procedures section of new Chapter 2, Applications
15-62	Expiration of Permits	Permits expire if unused or inactive within set timeframes; extensions may be granted if specific conditions are met.	- Relocate this material to each individual permit type - Note that statutory vesting has a term of 1 year – 2 years is generous, but at the Town's discretion - Revert delay provisions to statutory language instead - Discuss. The 2-year extension in light of suggestion to follow statutory vesting term
15-63	Effect of Permit on Successors and Assigns	Permits run with the land and bind successors if use continues as approved and proper notice is recorded.	Carry forward in new Effect portion of Common Review Procedures Section in new Chapter 2, Applications

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15-64	Amendments to Modification of Permits	Minor or insignificant permit changes may be administratively approved; major changes require new applications and potential permit modification.	Replace with amendment provisions for conditional rezoning concept plans, special use permit concept plans, and a general set of amendment provisions applied to site and subdivisions found in the Common Review Procedures section of new Chapter 2, Applications
15-65	Reconsideration of Council or Board Action	Disapproved permits may only be reconsidered if conditions change, applications are modified, new information arises, or a motion to reconsider is made promptly.	- Carry forward with additional detail regarding legislative verses QJ decisions - Supplement with abandoned application provisions
15-66	Applications to be Processed Expeditiously	The town must process applications efficiently to avoid undue delays and applicant costs.	- Suggest deletion - Replace with Concurrent Processing standards in Common Review Procedures section of new Chapter 2, Applications
15-67	Maintenance of Common Areas, Improvements, and Facilities	Permit holders must maintain all required shared facilities unless responsibility has been accepted by a public authority.	Relocate the maintenance provisions to the section on Open Space Set-Aside in new Chapter 7, Standards
Part II. Major and Minor Subdivisions			
15-76	Regulation of Subdivisions	Major subdivisions require a two-step permit and plat approval process; minor subdivisions only need final plat approval.	- Discuss. Suggest abolition of special use permit requirement for subdivisions that meet affordable housing goals, or that consist of so-called "middle housing" - Remove two types of special use permit in favor of one type that is decided by the Town Council
15-77	No Subdivision Without Plat Approval	Subdivision without approved and recorded final plats is prohibited under state law and local ordinance.	Discuss. There are two kinds of subdivisions that do not require plats: exempt subdivisions and court-ordered subdivisions. The UDO needs to recognize these
15-78	Minor Subdivisions Approval	The planning director reviews and approves minor subdivision plats based on compliance and inclusion of required certifications.	- Suggest supplementing minor subdivision definition; any subdivision that includes installation of new or extension of existing public infrastructure is a major subdivision, regardless of # of lots - Carry forward final plat (but refer to as a Minor Subdivision Plat instead) - Allow voluntary pre-ap unless doing on-site wastewater, then pre-app is mandatory - Abolish sketch plan – unnecessary for a minor plat. It could be done as part of pre-ap if applicant wishes - Relocate required certificates and declarations to new Chapter 11, Appendix - Discuss. Abolish ability for Planning Director or applicant to trigger major subdivision review process; this is a violation of due process - Require any subsequent subdivision of land subject to an already-approved minor subdivision to be reviewed as a major subdivision

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15-78.1	Special Review for Certain Classes of Subdivision	Sets out the provisions for so-called expedited subdivisions	- Relocate to new "Limited Subdivision" procedure in Specific Applications portion of new Chapter 2, Applications (use a different procedure for voluntary review of an exempt subdivision) - Relocate certificates and declarations to new Chapter 11, Appendix
15-79	Major Subdivision Approval Process	Final plat for major subdivisions must meet detailed content, format, and submission standards, and is subject to approval unless it fails to comply or substantially differs from previous approvals.	- Reconfigure to establish three sequential procedures: Preliminary Plat, & Construction Drawings, and a Final Plat – each as its own separate procedure (installation of new or extension of existing public infrastructure requires prior approval of Construction Drawings) (Note: the new UDO anticipates use of the term "Site Plan" to replace the term construction drawing as it is used in the current LUO) - Abolish SUP in cases where affordable or "middle" housing is proposed - If an SUP remains necessary, then it should be reviewed and decided by Town Council - Preliminary Plats should have a mandatory pre-application meeting (unless there is no new or extension of existing infrastructure) - Suggest that if the subdivision meets the Town's affordable housing or missing middle housing targets, then the preliminary plat be decided by the Planning Director or TRC (if not, then the preliminary plat review requires a SUP decided by Town Council) - Suggest TRC decide Preliminary Plats and Construction Drawings, and Planning Director (not Town Manager) decides Final Plats - Relocate submittal requirements to individual application forms (checklists outside of UDO) - Clarify that plat approval expires within 30 days if not recorded
15-80	Endorsements on Major Subdivision Plats	Major subdivision plats must include specific certificates: ownership, approval, survey accuracy, Department of Transportation street compliance, and planning standards for federally funded projects, as applicable.	Relocate this section to new Chapter 11, Appendix
15-81	Plat Approval Not Acceptance of Dedication Offers	Town approval of a plat does not equal acceptance of public dedications unless formally accepted through resolution, written notice, or actual control and maintenance.	Carry forward

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Land Use Ordinance Analysis September 2025

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§	Title	Description	Implementation Ideas in New UDO
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15-82	Protection Against Incompleteness	Performance guarantees ensure completion of required improvements before dedication; developers must provide certifications, and the town may use guarantees to complete outstanding work.	Relocate to new procedure on Performance Guarantees in Specific Applications section of new Chapter 2, Applications
15-83	Maintenance of Dedicated Areas Until Acceptance	Developers must maintain improvements intended for public dedication until formally accepted by the appropriate public authority.	Carry forward in Construction Drawing, Site Plan, subdivision, and Performance Guarantee procedures in the Specific Applications section of new Chapter 2, Applications
15-83.1	Display of Approved Site Plan Required	Developments with more than four lots must display an approved site plan on-site showing lots, easements, and amenities in a legible, weatherproof case until developer ownership ends.	- Discuss. Suggest removal of this requirement. It could lead to trespass, danger to people wandering into construction zones, and on-site altercations. Site plans and subdivisions should be on file and available for inspection in Town Hall. - Discuss. Should we ask the community if this practice actually makes a difference to neighbors?
15-83.2	Signs Posted to Disclose Development Plan	Developers of larger subdivisions may be required to post signs showing proposed design features to inform prospective buyers about aspects affecting lot use or enjoyment.	Discuss. What problem is this solving? What if it takes 20 years or more for the subdivision feature to be completed? Who makes sure the signs are accurate or remain legible? Discuss. Should we ask the community if this practice actually makes a difference to neighbors?
15-83.3	Covenants May Not Prohibit Devices that Generate or Conserve Energy or Water	Prevents covenants or deed restrictions that prohibit: solar collectors (SES Level 1), clotheslines, rain barrels, garden fences, any device designed to generate or conserve energy or capture, store, or re-use water	- Carry forward in concept - Relocate to Accessory Uses section of new Chapter 4, Land Uses - Discuss. Need much more specificity on energy devices, water capture, storage, or re-use
Part III. Construction Drawing Approval			
15-84	Construction Drawings Shall Conform to Land Use Permit Plan	Construction drawings must conform to approved land use permit plans; substantial deviations may require further review before construction begins.	- Differentiate between Construction Drawings (in the new UDO these are solely for public infrastructure) and Site Plans (in the new UDO these are for development like buildings and site features other than infrastructure) - Disengage plan review (Site Plan and Construction Drawing) from other permit procedures

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§	Title	Description	Implementation Ideas in New UDO
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15-85	Construction Drawing Submittal Process	Construction drawing submittal requires multiple review rounds and final approval; pre-submittal conferences are encouraged to streamline the process.	- Discuss. Need to address applicability – there are some things that should not require a Site Plan (construction of a single detached dwelling on its own lot, placement of a manufactured home, interior up-fits in non-residential buildings, secondary uses, etc.) - Carry forward mandatory pre-application conference for Construction Drawings - Discuss. Unnecessary to mention the number of resubmittals- the process continues until the plan is approved - Suggest TRC decide Site Plans
15-86	Record Drawings	Final "record drawings" reflecting as-built conditions must be submitted, signed, and sealed before town acceptance of completed construction.	- Replace with term "as-builts" - Maintain in Final Plat and Construction Drawing procedures only (as these drawings are only required for public infrastructure)
15-87	Construction Drawing Submittal Requirements	Construction drawings must include certified site plans, profiles, utility layouts, and comply with standards in Appendix C for full town review and approval.	Relocate submittal requirements to individual application forms (checklists outside of UDO)
Part IV. Adequate School Facilities			
15-88	Purpose	Ensures new residential development is approved only when adequate public school facilities are reasonably expected to be available.	- Carry forward as written with no substantive changes as a new procedure in the Specific Applications portion of new Chapter 2, Applications - Town staff, please provide the Session Law reference number for inclusion in the procedure purpose statement
15-88.1	Certificate of Adequacy of Public School Facilities	A residential special use permit requires a school adequacy certificate unless exempt; certificate follows land and must be issued by the school district.	
15-88.2	Service Levels	Adequate public school service exists if projected enrollment stays within defined capacity limits per school level, as outlined in the Schools Adequate Public Facilities Memorandum of Understanding.	
15-88.3	Expiration of Certificates of Adequacy of Public School Facilities	A CAPS issued in connection with approval of a special use permit-A or special use permit-B shall expire automatically upon the expiration of such permit approval.	

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15-88.4	Exemption from Certification Requirements for Development with Negligible Student Generation Rates	A CAPS is not required for residential developments restricted for 30+ years to elderly, special needs, or university dorm housing; CAPS is required if the use changes.	
15-88.5	Applicability to Previously Approved Projects and Projects Pending Approval	Only applies to new special use permit applications; exceptions exist for minor amendments and certain prior approvals; Town Council may grant exceptions; decisions are appealable; Mayor may administer oaths.	
15-88.6	Appeal of School District Denial of a CAPS	An applicant denied a CAPS may appeal to the Town Council, which holds a hearing and may affirm, remand, or issue CAPS per specific criteria and procedures.	
15-88.7	Information Required From Applicants	Applicants must submit required information for CAPS decisions or appeals; special exception or appeal requests must also be served to the School District superintendent via personal delivery or certified mail.	
Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. k. Suggest adding an Exempt, Limited (expedited), and Conservation Subdivision procedures l. Suggest adding additional procedures for the following: Annexation, Building Permit, CO, Driveway Permit, Fee-in-Lieu, Floodplain Permit, Grading Permit, Sign Permit, Stormwater Permit, Street Renaming/Closure, Temporary Permit, TIA, Zoning Permit m. Add a uniform section on Common Review Procedures that address all typical aspects of application processing: submittal, completeness, revision, notice, hearings, etc.			
Article V. Appeals, Variances, Setback Exceptions, Interpretations, and Determinations			
15-91	Appeals	Outlines process, notice, timelines, and procedures for appealing administrative decisions to the Board of Adjustment, including stays, mediation, and hearing rights.	- Add distinctions about other forms of appeal heard by Superior Court - Discuss. Add additional detail about standing (who has it), the decision process, the review criteria, effect, and how the BOA decision may be appealed

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15-92	Variances	Details criteria, conditions, and processes for granting variances, including floodplain and watershed-specific standards, and reporting requirements to state and federal agencies.	- Carry forward this section - Suggest organizing Variances into the following three groups: 1) zoning/subdivision; 2) water related (flood, WSW, stormwater); 3) reasonable accommodation - Discuss. Adding a fifth criteria to the zoning/subdivision variance criteria that the variance is the minimum necessary - Suggest adding detail about conditions of approval
15-92.1	Setback Exception Permits	Allows reduced building setbacks in certain residential cases or for additions to nonconforming structures, with Board findings on health, safety, and neighboring property impacts.	Discuss. Consider using this process for numerical deviations (subject to clear standards) rather than relying on BOA review – this procedure is often referred to as an “Administrative Adjustment”
15-93	Interpretations	Administrator interprets zoning maps and boundaries; includes specific rules for determining unclear district limits and how vacated streets affect zoning.	- Relocate to section on Zoning Map in new Chapter 3, Districts - Reference in a new Determination procedure in the Specific Applications section of new Chapter 2, Applications
15-93.1	Determinations	Administrator issues written, binding determinations on ordinance interpretations; notice includes property signage, and decisions may be appealed to the Board of Adjustment.	- Revise this into a more formal review procedure - Distinguish between informal (verbal) and binding (written) Determinations - Allow Planning Director to decide these (and address the following: ordinance text questions, unlisted uses, conditions of approval, zoning map boundaries, and vested rights status)
15-94	Requests to Be Heard Expediently	The Board of Adjustment must consider appeals and variances promptly, following procedures and ensuring informed, timely decisions.	Delete, unnecessary
15-96	Board Action on Appeals, Variances, and Setback Exceptions	Outlines voting procedures and findings required for approving or denying appeals, variances, and special exceptions.	- Relocate variance-related provisions to the Variance procedure in Specific Applications section of new chapter 2, Applications (note that variances should be organized by zoning related versus “water-related” that pertain to flood damage, stormwater, and watersupply watershed provisions) - Abolish references to Setback Exceptions in favor of the new Administrative Adjustment procedure
15-97	Reasonable Accommodations	Establishes procedures for land use accommodations under federal disability laws, requiring findings that requests are reasonable and necessary; decided by the Town Council.	- Carry forward with other Variance provisions in the Specific Applications section of new Chapter 2, Applications - Allow BOA to decide these applications - Discuss. Should conditions be applied that allow Reasonable Accommodations to run with the applicant or run with the land?

Article VI. Evidentiary Hearing Procedures for Appeals and Applications

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15-101	Evidentiary Hearing Required on Appeals and Applications	Requires evidentiary hearings for appeals and applications, ensuring public participation, reasonable limitations, and continuation if necessary.	Relocate evidentiary hearing material to a new portion in the Common Review Procedures section of new Chapter 2, Applications, and include additional information on legislative hearings and public meetings
15-102	Notice of Evidentiary Hearing	Establishes notice requirements for evidentiary hearings, including mailed notices, posted signs, and newspaper publications for special use permits.	- Relocate to public notification portion of Common Review Procedures section of Chapter 2, Applications - Discuss. Suggest following basic statutory requirements regarding notice. Additional notice provision should be handled via policy, not ordinance
15-102.1	Administrative Materials	Ensures relevant administrative materials are provided to decision-making bodies, with objections addressed before or during hearings.	Carry forward in each quasi-judicial procedure (Appeal, Special Use Permit, and Variance)
15-103	Evidence	Governs evidentiary hearing procedures, requiring sworn testimony, competent evidence, and rules on objections, jurisdiction, and subpoenas.	- Carry forward with other evidentiary hearing provisions - Suggest subpoena provisions be addressed in rules of procedure rather than ordinance
15-104	Modification of Application at Hearing	Allows applicants to modify their application during hearings in response to input, with conditions for substantial changes.	- Carry forward in each quasi-judicial procedure in the Specific Applications section of new Chapter 2, Applications - Remove subsection (c) and relocate to the material on public meetings and hearings in the Common Review Procedures section of new Chapter 2, Applications
15-105	Record	Requires audio recordings and accurate minutes for evidentiary hearings, ensuring preservation of evidence for at least two years.	Discuss. Suggest updating the recordation mechanism- retention duration is a policy matter
15-106	Written Decision	Mandates written decisions for quasi-judicial matters, specifying documentation, notification methods, and effective dates.	- Carry forward in Common Review Procedures section of new Chapter 2, Applications - Quasi-judicial decision-related material is relocated to each QJ procedure in the Specific Applications section of new Chapter 2, Applications
15-107	Standing	Defines standing requirements for filing appeals, listing eligible petitioners and procedural steps for certiorari review.	- Relocate to the Appeal procedure to the Specific Applications section of new Chapter 2 - Discuss if current subsection (e) and (f) are needed
Article VII. Enforcement and Review			
15-111	Complaints Regarding Violations	Administrator investigates signed complaints, takes warranted action, and informs complainants in writing.	- Clarify if all enforcement is complaint-based - Clarify that goal of enforcement is to reach compliance, not punish

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15-112	Persons Liable	Liability extends to owners, tenants, occupants, architects, builders, contractors, and agents involved in violations.	Add a provision that failure of the Town to follow its regulations properly does not relieve the individual of liability for violations
15-113	Procedures Upon Discovery of Violations	Violations prompt written notices; urgent threats allow immediate enforcement without notice.	Expand this process to go into more detail regarding: complaint receipt, investigation, notice, remedy, or appeal
15-114	Penalties and Remedies for Violations	Violations incur penalties up to \$5,000 based on severity, duration, intent, and impact; appeals allowed.	- Review and update to remedies and penalties section of the enforcement provisions - Land use laws authorized under 160D (except for illegal lot transfer, lying under oath, or building permit violations) have been decriminalized - Relocate material under subsection (1) to a civil penalty procedure section that follows remedies
15-115	Permit Revocation and Building Permit Denial	Permits may be revoked for noncompliance; affected parties receive notice and hearings.	Carry forward with other remedies, clarify the same process must be used for approval revocation as was used for its issuance
15-116	Judicial Review	Quasi-judicial decisions are subject to superior court review via certiorari.	Delete, unnecessary
15-117	Stop Work Orders	Stop work orders issued for immediate violations; appeals available but do not stay orders.	Discuss the stay provisions - confusing
15-118	Statutes of Limitations	Statutes of limitations set timeframes for challenges, enforcement defenses, and appeals.	Carry forward and review for consistency with Statutes, especially section (d)
Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. n. Supplement with purpose and intent section o. Suggest a section that describes, generally, the violations of the UDO, add a section on how civil penalties are established and resolved p. Relocate any environmental-related enforcement provisions (e.g., stormwater, flood, riparian buffers, etc.) to this chapter			
Article VIII. Nonconforming Situations, Vested Rights, and Permit Choice			

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15-121	Definitions	Defines key terms related to nonconforming situations, development, permits, vested rights, and regulatory frameworks.	- Discuss. Suggest significant revision to this material based on recent changes to 160D-601 (the “downzoning” prohibition), including: • Add a section clarifying that all lawfully-established nonconformities (except for development nonconforming with respect to State or federal law) existing on or before June 14, 2024 are now considered conforming, and may continue and be replaced in kind in perpetuity provided there is no expansion or other increase • Existing nonconformities that are unlawfully established remain nonconforming and may not be revised in any way except in full compliance with the UDO standards in place at the time of proposed revision • Any existing development that becomes subject to a request for change shall come into <u>full compliance</u> with all UDO standards in place at the time of the application, or shall either: 1) rezone – likely to a conditional district, 2) obtain a variance to reconcile nonconforming aspects, or 3) provide consent to the Town in order to be considered nonconforming • Unify and simplify the various nonconforming rules to address lots, structures, uses, and sites (nonconforming signs have special provisions based on recent statutory changes to 160D-912.1) • Re-organize the nonconformity article to address: continue and maintain, actions permitted, construction on vacant lots, replacement, alteration, conversion, damage (casualty and non-casualty), cessation, and abandonment • Clarify that alterations, other than actions permitted, are prohibited (no use changes, no expansions, etc.) - Suggest definitions be relocated to Terms Defined section of new Chapter 10, Word Usage - Suggest permit choice material be relocated to Application Filing portion of Common Review Procedures Section of new Chapter 2, Applications - Suggest vested rights section be relocated to new Vested Rights section in Chapter 1, Administration
15-122	Continuation of Nonconforming Situations and Completion of Nonconforming Projects	Allows lawful nonconforming situations to continue, with restrictions on completion of nonconforming projects.	- Relocate to the Transitional Provisions section of new Chapter 1, Administration - Clarify that lawfully-established nonconformities existing prior to June 14, 2024 are no longer nonconforming and may be continued and replaced in kind in perpetuity

NOTE: For the sake of clarity, this table references new chapters and sections in the new UDO. The proposed UDO Chapters are as follows: 1) Administration; 2) Applications; 3) Districts; 4) Land Uses; 5) Measurement; 6) Nonconformities; 7) Standards; 8) Utilities and Infrastructure; 9) Violations; 10) Word Usage; 11) Appendix





Carrboro New Unified Development Ordinance

Land Use Ordinance Analysis September 2025

CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

§	Title	Description	Implementation Ideas in New UDO
Yellow cells include topics for further discussion with Town staff and officials			
15-123	Nonconforming Lots	Establishes conditions under which nonconforming lots may be used and developed, including exceptions for setback requirements.	- Vacant lots that were lawfully-established but nonconforming until rendered conforming through adoption of the UDO may be built upon in accordance with the applicable zoning requirements, but shall require a variance if unable to comply with applicable setbacks or impervious surface limitations of the zoning district where located (some landowners may seek a conditional rezoning that permits changes to dimensional requirements instead of a variance) - Remove requirements for recombination; but continue to allow for recombination provided such recombination does not remove the ability of another existing lot to meet the applicable dimensional requirements of the zoning district where it is located - Continue to permit the use of Administrative Adjustments and application of incentives for preferred forms of development to help ease dimensional standards compliance up to the allowable thresholds
15-124	Extension or Enlargement of Nonconforming Situations	Regulates expansions of nonconforming situations, limiting increases in nonconformity while allowing single-family residential enlargements.	Alterations, including expansions of nonconformities are prohibited unless the development fully complies with all UDO standards in place, or receives a variance
15-125	Repair, Maintenance, and Reconstruction	Permits minor repairs and maintenance while restricting major renovations exceeding twenty-five percent of appraised valuation.	- Allow continuation and maintenance (regardless of the cost of maintenance) in the Actions Permitted portion of the Nonconforming Situations section of new Chapter 6, Nonconformities - Clarify that prior nonconformities that became conforming upon adoption of the UDO may be reconstructed in kind with no changes; if any changes or alterations are proposed, then the entire development needs to be fully compliant with the UDO (or be subject to a variance, rezoning, or provision of consent) - Clarify that post-UDO adoption nonconformities that suffer casualty damage (damage with a repair cost that exceeds 50% of the structure's pre-damage assessed value) may only be reconstructed in full compliance with the UDO
15-126	Change in Use of Property Where a Nonconforming Situation Exists	Limits changes in use of nonconforming properties, requiring permits for significant alterations.	- Discuss. Suggest that any change of use requires full compliance with the UDO in place at the time of the change
15-127	Abandonment and Discontinuance of Nonconforming Situations	Prohibits reinstatement of nonconforming uses discontinued for twelve months, with certain exceptions.	Carry forward the notions of cessation of a nonconformity, as well as abandonment, and the requirement for post-abandonment development to be in full compliance

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Carrboro New Unified Development Ordinance

Land Use Ordinance Analysis September 2025

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§	Title	Description	Implementation Ideas in New UDO
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15-128	Completion of Nonconforming Projects	Governs completion of nonconforming projects, allowing vested projects to proceed based on previous approvals and investment.	- Suggest relocating (a) to Transitional Provisions section in new Chapter 1, Administration - Suggest deleting section (b) - Suggest deleting subsection (c) because of needless complexity. If the development has an approval that has not expired, then the development may be completed in accordance with the approval. If the approval expires before the development is complete, then it may only be continued in accordance with the rules in place at the time it expired
15-128.2	Vested Rights and Permit Choice	Contains the NCGS 160-D requirements for Vested Rights and Permit Choice	- Review and update for consistency with 160D - Add a definition of vested rights and effect of vesting
15-128.3	Vested Rights – Site Specific Vesting Plans	Contains the NCGS 160D requirements for Site Specific Vesting Plans	- Suggest distinguishing between Common Law vesting, Statutory vesting, Site-Specific Vesting Plan vesting, Multi-Phase Development Plan vesting, and Development Agreement vesting, etc. - Suggest more clarity on vesting terms (6 months, 1 year, 2 years, 7 years, etc.) - Suggest adding cross references to a new Vested Rights Certificate procedure in the Specific Applications section of new Chapter 2, Applications, that allows an applicant to request a vesting term beyond two years for a site-specific vesting plan - Relocate termination to its own subsection
15-129	Nonconforming Signs	Requires nonconforming signs exceeding regulations to be altered or removed within three years.	Discuss. This current section needs to be replaced with new standards for nonconforming signage consistent with NCGS 160D-912.1 (Note: adoption of the new UDO does render existing nonconforming signage as conforming, so the nonconforming signage standards only become applicable after the Town recognizes signage as nonconforming)
15-130	Nonconforming Mobile Home Communities	Limits expansion of nonconforming mobile home communities while allowing replacement of units within existing spaces.	Suggest carrying forward with other nonconforming use provisions
Article IX. Zoning Districts and Zoning Map			
Part I. Zoning Districts			

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§	Title	Description	Implementation Ideas in New UDO
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15-135	Residential Zoning Districts Established	Establishes residential zoning districts to promote comfortable, safe environments, including standard, watershed, rural, and high-density residential zones with varied density and development regulations.	- The new UDO will reorganize this article (see grey row at end of Article 9) - Suggest establishing a subsection for each residential zoning district that sets out district purpose and applicable dimensional standards for the district (along with any district-specific standards and precedent imagery) - Discuss. What current residential districts can be consolidated? Are there districts that need to be abolished? - Discuss. Clarify how the WR districts relates to the C district and the JLWP overlay. Is the University Lake watershed an official WSW? Can we create a consolidated lake district that captures WR, C, B-5, and WM-3?
15-135.1	Conservation District	Creates a conservation district to limit development near water bodies and flood-prone areas, minimizing environmental impact and protecting water supply.	- Carry forward, but clarify how this relates to the JLWP overlay. - Discuss. Can we rely on WSW overlay designations to accomplish the same purposes and abolish the C district? Is the University Lake watershed an official WSW? Can we create a consolidated lake district that captures WR, C, B-5, & WM-3?
15-136	Commercial Districts Established	Defines commercial zoning districts with varying business types, densities, and restrictions, ensuring compatibility with residential areas and pedestrian accessibility.	- Establish a subsection for each commercial zoning district that sets out district purpose and applicable dimensional standards, along with any district-specific standards and precedent images - Discuss. Are there commercial districts can be consolidated? Are their districts that need to be abolished? - Discuss. Can the RHDC Overlay be replaced by a simpler mixed-use base district approach? - Relocate (or remove) the EAT overlay district to the Overlay Districts section of new Chapter 3, Districts - Discuss. Clarify how the W-5 districts relates to the C district and the JLWP overlay. Is the University Lake watershed an official WSW? Can we create a consolidated watershed district that captures WR, C, B-5, WM-3? - Discuss. Can B-3 and B-3-T be consolidated? How does B-3-T differ? - Discuss. What is the difference between CT and O/A?
15-136.1	Historic Rogers Road Districts Established	Creates the Historic Rogers Road districts as HR-R (residential) and the HR-CC (community commercial).	- These districts have the name "historic" in them – is this a historic district approved by the State? If not, suggest abolition or replacement of term "historic" - Discuss. These districts feel more "political" than they do land-use related. What are the specific things that make these districts different than their counterparts? Could those things be handled in a simpler way? - Discuss. What does HR-R allow that R-15 doesn't?

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CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE			
§	Title	Description	Implementation Ideas in New UDO
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15-137	Manufacturing Districts Established	Establishes manufacturing districts with tiered restrictions, accommodating industrial activities while regulating environmental impact and proximity to residential zones.	- Suggest use of term "industrial" rather than manufacturing - Discuss. Clarify how the WM-3 districts relates to the C district and the JLWP overlay. Is the University Lake watershed an official WSW? Can we create a consolidated lake district that captures WR, C, B-5, WM-3? - Suggest PID be abolished and addressed via conditional zoning instead
15-138	Public Facilities District Established	Creates a Public Facilities zoning district for government-owned developments, ensuring appropriate land use and service provision.	Suggest the PF district be abolished (does not appear to be mapped)
15-139	Planned Unit Development District Established	Introduces Planned Unit Development (PUD) districts, combining residential, commercial, and industrial elements for flexible, mixed-use development.	- Discuss. The PUD is stated as a zoning district, but relies on combinations of other existing conventional zoning districts. The LUO also identifies planned unit development as a use type. This is a little unorthodox and complicated as it continues to apply the use limitations and dimensional standards from the constituent conventional base districts. Most planned developments allow more flexibility in terms of allowable uses and dimensional standards that are based on a unique concept plan prepared for each site - Suggest the PUD district procedure/use type be replaced with a modernized conditional zoning procedure - Suggest establishment of five generic conditional zoning districts (including a mixed-use conditional district) to take the place of the 60 combination PUD districts (as well as the 23 existing conditional districts) - The conditional zoning districts take one of two forms: a limited version (which allowed an applicant to reduce the range of otherwise allowable uses or propose conditions more stringent than the UDO standards) and an unlimited version (which allowed applicants to request deviations from the current UDO standards) - In this approach, existing PUDs would be translated to the closest applicable generic conditional district and continue to be subject to their prior approvals. In the event there was a desire to amend a prior PUD approval, any amendment meeting the threshold of a major modification would require re-review as a conditional rezoning to one of the five generic conditional districts

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Land Use Ordinance Analysis September 2025

CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

§	Title	Description	Implementation Ideas in New UDO
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15-140	Residential High Density and Commercial Overlay District	Establishes a Residential High-Density and Commercial Overlay District, encouraging redevelopment and mixed-use downtown growth with compact, pedestrian-oriented designs.	- Discuss. This is a method to allow mixed-use development in aging commercial areas. This could be accomplished with changes to the use table rather than via an additional overlay district (which dramatically increase complexity). Capping the maximum floor area of uses (like commercial) is inconsistent with best practice (as it removes market control). Also, the parking requirements seem at odds with the Town's desire to abolish or reduce parking minimums - Discuss. The dimensional limitations of the overlay district make development under the overlay impractical, and appear to require a rezoning to accommodate mixed-use - Suggest abolition of this overlay in favor of easier ways to promote mixed-use redevelopment
15-140.1	Office-Residential Mixed Use District	Creates an Office-Residential Mixed-Use district near downtown, allowing balanced development with residential and office elements.	- Carry forward this district while broadening the range of allowable use types and adding stipulations that each project must include some floor area devoted to uses from two or more different use classifications (but remove minimum use-mix thresholds) - Suggest removing requirements for special use permits if the development includes a minimum threshold of affordable units, "middle" housing, or provides an affordable housing fee-in-lieu - Simplify this district where possible
15-141	Neighborhood Preservation District Established	Establishes Historic and Neighborhood Preservation Districts to conserve historical and cultural significance while maintaining local identity.	- Discuss. Strongly suggest abolition of the HD overlay district unless and until NCSHPO has reviewed and commented and areas in Town are so-designated - Discuss. Any standards pertaining to regulation of building design elements identified in NCGS 160D-702(b) must be abolished (except when located in a bona fide historic district approved by NCSHPO) - Suggest enumeration or abolition of the Neighborhood Preservation Districts
15-141.1	Jordan Lake Watershed District Established	Introduces Jordan Lake Watershed Protection District to regulate development within the watershed and comply with state environmental statutes.	Carry forward, and explore if and how the University Lake watershed provisions could best be consolidated under a basic set of water supply watershed standards Relocate this to the Overlay District section of new Chapter 3, Districts and incorporate the applicable WSW standards into the UDO based on the applicable provisions of the most recent state model ordinance
15-141.2	Village Mixed Use District Established	Defines Village Mixed-Use districts, promoting small-scale, pedestrian-friendly villages with preserved open spaces, mixed housing, and commercial areas.	- Discuss. This conditional district has four pages of standards. How many areas have this designation? How often is it requested? - Suggest that if the Town wants more mixed-use village-style development, this be made mandatory or be made the path of least resistance by simplifying and removing the various limitations and size provisions - Suggest removing the special use permit requirement entirely

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Carrboro New Unified Development Ordinance

Land Use Ordinance Analysis September 2025

CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

§	Title	Description	Implementation Ideas in New UDO
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15-141.4	Conditional Zoning Districts	Creates Conditional Zoning Districts, allowing customized development regulations for specific parcels based on community needs and landowner requests.	- Discuss. Suggest revising the 22 parallel conditional zoning districts into five generic conditional zoning districts (residential, commercial, industrial, mixed use, downtown). Current districts would be renamed to the most applicable one of these five districts but continue to be subject to prior approvals - Suggest two types of conditional zoning: limited and unlimited, including one that allows limits to be placed on uses, or that allows development subject to more restrictive standards than the UDO, and one that permits less-restrictive standards than the UDO (subject to mitigation) - Developments seeking less restrictive standards must demonstrate (to the satisfaction of the Town Council) that the proposed development is superior to a strict application of the standards (in terms of its furtherance of the Town's land use policy goals) - Establish a new set of sustainable development incentives for inclusion in new Chapter 7, Standards, that includes many of the options for B-1(g)-CZ or M-3-CZ zoning, and make these available for use by all forms of development (along with the potential for density and other bonuses for inclusion) - Remove any requirements for special use permits associated with consideration of a conditional zoning (except for when development proposes a use type that also requires an SUP in the particular district). In these instances, the SUP could be considered only after the rezoning application is approved
15-141.5	Site Specific, Flexible Zoning District	Establishes a Site-Specific, Flexible Zoning District for adaptable developments with detailed standards ensuring planned, market-driven growth.	Discuss. Abolish the FLX district in favor of the conditional rezoning approach described above – a FLX district is akin to a conditional zoning district that seeks a reduction from applicable standards, and as such, must include proposed mitigation that demonstrates how the development furthers adopted land use policy guidance more so than would a strict application of the codified standards
Part II. Zoning Map			
15-142	Official Zoning Map	Official Zoning Map defines district boundaries and serves as the legal record for zoning designations.	Carry forward in the Official Zoning Map section of new Chapter 3, Districts
15-143	Amendments to Official Zoning Map	Governs amendments to the Official Zoning Map, requiring Town Council approval and procedural updates.	- Carry forward, but clarify where the Official Zoning Map is kept, and how it may be inspected - Add additional detail as to how copies of the current Official Zoning Map may be obtained - Provide more detail about how historical copies of the Official Zoning Map are maintained, where they may be reviewed, and how copies may be obtained.

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Land Use Ordinance Analysis September 2025

CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

§	Title	Description	Implementation Ideas in New UDO
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15-143.4	Downtown Neighborhood Protection Overlay District	Establishes Downtown Neighborhood Protection Overlay District, setting height and setback regulations for commercial properties near residential areas.	- If this overlay district is carried forward, relocate with other overlay districts in the Overlay Districts section of new Chapter 3, Districts - Consolidate all applicable overlay district standards with the purpose and intent standards - Discuss. Strongly suggest that these provisions be made universally-applicable district-specific standards for the downtown zoning district (conventional and conditional) and the Neighborhood Protection Overlay District be abolished
15-143.5	Lloyd/Broad Overlay District	Defines Lloyd/Broad Overlay District to preserve neighborhood character and regulate development impacts.	- Relocate to the Overlay Districts section of new Chapter 3, Districts - Include overlay district standards with the purpose provisions - Ensure any massing requirements are not applied to single-family detached or attached dwellings, duplexes, triplexes, or quadplexes
Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. r. Restructure Chapter to following subsections: Chapter intro (establishes districts), conventional zoning districts, conditional districts, overlay districts, Zoning map s. Suggest district re-naming and new abbreviations t. The current code lists 119 zoning districts (28 conventional base, 23 conditional, 8 overlay, 62 PUD) – this needs to be drastically simplified – Carrboro is only 6 square miles in size u. We need a through discussion of the current district lineup and what can be done to simplify it v. Do not include a copy of the Official Zoning Map in the UDO			
Article X. Permissible Uses			

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§	Title	Description	Implementation Ideas in New UDO
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15-146	Table of Permissible Use	Contains the Table of Permissible Uses which indicates which land uses are permitted, how they are permitted, and in which districts	- Remove language pertaining to amendments - Carry forward a table of common principal uses in new Chapter 4, Land Uses - Re-organize the table into five use classifications (Agricultural, Residential, Institutional, Commercial, Industrial) instead of current number-based approach - Separate accessory and temporary uses from the common principal uses - Supplement the table with links to applicable use-specific standards - Revise the table procedures to include P (requires Zoning Permit), S (requires Special Use Permit), C (requires conditional rezoning), and 'P' (prohibited) instead of the large number of acronyms in current use - Supplement the district list with the five generic conditional zoning districts - Remove the numeric use system and replace with a use classification/use category system instead - Review and update the table to include modern use types, remove needless use distinctions, and plainly list common desired uses - Colorize the columns to make distinctions easier to see

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§	Title	Description	Implementation Ideas in New UDO
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15-147	Use of Designations A,B,Z in Table of Permissible Uses	Defines permit designations for permissible uses, outlining requirements for zoning, special use, and conditional permits based on zoning district and development specifics.	- Suggest the material related to use table structure or operation be relocated to a section that introduces the use table - Discuss. The BA, ZA, ZBA system for distinguishing applicable review process is far too confusing. It changes based on use type, presence in watershed, and lot size. This needs drastic simplification – everything should be either a Z, an S, a C (requires conditional zoning), or is prohibited. It is possible to allow something requiring an S to become a Z if certain aspects are voluntarily included by the applicant. Suggest only Town Council decide special use permits, and uses requiring conditional rezoning should not also require a special use permit within a conditional zoning district - Discuss. It is not clear what is meant by the “*” symbol in the use table. There are also several instances of a “(1)” symbol included with alpha characters. Really needs to be simplified to one of the 4 potential options identified in the bullet above - Discuss. Many of the standards in this section set down specific requirements for some uses when located in some districts – this is very confusing and difficult to follow – it requires a high degree of zoning expertise even to understand. Suggest a slightly different approach: Simplify this by addressing as use-specific standards applied to any instance of a use regardless of the district where located; or, addressing as a zoning district standards if the rule is applied to all (or most) uses in a particular district; or, configure as a general development standard if the proposed rule is a good candidate for more universal applicability to a wider range of use types; or, deletion when the rule is used in only a few districts or one-off situations - Discuss. Remove requirements for special use permits when uses are proposed within a conditional zoning district

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§	Title	Description	Implementation Ideas in New UDO
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15-148	Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit	Grants the Board of Adjustment authority to require special use permits for uses normally allowed with zoning permits, based on potential impact on neighboring properties or the public.	- Discuss. The current code has a trend of allowing some uses by right, but then adding additional requirements for an SUP in cases where staff feels there is potential impact. This approach is confusing, unpredictable, and potentially unlawful. Suggest the UDO identify uses, the districts where permitted, and the procedure for establishment. It is okay to include an alternative review process to be used at the applicant's discretion, not the staff's (for example, via provision of affordable housing) - Town staff should not have authority to arbitrarily require an SUP, regardless of their determination about the development's impact or the appropriate degree of public input – the UDO establishes the procedure, not the staff - If use is not desired in a specific zoning district, the Table of Permitted uses should be changed to reflect the specific instances of where and when an SUP or other permission is desired - Discuss. The Town may not withhold vested rights status for an application that is approved due to concerns over public input – this is a violation of the statutes - vesting status occurs with the approval
15-149	Permissible Uses and Specific Exclusions	Establishes that unlisted uses are prohibited and defines exclusion criteria, including highly combustible materials, stockyards, motor vehicle-based businesses, and certain fencing and gating practices.	- Suggest (a) be carried forward with the material on how to classify unlisted uses - Discuss. (b) needs to be deleted -it violates the Byrd ruling - Suggest carrying forward (c) in a new section on Prohibited uses in new Chapter 4 (but simplify language) - Discuss. The fence, wall, berm material is confusing, misplaced, and unclear to intent
15-150	Accessory Uses	Defines accessory uses, allowing incidental uses that integrate with principal uses, including solar arrays, child day care, and residential parking limitations.	- Suggest revising this section to include a new purpose and intent section, a new section discussion how accessory uses are established - Add a section on general standards for all accessory uses (location, size, height, design standards, compliance with use-specific standards, etc.) - Supplement with a summary table listing common accessory uses by zoning district (relocate from current principal use table) - Broaden the range of listed accessory uses - Add a section on use-specific standards for accessory uses - Clarify if an accessory use requires a zoning permit or special use permit - Remove any temporary uses (e.g., garage sales) and relocate to new section on Temporary uses in new Chapter 4, Land Uses

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15-151	Permissible Uses Not Requiring Permits	Lists permissible uses that do not require permits, including public utility infrastructure within public rights-of-way, bus shelters, and specific police department operations.	Suggest abolition of this section. Infrastructure is not a use type
15-152	Changes in Use	Describes substantial changes in use, differentiating between modifications requiring new permits and minor transitions, including ownership changes or temporary vacancies.	Carry forward along with other prefatory material related to the Table of Common Principal Uses
15-153	Developments in the B-3 Zoning District	Restricts broad commercial use classifications within B-3 zoning, emphasizing compatibility with the district's objectives.	Delete. Unnecessary
15-154	Combination Uses	Outlines permit requirements for combination uses, considering different classifications to determine necessary permit levels for mixed-use developments.	- Carry forward along with other prefatory material related to the Table of Common Principal Uses - Discuss. How does this relate to unified developments? - Address density by use type for each zoning district in new Chapter 3, Districts - Suggest removing (c) - overly complex - Relocate (e) to the Parking and Loading section in new Chapter 7, Standards
15-155	Planned Unit Developments	Governs planned unit developments, permitting residential and limited commercial uses while ensuring integrated and well-planned development.	Delete this material in accordance with the recommendation provided for Article 9 (15-139)
15-156	More Specific Use Controls	Prioritizes more specific use classifications when applicable, preventing broader interpretations from overriding detailed zoning restrictions.	Delete – unnecessary. The new table of common principal uses should set out the range of use type, which are defined (in the case of offices, they are typically distinguished as low or high intensity based upon specific standards like size, traffic, etc.)
15-157	Residential Uses in Conservation Districts	Limits residential development in conservation districts to caretaker housing or similar essential residential uses.	Delete – unnecessary. This should be addressed in the Table of Common Principal Uses
15-158	Hazardous Substances in B-5 and WM-3 Districts	Prohibits hazardous substances in B-5 and WM-3 districts, except for certain commercial sales and janitorial uses.	Discuss. Should these be use-specific standards, or applied throughout the Town?

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CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

§	Title	Description	Implementation Ideas in New UDO
Yellow cells include topics for further discussion with Town staff and officials			
15-159	Mobile Home Type Structures Prohibited In Business Districts	Bans mobile home-type structures in business districts unless built to state building code standards.	Delete – unnecessary. Address this in the Table of Common Principal Uses
15-160	Outside Display of Goods in B-1(c) and B-1(g), and WM-3 Districts	Allows outdoor display of goods for sale in designated commercial districts, with size limitations based on principal building space.	Carry forward and simplify, where possible. These are accessory uses
15-160.1	Residential Uses in B-1(c) Districts	Prohibits ground-floor residential uses in B-1(c) districts except for limited affordable housing developments.	Discuss. This kind of standard can result in vacant storefronts. Some local governments do permit ground-floor residential at the back or side of the ground floor
15-160.2	Permissible Uses in the Historic District (HD)	Limits Historic District zoning to single-family residences for specified residential zoning categories.	Discuss. Suggest abolition of the HD district
Article XI. Supplemental Use Regulations			
Part I. Non-Residential Performance Standards			
15-161	"Good Neighbor" Performance Standards for Non-Residential Uses	Establishes performance standards for non-residential uses to minimize environmental and quality-of-life impacts on surrounding properties.	Discuss. How does the Town enforce these standards?
15-162	Smoke, Dust, Fumes, Vapors, Gases, and Odors	Prohibits emissions of smoke, dust, fumes, gases, and odors beyond property lines that could harm health, animals, vegetation, or neighboring properties.	Discuss. These standards appear to be general in nature, but are not applied to uses in sections 4, 9.4, and 2.15 like the other 'good neighbor' standards. Clarify the uses subject to these standards, what the standards consist of, how compliance is measured. For example, Cook Out produces odors that are detectable well-off the site, would that be a violation?
15-163	Noise	Sets noise limits for business and industrial districts, defining maximum permissible levels by zoning category and time of day.	- Discuss. Why applied only to these use types? Why applied in only some zoning districts? Wouldn't these standards be applied to all uses everywhere? The standards need to clarify that the measurement device is properly calibrated and operated by a trained professional. The measurement system appears very complicated - Suggest using decibels rather than Leq microbars - Consider moving these to the Town's basic noise ordinance provisions in the Town Code (enforced by the police)
15-164	Vibration	Restricts ground-transmitted vibrations, limiting perceptible disturbances beyond property boundaries, with specific particle velocity thresholds for industrial districts.	Discuss. This appears extremely complicated. How many times have these standards been used? What instrument is used to determine particle velocity? Is there a simpler way to do this?

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15-165	Ground Water Supply	Regulates outdoor storage of hazardous materials, requiring impervious containment to prevent groundwater contamination	- Discuss. The containment area standard appears reasonable until the additional rainwater volume provision is included - Standards for above-ground storage tanks should be addressed in the use standards, not in performance standards - Discuss how the conditions for exemption of smaller tanks are determined. Who is checking for this, and what happens if the water table changes over time?
15-166	Air Pollution	Ensures compliance with state air pollution standards, requiring environmental certification before issuing local permits.	These standards could be carried forward with the use-specific standards applicable to all allowable use types
15-167	Disposal of Liquid Waste	Prohibits improper disposal of liquid waste, requiring compliance with state regulations and OWASA treatment facility restrictions.	Delete – unnecessary
15-168	Water Consumption	Limits excessive water consumption for industrial operations, capping use per employee per day.	- If carried forward, relocate to new Prohibited Uses section in new Chapter 4, Land Uses - Discuss, what about uses with high water usage, but with only a few employees (data center, car wash, aquaculture, etc.)?
15-169	Electrical Disturbance or Interference	Bans electrical disturbances that interfere with external equipment or communications.	Discuss. What is the standard? What does ‘adversely affected’ mean? How does this relate to the FCC’s exemption provisions for electro-magnetic radiation from wireless communications equipment? If a use is violating these standards, what is the fix?
Part II. Miscellaneous Supplementary Use Provisions			
15-172	Neighborhood Utility Facilities	Defines neighborhood utility facility regulations, including size exemptions, noise limitations, and screening requirements.	- Generally, use-specific standards in Part II will be relocated to the use-specific standard portion of Chapter 4, Land Uses - These standards will be sorted by type (principal, accessory, temporary, and relocated to appropriate sections (in alpha order)) - These standards will be reviewed, and some will be carried forward, some revised, some deleted based on best practice and input from the Town
15-172.1	Community or Regional Utility Facilities	Establishes site requirements for community and regional utility facilities, including parking, screening, and operational restrictions.	Carry forward, if appropriate
15-173	Horticultural Sales With Outdoor Display	Allows horticultural sales with outdoor displays on small lots without requiring onsite parking in certain cases.	Carry forward, if appropriate. Outdoor display is an accessory use

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15-174	Signs on Historic Buildings	Permits preservation of historic signs on buildings in the National Register, overriding standard sign area restrictions.	- Relocate to Signs section in new Chapter 7, Standards - Distinguish between signage and mural/public art - Apply sign standards to signs, not to murals or public art
15-175	Special Events	Regulates special events, ensuring noise, litter, and parking impacts are minimized.	Relocate to Temporary Use standards in new Chapter 4, Land Uses
15-175.1	Density Restrictions on 7.200 Uses	Limits density for specific residential care facilities based on multifamily zoning allowances.	Delete- suggest treating these uses differently – they do not have density; they have beds or classrooms
15-175.2	Recycling Operations	Requires enclosed storage and site maintenance for recycling collection operations.	Carry forward, if appropriate
15-175.3	Seasonal Christmas Tree or Pumpkin Sales	Allows seasonal Christmas tree and pumpkin sales on commercial properties under specific conditions.	Relocate to Temporary Use standards in new Chapter 4, Land Uses
15-175.4	Temporary Homes for Homeless and Overnight Shelters for Homeless	Imposes onsite supervision and behavioral rules for temporary homeless shelters.	If carried forward, supplement with additional rules (including separation standards)
15-175.5	Veterinarian Offices	Mandates soundproofing for veterinarian offices to contain noise from animals.	Carry forward, if appropriate
15-175.6	Temporary Structures and Parking Facilities	Sets temporary structure and parking facility guidelines, limiting duration and requiring site restoration.	- Relocate to Temporary Use standards in new Chapter 4, Land Uses - Address off-street parking requirements in the Parking and Loading Section of new Chapter 7, Standards
15-175.7	Automobile Repair Shop or Body Shop (9.400) Uses	Requires screening, hazardous material management, and vehicle registration for auto repair and body shops.	Carry forward, if appropriate
15-175.8	Access for 8.500 and 8.600 Restaurant Uses in the B-1(g)	Limits restaurant traffic flow in specific business districts to arterial streets.	Discuss. How are these standards applied within a planned development or mixed-use development with internal private local streets?
15-175.9	Senior Citizen Residential Complex	Defines density, housing size, and zoning buffer requirements for the Historic Rogers Road District.	Discuss. Need more clarity on what this use is – a CCRC? Congregate care? Any age-restricted residential use?
15-175.10	Flag Lots in the Historic District	Sets minimum frontage and setback requirements for flag lots in historic districts.	- Discuss. Is the Historic District approved by SHPO? - If carried forward, relocate with other flag lot standards in new Chapter 5, Measurement

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15-175.11	Solar Arrays	Establishes installation, safety, and decommissioning standards for solar array facilities.	- Suggest use of term "Solar Energy Conversion", not solar array - Split level 1 rules and relocate to Accessory Uses section of new Chapter 4, Land Uses - Discuss. These uses are typically found in areas with low land prices. Are there any level 2 or 3 SEC facilities in Carrboro?
15-176	Towers and Antennas, and Wireless Facilities including Small and Micro Wireless Facilities	Governs placement, lighting, structural integrity, and zoning compliance for wireless towers and antennas.	- Redraft this section in accordance with all applicable state and federal rules. - Suggest incentives for concealed (stealth) facilities and towers less than 50-feet-tall - Allow collocation, eligible facilities requests, and substantial modifications with zoning permits rather than special use permits (new towers over 50 feet should be located in industrial districts, and established via SUP with a 1:1 setback) - Add standards for small wireless when proposed on land outside street ROWs
15-176.1	Businesses with Drive-In Windows	Restricts drive-in window locations, hours, and vehicle stacking impact for businesses.	Carry forward by relocate to Accessory Uses section of new Chapter 4, Land Uses
15-176.2	Village Mixed Use Developments	Sets commercial and residential mix standards for village mixed-use developments.	- Discuss. Are these standards intended to apply to development in the VMU conditional zoning district? If so, why are there so many standards since the district is conditional in nature? - Discuss. How many applications for this district or these development standards have been submitted? - Discuss. Standards seem unnecessarily complicated- if the Town seeks to establish these kinds of developments, why not make the standards easier to follow? - Discuss. Is it possible that some of these standards might be worth converting to generally-applicable design standards?
15-176.3	Reserved for the Transfer of Development Rights	RESERVED	
15-176.4	Vehicle Sales in the B-1(g) Zoning District	Limits vehicle sales operations based on lot size, location, and outdoor storage requirements.	Carry forward, if appropriate
15-176.5	Mobile Prepared Food Vendors	Regulates mobile prepared food vendors on commercial properties, restricting water connections and parking interference.	Carry forward with the accessory use standards, but allow as a temporary use for those landowners who seek a permit (continue to prohibit on street rights-of-way unless part of a properly permitted special event)
15-176.6	Data Service Provider Facilities	Establishes security, screening, noise, and environmental requirements for data service provider facilities.	Carry forward, if appropriate (along with review for consistency with best practice)

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15-176.7	Social Service Provider with Dining	Requires licensing, transit proximity, and queue management for social service providers with dining.	Carry forward, if appropriate
15-176.8	Performing Arts Space	Defines requirements for performing arts spaces, including accessory uses, parking, and noise control.	Carry forward, if appropriate (clarify that this is a principal use) Discuss. Why must such uses go onto lots with buildings 50 years old or older?
15-176.9	Special Standards for Historic Rogers Road District	Sets residential and commercial building size limits and environmental buffers for the Historic Rogers Road District.	If retaining, relocate to the appropriate district-specific section in new Chapter 3, Districts
15-177	Architectural Standards for Subdivisions Containing Four or More Single-Family Detached Residences	Establishes architectural design standards for subdivisions with four or more single-family residences	- Discuss. These standards can be included in the UDO, but only as guidelines that may be complied with on a voluntary basis via a conditional rezoning application or when an applicant signs a voluntary consent to comply - Relocate the glossary (if retained) to new Chapter 10, Word Usage, and ensure terms do not conflict with other definitions applied to the same terms in separate UDO sections
15-178	Architectural Standards for Downtown Development	Requires transparency, shading, and scale adjustments for downtown development.	Discuss. Is it possible to have a single (or two) districts for the Downtown instead of multiple base districts within the area? Discuss. Some input indicates no desire for design standards, or application of such standards only when no affordable units are included in the development. Is this the Town's desired approach? Clarify that design standards may not be applied to one-family, two-family, triplex, and quadplex uses
15-179	Child Day Care Homes and Child Day Care Facilities	Sets regulations on hours of operation, turn around areas and yards for child day care facilities. Also requires a neighborhood meeting.	- Split into principal and accessory uses, as necessary - Carry forward, if appropriate
15-179.1	Day Care Uses Within Village Mixed Use Developments	Contains performance standards for day care located in SFR use areas of a village mixed use development.	Discuss. Why would we have special standards for this use only in one district? If carried forward, relocate to the appropriate zoning district standards
15-180	Electronic Gaming Operations	Defines operational hours, spacing, and licensing conditions for electronic gaming establishments.	Discuss. Carry forward, if appropriate. These uses are now called "Games of Skill"
Article XII. Density and Dimensional Regulations			

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§	Title	Description	Implementation Ideas in New UDO
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15-181	Minimum Lot Size Requirements	Lists minimum lot sizes by zoning district; includes exceptions for integrated subdivisions and specific overlay districts.	- Consolidate these provisions with other dimensional standards and provide by zoning district rather than by type of standard. Include caveats for conservation subdivisions, existing lots of record, or overlay designation by zoning district - Ensure all districts (e.g., R-SIR.2, ORMU, P-F) have standards listed for each type of dimensional requirement - Discuss. Why does R-2 have a min. lot size requirement double the min. lot area/unit? It is the only district with this phenomenon - Discuss. If the Town desires the varied lot sizes associated with an IAS, then perhaps that could become a basic standard and only allow uniform lot sizes in a subdivision with SUP approval - Suggest replacing cluster subdivision with a conservation subdivision option that permits smaller lots and reduced setbacks in favor of 50% open space set-asides
15-182	Residential Density	Specifies minimum square footage per dwelling unit by zone; provides exceptions for duplexes, conversions, phased developments, and affordable or single-room occupancy units.	- Discuss. Suggest retaining min. lot area standard and applying to single-family detached residential. Remove the lot area per unit standard for R-2, duplex, triplex, quadplex, and multifamily and use a density per acre standard with setbacks and open space set-aside requirements instead. Allow detached residential on existing lots of record regardless of lot size. Apply max. density figures on existing lots of record and remove need for a second tier of lot size standards on existing lots of record. Remove the 150% lot area standard for ADUs whether internal or detached and just allow by-right as a part of single-family detached residential - Discuss the number of residents provisions. Why is this needed? Why must a facility with more than 7 residents be on a larger lot? If this distinction is a must, then suggest two kinds of use types – one with 7 or less residents and one with more than 7. Then vary the district or the review procedure - Discuss. Subsection (e) is confusing. What is this for? If the prior approval expired, then it expired. Why have all these other provisions? - Discuss the need for a lot size/SRO unit. If unit count is important, establish 2 or 3 tiers of SRO use type with a threshold lot size for each

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§	Title	Description	Implementation Ideas in New UDO
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15-182.1	Residential Density in R-SIR Zoning	Allows R-SIR zones to match R10 density; density bonuses granted for meeting ownership, bedroom, and building-style diversity criteria.	Discuss. Why require R-SIR zoning in order to take advantage of residential density bonuses? Suggest this district (and R-SIR-2) be converted back to R-10 and density bonuses be made available to most/all zoning districts without requiring re-designation to R-SIR or R-SIR-2 Discuss the combination of requirements for achieving current residential bonuses – it feels like a lot of requirements- how many areas currently have R-SIR zoning? Is this approach viable? Have numerous applicants used it? Suggest pulling density bonus provisions out and relocating to their own section and applying a menu-based approach where the available bonus is matched with the number of elements provided and use of density bonuses is not tied to a rezoning
15-182.2	Effect off Public Acquisition of Property on Density, Setback, and Height Requirements	Allows dedicated or condemned public land to count toward density calculations; addresses setbacks and height exceptions due to public right-of-way changes.	Suggest carrying forward these provisions with drastic simplification. Public acquisition (whether through eminent domain or owner dedication outside a development application) has no impact on lot area, setbacks, or building heights. Dedication of land as part of meeting the requirements for a development application does not impart the ability to use dedicated land as part of setbacks or required land area.
15-182.3	Residential Density of Major Developments in Certain Districts	Establishes density calculations for certain zones with special use permits, using adjusted acreage or yield plans based on utilities and environmental constraints.	- Discuss. It is no longer authorized to discount unbuildable land from gross allowable density as is called for in this section; requirements for yield plans that limit the number of units to a figure below that authorized by the gross land area is no longer allowable, and potentially not in accordance with direction received to this point - Suggest a new approach regarding special use permits – using them as an incentive for the provision of affordable housing units or affordable housing fee-in-lieu in cases where an applicant volunteers to provide the suggested amount of affordable units, the special use permit requirement may be removed. It may be possible to utilize this strategy for other forms of preferred development such as “middle” housing or desired site features

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15-182.4	Residential Density Bonuses for Affordable Housing	Details incentives and conditions for affordable housing units/lots, including density bonuses, size limits, and resale restrictions.	- Carry forward these ideas in a new section on Affordable Housing in new Chapter 7, Standards - Establish the definitions of affordable housing as definitions, not standards Discuss. The Town's current goals for 15 percent of new development to include affordable units may merit further discussion. If this percentage is insufficient to reach the Town's goals over the life of Carrboro C, then perhaps the percentage should be increased...or, it may be possible to apply differential goals to different areas or use types. In addition, it is important to recognize existing affordable units and ensure these units remain affordable during redevelopment since replacement of existing affordable units could lead to an overall decline in affordability - Suggest removing special use permit requirements for developments that voluntarily provide the threshold number of affordable units of affordable housing fee-in-lieu - Create a menu of options for applicants to utilize in the voluntary provision of affordable housing where the provision of affordable housing entitles an applicant to a range of allowances or incentives from increased allowable densities to reductions of certain other standards in accordance with a codified schedule. Applicants may utilize one or more incentives available based upon the number of affordable units provided - Suggest removal of current ("2 for 1") ratio of market rate housing to affordable units - Carry forward the requirements regarding deed restrictions and protection of a unit's affordability
15-182.5	Residential Density in Planned Unit Developments	Allows density within PUDs' commercial components to be transferred from unused residential density, with limitations on modifications.	Suggest simplifying this by using a conditional zoning district instead of relying on multiple different base zoning districts where density transfer becomes necessary
15-183	Minimum Lot Widths	Establishes minimum lot widths by zone and prohibits variances from setback requirements for lots below certain widths.	- Carry forward with other dimensional standards organized by zoning district rather than topic - Clarify that these are minimum standards, and ensure that all conventional zoning districts identify applicable dimensional standards - Clarify that the minimum lot width is determined at the inside edge of the street setback line - Clarify how lot widths work as part of attached residential (townhouse) development - Discuss why the Town would permit a building lot to be platted without meeting the minimum lot width requirements (c)

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15-184	Building Setback Requirements	Outlines required setbacks for buildings and signs by zone; includes exceptions for certain structures, features, and overlay districts.	- Relocate dimensional standards to individual zoning district tables in new Chapter 3, Districts - Remove references and requirements applied to signs from this section and relocate to Sign section of new Chapter 7, Standards - Carry forward the provisions pertaining to how setbacks are measured in a Setbacks section of new Chapter 5, Measurement, and supplement with additional illustrations and rules for how encroachments into required setbacks (canopies, fences, stairs, patios, etc.) are addressed - Rename to street setback and consolidate with other dimensional requirements organized by district in new Chapter 3, Districts - Suggest side and rear lot line distances be more clearly identified (currently "minimum distance from lot boundary line") - Discuss why lots in a non-residential district abutting a residential district must observe the residential district setback - Use standards, like those for mobile homes, should be included in the use standards portion - Discuss. Generally speaking, there are at least 15 caveats to the setback standards – this is a lot for anyone to manage is there a way to simplify?
15-185	Building Height Limitations	Limits building height by zone; includes exceptions, story-based height bonuses, rooftop feature allowances, and rules for specific overlay districts.	- Relocate height standards to individual zoning district tables in new Chapter 3, Districts - Supplement current standards with foot-based measurements as well as stories (currently only some districts use stories, and these districts do not include footage measurements) - Carry forward the provisions pertaining to how height is determined (as well as exemptions to height such as for mansard roofs) to a new section on Height in new Chapter 5, Measurement, and supplement with additional illustrations - Relocate use standards (like those for structured parking) to the use standards in use-specific standards portion of new Chapter 4, Land Uses - The provisions in 15-185(b) are difficult to understand and exemptions to height should be relocated to provisions in Chapter 5, Measurement - Discuss. There are different techniques for determining building heights for single-family detached dwellings versus other buildings. This could violate equal protection – why is this done?

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15-185.1	Downtown Neighborhood Protection Overlay District Requirements	Restricts building size, height, and placement in buffer zones near residential properties; sets conditions for height-based permit requirements.	- Discuss. Does the DNP buffer area restrict development potential within the downtown, and is that consistent with the City's efforts to increase densities in downtown? - Discuss. There are some lands zoned B-1 that could be subject to any one of THREE different sets of dimensional standards based upon their location. This is an example of how the current code is overly complicated. Downtown is the area where the Town wants to encourage density, mixed-use, and affordable housing, but is subject to a myriad of different rules and limitations that generally seek to limit development potential. The ability to have taller or more dense buildings seems constrained - Suggest abolition of this overlay, but if retained, relocate this material to the Overlay districts portion of new Chapter 3, Districts
15-185.2	Llyod / Broad Overlay District Requirements	Sets height, size, setback, and parking requirements; limits occupancy and discourages front yard parking in the overlay district.	- Relocate this material to the Overlay Districts section of new Chapter 3, Districts - Discuss why below grade habitable space is prohibited - Suggest carrying forward maximum dwelling unit sizes, but simplifying the provisions applied to existing buildings - Discuss the two parking spaces per lot standard – is this something the Town wishes to continue? - Discuss the cap on the number of unrelated individuals. Typically these standards are difficult to enforce and do not work well
15-186	Cluster Subdivisions	Allows reduced lot sizes in exchange for usable open space, preserving overall density and requiring compliance with setback and open space standards.	- Suggest abolishing the cluster subdivision concept in favor of a conservation subdivision procedure and new standards - Discuss the Town's desire to make conservation subdivision a mandatory standard in some residential districts or locations
15-187	Architecturally Integrated Subdivisions	Permits flexibility in lot size and setbacks if development meets density limits and sets aside land as open space.	Discuss. In concept, this approach creates a by-right means to have variable lot sizes, but all subdivisions require special use permits, so there is no real by-right option. Suggest this lot size and setback flexibility be permitted when requested without need of undergoing special use permit review Agree with the concept of allowing variable lot sizes while holding densities fixed, but this standard removes the incentive to have smaller lots (and potentially smaller, more affordable homes). Suggest allowing some minor increase in density for subdivisions that include affordable housing units Disagree with the total lack of parameters on lot size. Suggest lots should always be at least 20 feet wide, and that detached structures should always be at least 3 feet from lot lines

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15-188	Restrictions Designed to Mandate the Construction of Some Smaller New Homes for Sale	Mandates a percentage of units in large subdivisions be size-limited to increase housing affordability and diversity.	Discuss. How has implementation of this standard worked so far? The new UDO seeks to encourage conservation subdivisions, pocket neighborhoods, bungalow courts, and attached residential. Incentives for including small lots within new subdivisions and increased opportunities for ADUs may be sufficient to permit the conversion of these minimum dwelling unit size standards into voluntary incentives. If the Town does not want to pursue a more voluntary approach, then we suggest more thought be given to what locations where this kind of standard is applied (the current standards have no locational aspects)
Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions.			
w. There are several districts that appear to be missing some or all dimensional standards (RSIR-2, OR-MU, PF, VMU, FLX) – ensure all districts have dimensional standards listed x. Suggest adding several new dimensional standards, including maximum lot coverage, setbacks between buildings on the same lot, perimeter setbacks for unified developments, and setbacks for accessory structures y. Rely on table notes rather than outside subsections for dimensional standards caveats (to ensure all standards are read) z. Add illustrated rules of measurement in a different chapter to help readers understand encroachments and how numbers are derived			
Article XIII. Recreational Facilities and Open Space			

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15-196	Active Recreational Areas and Facilities Required	Residential developments must provide recreational areas and facilities, measured in recreation points, based on the type and cost of facilities.	- Suggest simplifying this section. All developments (including non-residential) should provide open space, but that provision can simply be a percentage of the development site - Establish 3 kinds of open space: active, passive, and gathering, and apply the requirement for which based on use type or location - Limit active open space requirements to residential development, and identify the range of features that can or cannot be credited towards active open space standards (remove threshold requirements for certain types of features – public play equipment is the Town’s responsibility, not private development’s) - Credit greenways and parkland dedication towards active and passive open space requirements - Credit LID, GSI, landscaping, and tree retention areas towards passive open space requirements Downtown and urban areas should be subject to gathering space requirements – seating, outdoor dining, plazas, roof gardens, public art, etc. - Unbuildable areas should be credited towards passive open space, but do not pass muster for required active or gathering spaces - Utilize a fee-in-lieu system to help create a revenue stream for the Town to provide recreation facilities in already-developed-but-underserved areas - Exempt residential developments without an HOA or of less than 10 units from providing open space (but these could still contribute fee-in-lieu)
15-197	Exception to Recreational Facilities and Open Space Requirements	Exceptions to recreational facilities and open space requirements for subdivisions without substantial improvements or reconstruction of pre-existing units.	Carry forward
15-198	Open Space	Residential developments must preserve open space for environmental, recreational, and aesthetic benefits, with specific criteria for primary and secondary conservation areas.	Carry forward, but abolish use of “primary” and “secondary” conservation areas in favor of active, passive, and gathering space standards - Discuss. The 40% open space requirements applied in downtown and CT districts is excessive for these districts. It is typical for open spaces in downtown and urban contexts to require gathering-style spaces or no open space at all. - Discuss. The requirements for “playfields” in developments with more than 25 units. Suggest the decision about the form of open active space be left up to the applicant – some developments are age restricted and this play space would be underutilized - Suggest limiting the ability to remove existing trees in required passive open space set-aside areas

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Carrboro New Unified Development Ordinance

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CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE			
§	Title	Description	Implementation Ideas in New UDO
Yellow cells include topics for further discussion with Town staff and officials			
15-199	Ownership and Maintenance of Recreational Facilities and Open Space Not Dedicated to the Town	Recreational facilities and open space not dedicated to the town must be maintained by the developer or homeowners' association.	- Carry forward. Clarify when open space ownership transfers from developer to HOA (if HOA is formed) - Clarify that some forms of passive open space may be transferred to a public entity for ownership and maintenance
15-200	Dedication of Open Space	REPEALED	
15-201	Homeowners' Association	Homeowners' associations must be established to maintain common areas, with authority to collect contributions and establish a capital fund.	- Relocate these standards to an Owners' Association section of new Chapter 7, Standards - Clarify what features the HOA are responsible for maintaining (including community stormwater, cluster mailboxes, etc.) - Clarify formation and membership is required - Establish the process for creation, including Town attorney review (but not approval) of formation documents - Identify required documentation- Clarify timing of mandatory turnover from developer - Discuss. The Town's desire to require the developer to create and contribute to a reserve fund prior to maintenance transfer to an HOA
15-202	Flexibility in Administration Authorized	Permit issuing authority can allow minor deviations from recreational and open space standards if objectives are met without strict adherence.	Carry forward, but limit deviation to that permitted under administrative adjustments, alternative plans, conditional rezoning, or variances
15-203	Fees in Lieu of Active Recreational Areas and Facilities or Useable Open Space	Developers may pay fees in lieu of providing recreational facilities or open space if town property can adequately meet residents' needs.	- Carry forward ability to provide fee-in-lieu for both public parkland and private common open space - Establish a new Fee-in-Lieu procedure in new Chapter 2, Applications - Fee-in-lieu amounts are based on assessed value of land prior to development instead of based on points or potential features to be provided - Clarify fee-in-lieu must be paid prior to final plat approval or prior to issuance of certificate of occupancy, as appropriate
15-204	Downtown Livability Area and Urban Amenities Provisions	Downtown developments must include livability areas and urban amenities to enhance pedestrian experience, reduce stormwater runoff, and provide social gathering spaces.	- Suggest using these standards as the basis for gathering space requirements associated with open space standards - All use types (not just residential) are subject to gathering area standards - Remove any dollar amount standards

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15-205	Fees in Lieu of Downtown Livability Area and Urban Amenities	Fees in lieu of downtown livability areas and urban amenities are allowed if town property can meet objectives.	Carry forward with other fee-in-lieu provisions and recognize that there may be instances where the Town would mandate a fee-in-lieu rather than provision of the feature
15-206	Ownership and Maintenance of Downtown Livability Areas and Urban Amenities.	Downtown livability areas and urban amenities must be maintained by the developer or property owners' association.	Delete and address other previous owners' association provisions
Article XIV. Streets and Sidewalks			
15-209	Council Findings and Declaration of Policy for Complete Streets	Complete Streets policy promotes safe, accessible travel for all modes, enhancing safety, health, connectivity, and reducing carbon emissions through multimodal infrastructure and vehicle electrification.	- Carry forward as Purpose and Intent language in Streets section of new Chapter 8, Utilities and Infrastructure - Discuss the degree to which Complete Streets supports or departs from NACTO street provisions - Discuss how the Town will go about creating a revenue stream and prioritizing retrofit of existing streets in already developed areas that do not follow Complete Streets or NACTO – new development typically funds these kinds of retrofitting, but if an area is already built, there will be little-to-no new development – thus decisions need to be made about how infrastructure retrofit requirements for infill, redevelopment, and expansions of existing development will be funded (in-lieu fee can be collected, but this must be managed, and in-lieu fee will be a disincentive for redevelopment or infill)
15-210	Street Classification	Streets in new subdivisions are classified based on projected traffic volume and dwelling units served, including minor, local, cul-de-sac, subcollector, collector, arterial, marginal access, loop, and alley streets.	- Carry forward with other street material, ensure consistency with most recent MPO functional classifications - Integrate the street ROW width provisions in current Section 15-216 with the street standards - Discuss. Some codes include details about street cross section configuration options. These are most useful in areas with significant amounts of vacant land where new development will be responsible for street construction. Many jurisdictions leave these details in an outside manual or plan and simply reference the other document(s) (this approach avoids the need for numerous public hearings on amendments to these standards as they are revised since these outside documents are adopted by resolution not ordinance)
15-211	Access to Public Streets in General	Every lot must have sufficient access for emergency vehicles and intended use, ensuring ingress and egress.	Carry forward in new Access and circulation section of new Chapter 8, Utilities and Infrastructure, and consolidate with standards for driveways by use type, configuration, and new provisions for shared driveways serving residential uses

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15-212	Access to Arterial Street	Major subdivisions bordering arterial streets cannot have direct driveway access to maintain traffic flow and safety.	- Suggest revising these standards to clarify that driveway permits are required for access, that single-family residential lots should not have direct access to arterial streets (unless no other option is available) - Revise the current blanket access limitation as it prevents multi-family, mixed-use, and nonresidential from accessing arterial streets
15-213	Entrances to Streets	Driveway entrances must ensure safety, minimize traffic interference, and comply with specific standards and permits.	- Carry forward with other material intended for the Access and Circulation section of new Chapter 8 Utilities and Infrastructure - Relocate relevant material from current Appendix B to this section - Supplement with details regarding driveway apron and drainage requirements
15-214	Coordination with Surrounding Streets	Subdivision streets must coordinate with surrounding streets for safe, convenient traffic flow, including temporary turnarounds if necessary.	- Carry this material forward with the other street-related provisions in new Streets Section in new Chapter 8, Utilities and Infrastructure - Suggest supplementing this material with a new street connectivity index approach that establishes minimum street connectivity options that heavily favor connections to existing streets - Add standards requiring continuation of all existing or planned arterial and collector streets, but apply the connectivity index standards to local streets along with standards for pedestrian connections if vehicular connections between neighborhoods are not made (or made via emergency-only accessways) - Supplement street stub material with new provisions for fee-in-lieu and easement dedication in cases where adjoining landowner will not permit encroachment to complete the street stub - Suggest adding maximum unit counts for cul-de-sac streets (including nested cul-de-sacs) - Supplement with new minimum number of vehicular access points for residential and non-residential developments based on # of proposed units or non-residential square footage
15-215	Relationship of Streets to Topography	Streets should align with topography to facilitate drainage and stormwater runoff, adhering to maximum grade requirements.	- Carry forward maximum street grade standards, but consider establishing a table by street type (arterial, etc.) - Discuss. The current standards limit street grades to a maximum of 8%. Does this apply to NCDOT streets? Is there an ability to deviate from this? (often see local street grades capped at 12%)

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§	Title	Description	Implementation Ideas in New UDO
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15-216	Street Width, Sidewalk, and Drainage Requirements in Subdivisions	Street width, sidewalk, and drainage requirements vary based on street type and grade, with specific standards for curb and gutter construction.	- Carry forward, but divide this material into standards applied to streets, standards applied to sidewalks, and provisions applied to curb and gutter in appropriate sections in new Chapter 8, Utilities and Infrastructure - Relocate material related to sidewalks to new Pedestrian Access section of new Chapter 8, Utilities and Infrastructure (which addresses sidewalks, greenways, trails, and on-site pedestrian circulation) - Address allowable deviations in a more comprehensive way, including the process to be used to seek deviation (and recognize that the Town may mandate a deviation or require a fee-in-lieu), and what standards may be relaxed in pursuit of preferred forms of development (LID, affordable housing, etc.) - Discuss. The current street standards do not require bike lanes on minor, local, and subcollector streets, and are limited in terms of their sidewalk provisions – this is inconsistent with Complete Streets or NACTO - New sidewalk standards should go into greater detail about where sidewalks are required, how the street side is determined when only required on one street side, and more detail on fee-in-lieu or when an alternative like a trail or greenway can be credited towards sidewalk standards - Discuss. Does the Town still wish to consider accepting sidewalks of brick or pavers? What about sidewalk width standards? - Discuss. Does the Town require sidewalks on private streets?
15-216.1	Street Widths, Sidewalk and Drainage Requirements in Certain Developments.	Alternative street standards for certain developments to preserve natural systems, manage stormwater, and include affordable housing.	- Address allowable deviations in a more comprehensive way, including the process to be used to seek deviation (and recognize that the Town may mandate a deviation or require a fee-in-lieu), or what standards may be relaxed in pursuit of preferred forms of development (LID, affordable housing, etc.)
15-217	General Layout of Streets	Streets should be interconnected; cul-de-sacs are limited to specific conditions, ensuring safe and convenient traffic turnaround.	- Carry forward, but suggest revising cul-de-sac language as it is vague, and cul-de-sac streets can sometimes support affordable housing - Discuss. The NC Fire Code may call for a wider cul-de-sac radius - Discuss. Maximum block lengths of 1,000 feet are feasible in urban and suburban locations, but are not feasible in rural areas; suggest adjusting applicability - Discuss. The standards are a little vague on traffic calming. If the Town wishes to require, then suggest greater clarity about where required and how configured
15-218	Street Intersections	Streets must intersect at right angles; specific distance requirements for intersections to ensure safety.	Carry forward with other street material and supplement with illustrations

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§	Title	Description	Implementation Ideas in New UDO
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15-219	Construction Standards and Specifications	Construction standards for streets, sidewalks, and curbs are detailed in Appendix C, ensuring compliance with design specifications.	- Discuss. Street specifications should not be an appendix to the UDO – having these standards as an appendix opens them to deviation during the development process, and requires a public hearing every time they are amended. Suggest relocating to an outside Municipal Standards and Specifications Document (MSSD)
15-220	Public Streets and Private Roads in Subdivisions	Subdivisions must have public street access; private roads allowed under specific conditions, including maintenance responsibilities and disclosure requirements.	- Remove requirement for all lots to abut a public street, this prevents maximization of available land, prevents development of deep lots of record, and can complicate infill - Allow private roads where appropriate, provided they comply with public street standards (except possibly for vehicular gates) - Supplement new Lot Access provisions with shared driveway provisions that allow up to four dwelling units on their own lots to share a driveway (necessary to accommodate limited or so-called “expedited” subdivisions) – any more than 4 units requires a street (whether or public or private) - Relocate private street declaration provisions to the new Chapter 11, Appendix with other plat certification and declaration statements - Suggest the new Owner’s Association section in Chapter 7, Standards, details private street ownership and maintenance requirements - Discuss the degree to which the Town will apply sidewalk standards to private streets
15-220.1	Design Standards for Village Mixed Use Developments	Village mixed-use developments may follow NCDOT Traditional Neighborhood Development guidelines, superseding related street design standards.	Discuss. Are there districts or developments where these street standards could be used while not being zoned VMU? Are there aspects of these street standards that should be made applicable in other areas?
15-221	Road and Sidewalk Requirements in Unsubdivided Developments	Private roads in unsubdivided developments must ensure safe, convenient traffic movement, linking dwelling units with public streets and onsite activity centers.	Discuss. What is the purpose of this section? Is this for existing unsubdivided development or new development? Would the Town allow new unsubdivided development to have private streets?
15-222	Attention to Handicapped in Street and Sidewalk Construction	Curb and gutter construction must include wheelchair ramps for accessibility, adhering to NCDOT standards.	Carry forward with other provisions in Pedestrian Access section of new Chapter 8, Utilities and Infrastructure
15-223	Street Names and House Numbers	Street names and house numbers must avoid duplication and follow specific suffix guidelines, ensuring clear identification.	- Carry forward with other street standards in new Chapter 8, Utilities and Infrastructure - Supplement subdivision standards in Subdivision Design section of new Chapter 7, Standards, to avoid name duplication/confusion

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§	Title	Description	Implementation Ideas in New UDO
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15-224	Bridges	Bridges must meet NCDOT standards; private road bridges need licensed design for safety and compliance.	Carry forward with other infrastructure standards and supplement with additional details for dams
15-225	Utilities	Utilities in public rights-of-way must conform to Article XV requirements, ensuring proper installation and maintenance.	Relocate this material into the appropriate locations in new Chapter 8, Utilities & Infrastructure
15-226	Road Standards in the University Lake Watershed	Roads in the University Lake Watershed cannot have curb and gutter to protect the watershed environment.	Carry forward in the Overlay Districts section of new Chapter 3, Districts (with a cross reference in the Curb and Gutter section of new Chapter 8, Utilities and Infrastructure)
Article XV. Water and Wastewater, Outdoor Lighting and Miscellaneous Utilities			
Part I. Water and Wastewater			
15-236	Utility Ownership and Easement Rights	Developers must transfer ownership or easement rights for utilities to the respective public utility or entity for operation and maintenance.	Carry forward in the Easements section of new Chapter 8, Utilities & Infrastructure
15-237	Lots Served by OWASA-Owned Water and Sewer Lines	Lots must connect to OWASA water/sewer lines if within specified distance, unless legally impossible or impractical.	- Discuss. Carrying forward these provisions but increase the minimum connection distances to 1,000 linear feet - Suggest utility provisions be organized in potable water, sanitary sewer, and any other relevant section under the Potable Water section of new Chapter 8, Utilities & Infrastructure - Carry forward limits for individual water or sewer service lines to cross lot lines - Supplement with basic requirements when lots can not be served by public water supply systems (also consider mandatory pre-aps for minor subdivisions using on-site water to ensure proper soil scientist preliminary reports before the lots are approved)

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§	Title	Description	Implementation Ideas in New UDO
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15-238	Sewage Disposal Facilities Required	Principal uses and lots in subdivisions must have adequate sewage disposal systems complying with health regulations	- Carry forward in wastewater section of new Chapter 8, Utilities & Infrastructure - Update current language regarding Orange County Health Department approval of on-site wastewater – this is no longer required prior to subdivision approval – ensure a soil scientist preliminary report is filed with any application for subdivision of land with on-site wastewater service Discuss if public sewer limitations still apply in WR, C, B-5 and WM-3 – should these be carried forward or revised? - Supplement these standards with minimum connection distances of 1,000 linear feet - Discuss the degree to which private community-level wastewater systems are permitted, and the likelihood of requiring their dedication to a wastewater service provider
15-239	Determining Compliance with Section 15-238	Compliance with sewage disposal standards is determined by relevant agencies, depending on the type of development and system.	- Carry forward and revise in accordance with any policy changes (the Town will need to specify if policy guidance has changed) - Reorganize to locate this material with other wastewater provisions
15-240	Water Supply Required	Principal uses and lots in subdivisions must have adequate water supply systems complying with health regulations.	Reorganize to locate this material with other potable water service provisions
15-241	Determining Compliance with Section 15-240	Compliance with water supply standards is determined by relevant agencies, depending on the type of development and system.	- Carry forward and revise in accordance with any policy changes (the Town will need to specify if policy guidance has changed) - Reorganize to locate this material with other potable water service provisions
Part II. Outdoor Lighting			
15-242	Purpose and Intent	Outdoor lighting should enhance safety, security, and productivity while minimizing glare, light trespass, and energy waste.	- Relocate to the Exterior Lighting section in new Chapter 7, Standards - Suggest supplementing with additional detail about avoiding light trespass - Discuss the degree to which the Town wishes to include more “dark sky” provisions in these standards
15-242.1	Definitions	Definitions for terms related to outdoor lighting, including direct light, fixture, floodlight, footcandle, full cut-off luminaries, and more.	Relocate to Terms defined Section of new Chapter 10, Word Usage
15-242.2	Applicability	Applicability of outdoor lighting provisions to new developments, with exceptions for specific lighting types and situations.	- Carry forward with more detail on the kinds of exterior lighting subject to these standards - Consider supplementing with standards on prohibited lighting

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§	Title	Description	Implementation Ideas in New UDO
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15-242.3	Minimum Lighting Requirements for Security	Minimum lighting requirements for security in streets, sidewalks, common areas, and building entrances/exits.	Suggest relocating to purpose statements as these standards are very vague – if there are to be minimum requirements, suggest standards specify minimum illumination levels on lots, streetlight spacing along roadways, and uniformity ratios in parking lots
15-242.4	Subdivisions	Street lighting requirements for subdivisions, including coordination with utility companies and installation responsibilities.	- Carry forward, but clarify exactly what the applicable standards for street lighting are - Discuss. Do private streets also have to maintain streetlights?
15-142.5	General Standards	General standards for outdoor lighting, including light level limits, shielding, fixture height, and specific requirements for different zoning districts.	- Discuss. 0.2 FC thresholds at lot lines are very low. The Town might consider applying a tiered maximum footcandle at lot line limit that differs based on adjoining zoning district designations - Supplement provisions with a summary table that sets out maximum illumination values at lot lines - Discuss the degree to which the Town wishes to apply maximum light levels to individual single-family dwellings (this is a very difficult enforcement matter, and may be better addressed as anti-glare standards applied to street rights-of-way) - Suggest shielding standards be applied uniformly based on use type or district rather than lumen count; also suggest moving away from maximum lumen values per lot towards footcandle at lot line limits and uniformity ratios across the site - Suggest removing floodlight angling provisions as this is impossible to enforce. Instead focus on limiting glare in the right-of-way and rely on police to enforce - Suggest more clarity on light standard height. Standards should address maximum heights in parking lots - Suggest parking lot lighting standards include provisions preventing trees in landscaping island that include lighting - Avoid standards that permit deviations in light height on a case-by-case basis in favor of uniform standards (most lights follow uniform heights based on provider) - Suggest additional detail about wall packs (height, shielding, etc.)
15-242.6	Vehicular Canopies	Lighting standards for vehicular canopies, including maximum light levels and acceptable fixture types.	- Carry forward and supplement with illustrations - Discuss. Need to add more detail to the requirements to revert lighting to security lighting after closing – what are these levels?
15-242.7	Outdoor Display Areas	Lighting standards for outdoor display areas, ensuring fully shielded luminaires and minimal glare.	Carry forward with the standards for outdoor display areas in the accessory use provisions in new Chapter 4, Land Uses (with a cross reference in the lighting section)

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§	Title	Description	Implementation Ideas in New UDO
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15-242.8	Outdoor Sports Fields and Performance Areas	Lighting regulations for outdoor sports fields and performance areas, including fixture height, glare control, and operating hours.	- Carry forward and do not exempt these uses from compliance with lighting standards - Discuss the standards that allow deviations for increased height- this should be based on a conditional rezoning, variance, or other documented flexibility mechanism rather than a discretionary call by the review authority
15-242.9	Prohibited Uses of Light	Prohibited uses of light, including laser source lights, searchlights for advertising, and mercury vapor luminaires.	- Carry forward with applicability/exemption provisions - Add limits on use of LED strips around doors or windows - Discuss the ability to use neon lighting
15-242.10	Light Measurement Techniques	Methods for measuring light levels, ensuring accuracy and compliance with approved light plans.	Carry forward with clarification that the staff member operating the measurement equipment has been properly certified in its use
Part III. Miscellaneous Utilities			
15-244	Electric Power	Principal uses and lots in subdivisions must have adequate electric power sources, with certification from utility companies if necessary.	Carry forward in Electricity section of new Chapter 8, Utilities & Infrastructure
15-245	Telephone Service	Principal uses and lots in subdivisions must have adequate telephone service, with certification from utility companies if necessary.	Discuss. Is land line telephone still being deployed?
15-246	Underground Utilities	All utilities in new subdivisions must be placed underground, with specific exceptions for existing above-ground lines.	Carry forward, but clarify that these standards only apply to new services extended to serve the new development – the Town may not require applicant to bury existing services (except through negotiated conditions of approval)
15-247	Utilities to be Consistent with Internal and External Development	Utility facilities must be constructed to allow for future extensions and minimize interference with traffic and maintenance.	Delete (a). Inappropriate for the UDO to regulate utility service providers in this way
15-248	As-Built Drawings Required	Developers must provide as-built drawings of utility lines installed in public rights-of-way, certified by the utility company.	Carry forward with Site Plan and Final Plat procedures in new Chapter 2, Applications
15-249	Fire Hydrants	Developments served by public water systems must include fire hydrants, with specific location and maintenance requirements.	Carry forward in the Fire Protection section of new Chapter 8, Utilities & Infrastructure

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15-250	Screening of Dumpsters	Developments requiring dumpsters must provide screened sites that facilitate collection and minimize negative impacts.	- Relocate to Refuse Collection section of new Chapter 7, Standards - Supplement with additional detail regarding dumpster enclosure placement and screening of all refuse and recycling dumpsters not found within a building - Supplement with additional detail regarding gates and facilities to prevent windblown refuse - Supplement with additional standards regarding paving details
Article XVI. Flood Damage Prevention, Stormwater Management, and Watershed Protection			
Part I. Flood Damage Prevention			
15-251	Purpose and Objective	Establishes flood prevention measures to protect health, safety, and property, aiming to minimize erosion, flood damage, and disruption through regulated land use and structural requirements.	- Review for conformity with most current non-coastal State model ordinance - Carry forward with other flood damage standards in a new Flood Hazard Prevention Overlay (FPO) district in the Overlay Districts section of new Chapter 3, Districts
15-251.1	Definitions	Defines key flood-related terms, including floodplain management regulations, special flood hazard areas, floodproofing, and development activities affecting water flow and elevation.	- Relocate and consolidate with other definitions in Defined Terms section of new Chapter 10, Word Usage - Clarify when these terms are used solely for purposes of the flood damage prevention standards versus when they are used in other parts of the ordinance
15-251.2	General Provisions	Applies flood protection regulations to all designated flood hazard areas, ensuring development is restricted unless properly permitted and in compliance with applicable laws.	- Carry forward in new Applicability portion of FHO overlay standards in new Chapter 3, Districts - Discuss. Part (b) mentions two different types of SFHA area, but then only describes one - Relocate section (g) to the Enforcement of Flood Damage Prevention Rules section of new Chapter 9, Violations, and include cross reference in the FHO overlay district section
15-251.3	Application Requirements	Specifies documentation required for development permits in flood-prone areas, including site plans, elevation data, floodproofing measures, and impact assessments.	- Relocate this material to a new Floodplain Development Permit procedure in the Specific Applications section of new Chapter 2, Applications - Incorporate relevant material from current Appendix A to this procedure - Relocate plan-related submittal requirements to the Plan/Plat Submittal Requirements section of new Chapter 11, Appendix
15-251.4	Permit Requirements	Outlines permit requirements for floodplain development, detailing elevation standards, flood protection measures, and necessary certifications.	Relocate plan-related submittal requirements to the Plan/Plat Submittal Requirements section of new Chapter 11, Appendix

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15-251.5	Certification Requirements	Establishes certification standards for flood elevation and proofing, requiring engineer verification, permits, and as-built evaluations prior to occupancy.	Consolidate with other Floodplain Development Permit Procedure material in Specific Applications section of new Chapter 2, Applications
15-251.6	Duties and Responsibilities of the Administrator	Defines administrative responsibilities, including permit enforcement, compliance monitoring, inspections, and floodplain boundary interpretations.	- Relocate to Town Staff portion of Review Authorities section in new Chapter 2, Applications - Clarify if there is another Town staff position that also serves as the Floodplain Administrator
15-251.7	Variance Procedures	Allows variances from flood restrictions to be granted by the board of adjustment in specific circumstances.	Address variances to flood damage prevention standards with other water-related variance provisions (stormwater, WSW, etc.) in the Variance procedure in the Specific Applications section of new Chapter 2, Applications
15.2 51.8	General Standards for Flood Hazard Reductions	Mandates flood hazard reduction standards for new construction, ensuring structures are adequately anchored and built with flood-resistant materials.	- Conform to current State model, where appropriate - Relocate to the FHO overlay district portion of the Overlay Districts section of new Chapter 3, Districts - Discuss. Will the current Official Zoning Map display the boundaries of the FHO, or will this overlay district be depicted with other overlay districts (like the Water Supply Watershed) on a separate map?
15-251.9	Specific Standards for Flood Hazard Reductions	Details flood protection requirements for residential and commercial developments, manufactured homes, tanks, and elevated buildings within hazard areas.	- Relocate to the FHO overlay district portion of the Overlay Districts section of new Chapter 3, Districts - Ensure the various accessory structure requirements (including tanks) are cross referenced in the Accessory Uses section of new Chapter 4, Land Uses - Relocate the fence and wall provisions in section (k1) to the Fences and Wall section of new Chapter 7, Standards and include a cross reference is included with the flood damage prevention standards - Ensure the sidewalk standards are cross referenced in the Pedestrian Circulation section of new Chapter 8, Utilities and Infrastructure - Ensure the driveway standards are cross referenced in the Access and Circulation section of new Chapter 8, Utilities and Infrastructure - Ensure the street standards are cross referenced in the Streets section of new Chapter 8, Utilities & Infrastructure

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Carrboro New Unified Development Ordinance

Land Use Ordinance Analysis September 2025

CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

§	Title	Description	Implementation Ideas in New UDO
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15-251.10	Floodways and Non-Encroachment Areas	Restricts development in floodways and non-encroachment areas unless proven not to impact base flood levels, requiring hydrological analysis and FEMA approval.	- Relocate to the FHO overlay district portion of the Overlay Districts section of new Chapter 3, Districts - Discuss if the standards should be supplemented with provisions addressing revisions of the SFHA boundary or how the standards might be applied in areas subject to flooding but currently unmapped
15-251.11	Special Provisions for Subdivisions	Requires subdivisions in flood-prone areas to account for flood restrictions, preventing creation of lots unsuitable for development due to flooding risks.	- Relocate to the Subdivision Design Standards section of new Chapter 7, Standards and ensure these provisions are cross-referenced in the FHO provisions - Address Final Plat declaration language in the Certifications and Declarations section of new Chapter 11, Appendix
Part II. Stormwater Management			
15-261	Natural Drainage System Utilized to Extent Feasible	Encourages development to conform to natural drainage contours, preserving existing waterways, ponds, and wetland areas wherever feasible.	- Relocate and reorganize the stormwater standards into their own Stormwater section in new Chapter 7, Standards - Enhance this material as Purpose and Intent, and supplement with findings and authority details; aspects of this section that serve as standards should be relocated to the Standards portion of these provisions - Discuss. This section lacks many of the typical provisions found in modern stormwater standards. Suggest this part be revised in accordance with best practices used in similar communities. For example, is there a Stormwater Administrator, where is the Stormwater Permit, how are variances handled, where are the enforcement rules, etc. Additional discussion is necessary regarding whether the Town is a delegated authority, and the various aspects to be addressed by the standards - Discuss. Does the Town have its own Stormwater Design Manual, or does it use the State's? The current standards reference a manual in Appendix A, but there is no manual (the Manual should NOT be included in the UDO, but should be standalone) - Discuss. It is unclear if and how the Town is addressing sedimentation and erosion control – current Section 15-264 includes some provisions, but is lacking in detail – many local governments address these standards in their own section - Suggest new standards include sections on Authority, Purpose & Intent, Applicability/Exemptions, References to the applicable Design Manual, References to applicable procedures (Stormwater Permit, Variances Appeals, etc.), Standards, Maintenance (of SCMs), and cross references to enforcement

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§	Title	Description	Implementation Ideas in New UDO
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15-262	Development Must Drain Properly	Requires development to prevent water retention, ensuring proper stormwater drainage through constructed facilities without directing runoff into sanitary sewers.	- Revise into a more clearly-defined set of Applicability and Exemption provisions - Discuss. This section says all development must include stormwater management facilities – how does this apply to individual single-family homes on lots of record or pre-existing development? - Relocate standards to new section on Stormwater in new Chapter 7, Standards
15-263	Measurement of Stormwater	Establishes stormwater management requirements based on impervious surface area, mandating systems to filter pollutants and control runoff volume.	- Revise into a more clearly defined set of standards - Suggest organizing into standards applied to nutrient-sensitive waters (WSW), standards applied to control of runoff (quantity), standards applied to the treatment of runoff (quality), standards for stormwater control measures, etc.
15-263.1	Maintenance of Structural BMP's	Requires maintenance and periodic inspection of structural stormwater management devices to ensure continued effectiveness.	Carry forward in a new section on construction, completion, dedication, and maintenance standards for BMPs and SCMs
15-264	Sedimentation and Erosion Control	Mandates compliance with erosion and sedimentation control measures before approving development permits, ensuring land disturbance does not contribute to environmental degradation.	- Discuss. This section is very abbreviated in comparison to other modern development ordinances. Suggest this material be relocated to its on section in new Chapter 8, Utilities & Infrastructure - Suggest this section include new provisions on purpose and intent, applicability, erosion control plans, basic control objectives, design and performance standards, inspections, maintenance, and cross references to violations
15-265		REPEALED	
15-266	Impervious Surface Limitations	Sets impervious surface limitations to mitigate runoff effects in various zoning districts, with stricter requirements for sensitive watershed areas.	- Discuss. This material is very detailed and appears to be the subject of considerable thought and discussion, and yet, it is not located within the water supply watershed provisions (which is where it appears to belong)- why is this material here, how does it relate to or exceed the scope of the other water supply watershed standards, and how might this material be further simplified? - Relocate this material to either the Water Supply Watershed overlay standards in new Overlay district portion of new Chapter 3 Districts, or to the B-5 and WM-3 district standards in the same chapter - Discuss. What is the origin and purpose for the table in subsection (b)? This material appears quite detailed, yet is vague as to purpose and intent

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§	Title	Description	Implementation Ideas in New UDO
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15-267	Additional Development Standards within C and WR Districts	Requires buildable areas to be designated on subdivision plats in certain zoning districts to prevent stormwater conflicts and erosion risks.	- Discuss. What is “assimilative capacity”, what are the associated standards, how is compliance determined, and how are deviations from this requirement addressed? - Discuss. Should these standards be carried forward? There are rules, and then a means for the Zoning Administrator to waive them with no criteria. If they are to be carried forward, need to provide more detail and relocate to the appropriate district-specific provisions in new chapter 3, Districts
Part III. Water Quality Buffers			
15-269	Findings, Purpose, and Applicability	Establishes the purpose of water quality buffers, highlighting their role in filtering pollutants, preventing erosion, and protecting aquatic ecosystems.	- Discuss. Some local governments take the position that enforcement of the riparian buffer standards in water supply watersheds is a function of NCDEQ, and as such, local development ordinance should merely reference the applicable NC Administrative Code - If the Town does decide to include riparian buffers in the UDO, carry forward these standards in a Riparian Buffers section of new Chapter 7, Standards - Clarify the locations where the riparian buffer standards are applied, and what actions are exempted
15-269.1	Definitions	Defines key terms related to water quality buffers, including different types of streams, wetlands, stormwater management practices, and buffer zones.	- Relocate to the Terms Defined section of new Chapter 10, Word Usage - Clarify when these terms are used solely for purposes of the riparian buffer standards versus when they are used in other parts of the ordinance
15-269.2	Required Buffers	Requires protective buffers adjacent to designated surface waters and outlines methods for determining appropriate buffer areas.	Carry forward in standards portion
15.269.3	Width of Buffer	Specifies required buffer widths based on waterbody type and location, ensuring adequate protection for streams, ponds, lakes, and reservoirs.	Carry forward with other standards and supplement with diagram
15-269.4	Diffuse Flow Requirements	Establishes diffuse flow requirements to prevent concentrated stormwater runoff from eroding buffer zones.	Carry forward with other standards
15-269.5	Exempt and Allowable Activities	Lists exempt and allowable activities within buffer areas, including utility crossings, road construction, stormwater controls, and vegetation management.	- Carry forward with other standards - Conform consistency with most recent NCAC requirements

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15-269.6	Determination of "No Practical Alternatives"	Provides criteria for determining whether buffer disturbances are necessary, ensuring that alternatives are considered before allowing impacts.	- Carry forward, but discuss if this process should be renamed and included with the other application procedures in Chapter 2, Applications
15-269.7	Mitigation for Water Quality Buffers	Establishes mitigation requirements for buffer impacts, including restoration, enhancement, and offset payments to water quality funds.	Carry forward in new section on mitigation for disturbance
15-269.8	Permits and Enforcement of Buffer Requirements	Outlines permitting and enforcement for buffer protection, ensuring compliance with development regulations.	Relocate and clarify enforcement provisions in new Chapter 9, Violations, and include an cross reference with these standards
Article XVII. Signs			
15-270	Definitions	Defines signs, including freestanding, off-premises, sandwich board, and temporary signs. Clarifies sign characteristics, placement, and illumination exceptions.	- Relocate sign-related definitions to Terms Defined section of new Chapter 10, Word Usage - Relocate sign definitions to the new summary table on individual sign standards in the Signs section of new Chapter 7, Standards
15-271	Permit Required for Signs	Establishes sign permit requirements. Details approval processes for zoning and special use permits. Allows master sign plans for multi-tenant developments, regulating sign surface area allocation.	- Carry forward with Sign Permit procedure in new Chapter 2, Applications (include cross reference here) - Discuss. Include Master Sign Plan with Sign Permit material. Clarify if Master Sign Permits are required, or just permitted (suggest requiring such plans for unified developments and developments with two or more principal structures). Suggest Master Sign Permits, when provided, the review authority deciding the related development application also decide the MSP request - Discuss. If a Master Sign Permit is decided by a review authority different from Town Council, can an applicant seek deviations from the standards, or is that addressed as a different permit application procedure (like conditional rezoning)? - Remove content-based standards for hotels/motels - Relocate the signage standards for accessory uses to the section on accessory uses

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CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

§	Title	Description	Implementation Ideas in New UDO
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15-272	Signs Excluded from Regulation	Lists exempt signs such as residential, governmental, nonprofit, utility, window displays, and noncommercial notices. Includes conditions on exemption limits, illumination, placement, and signage material.	- Discuss. The prefatory sentence says these signs are exempt from regulation, then says other signs are not – set up a new section clarifying exemptions and distinguish between signs subject to the standards but exempted from Sign Permits - Remove content-based provisions (like “noncommercial, residential use, commercial promotion, bear no advertising, non-commercial messages, for sale, for rent”, etc.) - Discuss. The window sign standards are difficult to understand. Suggest simplifying (such as limiting total coverage to 30% of a window)
15-273	Certain Temporary Signs” Permit Exemptions and Additional Regulations	Defines temporary signs exempt from permits, including real estate, construction site, holiday, campaign, and event signage. Specifies size, duration, removal timelines, and usage limits.	- Discuss. The standards exempt “certain” temporary signs from permit requirements. This is confusing. Suggest requiring either a sign permit or a temporary use permit for temporary sign that is not listed as exempted altogether or that is not listed in the proposed section of signs exempted from permit requirements but subject to sign standards - Discuss. Political signs. These are a challenge as State law is content based. Suggest deferring to State law for political signs when in the public right-of-way, and treating political signs on private property as Incidental Signs - Discuss. The <i>Reed</i> ruling makes regulating temporary signs very difficult. Essentially, every lot or every use (including in multi-tenant) gets a temporary sign on top of their usual allowable signage...or no-one gets a temporary sign. Also add a temporary sign to the individual sign types table - Relocate exempt signs (like holiday displays) to the section on exempt signs - Remove the content-based standards in this section
15-274	Determining the Number of Signs	Establishes rules for counting signs. Differentiates between individual and grouped signage, and multi-sided displays.	Relocate to Signs section of new Chapter 5, Measurement
15-275	Computation of Sign Area	Specifies measurement rules, including enclosing sign elements, window coverage, multi-sided signs, signage orientation, and proportional reductions based on distance from streets.	- Relocate to Signs section of new Chapter 5, Measurement - Supplement with illustrations
15-276	Total Sign Surface Area	Sets maximum sign area by zoning type, street frontage, subdivision allowances, and wall-mounted signs. Defines adjustments for multi-frontage lots.	- Relocate to Signs section of new Chapter 5, Measurement - Supplement with illustrations - Discuss if the sign standards for the B-4 District should be carried forward, and if so, with the district standards or individual sign type standards (suggest moving away from the “total sign surface area” concept)

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§	Title	Description	Implementation Ideas in New UDO
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15-277	Freestanding Sign Surface Area	Restricts freestanding sign size based on frontage. Establishes maximums for lot width categories and unconventional sign structures.	- Carry forward with individual sign types standards in new summary table; supplement with definition, districts permitted, applicable standards, and example images - Discuss. Is a free-standing sign a pole sign, a monument sign, or both?
15-278	Number of Freestanding Signs	Limits developments to one freestanding sign but allows exceptions for corner and double-front lots where additional signage is necessary.	Relocate to individual sign table for freestanding signs
15-279	Subdivision and Multi-family Development Entrance Signs	Permits up to two entrance signs with defined surface area caps for residential developments.	Address development entry signage as an individual sign type rather than as a freestanding sign
15-280	Location and Height Requirements	Defines placement setbacks, rooftop signage restrictions, projection limits, encroachment permissions, and overall sign height maximums.	Address freestanding sign dimensional requirements in new section on sign measurement in new Chapter 5, Measurement
15-281	Sign Illumination and Signs Containing Lights	Governs lighting restrictions, including hours of operation near residential zones, shielding, flashing lights, animated displays, and holiday lighting exceptions.	- Discuss. The sign illumination standards would benefit from additional detail – suggest removing limits on illumination based on location – signs may either be internally or externally illuminated or not. Also remove limitations on hours of operation since the Town can not enforce this with current resources - Suggest prohibiting use of string lights or LEDs around doors and windows
15-282	Miscellaneous Requirements	Miscellaneous Requirements: Regulates off-premises signs, animated signage, traffic obstructions, structural stability, prohibited movement features, and safety precautions.	- Disaggregate this section and place in relevant other sections (prohibited signs, freestanding signs, off-premise signs, etc.) - Discuss. Does the reference to “off-premise” signs pertain to outdoor advertising? If so, suggest addressing outdoor advertising as an individual sign type
15-283	Sandwich Board Signs	Sandwich Board Signs: Allows sandwich board signs for businesses in specific zoning districts, setting requirements for placement, size, structural integrity, illumination prohibition, and indoor storage when businesses close.	- Carry forward as an individual sign type - Provide more detail on if these signs are permitted within the right-of-way, and if so, where

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CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE

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Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. - aa. Add a purpose and intent section that provides more detail on how the standards are intended to limit content-based sign regulations to the maximum possible extent, and clarify that when included, content-based standards are narrowly tailored and provided to serve a compelling public interest. Also clarify that the standards are intended to support business activity and first amendment rights - bb. Incorporate a more detailed applicability section that identifies the kinds of signs subject to these standards, and ones that are exempt (including government signs, signs related to parking, signs exempted by State law, and others, as appropriate) - cc. Include a new section on how signs within the right-of-way are regulated - dd. Add a section on signs that are exempted from having to obtain a Sign Permit, but that are still subject to the sign requirements of the Ordinance - ee. Add a section on public murals and a cross reference to public art (as an accessory use) - ff. Use a new summary table-based approach to the standards, definitions, and illustrations related to individual sign types - gg. Supplement with several missing sign types: wall sign, awning sign, banner, projecting sign, EMB, incidental sign, suspended sign, etc. - hh. Add more detail on nonconforming signage in accordance with recent changes in the Statutes ii. Address outdoor advertising – will this sign type be permitted or prohibited?			
Article XVIII. Parking			
15-290	Definitions	Defines terms including vehicle areas, EV stations, green vehicles, gross floor area, and various parking space classifications.	- Supplement these standards with a purpose and intent section, applicability, exemptions, and how changes of use/additions are addressed - Discuss. Does the Town wish to abolish minimum off-street parking standards? This is a difficult issue in places where roadways lack sufficient width for both-side on-street parking, and transit is not robust. Exempting affordable housing from off-street parking is helpful for establishment, but often places a burden on residents. Success with parking is often a matter of public sector provision, which requires a comprehensive approach that relies on regulatory flexibility, including payment-in-lieu

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§	Title	Description	Implementation Ideas in New UDO
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15-291	Number of Parking Spaces Required	Specifies required parking based on use; allows flexible reductions, future conversion space, and establishes EV and bicycle infrastructure requirements.	- Unless abolishing off-street parking altogether, suggest this table be carried forward, but modified to list individual use types rather than use numbers, supplement with minimum and maximum vehicular requirements, supplement with bicycle parking requirements - Review and update table to rely on use intensity metrics that can be identified at site plan review (number of employees, seats, or number of beds can not always be known at site plan review stage) - Suggest removing the parking reserve system for non-residential development - Add additional clarity with standards for addressing unlisted use types - Lower residential parking requirements where possible (allow garage parking to be credited, reduce to 1 space for SFD under 2,000 sf, reduce to 1 per unit for multi-family) - Add guest parking area requirements for multi-family and residential subdivisions with over 10 units - Carry forward bicycle parking requirements but include counts in summary table - Carry forward electric vehicle parking requirements in its own section, but relocate charging station standards to the section on Accessory Uses in new Chapter 4, Land Uses and include a cross reference
15-292	Flexibility in Administration Required	Allows parking/bicycle space deviations when strict application causes underuse or shortage, or for elderly, transit-oriented, or walk-in-oriented developments.	- Carry forward consolidated section that addresses shared parking, off-site parking, valet parking, fee-in-lieu of parking, use of on-street parking, and the procedure for applicants who wish to exceed an applicable parking maximum (via a parking demand study) - Discuss. Waivers of bicycle parking requirements are rare – should this be carried forward? - Parking flexibility provisions should also address surfacing and required location provisions - Suggest the UDO permit reductions in required off-street parking standards for developments that provide low-impact development- or green stormwater infrastructure-configured parking lots - Discuss. Should developments that provide affordable housing units be permitted to waive or reduce compliance with off-street parking standards?
15-292.1	Payment of Fee In Lieu Providing Parking Spaces	Permits developers in specific districts to pay a fee instead of building parking, if nearby public parking is available or planned.	- Relocate to section of parking flexibility - Discuss. Should this be broadened beyond the downtown districts?

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15-293	Parking Space Dimensions	Sets standard and compact car space dimensions; includes requirements for parallel, motorcycle, and subcompact spaces.	- Carry forward and supplement with illustrations - Add standards allowing alternative paving surfacing, but clarify space demarcation requirements for unpaved parking
15-194	Required Width of Parking Area Aisles	Establishes aisle width standards based on parking angle and type; allows alternatives if designed by qualified engineer and approved.	Carry forward and supplement with illustrations
15-295	General Design Requirements	Requires safe, contained vehicle areas with proper circulation; discourages parking between building and street in certain districts.	Carry forward and supplement with illustrations
15-295.1	Design Standards for Bicycle Parking	Requires visible, secure, accessible bike racks; specifies spacing, clearance, structure, signage, and preferred rack types.	- Carry forward and supplement with illustrations - Clarify the allowable means of sheltering
15-296	Vehicle Accommodation Area Surfaces	Specifies surfacing standards based on usage; includes paving exceptions, marking, and maintenance requirements for different conditions.	- Carry forward and supplement with illustrations - Discuss the ability to used alternative surfacing requirements - Clarify that surfacing requirements may not be more restrictive than NCDOT or may be configured as proposed by a licensed professional engineer - Suggest removing 4-year timed compliance requirements for parking lots in light of the recent downzoning bill
15-197	Joint Use of Required Parking Spaces	Allows shared parking across uses with different peak hours; sets ratios for shared use and conditions for satellite parking.	- Consolidate with other parking flexibility mechanisms into a single section - Require submittal of an alternative parking plan for the use of parking flexibility provisions - Shared parking should require recordation of a shared parking agreement between all affected parties - Suggest abolishing shared parking ratio- overly complicated
15-297.2	Creation of Public Parking Lots from Private Parking Areas	Town may create public parking from private lots without affecting parking compliance status of contributing properties.	Discuss. Carry forward, but clarify that in cases where this situation occurs, the use or lot providing the newly-public parking spaces is credited as though those newly-created public spaces are still part of the proposed use – is this documentation recorded?
15-298	Satellite Parking	Allows off-site parking if on-site is impractical; must be within 1000 feet and supported by agreements; some exceptions apply.	- Consolidate with other parking flexibility mechanisms into a single section - Require submittal of an alternative parking plan - Off-site parking should require recordation of a shared parking agreement between all affected parties - Supplement with a maximum distance requirement and required improved pedestrian access - Suggest allowing for any use

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§	Title	Description	Implementation Ideas in New UDO
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15-299	Special Provisions for Lots With Existing Buildings and Lots within Neighborhood Preservation Districts	Grants parking flexibility for older buildings and preservation districts; allows on-site use trade-offs and limited satellite space relocation.	Abolish, unnecessary to have special provisions for these areas; apply basic parking flexibility requirements
15-300	Loading and Unloading Areas	Mandates off-street loading areas sized for building use; prohibits overlapping parking/loading areas; requires safe vehicle maneuvering.	- Discuss. Suggest revising applicability provisions to allow a landowner to determine if off-street loading is or is not necessary – and if necessary, then the loading facilities shall comply with these requirements - Clarify if dedicated loading spaces are required, or if loading may take place outside hours of operation - Clarify that loading facilities must be configured so as to avoid loss of required parking spaces, and so that there are no interruptions in safe on-site circulation
15-301	No Parking Indicated Near Fire Hydrants	Prohibits parking within 15 feet of fire hydrants in paved vehicle areas; requires pavement marking.	Carry forward with other vehicular use area configuration standards
15-302	Limitation on the Total Lot Coverage Devoted to Surface Parking	Limits new developments to 110% of required parking spaces, based on permit-issuing authority's determination.	Incorporate within the summary table of off-street parking requirements by use type
Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. - jj. Add a purpose and intent section, add more detail on applicability and exemptions (including how change of use, redevelopment, and expansions are addressed) - kk. Add standards for stacking (queuing) spaces			
Article XIX. Screening and Trees			
Part I. Screening			
15-304	Council Findings Concerning the Need for Screening Requirements	Identifies screening as essential for reducing noise, glare, and visual pollution while improving privacy and safeguarding public health.	Carry forward with additional information on purpose and intent
15-305	General Screening Standards	Requires screening to shield adjacent properties from negative external effects of developments.	Enhance as new section on applicability and exemptions with additional detail on how expansions and rezoning are impacted by the standards

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15-306	Compliance with Screening Standards	Establishes a table-based presumption of screening requirements that can be adjusted for practical implementation.	- Relocate as the applicability provisions for perimeter buffers - Clarify buffer requirements when abutting vacant land, riparian buffers, floodplains, and other unbuildable areas
15-307	Description of Screens	Defines three types—opaque, semi-opaque, and broken—detailing height, materials, and effectiveness in obstructing visibility.	- Carry forward, but suggest use of term “intermittent” rather than “broken” - Revise into tabular format and supplement with additional detail on plant types, spacing, buffer width, grouping, and alternatives - Include images showing examples
15-308	Table of Screening Requirements	Lists requirements for various use classifications, identifying responsible parties for installation.	Discuss. Removed use-based buffer standards in favor of a zoning district-based approach where buffer type depends upon abutting zoning, not use (this makes it easier to address rezonings and use changes)
15-309	Flexibility in Administration Required	Allows permit issuers to modify screening regulations for efficiency and cost balance.	- Carry forward with other flexibility provisions - Continue to require an alternative planting plan - Add credits for retention of existing trees in required buffer areas, and clarify which sets of required standards may be credited by landscaping (e.g., passive open space set-aside) - Discuss. The degree to which the Town would consider waiving landscaping requirements on larger lots where existing vegetation remains undisturbed and how landscaping can be included to supplement existing vegetation to reach screening performance objectives
15-310	Combination of Uses	Sets screening standards for developments combining multiple principal uses.	Revise to clarify how to address unified developments or instances where a single development spans different zoning districts
15-311	Landscape Plan	Requires landscaping plans for new developments or modifications, subject to review by the Appearance Commission.	Carry forward, but remove the Appearance Commission review
15-311.1	Screening of Flag Lots in the Historic District (HD)	Mandates semi-opaque screening for flag lots in designated areas.	Discuss. This may be able to be addressed with shift towards buffer application at the district level, but need clarity why flag lots requiring buffering but other lots do not
15-312	Protective Buffer Along Major Roads	Requires undisturbed buffers for scenic preservation, with additional screening where necessary.	- Revise this section to establish a new subsection for Streetscape Buffers in the Landscaping and Screening section of new Chapter 7, Standards - Discuss if there are other areas where streetscape buffers (linear planting areas abutting public street rights-of-way) might be required
Part II. Shading and Tree Protection			

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Carrboro New Unified Development Ordinance

Land Use Ordinance Analysis September 2025

CARRBORO LAND USE ORDINANCE (LUO) ANALYSIS TABLE			
§	Title	Description	Implementation Ideas in New UDO
Yellow cells include topics for further discussion with Town staff and officials			
15-314	Council Findings and Declaration of Policy on Protecting Trees and Other Plants	Establishes trees as essential for air quality, climate regulation, erosion control, aesthetics, and public health.	- Carry forward and integrate with Purpose and Intent - Supplement with a new section on Applicability and Exemptions, including additions to existing development
15-315	Definitions	Provides terms for tree types, canopy, protection perimeters, and rare species.	- Carry forward in Terms Defined section of new Chapter 10, Word Usage - Add more clarity to the clear cutting definition - Remove range from definition of tree protection perimeter
15-316	Required Trees Along Dedicated Streets	Mandates tree planting or retention along newly created streets to promote shade and aesthetic appeal.	- Carry forward with other provisions related to streetscape buffers - Discuss. Street trees are potential more appropriate or desirable in some parts of Town, suggest the streetscape buffer standards be broadened to include allowances for street trees in designated areas - Discuss. The requirement for trees on both sides of all roadways becomes confusing along frontages of existing roads where the landowner does not control both sides of the street
15-317	Retention and Protection of Specimen and Rare Trees	Requires preservation of significant trees unless impractical, with criteria for prioritization.	- Carry forward with several clarifications: Are these standards applied to subdivisions? Need more detail about when these trees can be removed (e.g., when interfere with access or make lot unbuildable). - Discuss how mitigation is accomplished here (is it the same as when required trees are removed?) - This section needs more detail about tree protection fencing, and what kinds of activities are or are not permitted within tree protection zones, as well as protection requirements when trees are distant from construction areas - How are specimen and rare trees credited towards required landscaping? Open space set-aside? Tree canopy retention? - Discuss. Is there special authorization for limitations of clearcutting in the transition area? The definition and parameters of clearcutting are very vague and could be clarified - Relocate parking lot reduction to planting flexibility provisions - Note that requirements to retain the oldest trees means that these trees are likely the most fragile and soonest to die
15-318	Shade Trees in Parking Areas	Sets shading requirements for parking areas using deciduous trees.	- Suggest carrying forward but revising to apply shade tree requirements such that no parking space should be more than 30 feet from the trunk of a shade tree (including those planted as part of new parking lot landscaping) - Suggest inclusion of new requirements to limit the placement of parking lot lighting in islands with trees or within 10 feet of an existing or required tree - Suggest removing paving limitation as this prevents placement of trees in parking lot islands

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15-319	Tree Canopy Coverage Standards	Establishes minimum coverage percentages for different land uses, with modifications for solar access or affordable housing.	- Discuss this standard. Does the tree canopy coverage standard apply limitations of development or impervious surface beneath the tree canopy? If so, 40% is a very significant set-aside for residential lot - Discuss. In many instances, tree retention standards are applied based on the amount of pre-development tree cover; if the standards require minimum tree canopy cover, these standards may also be reforestation standards - Discuss. If reforestation is required or allowed, can an applicant remove existing tree cover and then reforest? Subsection (c) appears to allow reforestation after clearing - clarify - Typically, tree retention areas, at least when provided as part of a subdivision, are located outside of buildable lots on common land - Suggest the Town continue to require specimen/rare tree retention and parking lot shading; abolish retention requirements in favor of incentives to retain trees and if necessary, allow tree replacement with reforestation provisions
15-320	Protection of Trees During Construction	Requires developers to protect retained trees through barriers and other preventive measures.	- Carry forward with more detail about tree protection fencing, and how long the protection devices must remain in place - Provide more detail about tree protection for trees well-removed from the development area - Suggest removal of wrapping trunks with boards – use more durable fencing instead - Discuss. Need more clarity about what happens if removal of a protected tree is required or happens by accident
15-321	Performance Security May be Required	Allows the town to require security deposits to cover potential tree loss and replacements.	- Carry forward in the Performance Guarantee procedure in the Specific Applications section of new Chapter 2, Applications - Require performance guarantees to be filed in cases where mitigation is necessary - Review current standards for consistency with the Statutes
15-321.1	Regulation of Forestry Activities	Defines forestry activities and limits tree removal in some areas to prevent clear-cutting.	- Carry this material forward - Discuss. Does the Town wish to add a Tree Clearing Certificate procedure that is required for the removal of trees from a site prior to submittal of a development plan? This creates the context for the delay, clarifies that some trees must be retained around the perimeter, and allows for a longer delay (5 years) if the applicant was aware of the requirement to obtain a Certificate before clearing - Clarify tree removal on bona fide farms and as part of agriculture are also exempted from local rules

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Grey rows at the end of each article identify additional suggested revisions or other potential changes that are not in the current LDO, but we suggest be considered as part of the new UDO. The Annotated Outline prepared in Task 4 will go into more detail on each of these additional suggested revisions. ll. Add additional standards for screening parking lots with shrubs and trees along the perimeter mm. Supplement these standards with new provisions that require screening of refuse and recycling collection, ground-based mechanical equipment, service areas, and outdoor storage nn. Supplement with additional detail on planting standards, ground cover, berms, requirements for species diversity, allowable uses within required landscaping areas, relationships between required setbacks, easements, and required buffers, and cross references to plant list included in new Chapter 11, Appendix			
Article XX. Amendments			
15-320	Amendments in General	Establishes procedures for modifying zoning text, maps, and the comprehensive plan. Defines major and minor map amendments, University Lake Watershed restrictions, and compliance with state water protection rules.	Distinguish between amendments to the Official Zoning Map and amendments to the UDO text, each with its own separate procedure in new Chapter 2, Applications
15-321	Initiation of Amendments	Specifies how amendments can be initiated by local authorities or individuals. Requires petitions with detailed information, consent from all property owners for downzoning, and mandatory neighborhood meetings for zoning classification changes.	- Discuss. Does the Town wish to limit the ability of a 3rd party to initiate a UDO text amendment? - Clarify that no 3rd party rezonings are permitted - Clarify that amendments that result in a downzoning require prior landowner consent - Suggest requiring neighborhood meetings only when the potential intensity of a site will increase as part of a rezoning application
15-322	Planning Board and Other Advisory Consideration of Proposed Amendments	Requires Town Council to refer amendments to the Planning Board and other advisory boards, ensuring consistency with adopted plans. Prohibits voting by advisory board members with financial or associational conflicts.	- Carry forward as part of text or map amendment application procedure - Remove requirement for applications to go before bodies other than Planning Board (if the Town must have multiple board's input, hold a joint meeting with Planning Board) - Clarify requirements for consistency statements from Planning Board - Clarify Planning Board consideration of an amendment is a public meeting, not a public hearing
15-323	Hearing Required: Notice	Requires public hearings for zoning amendments, with notices published, mailed, and posted. Establishes rules for notice timing, coverage area, and exceptions for large-scale rezoning.	- Relocate to Common Review Procedures section of new Chapter 2, Applications - Include in a new summary table of required notice - Discuss. Suggest ensuring the UDO only provides notice in accordance with Statutory requirements (though greater notice may be provided as a matter of policy on a case-by-case basis) - Carry forward provisions on notice content and constructive notice

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15-324	Council Action on Amendments	Defines possible Council actions after public hearings, including voting, study referrals, or delays. Requires adoption of statements on plan consistency, reasonableness, and public interest when approving or rejecting amendments.	- Supplement with details on possible voting - Include decision-making criteria the Town Council may consider - Carry forward consistency statement and discussion of whether the amendment is reasonable and in the public interest (for both map and text amendments)
15-325	Ultimate Issue Before Council on Amendments	Emphasizes public health, safety, and welfare as the central decision criteria for zoning changes. Prohibits consideration of individual benefits or specific land use intentions for non-conditional zoning requests.	Carry forward with zoning map amendment procedure
15-326	Citizens Comments on Zoning Map and Text Amendments	Allows written public comments on proposed zoning amendments, requiring submission before the vote. Provides procedural rules for quasi-judicial proceedings and admissibility under evidence laws.	Carry forward in text and map amendment application procedures in Chapter 2, Applications
Article XXI. Neighborhood Preservation			
Part I. Neighborhood Preservation			
15-330	Neighborhood Preservation District Commission	The Appearance Commission is designated as the Neighborhood Preservation District Commission	- Discuss. Suggest abolition of this Commission. Their role is to review all applications (including Building Permits in some cases) in addition to the other reviews by Town staff and review authorities. This is needless repetition that can be addressed under the current provisions - Discuss. How does this review result in a more appropriate consideration of proposed development since the standards are the same?
15-331	Powers and Duties of the Neighborhood District Commission	Lists the duties and responsibilities of the Commission including recommendations to Council, prepare studies, and review applications.	Suggest deletion
15-332	Review Process for Certain Projects Within a Neighborhood Preservation District; Delay of Permit Issuance	The Commission shall review and provide recommendations on certain development applications in the neighborhood preservation district.	Discuss. Suggest deletion – this additional review and potential delay of permit issuance is an example of inefficient review; if these areas warrant additional review under overlay district standards why can not that review take place using the same process for all other development in the Town?

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15-333	Commission Rules, Procedure and Guidelines	The Commission shall prepare and adopt rules of procedures and principal and guidelines for use when reviewing permit applications. Guidelines shall address items such as height and architectural details	Suggest deletion
15-334	Procedure for Designating a Neighborhood Preservation District	The Commission investigates and prepares a report. Council and the Commission hold a joint public hearing prior to the adoption or amendment of an ordinance to designate a neighborhood preservation district.	Suggest Planning Board be tasked with consideration of amendments to the neighborhood preservation overlay district (including designations of new neighborhoods)
Part II. Historic Preservation			
15-336	Historic District Commission	The appearance commission serves as the historic district commission, regulating preservation matters and issuing certificates of appropriateness.	- Discuss. The Town has no local historic districts or local historic landmarks, thus there is no need for an HPC or a Certificate of Appropriateness procedure - Discuss. Suggest renaming any zoning districts that have them "historic" in them as this is confusing since historic districts have very specific connotations and review procedures in North Carolina
15-337	Powers and Duties of Historic District Commission	Inventories historic sites, recommends district designations, conducts educational programs, advises property owners, and enforces preservation policies.	Suggest deletion
15-338	Procedure for Designating or Amending an Historic District	Requires commission investigations, advisory reviews, and approval from the Town Council and state cultural resources department.	Suggest deletion; not necessary, even in communities that do have local historic districts
15-339	Certificates of Appropriateness	Historic district commission must approve exterior alterations, demolitions, and new developments within districts to maintain architectural integrity.	Delete, not necessary
15-340	Historic District Commission Recommendation on Permit and Other Applications	Reviews land use, zoning, and planning applications within historic districts, issuing formal recommendations to governing authorities.	Delete, not necessary
Appendix A. Information Required with Applications			

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§	Title	Description	Implementation Ideas in New UDO
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A-1	In General	Lists presumptive requirements for applications, including flexibility in submission based on development complexity. Specifies administrative discretion in required information for simple projects like single-family homes and sign permits.	Delete, unnecessary
A-2	Written Applications	Outlines necessary written information in applications, including applicant details, property identification, zoning district, lot size, and development specifics such as floor area and dwelling unit counts.	Relocate to application completeness provisions in Common Review Procedures section of new Chapter 2, Applications
A-3	Development Site Plans	Requires site plans for all applications, visually depicting existing and proposed natural, manmade, and legal features	Address in summary table of required components for site plans, concept plans, and plats in new Chapter 11, Appendix
A-4	Graphic Materials Required for Plans	Specifies map and scale requirements, including location details, north arrow, legend, and proper visual distinction between existing and proposed features	Address in summary table of required components for site plans, concept plans, and plats in new Chapter 11, Appendix
A-5	Existing Natural, Man-Made and Legal Features	Mandates documentation of trees, water bodies, contour lines, streets, utility infrastructure, zoning districts, property boundaries, easements, and existing structures.	Address in summary table of required components for site plans, concept plans, and plats in new Chapter 11, Appendix
A-6	Proposed Changes in Existing Features or New Features	Requires site plans to illustrate modifications to existing features and proposed new development elements such as buildings, parking, signage, lighting, stormwater management, and landscaping.	Address in summary table of required components for site plans, concept plans, and plats in new Chapter 11, Appendix
A-7	Documents and Written Information in Additional to Plans	Lists supplemental documents such as legal proof of property interest, utility certifications, homeowners' association agreements, environmental impact reports, and phased development timelines.	Address in summary table of required components for site plans, concept plans, and plats in new Chapter 11, Appendix
A-8	Number of Copies of Plans and Documents	Requires applicants to submit sufficient copies of all documents for review and record-keeping.	Suggest this be addressed as part of application forms

Appendix B. Specifications on Driveway Entrances

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§	Title	Description	Implementation Ideas in New UDO
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		Requires that all driveways opening onto Town roads conform to NCDOT Manual on Driveway Entrance regulations; urban regulations.	Carry forward in Access and Circulation section of new Chapter 8, Utilities and Infrastructure
Appendix C. Specifications for Street Design and Construction			
C-1	Design Speed. Sight Distance. Centerline Radius	Specifies minimum design speeds, sight distances, and centerline radii by street classification. Alternatives allowed using NCDOT standards if environmentally beneficial and approved.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-2	Cut and Fill Slopes	Street right-of-way cut and fill slopes must not exceed a maximum ratio of 2:1.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-3	Sight Distances at Intersections	Details minimum unobstructed views required at non-stop and stop-controlled intersections, with greater sight distances for intersections with state-maintained primary roads.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-4	Radius at Street Intersections	Street intersection corners must be rounded with minimum radii per diagrams; greater radii required where intersections are not at right angles.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-5	Clearing and Grubbing	Contractor responsible for clearing designated areas and disposing of all vegetation or debris by removal or approved on-site disposal.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-6	Grading and Compaction	Grading must meet engineer's specifications. Subgrade must be compacted to 100% AASHTO T99 and proof-rolled; unsuitable materials removed and replaced.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-7	Street Base	Requires an 8-inch compacted crushed stone base (Type ABC), placed in 4-inch layers and kept free of contaminants, per NCDOT standards.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-8	Street Surfaces	Specifies a 2-inch Type I-2 asphalt surface layer, installed per NCDOT standards for materials, handling, and placement.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure

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C-9	Pavement Section Variations	Allows pavement design adjustments by a qualified engineer based on soil tests; public works director may require stronger or allow lesser standards.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-10	Street Cross Sections	Streets and utility placements must conform to Standard Drawing Nos. 6 or 7.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-11	Curb and Gutter	Curb and gutter must meet N.C. Highway standards; constructed to 30-inch width with vertical face and proper formwork and expansion joints.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-12	Sidewalks	Concrete sidewalks must be 4 inches thick (6 inches at driveways), compacted to AASHTO T99; brick sidewalks require base, drainage, edge restraints, and specific installation techniques.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-13	Wheelchair Ramps	Wheelchair ramps are to be constructed per Standard Drawing No. 9 wherever required.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-14	Stormwater Runoff Control	Drainage facilities must meet NCDOT standards; certain culvert types disallowed; 12-inch minimum cover unless approved otherwise.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
C-15	Sedimentation Control	Contractor must promptly dress and seed all shoulders, swales, curbs, and banks using mixtures approved by the Orange County Erosion Control Officer.	Relocate to an outside Manual of Standards, Specifications, and Designs for infrastructure
Appendix D. Vehicle Accommodation Area Surfaces			
D-1	Paved Surfaces	Provides regulations for paving vehicle accommodation areas with asphalt or concrete.	Carry forward with other vehicular use area surfacing standards in Parking and Loading section of new Chapter 7, Standards
D-2	Unpaved Surfaces	Allows Size 13 crushed stone to be used in the same manner as and in lieu of asphalt, concrete or other paving materials.	Carry forward with other vehicular use area surfacing standards in Parking and Loading section of new Chapter 7, Standards
Appendix E. Screening and Trees – Guide for Landscaping			

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§	Title	Description	Implementation Ideas in New UDO
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E-1	Guide for Protecting Existing Trees	Outlines methods for tree protection during construction, including fencing, limiting excavation and compaction, armoring, pruning damaged roots, and prohibiting paving within the dripline.	This material should be included in the Tree Protection portion of the Landscaping and Screening section of new Chapter 7, Standards
E-2	Standards for Street and Parking Lot Trees	Specifies desirable tree traits for street and parking use including hardiness, growth rate, branching, foliage density, low maintenance, and compatibility with planting strip size.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-3	Formula for Calculating Twenty Per Cent Shading of Paved Vehicle Accommodation Areas	Provides a ten-step formula to calculate how many shade trees are required to meet 35% shading requirements in parking lots, accounting for tree crown size and placement.	Delete; suggest a maximum spacing standard from shade trees in parking lots
E-4	Typical Parking Lot Planting Islands	Illustrates example planting islands in parking areas, including tree spacing, shading area adjustments for small trees, and relevant cross-references to planting lists.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-5	Guide for Planting Trees	Outlines best practices for tree planting including site selection, hole preparation, drainage considerations, backfill, mulching, staking, and post-planting care following ISA standards.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-6	Typical Opaque Screens	Depicts screen types with dense elements like evergreen shrubbery, stone walls, fences, and trees planted closely together, using references from planting lists E-10(a) and (b).	Relocate to perimeter buffers section or replace with new illustrations in the Landscaping and Screening section of new Chapter 7, Standards
E-7	Typical Semi Opaque Screens	Describes screen designs using varied vegetation and physical barriers (e.g., rail fences, berms), referencing E-10(a), (c), and (d) for compatible plants.	Relocate to perimeter buffers section or replace with new illustrations in the Landscaping and Screening section of new Chapter 7, Standards
E-8	Typical Broken Screens	Illustrates informal, visually permeable screen types using assorted shrubbery and small trees spaced apart; based on selections from planting list E-10(f).	Relocate to perimeter buffers section or replace with new illustrations in the Landscaping and Screening section of new Chapter 7, Standards

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E-9	Guide for Planting Shrubs	Recommends following tree planting guidelines with adaptations per species. Cites reference text for species-specific care; book available via Carrboro Planning Department.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-10	Lists of Recommended Trees and Shrubs	Provides categorized plant lists suitable for screening and shading, selected for Piedmont hardiness, low maintenance, and nursery availability. Encourages use of native or proven species.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-11	Small Trees for Partial Screening	Recommends 16 tree species under 30 feet in height for use in various screen types. Many are drought-tolerant, low maintenance, and attract wildlife.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-12	Large Trees for Evergreen Screening	Lists eight evergreen tree species appropriate for large-scale screening. Emphasizes rapid growth, moderate maintenance, and use near commercial or industrial developments.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-13	Large Trees for Shading	Includes 16 tree species ideal for shading parking lots and streets. Trees are selected for wide crowns, environmental resilience, and, in many cases, rapid growth.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-14	Small Shrubs for Evergreen Screening	Recommends low-growing shrubs under six feet suitable for semi-opaque screens. Includes evergreens and select vines; highlights tolerance to site conditions and maintenance needs.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-15	Large Shrubs for Evergreen Screening	Lists evergreen shrubs over six feet in height suitable for opaque screens. Describes growth habits, maintenance, sun/shade tolerance, and appropriateness for dense screening.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
E-16	Assorted Shrubs for Broken Screens	Suggests deciduous and evergreen shrubs for informal broken screens, offering visual variety. Not suitable for full screening. Emphasizes native adaptability and seasonal interest.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix

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E-17	List of Invasive Plant Species	Prohibits specific invasive plants for screening and shading compliance. Lists 28 plants, categorized by plant type (woody, herbaceous, aquatic). Cites external resources.	Carry forward in Planting Specifications portion of new Chapter 11, Appendix
Appendix F. Noise Management Data Sheet			
		Worksheet to record noise levels	Eliminate. This is a Town staff function
Appendix G. Method Uses in Calculating Point Values for Active Recreation			
		4 step method to determine value of active recreation facilities based on the square foot values	Discuss. Suggest deleting point system approach to active open space set-aside and simply requiring an amount of land to be set aside and specify the range of features that may be credited toward active recreation features
Appendix H. Example of Section 15-92.1, Setback Exceptions			
		Visual diagram of setback exception outlined in Section 15-92.1	Relocate to setback exceptions portion of the Setback section of new Chapter 5, Measurement
Appendix I. Storm Drainage Design Manual			
		Manual for the design of swales, culverts, and other components of the storm drainage system	Relocate to outside the UDO
Appendix J. Noise Levels [dB(A)] for Common Indoor and Outdoor Sounds			
		Diagram outlining the noise levels in dB(A) for typical indoor and outdoor sounds.	Delete; non-regulatory
Appendix K. Design and Management Handbook for Preservation Areas in Lower Merion Township, Montgomery County, PA			
		A 1993 model document that provide design guidelines for Preservation Areas	Discuss. Why are standards for a township in a different state included in Carrboro's LDO?
Appendix L. Village Mixed Use and Affordable Housing Vernacular Standards			
		A 1999 guideline document that outlines the architectural vernacular for residential construction that gives Carrboro a unique sense of place.	Remove; the majority of these provisions are no longer permitted as requirements – they can be included as guidelines, but if guidelines, likely better to include outside UDO

END OF TABLE

NOTE: For the sake of clarity, this table references new chapters and sections in the new UDO. The proposed UDO Chapters are as follows: 1) Administration; 2) Applications; 3) Districts; 4) Land Uses; 5) Measurement; 6) Nonconformities; 7) Standards; 8) Utilities and Infrastructure; 9) Violations; 10) Word Usage; 11) Appendix





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