

Town of Carrboro

301 W. Main St., Carrboro, NC 27510



Meeting Agenda - Final

Tuesday, October 24, 2023

7:00 PM

Council Chambers - Room 110

Town Council

7:00-7:10**A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS**

1. [23-296](#) A Resolution Supporting Operation Green Light for Veterans
Attachments: [A: Resolution Operation Green Light for Veterans](#)
2. [23-297](#) A Resolution Honoring Braxton Foushee
Attachments: [A: Resolution Honoring Braxton Foushee](#)

7:10-7:15**B. ANNOUNCEMENT OF UPCOMING MEETINGS****7:15-7:25****C. PUBLIC COMMENT****7:25-7:35****D. CONSENT AGENDA**

1. [23-294](#) Approval of Meeting Minutes from Town Council retreat held on January 21, 2023; Town Council meetings held on February 14, 21 and 28, 2023; and Town Council meeting held on October 17, 2023.
2. [23-234](#) Contract Authorization and Project Ordinance Adoption for Jones Ferry Road Median Modifications Associated with the Jones Ferry Road Restriping Project

PURPOSE: The purpose of this agenda item is to request that the Town Council authorize the Town Manager to execute a contract to Triangle Grading & Paving to modify the three sections of the center median on Jones Ferry Road and to adopt a project ordinance.

Attachments: [A - Resolution & Capital Project Ordinance](#)
[B - Cover Sheet - Extracted from Jones Ferry Median Modifications Plans_20230512](#)
[C - Pocket Questions JRF Median Work_09-19-2023.docx](#)

3. [23-275](#) Amendment to Capital Project Ordinance for Bike Loop Detector Project (TIP# U-4726DF) to Incorporate Additional STBG-DA Funds

PURPOSE: The purpose of this agenda item is to request that the Town Council approve an amendment to the project ordinance to increase funding so this project can advance to bidding for construction.

Attachments: [A - BICYCLE LOOP DETECTORS CIP ORDINANCE \(rev\).docx](#)
[B - Excerpt from NCDOT FY2020-2029 STIP FHWA Approved \(highlighted\).pdf](#)
[C - Pocket Questions.docx](#)

4. [23-283](#) Resolution for Clarification of the Westwood Cemetery Master Plan Greenspace

PURPOSE: The purpose of this item is to further clarify the intent to not develop the designated greenspace of the Westwood Cemetery

Attachments: [Resolution to Clarify Westwood Master Plan Greenspace](#)
[B: Racial Equity Pocket Questions](#)

5. [23-271](#) Special Use Permit-A Extension Request for Lloyd Farm, Phase 1 at 700 and 706 Old Fayetteville Road

PURPOSE: The purpose of this agenda item is for Town Council to review a request for an extension of the date when a Special Use Permit-A would otherwise expire for Lloyd Farm, Phase 1. This permit expires on October 24, 2023. The town staff recommends approval of the request.

Attachments: [Attachment A - SUP-A Extension Resolution](#)
[Attachment B - Staff Report](#)
[Attachment C - Letter From Applicant](#)
[Attachment D - Permit Extension Pocket Questions](#)

7:35-8:00

E. PUBLIC HEARING

1. [23-278](#) Legislative Public Hearing on Land Use Ordinance Text Amendment Regarding Residential Density in Planned Unit Developments

PURPOSE: The purpose of this agenda item is to consider a text amendment to the Land Use Ordinance regarding residential density in Planned Unit Developments (PUDs). A draft ordinance has been prepared. The Town Council must receive public comment before making a decision.

Attachments: [A - Consistency Resolution_PUD_10-24-2023.docx](#)
[B - Draft Ordinance_PUD_09-19-2023.pdf](#)
[C - PUD Staff Report_10.5.23.pdf](#)
[D - LUO Excerpts Art. IX & X Bundled.pdf](#)
[E - Recommendations_10-18-2023.pdf](#)
[F - Pocket Questions - PH Text Amendment_PUD_10-06-2023.docx](#)

2. [23-277](#) Legislative Public Hearing on Land Use Ordinance Text Amendments Modifying Residential Parking

PURPOSE: The purpose of this agenda item is for the Town Council to consider text amendments to the Land Use Ordinance that would modify residential parking requirements. A draft ordinance has been prepared. The Town Council must receive public input before making a decision.

Attachments: [A - Consistency Resolution_Parking_10-24-2023.docx](#)
[B - Draft Ordinance_09-29-2023 \(no tracking\).doc](#)
[C - Draft Ordinance_09-29-2023 \(tracking\).doc](#)
[D - Staff Report_10-20-2023.pdf](#)
[E - Recommendations Combined_10-20-2023.pdf](#)
[F - PQ - PH -Text Amendment_Parking_10-19-2023.pdf](#)

8:00-8:30

F. OTHER MATTERS

G. MATTERS BY COUNCIL MEMBERS

CLOSED SESSION 143-318.11 (A)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

CLOSED SESSION 143-318.11(A)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-296

Agenda Date: 10/24/2023

File Type: Agendas

In Control: Town Council

Version: 1

A Resolution Supporting Operation Green Light for Veterans

A RESOLUTION SUPPORTING OPERATION GREEN LIGHT FOR VETERANS

WHEREAS, the people of Carrboro respect, admire, and appreciate the individuals who selflessly have served the United States of America in the Armed Forces by placing themselves in challenging or perilous situations; and

WHEREAS, the contributions and sacrifices of those individuals who served in the Armed Forces have been vital in maintaining the freedoms and ways of life that we enjoy in our local communities; and

WHEREAS, Operation Green Light is a nationwide initiative to support veterans and raise awareness about the challenges many veterans face in accessing benefits and services;

WHEREAS, approximately 70 percent of veterans experiencing homelessness also experience substance use disorders, and 50 percent live with mental illnesses such as posttraumatic stress disorder; and

WHEREAS, approximately 200,000 service members transition to civilian communities annually, and an estimated 20 percent increase of service members will transition to civilian life in the near future; and

WHEREAS, studies indicate that 44 to 72 percent of service members experience high levels of stress during transition from military to civilian life, and active service members transitioning from military service are at a high risk for suicide during their first year after military service; and

WHEREAS, veterans continue to serve our communities in the American Legion, Veterans of Foreign Wars, religious groups, community organizations, and civil service, and as County Veteran Service Officers in 29 states to help fellow former service members access more than \$52 billion in federal health, disability, and compensation benefits each year; and

WHEREAS, the Town of Carrboro seeks to join other communities through Operation Green Light for Veterans to shine a light on the plight of veterans across the country who are having a hard time connecting with benefits after serving their country; and

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council declares the period from November 6 through Veterans Day, November 11, and ending November 12, 2023,

to be a time to honor the service and sacrifice of individuals in uniform transitioning from active service;

BE IT FURTHER RESOLVED that, in observance of Operation Green Light, the Town of Carrboro shall display green lights on Carrboro Town Hall, and the Town Council encourages residents to participate by displaying a green light in a window of their place of business or residence from November 6 through November 12.

This the 24th day of October 2023.



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-297

Agenda Date: 10/24/2023

File Type: Agendas

In Control: Town Council

Version: 1

A Resolution Honoring Braxton Foushee

A Resolution Honoring Braxton Foushee

WHEREAS, The Honorable Braxton Dunkin Foushee was born on December 13, 1939; and

WHEREAS, Braxton Dunkin Foushee, around the age of 15 years, became part of a voter registration project and worked with Ms. Rebecca Clark to escort and protect older Black citizens to register to vote in Carrboro; prior to their involvement, citizens of Carrboro had to guess how many jellybeans were in a jar in order to register, following a national pattern of voter disenfranchisement; and

WHEREAS, in 1961, Braxton Dunkin Foushee began to work with the local labor movement in Carrboro and Chapel Hill, advocating for equal pay and fair treatment for Black residents; and

WHEREAS, in 1969, Braxton Dunkin Foushee became the first Black member of the Carrboro Town Council (then known as the Board of Aldermen) and served until 1981; and

WHEREAS, Braxton Dunkin Foushee championed many issues which impacted the Black community in Carrboro, including ensuring equitable access to paved roads, sidewalks, and bicycle infrastructure for the Black residents of Carrboro; and

WHEREAS, Braxton Dunkin Foushee worked tirelessly to fight injustices against Black residents by law enforcement in the 1970s, resulting in state agencies investigating and diversifying the Carrboro Police Department in the late 1970s; and

WHEREAS, Braxton Dunkin Foushee has dedicated over 54 years of his life to continuous service, as an elected official, a member of a town advisory board, and a community leader;

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Town Council hereby honors and thanks Braxton D. Foushee for his tremendous service to the Town of Carrboro.

BE IT FURTHER RESOLVED that the Carrboro Town Council designates December 13, 2023, and every December 13th thereafter, as “Braxton Dunkin Foushee Day of Service” in Carrboro, on which day the Town encourages the residents of Carrboro to learn and reflect on Carrboro's Black history and perform an act of service to their neighbors or the community.

This the 24th day of October 2023.



Town of Carrboro

301 W. Main St., Carrboro,
NC 27510

Agenda Item Abstract

File Number: 23-294

Agenda Date: 10/24/2023

File Type: Agendas

In Control: Town Council

Version: 1

Approval of Meeting Minutes from Town Council retreat held on January 21, 2023; Town Council meetings held on February 14, 21 and 28, 2023; and Town Council meeting held on October 17, 2023.



Agenda Item Abstract

File Number: 23-234

Agenda Date: 10/24/2023

File Type: Agendas

In Control: Town Council

Version: 1

Contract Authorization and Project Ordinance Adoption for Jones Ferry Road Median Modifications Associated with the Jones Ferry Road Restriping Project

PURPOSE: The purpose of this agenda item is to request that the Town Council authorize the Town Manager to execute a contract to Triangle Grading & Paving to modify the three sections of the center median on Jones Ferry Road and to adopt a project ordinance.

DEPARTMENT: Public Works, Planning, and Finance

CONTACT INFORMATION: Ben Schmadeke, Capital Project Manager, 919-918-7424, bschmadeke@carrboronc.gov <<mailto:bschmadeke@carrboronc.gov>>; Christina Moon, Planning Administrator, 919-918-7325, cmoon@carrboronc.gov <<mailto:cmoon@carrboronc.gov>>; Arche McAdoo, Finance Director, 919-918-7439, AMcAdoo@carrboronc.gov <<mailto:AMcAdoo@carrboronc.gov>>

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

The installation of a westbound buffered bike lane on Jones Ferry Road is a priority project in the 2021 Bicycle Plan Update and by extension, included as a project in the Comprehensive Plan. The project will advance Town interests in race & equity and reducing greenhouse gas emissions as well.

INFORMATION: NCDOT is scheduled to resurface Jones Ferry Road in the summer of 2024. The Town has prepared a pavement marking plan to modify the street cross section such that buffered bike lanes can be added to the westbound lane from Alabama Avenue to the Willow Creek Shopping Center. In order to provide sufficient space for a bike lane, three sections of existing center median need to be narrower. The Town is responsible for completing this work prior to the resurfacing project. A graphic showing the location of the median work is provided (*Attachment B*).

On August 11, 2023, a formal bid was advertised on the Town website. Three firms submitted bids by the September 14th deadline. A summary of the bid results is provided in Table 1 below.

Table 1 - Summary of Bids

Bidder	Bid Amount	NC Certified HUB
Hollins Construction Services	\$392,425.00	100%
The Sunrock Group	\$361,598.50	13.6%
Triangle Grading & Paving	\$343,692.00	0%

Staff anticipates issuing a Notice of Proceed (NTP) in January 2024. Construction will proceed shortly thereafter and be complete by May 2024. The median modification project must be sequenced prior to the NCDOT resurfacing.

NCDOT will complete the resurfacing project between May and August of 2024, as part of its regular summer resurfacing schedule. NCDOT work includes milling the existing pavement, micro-milling as needed to improve the grading around drop-inlet grates in the bike lanes, paving and installation of pavement markings. The new westbound permanent bike lane will be made functionable at this time. Some signal changes will also be needed to accommodate the lane shift and will be the Town's responsibility to complete in tandem with the paving process. Town staff will remove the existing plastic delineators along the eastbound bike lane and re-install them once the work is finished. It should be noted that if the Town does not proceed with the median work, the resurfacing work will occur without the installation of the buffered westbound bike lane.

FISCAL IMPACT: The anticipated cost for the Town's portion of the project is \$418,592; this includes the median modification and the subsequent design and construction for the necessary signal changes. \$218,414 of American Rescue Plan Act (ARPA) funds earmarked for the implementation of the Bike Plan, and \$200,178 of Town capital funds for Bike-Ped Project PL 20212 have been identified to cover project costs.

Staff impacts will involve project management, coordination with the vendor and NCDOT, and public communication relating to possible lane closures.

RECOMMENDATION: The Town Manager recommends that the Town Council adopt the resolution (*Attachment A*) authorizing the Town Manager to award the contract to Triangle Grading & Paving and adopting a Project Ordinance to reflect the total project costs. The Town Council reserves the right to reject any or all proposals.

A RESOLUTION FOR AWARDING THE CONTRACT AND ESTABLISHING A PROJECT
ORDINANCE FOR THE MEDIAN MODIFICATIONS AND RELATED COSTS
ASSOCIATED WITH THE JONES FERRY ROAD RESTRIPIING PROJECT

WHEREAS, the Town has advertised and received three (3) quotes for the Jones Ferry Road Median Modifications project; and,

WHEREAS, these modifications are necessary to provide sufficient space to install a westbound dedicated bike lane at the time of the Jones Ferry Road resurfacing and restriping project and,

WHEREAS, American Rescue Plan Act (ARPA) funding has been established by the Town Council for Bike Plan implementation and related projects; and,

WHEREAS, bidding and advertising for the median modification portion of the project were performed in compliance with state and federal requirements; and,

WHEREAS, staff have identified Triangle Grading & Paving out of Raleigh, North Carolina, as the lowest cost responsive and responsible bidder and recommend that they be awarded the contract for the median modification; and,

WHEREAS, additional appropriations have been allocated for costs associated with design and construction for the necessary signal changes as shown below; and,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO THAT:

1. The Jones Ferry Road Median Modification and Restriping Capital Project Ordinance is hereby authorized to be undertaken until all project activity is completed.
2. The revenues for the project include Federal American Rescue Plan Act (ARPA) funds and Town capital funds for PL 20212 as follows:

	Current Appropriation	Increase (Decrease)	New Appropriation
Federal American Rescue Plan Act (ARPA) Funds	\$200,178.00		
Town Bike-Ped Project PL 20212		\$218,414.00	\$418,592.00
	\$200,178.00		\$418,592.00

3. The expenditures for the project are

Median Work – Construction	\$343,692.00
CEI Services	\$11,900.00
Signal Work – Design	\$13,000.00
Construction	<u>\$50,000.00</u>
	\$418,592.00

4. The Town Manager is authorized to award the contract for the Jones Ferry Road Median Modifications project to Triangle Grading & Paving in the amount of \$343,692.00.
5. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director and Public Works Director.

This the 24th day of October 2023.

STATE	STATE PROJECT REFERENCE NO.	SHEET NO.	TOTAL SHEETS
N.C.		1	4

INDEX OF SHEETS

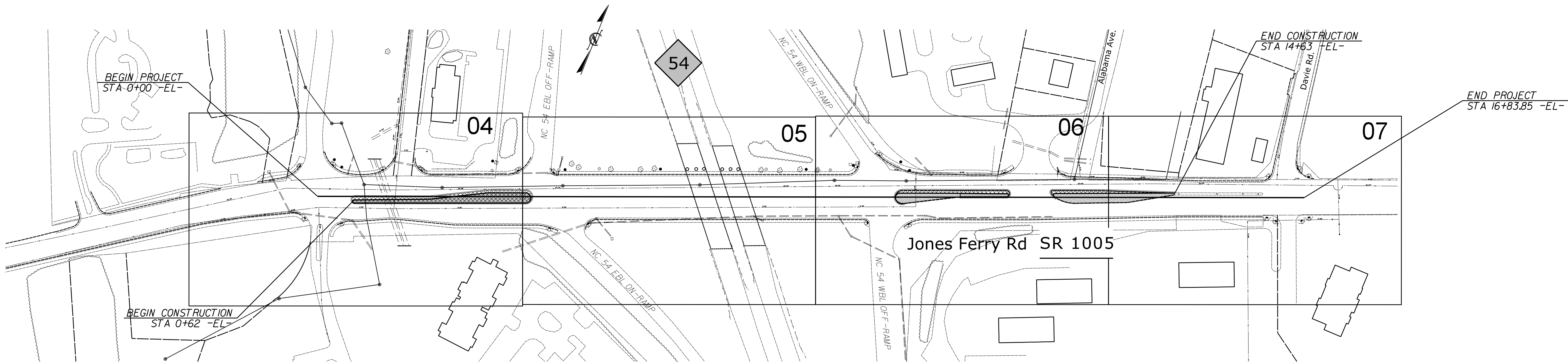
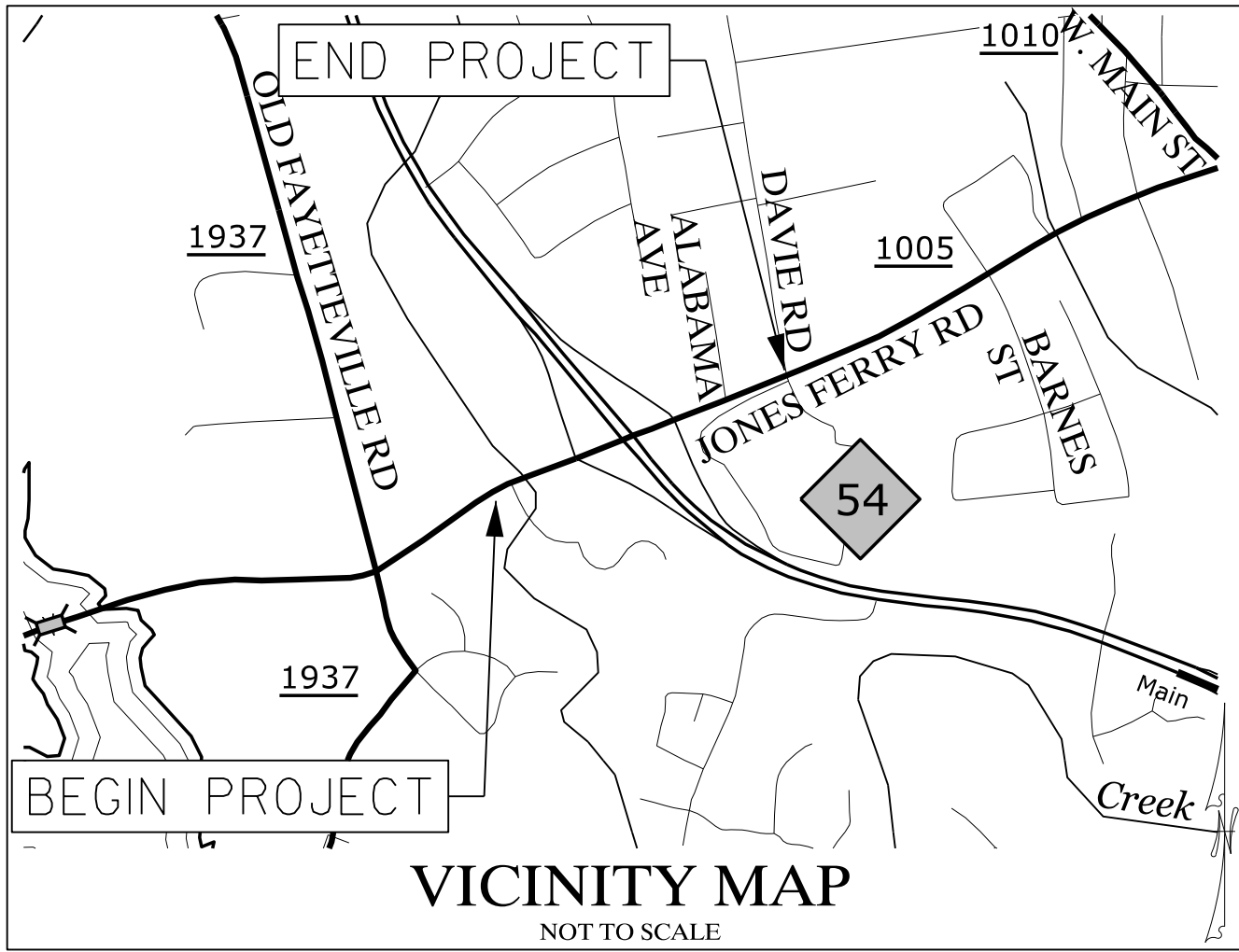
SHEET NUMBER	SHEET
C-01	Title Sheet
C-01A	Symbology
C-02	Notes
C-03	Typicals
C-04 – C-07	Concrete Islands Plan
C-08 – C-11	Temporary Pavement Markings Plan

TOWN OF CARRBORO
PUBLIC WORKS

JONES FERRY RD MEDIAN
MODIFICATIONS PROJECT

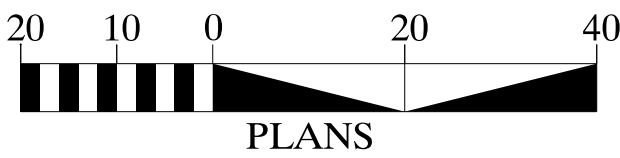
LOCATION: SR 1005, JONES FERRY ROAD BETWEEN SHOPPING
CENTER ENTRANCE AND DAVIE RD (NON-SYSTEM)

TYPE OF WORK: INSTALL CONCRETE ISLANDS, TEMPORARY
MARKINGS



DATE: 5/12/2023

GRAPHIC SCALES



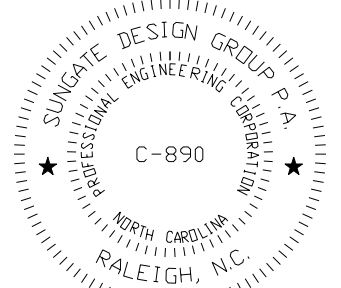
DESIGN DATA
NCDOT - JANUARY 2018
STANDARD SPECIFICATION

TOWN OF CARRBORO
STANDARDS

PROJECT LENGTH

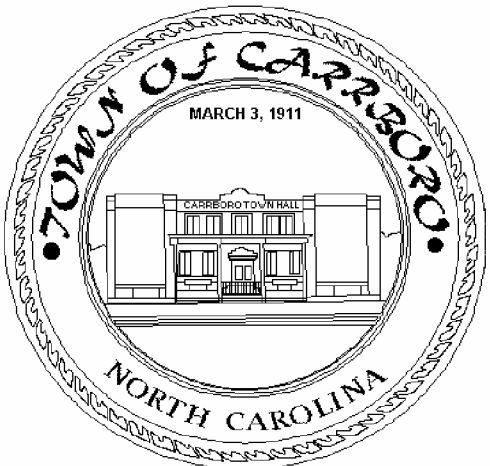
Prepared in the Office of:
SUNGATE DESIGN GROUP, P.A.

905 JONES FRANKLIN ROAD
RALEIGH, NORTH CAROLINA 27606
TEL (919) 859-2243
ENG FIRM LICENSE NO. C-890



JOSHUA G. DALTON, P. E.
PROJECT ENGINEER

SIGNATURE: _____ P. E.



RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Jones Ferry Road Median Modifications Associated with the Jones Ferry Road Restriping Project

Department: Public Works, Planning, and Finance

What are the Racial and Equity impacts? The Jones Ferry Road corridor extends through a Qualified Census Tract, serves a number of apartment complexes and provides access to a number of historically black neighborhoods such as Alabama Avenue neighborhood, Lincoln Park, Glosson Circle. The corridor include portions of census tract (107.07, 107.08, and 107.10). Residents living along the northern side of the road, which includes the Alabama Avenue and Glosson Circle neighborhoods have a median income of \$44,357; approximately 70.7% are listed as White, 15.1% Black, 19.1% Hispanic/Latinx, 10.7% Asian, and 3.5% multi/other. The southern side of the road includes Collins Crossing Apartments. The median income is \$57,479; approximately 34.9% of the residents are White, 54.7% Black, 10.6% Hispanic/Latinx, 6.4% Asian and 4% Multi/other. Residents living along the southern side of the road across from the Willow Creek Shopping Center, including the Ashbrook Apartments, have a median income of \$71,336; 83% are White, 5.9% Black, 6.9% Hispanic/Latinx, 5.8% Asian and 5.4% Multi/other.

It should be noted that this agenda item is a procedural step necessary to award a construction contract to narrow the center median between Davie and the Willow Creek Shopping Center, to allow for the installation of a westbound buffered bike lane as part of NCDOT's resurfacing project in FY24. No sidewalks or other infrastructure improvements are proposed as part of the project.

Who is or will experience community burden? There may be some burden to residents living along the corridor or with direct access to it during construction. Noise, dust, lane closures are all standard impacts associated with road construction projects. There should not be any additional burden to residents or business along the corridor once construction is completed.

Who is or will experience community benefit? The installation of a westbound buffered bike lane will substantially improve the safety of residents using bike lane, and provide a direct access to important daily destinations such as a grocery store, pharmacy and laundromat. The facilities would be on a public street, available to all residents using the corridor.

What are the root causes of inequity? Structural racism in government decisions, particularly those relating to transportation and land use, as well as residents' personal experiences with government, can contribute to a reticence by historically marginalized people to speak in a public setting. Working individuals and families may also find it difficult to attend public meetings when transportation projects are discussed due to work schedules and/or access to public transportation.

What might be the unintended consequences of this action or strategy? Some residents may not have access to a bicycle or scooter, may not have a helmet or reflective gear for evening/night use. Other residents may not know how to ride a bicycle or may be unable to ride based on age/abilities. Additional action would be needed for those residents to utilize the new infrastructure.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? The project would need to include a traffic management plan for all modes, including transit, people on bicycles and pedestrians. Door tags and/or targeted mailings with a phone number for questions/concerns could be distributed prior to construction to limit the disruption. Regular news releases could be provided during construction.

The Town has some child-size helmets that could be provided to younger people with appropriate assistance with fitting, typically from the Police Department. The Town is also looking at opportunities to purchase bike lights (white in front/red in back) and reflective gear that could be provided at TDM events and other programs.



Agenda Item Abstract

File Number: 23-275

Agenda Date: 10/24/2023
In Control: Town Council
Version: 1

File Type: Agendas

Amendment to Capital Project Ordinance for Bike Loop Detector Project (TIP# U-4726DF) to Incorporate Additional STBG-DA Funds

PURPOSE: The purpose of this agenda item is to request that the Town Council approve an amendment to the project ordinance to increase funding so this project can advance to bidding for construction.

DEPARTMENT: Finance, Planning

CONTACT INFORMATION: Arche McAdoo, Finance Director, amcadoo@carrboronc.gov <<mailto:amcadoo@carrboronc.gov>>, 919-918-7349; Tina Moon, Planning and Transportation Administrator, cmoon@carrboronc.gov <<mailto:cmoon@carrboronc.gov>>, 919-918-7325

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

Recommendations for the installation of Bike Loop Detectors in Carrboro are included in the 2009 Carrboro Comprehensive Bicycle Transportation Plan, Chapter 7, Design Guidelines, <<https://www.carrboronc.gov/737/2009-Bike-Plan>>, and the 2005 Carrboro Downtown Transportation Study, Appendix F, Bicycle Detection Project Summary <<https://www.carrboronc.gov/DocumentCenter/View/1941/Carrboro-Downtown-Transportation-Study>>. Racial Equity Pocket Questions are included as Attachment C.

INFORMATION: In December 2022, the Town Council authorized the Town Manager to execute a supplemental agreement with the North Carolina Department of Transportation (NCDOT) to extend project milestones, and to allocate local discretionary funds (federal STBG-DA) to the project by way of a State Transportation Improvement Program (STIP) amendment request (see [Minutes \(56\).pdf](#) <<https://www.carrboronc.gov/DocumentCenter/View/1941/Carrboro-Downtown-Transportation-Study>>, pages 5 and 6). In June 2023, the NCDOT Board of Transportation amended the FY2020-2029 STIP which formally allocated the additional funds to the project (Attachment B). An amendment to the capital project ordinance is needed to incorporate these funds to the project budget.

Upon notice of this approval, a request for an updated municipal agreement will be initiated, and the agreement executed.

The Town has engaged Stantec to update the construction plans and specification manual to meet current NCDOT standards prior to advertising for bid. Both the plans and manual are 90-percent complete. NCDOT is reviewing the Categorical Exclusion document and ROW authorization to determine if additional modifications are needed.

FISCAL IMPACT: The STIP amendment added \$96,000 of federal funds to the project. Town funds have

been identified from Bike-Ped project PL 20212 to cover the necessary local match of \$4,000.

RECOMMENDATION: The Town Manager recommends that the Town Council adopt the ordinance increasing the capital project funding for the Bike Loop Detector project, U-4726DF.

AMENDMENT TO BICYCLE LOOP DETECTORS CAPITAL IMPROVEMENT PROJECT ORDINANCE

WHEREAS, the Town of Carrboro, has received funding from the North Carolina Department of Transportation (NCDOT) under the federal Surface Transportation Program-Direct Attributable (STP-DA) program for the design and construction of Bicycle Loop Detectors; and,

WHEREAS, on December 6, 2022, the Town Council of the Town of Carrboro authorized staff to submit a TIP amendment to the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) to allocate \$120,000 of federal Surface Transportation Block Grant Program (STBG-DA) local discretionary funds to the project in order to complete construction; and

WHEREAS, in June 2023, the NCDOT Board of Transportation amended the FY2020-2029 NCDOT STIP allocating the additional funds to the project; and

WHEREAS, local funds are required and have been designated from Town's Bicycle and Pedestrian Project PL 20212 fund to match the NCDOT STP-DA funding award;

NOW, THEREFORE PURSUANT TO N.C.G.S 159-13.2, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CARRBORO THAT:

1. The Bicycle Loop Detectors Capital Improvement Project is hereby authorized to be undertaken until all project activity is completed.
2. The revenues for the Bicycle Loop Detectors Capital Improvement Project are amended as follows:

	<u>Current Appropriations</u>	<u>Increase (Decrease)</u>	<u>New Appropriation</u>
Federal STP-DA Funds	\$ 30,000.00		\$30,000.00
Federal BGDA Funds		\$96,000.00	\$96,000.00
Town General Fund	\$ 27,500.00		\$27,500.00
Town Bike-Ped Project PL 20212		\$4,000.00	\$ 4,000.00
	\$ 57,500.00		\$157,500.00

3. The expenditures for the project are amended as follows:

Design, Environmental Documentation	\$ 18,525.00
Construction	\$ 138,975.00

4. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director and Planning Director.

DIVISION 7

DIV - Division Category	EX - Exempt Category
HF - State Dollars (Non STI)	REG - Regional Category
SW - Statewide Category	TRN - Transition Project

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: The purpose of this agenda item is to amend the Capital Project Ordinance for the design and installation of bicycle loop detection at four intersections, three in downtown (Weaver/Greensboro, Main/Greensboro, Main/Roberson) and one at West Poplar and NC 54 (TIP# U-4726DF).

Department: Planning and Finance

What are the Racial and Equity impacts? Bike loop detection involves the use of a light-weight conductive loop embedded in the pavement to advance the light cycle at a traffic signal, thereby allowing a person on a bicycle to advance through an intersection more quickly. BIPOC populations are more likely to face barriers to accessing reliable transportation and use bicycles as a primary form of transportation. It is much safer for people on bicycles to travel with the green light than to proceed through an intersection against the light. The locations for the bike loop detectors include heavily trafficked areas in the downtown and at a key crossing point along NC 54 in the vicinity of the Chateau Apartments, West End Flats Apartments and Carolina Springs Senior Apartments.

Who is or will experience community burden?

The installation of bike loop detectors typically occurs within hours depending on the weather. Businesses in close proximity to the signals may experience noise and inconveniences during construction. There may be temporary closures at some of the intersections for a few hours at a time, and staff will have to alert transit services. Traffic control will also be needed during the modification to the traffic signal cabinets. Bike loop detectors do not affect vehicular use; however, the use of bicycle detectors may cause minor delays for people driving cars, as the light signal advances for cyclists. This burden would affect all residents.

Who is or will experience community benefit? Signals will significantly improve the safety at the downtown locations and at the NC 54 crossing at West Poplar Street. Over the years, the Carrboro Police Department has monitored people on bicycles entering intersections against the light cycle as part of the Town's participation in the Watch for Me NC program. People on bicycles are considered vehicles and are legally required to follow traffic signals. The use of bicycle detection reduces the delay for a signal to change for cyclists, creating a more complete multimodal network.

What are the root causes of inequity? Working individuals and families may find it difficult to attend public meetings when transportation projects are discussed. Structural racism in government decisions, particularly those relating to transportation, as well as residents' personal experiences with government, can further contribute to a reticence by historically marginalized people to speak in a public setting. Some community members, especially those who are historically marginalized may not be aware of the project and other projects the town is undertaking.

What might be the unintended consequences of this action or strategy? The installation of bike loop detection does not eliminate the possibility of a safety hazard at the crossing point. People on bicycles/tricycles will need to remain alert and need to wait for the signal to change before entering an intersection. Pedestrians will also need to pay attention, as the presence of a bicycle may adjust the timing of the light cycle. It is possible that some people on bikes, may become overly confident that all drivers and pedestrians will stop and enter into the intersection before it is safe. Cyclists will need position their bikes on the loops within the vehicular travel lane to activate the detectors, and this may feel uncomfortable for some riders.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? The Town could arrange for a ribbon cutting event with a demonstration of how to use the new signals. Written materials in English and Spanish with images of the bicycle detector loops and procedure for activating the traffic signals could be posted on apartment bulletin boards and shared via management and Nextdoor. As funding becomes available, the Town will seek other opportunities to collaborate with NCDOT and the Town of Chapel Hill to install additional bicycle loop detectors as part of other road improvement projects.



Agenda Item Abstract

File Number: 23-283

Agenda Date: 10/24/2023
In Control: Town Council
Version: 1

File Type: Agendas

Resolution for Clarification of the Westwood Cemetery Master Plan Greenspace

PURPOSE: The purpose of this item is to further clarify the intent to not develop the designated greenspace of the Westwood Cemetery

DEPARTMENT: Public Works

CONTACT INFORMATION: Ben Schmadeke, 919-918-7424, bschmadeke@carrboronc.gov

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☐ Comprehensive Plan ☒ Other

This item provides the opportunity for the Council to clarify the Westwood Cemetery Master Plan greenspace per the motion made at the October 3rd 2023, regular Town Council meeting.

INFORMATION: This agenda item further clarifies the intent and location of the dedicated public greenspace in the approved Westwood Cemetery Master Plan.

FISCAL IMPACT: [n/a]

RECOMMENDATION: It is recommended that the Council consider approving the attached resolution further clarifying the undeveloped greenspace included on the approved Westwood Cemetery Master Plan.



Attachment C

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Westwood Cemetery Master Plan: A development plan for the Westwood Cemetery

Department: Public Works

What are the Racial and Equity impacts? Records indicated the Westwood Cemetery was established in 1948. Cemeteries were segregated by race Black residents were not allowed to be buried in the cemetery until 1968. The Town does not track the race of cemetery plot purchasers or of those interred on the site. Chapel Hill and Hillsborough have no more plots available meaning Carrboro's Westwood Cemeteries is one of the few remaining locations that offer more affordable public burials in the area.

Nationally, it is reported that there has been a rising trend of cremations and other post-death practices. At the Westwood Cemetery, the cremated remains of up to three individuals are allowed within a single traditional burial plot. There remains a cultural component to traditional burials, and the visitation of burial sites that intersects race, place, and religion. Any changes to the use of the remaining unplotted area will need to consider the protection of the ongoing use of Westwood Cemetery, the dignity of funeral goers and subsequent visitors and all that accompanies this - grief and distress, honoring and celebrating lives passing on. Additional space for the cemetery use would allow for more diversity in post-death practices (natural burials, cremains, etc.)

Who is or will experience community burden? Residents who have expressed interests in using the area for a different purpose would feel burdened. The Town would be burdened with enforcement of use of the space and its continued obligation of management of the Cemetery property.

Who is or will experience community benefit? With the master development plan some residents in the short- and mid-term would have more space for traditional burials, in the long-term they would still be burdened when the site runs out of space. Others would benefit from the variety of interment methods the master plan envisioned. Continued and expanded use of the cemetery, if priced similarly to the fees charged at present, would continue the availability of more affordable public burials, until the cemetery filled up once more. A mix of burial options for traditional and other methods is expected to extend the timeline of demand for traditional burial sites, as those interested in burial or scattering of cremated remains having those options available. The master

plan's inclusion of passive recreational features, such as a walking trail, reflection wall can provide space for residents seeking areas for such recreation and would allow some who are currently using the undeveloped portion of the cemetery property in ways they have been doing so already.

What are the root causes of inequity? Root causes of inequity can be related to governmental actions like land use planning that overlooks the interests of historically Black communities/communities. As stated previously, segregation contributed to historical exclusion from Westwood (and thus give a racial significance to current and future access to the cemetery). On a national scale land use decisions have often sited multi-family and affordable housing near less suitable adjacent units, or without access to recreative spaces—Carrboro has had both an open space and recreation requirement for subdivisions and multi-family developments that aims to ensure recreational needs can be met through a combination of public and private areas, amenities, and programs.

What might be the unintended consequences of this action or strategy? Unintended consequences could be that residents who have been using the site for a different purpose would continue to do so, and the Town might have to mitigate this with some level of enforcement. Retention of the cemetery use also will require the Town to revisit the capacity issue later when the remaining area has been designated/plotted, and those plots are purchased.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? The Public Works Department will work with other Town departments on the following strategies:

- Include clear and easy to read signage outlining allowable uses at the Cemetery.
- Maintain and operate the cemetery in a manner that promotes passive recreation and peaceful reflection in the developed and undeveloped areas.
- Maintain the grounds and landscape to a high standard.
- Provide information to the community on cemetery expansion, burial options, plot availability, and fees.
- Ensure there are sufficient staff resources for all cemetery operations including property maintenance and customer service for plot sales and markings.



Agenda Item Abstract

File Number: 23-271

Agenda Date: 10/24/2023

File Type: Agendas

In Control: Town Council

Version: 1

Special Use Permit-A Extension Request for Lloyd Farm, Phase 1 at 700 and 706 Old Fayetteville Road

PURPOSE: The purpose of this agenda item is for Town Council to review a request for an extension of the date when a Special Use Permit-A would otherwise expire for Lloyd Farm, Phase 1. This permit expires on October 24, 2023. The town staff recommends approval of the request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Marty Roupe, Development Review Administrator, 919-918-7333 or mroupe@carrboronc.gov <<mailto:mroupe@carrboronc.gov>>

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

The other box is marked for consideration of the Land Use Ordinance.

INFORMATION: The applicant/property owner, Harris Teeter, has requested an extension of the date on which a previously issued Special Use Permit-A (SUP-A) would otherwise expire on October 24, 2023 (see Attachment C). A new expiration date of October 24, 2025 is requested.

The Town Council originally granted the Conditional Use Permit on October 22nd, 2019. Town Council subsequently granted an extension to October 24, 2023. The permit allows for the construction of Lloyd Farm, Phase 1 including a Harris Teeter grocery store, out buildings and related infrastructure (ie. roads, sidewalks etc).

Town Council approved a permit extension in 2021, which created the current expiration date of October 24, 2023.

FISCAL IMPACT: No fiscal impacts are noted beyond the applicant paying the applicable fee associated with the extension request.

RECOMMENDATION: Town staff recommends that Town Council adopt the attached resolution approving the permit extension request (Attachment A).

A RESOLUTION APPROVING THE EXTENSION OF THE DATE ON WHICH THE SUP-A FOR LLOYD FARM, PHASE 1 AT 700 & 706 OLD FAYETTEVILLE ROAD WOULD OTHERWISE EXPIRE

WHEREAS, the Town Council approved a Special Use Permit-A for Lloyd Farm, Phase 1 at 700 & 706 Old Fayetteville Road on October 22nd, 2019; and

WHEREAS, the Town Council approved an extension of the Special Use Permit-A for Lloyd Farm, Phase 1 at 700 & 706 Old Fayetteville Road on September 14, 2021; and

WHEREAS, Section 15-62(a) of the Town of Carrboro Land Use Ordinance allows for multiple extensions; and

WHEREAS, the Town Council finds, per Section 15-62(c) of the LUO, that: 1) the SUP-A has not expired, and 2) the permit recipient has proceeded with due diligence and good faith, and 3) conditions have not changed so substantially as to warrant a new application.

NOW, THEREFORE BE IT RESOLVED by the Town Council that the expiration date for Lloyd Farm, Phase 1 Conditional Use Permit is hereby extended to October 24, 2025.

This the 24th day of October 2023.

STAFF REPORT

TO: Town Council

DATE: October 19, 2023

PROJECT: Special Use Permit-A Extension Request for Lloyd Farm, Phase 1 at 700 & 706 Old Fayetteville Road

APPLICANT/OWNER: Harris Teeter
Attention: Jacob Phares
PO Box 10100
Matthews, NC 28106-0100

PURPOSE: Request for an extension of date when the Special Use Permit-A would otherwise expire for Lloyd Farm, Phase 1. This SUP-A permit expires on October 22, 2023.

EXISTING ZONING: B-4-CZ

PIN: 9778-09-7922 & 9778-19-6618

LOCATION: 700 & 706 Old Fayetteville Road

TRACT SIZE: 35.4 acres (1,542,024 square feet)

EXISTING LAND USE: Vacant

PROPOSED LAND USE: High-volume retail- use# 2.110, 2.250, Restaurant- use# 8.100, 8.200, Dry cleaner/laundromat- use# 16.200, Gas station- use# 9.300, Amphitheater- use# 6.210 etc.

SURROUNDING LAND USES: North: R-20, single-family residences (Plantation Acres Subdivision)
South: B-4, commercial building (Carrboro Plaza)
West: WR, single-family residences
East: R-20, single-family residences (Plantation Acres Subdivision)

RELEVANT ORDINANCE SECTIONS: Section 15-62 Expiration of Permits

BACKGROUND

The applicant/property owner, Harris Teeter, has requested that the date on which a previously issued Special Use Permit-A (SUP-A) that expires on October 24, 2023 be re-established to an expiration date of October 24, 2025.

The Town Council originally granted the Special Use Permit-A on October 22, 2019, and subsequently extended the permit expiration date to October 24, 2023. The SUP-A allowed for the construction of Lloyd Farm, Phase 1 including a Harris Teeter grocery store, out buildings and related infrastructure (ie. roads, sidewalks etc).

APPLICABLE LUO PROVISIONS

Extensions to the date on which a permit would otherwise expire must be granted in accordance with Section 15-62 (Expiration of Permits) of the LUO. Specifically, please note that Section 15-62(a) of the LUO dictates that the SUP-A would expire on October 24, 2023 in this case because less than ten percent (10%) of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on the development authorized by the permit has been completed on the site.

Section 15-62(c) gives the permit-issuing authority (Town Council) the authority to grant an extension to the date on which the permit would otherwise expire. Section 15-62(c) reads as follows:

“(c) The permit-issuing authority may extend for a period up to two years the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to two years upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.”

Staff offers the following information related to the conditions outlined in Section 15-62(c):

1. The permit has not yet expired.

COMPLIANCE: *No, the permit has not expired. The permit is set to expire on October 24, 2023.*

2. The permit recipient has proceeded with due diligence and in good faith.

COMPLIANCE: *Yes, the permit recipient has proceeded with due diligence and in good faith. Please see the attached letter from the applicant, Harris Teeter.*

3. Conditions have not changed so substantially as to warrant a new application.

COMPLIANCE: *Yes, it is true that conditions have not changed so substantially as to warrant a new application. No changes to the property have taken place since the permit was originally approved.*

RECOMMENDATION

The Town Staff recommends that the Town Council adopt the attached resolution approving the permit extension request. The new expiration date for the permit would be October 24, 2025.



Harris Teeter LLC
701 Crestdale Road
Matthews, NC 28105
Telephone (704) 844-3100
Fax (704) 844-3552

October 12, 2023

Marty Roupe
Development Review Administrator
Town of Carrboro
301 W Main Street
Carrboro, NC 27510

Re: Lloyd Farm Development
700 & 706 Old Fayetteville Road
Dear Marty:

This letter serves as a request for a two-year extension of the Conditional Use Permit for the above referenced project.

After the initial approval of the Conditional Use Permit in October 2019, the property was purchased from the Lloyd Estate and individual family members in early 2020. An extension to the Conditional Use Permit was granted in September of 2021 due to the Covid-19 pandemic. Harris Teeter Properties LLC is proceeding with the development of the project and continues to work to value engineer and optimize the development in an effort to offset increasing construction costs and interest rates. These market conditions have resulted in delays in the project.

While we continue to work towards a construction start, it is clear that we will not have final construction permits in place and enough construction progress to meet the Conditional Use Permit requirements of October 22, 2023. A two-year extension will allow us time to work through this process and deliver a successful project.

Thank you for your consideration and please don't hesitate to reach out should you have any questions.

Sincerely,

Jacob Phares (Oct 12, 2023 17:43 EDT)

Jacob Phares, President
Carrboro Retail, LLC






Letter from Applicant - Lloyd Farm Development

Final Audit Report

2023-10-12

Created:	2023-10-12
By:	Lisa Fort (LFort@harristeeter.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAXd3PcCJihQfJGu3mZD0MzEJRNEFvTJy3

"Letter from Applicant - Lloyd Farm Development" History

-  Document created by Lisa Fort (LFort@harristeeter.com)
2023-10-12 - 9:37:22 PM GMT- IP address: 205.167.188.33
-  Document emailed to Jacob Phares (jphares@harristeeter.com) for signature
2023-10-12 - 9:37:54 PM GMT
-  Email viewed by Jacob Phares (jphares@harristeeter.com)
2023-10-12 - 9:42:49 PM GMT- IP address: 104.47.59.254
-  Document e-signed by Jacob Phares (jphares@harristeeter.com)
Signature Date: 2023-10-12 - 9:43:32 PM GMT - Time Source: server- IP address: 47.135.229.154
-  Agreement completed.
2023-10-12 - 9:43:32 PM GMT

Racial Equity Pocket Questions – *Lloyd Farm Special Use Permit-A Extension Request*

What are the racial impacts?

This permit extension request relates to a Special Use Permit-A (SUP-A) granted by Town Council to allow development of Phase 1 of a multi-phase project. This phase includes retail uses and an energy/gas station, associated parking, and outdoor amenities. Jobs would be created during construction and in the retail businesses after construction is complete. The purpose of the agenda item is to extend the date on which the permit would otherwise expire. Racial impacts associated with this permit expiring include the delay of anticipated benefits such as expanded shopping and living-wage job opportunities in proximity to neighborhoods including multi-family homes served by transit and where housing is more affordable and residents include a higher proportion of people of moderate and lower incomes and people of color. Other impacts include the additional tax value and associated increase in the tax base and revenue for use by local governments in providing services.

Who is or will experience burden?

During construction, the community will experience burdens such as noise, traffic, dust and other changes related to the development of this property. After construction, the community will experience some changes in traffic patterns, including some increased trips where all streets do not have dedicated spaces for bicyclists and pedestrians, and noise associated with the uses in the development and changes in exposure to noise generated on nearby roads. Nearby property owners may experience an increase in the value of their properties due to proximity to the retail uses and, if so, would see associated increases in property taxes.

Who is or will experience benefit?

The community will benefit from additional retail opportunities being available in the community, which has the potential to yield some reduced costs of goods and services where additional market competition results. The community will benefit from a new retail center that is within walking and biking distance, and on multiple public transit routes meaning shopping trips can be completed without needing to create vehicle trips. The community will benefit from additional jobs being created in the new businesses in the development, especially if workers can utilize nearby infrastructure including public transit to access the development.

What are the root causes of inequity?

Structural racism in the United States has affected access to and funding/financing for property ownership, educational and health care access, infrastructure, public services, and wealth generation for BIPOC families.

What might be the unintended consequences of this action or strategy?

The noted burdens may be larger than anticipated and the mitigating measures and development standards may not offset these burdens in relation to project benefits. The number of and/or salary for the new jobs may not reach the level of living wage and combined with local housing costs, may mean workers have to travel some distance and generate additional trips to access jobs in the development. Property value increases associated with the development itself may be lower than expected with tax revenue increases also lower. Property value increases on adjoining properties

could also be higher than expected and could further exacerbate challenges associated with the affordability of housing.

How is your department planning to mitigate any burdens, inequities, and unintended consequences?

The department plans to evaluate construction process and monitor impacts before, during and after development, including stormwater and traffic. The department will continue to use the REAL and pocket questions in relation to consideration and implementation of policies in the town's comprehensive plan, *Carrboro Connects*.



Agenda Item Abstract

File Number: 23-278

Agenda Date: 10/24/2023

File Type: Agendas

In Control: Town Council

Version: 1

Legislative Public Hearing on Land Use Ordinance Text Amendment Regarding Residential Density in Planned Unit Developments

PURPOSE: The purpose of this agenda item is to consider a text amendment to the Land Use Ordinance regarding residential density in Planned Unit Developments (PUDs). A draft ordinance has been prepared. The Town Council must receive public comment before making a decision.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org [<mailto:cmoon@townofcarrboro.org>](mailto:cmoon@townofcarrboro.org); Marty Roupe - 919-918-7333, mroupe@townofcarrboro.org [<mailto:mroupe@townofcarrboro.org>](mailto:mroupe@townofcarrboro.org); Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org [<mailto:pmcguire@townofcarrboro.org>](mailto:pmcguire@townofcarrboro.org); Nick Herman - 919-929-3905, herman@broughlawfirm.com [<mailto:herman@broughlawfirm.com>](mailto:herman@broughlawfirm.com)

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

Legislative public hearings are a necessary step for text amendments in accordance with North Carolina state statutes and Town regulations. The Council is required to adopt a statement of consistency as part of its decision. Pocket questions are provided as *Attachment F*.

INFORMATION: Section 15-139, of the Land Use Ordinance, outlines the provisions related to Planned Unit Developments (PUD) (*Attachment D*). PUDs are zoning districts designed to combine the characteristics of at least two, or possibly three different zoning districts including residential, commercial and manufacturing/industrial. There are currently two R-10/B-3 Planned Unit Development (PUD) Districts in Carrboro: one at the Ballentine neighborhood off Old NC 86 and the other at Claremont South off of Homestead Road. In reviewing a request for additional dwelling units for the Claremont South B-3 area, staff determined that density was not available in the B-3 portion, but that significant density was available from the R-10 area. A minor modification approved in June 2021 allowed four more residential units than permissible in the B-3 district based on the land area. A mechanism to allow the transfer of residential density from one portion of a PUD to another portion of a PUD when both underlying base districts allow residential uses would address this matter and would also allow greater flexibility as PUDs are approved and built out in the future.

A draft ordinance has been prepared that, if adopted, would allow for such residential density transfers (*Attachment B*). The land use permit associated with a PUD would need to be modified if a change is requested after the original permit for the project is issued. Depending on the degree of change requested, the application

would likely be processed as either a minor modification or major modification to the permit. The additional residences being built would increase the overall density of any particular project, generally consistent with the town's desire to develop in an urban manner. A potential negative result would be a reduction in the area available for commercial uses within the commercial portion of the PUD.

The Town Council must receive public comment before adopting an amendment to the Land Use Ordinance. The draft ordinance was referred to Orange County and presented to the Planning Board on October 5, 2023. Comments are provided (*Attachment E*).

FISCAL IMPACT: Public notice costs and staff time are associated with the review of text amendments for public hearings and advisory board review.

RECOMMENDATION: The Town Manager recommends that the Town Council receive public input and consider whether the proposed text amendment is consistent with Town plans and policies. A resolution for consistency (*Attachment A*) and a draft ordinance for the text amendment (*Attachment B*) are provided.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE TOWN COUNCIL’S
REASONS FOR ADOPTING AMENDMENTS TO THE TEXT OF THE CARRBORO LAND
USE ORDINANCE (N.C. Gen. Stat. 160A-383)

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: “An Ordinance Amending the Land Use Ordinance Regarding Residential Density in Planned Unit Developments.”

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

Section 1. The Council has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

_____ *Consistent* with the Town of Carrboro 2022-2042 Comprehensive Plan, Land Use Chapter, and, in particular, Goal 5, Strategy 5.1, noted below:

Goal 5

- Strategy 5.1, Project A: Update zoning to allow for greater density of development in the downtown and near key nodes. See Corridor Maps in this chapter for proposed locations. *The commercial elements of the two existing PUDs, at Ballentine (b) and at Homestead Road and Bellamy Lane (J), are included in the areas identified for future land use recommendations along the Rogers, Homestead and Old NC 86 Corridor.*

_____ *Inconsistent* with current adopted plans. The proposed action is *inconsistent* with the comprehensive plan for the following reason(s):

_____ *Inconsistent* with the current adopted plans; however, because of the following changed circumstance(s), the Council’s approval shall also be deemed an amendment to the existing adopted plan, _____, as described below.

Changed circumstance(s):

Amendment to current adopted plan:

Section 2. The Town Council’s action is reasonable and in the public interest for the following reason(s):

The proposed text amendment which offers additional flexibility to respond to market conditions is reasonable and in the public interest.

Section 3. Therefore, the Carrboro Town Council has: approved / denied the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Town Council this 24th day of October 2023.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE REGARDING
RESIDENTIAL DENSITY IN PLANNED UNIT DEVELOPMENTS

****DRAFT 8-31-23****

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-139 (Planned Unit Development District Established) of the Carrboro Land Use ordinance is amended by revising subdivision (b) to read as follows:

(b) A second element of each PUD district shall be the commercial element. Here there are five possibilities, each one corresponding to either the B-1(g), B-2, B-3, O, or O/A zoning districts established by Section 15-136. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds, with the exception of residential density, per Section 15-182.5 (Residential Density in Planned Unit Developments).

Section 2. Article XII of the Land Use Ordinance is hereby amended by the addition of a new Section 15-182.5 (Residential Density in Planned Unit Developments) that reads as follows:

Section 15-182.5 Residential Density in Planned Unit Developments

Residential density within the required commercial element of a Planned Unit Development, as provided for in Section 15-139, shall be determined by i) the calculation of permissible density allowed for the selected zoning district (i.e., B-1(g), B-2, B-3, O, or O/A) and ii) the assignment of and transfer of up to 25 percent of residential density that is available to, but not utilized or permitted by a permit approving development of the residential element of the PUD. A change to the permit of the residential element of the PUD shall be considered a minor modification and will result in the reduction of available density for that element.

Section 3. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☐ MAIL ☐ FAX ☒ EMAIL

To: Richard White, Town Manager
Mayor and Town Council

From: Tina Moon, Planning Administrator

Date: October 7, 2023

Subject: Proposed Text Amendment Regarding Residential Density in Planned Unit Developments

Section 15-139 of the Land Use Ordinance (LUO) provides for the establishment of Planned Unit Developments (PUD) through the rezoning process. PUDs are designed to combine the characteristics of two or three zoning districts as part of a single development. Each development includes a residential element, a commercial element and a possible manufacturing/industrial element. The table below shows the different zoning districts that may be used to form a PUD; up to 60 different combinations are possible. Additional details can be found in the Land Use Ordinance from the attached excerpts from Article IX, Zoning Districts and Zoning Map, and Article X, Permissible Uses.

Possible Zoning Districts by Use Characteristic

Residential Elements	Commercial Elements	Manufacturing Elements
R-20	B-1(g)	M-1
R-15	B-2	M-2
R-10	B-3	
R-7.5	O	
R-3	O/A	
R-S.I.R.		

A PUD must contain a minimum of twenty-five contiguous acres, with not more than ten percent of the total area dedicated to the commercial element and not more than five percent of the total area dedicated to the manufacturing element, if applicable. Some residential uses are permitted in the commercial districts, providing for mixed-use opportunities, such as live/work, ground floor commercial/residential above design programs. A PUD may be designed such that the residential element does not use all of the available density based on the selected zoning district.

The draft ordinance, if adopted, would allow for up to 25 percent of the unused residential density allowed in the residential element of a PUD, (based on the selected zoning district), to be transferred to the commercial element, by way of a permit modification. This would allow for some additional

flexibility within the commercial portion of the project to adjust for market changes. The developer or HOA would still retain the possibility of increasing the density of the residential element in the future, if for example, there was interest in adding accessory dwelling units (ADU), so long as all LUO standards could be satisfied.

ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-135 Residential Districts Established.

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. **(AMENDED 5/12/81; 12/7/83; 2/4/86)**

(b) The WR (watershed residential) district is also established. All land within this district is located within the University Lake Watershed, and while this district is designed to achieve the objectives identified in subsection (a), it is also intended to protect the community water supply by allowing residential development of the land within the University Lake Watershed only at reduced density levels. **(AMENDED 12/7/83; 05/15/90)**

(c) The R-R (rural residential) district is designed to accommodate the residential and related uses as well as several additional uses that would be appropriate in the more sparsely populated areas of the town's joint planning transition area or extraterritorial planning area, but that would be inappropriate within the more intensively developed residential zones. **(AMENDED 11/14/88)**

(d) The R-S.I.R. (suitable for intensive residential) zone is designed (i) to encourage high density residential development that is compatible with the housing element of the town's Comprehensive Plan, and (ii) to locate this high density development in areas most suitable for it, thereby reducing pressure for growth in less desirable locations and reducing urban sprawl. Land in this zone is deemed especially suitable for intensive residential development because of (i) the availability of police, fire, and sanitation service at low marginal cost due to existing service patterns, (ii) the availability of public water and sewer service, (iii) the ample road system serving the area, (iv) the compatibility of existing development in the area with high density residential development, and (v) the compatibility of high density residential development with environmental concerns, especially water quality. Developers are encouraged to construct housing that is consistent with the town's housing objectives through density bonuses, as set forth in Section 15-182.1.

(e) The R-S.I.R.-2 zoning district is designed to serve essentially the same purposes as the R-S.I.R. zone, but the maximum density allowed in the R-S.I.R.-2 district is less than that permitted in the R-S.I.R. district (see Section 15-182.1). Except as otherwise specifically provided in this chapter, all regulations and standards applicable to the R-S.I.R. district are also applicable to the R-S.I.R.-2 district. **(AMENDED 11/10/81)**

(f) **REPEALED 12/7/83**

Section 15-135.1 Conservation District. (AMENDED 12/7/83)

There is hereby established a conservation (C) district. The purpose of this district is to protect the public health, safety, and welfare by severely restricting development within and adjacent to certain lakes, ponds, watercourses, streams, creeks, drainage areas, floodplains, wetlands, and other flood-prone areas within the University Lake Watershed. The limited development allowed within a conservation district not only minimizes the danger to the community water supply from the more intensive development of this land but also allows this land to act as a natural buffer between more intensively developed areas and the watercourses contained within a conservation district. (AMENDED 12/7/83)

Section 15-136 Commercial Districts Established. (AMENDED 2/4/86; 5/28/02)

The districts described below are hereby created to accomplish the purposes and serve the objectives indicated:

- (1) **B-1(C) TOWN CENTER BUSINESS.** This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user. (AMENDED 6/09/98)
- (2) **B-1(G) GENERAL BUSINESS.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. (AMENDED 12/08/92; 6/09/98; 6/20/06)
- (2.1) **(EAT) RESTAURANT DISTRICT OVERLAY.** This overlay district is designed to accommodate on-premises (inside and outside) dining 8.100 and 8.200 restaurant uses in the B-1(g) General Business district. Because of the B-1(g) district's close proximity to established residential single-family neighborhoods, the EAT overlay is restricted to properties a minimum distance of one property width from abutting residential zones and is limited in the types of night uses permitted. In addition, emphasis is given to the existing restrictions in the B-1(g) district and the ability of the permit-issuing authority to limit hours of operation where such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. Use of property within the overlay district for 8.100 and 8.200 purposes shall require the issuance of a special use permit-A. (AMENDED 03/21/95)
- (3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and

Art. IX ZONING DISTRICTS AND ZONING MAP

proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements: **(AMENDED 9/06/88; 6/20/06).**

- a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
 - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and
- (4) **B-3 NEIGHBORHOOD BUSINESS.** This district is designed to accommodate commercial needs arising at the neighborhood level, such as grocery stores, branch banks, gas sales, and the like, as well as other commercial and office uses that are of such size and scale that they can compatibly coexist with adjoining residential neighborhoods. To insure compatibility between B-3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 3/7/2006)**
 - (5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.
 - (6) **B-5 WATERSHED COMMERCIAL.** This district is designed to accommodate commercial uses within the University Lake Watershed area without adversely affecting the community water supply.
 - (7) **CT CORPORATE TOWN.** This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this

Art. IX ZONING DISTRICTS AND ZONING MAP

district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. The continued use of existing residential dwelling units along North Greensboro Street is encouraged. **(AMENDED 6/20/06)**

- (8) **B-3-T TRANSITION AREA BUSINESS.** This district is designed to accommodate commercial needs arising in the town's more rural neighborhoods, especially in the joint planning transition areas, and which are more appropriately dealt with at the neighborhood level than at a community or regional level. To insure compatibility between B-3-T areas and their associated rural neighborhoods, no B-3-T district shall be greater than five acres, and no areas shall be zoned B-3-T if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 11/14/88)**
- (9) **O OFFICE.** This district is intended to provide locations for low intensity office and institutional uses. This district is designed for parcels three (3) acres or less in size. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use. In order to assure compatibility of residential conversions or new office construction with existing and future residential development, specific performance measures to mitigate negative impacts of office development will be required. Any development within the Office (O) district shall comply with the following requirements:
- a. Type A screening will be required between any non-residential use and adjacent properties, except for openings necessary to allow pedestrian movement between the office or institutional use and adjacent properties;
 - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets, unless doing so would adversely affect adjoining residential properties;
 - c. Whenever a new building is erected in this district, (i) the exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood, or fabricated residential lap siding made of hardboard, vinyl, or aluminum); (ii) the pitch of the roof shall have a minimum vertical rise of one foot for every five feet of horizontal run; provided that this requirement shall not apply to lots that have frontage on any street where, within the same block as the property in question, at least 75% of the buildings (in place on April 16, 1991) that front along the same side of the street do not have roofs that comply with this pitched roof standard; and (iii) windows shall be of a type commonly used in single-family residences;

Art. IX ZONING DISTRICTS AND ZONING MAP

- d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 4/16/91)**
- (10) **O/A OFFICE/ASSEMBLY.** This district is intended to provide for office, administrative, professional, research, and specialized manufacturing (such as light assembly and processing) activities in close proximity to an arterial street. This district is intended to provide employment near residential areas; therefore, the required development standards are intended to be compatible to adjacent residential uses and provide a park-like setting for employment. It is strongly encouraged that development in the Office/Assembly zoning district be designed so that employees may easily utilize alternative forms of transportation (such riding buses, cycling or walking) to commute to their place of employment. Any development within the Office/Assembly (O/A) district shall comply with the following requirements: **(AMENDED 5/25/99; 5/28/02)**
- a. No area less than five contiguous acres may be zoned as an Office/Assembly district;
 - b. The performance standards (Article XI, Part I) applicable to 4.000 classification uses in business zones shall govern uses in an Office/Assembly zone;
 - c. As shown in Section 15-308, Table of Screening Requirements, screening will be required between non-residential uses in the Office/Assembly district and adjacent residential properties;
 - d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 4/16/91)**
 - e. Not more than 25 percent of the total building gross floor constructed within the proposed district may be used for uses permissible within this district that fall within the 2.000 classification.

- (11) **O/A CU OFFICE/ASSEMBLY CONDITIONAL USE.** **(REPEALED 6/22/21)**

Section 15-136.1 Historic Rogers Road Districts Established. **(AMENDED 6/18/2019; 2/9/21)**

- (a) The Historic Rogers Road districts, HR-R (residential) and HR-CC (community commercial), are established to implement the goals and recommendations of the *Mapping Our*

Art. IX ZONING DISTRICTS AND ZONING MAP

Community's Future community planning effort, completed in May 2016. The intent of *Mapping Our Community's Future* and the HR districts is to:

- (1) Create opportunities for long-term residents to continue living in the community and to age in place;
- (2) Preserve the socioeconomic and cultural diversity of the neighborhood;
- (3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;
- (4) Respect and protect the natural character of the neighborhood;
- (5) Ensure that new development is consistent with neighborhood character and the vision that residents have developed for its future;
- (6) Provide greater residential housing choice, affordability, and diversity;
- (7) Increase economic opportunities within the neighborhood;
- (8) Increase recreational resources within the neighborhood; and
- (9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.

(b) The HR-R zoning district is designed to protect and preserve the character of existing lower-density areas (minimum lot size 14,520 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.

(c) The HR-CC district is designed to provide for a broader range of housing and employment options by concentrating new development into nodes which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-CC district include live-work units, flex space, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities. Property proposed for rezoning to an HR-CC district shall include no less than 5 contiguous acres. The district may be expanded to include additional parcels of land so long as such parcels: (i) are contiguous to the district, and (ii) are the same, or part of the same, tracts or parcels of land that were identified in *Mapping Our Community's Future* for more intensive uses. The development of an HR-CC district may include the recombination of existing lots and/or the subdivision of new lots that meet the density and dimensional standards outlined in Article XII.

Section 15-137 Manufacturing Districts Established. (AMENDED 6/22/82; 2/4/86)

(1) The M-1 and M-2 districts are hereby created to accomplish the purposes and serve the objectives set forth in this subsection. Part of Article XI contains performance standards that place limitations on the characteristics of uses located in the districts created by this section.

- (a) **M-1 LIGHT MANUFACTURING.** This zone is designed to accommodate a limited range of industrial activities and a wide range of commercial uses including wholesaling, storage, mail-order, auto related, and office and retail in conjunction with industrial or wholesaling uses. Permitted industrial uses include enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembly where all operations are contained inside a fully enclosed building. The performance standards for the M-1 zone located in Part I of Article XI are more restrictive than those in the M-2 district.
- (b) **M-2 GENERAL MANUFACTURING.** This district is designed to accommodate the widest range of industrial uses. Business operations may be conducted within and outside a fully enclosed building. The performance standards for this zone are less restrictive than those in the M-1 district.

(2) There is also established a watershed light industrial (WM-3) zoning district. The purpose of this district is to allow areas within the University Lake Watershed that have been zoned M-1 prior to the effective date of this subdivision to continue to be used and developed for light industrial and related purposes, subject to certain restrictions designed to protect the watershed. Consistent with the purpose of this zone, this district shall be confined to that area zoned M-1 on the effective date of this subsection (12/7/1983); this area shall not be expanded and no new WM-3 areas shall be designated. For the purposes of this section, changes to make WM-3 zoning uniform on lots that were depicted as entirely within the M-1 zoning at the time of its establishment, but that were later depicted as being bisected by the zoning boundary, will not be considered an expansion of the district or the creation of new WM-3 areas. **(AMENDED 12/7/83; 06/27/17)**

(3) There is also established a Planned Industrial Development (PID) zoning district. The purpose of this district is to provide for the possibility of well-planned and tightly controlled industrial development in areas that are suitable for such development but that are not deemed appropriate for M-1 or M-2 zoning because of the less restricted types of development that may occur in such zones. **(AMENDED 6/22/82; 12/7/83)**

- (a) No area less than twenty contiguous acres may be zoned as a Planned Industrial Development district, and then only upon a request submitted by or on behalf of the owner or owners of all the property intended to be covered by such zone.

- (b) As indicated in the Table of Permissible Uses (Section 15-146) a planned industrial development (use classification 30.000) is the only permissible use in a PID zone.
- (c) Subject to subdivision (2) of this subsection, and consistent with the restrictions contained in the definition of a planned industrial development [see Subdivision 15-15], land within a PID zone may be used in a manner that would be permissible if the land were zoned M-1, except that (i) the only permissible uses are those described in the 2.130 and 4.100 classifications and (ii) the performance standards (Article XI, Part I) applicable to 4.100 uses in business zones shall govern uses in a planned industrial development.

Section 15-138 Public Facilities District Established.

There is hereby created a Public Facilities (P-F) zoning district. Within this district, those uses indicated as permissible in the Table of Permissible Uses may be developed, but only if such developments are owned and operated by the United States, the State of North Carolina, Orange County, the Town of Carrboro, or any agency, department, or subdivision of the foregoing governments.



Section 15-139 Planned Unit Development District Established.

(1) There are hereby established sixty different Planned Unit Development (PUD) zoning districts as described in this section. Each PUD zoning district is designed to combine the characteristics of at least two and possibly three zoning districts. **(AMENDED 2/24/87)**

- (a) One element of each PUD district shall be the residential element. Here there are six possibilities, each one corresponding to one of the following residential districts identified in Section 15-135: R-20, R-15, R-10, R-7.5, R-3, or R- S.I.R. Within that portion of the PUD zone that is developed for purposes permissible in a residential district, all development must be in accordance with the regulations applicable to the residential zoning district to which the particular PUD zoning district corresponds.
- (b) A second element of each PUD district shall be the commercial element. Here there are five possibilities, each one corresponding to either the B-1(g), B-2, B-3, O, or O/A zoning districts established by Section 15-136. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds. **(AMENDED 2/04/97)**
- (c) A manufacturing/processing element may be a third element of any PUD district. Here there are two alternatives. The first is that uses permitted within the M-1 district would be permitted within the PUD district. The second alternative is that uses permitted only within the M-1 or M-2 zoning districts

Art. IX ZONING DISTRICTS AND ZONING MAP

would not be permitted. If an M-1 element is included, then within that portion of the PUD district that is developed for purposes permissible in an M-1 district, all development must be in accordance with the regulations applicable to the M-1 district.

The sixty different PUD zoning districts are derived from the various combinations of possible alternatives within each of the three elements -- residential, commercial, manufacturing/processing. For example, there is an R-20/B-1(g)/M-1 district, an R-20/B-2/M-1 district, an R-20/B-2 district, an R-15/B-1(g)/M-1 district, etc. (AMENDED 2/04/97)

(2) No area of less than twenty-five contiguous acres may be zoned as a Planned Unit Development district, and then only upon the request of the owner or owners of all of the property intended to be covered by such zone.

(3) As indicated in the Table of Permissible Uses (Section 15-146), a planned unit development (use classification 28.000) is the only permissible use in a PUD zone, and planned unit developments are permissible only in such zones.

Section 15-140 Residential High Density and Commercial Overlay District. (AMENDED 2/4/86)

There is hereby created a Residential High Density and Commercial Overlay (RHDC) zoning district. The purpose of this district is to provide for the redevelopment of deteriorating commercial and manufacturing areas in a manner that is consistent with commercial development goals of the town, namely, for compact, compressed town center growth, for a substantial increase in residential opportunities near the town center, and for mixed use development in the downtown. Property that lies within this overlay district may be developed in accordance with either the regulations applicable to the underlying district or the following regulations:

- (1) To take advantage of provisions applicable to the RHDC overlay district, lots must contain at least one and one half acres of contiguous land under single ownership.
- (2) Uses permissible shall be those permissible within either the R-2 district or the B-1(c) district, or both, except that subdivisions other than architecturally integrated subdivisions shall not be allowed.
- (3) Residential density shall be determined as if the property were zoned R-2.
- (4) Twenty percent of the lot area shall remain as usable open space (see Section 15-198), except that where the development seeks to provide interior open space or indoor hard court, pool, or other active recreation facilities in excess of the basic requirement set forth in Article XIII, the permit-issuing authority may reduce the open space requirement to reflect the quality and amount of such facilities. The developer may substitute grassed areas, lawn, gardens, and shrubbed space for wooded space in meeting the requirements of 15-198(b)(3).

Art. IX ZONING DISTRICTS AND ZONING MAP

- (5) Subject to subdivision (6), the amount of floor area set aside or used for purposes not permissible within the R-2 district (i.e., commercial uses) may not exceed ten percent of the floor area used for residential purposes.
- (6) Where at least one-third of the total number of parking spaces for the development are provided on a tier or level other than ground level (as with underground parking or a two tier parking garage) and where the open space is increased to 40% of the development tract, the development may either (i) increase the commercial floor area over that allowed in subdivision (5) to 25% of the floor area in residential use, or (ii) increase the density for residential use to 1,500 square feet per dwelling unit.
- (7) The maximum building height for the district shall be 50 feet. A building that is over 35 feet shall be set-in and setback 2 additional feet for every additional foot above 35 feet in height.
- (8) Commercial space shall be located at ground level or on the top level of a building.
- (9) Except as otherwise provided herein, the regulations applicable to land within an R-2 district shall apply to property within a RHDC district.

Section 15-140.1 Office-Residential Mixed Use District. (AMENDED 6/20/06)

(a) There is hereby created an Office-Residential Mixed Use (OR-MU) zoning district. The purpose of this district is to provide for mixed use developments, i.e. developments that contain both residential and non-residential elements, within areas that are near the downtown commercial districts.

(b) Any lot within the OR-MU district that exists on the effective date of this section or that is hereafter created may be developed and used for those purposes within the 3.000 classification that are permissible within the B-2 zoning district, subject to the same permitting requirements and other applicable regulations of this chapter, just as if the property were zoned B-2.

(c) Any lot or tract within the OR-MU district may be developed as a mixed use project in accordance with the provisions of this subsection.

- (1) Development of property under this subsection requires the issuance of a special use permit-A by the Town Council in accordance with the applicable provisions of this chapter.
- (2) A mixed use project approved under this subsection must have both a residential and a nonresidential component.
- (3) At least one-half but not more than two-thirds of the gross floor area of the mixed use development shall consist of residential uses listed in use classifications 1.100, 1.200, 1.300, or 1.400, 1.510 (hotels and motels) and

Art. IX ZONING DISTRICTS AND ZONING MAP

1.520 (tourist homes and other temporary residences), provided that use classifications 1.510 and 1.520 shall not comprise more than one-third of the residential component. However, the residential component of the mixed use development may be increased to ninety percent of the floor area of the mixed use development if the developer donates to a non-profit agency engaged in providing affordable housing at least ten percent of the total acreage within the development and enters into an enforceable agreement with such agency to construct on such land and convey to the agency, at not more than the developer's cost, the number of housing units for which the agency obtains a permit. For purposes of this subsection, the phrase "within the development" means within the area covered by the special use permit-A issued for the mixed use development as well as any adjacent property that is or was owned by the developer of the mixed use project and that is conveyed to a non-profit agency and developed for affordable housing as described herein, even if such other area is not located with the Town of Carrboro.

- (4) The permissible residential density within the mixed use development shall be calculated as if the development were zoned R-3, except that the density shall be calculated as if the property were zoned R-2 if the developer conveys at least ten percent of the land within the development to a non-profit agency and constructs on that land affordable housing as described in subsection (c)(3) above. For purposes of this subsection, if land that is not located within the Town of Carrboro is regarded as "within the development" as that phrase is defined in subsection (c)(3) above, then such area shall be considered part of the development for purposes of calculating the permissible residential density under this subsection.
- (5) Subject to the other provisions of this subsection, the dimensional and other requirements of this chapter applicable to the R-3 district shall apply to a mixed use development permitted under this section. However, the maximum height of buildings within the mixed use development, shall be four stories, except that a fifth story shall be permitted if the developer conveys at least ten percent of the land within the development to a non-profit agency and constructs on that land of affordable housing as described in subsection (c)(3) above. Notwithstanding other provisions of this chapter, any parking levels that are constructed underneath a building within a mixed use development and that are at least in substantial part constructed below the ground service levels shall not be regarded as "stories" for purposes of the height limitations established herein.
- (6) Permissible uses within the commercial component of the mixed use shall be those listed in the following use classifications within the Table of Permissible Uses: (i) use classification 3.100; (ii) use classifications 2.110, 2.112, 2.120, 2.130, 2.150, 2.210, 2.220, provided that such uses do not comprise more than fifty percent of the total commercial space within the

Art. IX ZONING DISTRICTS AND ZONING MAP

mixed use development; and (iii) restaurant uses 8.100, 8.200, and 8.500, so long as any one restaurant business does not occupy more than 1,500 square feet of gross floor area and so long as such restaurant uses do not operate during the hours of 2:00 a.m. to 6:00 a.m.

- (7) A mixed use development may be constructed in phases as provided in Section 15-61. However, the phasing plan shall ensure that, as buildings are constructed and occupied, the relative mix of residential and commercial floor space remains substantially consistent with the percentages approved in the plans.
- (8) If portions of the mixed use development are subdivided, the final plat shall contain notations indicating any limitations on uses or the sequencing of development created as a result of approval of the development as a mixed use under this section.

Section 15-141 Neighborhood Preservation District Established. (AMENDED 9/26/89; 11/21/95; 5/27/08)

(a) There are hereby established an Historic District (HD) and a Neighborhood Preservation District (NPD).

- (1) **HD HISTORIC DISTRICT.** This district is designed to apply to areas which are deemed to be of special significance in terms of their history, architecture and/or culture, and to possess integrity of design, setting, materials, feeling and association. The historic district is one of Carrboro's most valued and important assets and is established for the following purposes: to protect and conserve the heritage of Carrboro, Orange County and the State of North Carolina; to preserve the social, economic, cultural, political, and architectural history of the district and its individual properties; to promote the education, pleasure and enrichment of residents in the district and Carrboro and Orange County and the State as a whole; to encourage tourism and increased commercial activity; to foster civic beauty; and to stabilize and enhance property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of Carrboro and any residents of the district.
- (2) **NPD NEIGHBORHOOD PRESERVATION DISTRICT.** This district is designed to apply to areas which are deemed to possess form, character, and visual qualities from arrangements or combinations of architectural or appurtenant features or places of historical or cultural significance that create an image of stability, local identity, and livable atmosphere. This district is established to achieve the same objectives and purposes as those set forth above with respect to the historic district.

Art. IX ZONING DISTRICTS AND ZONING MAP

(b) The HD and NPD districts are overlay districts, and properties within these districts are subject to the regulations applicable to the underlying district as well as the requirements set forth in Article XXI of this chapter.

Section 15-141.1 Jordan Lake Watershed District Established. (AMENDED 10/15/96)

(a) There is hereby established an overlay district to be known as the Jordan Lake Watershed Protection District (JLWP). The purpose of this overlay district is to provide for the imposition of regulations applicable to areas within the town's planning jurisdiction that are part of the Jordan Lake WS-IV Watershed in order to comply with the provisions of Article 21, Chapter 143 of the North Carolina General Statutes.

(b) Because the JLWP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district as well as the requirements of the JLWP district.

Section 15-141.2 Village Mixed Use District Established. (AMENDED 5/25/99)

(a) There is hereby established a Village Mixed Use (VMU) district. This district is established to provide for the development of rural new villages at a scale intended to continue Carrboro's small town character as described in its Year 2000 Task Force Report and to promote a traditional concept of villages. The applicant for rezoning to this district must demonstrate that its planning, design and development will achieve, but not necessarily be limited to, all of the following specific objectives:

- (1) The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses;
- (2) The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes.
- (3) Dwellings, shops, and workplaces generally located in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the village.
- (4) Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner.
- (5) A generally rectilinear pattern of streets, alleys and blocks reflecting the street network in existing small villages which provides for a balanced mix of pedestrians and automobiles.
- (6) Squares greens, landscaped streets and parks woven into street and block patterns to provide space for social activity, parks and visual enjoyment.

Art. IX ZONING DISTRICTS AND ZONING MAP

- (7) Provision of buildings or structures, open to all residents of the VMU development, for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community. **(AMENDED 5/28/2019)**
- (8) A recognizable, functionally diverse, but visually unified village focused on a village green or square.
- (9) Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the village.
- (10) Compliance with the policies embodied in this chapter for the development of a village mixed use.

(b) The VMU district shall be a conditional district authorized under G.S. 160D-703(b). As such, property may be placed within this district only in response to a petition by the owners of all the property to be included. **(AMENDED 6/22/21)**

(b1) Pursuant to G.S. sections 160D-705(c) and 160D-102(30), any VMU district adopted as a conditional use district, in accordance with this section and Article XX of this chapter, prior to June 22, 2021 shall be deemed a conditional district and the conditional use permit issued concurrently with the establishment of the district shall be deemed a valid special use permit-A. **(AMENDED 6/22/21)**

(c) As indicated in the Table of Permissible Uses, the only permissible use within a VMU district is a village mixed use development, and a village mixed use development is only permissible within a VMU district.

(d) Property may be rezoned to the VMU district only when the property proposed for such rezoning:

- (1) Comprises at least fifty, but not more than two hundred, contiguous acres. For purposes of this subsection, acreage is not “contiguous” to other acreage if separated by a public street or connected only at a point less than one hundred feet in width; and
- (2) Is so located in relationship to existing or proposed public streets that traffic generated by the development of the tract proposed for rezoning can be accommodated without endangering the public health, safety, or welfare; and
- (3) Will be served by OWASA water and sewer lines when developed.

(e) No more than 350 gross acres may be rezoned to the VMU district and no more than three villages may be approved.

Art. IX ZONING DISTRICTS AND ZONING MAP

(f) Nothing in this section is intended to limit the discretion of the Town Council to deny an application to rezone property to a VMU district if it determines that the proposed rezoning is not in the public interest.

(g) When a VMU rezoning application is submitted (in accordance with Article XX of this ordinance), the applicant shall simultaneously submit a master plan for the proposed village mixed use development, in accordance with the following provisions. **(AMENDED 6/22/21)**

- (1) The master plan shall show, through a combination of graphic means and text (including without limitation proposed conditions to be included in the rezoning for the proposed development):
 - a. The location, types, and densities of residential uses;
 - b. The location, types, and maximum floor areas and impervious surface areas for non-residential uses;
 - c. The location and orientation of buildings, parking areas, recreational facilities, and open spaces;
 - d. Access and circulation systems for vehicles and pedestrians;
 - e. How the development proposes to satisfy the objectives of and comply with the regulations applicable to a village mixed use development as set forth in Section 15-176.2 of this chapter;
 - f. How the development proposes to minimize or mitigate any adverse impacts on neighboring properties and the environment, including without limitation impacts from traffic and stormwater runoff; and
 - g. How the development proposes to substantially comply with the town's recommended "Village Mixed Use Vernacular Architectural Standards." **(AMENDED 8/22/06).**
- (2) The planning board, Northern Transition Advisory Committee, Appearance Commission, Environmental Advisory Board, Transportation Advisory Board (and other advisory boards to which the Town Council may refer the application) shall review the proposed master plan as part of the applicant's rezoning request. In response to suggestions made by the planning board (or other advisory boards), the applicant may revise the master plan before it is submitted to the Town Council. **(AMENDED 6/22/21)**
- (3) Applicants for VMU districts that are located within the Transition Area portion of the Carrboro Joint Development Area as defined within the Joint Planning Agreement should meet with Carrboro Town and Orange County Planning staff prior to the formal submittal of an application to informally

discuss the preliminary rezoning development plan. **(REWRITTEN 6/22/21)**

- (4) Approval of a VMU rezoning application with a master plan under this section does not obviate the need to obtain a special use permit-A for the village mixed use development in accordance with the provisions of Section 15-176.2 of this chapter. **(REWRITTEN 6/22/21)**
 - a. In addition to other grounds for denial of a special use permit-A application under this chapter, a special use permit-A for a village mixed use development shall be denied if the application is inconsistent with the approved master plan in any substantial way. Without limiting the generality of the foregoing, an application for a special use permit-A is inconsistent in a substantial way with a previously approved master plan if the plan of development proposed under the special use permit-A application increases the residential density or commercial floor area permissible on the property or decreases or alters the location of open space areas.
 - b. No special use permit-A for a village neighborhood mixed use development may be denied for reasons set forth in Subsection 15-54(c)(4) if the basis for such denial involves an element or effect of the development that has previously been specifically addressed and approved in the master plan approval process, unless (i) it can be demonstrated that the information presented to the Town Council at the master plan approval stage was materially false or misleading, (ii) conditions have changed substantially in a manner that could not reasonably have been anticipated, or (iii) a basis for denial for reasons set forth in Subsection 15-54(c)(4) is demonstrated by clear and convincing evidence.
- (5) Subject to Subsection 15-141.2(g)(4)b, a master plan approved under this section as a condition of the conditional rezoning may only be amended in accordance with the provisions applicable to a rezoning of the property in question. Notwithstanding the foregoing, the Council may consider as a condition to the rezoning, parameters for future minor modifications to the master plan. All other requests for modifications shall be considered in accordance with the standards in subsection 15-141.4(g). [See also sections 15-128.2 and 15-128.3 for modifying or extending site specific vesting plans and vested rights.] **(REWRITTEN 6/22/21)**

Section 15-141.3 Conditional Use Zoning Districts. (REPEALED 6/22/21)

Pursuant to G.S. sections 160D-705(c) and 160D-102(30), any 'conditional use zoning district,' adopted in accordance with section 15-141.3 and Article XX of this chapter prior to July 1, 2021, shall automatically be converted to a 'conditional zoning district' and the 'conditional use permit'

issued concurrently with the establishment of the district shall be deemed a valid 'special use permit-A.' (AMENDED 5/25/04; 4/28/15; 10/23/18 AMENDED)

Section 15-141.4 Conditional Zoning Districts. (AMENDED 5/27/08; REWRITTEN 6/22/21)

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the conventional use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ, and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, O/A-CZ, M-1-CZ, M-2-CZ, M-3-CZ (AMENDED 4/27/10; 6/23/15; 10/23/18)

There may also be established a HR-CC-CZ zoning district, pursuant to the purpose statement and criteria described in Section 15-136.1.

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Subject to the provisions of subsections (k), (l), and (n), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the conventional use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (f) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d). (AMENDED 10/23/18)

- (1) Property that is zoned B-4-CZ may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321 (multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) 1 in addition to other uses permissible in the B-4 district, subject to a special use permit-A, and the following: (i) not more than 25% of the total land area covered in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

Art. IX ZONING DISTRICTS AND ZONING MAP

- (2) Except as otherwise provided in this section, the uses that are permissible within a M-3-CZ district, and the regulations applicable to property within such a district shall be those uses and those regulations that would be applicable to any property zone M-1-CZ (i.e. excluding specific conditions made applicable to any property zoned M-1-CZ) with the addition of use 3.230.
- (3) Property that is zoned O/A-CZ shall be subject to all regulations applicable to the O/A district (including but not limited to the performance standards set forth in part I of Article XI), except as follows:
 - a. No area less than four contiguous acres and no more than a total of twenty-five (25) acres may be rezoned to the O/A-CZ.
 - b. Uses within the O/A-CZ district shall be limited to those where loading and unloading occurs during daylight hours only.
 - c. Buildings within the O/A-CZ district shall comply with the following standards:
 - 1. Exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood or fabricated residential lap siding made of hardboard or vinyl).
 - 2. The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run.
 - 3. Windows shall be of a scale and proportion typically of single-family residences.

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. The rezoning petition for a VMU district, described in subsection 15-141.2(g)(1), shall include a master plan as a condition of the approval.
(AMENDED 10/25/16)

(e) A rezoning petition may be submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height.
(AMENDED 10/25/16)

- (1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:

Art. IX ZONING DISTRICTS AND ZONING MAP

- a. Will not substantially injure the value of adjoining or abutting property; and
- b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
- c. Will be in general conformity with the Comprehensive Plan, Land Use Plan, long range transportation plans, and other plans officially adopted by the Council. **(AMENDED 3/22/16, 10/25/16)**

- (2) All relative provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d) and (f). **(AMENDED 10/25/16)**

(f) The specific conditions proposed by the petitioner or the Town may be modified by the planning staff, advisory boards or Town Council as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the Town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, the town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the requirements of this chapter, or the impacts reasonably expected to be generated by the development or use of the site.

(g) Except as allowed under minor modifications below, all changes to conditional zoning districts are major amendments and shall follow the same process as for the original approval as described in this section and in Article XX. Changes to conditional zoning districts may also require amendments or modifications to associated special use permits, zoning permits or sign permits for the development as pursuant to Section 15-64.

- (1) Minor modifications in conditional zoning districts may be reviewed and approved administratively subject to the following limitations:

The minor modification:

Art. IX ZONING DISTRICTS AND ZONING MAP

- a. Does not involve a change in uses permitted or the density overall of the development permitted;
- b. Is a limited minor change that does not have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, such as, without limitation, a minor adjustment to internal road or parking configuration, a minor adjustment to building location, or a minor adjustment to internal tree screening or other landscaping, or a minor adjustment to utility location;
- c. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval;
- d. Meets all other applicable conditions of the rezoning; and
- e. Meets all other ordinance requirements.

- (2) For a conditional zoning district applicable to multiple parcels, the owners of individual parcels may apply for a minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved changes shall only be applicable to those properties who owners petition for the change.

(h) A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination as provided for in subsection 15-93.1. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

(i) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding conventional use district would ordinarily require (according to the Table of Permissible Uses), i.e. a special use permit-A, special use permit-B, or zoning permit.

(j) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district and M-3-CZ zoning district shall require the issuance of a special use permit-A. **(AMENDED 10/23/18)**

(k) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Town Council may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation,

Art. IX ZONING DISTRICTS AND ZONING MAP

energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: **(AMENDED 11/9/11)**

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the North Carolina Stormwater Nitrogen and Phosphorus (SNAP) Tool.
- (2) Energy performance in building requirements to meet one or more of the following.
 - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
 - b. “Designed to Earn the Energy Star” rating.
 - c. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard measured from the regional (or country) average for that building type.
 - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
 - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
 - f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
 - g. Specific energy saving features, including but not limited to the following, are encouraged.
 - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
 - ii. Insulation beyond minimum standards;
 - iii. Use of energy efficient motors/HVAC;
 - iv. Use of energy efficient lighting;
 - v. Use of energy efficient appliances
 - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
 - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a “green” parking lot, per the EPA document Green “Parking Lot Resource Guide.”

Art. IX ZONING DISTRICTS AND ZONING MAP

- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips.
- (9) Inclusion of at least one (1) parking space for car sharing vehicles.
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.
- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

(l) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (k) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1). **(AMENDED 11/9/11)**

(m) For property that is zoned B-4-CZ, the Town Council may approve a special use permit-A that authorizes the tract to be divided into two or more lots, so long as (i) the application for the special use permit-A contains sufficient information to allow the Town Council to approve (and the Council does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e. The subdivision and development of such lot(s) require no further review by the Council); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Council. (Amended 10/23/18)

- (1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a special use permit-A for the entire tract does not provide sufficient information to allow development approval of such lots by the Council, the Council shall specify (by way

of a condition upon the special use permit-A) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Council shall consider the extent to which the initial special use permit-A imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Council's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Council. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.

- (2) Except as provided in subdivision (1) above, the provisions of Section 15-64 and Subsection 15-141.4 shall apply to proposed changes to a special use permit-A issued in connection with a B-4-CZ rezoning.

(n) For property that is zoned M-3-CZ, pursuant to subsection 15-141.4(c)(2) the following provisions shall apply.

- (1) If the Town Council concludes that a proposed development of property zoned M-3- CZ will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Council may approve a special use permit-A that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700. The specified maximum percentage of the gross floor area of the development that may be devoted to such uses shall be proportional to the extent to which the development provides site and building elements that exceed the basic requirements of this ordinance. Such site and building elements are intended to be selected from the following five areas: stormwater management and water conservation; substantial transportation improvement and alternative transportation enhancement; on-site energy production and energy conservation; creation of new and innovative light manufacturing operations; and the provision of public art and/or provision of outdoor amenities for public use.
- (2) The following relationships between site and building elements and uses are hereby deemed to satisfy the standard set forth in subdivision (1) of this subsection: (i) up to fifteen percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700 if the development includes at least fifteen percent of the examples of performance measures from the five areas of site and building element categories set forth below; (ii) up to thirty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the

development includes at least thirty percent of the examples of performance measures from the five areas of site and building element categories set forth below; and (iii) up to forty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least forty percent of the examples of performance measures from the five areas of site and building element categories set forth below. In addition, the Council may allow up to forty percent of a development approved pursuant to this section to be devoted to any combination of the foregoing uses if it concludes that the development will be making a substantial enough investment in one or more of the performance measures listed below to satisfy the standard set forth in subdivision (1) of this subsection.

Performance Measures

Site and Building Element Categories	Examples of Performance Measures
Stormwater management and Water conservation	1) Substantial stormwater retrofits 2) Reduction in nitrogen loading from the site by at least 8 percent from the existing condition, as determined by the Jordan Lake Accounting Tool
Substantial transportation improvement and Alternative transportation enhancement	3) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips 4) Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit 5) Construction of substantially improved site entrance, intersection
On-site energy production and energy conservation	6) Meets or exceeds standards for LEED Gold certification 7) Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical usage for the property 8) Use of harvested rainwater for toilet flushing 9) Use of devices that shade at least 30 percent of south-facing and west-facing building elevations 10) Use of low emissivity (low-e ²) windows along south-facing and west-facing building elevations

Art. IX ZONING DISTRICTS AND ZONING MAP

	<p>11) Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater</p> <p>12) Use of geothermal heat system to serve the entire complex</p> <p>13) Use of LED fixtures for parking and street lights</p> <p>14) Meets the Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type or the US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030</p>
Creation of new and innovative light manufacturing operations	<p>15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers</p> <p>16) Incorporates technologies to reduce production waste by 50 percent or more</p>
The provision of public art and/or provision of outdoor amenities for public use	<p>17) Outdoor amenities such as major public art</p> <p>18) Amphitheatre or outdoor theater, outdoor congregating/gathering area</p> <p>19) Outdoor eating facilities</p> <p>20) Outdoor tables with game surfaces, etc.</p>

- (3) In approving a special use permit-A for a development of infill property zoned M-3-CZ, the Council may allow deviations from the otherwise applicable standards relating to public streets as follows:
- a. The Council may approve a curb and gutter street having a right-of-way of not less than 50 feet, travel lanes of not less than 11 feet, divided by a raised concrete median, with a two foot planting strip and a five foot sidewalk if the development provides a separate ten-foot wide paved bike path or shared-use path that constitutes a satisfactory alternative to a bike lane with the street right-of-way if the applicant can demonstrate that the proposed road will provide the functional equivalent to the required street classification standard for all modes of travel from the point of origin to the terminus at the property boundaries.
 - b. The Council may approve a street lighting system consisting of LED lights on 15 foot poles if satisfactory arrangements are made to ensure that all costs associated with the installation, operation, and maintenance of such poles and lights are borne by the developer or the developer's successor, and not the Town.

Art. IX ZONING DISTRICTS AND ZONING MAP

- c. The Council may approve a street tree planting plan that provides for the installation of fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-316.

Article X

PERMISSIBLE USES

Section 15-155 Planned Unit Developments.

(a) In a planned unit development the developer may make use of the land for any purpose authorized in the particular PUD zoning district in which the land is located, subject to the provisions of this chapter. Section 15-139 describes the various types of PUD zoning districts.

(b) Within any lot developed as a planned unit development, not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-1(g), B-2, or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the M-1 zoning district (assuming the PUD zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for purposes permissible in a residential district (as applicable), purposes permissible in a business district (as applicable), and purposes permissible only in an M-1 district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, residential, business or M-1 uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided in Article IV to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, OCTOBER 5, 2023

Land Use Ordinance Text Amendment Regarding Residential Density in Planned Unit Developments

Motion was made by Sinclair and seconded by Gaylord-Miles that the Planning Board recommends that the Town Council approve the draft ordinance.

VOTE:

AYES: (9) Buckner, Poulton, Foushee, Gaylord-Miles, Sinclair, Mangum, Scales, Kirkpatrick, Peretin

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (2) Amina & Fray

Associated Findings

By a unanimous show of hands, the Planning Board membership indicated that no member is reasonably likely to have a direct, substantial or readily identified financial impact from the development regulation that would pose a conflict of interest.

Motion was made by Sinclair and seconded by Gaylord-Miles that the Planning Board of the Town of Carrboro finds the proposed text amendment is consistent with the Town of Carrboro 2022-2042 Comprehensive Plan, Land Use Chapter, and, in particular, Goal 5, Strategy 5.1, noted below:

Goal 5

- Strategy 5.1, Project A: Update zoning to allow for greater density of development in the downtown and near key nodes. See Corridor Maps in this chapter for proposed locations. *The commercial elements of the two existing PUDs, at Ballentine (b) and at Homestead Road and Bellamy Lane (J), are included in the areas identified for future land use recommendations along the Rogers, Homestead and Old NC 86 Corridor.*

Furthermore, the Planning Board of the Town of Carrboro finds the proposed text amendment, which offers additional flexibility to respond to market conditions is reasonable and in the public interest.

VOTE:

AYES: (9) Buckner, Poulton, Foushee, Gaylord-Miles, Sinclair, Mangum, Scales, Kirkpatrick, Peretin

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (2) Amina & Fray

Brayden Lush
(Chair)

10-9-23
(Date)



PLANNING and INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

TRANSMITTAL DELIVERED VIA EMAIL

October 18, 2023

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on September 25, 2023 and proposed for town public hearing on October 24, 2023:

- *An Ordinance Amending the Land Use Ordinance to Modify Residential Parking Requirements.*
- *An Ordinance Amending the Land Use Ordinance Regarding Residential Density in Planned Unit Developments.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Deputy Director, Long-Range Planning and Administration

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Legislative Public Hearing for Text Amendment Relating to Density in PUDs

Department: Planning, Zoning and Inspections

What are the Racial and Equity impacts? Lack of representation on elected and appointed boards (advisory boards also provide comments for public hearings), and a perception of not being heard can make it difficult to feel welcome. Disparate access to quality education as well as historical barriers to government for community members of color can lead to undue burden.

Who is or will experience community burden? Shift workers and people who have limited time, transportation choices and/or children may have difficulty finding the time to learn about a proposal, attending meetings, understanding how and when to provide input, and to whom. It takes time to learn the development process and to obtain a comfort level to participate. Language may also provide a barrier for some residents.

Who is or will experience community benefit? The public hearing process is intended to provide a mechanism to provide information in a public forum. In the case of a proposed change to a land use regulation, a public hearing provides a public forum for an applicant (land owner or local government) to present information to members of the public and the decision-making entity (elected officials/board of adjustment). Hearings provide opportunities for public comment and allow for decisions to occur in a public setting for transparency. Public hearings for text amendments involve a legislative decision, one which allows for applicants and members of the community to engage with elected officials and voice support or concern for the matter under consideration. Residents who are already engaged with the Town and follow Council meeting agendas may feel comfortable reaching out to the Town or attending meetings to express opinions on land use matters.

What are the root causes of inequity? Working individuals and families may find it difficult to attend public meetings, may be reticent to speak in a public setting and may have an overall distrust in government and governmental processes, based on personal experiences and/or examples of structural racism in government decisions, particularly those relating to land use.

What might be the unintended consequences of this action or strategy? Changes to land use regulations can affect land values and quality of life experiences for surrounding property owners and occupants in ways that can be beneficial and, albeit for some, less desirable. The public hearing process is intended to provide a way for developers and community members to learn about a proposal and provide input in a public setting. Even with published notice and social

media releases, some people may not learn of a proposed amendment to the Land Use Ordinance in time to provide input and/or feel that they understand the project and/or approval process enough to fully participate. The Planning Department has completed the analysis for a REAL lens for the amendment process. The staff core team and Racial Equity Commission have not yet completed their review.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? Suggestions outlined in the REAL lens assessment involves options for better public engagement moving forward. Of note, this would involve efforts to go beyond what is required by state statute and the Land Use Ordinance.



Agenda Item Abstract

File Number: 23-277

Agenda Date: 10/24/2023
In Control: Town Council
Version: 1

File Type: Agendas

Legislative Public Hearing on Land Use Ordinance Text Amendments Modifying Residential Parking

PURPOSE: The purpose of this agenda item is for the Town Council to consider text amendments to the Land Use Ordinance that would modify residential parking requirements. A draft ordinance has been prepared. The Town Council must receive public input before making a decision.

DEPARTMENT: Planning

CONTACT INFORMATION: Trish McGuire, Planning Director, pmcguire@carrboronc.gov <<mailto:pmcguire@carrboronc.gov>>, 919-918-7327; Christina Moon, Planning Administrator, cmoon@carrboronc.gov <<mailto:cmoon@carrboronc.gov>>, 919-918-7325; Nick Herman, Town Attorney, herman@broughlawfirm.com <<mailto:herman@broughlawfirm.com>>

COUNCIL DIRECTION:

☐ Race/Equity ☐ Climate ☒ Comprehensive Plan ☒ Other

Carrboro Connects, Town of Carrboro Comprehensive Plan 2022-2042 was adopted on June 7, 2022. The plan is rooted in advancing racial equity and climate action. 175 strategies and projects are included, 35 of which were identified for prioritization in the first five years because of their ability to advance multiple community interests and objectives. Racial Equity Pocket questions related to the text amendment process are attached as *Attachment F*.

INFORMATION: Since the adoption of Carrboro Connects in June 2022, efforts to begin implementation have been underway. One of the priority projects included in the Land Use Chapter involves an evaluation of the current parking standards in the Land Use Ordinance (LUO) and specifically a review and update of the standards for residential parking to remove existing minimum parking requirements and replace them with maximums. The Town Council held a worksession to discuss different strategies toward modifying the parking standards on May 16, 2023 and subsequently reviewed a draft ordinance as part of a request to set a public hearing on June 27, 2023 (*Attachment B*). It should be noted that the draft ordinance, if approved, would only affect the parking requirements for residential uses. The existing presumptive standards for non-residential uses would remain in place.

Discussion at the June Council meeting also included a request to remove an existing provision in the Table of Parking Requirements, Subsection 15-191(g), relating to the parking standards for multi-family units limited to persons of low- or moderate-income or the elderly (use 1.300). In response to this interest, Section 2 of the draft ordinance includes an alternate version in which the existing provision is deleted. Advisory boards were asked to include a statement, in their comments, as whether the board recommended the draft ordinance with Section 2 or the draft ordinance with Alternate Section 2.

The staff report provided as (*Attachment D*), refers back to the Town Council's previous discussions on this matter and outlines a series of considerations. The removal of the existing provisions for the residential parking

standards to be flexibly administered was a discussion point among the advisory boards and may need additional consideration.

The Town Council must receive public comment before adopting an amendment to the Land Use Ordinance. The draft ordinance was referred to Orange County, presented at the Joint Advisory Board meeting on October 5, 2023, and considered by the Economic Sustainability Commission on October 11th. The Environmental Advisory Board did not have a quorum at the Joint Review meeting and therefore did not provide comments. Comments from the Planning Board, Transportation Advisory Board, Economic Sustainability Commission and Orange County are provided (*Attachment E*).

FISCAL IMPACT: Staff time is necessary for public notice and agenda preparation for advisory board review and public hearings.

RECOMMENDATION: The Town Manager recommends that the Town Council receive public input and consider whether the proposed text amendments are consistent with Town plans and policies. A decision on the draft ordinance should include a clear statement as to the inclusion of Section 2 or Section 2 Alternate, which removes an existing provision in the Table of Parking Requirements, Subsection 15-191(g), relating to the parking standards for multi-family units limited to persons of low- or moderate-income or the elderly (use 1.300).

A resolution for consistency (*Attachment A*) and a draft ordinance for the text amendments (*Attachment B*) are provided.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE TOWN COUNCIL’S REASONS
FOR ADOPTING AMENDMENTS TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
(N.C. Gen. Stat. 160A-383)

WHEREAS, amendments to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: “An Ordinance Amending the Land Use Ordinance to Modify Residential Parking Requirements.”

NOW, THEREFORE, the Town Council of the Town of Carrboro Resolves:

Section 1. The Council has reviewed the draft amendment to the text of the Land Use Ordinance and concludes that the proposed amendment is:

_____ *Consistent* with the Town of Carrboro 2022-2042 Comprehensive Plan, Transportation and Mobility and Land Use chapters and associated strategies noted below:

Transportation and Mobility Goal 4, Strategy 4.2: Reduce negative effects of parking requirements on housing costs and natural resources.

- Project A: Remove minimum vehicular parking requirements for residential development close to transit. Lower vehicular parking requirements for all residential uses, including ADUs. Further reduce vehicular minimum parking standards for dedicated, long-term affordable housing units. Consider maximum parking rations to reduce impervious surfaces and make more efficient use of land.

Land Use Goal 4, Strategy 4.1: Update the Land Use Ordinance to be consistent with the goals of the Comprehensive Plan.

- Project C: Update parking requirements to remove minimum requirements for residential development close to transit (including affordable housing, accessory dwelling units, and the residential components of mixed-use developments) to reduce impervious surfaces and make more efficient use of land.

_____ *Inconsistent* with current adopted plans. The proposed action is *inconsistent* with the comprehensive plan for the following reason(s):

_____ *Inconsistent* with the current adopted plans; however, because of the following changed circumstance(s), the Council’s approval shall also be deemed an amendment to the existing adopted plan, _____, as described below.

Changed circumstance(s):

Amendment to current adopted plan:

Section 2. The Town Council's action is reasonable and in the public interest for the following reason(s):

The proposed text amendment which is intended to reduce housing costs and protect natural resources is reasonable and in the public interest.

Section 3. Therefore, the Carrboro Town Council has: approved / denied the proposed amendment to the text of the Carrboro Land Use Ordinance.

Section 4. This resolution becomes effective upon adoption.

Adopted by the Carrboro Town Council this 24th day of October 2023.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY
RESIDENTIAL PARKING REQUIREMENTS

****DRAFT 9-29-2023****

THE CARRBORO TOWN COUNCIL HEREBY ORDAINS:

Section 1. Section 15-291 (Number of Parking Spaces Required) of the Carrboro Land Use ordinance is amended by revising subdivision (b) to read as follows:

(b) The presumptions established by this article are that: (i) a development must comply with the parking standards set forth in subsection (g) to satisfy the requirement stated in subsection (a), and (ii) any development that does meet these standards is in compliance. However, the Table of Parking Standards is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-292, for uses other than residential use classifications 1.100, 1.200, 1.300, 1.340, 1.350.

Section 2. Section 15-291 (Number of Parking Spaces Required) is amended by revising subdivision (g) to read as follows:

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
1.100	For all zoning districts other than the WR, no minimum. A maximum of 2 spaces per dwelling unit plus one space per room rented out in each dwelling unit (see Accessory Uses, Section 15-150). Any space provided within an enclosed or partially enclosed garage shall not be counted towards the maximum. (AMENDED 2/24/84; 8/27/96)
1.200	No minimum. A maximum of 2 spaces for each dwelling unit.
1.300	No minimum. Maximum parking may be provided per the following: with respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low- or moderate-income or the elderly require only 1 space per unit. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development. (AMENDED 5/10/83)
1.340	No minimum. A maximum of 1 space per every four dwelling units. (AMENDED 1/11/00)
1.350	No minimum. A maximum of 2 spaces for each dwelling unit. (AMENDED 10/22/19)
1.410	A maximum of 1 space for each bedroom.
1.420	

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
1.430	1 space for each room to be rented.
1.510	1 space per room plus additional spaces for restaurant or other facilities. (AMENDED 11/28/06)
1.610 1.620 1.630	3 spaces for every five beds except for uses exclusively servicing children under 16, in which case 1 space for every 3 beds shall be required.
1.900	4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others.
1.910	4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others, plus one space for each non-resident employee. (AMENDED 10/22/19)
2.110	1 space per 200 square feet of gross floor area.
2.120 2.130	1 space per 400 square feet of gross floor area.
2.140	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. (AMENDED 2/4/86)
2.150	1 space per 200 square feet in the portion of the building to be used for retail sales plus 1 space for every two employees on the maximum shift. (AMENDED 4/15/97)
2.210	1 space per 200 square feet of gross floor area. (AMENDED 2/4/86)
2.220 2.230	1 space per 400 square feet of gross floor area.
2.240 2.250	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. (AMENDED 10/23/18)
2.310	1 space per 200 square feet of gross floor area.
2.320	1 space per 400 square feet of gross floor area.
2.330	1 space per 400 square feet of gross floor area.
3.110	1 space per 200 square feet of gross floor area.
3.120	1 space per 400 square feet of gross floor area.
3.130 3.131	1 space per 150 square feet of gross floor area. (AMENDED 10/23/18)

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
3.150	1 space per 200 square feet of ground floor area. (AMENDED 6/20/95)
3.210	1 space per 200 square feet of gross floor area.
3.220	1 space per 400 square feet of gross floor area.
3.230	1 space per 200 square feet of area within main building plus reservoir lane capacity equal to five spaces per window (10 spaces if window serves two stations).
3.250	3 spaces arranged in close proximity to this use. (AMENDED 9/01/92)
3.260	1 space for every full time employee; 1 space for every 2 part time employees; 1 space for every 3 volunteers; 1 space for every 20 seats in the portion of the building used for dining and 1 space for every 100 square feet of the building dedicated toward meeting or educational space (depending on programming needs, this requirement may apply to the kitchen and dining spaces). (AMENDED 3/22/16)
4.100 4.200	1 space for every two employees on the maximum shift except that in the B-1-G, B-2, B-3, and B-4 zones, such uses may provide 1 space per 200 square feet of gross floor area.
5.110	1.75 spaces per classroom in elementary schools 5.0 spaces per classroom in high schools.
5.120	1 space per 100 square feet of gross floor area.
5.130	1 space per 150 square feet of gross floor area.
5.200	1 space per every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.
5.310 5.320	1 space per 300 square feet of gross floor area.
5.400	1 space per 300 square feet of gross floor area.
6.110	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion -- example tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.
6.120 6.130	1 space for every four seats.

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
6.140	1 space for every 200 square feet of gross floor area within enclosed buildings (AMENDED 2/2/88)
6.210 6.220	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
6.230	Miniature golf course – 1 space per 300 square feet of golf course area plus 1 space per 200 square feet of building gross floor area; Driving range -- 1 space per tee plus 1 space per 200 square feet in building gross floor area; Par Three Course -- 2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.
6.240	1 space per horse that could be kept at the stable when occupied to maximum capacity.
6.250	1 space for every three seats.
6.260	1 space per speaker outlet.
7.100	2 spaces per bed.
7.200	3 spaces for every 5 beds
7.300 7.400	1 space for every two employees on maximum shift.
8.100	1 space per 100 square feet of gross floor area. (AMENDED 2/24/87)
8.200	1 space for every four outside seats. (AMENDED 2/24/87)
8.300	1 space for each drive-in service spot. (AMENDED 2/24/87)
8.400	Reservoir lane capacity equal to five spaces per drive-in window. (AMENDED 2/24/87)
8.500	Spaces to be determined according to projected level of carry-out service. (AMENDED 2/24/87)
8.600	1 space per 200 square feet of floor area plus one space per employee engaged in delivery service. (AMENDED 2/24/87)
8.800	1 space per 100 square feet of performing arts space plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II, whichever is less. (AMENDED 11/27/18)
9.100	1 space per 200 square feet of gross floor area plus an extra 810 square foot vehicle storage area per repair bay.

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
9.200	2 regular spaces per bay plus a 1,540 square foot vehicle storage area per bay. (AMENDED 2/4/86)
9.300	1 space per 200 square feet of gross floor area of building devoted primarily to gas sales operation; plus sufficient parking area to accommodate 2 vehicles per pump without interfering with other parking spaces.
9.400	2 regular spaces per bay and office plus an 810 square foot vehicle storage area per bay. (AMENDED 2/4/86, 10/20/92)
9.500	Conveyer type--1 space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type--2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.
10.210 10.220	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
11.000	1 space per 200 square feet of gross floor area.
12.100 12.200	1 space per 200 square feet of gross floor area.
13.100 13.200 13.300 13.400	1 space per 200 square feet of gross floor area.
14.100 14.200 14.300 14.400	1 space for every 2 employees on maximum shift.
15.100 15.200	1 space per 200 square feet of gross floor area.
15.300	1 space for every 2 employees on maximum shift.
15.400	1 space per 100 square feet of gross floor area.
15.500	1 space per 400 square feet of gross floor area of the collection facility plus 1 space per employee or attendant. (AMENDED 6/28/83)

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
16.100	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.
16.200	1 space per 200 square feet of gross floor area.
19.000	1 space per 1,000 square feet of lot area used for storage, display, or sales. (AMENDED 5/12/81)
20.000 21.000	1 space per 200 square feet of gross floor area.
22.000	1 space for every employee plus 1 space per 250 square feet of floor area used for day care in addition to spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses.
23.000	1 space per 200 square feet of gross floor area. 1 space per room plus additional space for restaurant or other facilities.
34.000 34.100 34.200	1 space per room plus additional spaces for restaurant or other facilities. 2 spaces per main dwelling unit plus 1 space per room. (AMENDED 6/22/99; 11/28/06)
	(AMENDED 2/04/97; 1/11/00; 5/18/04)

PART II. (APPLIES TO PROPERTIES LOCATED WITHIN THE B-1 (C), B-1 (G), AND B-2 ZONING DISTRICTS)	
USE	PARKING REQUIREMENT
1.100	No minimum. A maximum of 1 per bedroom and no more than 2
1.200	No minimum. A maximum of 1 per bedroom and no more than 2
1.300	No minimum. A maximum of 1 per bedroom and no more than 2
1.500	.75 per room (Note: This does not include parking for associated conference and/or restaurant facilities.)
2.000	1 per 300 square feet of gross floor area
3.000	1 per 400 square feet of gross floor area

Alternate Section 2. Section 15-291 (Number of Parking Spaces Required) is amended by revising subdivision (g) to read as described in Section 2 above, with one additional modification: Part I of the Table, use classification 1.300, the provision for multi-family units limited to persons of low-or moderate-income or the elderly to require only 1 space per unit would be deleted as shown below.

1.300	No minimum. Maximum parking may be provided per the following: with respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development. (AMENDED 5/10/83)
--------------	---

Section 3. Section 15-302 (Limitation on the Total Lot Coverage Devoted to Surface Parking) is amended to read as follows:

For use classifications other than 1.100, 1.200, 1.300, 1.340, 1.350, no development approved after the effective date of this section may construct more than 110 percent of the number of parking spaces determined by the permit issuing authority to be necessary to satisfy the requirements of Section 15-291

Section 4. This ordinance shall become effective upon adoption.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO MODIFY
RESIDENTIAL PARKING REQUIREMENTS

****DRAFT 9-29-2023****

THE CARRBORO TOWN COUNCIL HEREBY ORDAINS:

Section 1. Section 15-291 (Number of Parking Spaces Required) of the Carrboro Land Use ordinance is amended by revising subdivision (b) to read as follows:

(b) The presumptions established by this article are that: (i) a development must comply with the parking standards set forth in subsection (g) to satisfy the requirement stated in subsection (a), and (ii) any development that does meet these standards is in compliance. However, the Table of Parking Standards is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-292, for uses other than residential use classifications 1.100, 1.200, 1.300, 1.340, 1.350.

Section 2. Section 15-291 (Number of Parking Spaces Required) is amended by revising subdivision (g) to read as follows:

USE	<p style="text-align: center;"><u>PART I.</u></p> <p style="text-align: center;"><u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u></p>
1.100	<u>For all zoning districts other than the WR, no minimum. A maximum of 2 spaces per dwelling unit plus one space per room rented out in each dwelling unit (see Accessory Uses, Section 15-150). These required spaces shall be in addition to aAny space provided within an enclosed or partially enclosed garage shall not be counted towards the maximum. (AMENDED 2/24/84; 8/27/96)</u>
1.200	<u>No minimum. A maximum of 2 spaces for each dwelling unit, except that one bedroom units require only one space.</u>
1.300	<u>No minimum. Maximum parking may be provided per the following:</u> with respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low- or moderate-income or the elderly require only 1 space per unit. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development. (AMENDED 5/10/83)
1.340	<u>No minimum. A maximum of 1 space per every four dwelling units. (AMENDED 1/11/00)</u>
1.350	<u>No minimum. A maximum of 2 spaces for each dwelling unit, except that one bedroom units require only one space. (AMENDED 10/22/19)</u>
1.410 <u>1.420</u>	<u>A maximum of 1 space for each bedroom.</u>

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
1.420	
1.430	1 space for each room to be rented.
1.510	1 space per room plus additional spaces for restaurant or other facilities. (AMENDED 11/28/06)
1.610	3 spaces for every five beds except for uses exclusively servicing children under 16, in which case 1 space for every 3 beds shall be required.
1.620	
1.630	
1.900	4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others.
1.910	4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others, plus one space for each non-resident employee. (AMENDED 10/22/19)
2.110	1 space per 200 square feet of gross floor area.
2.120	1 space per 400 square feet of gross floor area.
2.130	
2.140	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. (AMENDED 2/4/86)
2.150	1 space per 200 square feet in the portion of the building to be used for retail sales plus 1 space for every two employees on the maximum shift. (AMENDED 4/15/97)
2.210	1 space per 200 square feet of gross floor area. (AMENDED 2/4/86)
2.220	1 space per 400 square feet of gross floor area.
2.230	
2.240	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. (AMENDED 10/23/18)
2.250	
2.310	1 space per 200 square feet of gross floor area.
2.320	1 space per 400 square feet of gross floor area.
2.330	1 space per 400 square feet of gross floor area.
3.110	1 space per 200 square feet of gross floor area.
3.120	1 space per 400 square feet of gross floor area.

<u>USE</u>	<u>PART I.</u> PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
3.130 3.131	1 space per 150 square feet of gross floor area. (AMENDED 10/23/18)
3.150	1 space per 200 square feet of ground floor area. (AMENDED 6/20/95)
3.210	1 space per 200 square feet of gross floor area.
3.220	1 space per 400 square feet of gross floor area.
3.230	1 space per 200 square feet of area within main building plus reservoir lane capacity equal to five spaces per window (10 spaces if window serves two stations).
3.250	3 spaces arranged in close proximity to this use. (AMENDED 9/01/92)
3.260	1 space for every full time employee; 1 space for every 2 part time employees; 1 space for every 3 volunteers; 1 space for every 20 seats in the portion of the building used for dining and 1 space for every 100 square feet of the building dedicated toward meeting or educational space (depending on programming needs, this requirement may apply to the kitchen and dining spaces). (AMENDED 3/22/16)
4.100 4.200	1 space for every two employees on the maximum shift except that in the B-1-G, B-2, B-3, and B-4 zones, such uses may provide 1 space per 200 square feet of gross floor area.
5.110	1.75 spaces per classroom in elementary schools 5.0 spaces per classroom in high schools.
5.120	1 space per 100 square feet of gross floor area.
5.130	1 space per 150 square feet of gross floor area.
5.200	1 space per every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.
5.310 5.320	1 space per 300 square feet of gross floor area.
5.400	1 space per 300 square feet of gross floor area.
6.110	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion -- example tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.

<u>USE</u>	<u>PART I.</u> PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
6.120 6.130	1 space for every four seats.
6.140	1 space for every 200 square feet of gross floor area within enclosed buildings (AMENDED 2/2/88)
6.210 6.220	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
6.230	Miniature golf course – 1 space per 300 square feet of golf course area plus 1 space per 200 square feet of building gross floor area; Driving range -- 1 space per tee plus 1 space per 200 square feet in building gross floor area; Par Three Course -- 2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.
6.240	1 space per horse that could be kept at the stable when occupied to maximum capacity.
6.250	1 space for every three seats.
6.260	1 space per speaker outlet.
7.100	2 spaces per bed.
7.200	3 spaces for every 5 beds
7.300 7.400	1 space for every two employees on maximum shift.
8.100	1 space per 100 square feet of gross floor area. (AMENDED 2/24/87)
8.200	1 space for every four outside seats. (AMENDED 2/24/87)
8.300	1 space for each drive-in service spot. (AMENDED 2/24/87)
8.400	Reservoir lane capacity equal to five spaces per drive-in window. (AMENDED 2/24/87)
8.500	Spaces to be determined according to projected level of carry-out service. (AMENDED 2/24/87)
8.600	1 space per 200 square feet of floor area plus one space per employee engaged in delivery service. (AMENDED 2/24/87)
8.800	1 space per 100 square feet of performing arts space plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II,

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
	whichever is less. (AMENDED 11/27/18)
9.100	1 space per 200 square feet of gross floor area plus an extra 810 square foot vehicle storage area per repair bay.
9.200	2 regular spaces per bay plus a 1,540 square foot vehicle storage area per bay. (AMENDED 2/4/86)
9.300	1 space per 200 square feet of gross floor area of building devoted primarily to gas sales operation; plus sufficient parking area to accommodate 2 vehicles per pump without interfering with other parking spaces.
9.400	2 regular spaces per bay and office plus an 810 square foot vehicle storage area per bay. (AMENDED 2/4/86, 10/20/92)
9.500	Conveyer type--1 space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type--2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.
10.210 10.220	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
11.000	1 space per 200 square feet of gross floor area.
12.100 12.200	1 space per 200 square feet of gross floor area.
13.100 13.200 13.300 13.400	1 space per 200 square feet of gross floor area.
14.100 14.200 14.300 14.400	1 space for every 2 employees on maximum shift.
15.100 15.200	1 space per 200 square feet of gross floor area.
15.300	1 space for every 2 employees on maximum shift.

<u>USE</u>	<u>PART I.</u> <u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u>
15.400	1 space per 100 square feet of gross floor area.
15.500	1 space per 400 square feet of gross floor area of the collection facility plus 1 space per employee or attendant. (AMENDED 6/28/83)
16.100	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.
16.200	1 space per 200 square feet of gross floor area.
19.000	1 space per 1,000 square feet of lot area used for storage, display, or sales. (AMENDED 5/12/81)
20.000 21.000	1 space per 200 square feet of gross floor area.
22.000	1 space for every employee plus 1 space per 250 square feet of floor area used for day care in addition to spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses.
23.000	1 space per 200 square feet of gross floor area. 1 space per room plus additional space for restaurant or other facilities.
34.000 34.100 34.200	1 space per room plus additional spaces for restaurant or other facilities. 2 spaces per main dwelling unit plus 1 space per room. (AMENDED 6/22/99; 11/28/06)
	(AMENDED 2/04/97; 1/11/00; 5/18/04)

PART II. (APPLIES TO PROPERTIES LOCATED WITHIN THE B-1 (C), B-1 (G), AND B-2 ZONING DISTRICTS)	
USE	PARKING REQUIREMENT
1.100	<u>No minimum. A maximum of</u> 1 per bedroom and no more than 2
1.200	<u>No minimum. A maximum of</u> 1 per bedroom and no more than 2
1.300	<u>No minimum. A maximum of</u> 1 per bedroom and no more than 2
1.500	.75 per room (Note: This does not include parking for associated conference and/or restaurant facilities.)
2.000	1 per 300 square feet of gross floor area
3.000	1 per 400 square feet of gross floor area

Alternate Section 2. Section 15-291 (Number of Parking Spaces Required) is amended by revising subdivision (g) to read as described in Section 2 above, with one additional modification: Part I of the Table, use classification 1.300, the provision for multi-family units limited to persons of low-or moderate-income or the elderly to require only 1 space per unit would be deleted as shown below.

1.300	<u>No minimum. Maximum parking may be provided per the following:</u> with respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low-or moderate-income or the elderly require only 1 space per unit. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development. (AMENDED 5/10/83)
-------	---

Section 3. Section 15-302 (Limitation on the Total Lot Coverage Devoted to Surface Parking) is amended to read as follows:

For use classifications other than 1.100, 1.200, 1.300, 1.340, 1.350, no development approved after the effective date of this section may construct more than 110 percent of the number of parking spaces determined by the permit issuing authority to be necessary to satisfy the requirements of Section 15-291

Section 4. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☐ MAIL ☐ FAX ☒ EMAIL

To: Richard White, Town Manager
Mayor and Town Council

From: Tina Moon, Planning Administrator

Date: October 20, 2023

Subject: Proposed Text Amendments Modifying Residential Parking Requirements

Overview

The Town of Carrboro's recently adopted comprehensive plan, Carrboro Connects, includes recommendations to examine and when appropriate update certain provisions in the Land Use Ordinance to better implement the Town's vision as set forth in the plan. One of the priority projects identified in the Transportation and Mobility and Land Use chapters of the plan involve a review of the current parking standards, particularly the residential standards, as described below:

Transportation and Mobility Goal 4, Strategy 4.2: Reduce negative effects of parking requirements on housing costs and natural resources.

- Project A: Remove minimum vehicular parking requirements for residential development close to transit. Lower vehicular parking requirements for all residential uses, including ADUs. Further reduce vehicular minimum parking standards for dedicated, long-term affordable housing units. Consider maximum parking rations to reduce impervious surfaces and make more efficient use of land.

Land Use Goal 4, Strategy 4.1: Update the Land Use Ordinance to be consistent with the goals of the Comprehensive Plan.

- Project C: Update parking requirements to remove minimum requirements for residential development close to transit (including affordable housing, accessory dwelling units, and the residential components of mixed-use developments) to reduce impervious surfaces and make more efficient use of land.

The reduction in parking requirements has also been identified as a "cross-cutting" strategy with the Affordable Housing Chapter, based on the possibility that the cost savings associated with the reduction of a development standard could lead to more affordable housing.

Existing standards

The standards for parking, the number of parking spaces required per land use and specifications relating to parking space and parking lot dimensions are described in Article XVIII of the Land Use Ordinance (LUO). The intent of these standards as set forth in Section 15-291 is to provide “a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.” Subsection 15-291(b), as noted in the excerpt below, clarifies that the standards are presumptive.

(b) The presumptions established by this article are that: (i) a development must comply with the parking standards set forth in subsection (g) to satisfy the requirement stated in subsection (a), and (ii) any development that does meet these standards is in compliance. However, the Table of Parking Standards is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-292.

Section 15-292 outlines the different provisions for seeking flexibility in the number of required spaces. Opportunities for shared parking and satellite parking are also provided in Section 15-297 and 15-298.

Discussion

On May 16, 2023, staff provided the Town Council with a report on the implementation of the strategies to adjust the parking standards to address the interests outlined in Carrboro Connects. ([Town of Carrboro - Meeting of Town Council on 5/16/2023 at 7:00 PM \(legistar.com\)](#)). The agenda item included information relating to existing transit service, to identify areas that met the locational definition of ‘close to transit’ as described in the comprehensive plan, along with different approaches to reducing parking and related considerations. The Council discussed the matter again on June 27, 2023 as part of an agenda item to set a public hearing on the draft text amendments [Town of Carrboro - Meeting of Town Council on 6/27/2023 at 7:00 PM \(legistar.com\)](#)). The draft ordinance, as prepared, would replace the existing minimum standard for residential uses and replace it with a maximum number of parking spaces. The existing flexibility established by the presumptive standards would therefore be removed for residential uses. The presumptive standards would remain in place for non-residential uses.

Public Input

The public hearing schedule was designed to provide an opportunity for staff to conduct a series of outreach events, to provide information relating to the proposed changes to local residents and to seek public input. The schedule of outreach events is provided in the table below. Of note, the bold font indicates events that allowed for more opportunities for one-on-one engagement and direct conversations with Planning staff.

Schedule of Outreach for Parking Text Amendment

DATE	EVENT
July 4	Independence Day at Town Commons
August 16	UNC Graduate Student Orientation
September 16	Carrboro Farmers’ Market
August 19	Carrboro in Motion – Carolina Apts
September 22	Carrboro in Motion – Estes Park Apts
September 20	Planning Open House
October 4	Planning Open House
October 6	Planning Open House
October 7	Carrboro Farmers’ Market

At all events, handouts and boards provided information about the proposed change to the existing parking requirements and opportunities for public comment at the October 24th public hearing. Staff

also directed residents to a page on the departmental website with information as well as a link to the draft text amendment on the Town Council agenda page.

On October 5, 2023, the draft ordinance was presented at the Joint Advisory Board review meeting. Comments from the Planning Board and Transportation Advisory Board are provided. The Environmental Advisory Board did not have a quorum and therefore did not provide comments. The Economic Sustainability Commission reviewed the draft ordinance at its regular meeting on October 11th. Comments are provided as Attachment E. Of note, advisory boards expressed interest in retaining the current presumptive nature of the parking requirements or adding some amount of flexibility for the Town Council to able to grant additional parking if needed. If there is interest in retaining flexibility, criteria may be needed to clarify when additional parking may be permitted and by how much. Pairing the existing presumptive language with parking maximums seems to be an awkward construction. In addition, advisory boards expressed a preference for the draft ordinance with the alternate language for Section 2 which would remove the different standards for persons of low- or moderate-income or the elderly.

Considerations/Summary Comments

The interest in the comprehensive plan is to right-size parking requirements to eliminate excess parking that could be better used for other Town interests. If the ordinance amendment is approved, it may take a few years to understand the impact of the change and to make adjustments, if necessary. Who would this effect, and how? Examples of other consideration are listed below.

- If there is insufficient on-site parking, where would over-flow parking occur?
- What mobility services are available to reduce car dependency: transit, micromobility, on-demand services, public or private?
- How to proceed regarding current transit frequencies.
- How to consider/incorporate changes to parking standards in the future if/when transit routes change?
- Is there interest in keeping the flexible administration/presumptive standard?
- Parameters for Council/Board of Adjustment decisions regarding number of spaces.
- Parameters for staff decisions regarding number of spaces.
- Relationship to infrastructure changes (accessibility, bicycle and pedestrian).
- How to evaluate whether the reducing parking requirements leads to more sustainable mobility patterns? Is private car ownership reduced? How are mobility services such as carsharing used?
- How many developers have requested a reduced number of parking spaces? Has it turned out to be enough?
- Will the savings be passed on to renters/owners?

The draft amendment, if approved, would remove the current parking minimums for residential uses and replace them with new parking maximums. No changes to the requirements for non-residential uses are currently provided. However, changes to commercial parking may be recommended as part of the upcoming master plan for the downtown. In addition, as implementation on other aspects of the Comprehensive Plan moves forward, such as the interest in increasing density, the parking standards may need to be revisited and/or further modified. This is important as it may take a few years and/or development projects to understand the impact of reducing the parking requirements and make any adjustments, if necessary. It will also be important to continue to expand multimodal options transportation to reduce the need for cars. Increasing local and regional transit service and continuing to design and build pedestrian and bicycle infrastructure projects will be essential.

Action Requested

Staff requests that the Town Council receive public comment and consider the draft ordinance (*Attachment B*). *The motion should include a statement regarding the inclusion of Section 2 or*

Alternate Section 2 in the draft ordinance. Support of Alternate Section 2 would include the removal of the sentence in the Table of Parking Requirements, Subsection 15-191(g), relating to the parking standards for multi-family units limited to persons of low- or moderate-income or the elderly (use 1.300). A resolution of consistency has been provided (*Attachment A*).



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, OCTOBER 5, 2023

Land Use Ordinance Text Amendment to Modify Residential Parking Requirements

The Planning Board recommends retaining the presumptive standards, with the maximum requirement becoming a presumptive standard, or providing an opportunity for an applicant to seek flexibility, particularly as may be needed for ADA needs.

The Planning recommends the adoption of the ordinance with Alternate Section 2.

Motion was made by Poulton and seconded by Scales that the Planning Board recommends that the Town Council approve the draft ordinance, with the above comments.

VOTE:

AYES: (9) Buckner, Poulton, Foushee, Gaylord-Miles, Sinclair, Mangum, Scales, Kirkpatrick, Peretin

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (2) Amina, Fray

Associated Findings

By a unanimous show of hands, the Planning Board membership indicated that no member is reasonably likely to have a direct, substantial or readily identified financial impact from the development regulation that would pose a conflict of interest.

Motion was made by Sinclair and seconded by Poulton that the Planning Board of the Town of Carrboro finds the proposed text amendment is consistent with the Town of Carrboro 2022-2042 Comprehensive Plan, Transportation and Mobility and Land Use chapters as noted below:

Transportation and Mobility Goal 4, Strategy 4.2: Reduce negative effects of parking requirements on housing costs and natural resources.

- Project A: Remove minimum vehicular parking requirements for residential development close to transit. Lower vehicular parking requirements for all residential uses, including ADUs. Further reduce vehicular minimum parking standards for dedicated, long-term affordable housing units. Consider maximum parking rations to reduce impervious surfaces and make more efficient use of land.

Land Use Goal 4, Strategy 4.1: Update the Land Use Ordinance to be consistent with the goals of the Comprehensive Plan.

- Project C: Update parking requirements to remove minimum requirements for residential development close to transit (including affordable housing, accessory dwelling units, and the residential components of mixed-use developments) to reduce impervious surfaces and make more efficient use of land.

The Planning Board furthermore finds the above described text amendment, which is intended to reduce housing costs and protect natural resources is reasonable and in the public interest.

AYES: (9) Buckner, Poulton, Foushee, Gaylord-Miles, Sinclair, Mangum, Scales, Kirkpatrick, Peretin

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (2) Amina, Fray

Brian Foushee 10-9-23
(Chair) (Date)



TOWN OF CARRBORO

Transportation Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, OCTOBER 19, 2023

Land Use Ordinance Text Amendment to Modify Residential Parking Requirements

Motion was made by Keefe and seconded by Salvesen that the Transportation Advisory Board recommends that the Town Council approve the draft ordinance with the following modifications:

1. That the Council retain flexibility in administration as noted in Section 15-291(b); for example, for use in instances where development is not close to transit, or other unforeseen scenarios;
2. Alternate section 2 for use 1.300 be approved, rewritten as follows for consistency:

“No minimum. Maximum parking may be provided per the following: with respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the maximum shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. All other multi-family units shall have a maximum of 1 space for each bedroom in each unit plus 1 additional space for every four units in the development.”; and

3. Clarify that there is a line break above 1.410 to more clearly separate out 1.410 & 1.420 from 1.340 and 1.350.

VOTE:

AYES: (4) Keefe, Jones-Peretto, Salvesen, Swan

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (0)

Associated Findings

By a unanimous show of hands, the Transportation Advisory Board membership indicated that no member is reasonably likely to have a direct, substantial or readily identified financial impact from the development regulation that would pose a conflict of interest.

Motion was made by Keefe and seconded by Swan that the Transportation Advisory Board of the Town of Carrboro finds the proposed text amendment with the above recommendations is consistent with the Town of Carrboro 2022-2042 Comprehensive Plan, Transportation and Mobility and Land Use chapters as noted below:

Transportation and Mobility Goal 4, Strategy 4.2: Reduce negative effects of parking requirements on housing costs and natural resources.

- Project A: Remove minimum vehicular parking requirements for residential development close to transit. Lower vehicular parking requirements for all residential uses, including ADUs. Further reduce vehicular minimum parking standards for dedicated, long-term affordable housing units. Consider maximum parking rations to reduce impervious surfaces and make more efficient use of land.

Land Use Goal 4, Strategy 4.1: Update the Land Use Ordinance to be consistent with the goals of the Comprehensive Plan.

- Project C: Update parking requirements to remove minimum requirements for residential development close to transit (including affordable housing, accessory dwelling units, and the residential components of mixed-use developments) to reduce impervious surfaces and make more efficient use of land.

The Transportation Advisory Board furthermore finds the above described text amendment, which is intended to reduce housing costs and protect natural resources is reasonable and in the public interest.

VOTE:

AYES: (4) Keefe, Jones-Peretto, Salvesen, Swan

NOES: (0)

ABSTENTIONS: (0)

ABSENT/EXCUSED: (0)



(Chair)

October 20, 2023

(Date)



Economic Sustainability Commission

RECOMMENDATION

October 11, 2023

At their October 11, 2023 Regular Meeting, the Economic Sustainability Commission made the following recommendations: a motion was made to disapprove of the Land Use Ordinance Text Amendment to Modify Residential Parking Requirements.

The following related comments were also made:

- generally a car is still needed in the Chapel Hill/Carrboro area to conduct many regular household tasks;
- concerns about apartment complexes charging for parking spaces if they are not required to provide any;
- there is already a parking issue downtown and passing this ordinance would make the parking situation worse as residents living in these buildings would possibly look elsewhere for parking;
- this appears to be a punishment to drive rather than providing solutions so that you don't have to drive; and
- apartments are not incentivized or likely to decrease their rents simply because they are not required to provide/build parking – they will still charge a market rate.



PLANNING and INSPECTIONS

Cy Stober, AICP, Director | cstober@orangecountync.gov | 131 W. Margaret Lane, Hillsborough, NC 27278 | 919.245.2575

TRANSMITTAL DELIVERED VIA EMAIL

October 18, 2023

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on September 25, 2023 and proposed for town public hearing on October 24, 2023:

- *An Ordinance Amending the Land Use Ordinance to Modify Residential Parking Requirements.*
- *An Ordinance Amending the Land Use Ordinance Regarding Residential Density in Planned Unit Developments.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Deputy Director, Long-Range Planning and Administration

RACE & EQUITY POCKET QUESTIONS

Title & Purpose of this Initiative: Legislative Public Hearing for Text Amendments to Modify Residential Parking Requirements

Department: Planning, Zoning and Inspections

What are the Racial and Equity impacts? Lack of representation on elected and appointed boards (advisory boards also provide comments for public hearings), and a perception of not being heard can make it difficult to feel welcome. Disparate access to quality education as well as historical barriers to government for community members of color can lead to undue burden.

Who is or will experience community burden? Shift workers and people who have limited time, transportation choices and/or children may have difficulty finding the time to learn about a proposal, attending meetings, understanding how and when to provide input, and to whom. It takes time to learn the development process and to obtain a comfort level to participate. Language may also provide a barrier for some residents.

Who is or will experience community benefit? The public hearing process is intended to provide a mechanism to provide information in a public forum. In the case of a proposed change to a land use regulation, a public hearing provides a public forum for an applicant (land owner or local government) to present information to members of the public and the decision-making entity (elected officials/board of adjustment). Hearings provide opportunities for public comment and allow for decisions to occur in a public setting for transparency. Public hearings for text amendments involve a legislative decision, one which allows for applicants and members of the community to engage with elected officials and voice support or concern for the matter under consideration. Residents who are already engaged with the Town and follow Council meeting agendas may feel comfortable reaching out to the Town or attending meetings to express opinions land use matters.

What are the root causes of inequity? Working individuals and families may find it difficult to attend public meetings, may be reticent to speak in a public setting and may have an overall distrust in government and governmental processes, based on personal experiences and/or examples of structural racism in government decisions, particularly those relating to land use.

What might be the unintended consequences of this action or strategy? Changes to land use regulations can affect land values and quality of life experiences for surrounding property owners and occupants in ways that can be beneficial and, albeit for some, less desirable. The public hearing process is intended to provide a way for developers and community members to learn about a proposal and provide input in a public setting. Even with published notice and social

media releases, some people may not learn of a proposed amendment to the Land Use Ordinance in time to provide input and/or feel that they understand the project and/or approval process enough to fully participate. The Planning Department has completed the analysis for a REAL lens for the amendment process. The staff core team and Racial Equity Commission have not yet completed their review.

How is your department planning to mitigate any burdens, inequities, and unintended consequences? Suggestions outlined in the REAL lens assessment involves options for better public engagement moving forward. Of note, this would involve efforts to go beyond what is required by state statute and the Land Use Ordinance.