



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Meeting Agenda Board of Aldermen



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Tuesday, November 19, 2013

7:30 PM

Board Chambers - Room 110

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**PUBLIC HEARING - Please note that public comment is limited to items listed on the agenda.**

**7:30-7:35**

**A. CONSENT AGENDA**

1. [13-0487](#) An Ordinance Amending Chapter 6 of the Town Code to Provide a Violation Dealing with Parking in a Commercial Loading Zone  
  
PURPOSE: The purpose of this item is to amend the Town Code to provide for a penalty of \$25.00 for the offence of parking in a commercial loading zone. Currently, that violation has no associated penalty.  
**Attachments:** [Amendment adding 6-25 to civil penalty 10-11-13.docx](#)
  
2. [13-0484](#) Permit Extension Request for Previously Issued Conditional Use Permit for The Butler Mixed-Use CUP at 120 Brewer Lane  
  
PURPOSE: The Board is asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for The Butler Mixed-Use CUP. The Town Staff recommends approval of the request  
**Attachments:** [Attachment A Butler PermitExtensionRequest-Resolution](#)  
[Attachments B, Butler Permit Extension](#)
  
3. [13-0475](#) Cultural Arts & Entertainment District Planning Process Follow-up  
  
PURPOSE: The purpose of this agenda item is to provide follow-up information pertaining to the cultural arts and entertainment district planning presentation given on October 8, 2013 and request that the funds be reallocated for the planning process.  
**Attachments:** [CULTURAL ARTS AND ENTERTAINMENT DISTRICT PLANNING GRANT PROJECT ORDINANCE](#)  
[Carrboro narrative](#)  
[The Downtown District Budget](#)  
[ArtsCenter Carrboro Narrative 3.0](#)  
[Our Town Panel Comments](#)

4. [13-0485](#) Discussion of CUP Extension for Roberson Square Project

PURPOSE: The Board of Aldermen is asked to consider whether the extend the date on which a Conditional Use Permit will otherwise expire for the Roberson Square mixed use project at 200 South Greensboro Street

**Attachments:** [Attachment A - Resolution Approving CUP Extension Request for Roberson Square - 2013](#)  
[Attachment B - Recorded Version of Roberson Square CUP](#)  
[Attachment C - Site Plan and Rendering - PDF](#)  
[Attachment D - LUO Section 15-62](#)

5. [13-0488](#) Scheduling of Early Voting for the 2014 Primary Election at Town Hall

PURPOSE: The purpose of this item is for the Board to consider hosting the 2014 Primary early voting at Town Hall.

**Attachments:** [A RESOLUTION SCHEDULING THE 2014 PRIMARY ELECTION EARLY VOTING AT TOWN HALL](#)

## **B. PUBLIC HEARING**

**7:35-7:40**

1. [13-0479](#) Public hearing on Land Use Ordinance Amendments Relating to Cell Towers

PURPOSE: The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance to conform the provisions dealing with cell towers to recent changes in federal and state legislation. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**Attachments:** [Attachment A-1 - Consistency Resolution for Ordinance Adoption](#)  
[Attachment A-2 - Consistency Resolution for Ordinance Denial](#)  
[Attachment B - Draft Amendment](#)  
[Attachment C - Excerpts from LUO Article XI](#)  
[Attachment D - Recommendations from OC & Advisory Boards](#)

**7:40-7:50**

2. [13-0480](#) Public hearing on Land Use Ordinance Amendments Relating to Bike Racks

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider amending the Land Use Ordinance relating to the design of bicycle racks for the fulfillment of bicycle parking requirements. A draft ordinance has been prepared. The Board must receive public

comments before taking action on the draft ordinance.

**Attachments:** [Attachment A-1 - Consistency Resolution for Ordinance Adoption](#)  
[Attachment A-2 - Consistency Resolution for Ordinance Denial](#)  
[Attachment B - Draft Amendment](#)  
[Attachment C-1 - LUO ART-XVIII-Bicycle Parking](#)  
[Attachment C-2 - Excerpts from Bike Plan](#)  
[Attachment D - Recommendations from OC & Advisory Boards](#)

## **BREAK FOR GROUP PHOTO 7:50-8:00**

### **8:00-8:40**

3. [13-0481](#) Public hearing on Land Use Ordinance Amendments Relating to Construction Management Plans

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider amending the Land Use Ordinance requiring Construction Management Plans for development projects meeting certain criteria. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**Attachments:** [Attachment A-1 - Consistency Resolution for Ordinance Adoption](#)  
[Attachment A-2 - Consistency Resolution for Ordinance Denial](#)  
[Attachment B - Draft Text Amendment Construction Management \(rev jg\)](#)  
[Attachment C - LUO Section 15-49](#)  
[Attachment D - Recommendations from OC & Advisory Boards](#)

### **8:40-9:10**

4. [13-0482](#) Public hearing on Land Use Ordinance Amendments to Allow Additional Uses in the M-1 Zoning Districts with a Conditional Use Permit

PURPOSE: The purpose of this item is for the Board to consider amending the Land Use Ordinance to allow additional uses in the M-1 zoning district with a conditional use permit, subject to certain criteria. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**Attachments:** [Attachment A-1 - Consistency Resolution for Ordinance Adoption](#)  
[Attachment A-2 - Consistency Resolution for Ordinance Denial](#)  
[Attachment B - Text Amend Request](#)  
[Attachment C - Draft Amendment](#)  
[Attachment D - Excerpts from LUO Article IX & X](#)  
[Attachment E - Recommendations from OC & Advisory Boards](#)

**C. OTHER MATTERS****9:10-9:35**

1. [13-0483](#) Statewide Transportation Improvement Program Prioritization and Consideration of Surface Transportation Program-Direct Apportionment and Transportation Alternatives Program Funding Priorities

PURPOSE: The Board of Aldermen is asked to consider several resolutions relating to approval of transportation project priorities for the current development of the STIP and allocation of STP-DA and TAP funds.

**Attachments:** [ATTACHMENT A-1 - Resolution - Highway projects](#)  
[ATTACHMENT A-2 - Resolution - Bike-ped projects](#)  
[ATTACHMENT A-3 - Resolution - current STP-DA amendment](#)  
[ATTACHMENT A-4 - Resolution - FY 15 and 16 STP-DA projects](#)  
[ATTACHMENT B - Nov. 12, 2013 Board of Aldermen agenda item](#)  
[ATTACHMENT C - Memo - STIP-SPOT prioritization](#)  
[ATTACHMENT D-1 - Comparison of MPO and SPOT bike-ped scoring criteria](#)  
[ATTACHMENT D-2 - SPOT 2.0 prioritization of bike-ped projects](#)  
[ATTACHMENT E - MPO memo to TAC \(Nov 13\) on the STIP](#)

**9:35-10:00**

2. [13-0486](#) A Discussion of the Process for Filling the Future Vacant Alderman Seat

PURPOSE: The purpose of this item is to allow the Board of Aldermen to discuss, and possibly decide, which method they will use to fill the upcoming vacancy on the Board.

**D. MATTERS BY TOWN CLERK****E. MATTERS BY TOWN MANAGER****F. MATTERS BY TOWN ATTORNEY****G. MATTERS BY BOARD MEMBERS**





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0487

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**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Consent Agenda

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 1.

**TITLE:**

An Ordinance Amending Chapter 6 of the Town Code to Provide a Violation  
Dealing with Parking in a Commercial Loading Zone

**PURPOSE:** The purpose of this item is to amend the Town Code to provide for a penalty of \$25.00 for the offence of parking in a commercial loading zone. Currently, that violation has no associated penalty.

**DEPARTMENT:** Police Department and Attorney

**CONTACT INFORMATION:** Walter Horton, Police Chief, and Mike Brough, Attorney

**INFORMATION:** The amendment will add a penalty to a violation that currently does not have an associated penalty.

**FISCAL & STAFF IMPACT:** The violation of parking in a commercial loading zone will result in a \$25.00 fine. The direct impact to the Town is unable to be determined at this time.

**RECOMMENDATION:** Staff recommends that the Board adopt the attached ordinance.

AN ORDINANCE AMENDING CHAPTER 6 OF THE TOWN CODE TO PROVIDE THAT A VIOLATION OF SECTION 6-25 DEALING WITH PARKING IN A COMMERCIAL LOADING ZONE SHALL SUBJECT THE OFFENDER TO A CIVIL PENALTY OF \$25.00.

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 6-41(c) of the Carrboro Town Code is amended as follows to provide that a violation of Section 6-25 shall subject the offender to a civil penalty of \$25.00:

Section	Civil Penalty
6-14.1, 6-24, <b>6-25</b> , 6-26, 6-28, 6-28.1, 6-28.2, 6-29, 6-35, 6-37, 6-38, 6-40.1	\$25.00

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0484

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**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 2.

**TITLE:**

Permit Extension Request for Previously Issued Conditional Use Permit for The Butler Mixed-Use CUP at 120 Brewer Lane

**PURPOSE:** The Board is asked to review a request for an extension of the date when a Conditional Use Permit would otherwise expire for The Butler Mixed-Use CUP. The Town Staff recommends approval of the request

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Jeff Kleaveland 919-918-7332

**INFORMATION:** Kay Richardson, owner of record for the property identified as 120 Brewer Lane (PIN 9778968060) has requested an extension of the date on a previously issued Conditional Use Permit (CUP); this permit which would otherwise expire on January 1st, 2014 (Attachment B1, B2). The Board of Aldermen originally granted the permit on August 26, 2008 (Attachment B3-B7). It allows for the construction of a five story mixed use building (which includes 57 residential units , about 22,000 sf of office space and two decks of parking (Attachment B8, B9)). Permit extensions are regulated by Section 15-62 of the LUO (Attachment B10, B11). The Board previously approved a permit extension for this project on October 16th, 2012. Construction of the project has not commenced.

**FISCAL & STAFF IMPACT:** The applicant has paid the applicable fee associated with this request. No other impact noted

**RECOMMENDATION:** The Town Staff recommends that the Board of Aldermen adopt the attached resolution (Attachment A) approving the permit extension request. The new expiration date for the permit would be January 1, 2015.

## **ATTACHMENT A**

### **A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR THE BUTLER CUP LOCATED AT 120 Brewer Lane**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for The Butler Mixed-Use CUP at 120 Brewer Lane (PIN 9778968060) on August 26, 2008; and

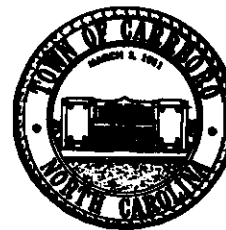
WHEREAS, the original CUP expiration date was extended by state legislative action to January 1, 2013 in response to the economic crisis and then, by the Board subsequent to another request, to January 1, 2014; and

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the Butler Mixed-Use CUP is hereby extended to January 1, 2015.

# TOWN OF CARRBORO

## LAND USE PERMIT APPLICATION



DATE: 11/5/13

FEE: \$350

APPLICANT: <b>Kay Richardson</b>		OWNER: <b>Same</b>	
ADDRESS <b>8 Kendall Dr.</b>		ADDRESS:	
CITY/STATE/ZIP <b>Chapel Hill, NC 27517</b>		CITY/STATE/ZIP	
TELEPHONE/EMAIL: PHONE: <b>942-4800</b> EMAIL: <b>krichardson@nc.rr.com</b>		TELEPHONE/EMAIL: PHONE: EMAIL:	
LEGAL RELATIONSHIP OF APPLICANT TO PROPERTY OWNER: <b>owner</b>		PIN: <b>9778-96-8060</b>	
PROPERTY ADDRESS: <b>120 Brewer Ln.</b>		PROPOSED LAND USE & USE CLASSIFICATION:	
PRESENT LAND USE & USE CLASSIFICATION:		LOT AREA: <b>0.96</b> Acres Square Feet	
ZONING DISTRICT(S) AND AREA WITHIN EACH (including Overlay Districts): <b>B-1(c)</b>			
# OF BUILDINGS TO REMAIN <b>n/a</b>		# OF BUILDINGS PROPOSED	
EXISTING GROSS FLOOR AREA OF BUILDING(S) <b>n/a</b> square feet	GROSS FLOOR AREA (of proposed BUILDING / proposed ADDITION) square feet	AMOUNT OF IMPERVIOUS SURFACE / proposed square feet	

NAME OF PROJECT/DEVELOPMENT:

TYPE OF REQUEST	**INFORMATION REQUESTED (Refer to Attached Key)
SUBDIV. FINAL PLAT / EXEMPT PLAT	1, 18, 19, 21, 23, 31, 33, 34, 38
CONDITIONAL USE PERMIT (CUP)	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38
CUP MODIFICATION	SAME AS CONDITIONAL USE PERMIT (CUP)
SPECIAL USE PERMIT (SUP)	1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 35, 36, 37, 38
SUP MODIFICATION	SAME AS SPECIAL USE PERMIT (SUP)
ZONING PERMIT (Project)	1, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32, 34, 35, 36, 37, 38
ZONING PERMIT (Building) <i>Residential Infill &amp; Additions</i>	9, 10, 22, 24, 34, 37 (also see "Building Permit Review – Residences Only" checklist)
SIGN PERMIT	1, 10, 13, 14, 17, 20, 38
VARIANCE	4, 5, 10, 20, 29, 34, 38, Attachment A
APPEAL	4, 5, 38, Attachment B
SPECIAL EXCEPTION	1, 4, 5, 8, 10, 20, 35, Attachment C

APPLICANT:

DATE:

11-5-13

OWNER:

DATE:

**Kay Richardson**  
8 Kendall Dr.  
Chapel Hill, NC 27517  
919-942-4800  
krichardson@nc.rr.com

11/5/13

**Marty Roupe**  
Development Review Administrator  
Town of Carrboro  
301 W. Main St.  
Carrboro, NC 27510

Dear Mr. Roupe:

This letter serves as a request for a one-year extension of the conditional-use permit issued for The Butler, 120 Brewer Lane, which without extension expires Jan. 1, 2014.

I am proceeding with due diligence and in good faith toward using the property in accordance with the CUP. I am a member in Main Street Properties of Chapel Hill LLC, the developer of the 300 East Main project to the north, and we are exploring the possibilities of including a branch library on the Butler site.

Those discussions with the Town and County are ongoing and will effect the ultimate design of the development on this property, precluding construction from beginning before Jan. 1. Meanwhile, conditions have not changed so substantially as to warrant a new application, so I respectfully request that the Board of Aldermen extend the existing one.

Please let me know if you have any questions or require additional information.

Yours truly,

  
Kay Richardson



20081022000250430 PRMIT  
Bk:RB4618 Pg:473  
10/22/2008 01:25:25 PM 1/5

FILED Joyce H. Pearson  
Register of Deeds, Orange Co., NC  
Recording Fee: \$26.00  
NC Real Estate TX: \$ .00

M  
LB

PREPARED BY AND RETURN TO:  
TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510



## ORANGE COUNTY NORTH CAROLINA

### TOWN OF CARRBORO CONDITIONAL USE PERMIT GRANTED The Butler Mixed Use Building

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

<b>APPLICANT:</b> Downtown Urban Ventures, LLC and Edwin Andrews Properties, Inc.
<b>OWNERS:</b> Downtown Urban Ventures, LLC and Edwin Andrews Properties, Inc.
<b>PROPERTY LOCATION (Street Address):</b> 120 Brewer Lane
<b>TAX MAP, BLOCK, LOT(S):</b> 7.92.A.22 9778-96-8060
<b>PROPOSED USE OF PROPERTY:</b> Construction of a five-story mixed use building.
<b>CARRBORO LAND USE ORDINANCE USE CATEGORY:</b> Building Site: 27.000, Combination Use including: 1.310, 3.110, 3.120, 3.130, 3.150, 3.210, 3.220, 3.250
<b>MEETING DATES:</b> June 24 and August 26, 2008

Having heard all the evidence and arguments presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Carrboro Land Use Ordinance for the development proposed, and that therefore the application to make use of the above-described property for the purpose indicated is hereby approved, subject to all applicable provisions of the Land Use Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the plans submitted to and approved by this Board, a copy of which is filed in the Carrboro Town Hall. Any deviations from or changes in these plans must be submitted to the Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.
2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void of no effect.



3. That no size-limited unit may be enlarged for one year after issuance of a certificate of occupancy.
4. That the applicant make a payment-in-lieu of affordable housing for four (4) of the nine (9) proposed affordable units in the amount not to exceed \$100,000 per unit to be paid to the Town of Carrboro's Affordable Housing Special Review Fund, and that the remaining five (5) affordable dwellings provided be, at a minimum, one-bedroom units.
5. That a fee in-lieu of recreation points equivalent to 44.93 points @ \$186.98 per point, or \$8,401.00 (subject to fee change on July 1, 2008) be paid to the Town of Carrboro prior to construction plan approval.
6. That the trellis facility in the courtyard is equipped with outdoor furniture (tables, chairs, benches, etc.) sufficient to adequately serve the residents of the building, per the submitted rendering (Attachment E-2).
7. That prior to construction plan approval, the applicant provide to the Town of Carrboro evidence of a shared access easement (or equivalent) agreed upon by the owners of the 110 Brewer Lane mixed-use project so as to secure access to the proposed project at 120 Brewer Lane and that said easement will be shown and referenced on any plat associated with the project.
8. That the applicant be allowed to deviate from the presumptive parking standard requirement 149 spaces by providing 136 spaces based upon their written justification that anticipates shared use of spaces between business and residential uses (Attachment G).
9. That the applicant must receive a Town of Carrboro driveway permit for Brewer Lane prior to construction plan approval (if found to be necessary).
10. That, per the provisions of Section 15-309 of the Carrboro Land Use Ordinance, the screening requirements of Section 15-308 are waived as they do not create a substantial benefit to the adjacent properties and because the project is to be rezoned to B-1(c), which has no setback requirements, based upon the applicant's screening justification letter (Attachment I).
11. That screening gates be provided for the proposed dumpster (on 110 Brewer Lane) to prevent views of the dumpster from the south, while still allowing access as needed.
12. That, prior to approval of any plat submitted for the project, a maintenance agreement for stormwater facilities used jointly by the owners of the 110 and 120 Brewer lane be approved by the Town Attorney and addressed in the condominium owners association documents.
13. That the applicant shall provide to the Carrboro Zoning Division, prior to the recordation of the final plat for the project or before the release of a bond if some features are not yet in place at the time of the recording of the final plat, Mylar and digital as-builts for the stormwater features of the project. Digital as-builts shall be in DXF format and shall include a base map of the whole project and all separate plan sheets. As-built DXF files shall include all layers or tables containing storm drainage features. Storm drainage features will be clearly delineated in a data table. The data will be tied to horizontal controls.
14. That the developer shall include a detailed stormwater system maintenance plan specifying responsible entity and schedule. The plan shall include scheduled maintenance activities for each unit in the development (including cisterns, bio-retention areas, swales, check dams, and irrigation pond, performance evaluation protocol, and frequency of self-reporting requirements, including a proposed self-reporting form) on maintenance and performance. The plan and supporting documentation shall be submitted to the Town of Carrboro engineer and Environmental Planner for approval prior to construction plan approval. Upon approval, the plans shall be included in the homeowners' association documentation.





15. That prior to construction plan approval, the applicant gain written permission from the UNC Property Office to access their site via the Libba Cotton Bikeway so as to perform work necessary to implement the approved plan.
16. That prior to construction plan approval, a construction traffic management plan be approved by the Town of Carrboro addressing the project's impact during construction on both the Libba Cotton Bikeway and the surrounding streets.
17. That prior to issuance of the Certificate of Occupancy, if it is deemed necessary by the Carrboro Fire Department, the applicant replace the existing bollards on the Libba Cotton bikeway (the ones that directly affect emergency access to the new building) with improved, removable or collapsible bollards.
18. That prior to construction plan approval, the design for the landscape island on the east side of the building be shortened as necessary to facilitate movement of solid waste and recycling trucks, as recommended by Orange County Solid Waste.
19. That prior to construction plan approval, a shared-use and maintenance easement between the owners of 110 and 120 Brewer Lane be approved by the Town Attorney and recorded regarding the solid waste facility arrangement for the two properties.
20. That prior to issuance of the Certificate of Occupancy, the applicant provide evidence that they have fulfilled the relevant terms, provisions and requirement of their recorded Brownfield Agreement with NCDENR.
21. That the applicant must obtain all necessary temporary and permanent easements prior to construction plan approval.
22. That condominium owner's association documents are approved by the Carrboro Town Attorney prior to issuance of the Certificate of Occupancy.
23. That the applicant receive(s) CAPS from the Chapel Hill-Carrboro City Schools district pursuant to Article IV, Part 4 of the Carrboro Land Use Ordinance prior to construction plan approval.
24. That if Orange Community Housing and Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Downtown Urban Ventures, or its successors or assigns, will be released from its obligation to sell that unit to OCHLT and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable related Carrboro Land Use Ordinance language.
25. That prior to construction plan approval, the applicant must prepare, and the Town Manager accept, a three-party agreement between the future owner's association, Orange Community Housing and Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the conditional use permit and Land Use Ordinance relating to affordable housing prior to the sale/resale of any affordable unit; 2) establish and implement a 1% transfer fee program wherein market-rate units will subsidize affordable units within the development; and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the 1% transfer fee program. Details regarding this condition must be presented to and approved by the Carrboro Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale/resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome owner's association dues for persons who acquire affordable housing.
26. That the applicant fulfill their agreements as listed in Attachment E-1 (Summary Actions Agreed to by the Applicant Relative to Advisory Board Recommendation), with the revision of #17 to require the pedestrian connection to the north from the courtyard be handicap accessible.



27. That the developer will post in a prominent location on the building site, a contact number for the public to call to report concerns. The contact should be available at all times.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

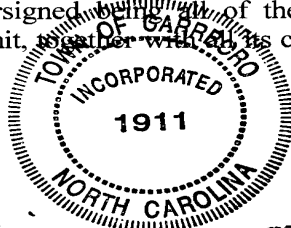
All street construction on those streets proposed for acceptance by the Town of Carrboro shall be certified by an engineer. Engineering certification is the inspection by the developer's engineer of the street's subgrade, base material, asphalt paving, sidewalks and curb and gutter, when used. The developer's engineer shall be responsible for reviewing all compaction tests that are required for streets to be dedicated to the town. The developer's engineer shall certify that all work has been constructed to the town's construction specifications.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned, being all of the property above described, do hereby accept this Conditional Use Permit, together with its conditions, as binding upon them and their successors in interest.



THE TOWN OF CARRBORO

ATTEST:

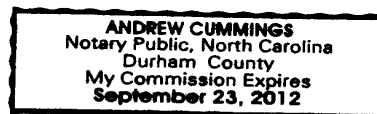
Sarah C. Williamson (SEAL)  
Town Clerk

BY Steve Stewart  
Town Manager

I, ANDREW CUMMINGS, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Steven E. Stewart, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the 7<sup>th</sup> day of OCTOBER, 2008.

(SEAL)



Andrew Cummings  
Notary Public

My Commission Expires: 9/23/2012



IN TESTIMONY WHEREOF, the undersigned Limited Liability Partnership Grantor has caused this instrument to be executed in the appropriate partnership name by the duly authorized general partner, and has adopted as its seal the word "Seal" appearing beside its name and their signature(s), this sealed instrument being executed and delivered on the date first above written.

(SEAL)

DOWNTOWN URBAN VENTURES, LLC

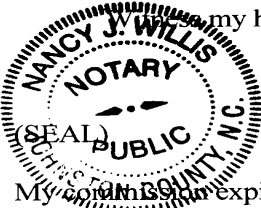
By: \_\_\_\_\_

Title: \_\_\_\_\_

North Carolina (STATE)Wake (COUNTY)

I, Nancy J. Willis, a Notary Public of the County and State aforesaid, certify that Richard W. Gaylord, Jr personally appeared before me this day and acknowledged that he is Member/Manager of Carr Mill Limited Partnership, and that by authority duly given and as the act of the limited partnership, the foregoing instrument was signed in its name by him as Member/Manager on behalf of the limited partnership as Member/Manager thereof all by authority duly given.

my hand and official seal, this 29th day of September, 2008.



Nancy J. Willis  
Notary Public

My Commission Expires: 10/30/09

Attest: \_\_\_\_\_

Donald W. Whitter (SEAL)  
Secretary

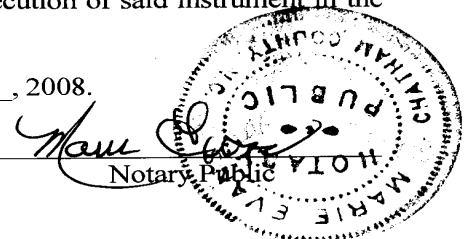
EDWIN ANDREWS PROPERTIES, INC.

BY Donald W. Whitter  
Vice President

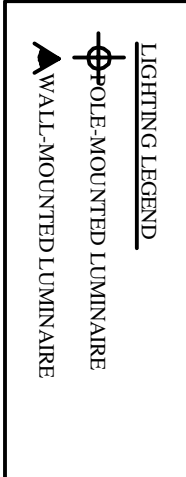
NORTH CAROLINA  
ORANGE COUNTY

I, Marie Evans, a Notary Public of Chatham County, N.C. do hereby certify that Donald Whitter appeared before me this day and being duly sworn says that he/she knows the common seal of Edwin Andrews Properties, Inc., and is acquainted with Donald Whitter who is Secretary of said corporation and he/she, Donald Whitter who is Secretary of said corporation, saw the said President sign the foregoing instrument and that he/she, Donald Whitter, Secretary as aforesaid, affixed said seal of said instrument and he/she, the said Secretary, signed his/her name in attestation of execution of said instrument in the presence of said President of said corporation.

Witness my hand and notarial seal, this the 25 day of Sept., 2008.

My Commission Expires: 4-28-2013

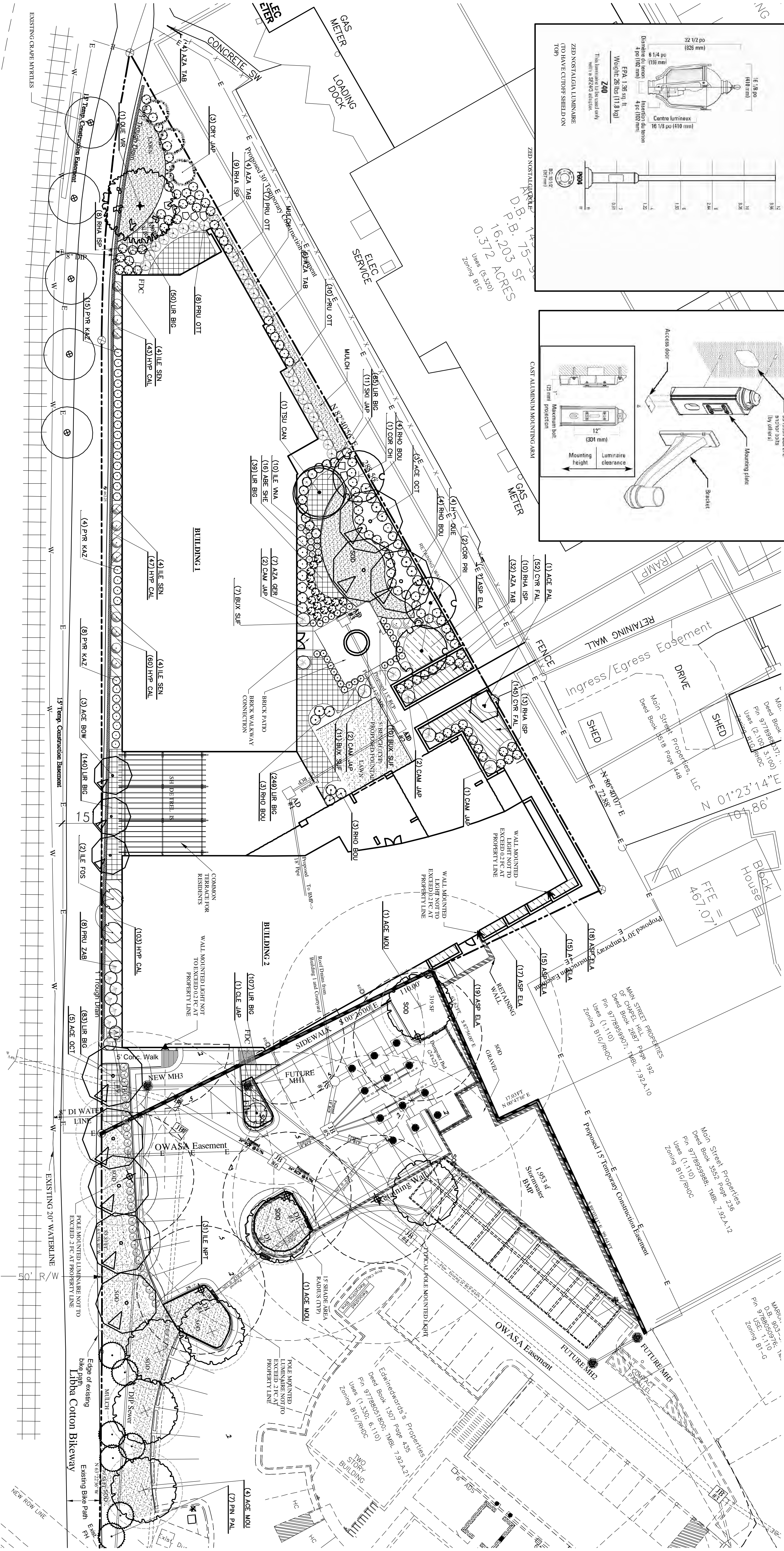
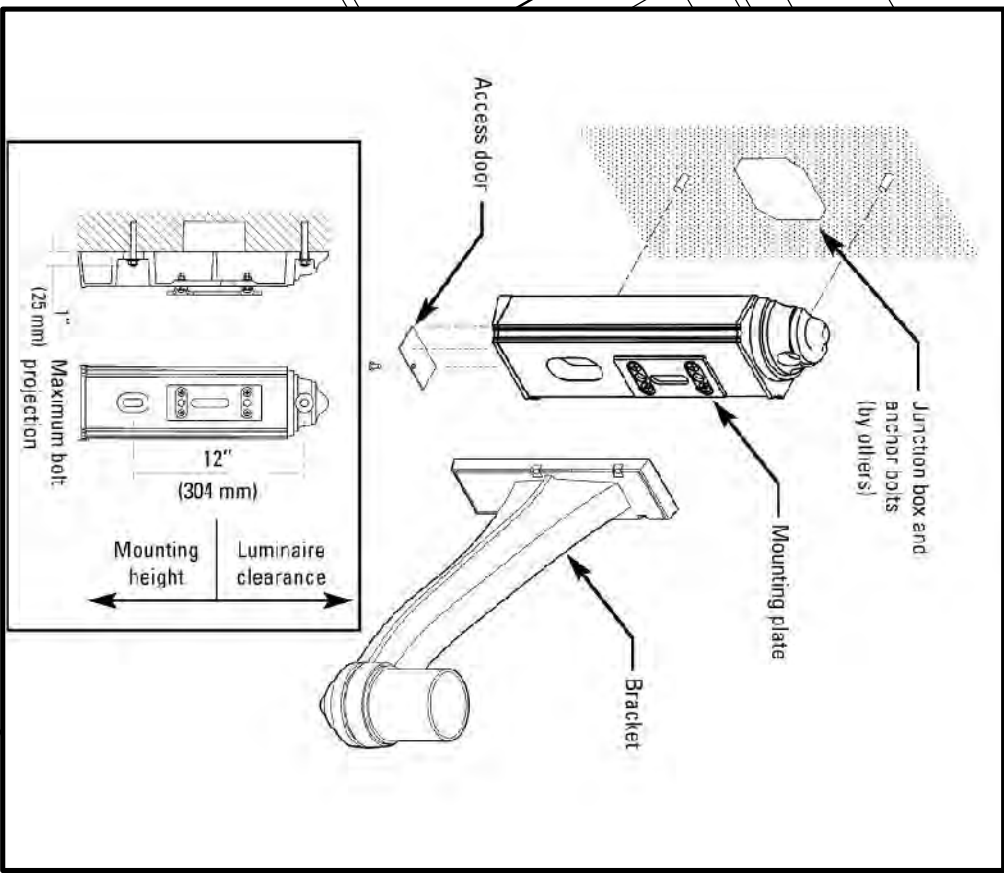
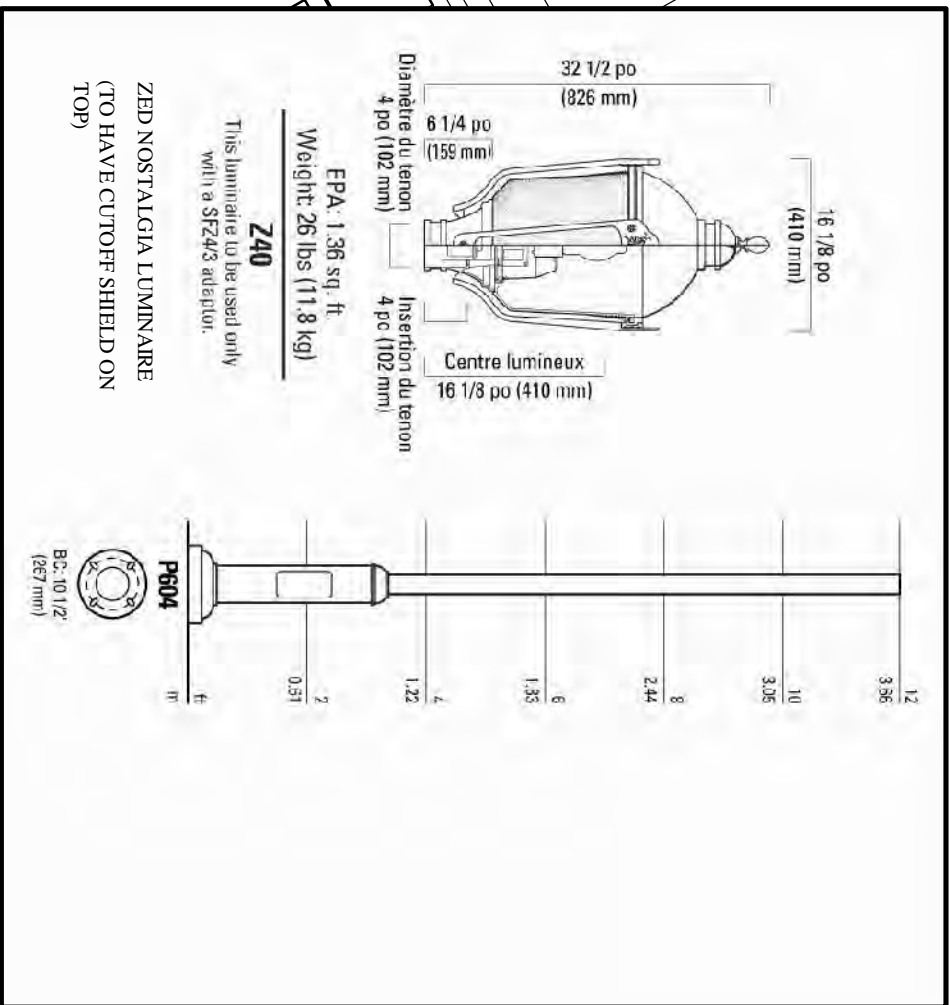




NOTES:

2. PER SECTION 15-243(G), THE LIGHT LEVEL AT THE LOT LINE MAY NOT EXCEED 0.2 FOOT-CANDELES, MEASURED AT GROUND LEVEL. LIGHT FIXTURES THAT MAY EXCEED THIS REQUIREMENT WILL USE CUTOFF SHIELDS TO MEET ORDINANCE REQUIREMENTS

3 SELECTED LIGHT FIXTURES WILL HAVE CUTOFF SHIELDS ON THEIR TOPS



REVISIONS:

Number	Drawn by/ Designed by:	Description	Date
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-	SP/GSW/EN	Comment Revisions	01/06/06
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-	SPH/EW	Comment Revisions	06/08/06
-	SPH/EW	Comment Revisions	04/03/07

-	SPH/EW	Comment Revisions	11/05/07
	CMO/CMW		05/09/08

**Owner:**  
Downtown Urban Ventures, LLC  
3716 National Drive, Ste. 200  
Raleigh, NC 27612

**Phone:** 919-783-5777  
**Fax:** 919-783-6707

**Owner's Contact:** Bill Jackson  
**Office Phone:** 919-787-4282  
**Mobile Phone:** 919-740-2467

DATE:

**PROJECT: 05056**  
**DATE: 06/08/06**  
**SUBMITTAL FOR:**  
Conditional Use Rezoning

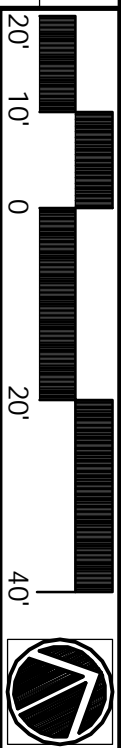
Town of Carrboro  
Conditional Use Rezoning  
Resubmittal  
NOT FOR CONSTRUCTION

# “The Butler” Condominiums

120 Brewer Lane  
Carrboro, NC

125 N. Harrington St.  
Raleigh, NC 27603  
919/833-6413  
919/836-1280 FAX  
ClineDesignAssoc.com

# GLINE DESIGN









(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

- (1) If the improvement is one required by this chapter then the developer may utilize the provisions of Subsections 15-60(a) or 15-60(c);
- (2) If the improvement is an amenity not required by this chapter or is provided in response to a condition imposed by the board, then the developer may utilize the provisions of Subsection 15-60(b).
- (3) Changes in phasing schedules may be made in the same manner as other permit modifications pursuant to the procedures set forth in Section 15-64. **(AMENDED 2/24/87)**

### **Section 15-62 Expiration of Permits.**

(a) Zoning, special use, conditional use, and sign permits shall expire automatically if, within two years after the issuance of such permits: **(AMENDED 5/26/81)**

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
- (2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 15-61), this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period (i) of one year if the date of discontinuance occurs more than one year after the issuance of the permit, or (ii) equal to two years less the time between the issuance of the permit and the time work is discontinued if the date of discontinuance occurs less than one year after the issuance of the permit, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 15-63.

(c) The permit-issuing authority may extend for a period up to one year 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 one year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, a permit within the jurisdiction of the Board of Aldermen or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place: **(AMENDED 11/10/81)**

- (1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
- (2) The zoning administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under G.S. 15-46(c).

(e) Notwithstanding any of the provisions of Article VIII (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.

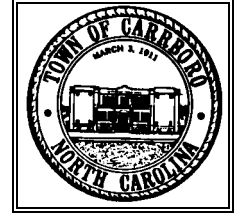
#### **Section 15-63 Effect of Permit on Successors and Assigns.**

(a) Zoning, special use, conditional use and sign permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

- (1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
- (2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in

# TOWN OF CARRBORO

## BOARD OF ALDERMEN



### PERMIT EXTENSION WORKSHEET

#### I. **FINDINGS REQUIRED BY SECTION 15-62(c)**

A. The permit has not yet expired.

- ☐ Yes  
☐ No

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

- ☐ Yes  
☐ No

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

- ☐ Yes  
☐ No

#### II. **GRANTING THE PERMIT EXTENSION REQUEST**

- ☐ The Permit Extension Request is granted, extending the expiration date of the previously issued Conditional Use Permit by a period of one year from the date on which it would otherwise expire.

#### III. **DENYING THE PERMIT EXTENSION REQUEST**

- ☐ The Permit Extension Request is denied because it fails to comply with the ordinance requirements set forth above in Section I.





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0475

**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Consent Agenda

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 3.

### **TITLE:**

Cultural Arts & Entertainment District Planning Process Follow-up

**PURPOSE:** The purpose of this agenda item is to provide follow-up information pertaining to the cultural arts and entertainment district planning presentation given on October 8, 2013 and request that the funds be reallocated for the planning process.

**DEPARTMENT:** Recreation and Parks, Economic Development and Planning

**CONTACT INFORMATION:** Art Menius - 929-2787, Anita Jones-McNair - 918-7381, Annette Stone - 918-7319 and Patricia McGuire - 918-7327

**INFORMATION:** As a result of the presentation on October 8, 2013, the Board of Aldermen requested additional information including budget detail and the NEA grant narrative draft. The draft narrative and budget are attached along with the previous narrative and Our Town NEA Grant Panel comments. Since the presentation Town Staff has worked with Art Menius, Philip Szostak, Robert Donnan and Stuart Rosenfeld to create a two phase project including a conceptual draft of the district project, budget and grant application. The group intends to revisit the grant narrative draft prior to submission in an effort to create a more compelling narrative that captures the essence of Carrboro and determine an official name for the district.

The summary of the October 8th agenda item included:

- On November 13, 2012 The Board of Aldermen approved to partner with the ArtsCenter as a lead agency in the application for the NEA "Our Town" grant.
- In addition, the Board supported a local match of up to \$40,000 that may be a combination of private and public funds for cultural planning and design.
- The grant application was not funded however the partners felt the vision of cultural planning and design should still be a priority for the Town of Carrboro.
- Authorize the Town Manager to develop and enter into a written agreement with The Arts Center, as the lead agency for this project, which further delineates activities and responsibilities of the parties.
- Launch the cultural arts district planning process and use funds and resources that are currently available to us including \$9,800 from Strowd Roses, \$1,500 from Orange County Arts Commission . Both organizations approved to reallocate the funds for the

planning process - Phase One.

- Reapply for the NEA Our Town grant in early January 2014 - Phase Two.

**FISCAL & STAFF IMPACT:** In kind services currently include the ArtsCenter and Town support of \$2,100. Total cash on hand includes up to \$40,000 from Town, \$9,800 Strowd Roses and \$1,500 Orange County = \$51,300 available if the project does not receive 2014 NEA funding. The funds will be used to cover design services, charette management, public meeting facilitation, marketing, supplies and advertising. The budget for Phase One - \$28,400 and Phase Two - \$115,100 - See attachment 3 - The Downtown District Budget.

**RECOMMENDATION:** Staff recommends the Board of Aldermen accept the project update and approve the grant project ordinance.

## **CULTURAL ARTS AND ENTERTAINMENT DISTRICT PLANNING GRANT PROJECT ORDINANCE**

WHEREAS, the Board of Aldermen on November 13, 2012 agreed to partner with The Arts Center as the lead agency in applying for NEA Our Town grant application and to support local match funding up to \$40,000.00; and,

WHEREAS, the Orange County Arts Commission has provided a \$1,500.00 grant to match the NEA Our Town grant; and,

WHEREAS, the Strowd Roses Foundation has provided a \$9,800.00 grant to match the NEA Out Town grant; and,

WHEREAS the NEA Our Town Grant application was not accepted; and,

WHEREAS, the Orange County Arts Commission and Strowd Roses Foundation have approved the use of grant funds to support the planning effort of a Cultural Arts and Entertainment District in the Town of Carrboro; and,

WEHREAS , the Board of Aldermen on June 18, 2013 approved the designation in general fund balance of \$40,000.00 to be carried over from FY 2012-13 for matching the NEA Our Town grant application; and,

WHEREAS, the Board of Aldermen deems it to be in the best interests of the Town to move forward with planning for a Cultural Arts and Entertainment District;

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

1. Planning for a Cultural Arts and Entertainment District in the Town of Carrboro is hereby authorized to be undertaken until all project activity is completed.
2. The following revenues are anticipated to be available to the Town of Carrboro to complete this Project:

Orange County Arts Commission	\$	1,500.00
Strowd Roses Foundation	\$	9,800.00
Town of Carrboro	\$	40,000.00
Total	\$	<u>51,300.00</u>

3. The following amount is appropriated for this project to be expended in the following manner:

Planning Activities	\$	26,300.00
NEA Grant Match	\$	25,000.00
Total	\$	<u>51,300.00</u>

4. The Town Manager is authorized to develop and enter into a written agreement with The Arts Center, as the lead agency for this project, which further delineates activities and responsibilities of the parties.
5. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.

# Carrboro's Our Town Proposal Narrative 2014

*The arts in Carrboro are part of our history, and today, an important part of who we are.  
This is our time and our future.*

## EXECUTIVE SUMMARY - BOARD OF ALDERMEN REVIEW

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The *Our Town Narrative 2014* is draft-in-progress prepared by The Art Center and other local partners for review by the Carrboro Board of Aldermen at their regular meeting on November 19, 2013.

In this draft proposal, The ArtsCenter and the Town of Carrboro, as the designated lead partners, request \$50,000 from the National Endowment for the Arts (NEA) to support a two-phased \$115,100 cultural district planning project for Carrboro.

The proposed project would create the Carrboro Arts and Creativity District. Its design and implementation, informed by a participatory planning project that will engage diverse constituencies of local residents, small businesses, non-profit organizations, and public agencies.

Its overarching goals are two-fold: 1) To nurture and sustain the robust creative economy that has emerged over recent years in Carrboro, including arts-based organizations and firms as well as businesses that are not necessarily thought of as “artistic” but nonetheless produce creative products or services; and 2) to expand art-making and arts appreciation opportunities for Carrboro residents and visitors.

Across all of these activities, the proposed Carrboro Arts and Creativity District will build upon the multiple, interrelated opportunities afforded by our town's well-documented creative assets, our ongoing commitment to building and sustaining a vibrant local economy, and our the civic brand to be selected soon.

The proposal is especially timely given the rapid pace of development currently ongoing in Carrboro, including the recent opening of the downtown Hampton Inn and Suites Hotel, the proposed relocation of the Arts Center, and the re-opening of the PTA Thrift Shop, among others.

At the November 19 meeting of the Carrboro Board of Alderman, the core planning team developing this proposal seeks the allocation of \$25,000 from the Town as a match for the more than \$30,000 already pledged from the project's implementation partners.

The final proposal will be submitted to the NEA's Our Town program on or before January 14, 2014. If approved by the NEA, the monies so allocated will fund the second phase of the planning process, which would begin on or after September 1, 2014. As outlined in the draft proposal, however, the first phase of the planning project, with support from the Town and the implementation partners, will begin as early as January 2014.

The draft offered here represents a detailed blueprint for the proposed planning process, fully describing both phases and the project deliverables. It is expected, however, that the core team will continue to hone and polish the current draft—in particular to make a compelling, persuasive case in support of the timely opportunity for undertaking such a planning process here in Carrboro—before the final version is submitted to the NEA in early 2014.

## Attachment A: Details of the Project Narrative

**a) Major Project Activities** The Arts Center and the Town of Carrboro request \$50,000 support for a \$115,100 cultural district planning project that will sustain its creative economy and expand access to the arts for its citizens. Since The Arts Center began in 1974, Carrboro has quadrupled in population, transforming itself from a cotton mill town of 5,100 into a densely populated small city cited as one of the top arts towns in the USA by John Villani in his 2005 book, *The 100 Best Art Towns in America*. The Town supports the arts, arts-based businesses, two galleries, and several arts festivals. The challenge for Carrboro and its cultural industry is to maintain, in the face of change, the conditions that led to its strength here. Its natural cultural district has grown organically; due more to a theme first articulated in the 1983 “Downtown Carrboro: Potential and Strategies” report, than a specific plan. With downtown Carrboro now experiencing its greatest change since the Carr Mill Mall renovation 35 years ago; this is a vital opportunity to create a clearly articulated, community-embraced plan for its arts and creativity district. Such creative placemaking will encompass creative asset mapping, creative industry cluster/hub development, public art, community engagement design activities, as well as affordable work, living, and exhibition spaces for artists and creative businesses. These actions are consistent with Carrboro plans including the Local Living Economy Task Force Recommendations and the Regional Technology Strategies (RTS) study, *Creating Carrboro’s Economic Future*. They speak to the powerful sense of community and buying locally in Carrboro.

Downtown Carrboro and its arts economy face challenges that include: 1) a new shopping development planned on the western edge of town and a 2013 super Wal-Mart four miles south of downtown; 2) the redevelopment of the south side of the 200-300 blocks of East Main Street that includes The ArtsCenter, Cats Cradle, WCOM community radio, and the first hotel in Carrboro; 3) uneven distribution of business acumen and access to services within the local creative economy; and 4) housing, work space, and living costs that make it difficult for creative industry workers to live or work here. Carrboro can identify its arts vision, plan its cultural district, and more effectively use its creative economy for economic development to create a new model for sustaining community cultural development. The Carrboro Cultural and Entertainment District will extend westward along both sides of East Main Street from the Chapel Hill town limits. It will encompass the central business district on both sides of Weaver and West Main Streets and the Town Commons before reaching its western terminus just west of Town Hall. The District will include The ArtsCenter, WCOM, Cat’s Cradle, DSI Comedy Theatre, Kalisher, The Art Therapy Institute, Weaver Street Market, galleries, restaurants, bars, and coffee shops, Carr Mill Mall, music stores, and the Town-owned Century Center.

**b) Goals and impacts on community livability, including serving as a model.** Many creative placemaking efforts focus on economic revitalization using cultural assets. This project addresses how to maintain a successful creative economy as the town evolves. The Carrboro Arts & Creativity District will explore critical models in 1) maintaining and enhancing a strong creative economy in the face of significant change and gentrification, including building new infrastructure for the creative economy; 2) refining a natural cultural district into a distinct, planned cultural district; and 3) fostering collaboration

among governmental agencies, non-profits, businesses, and artists. Specific outputs will include developing systems to support the incubation, growth, and sustainability of creative businesses in Carrboro and enhancing the role of the arts within town government. A community vision will emerge from the process and guide planning for the district and the creative economy hub within it. It will foster creation, production, dissemination, and support of the arts and creative businesses. As outlined in section (e) below, the first year of Our Town-funded work will involve an iterative community process employing public and stakeholder meetings, surveys, existing town bodies, and focus groups. This is far more about community building, strengthening creative businesses and providing access to the arts than tourism.

Draft plans for the District will be ready at the start of the second year, during which the plan will be tested, evaluated, and vetted through public and stakeholder meetings. A completed plan will be submitted to the Carrboro Board of Aldermen for formal adoption and announcement during summer 2015. The comprehensive plan will link creativity to economic development, while affording all citizens of Carrboro increased opportunities to explore their creative impulses, building cultural and social capital. During the planning process, the land use and funding opportunities for a District will be examined. The plan will address such issues as nurturing the creative workforce, supporting arts based businesses, and creating a physical environment that facilitates a creative economy, i.e. streetscape enhancement, entranceway corridors, wayfinding aids, multi-modal transportation opportunities. A focus on community needs and vision will create cultural tourism.

**c) Outcomes and measurement** The Carrboro Arts & Creativity District will address the NEA goal of Livability: Strengthening Communities Through the Arts by strengthening its creative cluster/hub, fostering a more attractive, accessible downtown, improving access to the arts for all citizens, bringing different populations together through innovative cultural partnerships, maintaining a sense of identity through the arts, inventorying and creating public art and developing standards, making it affordable for artists, businesses, and non-profits to remain in the District, and engaging artists to teach and create public art. The project will advance a secondary NEA outcome of Engagement through community-based processes and a quadrilateral partnership of government, businesses, non-profits, and individuals. Creation and Learning will also result. The project will be quantitatively measured on: 1) achievement of deliverables; 2) establishment of baseline and annual metrics for evaluating livability and creative vitality using tools drawn from the CVI from WESTAF, QOL indicators, ArtPlace vibrancy indicators, and the creative population of the District; and 3) local economic impact of the arts.

**d) Budget** The Carrboro Board of Aldermen voted on November 19, 2013 to allocate \$25,000 toward the match. Partners have committed to \$38,100 worth of in-kind staff time. The Committee will seek additional cash commitments from foundation, public, and private sources. The current budget calls for a total \$115,100, two-year project.

**e) Schedule of key dates including benchmarks and deliverables** e) Schedule of key dates including benchmarks and deliverables Work for Carrboro's Downtown District plan began in fall 2012 with the formation of a planning committee consisting of Recreation and Parks Director Anita Jones-McNair and her staff members Rah Trost and Dennis Joines,

Community & Economic Development Director Annette Stone, and Julie Tomkovick and Executive Director Art Menius from The Arts Center. Public and stakeholder meetings occurred during December 2012 and a grant proposal for an Our Town project was submitted to NEA in January 2013. Although not successfully funded in 2013, The Town of Carrboro in partnership with the ArtsCenter has continued to move forward with Downtown District planning

Phase One of the Downtown District creative placemaking work will begin with \$15,000 from the Town of Carrboro, \$9,800 from Strowd-Roses Foundation, and \$1,500 from Orange County Arts Commission and \$2,100 in-kind from The ArtsCenter and Town of Carrboro. Between January and November of 2014 public engagement meetings will occur while data collection efforts will result in creative asset mapping. The creative asset mapping will include an inventory of creative enterprises, jobs, venues, events, organizations, and workspaces that exist in Downtown Carrboro. Surveys at public events such as Fourth of July, Carrboro Day, Carrboro Music Festival, Carrboro Film Festival, and West End Poetry Festival will allow for collecting data for economic impact reports and continued project planning. These and other data collection efforts will help to define current economic conditions within the Downtown District. Data will be presented at community meetings where participants will be asked to help vision a vibrant, active culture, arts, entertainment and creative ecosystem in Downtown Carrboro. These meetings will occur between January – March 2015 and information collected will be added to other data collected.

Our Town grant monies allocated in 2014 will be used to implement Phase Two of the Downtown Arts & Creativity District planning. This phase begins with the data collection, mapping, and community vision information collected in Phase One from which a draft plan will be developed. The draft plan may include mapping and recommendations for development (uses and/or building forms) in the downtown reflecting the community vision of growth and expansion within the district, and recommendations for visually unifying the Downtown Art & Creativity District and strengthening its identity as a “place” where culture, arts, entertainment and creativity thrive (i.e. urban design elements, wayfinding, multi-modal transportation infrastructure). The plan may address issues of affordability for a growing segment of craftsman/artisans that manufacture goods and provide services to the community. Opportunities for creative cluster/entrepreneurial hubs maybe identified. Finally visions for innovation in public art projects and art engagement will be explored and possible implementation strategies will be tested.

A draft plan will be ready for presentation to partners, stakeholders and presented to the community beginning in June 2015. Feedback from these presentations will be incorporated into a final draft and design standards developed by September 2015. Action plans for implementation and possible funding sources will be developed and presented to the Board of Aldermen by January 2016. Pilot projects for public art and art engagement activities will be tested and results reported by June of 2016. Final plans for the Downtown District including recommendations and implementation statements, grant requirements met and final grant reporting completed by August 2016.

**f) Partners and responsibilities** Lead partner The ArtsCenter will administer the Our Town grant and provide project leadership, including \$10,000 in-kind staff time, supplies,



and facilities. The Town of Carrboro will provide \$25,000 in cash, \$12,600 in-kind staff time, and the support of town events and organizations. Research and planning, especially for enhancing and evaluating the creative economy cluster will be conducted by Stuart Rosenfeld. Szostak Design, an award winning local firm, will provide design services. Veteran community development specialist Robert Donnan of Saxapahaw, NC will facilitate public and stakeholder meetings and distill the results into summary reports. Szostak, Donnan, and Rosenfeld are committed to \$17,500 in-kind contributions. Involving artists as integral parts of the team is essential. Sacrificial Poets will lead efforts to connect with and learn from younger artists, especially in spoken word.

**g) Target community** The primary target community consists of the 20,168 citizens of Carrboro, whose quality of life will be maintained or enhanced through access to the arts and a local economy and tax base supported by creative businesses and artists. The project will build their awareness of all forms of community capital. The secondary target consists of residents of adjacent Chapel Hill, Orange County, and Chatham County, as well as cultural day trippers from the Triad, Durham, and Raleigh. Artists and businesses and nonprofits, both creative and otherwise, located in Carrboro or considering moving here are further targets.

**h) Marketing plans** The ArtsCenter, the Town, and other partners will promote the project via press releases, PSAs, websites, advertising, personal appearances, posterage, and social media. Reports on progress will air at 6 PM Mondays on community radio station, WCOM. Carrboro.com will provide coverage. The Committee will report on its work to the Board of Aldermen. Proposed, draft, and final plans for the Cultural and Entertainment District will be made available. The Committee will reach out to local newspapers, WCHL and WUNC radio, and to WUNC-TV. The project will form a core component of Carrboro's ever stronger brand.

**i) Documentation and evaluation** WCOM and The Peoples Channel, cable access TV, will be invited to record public meetings. Reports and plans will be made available on the Internet to encourage community support and to permit others to learn from our work. A report on key learning will be an output. To evaluate the success of the project, RTS will create and disseminate a more accurate method for assessment of the impact of this and similar work.

**j) Accessibility** All new designs for the district will comply with ADA and exhibit sensitivity to creating public art and spaces that can be enjoyed by all. Increasing access to arts experiences for people of limited means and all significant demographic groups is a specific goal of the project. The Town of Carrboro has a progressive policy of non-discrimination.

## *The Downtown District Budget*

<b>General Glance</b>	<b>Phase I</b> ArtsCenter & Town of Carrboro Partnership	<b>Phase II</b> Our Town NEA Grant 2014
	Arts District Planning	Arts District Establishment
<b>INCOME</b>		
Town of Carrboro	\$15,000	\$25,000
Strowd-Roses	\$9,800	
OCAC	\$1,500	
NEA		\$50,000
Other		\$2,000
<b>Total Cash Income</b>	<b>\$26,300</b>	<b>\$77,000</b>
<b>In-kind Services</b>		
Szostak Design		\$10,000
ArtsCenter	\$1,350	\$10,000
Stuart Rosenfeld		\$3,000
Robert Donnan		\$2,500
Town	\$ 750	\$12,600
<b>Total In-kind</b>	<b>\$2,100</b>	<b>\$40,100</b>
<b>Total Project Cost</b>	<b>\$28,400</b>	<b>\$115,100</b>

*Phase I Breakdown*

*ArtsCenter and Town of Carrboro Partnership*

<b>Vendor</b>	<b>Cash</b>	<b>In-kind</b>	<b>Total Expenses</b>	<b>Purpose</b>
Szostak Design	\$17,000	0	\$17,000	Design services and charette management
The ArtsCenter	0	\$1,350	\$1,350	Salaries – applications, meeting space
Town of Carrboro	0	\$750	\$750	Meeting space and planning
Robert Donnan	\$3,500	0	\$3,500	Facilitation of public meetings
Stuart Rosenfeld	\$1,000	0	\$1,000	Specific plans for updated integrating creative cluster hub in this work
TBD	\$1,800	0	\$1,800	Printing/Publication
TBD	\$2,700	0	\$2,700	Marketing/Promotion/Advertising/Postage
TBD	\$300	0	\$300	Supplies
<b>Total</b>	<b>\$26,300</b>	<b>\$2,100</b>	<b>\$28,400</b>	

*Phase II Breakdown*

*Our Town NEA Grant*

<i>Vendor</i>	<i>Total Expenses</i>	<i>Cash</i>	<i>In-kind</i>	
<b>Vendor</b>	<b>Cash</b>	<b>In-kind</b>	<b>Total Expenses</b>	<b>Purpose</b>
Szostak Design	\$15,000	\$10,000	\$25,000	Design services
The ArtsCenter	\$10,000	\$10,000	\$20,000	Salaries - planning, marketing, curation, meeting space and grant administration
Town of Carrboro	0	\$12,600	\$12,600	Planning, curation, meeting space and supplies
Robert Donnan	\$5,000	2,500	\$7,5000	Facilitation, Reporting
Stuart Rosenfeld	\$6,000	\$3,000	\$9,000	Planning updates, Creative Cluster Hub Development
TBD	\$6,000	0	\$6,000	Printing/Publication
TBD	\$10,000	0	\$10,000	Signage
TBD	\$10,000	0	\$10,000	Marketing/Promotion/Advertising/Postage
TBD	\$4,000	0	\$4,000	Supplies
TBD	\$11,000	0	\$11,000	Model project implementation
<b>Total</b>	<b>\$77,000</b>	<b>\$38,100</b>	<b>\$115,100</b>	

## **Narrative from the previous application for 2013**

### **Attachment 2: ArtsCenter Details of the Project Narrative**

**a) Major Project Activities** The ArtsCenter and the Town of Carrboro request \$75,000 support for a \$155,300 cultural district planning project that will sustain its creative economy and expand access to the arts for its citizens. Since The ArtsCenter began in 1974, Carrboro has quadrupled in population, transforming itself from a cotton mill town of 5,100 into a densely populated small city cited as one of the top arts towns in the USA by John Villani. The Town supports the arts, arts-based businesses, two galleries, and several arts festivals. The challenge for Carrboro and its cultural industry is to maintain, in the face of change, the conditions that led to its strength here. Its natural cultural district has grown organically; due more to a vision first articulated by then Mayor, now State Senator Ellie Kinnaird, than a specific plan. With downtown Carrboro now experiencing its greatest change since the Carr Mill Mall renovation 35 years ago; this is a vital opportunity to create a clearly articulated, community-embraced plan for its cultural and entertainment district. Such creative placemaking will encompass creative asset mapping, creative industry cluster/hub development, public art, community engagement design activities, as well as affordable work, living, and exhibition spaces for artists. These actions are consistent with Carrboro plans including the Local Living Economy Task Force Recommendations and the Regional Technology Strategies (RTS) study, *Creating Carrboro's Economic Future*. They speak to the powerful sense of community and buying locally in Carrboro.

Downtown Carrboro and its arts economy face challenges that include: 1) a new shopping development on the western edge of town and a super Wal-Mart four miles south of downtown; 2) the redevelopment of the south side of the 200-300 blocks of East Main Street that includes The ArtsCenter, Cats Cradle, WCOM community radio, and the first hotel in Carrboro; 3) uneven distribution of business acumen within the local creative economy; and 4) housing, work space, and living costs that make it difficult for artists and creative industry workers to live or work here. Carrboro can identify its arts vision, plan its cultural district, and more effectively use its creative economy for economic development to create a new model for sustaining community cultural development. The Carrboro Cultural and Entertainment District will extend westward along both sides of East Main Street from the Chapel Hill town limits. It will encompass the central business district on both sides of Weaver and West Main Streets and the Town Commons before reaching its western terminus just west of Town Hall. The District will include The ArtsCenter, WCOM, Cat's Cradle, DSI Comedy Theatre, Kalisher, The Art Therapy Institute, Weaver Street Market, RTS, galleries, restaurants, bars, and coffee shops, Carr Mill Mall, music stores, and the Town-owned Century Center.

**b) Goals and impacts on community livability, including serving as a model.** Many creative placemaking efforts focus on economic revitalization using cultural assets. This project addresses how to maintain a successful creative economy as the town evolves. The Carrboro Cultural & Entertainment District will provide critical experiments and models in 1) maintaining and enhancing a strong creative economy in the face of significant change and gentrification, including building new infrastructure for the creative economy; 2) refining a natural cultural district into a distinct, planned cultural district; and 3) fostering collaboration among governmental agencies, non-profits, businesses, and artists. Specific outputs will include identifying ways for artists to afford to live and work in Carrboro and developing the role of the arts within town government. A community cultural vision will emerge from the process and guide planning for the district and the creative cluster/hub within it. It will foster creation,

production, dissemination, and support of the arts. As outlined in section (e) below, the first year of Our Town-funded work will involve an iterative community process employing public and stakeholder meetings, surveys, existing town bodies, and focus groups. This is far more about community building, strengthening arts businesses and providing access to the arts than tourism.

Draft plans for the District will be ready at the start of the second year, during which the plan will be tested, evaluated, and vetted through public and stakeholder meetings. A completed plan will be submitted to the Carrboro Board of Aldermen for formal adoption and announcement during summer 2015. The comprehensive plan will link creativity to economic development, while affording all citizens of Carrboro increased opportunities to explore their creative impulses, building cultural and social capital. The plan will address the legal and tax status of the District and specify how it will nurture arts-based businesses and enhance streetscapes, gateways, and accessibility. A focus on community needs and vision will create cultural tourism.

**c) Outcomes and measurement** The Carrboro Cultural & Entertainment District will address the NEA goal of Livability: Strengthening Communities Through the Arts by strengthening its creative cluster/hub, fostering a more attractive and safer downtown, improving access to the arts for all citizens, bringing different populations together through innovative cultural partnerships, maintaining a sense of identity through the arts, inventorying and creating public art and developing standards, making it affordable for artists, businesses, and non-profits to remain in the District, and engaging artists to teach and create public art. The project will advance a secondary NEA outcome of Engagement through community-based processes and a quadrilateral partnership of government, businesses, non-profits, and individuals. Creation and Learning will also result. The project will be quantitatively measured on: 1) achievement of deliverables; 2) establishment of baseline and annual metrics for evaluating livability and creative vitality using tools drawn from the CVI from WESTAF, QOL indicators, ArtPlace vibrancy indicators, and the creative population of the District; and 3) local economic impact of the arts.

**d) Budget** The Carrboro Board of Aldermen voted on November 13, 2012 to allocate at least \$25,000 toward the match. The Orange County Arts Commission allocated \$1,500, as have individual donors. Partners have committed to \$20,000 worth of in-kind staff time. The Committee will obtain additional cash commitments from foundation, public, and private sources to raise the remaining \$32,300 for the \$80,300 match for a total \$155,300, two-year project.

**e) Schedule of key dates including benchmarks and deliverables** Work began in fall 2012 with the formation of a planning committee consisting of Recreation and Parks Director Anita Jones-McNair and her staff members Rah Trost and Dennis Joines, Community & Economic Development Director Annette Stone, and Julie Tomkovick and Executive Director Art Menius from The Arts Center. Public and stakeholder meetings occurred during December 2012. During the first eight months of 2013, fundraising and team building efforts will continue. September – November 2013: Stakeholder and public meetings and creative asset mapping. Surveys at Carrboro Music Festival, Carrboro Film Festival, and West End Poetry Festival collect data for economic impact reports and project planning. January – March 2014: Draft plans for District, creative cluster/hub, and Carrboro cultural vision released for stakeholder and public comments. Partners propose creative and research projects to test assumptions about the creative economy and the District. Surveys at NC Comedy Festival. April – June 2014: Stakeholder and public meetings provide feedback incorporated into the next drafts of the plans and the design of the projects. July – August 2014: Surveys and focus groups at 10x10 in the Triangle, July 4, and Tomato Day. Working drafts of plans circulated. September 2014 – May 2015: Actions specified

therein conducted; pilot projects test assumptions. Surveys at events collect data. June 2015: Final plans for District, creative cluster/hub, and community cultural vision presented to the Board of Aldermen and made available to the public. July 2015: Carrboro Cultural & Entertainment District officially established. Surveys continue. August 2015: Economic impact of the Arts on Carrboro report released. Our Town funded work and reporting completed.

**f) Partners and responsibilities** Lead partner The ArtsCenter will administer the Our Town grant and provide project leadership, including \$5000 in-kind staff time, supplies, and facilities. The Town of Carrboro will provide at least \$25,000 in cash, \$5000 in-kind staff time, and the support of town events and organizations including Carrboro Arts Committee, Carrboro Day, Carrboro Music Festival, Carrboro Economic Sustainability Commission, Carrboro Film Festival, Carrboro Recreation and Parks Commission, and West End Poetry Festival/Poets Council. Research and planning, especially for enhancing the creative economy and cluster/hub, and measurement and evaluation will be conducted by RTS, a non-profit based in Carrboro. Szostak Design, an award winning local firm, will provide design services. Szostak and RTS are each committed to \$5000 in-kind contributions. Veteran community development specialist Robert Donnan of Saxapahaw, NC will facilitate public and stakeholder meetings and distill the results into summary reports. The Orange County Arts Commission has committed funding as well as outreach for the project. Involving artists and teaching artists as integral parts of the team is essential. Sacrificial Poets will lead efforts to connect with and learn from younger artists, especially in spoken word. Transactors Improv and ArtsCenter Stage will guide theatre components, especially engaging non-traditional audiences. Several other entities have orally committed to this project but did not provide letters of commitment in time to be included.

**g) Target community** The primary target community consists of the 19,800 citizens of Carrboro, whose quality of life will be maintained or enhanced through access to the arts and an local economy and tax base supported by creative businesses and artists. The project will build their awareness of all forms of community capital. The secondary target consists of residents of adjacent Chapel Hill, Orange County, and Chatham County, as well as cultural day trippers from the Triad, Durham, and Raleigh. Artists and businesses and nonprofits, both creative and otherwise, located in Carrboro or considering moving here are further targets.

**h) Marketing plans** The ArtsCenter, the Town, and other partners will promote the project via press releases, PSAs, websites, advertising, personal appearances, postering, and social media. Reports on progress will air at 6 PM Mondays on community radio station, WCOM. Carrboro.com will provide coverage. The Committee will report on its work to the Board of Aldermen. Proposed, draft, and final plans for the Cultural and Entertainment District will be made available. The Committee will reach out to local newspapers, WCHL and WUNC radio, and to WUNC-TV. The project will form a core component of Carrboro's ever stronger brand.

**i) Documentation and evaluation** WCOM and The Peoples Channel, cable access TV, will be invited to record public meetings. Reports and plans will be made available on the Internet to encourage community support and to permit others to learn from our work. A report on key learning will be an output. To evaluate the success of the project, RTS will create and disseminate a more accurate method for assessment of the impact of this and similar work.

**j) Accessibility** All new designs for the district will comply with ADA and exhibit sensitivity to creating public art and spaces that can be enjoyed by all. Increasing access to arts experiences for

people of limited means and all significant demographic groups is a specific goal of the project. The Town of Carrboro has a progressive policy of non-discrimination.



## Our Town Panel Comments – August 12, 2013

I received today via NEA staff member Jenn Hughes the comments from the NEA Panel that reviewed Our Town applications for the 2013 application cycle.

Sadly, “There was lots of support on the panel for this proposal.” In other words, we were one of the last ones out.

The panel praised the clarity of goals and purpose and the timelines.

They liked the level of cash support from the Town of Carrboro very much.

They thought the public engagement and planning process was exemplary.

Negative comments:

- 1) Unclear who the chief district designer would be
- 2) Did not describe in detail a process where by artists and artisans would be selected to participate
- 3) Specific roles of consultants not spelled out
- 4) Shortage of work samples directly related to creating a cultural district



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0485

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**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Other Matters

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 4.

**TITLE:**

Discussion of CUP Extension for Roberson Square Project

**PURPOSE:** The Board of Aldermen is asked to review a request for an extension of the date on which a Conditional Use Permit will otherwise expire for the Roberson Square mixed use project at 200 South Greensboro Street. A resolution is attached approving the extension.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Marty Roupe, 918-7333

**INFORMATION:** The Board of Aldermen approved a Conditional Use Permit for a mixed use project at 200 South Greensboro Street on February 26, 2008 (see Attachment B). Construction did not move forward and the property was later converted to a town-maintained parking lot. Subsequently, the town purchased the property. The current and ongoing use of the property remains a parking lot. Approval of the extension will retain the vested right to potentially develop the property in accordance with its governing CUP, which allows construction of a five-story mixed use building (see Attachment C). The CUP is currently set to expire on January 1, 2014. The Board may choose to extend the expiration date by up to one year in accordance with LUO Section 15-62 (see Attachment D). A resolution is attached approving an extension of the CUP expiration date to January 1, 2015 (Attachment A).

**FISCAL & STAFF IMPACT:** No fiscal or staff impact is noted in association with extending the permit's expiration date. Fiscal implications of not extending the permit involve loss of the vested right to develop the property in accordance with the CUP.

**RECOMMENDATION:** Town staff recommends that the Board adopt the attached resolution approving an extension of the CUP expiration date for the Roberson Square mixed use project.

## **ATTACHMENT A**

### **A RESOLUTION APPROVING AN EXTENSION OF THE DATE ON WHICH A CUP WOULD OTHERWISE EXPIRE FOR THE ROBERSON SQUARE CUP LOCATED AT 200 SOUTH GREENSBORO STREET**

WHEREAS, the Carrboro Board of Aldermen approved a Conditional Use Permit for the Roberson Square mixed use project at 200 South Greensboro Street on February 26, 2008; and

WHEREAS, the original CUP expiration date was extended by state legislative action to January 1, 2013 in response to the economic crisis and then, by the Board subsequent to another request, to January 1, 2014; and

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

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the expiration date for the Roberson Square mixed use project's CUP is hereby extended to January 1, 2015.

This the 19<sup>th</sup> day of November 2013

MS

MS

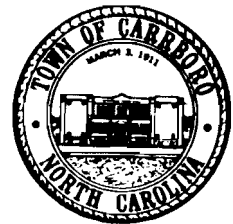


20090407000077830 PRMIT  
**Bk:RB4706 Pg:266**  
04/07/2009 08 43 06 AM 1/4

FILED Joyce H Pearson  
Register of Deeds Orange Co NC  
Recording Fee \$23 00  
NC Real Estate TX \$ 00

PREPARED BY AND RETURN TO:

TOWN CLERK  
TOWN OF CARRBORO  
301 West Main Street  
CARRBORO, NORTH CAROLINA 27510



**ORANGE COUNTY  
NORTH CAROLINA**

9778-85-7932

ms

**TOWN OF CARRBORO  
CONDITIONAL USE PERMIT GRANTED  
Roberson Square Mixed Use Building**

On the date(s) listed below, the Board of Aldermen of the Town of Carrboro met and held a public hearing to consider the following application:

<b>APPLICANT:</b> Darcon of N.C., Inc.
<b>OWNERS:</b> Darcon of N.C., Inc.
<b>PROPERTY LOCATION (Street Address):</b> 203 South Greensboro Street
<b>TAX MAP, BLOCK, LOT(S):</b> 7.99.D.1
<b>PROPOSED USE OF PROPERTY:</b> To allow for the construction of a five-story mixed use building.
<b>CARRBORO LAND USE ORDINANCE USE CATEGORY:</b> 27.000, Combination, consisting of Uses 1.331, 1.340, 2.111, 2.120, 2.130, 2.210, 2.220, 2.230, 3.110, 3.120, 3.130, 3.150, and 3.250
<b>MEETING DATES:</b> January 22 and February 26, 2008

Having heard all the evidence and arguments presented at the hearing, the Board finds that the



Development Review Administrator in writing and specific written approval obtained as provided in Section 15-64 of the Land Use Ordinance.

2. If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect.
3. That the continued affordability of three dwelling units must be ensured through working directly with Orange Community Housing & Land Trust, in accordance with Land Use Ordinance Section 15-182.4.
4. That certificates of occupancy for the last three (3) market-rate dwelling units not be issued until all three (3) affordable dwelling units are offered for sale or rent.
5. That if Orange Community Housing and Land Trust is unable to sell any affordable unit within one year of the date it receives a certificate of occupancy, Darcon of NC, or its successors or assigns, will be released from its obligation to sell that unit to OCHLT and may instead provide to the Town of Carrboro a payment-in-lieu of providing an affordable unit, consistent with the applicable, related Land Use Ordinance language existing at the time of execution of this Conditional Use Permit.
6. That prior to construction plan approval, the applicant must prepare and the Town Manager accept a three-party agreement between the future owner's association, Orange Community Housing & Land Trust, and the Town of Carrboro. The agreement must: 1) stipulate that either the Land Trust or the Town must verify compliance with the applicable provisions of the conditional use permit and Land Use Ordinance prior to the sale/resale of any affordable unit, 2) establish and implement a one-percent transfer fee program wherein market-rate units will subsidize affordable units within the development, and 3) stipulate that the owner's association covenants must include language regarding the affordable units and properly disclose related information to purchasers of market-rate units information regarding the one-percent transfer fee program. Details regarding this condition must be presented to and approved by the Town Attorney and Town Manager prior to construction plan approval. Monies collected in the affordable housing transfer fee program, associated with the sale / resale of properties, are to be placed into a fund for the specific purpose of paying condominium and townhome Owner's Association dues for persons who acquire affordable housing.
7. That only retail and office uses be allowed in the commercial area.
8. That the applicant must receive a Town of Carrboro driveway permit for Maple Avenue Extension and a NCDOT driveway permit if determined to be necessary, prior to construction plan approval.
9. That the Board of Aldermen finds that no screening is required along Maple Avenue Extension (eastern side of the property) as a sidewalk in this location is more beneficial to public safety than providing street trees in the area.
10. That if the applicant desires to install site and/or exterior building lighting in the future, then upon reviewing associated information staff must determine what type of permit modification is involved, per Land Use Ordinance Section 15-64, and process the request accordingly.
11. That prior to issuance of a building permit for the project, the applicant must record a plat that dedicates sufficient right-of-way along all sides of the property such that every adjacent right-of-way exceeds fifty-feet in width.



14. That the applicant receive(s) CAPS from the Chapel Hill—Carrboro City Schools district pursuant to Article IV, Part 4 of the Land Use Ordinance, prior to construction plan approval.
15. That seven (7) parking spaces and a landscaped (xeriscaped) area be provided along Carr Street.

This permit shall automatically expire within two years of the date of issuance if the use has not commenced or less than 10 percent (10%) of total cost of construction has been completed or there has been non-compliance with any other requirements of Section 15-62 of the Carrboro Land Use Ordinance.

If this permit authorizes development on a tract of land in excess of one acre, nothing authorized by the permit may be done until the property owner properly executes and returns to the Town of Carrboro the attached acknowledgment of the issuance of this permit so that the town may have it recorded in the Orange County Registry.

NORTH CAROLINA

ORANGE COUNTY

IN WITNESS WHEREOF, the Town of Carrboro has caused this permit to be issued in its name, and the undersigned being all of the property above described, do hereby accept this Conditional Use Permit, together with all its conditions, as binding upon them and their successors in interest.

THE TOWN OF CARRBORO

ATTEST:

Sharmyn Muman (SEAL)  
Deputy Town Clerk

BY \_\_\_\_\_  
Town Manager

I, Carrie B. Brewster, a Notary Public in and for said County and State, do hereby certify that Sarah C. Williamson, Town Clerk for the Town of Carrboro, personally came before me this day and being by me duly sworn says each for himself that she knows the corporate seal of the Town of Carrboro and that the seal affixed to the foregoing instrument is the corporate seal of the Town of Carrboro, that Steven E. Stewart, Town Manager of said Town of Carrboro and Sarah C. Williamson, Town Clerk for the Town of Carrboro subscribed their names thereto; that the corporate seal of the Town of Carrboro was affixed thereto, all by virtue of a resolution of the Board of Aldermen, and that said instrument is the act and deed of the Town of Carrboro.

IN WITNESS THEREOF, I have hereunto set by hand and notarial seal this the 5<sup>th</sup> day of March, 2009

(SEAL)

Carrie B. Brewster  
Notary Public



Darcon of N.C., Inc.

BY: [Signature]

President

ATTEST:

[Signature]  
Secretary

STATE OF NORTH CAROLINA  
Wake COUNTY

This the 27<sup>th</sup> day of February, 2009, personally appeared before me, James C. PRAWLEY, a Notary Public in and for said County and State: Alan D. FAKITOWAY, who being by me duly sworn, says that ~~she~~ he knows the common seal of JOSEPH E SABA and is acquainted with DARCON NC INC who is the PRESIDENT, and saw the President sign the foregoing instrument and that he/she, Secretary of aforesaid, affixed said seal to said instrument, and signed her name in attestation of the execution of said instrument in the presence of said [Signature] 09.

WITNESS my hand and notarial seal, this the 27<sup>th</sup> day of February, 2009.

(SEAL)



[Signature]  
Notary Public

My Commission Expires: 2/18/14

(Not valid until fully executed and recorded)



Property Description

Owners: Alan Fakhoury, Janice Fakhoury, Mahmoud Fakhoury, Mazouk Fakhoury  
Site Location: tracts 1 & 2, D.B. 3242, Pg. 185  
pin #: 9778-85-5892 & 9778-85-5896 (combined)  
100 Roberson Street  
Carrboro, North Carolina  
Chapel Hill Township, Orange County

Address: to be determined; site bounded by S. Greensboro St, Roberson St, Maple Ave, E. Carr St.  
Area: 0.883-acres (38,463.48-sf)  
Zoning: B1G; Overlay District: DNP  
Setbacks: 0-ft  
Floor Area: 93,962-sf (proposed)

40% Open Space Requirement

It is our understanding that the requirement for 40% Open Space for projects with a residential component is being replaced by "Liability Provisions". We also understand that the "Liability Provisions" have not yet been finalized. It is our intent to comply with them once they have been incorporated into the Carrboro Land Use Ordinance.

Recreation Space Requirement

We intend to comply with the requirements for Recreation Space for projects with a residential component. We believe that there will be some overlapping of amenities between the Recreation Space and "Liability Provisions". Therefore, we would prefer to wait until the "Liability Provisions" have been adopted before proposing anything which meets the Recreation Space Requirement.

Signage

Sign disclosure requirements of Sections 15-83.1 and 15-83.2 of the LUO will be observed. No signage is proposed at this time for this development.

Trees (see sheet SP-2 and Architectural Drawings)

Per section 15-315 of LUO - plant or retain trees in irregular pattern along public rights-of-way so that there is at least one tree per 100 linear ft and an average of one deciduous tree for every 30-ft of street frontage. All dedicated trees should have potential diameter of at least 12-in when mature. Species should be selected from Town list.

Streets/Lights

Public streetlight type and installation location will be coordinated between Architect, Town of Carrboro DPW and Duke Power.

Grading (see sheet C-1)

1. Cut or fill slopes shall not be steeper than 2.5:1 (h:v).
2. All disturbed areas shall be stabilized within 10 days of completion of activity using seasonally appropriate temporary vegetation, permanent vegetation or as otherwise designated.
3. All grades shall slope away from buildings at minimum rate 20(v):1(h) for at least 10-ft.

Erosion Control

1. Land disturbing activities shall be conducted in accordance with requirements of NC DENR Land Quality Division and/or Orange County Erosion Control Division. Owner/contractor is required to prevent offsite migration of sediments, debris and other pollutants.
2. Construction entrances shall be located, installed and maintained as shown on sheet C-3.
3. Contractor shall install approved sediment collection bags in all area inlets or install sedimentation control barriers around perimeter of entrance to each area inlet. He shall install check dams in all roadside ditches around perimeter of site.
4. Collected surface or ground water that is removed by pumping shall be pumped through sediment filter bag or approved equivalent.

Sidewalk

1. All sidewalks shall be minimum 5-ft wide or as indicated otherwise and constructed with concrete in accordance with specifications set forth in Appendix C, town of Carrboro LUO.
2. Sidewalks along the southern side of Roberson St. and the west side of Maple Ave. shall be constructed to width indicated or to alternate width approved by owner and Town.
3. Note sidewalk thickness should be increased to at least 6-in at all driveways, and at all other areas subject to vehicular loading.

Traffic Control

1. Use recommended two-lane controls for traffic closure (layout to be determined) whenever construction activities impact or take place upon E. Carr St, Maple Ave, Roberson Street or S. Greensboro St.
2. Contractor shall coordinate parking closures, alterations to traffic movement or flow controls with Town of Carrboro and owner/architect.

Streets and Surfaces

1. The developer/owner is required to re-surface a minimum of one-half of the existing street width for Roberson Street, E. Carr Street, Maple Ave, and S. Greensboro St for the length of the proposed property improvements inclusive of up to 50-ft beyond each end of the property frontage to insure positive drainage and smooth transition within the improved street section. Additional grading and paving on the opposite side of the right-of-way will be required along the Maple Ave frontage.
2. See typical asphalt pavement repair detail on sheet C-3.
3. All-weather travel surfaces must be in place prior to receiving a building permit.

Orange County Solid Waste

1. By Orange County (OC) ordinance, clean wood waste, scrap metal and corrugated cardboard present in construction waste must be recycled.
2. By OC ordinance, all haulers of construction waste must be properly licensed.
3. Prior to any demolition or construction activity on the site, applicant will hold a pre-demolition, pre-construction conference that includes OC Solid Waste staff. This meeting may be held concurrently with other pre-construction site meetings.

Utilities

1. All new utilities will be installed underground.
2. Existing utilities will be removed where feasible. Closures shall be performed in accordance with rules and guidelines as specified by OWASA, Duke Power or other applicable utility owner.
3. Existing overhead lines will be removed or, where feasible, moved underground.

Setbacks

1. There are no building setback requirements in the B1(g) zoning district

Access

1. All HC access ramps at corners and sidewalk ramps at building entrances and parking garage driveway shall be maximum slope 12(h):1(v).

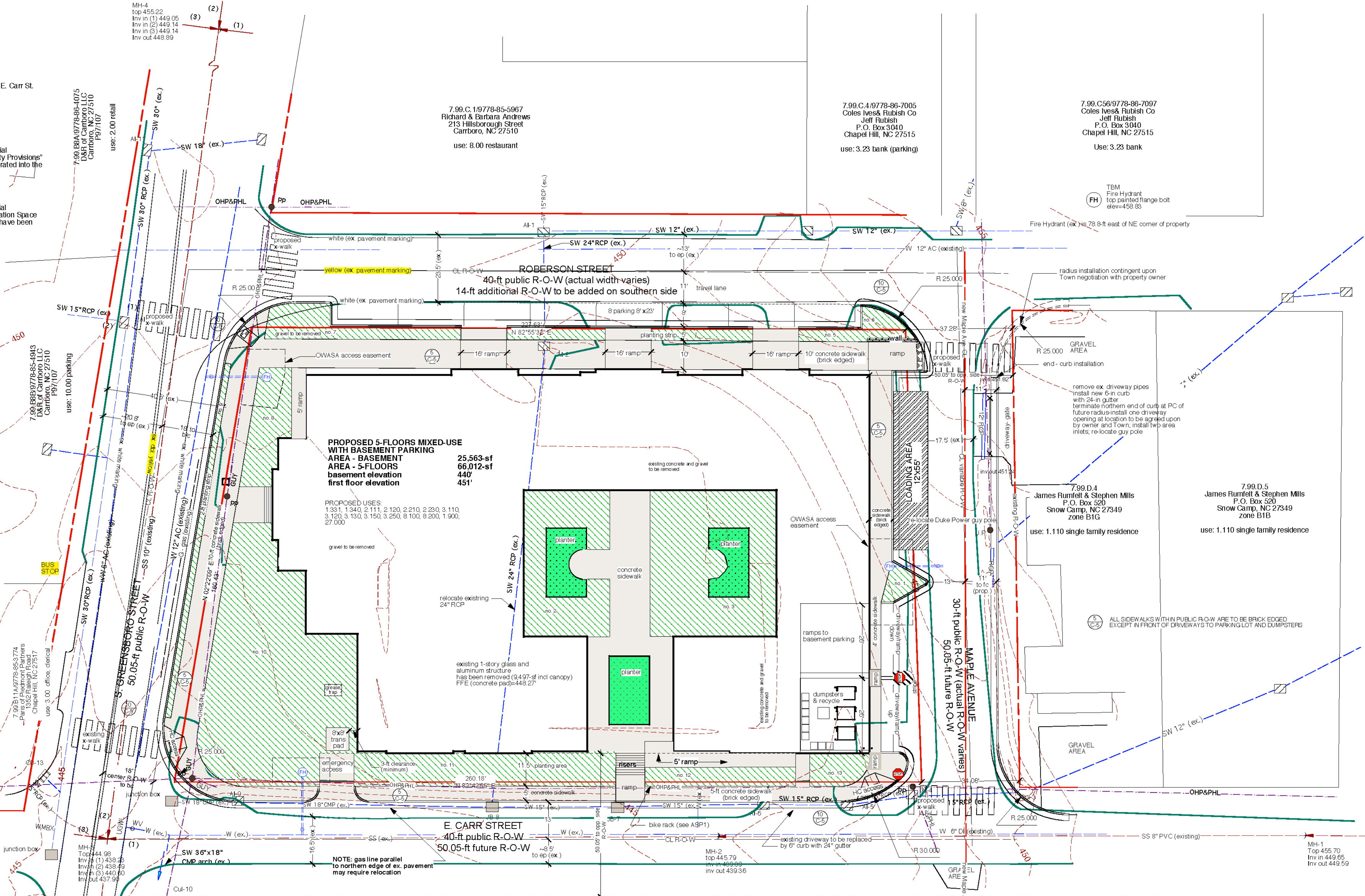
NC DOT

1. All curb and gutter, drainage, sidewalk, and wheel chair ramps, etc. within the NC DOT right of way shall meet NC DOT standards.
2. No work shall be performed prior to issuance of approved NC DOT encroachment agreements. Encroachment agreements shall be issued upon receipt of approved plans and any necessary performance bonds.

Pre-Construction Meeting

Prior to any demolition or construction activity on the site, applicant will hold a pre-demolition, pre-construction conference that includes representatives of OC Solid Waste, OC Erosion Control Division, NC DOT, Town of Carrboro DPW, Town of Carrboro Inspections and Zoning, the mechanical grading and utility contractors, the Project Engineer and Architect, and other involved parties.

See SPECIAL NOTES FROM TOWN OF CARRBORO on sheet SP-2



NOTE: temporary access and construction easements must be negotiated between owner/developer and property owners affected by stormwater drain piping installation, transformer installation, grading and curb and gutter installation. These owners will include Lindsey, Mills and residents on perimeter streets.

NOTE: Fire hydrants shown on this sheet are proposed unless indicated otherwise. Sewer, water and utilities shown on this sheet are existing.

SUMMARY

FLOOR	USE	SQUARE FOOTAGE	PARKING REQUIRED (104) (AFTER REDUCTION FACTORS)	PARKING PROVIDED (see sheet A1.0)
BASEMENT	PARKING	25,563 SF gross		
1ST	RETAIL	12,301 SF		
2ND	OFFICE	19,171 SF		
3RD	RESIDENTIAL	16,405 SF		
4TH	RESIDENTIAL	10,555 SF		
5TH	RESIDENTIAL	7,079 SF		

DETERMINATION OF PARKING REQUIREMENTS AND ASSOCIATED CALCULATIONS ARE SHOWN ON SHEET A1.0

ALL INFORMATION REGARDING DESIGN AND CONSTRUCTION OF DUMPSTER/TRASH RECYCLING AREAS MAY BE FOUND ON SHEET ASP.1

ALL INFORMATION ADDRESSING SIZING OF AND CONSTRUCTION OF OPEN SPACE AND RECREATIONAL FACILITIES IS LOCATED ON SHEET ASP.2

**SOUTH GREENSBORO STREET** pavement width - Developer is proposing an 18-ft cross-section from back of curb on the eastern side to the center of R-O-W. This is approximately equal to the existing pavement on the opposite side of the street. The total, 36-ft bobc, is equal to the width of the 3-lane section on S. Greensboro St as it approaches E. Main St.

**PAVEMENT MARKINGS** - Lane widths and pavement markings will be as designated by NC DOT. Existing pavement markings damaged must be restored to original condition. Markings will be restored or added using NC DOT 90 mil thermoplastic pavement markings.

**STREETS AND SURFACES** - Asphalt milling will be required as determined prior to resurfacing to insure pavement surface cross-slopes are maintained for positive drainage and smooth transition from new to existing pavement surfaces. Asphalt resurfacing layer shall conform to NC DOT superpave asphalt mix 9.5A or approved equivalent and placed minimum of 1.5" thickness. All surface utility access points (manholes, valves, other) shall be adjusted prior to resurfacing as needed to match with restored pavement surfaces. Some paving work may need to be conducted at night due to potential impacts to public.

**OVERHEAD UTILITIES** - Location and feasibility of re-locating existing overhead utilities underground will be resolved with providers. Note that Duke Power has requested that conduit be installed to provide subgrade, single and three phase service along the northern side of E. Carr Street from the S. Greensboro St intersection to the E. Carr-Maple St intersection. This would include installing a small transformer and sub-surface single phase service connections to several residences on the southern side of E. Carr St. Along the S. Greensboro St frontage, an existing pole will be relocated. However, Duke Power cannot move the existing services underground. For locations of existing poles and street lighting, see Existing Conditions drawing.

**FIRE HYDRANT CONNECTIONS INSTALLED OUTSIDE THE PUBLIC R-O-W WILL REQUIRE 20'-ft WIDTH ACCESS EASEMENTS FOR OWASA PERSONNEL.**



Scale 1" = 20'

LEGEND

- landscaped area
- spot elevations - existing
- spot elevations - proposed
- existing contours
- proposed contours
- pole - light, guy, utility, power
- fire hydrant
- plants, screening
- clearing limits
- tree protection, temporary fence
- silt fence
- check dam
- existing pipe
- proposed pipe
- roof drain
- bicycle rack
- stormwater drainage
- sanitary drainage
- water
- gas
- overhead line

Topographic and boundary information is from survey drawings provided by Ken Close Surveys, Inc. and others. Prior to beginning field activities, contractor should verify locations of all existing utilities, structures, and other appurtenances both aboveground and below. It will be contractor's responsibility to report deviations from design drawings. Contractor will be responsible for repairs to damages and site restoration.

PRELIMINARY - NOT FOR CONSTRUCTION

SGI Technical Services

200 North Greensboro Street Suite B-13A  
Carrboro, NC 27510  
phone: (919) 942-7612 fax: (919) 942-3647  
email: sgia@earthlink.net

Project Name:

ROBERSON SQUARE  
100 Roberson Street  
Conditional Use Permit (CUP)

Developer/Owner/Applicant:

**DARCON OF NC, Inc.**  
7000 Harps Mill Rd. Suite 201  
Raleigh, NC 27615  
(919) 868-0179

Drawing Title:

SITE PLAN

Revisions:

Number	Description	Date
submittal 2		Apr 2007
submittal 3		Sept 2007
submittal 4		Nov 2007

Drawn by: SAA

Checked by:

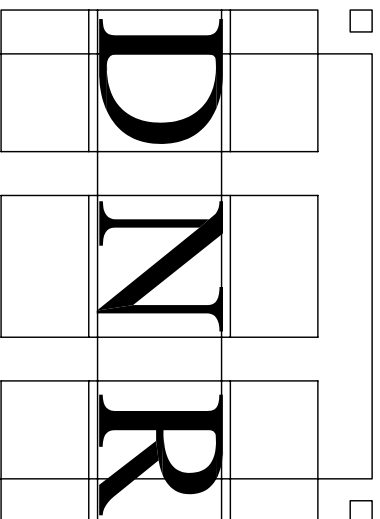
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Sheet

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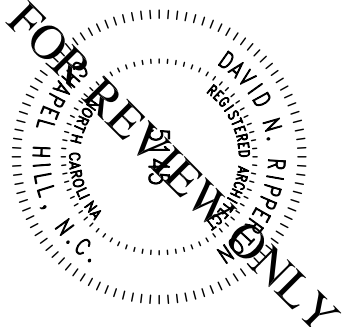
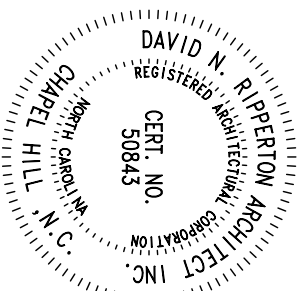
SP-1





David N. Ripperton  
Architect  
Inc.

200 N. Greensboro St.  
Suite B-136  
Carrboro, NC 27510  
(919) 942-9999  
Fax (919) 942-8989



Project:

ROBERSON SQUARE  
MIXED USE DEVELOPMENT  
100 ROBERSON STREET  
CARRBORO, NC 27510

OWNER:  
DARCON OF N.C., INC.  
7000 HARPS MILL RD., STE. 201  
RALEIGH, N.C. 27615  
919.868-9179  
919.865-4761, FAX

APPLICANT:  
DARCON OF N.C., INC.  
7000 HARPS MILL RD., STE. 201  
RALEIGH, N.C. 27615  
919.868-9179  
919.865-4761, FAX

Drawing:

CONDITIONAL USE PERMIT

WEST ELEVATION  
SOUTH ELEVATION

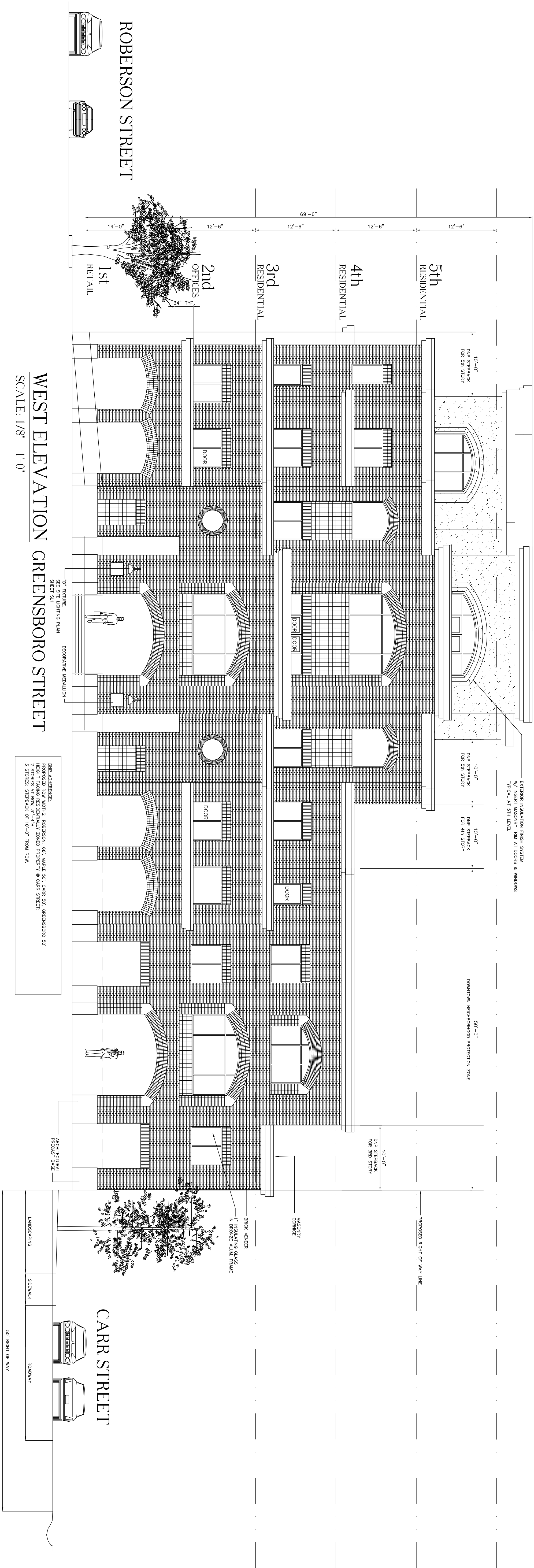
Date:

10-27-06  
2ND CUP SUBMITTAL 4-16-07  
3RD CUP SUBMITTAL 8-29-07  
4TH CUP SUBMITTAL 11-22-07

Sheet No.

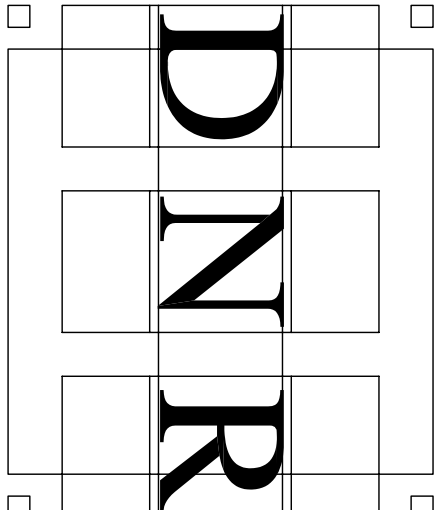
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A2.1



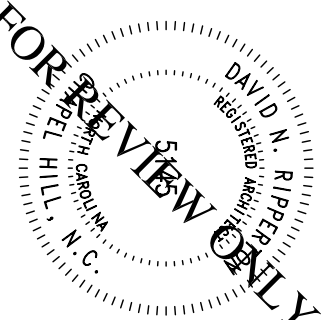
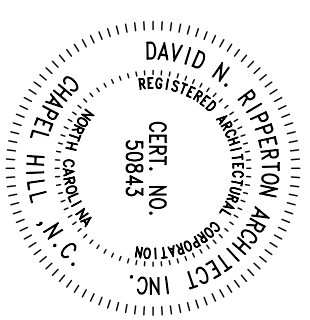
WEST ELEVATION GREENSBORO STREET  
SCALE: 1/8" = 1'-0"

SOUTH ELEVATION CARR STREET  
SCALE: 1/8" = 1'-0"



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Project:

ROBERSON SQUARE  
MIXED USE DEVELOPMENT  
100 ROBERSON STREET  
CARRBORO, NC 27510

OWNER:  
DARCON OF N.C., INC.  
7000 HARPS MILL RD., STE. 201  
RALEIGH, N.C. 27615  
919.868.9179  
919.845-4761, FAX

APPLICANT:  
DARCON OF N.C., INC.  
7000 HARPS MILL RD., STE. 201  
RALEIGH, N.C. 27615  
919.868.9179  
919.845-4761, FAX

Drawing:

CONDITIONAL USE PERMIT

NORTH ELEVATION  
EAST ELEVATION

Sheet No.

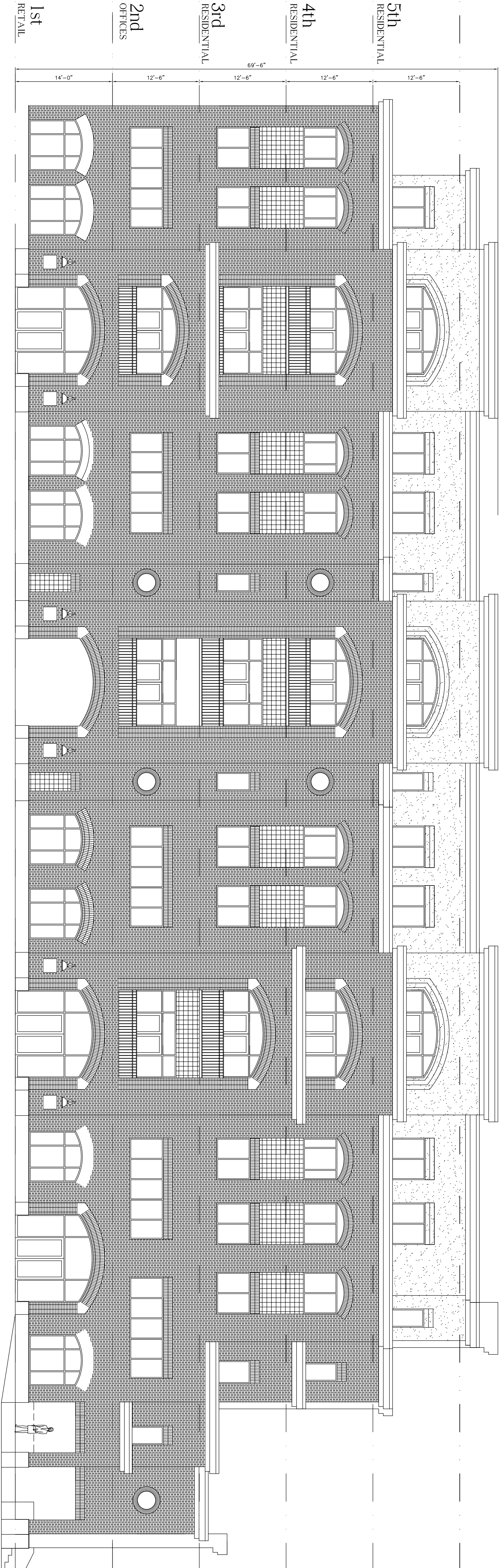
Date: \_\_\_\_\_

10-27-06

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3RD CUP SUBMITTAL 8-29-07  
4TH CUP SUBMITTAL 11-22-07

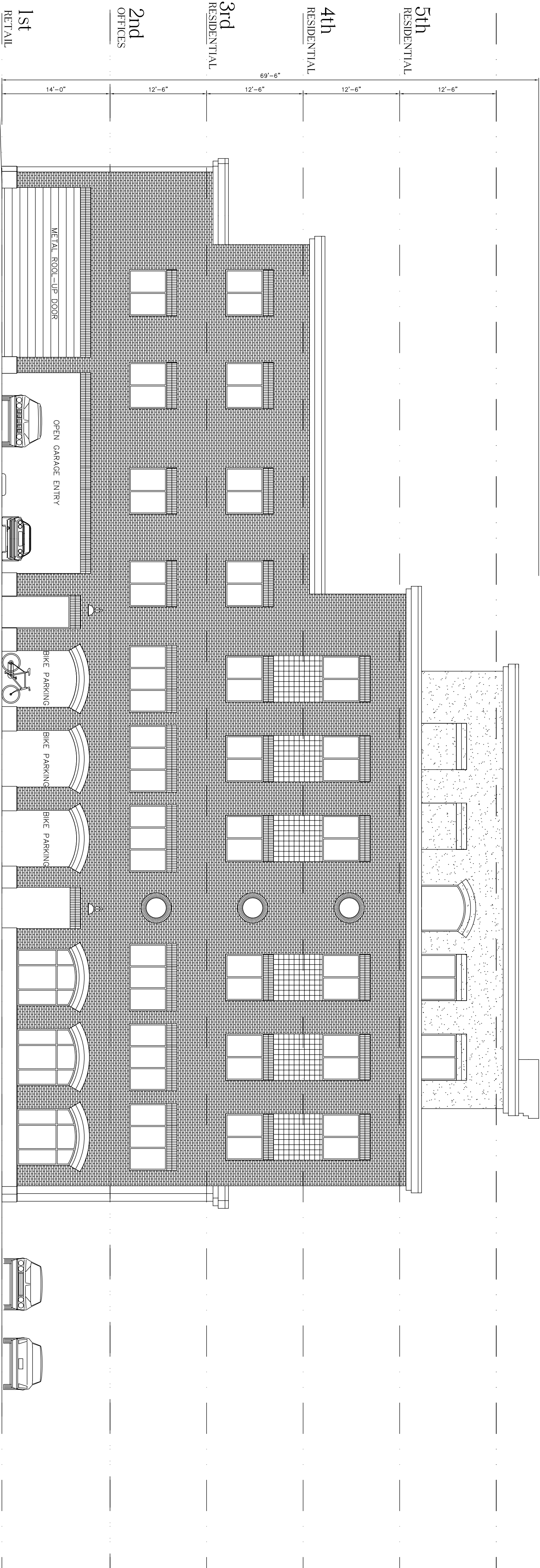
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A2.2



NORTH ELEVATION ROBERSON STREET

SCALE: 1/8" = 1'-0"

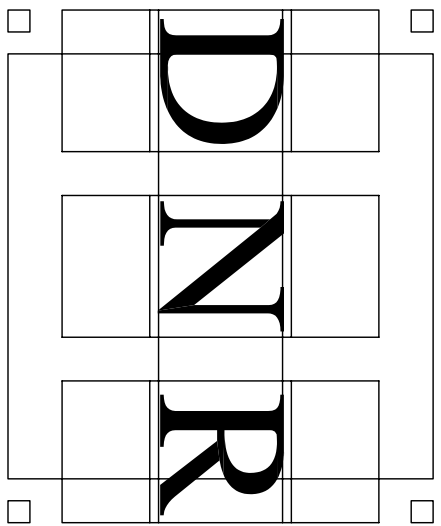


EAST ELEVATION MAPLE AVE

SCALE: 1/8" = 1'-0"

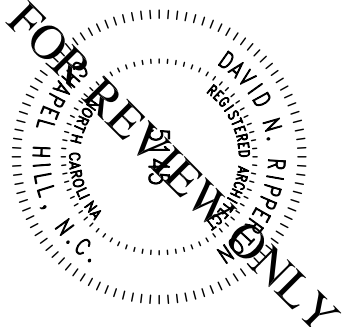
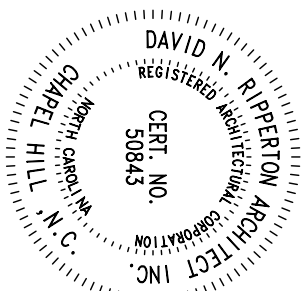






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Fax (919) 942-8989



Project:

ROBERSON SQUARE  
MIXED USE DEVELOPMENT  
100 ROBERSON STREET  
CARRBORO, NC 27510

OWNER:

DARCON OF N.C., INC.  
7000 HARPS MILL RD., STE. 201  
RALEIGH, N.C. 27615  
919-868-9179  
919-863-4761, FAX

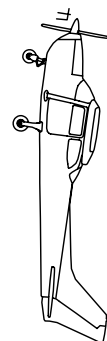
APPLICANT:

DARCON OF N.C., INC.  
7000 HARPS MILL RD., STE. 201  
RALEIGH, N.C. 27615  
919-868-9179  
919-863-4761, FAX

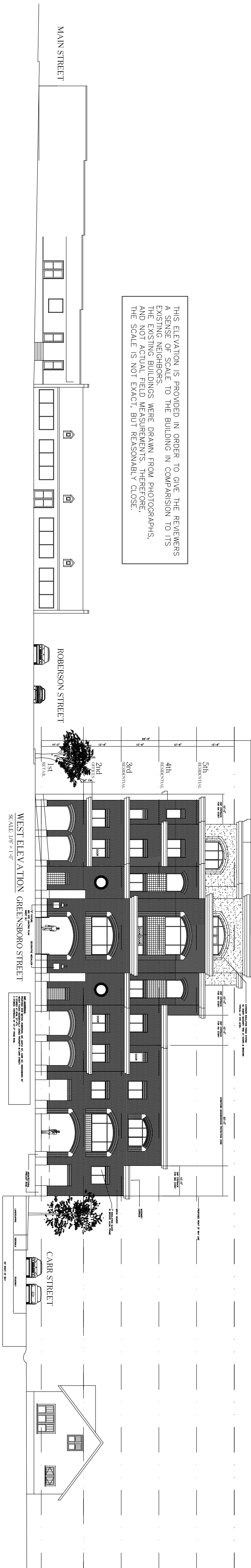
Drawing:

CONDITIONAL USE PERMIT

SCALE ELEVATION



THIS ELEVATION IS PROVIDED IN ORDER TO GIVE THE REVIEWERS  
A SENSE OF SCALE TO THE BUILDING IN COMPARISON TO ITS  
EXISTING NEIGHBORS.  
THE EXISTING BUILDINGS WERE DRAWN FROM PHOTOGRAPHS,  
AND NOT ACTUAL FIELD MEASUREMENTS. THEREFORE,  
THE SCALE IS NOT EXACT, BUT REASONABLY CLOSE.



Date:

2ND CUP SUBMITTAL 4-16-07

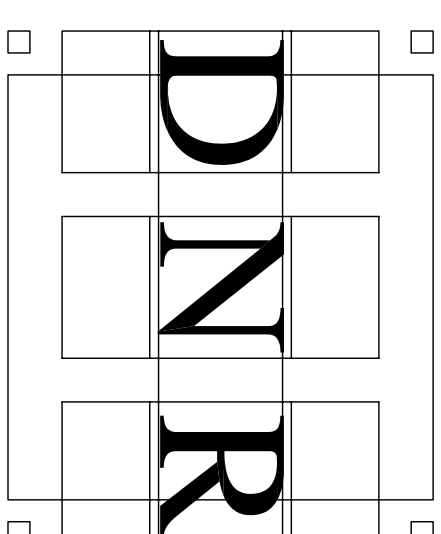
3RD CUP SUBMITTAL 8-29-07

4TH CUP SUBMITTAL 11-22-07

Sheet No.

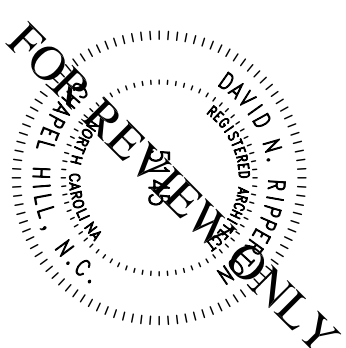
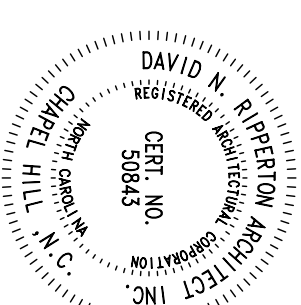
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A2.4



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Fax (919) 942-8989



### Project:

ROBERSON SQUARE  
MIXED USE DEVELOPMENT  
100 ROBERSON STREET  
CARRBORO, NC 27510

OWNER:

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7000 HARPS MILL RD., STE. 201  
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RALEIGH, N.C. 27615  
919.868-9179  
919.845-4761, FAX

### Drawing:

# CONDITIONAL USE PERMIT

## ARCHITECTURAL STANDARDS

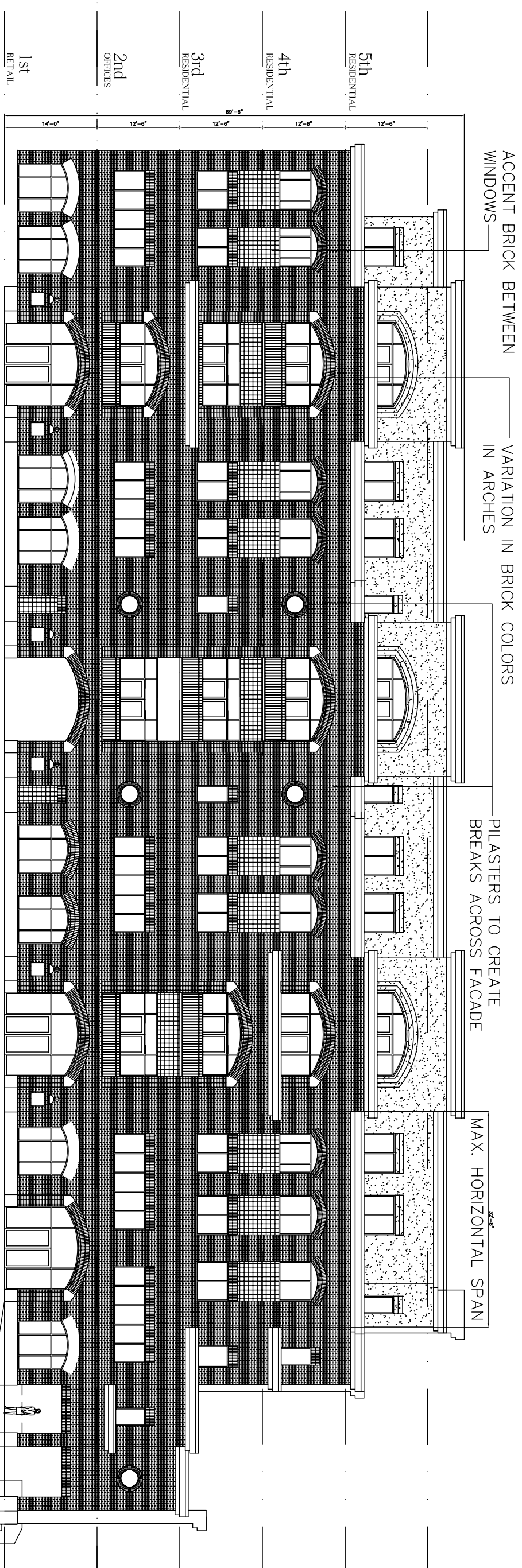
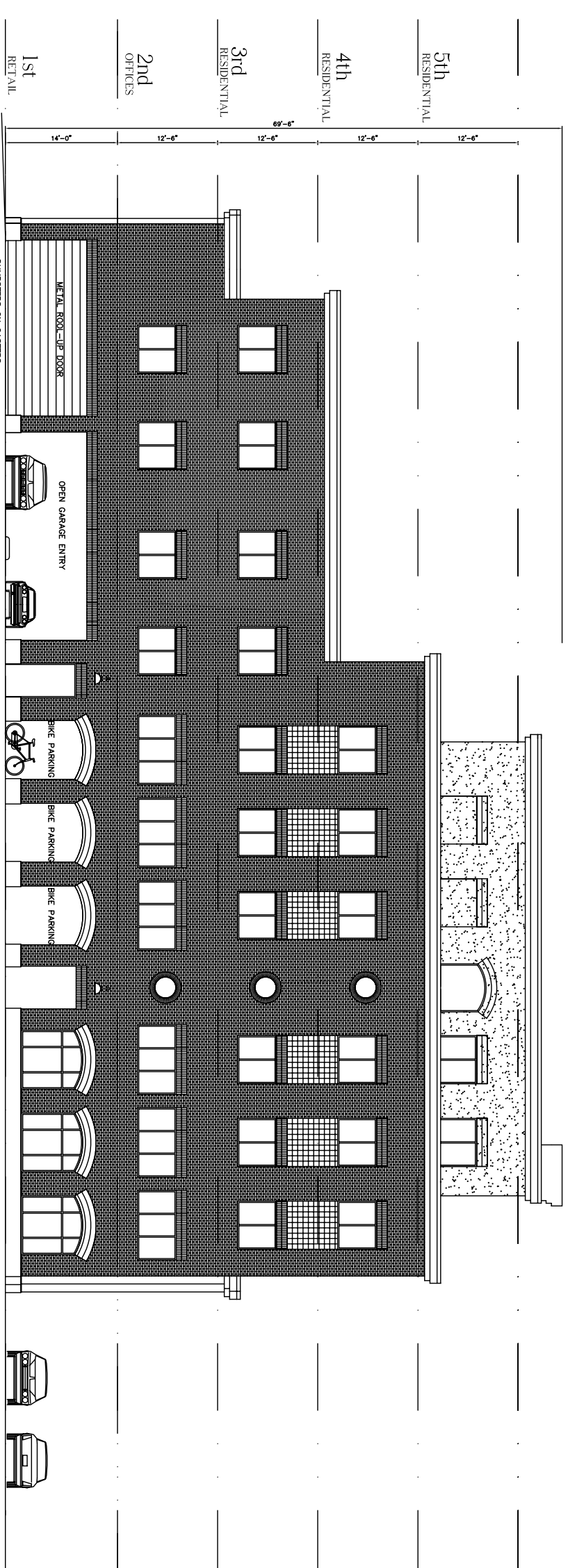
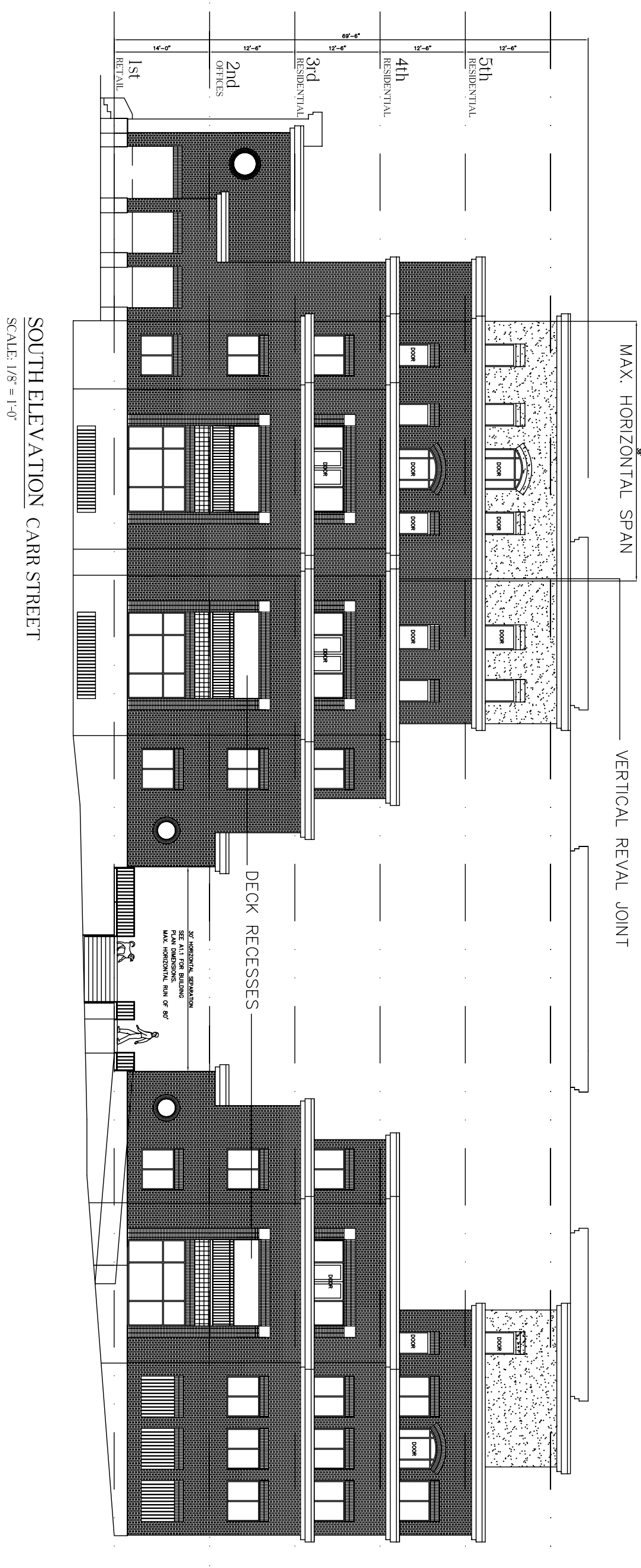
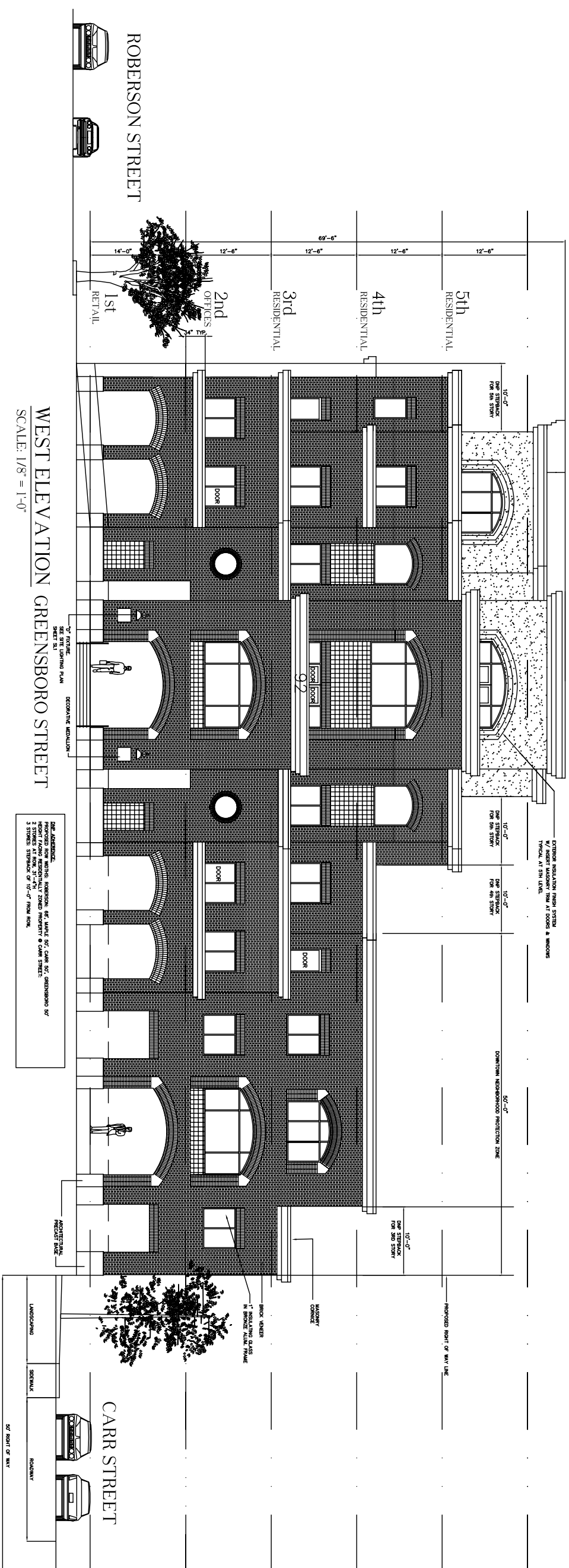
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Date:

2ND CUP SUBMITTAL 4-16-07  
3RD CUP SUBMITTAL 8-29-06  
4TH CUP SUBMITTAL 11-22-07

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## A2.5



## **Section 15-62 Expiration of Permits.**

(a) Zoning, special use, conditional use, and sign permits shall expire automatically if, within two years after the issuance of such permits: **(AMENDED 5/26/81)**

- (1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
- (2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 15-61), this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period (i) of one year if the date of discontinuance occurs more than one year after the issuance of the permit, or (ii) equal to two years less the time between the issuance of the permit and the time work is discontinued if the date of discontinuance occurs less than one year after the issuance of the permit, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 15-63.

(c) The permit-issuing authority may extend for a period up to one year 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 one year upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.

(d) For purposes of this section, a permit within the jurisdiction of the Board of Aldermen or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place: **(AMENDED 11/10/81)**

- (1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or
- (2) The zoning administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as

having the permit executed by the property owner so it can be recorded if required under G.S. 15-46(c).

(e) Notwithstanding any of the provisions of Article VIII (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0488

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**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Consent Agenda

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 5.

**TITLE:**

Scheduling of Early Voting for the 2014 Primary Election at Town Hall

**PURPOSE:** The purpose of this item is for the Board to consider hosting the 2014 Primary early voting at Town Hall.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Cathy Wilson, 918-7309

**INFORMATION:** The Town Clerk received a request from the Orange County Board of Elections (BOE) requesting that the Board decide on the use of Town Hall for early voting space. The BOE will require exclusive use of the board room from Tuesday, April 22nd through Saturday, May 3, 2014. Exclusive access requires that currently scheduled Board of Aldermen, Planning Board, and Board of Adjustment meetings be relocated. Assuming that the Board of Aldermen will cancel the meeting on May 6th for Election Day, there is only one Board of Aldermen meeting that will require relocation or canceling (April 22).

**FISCAL & STAFF IMPACT:** All costs, including staffing, associated with the early voting will be paid for by the Orange County Board of Elections.

If Town Hall is used for early voting and Board of Aldermen meetings are relocated, there will be an additional charge for media. Media costs will vary based on the type of recording that is chosen for the meeting. During previous elections, relocated Board meetings were audio recorded only. The cost of the audio recording per meeting was \$225.00. If the OWASA Community Room is unavailable, there will most likely be a fee associated with the use of another meeting space (Orange County Facility Use Policy requires municipalities to pay a fee of \$100.00).

**RECOMMENDATION:** Staff recommends that the Board consider the request from the Board of Elections and approve the attached resolution.



A RESOLUTION SCHEDULING THE 2014 PRIMARY ELECTION EARLY VOTING AT TOWN  
HALL

WHEREAS, the Orange County Board of Elections has requested that the Town of Carrboro decide on whether or not Early Voting will be held at the Carrboro Town Hall; and,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE  
TOWN OF CARRBORO, NORTH CAROLINA, THAT:

SECTION 1. The Town of Carrboro will have "One-Stop, No Excuse," Early Voting available at the Town Hall.

SECTION 2. The Board of Elections shall have exclusive access of the Town Hall Board Room, 301 West Main Street, Carrboro, NC, beginning on Tuesday, April 22, 2014 and ending on Saturday, May 3, 2014.

SECTION 3. Staffing for early voting will be provided through Orange County Board of Elections.

SECTION 4. The Town Clerk is authorized to coordinate the relocation of the April 22, 2014 Board of Aldermen meeting.

SECTION 5. The Board of Aldermen meeting scheduled for May 6, 2014 is hereby cancelled.

SECTION 6. A copy of this Resolution shall be provided to the Orange County Board of Elections.



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0479

**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 1.

### **TITLE:**

Public hearing on Land Use Ordinance Amendments Relating to Cell Towers

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance to conform the provisions dealing with cell towers to recent changes in federal and state legislation. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Mike Borough - 919-929-3905

**INFORMATION:** Federal legislation in 2012 broaden the federal preemption of local regulation of cell tower modifications, for requests that do not “substantially change” an existing tower or base station. During the 2013 Session, the North Carolina legislature adopted S.L. 2013-185 (H 664) which amends G.S. 160A-400.50 to G.S. 160A-400.53 and G.S. 153A-349.50 to G.S. 153A-349.53 to conform state law to the federal changes.

The provisions associated with changes to the regulations of cellular towers limit the ability of local government to restrict minor changes to existing towers, such as collocating additional antennas and increasing the height of existing towers ten percent or less. Local governments have forty-five days to determine if an application for a minor modification, termed “eligible facility request” by the state statute, qualifies as a minor modification and if the application is complete. A decision to approve or deny the application must be made within forty-five days of the application being deemed complete.

The Town Attorney has prepared a draft ordinance (*Attachment B*) which, if adopted, would amend Subsection 15-176, Towers and Antennas, in accordance with federal and state legislation. The draft ordinance was presented to the Planning Board at its November 7, 2013 meeting and was submitted to Orange County. Comments are provided (*Attachment D*).

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the

resolution finding consistency, and the draft ordinance provided in the attachments.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND  
USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO CONFORM THE PROVISIONS DEALING WITH CELL TOWERS TO RECENT CHANGES IN FEDERAL AND STATE LEGISLATION.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment will align the provisions of the Land Use Ordinance dealing with cell towers to recent changes in federal and state legislation and is consistent with the provisions in Section 15-2 which specify the authority granted to the Town through state enabling legislation.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its legislative authority.

Section 3. This resolution becomes effective upon adoption.

This the 19th day of November 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF  
THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO CONFORM THE PROVISIONS DEALING WITH CELL TOWERS TO RECENT CHANGES IN FEDERAL AND STATE LEGISLATION.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 19<sup>th</sup> day of November 2013.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CONFORM  
THE PROVISIONS DEALING WITH CELL TOWERS TO RECENT CHANGES IN FEDERAL  
AND STATE LEGISLATION

\*DRAFT 10-09-2013\*

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The existing text of Section 15-176 (Towers and antennas) shall become Subsection 15-176(a), modified as provided in Section 2 of this ordinance.

Section 2. Subsection 15-176(a)(15), which provides as follows, is repealed:

~~(15) The proposed addition of another user's antenna to a pre-existing tower, or any substantial change in the previously approved tower, shall constitute a minor modification as defined in Section 15-64.~~

Section 3. Section 15-176 is amended by adding a new Subsection (b) as follows:

(b) A request for a modification of an existing cell tower or base station that involves the collocation of new transmission equipment or the removal or replacement of transmission equipment but that does not substantially change the physical dimensions of the cell tower or base station shall be approved by the administrator as an insignificant deviation (see Section 15-64). For purposes of this section, a substantial change in physical dimensions would occur if:

- (1) The proposed antenna would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater (may exceed these size limits if necessary to avoid interference with existing antennas);
- (2) The proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;
- (3) The proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater (may exceed

these size limits if necessary to shelter the antenna from inclement weather or connect the antenna to the tower via cable; OR

(4) The proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

(5) The proposed change would enlarge the square footage of the existing equipment compound by more than 2,500 square feet.

Section 4. Section 15-176 is amended by adding a new subsection (c) as follows:

(c) The Town shall have 45 days within which to determine the completeness of an application for a collocation or eligible facilities request, and then 45 days from the date that the application is determined to be complete within which to make its decision. An application is deemed to be complete 45 days after it is submitted unless the Town determines, and notifies the applicant in writing within 45 days of submission, that (and how) the application is deficient. The Town shall have 150 days within which to decide all other types of applications relating to cell towers.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption and shall apply to any pending application regarding a cell tower as well as any application submitted after the effective date.

## ARTICLE XI

### SUPPLEMENTARY USE REGULATIONS

#### PART II. MISCELLANEOUS SUPPLEMENTARY USE PROVISIONS

##### **Section 15-176 Towers and Antennas** (AMENDED 02/18/97)

In addition to other applicable provisions of this chapter, towers and antennas attached thereto that exceed 50 feet in height (use classification 18.200) shall be subject to the following requirements:

- (1) A tower may not be located within 1,500 feet of another tower (measured in a straight line and not by street distance).
- (2) As set forth in subsection 15-184(r), the base of the tower shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the tower.
- (3) Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. To the extent allowed by the FAA, strobes shall not be used for nighttime lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.
- (4) Towers and antennas shall be constructed and operated so as not to disturb or interfere with the use or operation on adjoining or nearby properties of radios, televisions, telephones, or similar equipment.
- (5) Commercial messages may not be displayed on any tower.
- (6) The output from the tower may not exceed federally approved levels for exposure to electronic magnetic force (EMF). The applicant shall be required to submit documentation with the application verifying compliance with this standard.
- (7) If the tower is up to 180 feet in height, the tower shall be engineered and constructed to accommodate at least one additional telecommunication user. If the tower exceeds 180 feet, the tower shall be engineered and constructed to accommodate at least two additional telecommunication users. Furthermore, the site plan must show locations for accessory buildings necessary to accommodate a minimum of two users, even if the tower is proposed for a single user.



*Art. XI SUPPLEMENTARY USE REGULATIONS*

- (8) The base of the tower and each guy anchor shall be surrounded by a fence or wall at least eight feet in height and constructed of material that cannot be easily climbed or penetrated, unless the tower and all guy wires are mounted entirely on a building at least eight feet in height.
- (9) The base of the tower, any guy wires, and any associated structures, walls, or fences shall be surrounded by a Type A screening. The site developer shall have the option of (i) providing the screening around the tower base and associated items individually, or (ii) providing the screening around the perimeter of the entire site.
- (10) Outdoor storage shall not be permissible on tower sites.
- (11) In addition to other information that must be submitted with the application, the application for a tower must contain the following information:
  - a. Identification of the intended user(s) of the tower.
  - b. Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.
  - c. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation may include maps, letters from adjacent tower owners, or calculations. Facilities include other towers, or other buildings or structures.
  - d. A statement indicating the owner's intent to allow shared use of the tower and how many other users can be accommodated.
- (12) The recipient of a permit for a tower shall be required as a continuing condition on the validity of the permit, to submit to the Zoning Administrator by January 31st of each year documentation, including but not limited to an FCC license, that the tower is being utilized. Towers which are not used for a period of 6 months or more shall be removed by the owner within 90 days thereafter. A statement of financial responsibility and performance security shall be posted for each tower to guarantee compliance with this requirement.
- (13) In any residential zone, associated buildings or other buildings located on the same lot and owned or used by the applicant, its associates, or any co-users shall not be used as an employment center for any worker. This subsection does not prohibit the periodic maintenance or periodic monitoring of instruments and equipment.
- (14) The tower shall be constructed with a grounding system that provides adequate protection from destruction or damage by lightning.

*Art. XI SUPPLEMENTARY USE REGULATIONS*

- (15) The proposed addition of another user's antenna to a pre-existing tower, or any substantial change in the previously approved tower, shall constitute a minor modification as defined in Section 15-64.
- (16) In addition to the considerations for conditional or special use permits found in Section 15-54 of this ordinance, the approving bodies in determining whether a tower is in harmony with the area of a tower on the value of adjoining or abutting properties may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics, and may disapprove a tower on the grounds that such aesthetic effects are unacceptable. Factors relevant to aesthetic effects are the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites; the concentration of towers in the proposed areas; and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

## ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.orangecountync.gov



131 W. Margaret Lane  
P O Box 8181  
Hillsborough,  
North Carolina, 27278



### TRANSMITTAL DELIVERED VIA EMAIL

October 29, 2013

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 October 20, 2013 and proposed for town public hearing on November 19, 2013:

- *Bicycle Rack Designs that Count Towards Fulfillment of Bicycle Parking Requirements.*
- *Changes to Cell Tower Requirements in relation to Recent Federal and State Regulations.*
- *Adding Permissible Uses to M-1 Zoning District subject to a Conditional Use Permit and Certain Criteria.*
- *Construction Management Plan to be required for Projects that May Have Significant Impacts.*

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  
Planning Systems Coordinator



TOWN OF CARRBORO  
PLANNING BOARD

*301 West Main Street, Carrboro, North Carolina 27510*

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

THURSDAY, NOVEMBER 7, 2013

**LAND USE ORDINANCE TEXT AMENDMENT RELATING TO CELL TOWERS**

Motion was made by S. Poulton and seconded by D. Davis that the **Planning Board** recommends that the Board of Aldermen **approve** the draft ordinance.

**VOTE:**

AYES: Chaney, Davis, Foushee, Poulton, Barton, Adamson, Hunt, Eldred, Cohen

ABSENT/EXCUSED: Clinton, Adamson

NOES: N/A

ABSTENTIONS: N/A

Associated Findings

By a unanimous show of hands, the **Planning Board** membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Motion was made by M. Barton and seconded by B. Foushee that the **Planning Board** of the Town of Carrboro finds the proposed text amendment, which will conform the provisions of the Land Use Ordinance dealing with cell towers to recent changes in federal and state legislation, is in the public interest.

**VOTE:**

AYES: Chaney, Davis, Foushee, Poulton, Barton, Adamson, Hunt, Eldred, Cohen

ABSENT/EXCUSED: Clinton, Adamson

NOES: N/A

ABSTENTIONS: N/A

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Bethany Chaney, Chair

November 7, 2013



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0480

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**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 2.

**TITLE:**

Public hearing on Land Use Ordinance Amendments Relating to Bike Racks

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider amending the Land Use Ordinance relating to the design of bicycle racks for the fulfillment of bicycle parking requirements. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Jeff Brubaker - 919-918-7329; Mike Brough - 919-929-3905.

**INFORMATION:** During the spring of 2012, the Board of Aldermen considered several agenda items related to bicycle parking, including requirements for the number of bicycle parking spaces for development projects, requirements for covered parking and recommendations for bicycle rack designs. At the April 24, 2012 public hearing, the Board considered draft amendments to the Land Use Ordinance (LUO) pertaining to parking space requirements. Discussion included the possibility of linking bicycle parking credit to the use of preferred rack designs identified in chapter seven of the adopted Town of Carrboro Comprehensive Bicycle Transportation Plan. Details from the meeting may be found at the following link: [http://www.townofcarrboro.org/BoA/Agendas/2012/04\\_24\\_2012\\_B1.pdf](http://www.townofcarrboro.org/BoA/Agendas/2012/04_24_2012_B1.pdf).

The item was presented at the May 3, 2013 Joint Review meeting, and in their respective comments back to the Board, the TAB (May 3rd) recommended language to “discourage” the comb, toast and wave rack designs while the Planning Board (May 17th) recommended that the comb, toast and wave racks be allowed but that only the preferred rack designs count toward the bike parking requirement and the parking reduction bonus. The parking space requirement amendment was adopted in June 19th, but specifications for preferred rack designs were not included. Details from the meeting may be found at the following link: [http://www.townofcarrboro.org/BoA/Agendas/2012/06\\_19\\_2012\\_D7.pdf](http://www.townofcarrboro.org/BoA/Agendas/2012/06_19_2012_D7.pdf).

A draft ordinance has been prepared, that if adopted would establish which bicycle rack designs would satisfy the LUO requirements for bicycle parking (*Attachment B*). The ordinance was presented at the November 7th Joint Review meeting and was submitted to Orange County. Comments are provided (*Attachment D*).

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen Review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the resolution finding consistency, and the draft ordinance provided in the attachments.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND  
USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO SPECIFY BICYCLE RACK DESIGNS THAT COUNT TOWARD FULFILLMENT OF BICYCLE PARKING REQUIREMENTS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with the adopted Town of Carrboro Comprehensive Bicycle Transportation Plan design guidelines for bicycle racks, and is consistent with Carrboro Vision 2020 regarding bicycle transportation, particularly the following sections:

4.0 The safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential.

4.31 The town should fully implement its bicycle and pedestrian network plan. This plan should identify links needed now as well as links that will be needed now as well as links that will be needed by 2020.

4.52 New developments should bear the costs of upgrading connector and arterial facilities in the areas adjacent to their properties to the extent appropriate, including upgrades to serve pedestrians and bicycles, given the added load to the infrastructure and anticipated use of facilities.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

This the 19th day of November 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF  
THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO SPECIFY BICYCLE RACK DESIGNS THAT COUNT TOWARD FULFILLMENT OF BICYCLE PARKING REQUIREMENTS.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 19<sup>th</sup> day of November 2013.



AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO SPECIFY  
BICYCLE RACK DESIGNS THAT COUNT TOWARD FULFILLMENT OF BICYCLE  
PARKING REQUIREMENTS

\*DRAFT 10-1-2013\*

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article XVIII, Section 15-295.1(h), of the Land Use Ordinance is amended as follows:

(h) Each bicycle parking space shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using either a chain and padlock or a U-lock. The frame shall support a bicycle in a stable position without damage to the frame, wheels, or components. The rack designs commonly known as “inverted U”, “A”, and “post-and-loop” are preferred types. The “wave”, “toast”, and “comb” racks, as described in Chapter 7, Figure 7-60, of the Comprehensive Bicycle Transportation Plan, are discouraged and may not count toward fulfillment of the requirements in Sec. 15-291(h).

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

## ARTICLE XVIII

### PARKING

#### **Section 15-290 Definitions.**

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

- (1) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (2) **DRIVEWAY.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (3) **GROSS FLOOR AREA.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- (4) **LOADING AND UNLOADING AREA.** That portion of the vehicle accommodation area used to satisfy the requirements of Section 15-300.
- (5) **PARKING AREA AISLES.** That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces. **(AMENDED 2/4/86)**
- (6) **PARKING SPACE.** A portion of the vehicle accommodation area set for the parking of one vehicle.
- (7) **VEHICLE ACCOMMODATION AREA.** That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- (8) **VEHICLE STORAGE AREA.** That portion of a vehicle accommodation area used in connection with a 9.200 or 9.400 classification use as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick-up of such vehicles by their owners.

#### **Section 15-291 Number of Parking Spaces Required.**

(a) Subject to Section 15-292.1, all developments shall 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. In addition, all 9.200 and 9.400 classification uses shall provide sufficient vehicle storage area to accommodate the number of vehicles likely to be on the premises awaiting work or pending removal of their owners. **(AMENDED 2/4/86; 5/18/04)**

(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.

(c) Uses in the Table of Parking Requirements [subsection (g)], are indicated by a numerical reference keyed to the Table of Permissible Uses, Section 15-146. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(d) With respect to any parking lot that is required to be paved (see Section 15-296): **(AMENDED 9/13/83)**

- (1) The number of parking spaces required by this article may be reduced by a total of one space if the developer provides a bikerack or similar device that offers a secure parking area for at least five bicycles.
- (2) In non-residential districts, the number of parking spaces required by this article may be reduced by one space for each motorcycle pad provided, up to a total of five percent of the required number of spaces.

(e) Whenever a building is constructed with the intention that it be used in whole or in part for use classification 2.120, 2.220, 2.320, 3.120, or 3.220, the building shall be constructed on the lot in such a manner that sufficient usable space remains on the lot to add the additional parking spaces that would be required to convert the use of the building entirely to use classification 2.110, 2.210, 2.310, 3.110, or 3.210. In addition, whenever a developer proposes to construct a building to be used for purposes that require a lesser number of parking spaces than other uses to which the building might well be put at some future date, the administrator shall send to the developer a certified letter explaining that sufficient space should be left on the lot to add parking spaces at a later time if required. **(AMENDED 2/4/86)**

(f) The Board recognizes that the Table of Parking Requirements set forth in subsection (g) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using this table as a guide. In addition, the Board of Aldermen may authorize a reduction of up to 25 percent in the parking requirement when approving a Village Mixed Use Master Plan or Conditional Use Permit or an Office/Assembly development Conditional Use Permit. Land necessary to meet the full, presumptive, parking requirement must be identified during the plan approval process and must be reserved should the need for additional parking arise in the future. **(AMENDED 05/25/99)**

(g) Table of Parking Requirements **(AMENDED 11/28/06)**

<u>USE</u>	<u><b>PART I.</b></u> <u><b>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</b></u>
<b>1.100</b>	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 any space provided within an enclosed or partially enclosed garage. <b>(AMENDED 2/24/84; 08/27/96)</b>

<u>USE</u>	<u><b>PART I.</b></u> <u><b>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</b></u>
<b>1.200</b>	2 spaces for each dwelling unit, except that one bedroom units require only one space.
<b>1.300</b>	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. <b>(AMENDED 5/10/83)</b>
<b>1.340</b>	1 space per every four dwelling units. <b>(AMENDED 01/11/00)</b>
<b>1.410</b> <b>1.420</b>	1 space for each bedroom.
<b>1.430</b>	1 space for each room to be rented.
<b>1.510</b>	1 space per room plus additional spaces for restaurant or other facilities. <b>(AMENDED 11/28/06)</b>
<b>1.61</b> <b>1.62</b> <b>1.63</b>	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.
<b>1.900</b>	4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others.
<b>2.110</b>	1 space per 200 square feet of gross floor area.
<b>2.120</b> <b>2.130</b>	1 space per 400 square feet of gross floor area.
<b>2.140</b>	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. <b>(AMENDED 2/4/86)</b>
<b>2.150</b>	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. <b>(AMENDED 04/15/97)</b>
<b>2.210</b>	1 space per 200 square feet of gross floor area. <b>(AMENDED 2/4/86)</b>
<b>2.220</b> <b>2.230</b>	1 space per 400 square feet of gross floor area.
<b>2.240</b>	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.
<b>2.310</b>	1 space per 200 square feet of gross floor area.

<u>USE</u>	<b><u>PART I.</u></b> <b><u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u></b>
<b>2.320</b>	1 space per 400 square feet of gross floor area.
<b>2.330</b>	1 space per 400 square feet of gross floor area.
<b>3.110</b>	1 space per 200 square feet of gross floor area.
<b>3.120</b>	1 space per 400 square feet of gross floor area.
<b>3.130</b>	1 space per 150 square feet of gross floor area.
<b>3.150</b>	1 space per 200 square feet of ground floor area. (AMENDED 06/20/95)
<b>3.210</b>	1 space per 200 square feet of gross floor area.
<b>3.220</b>	1 space per 400 square feet of gross floor area.
<b>3.230</b>	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).
<b>3.250</b>	3 spaces arranged in close proximity to this use. (AMENDED 09/01/92)
<b>4.100</b> <b>4.200</b>	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.
<b>5.110</b>	1.75 spaces per classroom in elementary schools 5.0 spaces per classroom in high schools.
<b>5.120</b>	1 space per 100 square feet of gross floor area.
<b>5.130</b>	1 space per 150 square feet of gross floor area.
<b>5.200</b>	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.
<b>5.310</b> <b>5.320</b>	1 space per 300 square feet of gross floor area.
<b>5.400</b>	1 space per 300 square feet of gross floor area.
<b>6.110</b>	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.
<b>6.120</b> <b>6.130</b>	1 space for every four seats.
<b>6.140</b>	1 space for every 200 square feet of gross floor area within enclosed buildings

<b>USE</b>	<b><u>PART I.</u></b> <b><u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u></b>
	<b>(AMENDED 2/2/88)</b>
<b>6.210</b> <b>6.220</b>	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.
<b>6.230</b>	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.
<b>6.240</b>	1 space per horse that could be kept at the stable when occupied to maximum capacity.
<b>6.250</b>	1 space for every three seats.
<b>6.260</b>	1 space per speaker outlet.
<b>7.100</b>	2 spaces per bed.
<b>7.200</b>	3 spaces for every 5 beds
<b>7.300</b> <b>7.400</b>	1 space for every two employees on maximum shift.
<b>8.100</b>	1 space per 100 square feet of gross floor area. <b>(AMENDED 2/24/87)</b>
<b>8.200</b>	1 space for every four outside seats. <b>(AMENDED 2/24/87)</b>
<b>8.300</b>	1 space for each drive-in service spot. <b>(AMENDED 2/24/87)</b>
<b>8.400</b>	Reservoir lane capacity equal to five spaces per drive-in window. <b>(AMENDED 2/24/87)</b>
<b>8.500</b>	Spaces to be determined according to projected level of carry-out service. <b>(AMENDED 2/24/87)</b>
<b>8.600</b>	1 space per 200 square feet of floor area plus one space per employee engaged in delivery service. <b>(AMENDED 2/24/87)</b>
<b>9.100</b>	1 space per 200 square feet of gross floor area plus an extra 810 square foot vehicle storage area per repair bay.
<b>9.200</b>	2 regular spaces per bay plus a 1,540 square foot vehicle storage area per bay. <b>(AMENDED 2/4/86)</b>
<b>9.300</b>	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.
<b>9.400</b>	2 regular spaces per bay and office plus an 810 square foot vehicle storage area per

<b>USE</b>	<b><u>PART I.</u></b> <b><u>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</u></b>
	bay. (AMENDED 2/4/86, 10/20/92)
<b>9.500</b>	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.
<b>10.210</b> <b>10.220</b>	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).
<b>11.000</b>	1 space per 200 square feet of gross floor area.
<b>12.100</b> <b>12.200</b>	1 space per 200 square feet of gross floor area.
<b>13.100</b> <b>13.200</b> <b>13.300</b> <b>13.400</b>	1 space per 200 square feet of gross floor area.
<b>14.100</b> <b>14.200</b> <b>14.300</b> <b>14.400</b>	1 space for every 2 employees on maximum shift.
<b>15.100</b> <b>15.200</b>	1 space per 200 square feet of gross floor area.
<b>15.300</b>	1 space for every 2 employees on maximum shift.
<b>15.400</b>	1 space per 100 square feet of gross floor area.
<b>15.500</b>	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)
<b>16.100</b>	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.
<b>16.200</b>	1 space per 200 square feet of gross floor area.
<b>19.000</b>	1 space per 1,000 square feet of lot area used for storage, display, or sales. (AMENDED 5/12/81)
<b>20.000</b> <b>21.000</b>	1 space per 200 square feet of gross floor area.
<b>22.000</b>	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.
<b>23.000</b>	1 space per 200 square feet of gross floor area. 1 space per room plus additional space for restaurant or other facilities.

<u>USE</u>	<u><b>PART I.</b></u> <u><b>PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)</b></u>
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 06/22/99; 11/28/06)
	<u><b>PART II. (APPLIES TO PROPERTIES LOCATED WITHIN THE B-1(C), B-1(G), AND B-2 ZONING DISTRICTS)</b></u>
<u>USE</u>	<u>PARKING REQUIREMENT</u>
1.100	1 per bedroom and no more than 2
1.200	1 per bedroom and no more than 2
1.300	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

(AMENDED 02/04/97; 01/11/00; 5/18/04)

(h) Bicycle parking shall be provided in accordance with the provisions of this subsection by all developments that fall within the use classifications shown in the following Table of Bicycle Parking Standards.

When determination of the number of spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less shall be disregarded, while a fraction in excess of one-half shall be counted as one space.

<b>Table of Bicycle Parking Standards</b>	
<b>Use</b>	<b>Bicycle Parking Requirement</b>
1.300	1.5 spaces per unit
2.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
2.200	
2.300	
3.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
3.200	
5.100	1 space per 10 students plus 1 space per 10 employees
6.200	1 space per 4 presumptively required auto spaces
8.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
8.200	
10.100	1 space per 10 auto spaces, with a minimum of 5 spaces
34.100	1 space per 5 rooms, up to 50 rooms; 1 space per 10 rooms above 50 rooms

(AMENDED 6/19/12)



### **Section 15-292 Flexibility in Administration Required**

(a) The Board recognizes that due to the particularities of any given development, the inflexible application of the parking standards set forth in Subsection 15-291(g) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section 15-191, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 15-291(g) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in subsection 15-291(a). In addition, that same flexible approach shall be followed with respect to the vehicle storage area requirements set forth in the preceding table.

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in Subsection 15-291(g) when it finds that:

- (1) A residential development is irrevocably oriented toward the elderly;
- (2) A residential development is located on a bus line, is located in close proximity to the central business district, and is committed to a policy of placing restrictions on the vehicle ownership of its tenants.
- (3) A business is primarily oriented to walk-in trade.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Subsection 15-291(g), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Subsection 15-291(g) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XX.

### **Section 15-292.1 Payment of Fee In Lieu of Providing Parking Spaces**

(a) With respect to properties within the B-1(C), B-1(G), and B-2 districts that are developed for commercial purposes, the permit issuing authority may authorize the developer to forego the construction of parking spaces otherwise required on the developer's property pursuant to the provisions of Section 15-291 of this Article for commercial uses if (i) the permit issuing authority finds that the parking needs of such development can be met by public parking facilities that are located or expected to be constructed within a reasonable time within reasonable proximity to the proposed development, and (ii) the developer pays to the town for each such space that is not constructed a fee in lieu of providing that space in an amount determined as provided in

subsection (b) of this section. This fee shall be paid before an occupancy permit is issued to the development, unless the permit issuing authority by condition establishes another time.

(b) The amount of the fee authorized by this section shall be determined by estimating the cost of providing a paved parking space (including land and improvement costs) that meets the requirements of this Article. This determination shall be made annually and the fee shall be included in the Miscellaneous Fees and Charges Schedule adopted by the Board of Aldermen.

(c) Any fees collected in accordance with this section shall be reserved and used exclusively to meet the purposes for which they have been obtained as specified above in subsection (a).

**Section 15-293 Parking Space Dimensions (AMENDED 9/13/83)**

(a) Subject to subsection (b) and (c), parking spaces shall contain a rectangular area at least eight and one-half feet wide and eighteen feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, as long as the parking spaces so created contain within them the rectangular area required by this section. (AMENDED 2/5/08)

(b) In parking areas containing ten or more spaces, up to 40% of the parking spaces may be set aside for the exclusive use of compact cars, provided the compact car area is designated for exclusive use by compact cars, and that adequate signs are provided designating and informing the public of the exclusive use. A compact parking space shall contain a rectangular area eight feet wide and fifteen feet long. (AMENDED 4/24/12)

(c) Wherever parking consists of spaces set aside for parallel parking, one foot shall be added to the minimum required width, and three feet to the minimum required length.

(d) Motorcycle pads shall contain a rectangular area at least four feet wide and eight feet long. Spaces shall be located at either end of parking aisles and shall have, centered, a concrete or metal strip one square foot in area to accommodate the use of kick stands.

**Section 15-294 Required Width of Parking Area Aisles (AMENDED 5/18/04)**

(a) Subject to subsections (b) and (c) parking area aisles shall have a minimum width between parking spaces as follows: (AMENDED 6/26/84)

STANDARD, OR NON-SUBCOMPACT AREA PARKING ANGLE				
aisle type	0°	45°	60°	90°
ONE WAY	13	13	18	24

<b>TWO WAY</b>	19	21	23	24
----------------	----	----	----	----

(b) In parking areas where subcompact spaces are provided pursuant to 15-293(b) of this ordinance, parking aisle spaces adjoining subcompact spaces shall have a minimum width between such parking spaces as follows:

<b>STANDARD AREA PARKING ANGLE</b>				
<b>aisle type</b>	<b>0°</b>	<b>45°</b>	<b>60°</b>	<b>90°</b>
<b>ONE WAY</b>	13	13	14	20
<b>TWO WAY</b>	19	21	23	24

- (c) The width of a parking aisle serving 90° angle parking may be reduced to eighteen feet if (i) not more than ten spaces are to be served by an aisle with such reduced width, and (ii) the aisle “dead ends”, i.e., is not used as an access way to other areas. **(AMENDED 6/26/84)**
- (d) Driveways shall be not less than ten feet in width for one way traffic and eighteen feet in width for two way traffic, except that ten foot wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty feet, (ii) it provides access to not more than ten spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street. **(AMENDED 6/26/84)**
- (e) Notwithstanding the other provisions of this section, the permit issuing authority may allow the use of geometric standards other than those specified in this section if the permit issuing authority finds that (i) the plans for the vehicle accommodation area are sealed by a registered engineer with recognized expertise in parking facility design, and (ii) the alternative design will satisfy off-street parking requirements as adequately as would a facility using the specifications set forth in this section and would otherwise be consistent with public safety.

#### **Section 15-295 General Design Requirements (AMENDED 5/18/04)**

(a) Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.

(b) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(c) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

- (d) Vehicle storage areas are not required to observe any particular configuration but shall be so located and designed so that the entire amount of required square footage of such areas can be used for the purpose intended without creating any substantial danger of injury to persons or property and without impeding vehicular movement in the adjacent street. **(AMENDED 2/4/86)**
- (e) To the extent practicable, parking shall not be allowed between a building façade and a street right-of-way in the B-1(c), B-1(g), and B-2 zoning districts.

**Section 15-295.1 Design Standards for Bicycle Parking (AMENDED 6/19/12)**

- (a) Bicycle parking may be located in any parking area or in other locations that are easily accessible, clearly visible from the entrance it serves, and do not impede pedestrian or motorized vehicle movement into or around the site. At least 50 percent of bicycle parking shall be sheltered. Designating space for bicycle parking within buildings is an option to consider when feasible.
- (b) When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless an equivalent number of other accessible covered bicycle parking spaces are located elsewhere on the site.
- (c) Where bicycle parking facilities are not clearly visible to approaching cyclists, signs shall be posted to direct cyclists to the facilities.
- (d) Facilities shall provide at least a 30 inch clearance from the centerline of each adjacent bicycle rack/support structure and at least 24 inches from walls or other obstructions.
- (e) An aisle or other space shall be provided for bicycles to enter and leave the facility. The aisle shall have a width of at least four feet to the front or the rear of a standard six-foot bicycle parked in the facility.
- (f) Each bicycle parking space shall be sufficient to accommodate a bicycle at least six feet in length and two feet wide. Overhead clearance shall be at least seven feet.
- (g) Bicycle parking spaces shall be clearly marked as such and shall be separated from motorized vehicle parking by some form of physical barrier designed to protect a bicycle from being hit by a motorized vehicle.
- (h) Each bicycle parking space shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be

conveniently secured using either a chain and padlock or a U-lock. The frame shall support a bicycle in a stable position without damage to the frame, wheels, or components. The rack designs commonly known as “inverted U”, “A”, and “post-and-loop” are preferred types. The “wave”, “toast”, and “comb” racks, as described in Chapter 7, Figure 7-60, of the Comprehensive Bicycle Transportation Plan, are discouraged.

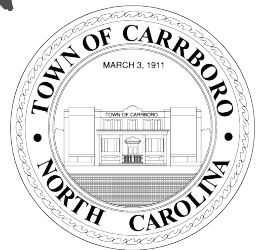
- (i) Bicycle racks should be designed and constructed according to Design Guidelines of the Carrboro Bicycle Plan.



# TOWN OF CARRBORO

## COMPREHENSIVE BICYCLE TRANSPORTATION PLAN

ADOPTED BY THE BOARD OF ALDERMEN  
MARCH 24, 2009



PREPARED FOR:  
THE TOWN OF CARRBORO,  
NORTH CAROLINA  
PREPARED BY:



**Division of  
Bicycle &  
Pedestrian  
Transportation**





*Fig. 7-57. Bicycle parking wayfinding signage will inform the bicyclist about where facilities exist.*



*Fig. 7-58. An example of a covered bicycle parking facility.*

## 7.6 Ancillary Features

### ***Bicycle Parking***

As more bikeways are constructed and bicycle usage grows, the need for bike parking will climb. Long-term bicycle parking at bus stops and work sites, as well as short-term parking at shopping centers and similar sites, can support bicycling. In addition to providing the venue for parking, bicycle parking wayfinding signage will help provide direction to the facilities. Bicyclists have a significant need for secure long-term parking because bicycles parked for longer periods are more exposed to weather and theft, although adequate long-term parking rarely meets demand.

When choosing bike racks, there are a number of things to keep in mind:

- The rack element (part of the rack that supports the bike) should keep the bike upright by supporting the frame in two places allowing one or both wheels to be secured.
- Install racks so there is enough room between adjacent parked bicycles. If it becomes too difficult for a bicyclist to easily lock their bicycle, they may park it elsewhere and the bicycle capacity is lowered. A row of inverted “U” racks should be installed with 15 inches minimum between racks.
- The inverted “U” shaped bicycle racks are preferential for short term parking due to their efficient use of space, ease of use and security, while bicycle lockers provide

a safe and secure option for long term bicycle parking (Figure 7-61).

- Empty racks should not pose a tripping hazard for visually impaired pedestrians. Position racks out of the walkway’s clear zone.
- When possible, racks should be in a covered area protected from the elements. Long-term parking should always be protected (Figure 7-58).
- For safety and visibility, provide lighting in bicycle parking areas through overhead or bollard lighting fixtures.

For more information on bicycle parking facilities please visit:

<http://www.apbp.org/pdfsanddocs/Resources/Bicycle%20Parking%20Guidelines.pdf>

<http://www.ibike.org/engineering/parking.htm>



*Fig. 7-59. Bicycle parking in downtown Carrboro.*

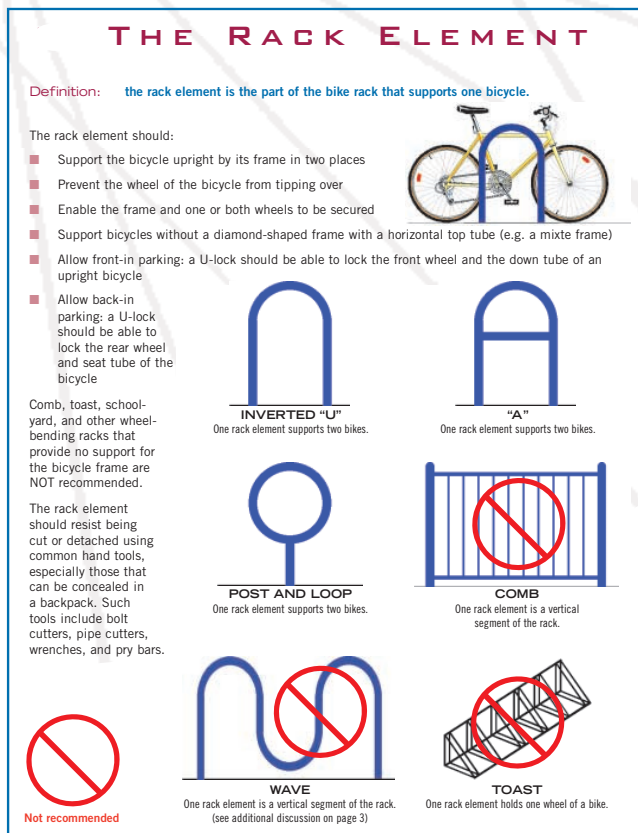


Fig. 7-60. Recommended bicycle parking facilities, Source: APBP. ([www.apbp.org](http://www.apbp.org))

## Bicycle Storage

Bicycle lockers are a crucial component of the bicycle system. They offer safe and secure storage at transit centers and destinations. Parking rates are reasonable at about 3-5 cents per hour. Bicycle lockers are designed to be secure and flexible so that the individual bikes with panniers, computers, lights, etc. can be left on the bike. Some designs of bike lockers can be stacked so there is twice the parking density. Good protection from the weather is another benefit. Bike lockers tend to be used most for long term bicycle commuter parking in area without a lot of continuous oversight. Carrboro's future mixed-use developments (which may include residential use) would benefit from these types of storage facilities.



Fig. 7-61. Bicycle locker facility and pay stations offer long-term parking.





Fig. 7-62. Chapel Hill Transit, serving parts of Carrboro, provides racks on the front of their buses.

Fig. 7-63. Examples of integrating bicycle facilities with transit modes.



### Bicycle Facilities on Buses

Integrating bicycle facilities with transit modes allows bicyclists to greatly expand their range of travel or “trip chain”. Integration of facilities with transit modes allows cyclists to use their bicycles on one or both ends of their daily commute, allowing greater flexibility. Figure 7-63 shows examples of commuter bus services with customized facilities allowing for simple and secure storage of bicycles without hindering or impeding other passengers. Chapel Hill Transit buses, serving parts of Carrboro, provide racks on the front and should maintain or expand this service to bicyclists.

### Affordable and Accessible Bicycle Maintenance

This bicycle repair stand shown in Figure 7-64 is a fixture within the Cambridge, UK, town marketplace. The Carrboro equivalent would be at the farmers’ market which is a center for activity, easily accessible by foot or bicycle. Local bike shops in Carrboro could provide similar services. The presence of smaller-scale operations that primarily provide maintenance and repair functions within semi-permanent structures like the tent and tarp shown below allowing for a lower cost operation, thereby passing on savings to the customer in terms of lower repair and maintenance costs.



Fig 7-64. A bicycle maintenance stands in the UK.

### LOADING YOUR BIKE



❶ Let the driver know you will be loading your bike. DO NOT STEP IN FRONT OF THE BUS UNTIL THE DRIVER LETS YOU KNOW IT IS SAFE TO DO SO.



❷ Bikes can only be loaded at the front end of the bus from the curbside and under no circumstances can you bring your bike inside the bus. Also, the driver can't get off the bus to help be he or she can tell you how to use the rack.

❸ Remember, instructions are also posted on the rack itself. It is a three-step process and generally takes no more than 30 seconds.

1. If the rack is folded up, simply pull it down.
2. Lift the bike up and fit it into the rack's wheel wells, which are labeled for the front and rear wheels. If no other bike is on the rack, use the space closest to the bus.
3. After the bike is in the rack, simply lift the support arm up and over the front tire.



This arm should be in contact with the tire, not the fender or any other part of the bike. It is a good idea to make sure the support arm is in place before boarding the bus and don't forget to pay your fare.

#### Unloading Your Bike

1. When you want to get off the bus, exit by the front door and tell the driver that you must get your bike. Unloading should always be done from the curbside.
2. Raise the support arm off the front tire and lower it to its resting position.
3. Lift your bike out of the rack and place it on the ground. If there is not another bike in the rack, please fold the rack back up. Step away from the bus and back towards the curb, allowing the bus a clear path to merge into moving traffic.



Fig. 7-65. Instructions on how to load a bicycle onto a bus equipped with a bicycle rack, developed for a bicycle user map by Fremont, CA.

## ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.orangecountync.gov



131 W. Margaret Lane  
P O Box 8181  
Hillsborough,  
North Carolina, 27278



### TRANSMITTAL DELIVERED VIA EMAIL

October 29, 2013

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 October 20, 2013 and proposed for town public hearing on November 19, 2013:

- *Bicycle Rack Designs that Count Towards Fulfillment of Bicycle Parking Requirements.*
- *Changes to Cell Tower Requirements in relation to Recent Federal and State Regulations.*
- *Adding Permissible Uses to M-1 Zoning District subject to a Conditional Use Permit and Certain Criteria.*
- *Construction Management Plan to be required for Projects that May Have Significant Impacts.*

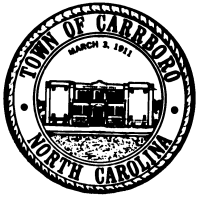
We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

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  
Planning Systems Coordinator



## TOWN OF CARRBORO PLANNING BOARD

*301 West Main Street, Carrboro, North Carolina 27510*

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

**THURSDAY, NOVEMBER 7, 2013**

### **LAND USE ORDINANCE TEXT AMENDMENT RELATING TO BICYCLE RACK DESIGNS THAT COUNT TOWARD FULFILLMENT OF BICYCLE PARKING REQUIREMENTS**

Motion was made by **A. Cohen** and seconded by **E. Eldred** that the **Planning Board** recommends that the Board of Aldermen **approve** the draft ordinance, with the following minor change to the last line of Section 1. Article XVIII, Section 15-295.1(h):

...The “wave,” “toast,” and “comb” racks, as described in Chapter 7, Figure 7-60, of the Comprehensive Bicycle Transportation Plan, are discouraged and ~~may~~ **shall** not count toward fulfillment of the requirements in Sec. 15-291.

#### **VOTE:**

AYES: Chaney, Davis, Foushee, Barton, Hunt, Eldred, Cohen

ABSENT/EXCUSED: Adamson, Clinton

NOES: N/A

ABSTENTIONS: Poulton

#### **Associated Findings**

By a unanimous show of hands, the **Planning Board** membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, a motion was made by **M. Barton** and seconded by **H. Hunt** that the **Planning Board** of the Town of Carrboro finds that the proposed text amendment is consistent with the adopted Town of Carrboro Comprehensive Bicycle Transportation Plan design guidelines for bicycle racks, and is consistent with Carrboro Vision 2020 regarding bicycle transportation, particularly the following sections:

4.0 The safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential.

4.31 The town should fully implement its bicycle and pedestrian network plan. This plan should identify links needed now as well as links that will be needed now as well as links that will be needed by 2020.

4.52 New developments should bear the costs of upgrading connector and arterial facilities in the areas adjacent to their properties to the extent appropriate, including upgrades to serve pedestrians and bicycles, given the added load to the infrastructure and anticipated use of facilities.

**VOTE:**

AYES: Chaney, Davis, Foushee, Barton, Hunt, Eldred, Cohen

ABSENT/EXCUSED: Adamson, Clinton

NOES: N/A

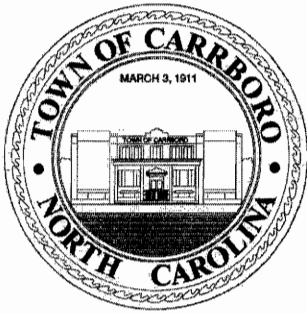
ABSTENTIONS: Poulton

A handwritten signature in black ink, reading "Bethany Chaney". The signature is written in a cursive style with a large, stylized 'B' and a long, sweeping tail on the 'y'.

---

Bethany Chaney, Chair

November 7, 2013



**TOWN OF CARRBORO**

**TRANSPORTATION ADVISORY BOARD**

**RECOMMENDATION**

**November 7, 2013**

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**SUBJECT: Land Use Ordinance Amendment Relating to Bike Racks**

**MOTION:** The Transportation Advisory Board recommends that the Board of Aldermen approve the draft ordinance with the revised language of sentence #3, which will be revised to read: "Preferred types of racks include, but are not limited to, racks commonly known as "inverted U", "A", and "post-and-loop". The TAB also recommends that the proposed new language (underlined) include the words "shall not" instead of "may not".

By a unanimous show of hands, the TAB membership also indicated that no members have any financial interests that would pose a conflict of interest with the adoption of this amendment.

Furthermore, the TAB finds that the proposed text amendment is consistent with the adopted Town of Carrboro Comprehensive Bicycle Transportation Plan design guidelines for bicycle racks, and is consistent with Carrboro Vision 2020 regarding bicycle transportation, particularly the following sections:

4.0 The safe and adequate flow of bus, auto, bicycle and pedestrian traffic within and around Carrboro is essential.

4.52 New developments should bear the costs of upgrading connector and arterial facilities in the areas adjacent to their properties to the extent appropriate, including upgrades to serve pedestrians and bicycles, given the added load to the infrastructure and anticipated use of facilities.

Moved: Perry

Second: Štolka

**VOTE:** Ayes (7): LaJeunesse, Štolka, Perry, Haac, Nicopoulos, Kim, Barclay. Nays (0). Abstain (0). Absent (0).

Seth for LaJeunesse  
TAB Chair

11 / 14 /13  
DATE



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0481

**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 3.

### **TITLE:**

Public hearing on Land Use Ordinance Amendments Relating to Construction Management Plans

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider amending the Land Use Ordinance requiring Construction Management Plans for development projects meeting certain criteria. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon 919-918-7325; Marty Roupe 919-918-7333; Patricia McGuire 919-918-7327; Mike Brough 919-929-3905

**INFORMATION:** At its June 11, 2013 meeting, the Board of Aldermen directed staff to prepare a draft amendment to the Land Use Ordinance (LUO) or to the Town Code regarding the mitigation of construction projects. Discussion focused on five main topics: 1) manager involvement in construction management plan approval, 2) meetings with neighboring property owners and businesses, 3) penalties for violations, 4) applicability for residential development projects, and 5) review of the Styrofoam issues that occurred at 300 East Main Street during the construction of the hotel and which led to the consideration of a construction management plan requirement.

At its October 1st meeting, staff reviewed the five points from June 11th and presented the Board with a draft amendment to the LUO (*Attachment B*) designed to address the first four points of concern. Staff is researching potential health concerns related to item five - the use of EIFS as a building material. Information from the Board's October 1, 2013 meeting may be found at <https://carrboro.legistar.com/Calendar.aspx>.

A draft ordinance was presented at the November 7th Joint Review meeting and was submitted to Orange County. Comments are provided (*Attachment D*).

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen Review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the

attached resolution finding consistency, and the draft ordinance provided in the attachments.



A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND  
USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO REQUIRE TOWN APPROVAL OF A CONSTRUCTION MANAGEMENT PLAN FOR DEVELOPMENT PROJECTS THAT, DURING THE CONSTRUCTION PROCESS, MAY HAVE A SIGNIFICANT IMPACT ON PUBLIC STREETS OR SIDEWALKS OR NEARBY PROPERTIES.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 as it relates to the mitigation of adverse effect of public health and safety as part of development as described below in Provisions 2.0 Development and 3.1 Nature of Development:

2.0 Carrboro's development should take place in a manner consistent with a set of adopted values. The health and safety of citizens should be protected.

3.1 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

This the 19th day of November 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF  
THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO REQUIRE TOWN APPROVAL OF A CONSTRUCTION MANAGEMENT PLAN FOR DEVELOPMENT PROJECTS THAT, DURING THE CONSTRUCTION PROCESS, MAY HAVE A SIGNIFICANT IMPACT ON PUBLIC STREETS OR SIDEWALKS OR NEARBY PROPERTIES.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 19<sup>th</sup> day of November 2013.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO REQUIRE TOWN APPROVAL OF A CONSTRUCTION MANAGEMENT PLAN FOR DEVELOPMENT PROJECTS THAT, DURING THE CONSTRUCTION PROCESS, MAY HAVE A SIGNIFICANT IMPACT ON PUBLIC STREETS OR SIDEWALKS OR NEARBY PROPERTIES

**\*DRAFT 10-15-2013\***

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-49(c1) of the Carrboro Land Use Ordinance shall become Subsection 15-49(c2), and Section 15-49 is further amended by adding a new Subsection 15-49(c1) to read as follows:

(c1) If the administrator determines that a proposed development that has been issued a zoning permit, special use permit, or conditional use permit would likely have a significant impact on adjoining or nearby streets, sidewalks, or properties during the construction process, the administrator shall notify the permit recipient that a construction management plan must be submitted and approved by the administrator. A construction management plan shall likewise be submitted and approved by the administrator if required by a condition attached to a conditional or special use permit.

- (1) The administrator shall inform the permit recipient of the contents of the Town Code regarding (i) construction noise and hours of operation (Section 5-12(4)), and (ii) obstructing or excavating within public street rights of way (Sections 7-1, 7-4, and 7-12). The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shall explain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, and the location on the site for the staging of construction materials and equipment.
- (2) If a development triggers a construction management plan, meetings will be held with surrounding residents and businesses to elicit their input into the development of the construction management plan and to ensure its implementation.
- (3) No construction may be commenced until the construction management plan has been approved. The administrator shall approve the plan if the plan proposes measures to mitigate the potential negative impacts of the project during the construction process to the extent reasonably practical under all the circumstances.
- (4) The provisions of an approved construction management plan shall be enforceable in the same manner as other provisions of this chapter.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption, and its provisions shall be applicable to projects for which permits are issued after the effective date.

## ARTICLE IV

### PERMITS AND FINAL PLAT APPROVAL

#### PART I. PERMIT REQUIREMENTS

##### **Section 15-46 Permits Required.**

(a) Subject to Section 15-271 (Sign Permits) and subsection (e) of this section, the use made of property may not be substantially changed (see Section 15-152), substantial clearing, grading or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits: **(AMENDED 10/22/91)**

- (1) A zoning permit issued by the administrator;
- (2) A special use permit issued by the board of adjustment;
- (3) A conditional use permit issued by the Board of Aldermen.

(b) Zoning permits, special use permits, conditional use permits, and sign permits are issued under this chapter in respect to plans submitted by the applicant that demonstrate compliance with the ordinance provisions contained herein. Such plans as are finally approved are incorporated into any permit issued in reliance thereon, and except as otherwise provided in Section 15-64, all development shall occur strictly in accordance with such approved plans. **(AMENDED 1/10/81)**

(c) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional use permit issued by the Board of Aldermen (for major subdivisions containing more than twelve lots and all subdivisions in watershed districts) or a special use permit issued by the board of adjustment (for major subdivisions outside the watershed districts containing between five and twelve lots) or after final plat approval by the planning director for minor subdivisions (see Part II of this article). **(AMENDED 12/15/87)**

(d) A zoning permit, conditional use permit, special use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one acre (except sign permits and zoning permits for single-family residential uses and duplexes) shall be recorded in the Orange County Registry after execution by the record owner as provided in Section 15-63. **(AMENDED 5/26/81)**

(e) Notwithstanding the provisions of subsection (a) of this section, no permit under this chapter shall be required for the substantial alteration of a building or structure located within a

*Art. IV PERMITS AND FINAL PLAT APPROVAL*

B-1(c), B-1(g) or B-2 zoning district if such alteration does not change the exterior of such building or structure in any substantial way. (AMENDED 10/22/91)

**Section 15-47 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.**

Issuance of a conditional use, special use, or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Sections 15-53, 15-60, and 15-61, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this chapter and all additional requirements imposed pursuant to the issuance of a zoning permit, conditional use, or special use permit have been complied with.

**Section 15-48 Who May Submit Permit Applications.**

(a) Applications for zoning, special use, conditional use, or sign permits or minor subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the minor subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendors).

(b) The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with subsection (a) whenever there appears to be a reasonable basis for questioning this authority.

**Section 15-48.1 Concept Plan Review Procedures Prior to Submitting Applications**  
**(Amended 10/24/06.)**

(a) Prior to submitting an application for a special or conditional use permit, the applicant shall comply with the requirements of this section.

(b) The applicant shall attend a regularly scheduled Development Review meeting and discuss the proposed project with staff in attendance at such meeting. This requirement shall not apply to a developer of a proposed major subdivision who has met with the planning staff under the provisions of Subsection 15-50(d) following an “on-site walkabout”.

(c) Following compliance with the provisions of subsection (b), the applicant shall attend a Joint Advisory Board meeting comprising at least the following boards: Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, and Economic Sustainability Commission. The planning staff may notify the Recreation and Parks

*Art. IV PERMITS AND FINAL PLAT APPROVAL*

Commission and the Northern Transition Area Advisory Committee when issues relevant to those boards are raised by a proposed development and members of those boards may attend.

- (1) No quorum requirements shall apply to the Joint Advisory Board.
- (2) The applicant shall present to the Joint Advisory Board sufficient information about the proposed development to enable the board to have a general understanding of the nature and extent of the development. If the development is a major subdivision, then a “conceptual preliminary plan” prepared in accordance with the provisions of Section 15-50 shall suffice. If the development is not a major subdivision, then the information submitted shall include at least the following:
  - a. A sketch site plan showing the location and size (including floor area) of proposed buildings, parking areas, and driveway entrances;
  - b. Proposed residential densities and types of residential units (in terms of number of bedrooms);
  - c. Illustrations of building elevations.
  - d. Other information deemed necessary by the staff to demonstrate to the Joint Advisory Board the concept of the proposed development.

(d) Following the presentation of the concept plan to the Joint Advisory Board, the members of that board may present such feedback to the developer as they deem appropriate. In addition, following the Joint Advisory Board meeting, the component advisory boards may meet separately and make recommendations to the developer.

(e) When the development application comes back before the advisory boards for a recommendation prior to the public hearing on such application, the applicant shall provide a written response to all advisory board comments, and each advisory board that has reviewed the concept plan and made comments on it shall review those comments and may ask the developer to explain how those comments have been addressed or why they have not been addressed.

**Section 15-49 Applications To Be Complete.**

- (a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.
- (b) Subject to subsections (c) and (c1), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this chapter. (AMENDED 11/23/10).

*Art. IV PERMITS AND FINAL PLAT APPROVAL*

(c) In this chapter, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one or more of the appendices of this chapter. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as (subject to subsection (c1)) the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in the light of the substantive requirements set forth in this text of this chapter. However, whenever this chapter requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, or whenever it reasonably appears to the administrator that such construction drawings are necessary to demonstrate that construction details will comply with plans submitted and approved as part of the permit-issuing process, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. A detailed description of the construction plan submittal and review requirements is provided in Article IV, Part III. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in Article VII. **(AMENDED 06/06/89; 11/23/10)**

(c1) Permit applications for commercial projects (meaning those where at least twenty percent of the proposed floor area is devoted to non-residential uses) in the commercial zoning districts need not contain all of the detailed information necessary for the permit issuing authority to determine that the development, if constructed in accordance with the application and plans, will comply with the drainage and stormwater management requirements set forth in Sections 15-262 and 15-263 of this chapter, so long as:

- (1) The application contains sufficient information to explain how the development will address drainage and stormwater management issues, and it appears reasonably likely to the permit issuing authority that the proposed drainage and stormwater management systems will function in such a manner that the development will comply with Sections 15-262 and 15-263; and
- (2) Before construction plans are approved, such plans must demonstrate that all the requirements of Sections 15-262 and 15-263 and related appendices will be satisfied. **(AMENDED 11/23/10)**

(d) The presumption established by this chapter is that all of the information set forth in Appendix A is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Aldermen or board of adjustment, the applicant may rely in the first instance on the recommendations of the administrator as to whether more or less information than that set forth in Appendix A should be submitted.



*Art. IV PERMITS AND FINAL PLAT APPROVAL*

(e) The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this chapter, such as applications for zoning permits to construct single-family houses or duplexes, or applications for sign permits, the administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

## ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.orangecountync.gov



131 W. Margaret Lane  
P O Box 8181  
Hillsborough,  
North Carolina, 27278



### TRANSMITTAL DELIVERED VIA EMAIL

October 29, 2013

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 October 20, 2013 and proposed for town public hearing on November 19, 2013:

- *Bicycle Rack Designs that Count Towards Fulfillment of Bicycle Parking Requirements.*
- *Changes to Cell Tower Requirements in relation to Recent Federal and State Regulations.*
- *Adding Permissible Uses to M-1 Zoning District subject to a Conditional Use Permit and Certain Criteria.*
- *Construction Management Plan to be required for Projects that May Have Significant Impacts.*

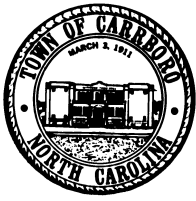
We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

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  
Planning Systems Coordinator



TOWN OF CARRBORO  
PLANNING BOARD

*301 West Main Street, Carrboro, North Carolina 27510*

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

THURSDAY, NOVEMBER 7, 2013

**LAND USE ORDINANCE TEXT AMENDMENT RELATING TO  
CONSTRUCTION MANAGEMENT PLANS**

Motion was made by **M. Barton** and seconded by **B. Foushee** that the **Planning Board** recommends that the Board of Aldermen **approve** the draft ordinance with the following minor change to the last sentence of Section 1. Subsection 15-49(c1)(1):

The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shall explain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, parking for employees, contractors and subcontractors, and the location on the site for the staging of construction materials and equipment.

In addition, the **Planning Board** strongly suggests that the Board of Aldermen consider whether a specific trigger, such as the size or location of a development, in addition to Town staff judgment, might be appropriate.

**VOTE:**

AYES: Chaney, Davis, Foushee, Poulton, Barton, Hunt, Cohen

ABSENT/EXCUSED: Clinton, Adamson

NOES: Eldred

ABSTENTIONS: N/A

**Associated Findings**

By a unanimous show of hands, the **Planning Board** membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, a motion was made by **M. Barton** and seconded by **H. Hunt** that the **Planning Board** of the Town of Carrboro finds that the proposed text amendment is consistent with Carrboro Vision 2020 as it

relates to the mitigation of adverse effect of public health and safety as part of development in sections 2.0 development and 3.1 nature of development.

2.0 Carrboro's development should take place in a manner consistent with a set of adopted values. The health and safety of citizens should be protected.

3.1 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

**VOTE:**

AYES: Chaney, Davis, Foushee, Poulton, Barton, Hunt, Cohen, Eldred

ABSENT/EXCUSED: Clinton, Adamson

NOES:

ABSTENTIONS: N/A

A handwritten signature in black ink, reading "Bethany Chaney". The signature is written in a cursive, flowing style.

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Bethany Chaney, Chair

November 7, 2013



**TOWN OF CARRBORO**  
**TRANSPORTATION ADVISORY BOARD**  
**RECOMMENDATION**  
**November 7, 2013**

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**SUBJECT:** Land Use Ordinance Amendments Relating to Construction Management Plans

**MOTION:** The Transportation Advisory Board is unclear as to why the draft ordinance amendment is necessary. However, if the Board feels that this will not have an adverse impact on development, then the TAB recommends that the Board approve the draft ordinance with the following condition:

- That, under subsection (2), the meetings require the attendance of a Town staff person.

By a unanimous show of hands, the TAB membership also indicated that no members have any financial interests that would pose a conflict of interest with the adoption of this amendment.

Furthermore, the TAB finds that the proposed text amendment is consistent with *Carrboro Vision 2020* as it relates to the mitigation of adverse effect of public health and safety as part of development in sections 2.0 development and 3.1 nature of development.

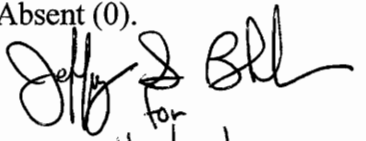
2.0 Carrboro's development should take place in a manner consistent with a set of adopted values. The health and safety of citizens should be protected.

3.0 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

Moved: LaJeunesse

Second: Štolka

**VOTE:** Ayes (6): LaJeunesse, Štolka, Perry, Nicopoulos, Kim, Barclay. Nays (1): Haac. Abstain (0). Absent (0).

  
for  
Seth LaJeunesse

TAB Chair

11 / 14 /13  
DATE



## TOWN OF CARRBORO

### Environmental Advisory Board

**301 West Main Street, Carrboro, North Carolina 27510**

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

**THURSDAY, NOVEMBER 7, 2013**

## **LAND USE ORDINANCE TEXT AMENDMENT RELATING TO CONSTRUCTION MANAGEMENT PLANS**

The EAB did not have a quorum for this meeting. The two members present, Matthew Arnsberger and Gabe Rivin, discussed the text amendment and reached consensus on these comments.

- 1) With regard to community meetings, it is recommended that community feedback be recorded and conveyed by staff to the applicant.
- 2) It is recommended that the draft version of 15-49 (c1) (1) be amended as follows:

*“The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shall explain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, ~~and~~ the location on the site for the staging of construction materials and equipment, *and concerns about potentially harmful pollutants including but not limited to dust, debris, and aerosols.*”*

- 3) It is recommended that the existing version of 15-49 (c1) (2) be amended as follows:

*“Before construction plans are approved, such plans must demonstrate that all the requirements of Sections 15-262 and 15-263 and related appendices will be satisfied, *and that impacts to surface waters during construction will be mitigated to the maximum extent practicable.*”*

- 4) It is recommended that section 15-318 be amended as follows:

*“The permit recipient shall be responsible for ensuring that all existing trees shown on approved plans as being retained to comply with this article are protected during the construction process from removal, destruction, or injury. *Such trees shall include trees on adjacent properties at risk of damage from disturbance.*”*

Mr. Arnsberger and Mr. Rivin also indicated that they do not have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, they find that the proposed text amendment is consistent with Carrboro Vision 2020 as it relates to the mitigation of adverse effect of public health and safety as part of development in sections 2.0 development and 3.1 nature of development.

2.0 Carrboro's development should take place in a manner consistent with a set of adopted values. The health and safety of citizens should be protected.

3.0 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

—  
Ser  11/8/2013  
(Chair) (Date)





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0482

**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Public Hearing

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 4.

### **TITLE:**

Public hearing on Land Use Ordinance Amendments to Allow Additional Uses in the M-1 Zoning Districts with a Conditional Use Permit

**PURPOSE:** The purpose of this item is for the Board to consider amending the Land Use Ordinance to allow additional uses in the M-1 zoning district with a conditional use permit, subject to certain criteria. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Marty Roupe - 919-918-7333; Mike Brough - 919-929-3905

**INFORMATION:** On May 28, 2013, Runyon Woods of Woodhill, Inc. LLC, submitted a text amendment request to allow additional uses within the M-1 zoning district (*Attachment B*). If adopted, restaurants and freestanding ATM tellers could be permitted in all M-1 zoning districts as well as the development proposal for 501 South Greensboro Street (the former Rogers-Triem site), owned by Woodhill, Inc. and currently in its first round of conditional use permit review. The South Greensboro Street property presents considerable challenges for redevelopment, particularly with regard to stormwater management and, to a lesser extent, ingress and egress. The addition of new land uses into the M-1 district has the potential to change the character of the zoning category from light manufacturing to a more general mixed-use classification, which while not precluding light manufacturing from occurring in M-1 districts could discourage it due to the higher rent potential associated with other uses. Mr. Woods submits that the additional costs associated with infrastructure improvements impose certain fiscal constraints on the project that require him to seek tenants able to pay higher rents than those typically associated with traditional manufacturing.

Section 15-321(c)(1) of the Land Use Ordinance (LUO) indicates that staff may proceed with the preparation of an ordinance that makes a requested change to the LUO if it believes the change to have significant merit and would benefit the general public. At the October 15th regular meeting, staff presented the Board with a draft ordinance (*Attachment C*) crafted to balance the Town's interests in retaining the potential for light manufacturing in M-1 districts, while offering the development of some higher return land uses in exchange for site improvements and/or building elements that would provide essential public infrastructure and create a more vibrant and successful community. The Town adopted similar performance

standard language as part of the establishment of the B-1(g) conditional zoning district (Section 15-141.4) in 2011. In its motion to set the public hearing for the proposed amendment, the Board removed use 3.230, Banks with Drive-in window from the list of potential new uses for the M-1 district. At the subsequent meeting, on October 22nd, the Board requested staff to prepare an ordinance which would remove drive-in and drive-thru windows as a future permitted use from all zoning districts.

The Board discussed the topic of drive-in and drive-thru windows during several meetings in 1997 and 1998, concluding with the public hearing on June 9, 1998. Agenda materials may be found at the following link:

[http://www.townofcarrboro.org/BoA/Agendas/1998/06\\_09\\_1998.pdf](http://www.townofcarrboro.org/BoA/Agendas/1998/06_09_1998.pdf). The 1998 discussion focused on the use of drive-in/drive-thru windows in the downtown, mainly in the B-1(c) and B-1(g) zoning districts. The permit requirements for some drive-in/drive thru land uses in the M-1 district were increased from a zoning permit or special use permit to a conditional use permit, as part of that effort, but were not disallowed. These include the following four uses:

<u>Use Classification</u>	<u>Description</u>
2.140	Retail/No Outside Display/Drive-In Window
2.240	Retail/Outside Display/Drive-In Window
6.260	Drive-In Movie Theaters
16.000	Dry Cleaners with Drive-In Window

Performance standards for drive-in/drive-thru windows, described in LUO Section 15-176.1, Businesses with Drive-In Windows, may limit the use of some of these land uses for the South Greensboro Street property, due to its configuration, but do not prohibit them in other M-1 districts. The regulations that resulted from the 1998 amendments will be reviewed and likely revised as part of the response to the Board directive on October 22nd.

The draft ordinance to allow restaurants and ATM tellers in the M-1 zoning district was presented at Joint Review on November 7th and to the Economic Sustainability Commission on November 13th; the ordinance was also referred to Orange County. As anticipated, recommendations for refining the ordinance were suggested during advisory review. Comments are provided (*Attachment E*).

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review. The applicant has paid the Town fee associated with processing a text amendment to the Land Use Element.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the resolution finding consistency, and the draft ordinance provided in the attachments.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND  
USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO ADD FREESTANDING AUTOMATIC TELLER MACHINES, AND CERTAIN TYPES OF RESTAURANTS TO THE LIST OF USES THAT ARE PERMISSIBLE IN THE M-1 DISTRICT WITH A CONDITIONAL USE PERMIT, SUBJECT TO CERTAIN CRITERIA.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020, particularly the following provisions relating to development and economic development.

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

3.0 With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

3.1 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to remain consistent with its adopted plans or policies.

Section 3. This resolution becomes effective upon adoption.

This the 19th day of November 2013.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S  
REASONS FOR REJECTING AN AMENDMENT TO THE TEXT OF  
THE CARRBORO LAND USE ORDINANCE

Draft Resolution No.

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 CARRBORO LAND USE ORDINANCE TO ADD FREESTANDING AUTOMATIC TELLER MACHINES, AND CERTAIN TYPES OF RESTAURANTS TO THE LIST OF USES THAT ARE PERMISSIBLE IN THE M-1 DISTRICT WITH A CONDITIONAL USE PERMIT, SUBJECT TO CERTAIN CRITERIA.

NOW, THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

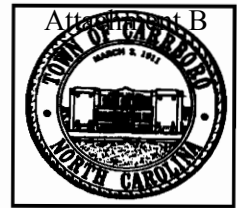
Section 1. The Board concludes that the above described amendment is not consistent with Town plans and policies.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

This the 19<sup>th</sup> day of November 2013.

# TOWN OF CARRBORO



## LAND USE ORDINANCE AMENDMENT REQUEST

"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

- 1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):

SEE ATTACHED

- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

SEE ATTACHED

- 3) State the reasons for the proposed amendment:

SEE ATTACHED

SIGNATURE:



applicant

PUNYON COLIE WOODS

ADDRESS:

230 DOGWOOD ACRES  
CHAPEL HILL

ON BEHALF OF (print) WOODHILL NC. LLC

TELEPHONE NUMBER:

919-418-2121

## **TOWN OF CARRBORO**

### **LAND USE ORDINANCE AMENDMENT REQUEST**

To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

1) The Land Use Ordinance, at present, would allow property zoned M-1 the following **EXISTING** uses (among others):

- 2.100 thru 2.140 Sales and Rental of Goods and Merchandise inside
- 2.210 thru 2.330 Sales and Rental of goods and Merchandise outside
- 3.110 thru 3.130 Office, Clerical
- 4.100 Manufacturing inside
- 5.110 thru 5.5.400 Educational, Cultural, Social
- 6.110 thru 6.140 Recreation, Amusement, Entertainment
- 6.220 thru 6.6.240, 6.260 Recreation, Amusement, Entertainment

2) The proposed amendment to the Land Use Ordinance would allow property zoned M-1 the following **ADDITIONAL** uses:

- 3.230 Banks with drive thru windows
- 3.250 Automatic teller machines freestanding
- 8.100 Restaurants
  - 8.200 Outside service or consumption
  - 8.500 Carryout service
  - 8.700 Food delivery

These uses would be subject to a conditional use permit.

### **3) Reasons for the proposed amendment:**

Carrboro has only three clusters or groups of lots zoned M-1: a southern cluster consisting of 4 lots on South Greensboro Street, a western cluster consisting of 7 lots on Jones Ferry Road (grouped around OWASA and Mellot Grading) and a northern cluster

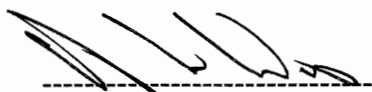
made up of two lots, Fitch Lumber on the west side of North Greensboro and the Fitch Lumber storage shed on the east side of North Greensboro.

With the exception of an empty lot on the south side of Jones Ferry Road, the M-1 lots in the northern cluster and the western cluster are zoned that way in recognition of an historical use, as opposed to a deliberate decision to create a manufacturing district where none currently existed. One of the largest lots in the western cluster was the subject of a permit request for retail redevelopment in 2007.

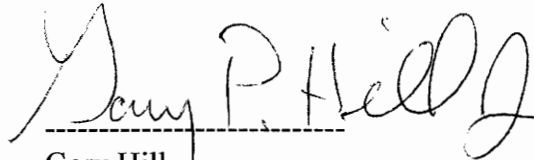
In the southern cluster at the time of the zoning, 3 of the 4 lots in the cluster were empty, the 4<sup>th</sup> had a factory. Of the three empty lots, two have since become offices and the third a storage facility. The factory lot has been abandoned for years.

While the M-1 zoning recognizes historical use, the most probable future use for the Carrboro M-1 lots is not manufacturing. While the M-1 zone currently allows retail and office use, some of the most probable future uses (i.e. restaurants and bank branches) are prohibited. If Carrboro wishes to encourage the adoptive re use and redevelopment of the M-1 lots, then the table of permitted uses should be amended as suggested above to include these additional probable uses, both of which are consistent and fit well with Retail, Office, Social, Entertainment uses currently allowed. The discouraging burden of a rezoning request should not be a necessary requirement to achieve a workable and feasible adoptive reuse site plan for an M-1 lot in Carrboro. As long as the use is conditional, the Board of Aldermen will still be reviewing and approving the site plan submissions.

Given the existing permitted uses of Retail, Office, Social and Entertainment in M-1, the distinct prohibition of restaurants and banks makes little sense and seems to be an oversight rather than a deliberate prohibition. This petition asked the Board of Aldermen to add those uses to the table of permitted uses for M-1.



Runyon Colie Woods,  
partner, Woodhill NC LLC



Gary Hill  
partner, Woodhill NC LLC



AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ADD FREESTANDING AUTOMATIC TELLER MACHINES, AND CERTAIN TYPES OF RESTAURANTS TO THE LIST OF USES THAT ARE PERMISSIBLE IN THE M-1 DISTRICT WITH A CONDITIONAL USE PERMIT, SUBJECT TO CERTAIN CRITERIA

\*DRAFT 10-15-2013\*

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS”

Section 1. Section 15-146 of the Carrboro Land Use Ordinance (the Table of Permissible Uses) is amended by placing the letter “C” in the M-1 district column opposing the following uses classifications to indicate that these uses are permissible in the M-1 zoning district with a conditional use permit subject to the criteria in subsection 15-176.6.

3.250 Freestanding Automatic Teller Machine

8.000 Restaurants (including food delivery services), Bars, Night Clubs

8.200 Outside service or consumption

8.500 Carry out service (picked up inside for off-premises consumption)

8.600 Food delivery

Section 2. Subsection 15-176 is amended with a new Section 15-176.6, ATM Tellers (freestanding) and Restaurant Uses Within M-1 Districts. Notwithstanding the foregoing provisions in Section 15-146, uses 3.250, 8.000, 8.200, 8.500 and 8.600 shall be allowed in the M-1 zoning district with a conditional use permit subject to the following conditions.

The combined area of uses 3.250, 8.000, 8.200, 8.500 and 8.600 shall not exceed 25 percent of the developable portion of the property, unless the development provides site and building elements that will create a more vibrant and successful community and provide essential public infrastructure.

Site and building elements are intended to be selected from at least two of the following five areas: stormwater management and water conservation, on-site energy production and energy conservation, alternative transportation, creation of new and innovative light manufacturing operations, 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:

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the Jordan Lake Accounting 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) Inclusion of Low Impact Development features.
- (6) Use of surface materials that reflect heat rather than absorb it.
- (7) 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, or substantial improvement to public infrastructure related to transportation or access to transit.
- (8) Provision of public art and/or outdoor amenities for public use.
- (9) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (10) .The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

## **ARTICLE IX**

### **ZONING DISTRICTS AND ZONING MAP**

#### **PART I. ZONING DISTRICTS**

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

(a) 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.

- (1) **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.
- (2) **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.

(b) 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; this area shall not be expanded and no new WM-3 areas shall be designated. **(AMENDED 12/7/83)**

(c) 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)**

- (1) 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.

- (2) 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.
- (3) 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(60)], 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.

## **Article X**

### **PERMISSIBLE USES**

#### **Section 15-146      Table of Permissible Uses.<sup>1</sup>**

The following Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Section 15-15 and the other interpretative provisions set forth in this article.

<sup>1</sup>The Table of Permissible Uses was amended 05/12/81 to add the R-SIR-2 and W categories.

The Table of Permissible Uses was amended 12/07/83 to delete the W category and to add the C, R-40, R-80, B-5, and WM-3 categories.

The Table of Permissible Uses was amended 02/04/86 to add the R-2, B-1(c), B-1(g), and CT categories; 04/05/88 the B-3T; and 04/16/91 the O and OA zones.

The Table of Permissible Uses of the Carrboro Land Use Ordinance was amended 6/22/04 to modify the permit requirements for the 8.000 uses.

The Table of Permissible Uses was amended 5/24/2005 modifying the use classification 15.800.

The Table of Permissible Uses is further amended 5/24/2005 by adding a new classification 17.400 Underground Utility Lines.

The Table of Permissible Uses is amended 3/7/06 by adding the letter "S" opposite use classifications 3.110, 3.120, and 3.130 under the B-3 district column to indicate that these uses are permissible with the special use permit in that district.

The Table of Permissible Uses is further amended 3/7/06 by replacing the designation "ZC" opposite use classification 3.150 under the B-3 district column with the designation "S" to indicate that this use is permissible in this district with a special use permit.

The Table of Permissible Uses is amended 6/26/07 by modifying the use classification 21.000 Cemetery and Crematorium by creating two new subcategories for this use so that the permit requirements now read as follows: 21.200 All other cemeteries; and 21.300 Crematorium.

The Table of Permissible Uses is amended by deleting the entries for 1.510 Hotels and Motels and 1.530 Bed and Breakfast, renumbering the remaining Temporary Residential use classification that is remaining, 1.520 Tourist Homes and other Temporary Residences Renting Rooms for Relatively Short Periods of Time, from 1.520 to 1.510; and a new use classification 34.000 Temporary Lodging with associated permit requirements.

**Art. X PERMISSIBLE USES (con't)**

The Table of Permissible Uses is amended 6/26/07 by changing adding the letter “S” opposite use classification 22.100 under the B-1-C district column to indicate that this use is permissible with a Special Use Permit in that district. The Table of Permissible Uses is further amended by adding the letter “Z” opposite use classification 22.200 under the B-1-C district column to indicate that this use is permissible in this district with a Zoning Permit.

The Table of Permissible Uses is amended 6/26/07 by changing the letter “S” to letter “Z” opposite the classification 22.200 under the B-2, B-4, and CT district column to indicate that this use is now permissible with a Zoning Permit in these districts.

The Table of Permissible Uses is amended 6/26/07 by relabeling use 22.300 as Senior Citizens Day Care, Class A and by changing the letter “S” to letter “Z” opposite the classification 22.300 under the B-2, B-4, and CT district column to indicate that this use is now permissible with a Zoning Permit in these districts.

The Table of Permissible Uses is amended 6/26/07 by adding a new use classification, 22.400, Senior Citizens Day Care, Class B and adding the letter “S” opposite this use classification under the columns for the R-2, R-3 R-7.5, R-10, R-15, R-20, RR B-2, B-4, and CT zoning districts, by adding a “Z” under the columns for the B-1(G), B-1(C), B-3, M-1, O, and O/A zoning districts.

The Table of Permissible Uses is amended 11/27/07 by adding the letter “C” opposite use classifications 2.112, 2.120, 2.150, 3.120, and 3.220 under the WM-3 district column to indicate that these uses are permissible with a Conditional Use Permit in that district.

The Table of Permissible Uses is amended 6/24/08 by adding a new use classification 8.700 entitled “Mobile prepared food vendors” and by adding the letter “z” opposite this use classification under the B-1(C), B-1(G) and M-1 zoning district columns to indicate that this use is permissible in those districts with a zoning permit.

The Table of Permissible Uses is amended 10/28/08 by adding the letter “C” opposite use classifications 2.210, 2.220, 2.230 under the WM-3 district column to indicate that these uses are permissible with a Conditional Use Permit in that district.

The Table of Permissible Uses is amended 11/24/09 by the addition of a “Z(l)” opposite the 5.110 use classification in the column for the B-4 zoning district to indicate that these uses are permissible with a zoning permit in that district, subject to the limitations provided in Section 15-147(m).

The Table of Permissible Uses is hereby amended 6/22/10 to include “electronic gaming operations” as use # 6.150 and to add the electronic gaming definition. Electronic gaming operations shall be permitted with a special use permit in the B-4 zoning district, and the Table of Permissible Uses is amended accordingly.



**Art. X PERMISSIBLE USES (con't)**

<sup>2</sup>Use classifications amendment/repeal dates are as follows:

1.112—Amended 10/01/85	8.600—Amended 06/22/04
1.120—Amended 10/01/85	9.100—Amended 6/25/02
1.420—Amended 05/10/83; 06/22/04	15.147—Amended 06/22/04
1.480-- Amended 04/19/05	15.800—Amended 05/24/05
1.640—Amended 10/22/85	17.400—Amended 05/24/05
1.700—{Repealed}	18.200---Amended 11/12/85
1.800	19.100---Amended 05/12/81
2.110	19.200---Amended 05/12/81
2.120	21.000—Amended 06/20/06
2.111--Amended 04/15/81; 12/14/82	21.100—Amended 06/20/06
2.210—Amended 05/28/02 ; 10/28/08	21.200—Amended 06/20/06
2.220—Amended 10/28/08	21.300—Amended 06/20/06
2.230—Amended 5/28/02; 10/28/08	22.100—Amended 06/26/07
3.110—Amended 03/7/06	22.200—Amended 06/26/07
3.120—Amended 03/7/06	22.300—Amended 06/26/07
3.130---Amended 03/7/06	2.120—Amended 11/27/07
3.140---Amended 12/07/83	2.150—Amended 11/27/07
3.150—Amended 03/7/06	3.120—Amended 11/27/07
7.200---Amended 05/10/83	3.220—Amended 11/27/07
8.100—Amended 06/22/04	8.700—Amended 06/24/08
8.200—Amended 06/22/04	2.210---Amended 10/28/08
8.500—Amended 6/22/04	2.220---Amended 10/28/08
22.400--Amended 6/26/07	2.230---Amended 10/28/08
34.000--Amended 11/28/06	5.110---Amended 11/24/09
34.100--Amended 11/28/06	6.150---Amended 06/22/10
34.200--Amended 11/28/06	ZS to ZC --- Amended 04/23/13
2.112—Amended 11/27/07	

# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
<b>1.000 Residential</b>																						
1.100 Single Family Residences																						
1.110 Single Family Detached One Dwelling Unit Per Lot																						
1.111 Site Built/Modular	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.112 Class A Mobile Home			Z	Z	Z	Z	Z											Z				
1.113 Class B Mobile Home																						
1.120 Single Family Detached More Than One Dwelling Unit Per Lot																						
1.121 Site Built/Modular	*	*	*	*	*	*	*		*	*	*	*				*					*	*
1.122 Class A Mobile Home			*	*	*	*	*															
1.123 Class B Mobile Home																						
1.200 Two-Family Residences																						
1.210 Two-Family Conversion	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.220 Primary Residence with Accessory Apartment	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.230 Duplex	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.231 Maximum 20% units > 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.232 No bedroom limit	*	*																				
1.240 Two Family Apartment	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.241 Maximum 20% units > 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.242 No bedroom limit	*	*																				
1.300 Multi-Family Residences																						
1.310 Multi-Family Conversion	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.320 Multi-Family Townhomes	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.321 Maximum 20% units > 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.322 No bedroom limit	SC	SC																				
1.330 Multi-Family Apartments	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.331 Maximum 20% units > 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.332 No bedroom limit	SC	SC																				
1.340 Single-Room Occupancy	SC							SC	SC	SC	SC					SC						
1.400 Group Homes																						
1.410 Fraternities, Sororities, Dormitories and Similar Housing	C	C	C	C	C	C	C		C	C						C						
1.420 Boarding Houses, Rooming Houses	S	S	S	S	S	S	S		C	S						C		C				
1.430 Adult Care Home, Class A	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.440 Adult Care Home, Class B	S	S	S	S	S	S	S		Z	Z						Z		S				
1.450 Child Care Home, Class A	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.460 Child Care Home, Class B	S	S	S	S	S	S	S		Z	Z						Z		S				
1.470 Maternity Home	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.480 Nursing Care Home	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.500 Temporary Residences																						
1.510 Tourist Homes and other Temporary Residences Renting Rooms for Relatively Short Periods of Time	S	S	S	S							S								C			
1.600 Homes Emphasizing Services, Treatment or Supervision																						
1.610 Temporary Homes for the Homeless		S	S				S	S		S	S	S										
1.620 Overnight Shelters for Homeless								S		S	S	S										
1.630 Senior Citizen Residential Complex				C	C																	
1.700																						
1.800																						
1.900 Home Occupation	Z	Z	Z	Z	Z	Z	Z			S	S	S				S		Z			Z	Z

# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
<b>2.000 Sales and Rental of Goods, Merchandise and Equipment</b>																						
2.100 No Storage or Display of Goods Outside Fully Enclosed Building																						
2.110 High-Volume Traffic Generation								ZC	ZC		ZC	ZC	ZC	ZC	ZC	C		C				ZC
2.111 ABC Stores								ZC	ZC		C	C	C			C						
2.112 Specialty High Volume Retail										ZC									C			
2.120 Low-Volume Traffic Generation								ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	C		C	C			ZC
2.130 Wholesale Sales									ZC			ZC	ZC	ZC	ZC	C		C	C			ZC
2.140 Drive-In Windows											C	C	C	C								
2.150 Retail Sales with Subordinate Manufacturing and Processing								ZC											C			
2.200 Display of Goods Outside Fully Enclosed Building																						
2.210 High-Volume Traffic Generation								ZC	ZC					ZC	ZC	ZC		C	C			ZC
2.220 Low-Volume Traffic Generation								ZC	ZC					ZC	ZC	ZC		C	C			ZC
2.230 Wholesale Sales									C					ZC	ZC	ZC		C	C			ZC
2.240 Drive-In Windows											C	C		C								
2.300 Storage of goods outside fully enclosed building																						
2.310 High-volume traffic generation														ZC								
2.320 Low-volume traffic														ZC								
2.330 Wholesale Sales														ZC								
2.340 Drive-in Windows																						
<b>3.000 Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise</b>																						
3.100 All operations conducted entirely Within Fully Enclosed Building																						
3.110 Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.								ZC	ZC	ZC	S		ZC	ZC	ZC	C		C			ZC	ZC
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use								ZC	ZC	ZC	S		ZC	ZC	ZC	C		C	C		Z	ZC
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area								ZC	ZC	ZC	S		ZC	ZC		ZC		C			ZC	ZC
3.140 Watershed research																	C					
3.150 Copy Centers/Printing Operations								ZC	ZC	ZC	S	ZC	ZC	ZC	ZC	ZC			ZC			

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Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
3.200 Operations conducted within or outside fully enclosed buildings																						
3.210 Operations designed to affect and serve customers or clients on the premises															ZC	ZC			C			ZC
3.220 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use															ZC	ZC	C		C	C		ZC
3.230 Banks with drive-in window											C	C	C		C							
3.240 Watershed research																	C					
3.250 Automatic Teller Machine, Freestanding								C	C		C		C			C					C	C
<b>4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment</b>																						
4.100 All operations conducted entirely within fully enclosed buildings									ZC						ZC	ZC	C			C		C
4.200 Operations conducted within or outside fully enclosed buildings															ZC							
<b>5.000 Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses</b>																						
5.100 Schools																						
5.110 Elementary and secondary (including associated grounds and athletic and other facilities)	C	C	C	C	C	C	C	C	C					Z(1)				Z	C			
5.120 Trade or vocational school								Z	ZC					C	ZC	C	C		C			
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)							C	Z	ZC					C	C		C					
5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school buildings) school or secondary	ZS	ZS	ZS	ZS	ZS	ZS	ZS	Z	ZC	ZC	ZC	ZC	ZC	ZC	ZC		ZC	C	C		ZS	ZS
5.300 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)																						
5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet	S	S	S	S	S	S	S	ZC	Z	Z	Z	Z	Z	S	ZC		ZC		C		Z	ZS
5.320 Located within any permissible structures								ZC	ZC	ZC				S	ZC		ZC		C		C	ZS
5.400 Social, fraternal clubs and lodges, union halls, and similar uses								ZC	ZC	ZC				S	S		ZC		C			
<b>6.000 Recreation, Amusement, Entertainment</b>																						
6.100 Activity conducted entirely within building or substantial structure																						
6.110 Bowling alley, skating rinks, indoor tennis and squash courts, billiards and pool halls, indoor athletic and exercise facilities and similar uses.								ZC	ZC		ZC	ZC	ZC	ZC		ZC			C			

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Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
6.120 Movie Theaters																						
6.121 Seating capacity of not more than 300								ZC	ZC				ZC	S		ZC						S
6.122 Unlimited Seating Capacity								S	ZC				ZC	S		ZC						
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1000 people								C	C				C	C		C						
6.140 Community Center—a Town sponsored, non-profit indoor facility providing for one or several of various type of recreational uses. Facilities in a Community Center may include, but are not limited to gymnasias, swimming pools, indoor court areas, meeting/ activity rooms, and other similar uses	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z
6.150 Electronic Gaming Operations														S								
6.200 Activity conducted primarily outside enclosed buildings or structures.																						
6.210 Outdoor recreational facilities developed on private lands, without Town sponsorship or investment, such as golf and country clubs, swimming or tennis clubs, etc. and not constructed pursuant to a permit authorizing the construction of a residential development.	S	S	S	S	S	S	S		C							C	C	C	C			
6.220 Outdoor recreational facilities developed on public lands, or on private lands with swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school																						
6.221 Town of Carrboro owned and operated facilities.	Z	Z	Z	Z	Z	Z	Z	Z	Z					Z	Z		Z	Z	Z	Z		
6.222 Facilities owned and operated by public entities other than the Town of Carrboro	C	C	C	C	C	C	C	C	C					C	C		C	C	C	C		
6.230 Golf driving ranges not accessory to golf course, par 3 golf courses, miniature golf course, skateboard parks, water slides, and similar uses.														ZC					C			
6.240 Horseback riding stables (not constructed pursuant to permit authorizing residential development)							S							S			Z	C	C			
6.250 Automobile and motorcycle racing tracks															S							
6.260 Drive-In Movie Theaters														C								
<b>7.000 Institutional Residence or Care of Confinement Facilities</b>																						
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area									C							C						
7.200 Nursing care institutions, intermediate care institutions, handicapped, aged or infirm institutions, child care institutions	C	C					C		C							C			C			

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Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
7.300 Institutions (other than halfway houses) where mentally ill persons are confined									C								C					
7.400 Penal and Correctional Facilities																						
<b>8.000 Restaurants (including food delivery services), Bars, Night Clubs</b>																						
8.100 Restaurant with none of the features listed in use classification below as its primary activity								ZC	ZC(l)	C			Z						C			ZC
8.200 Outside Service or Consumption								ZC	ZC(l)	C			S						C			ZC
8.300 Drive-in (service to and consumption in vehicle on premises)													C									
8.400 Drive Through Windows (service directly to vehicles primarily for off-premises consumption)													C									
8.500 Carry Out Service (food picked up inside of off-premises consumption)								ZC	ZC(l)				Z						C			
8.600 Food Delivery								ZC	ZC(l)				Z						C			
8.700 Mobile prepared food vendors								Z	Z					Z								
<b>9.000 Motor Vehicle-Related Sales and Service Operations</b>																						
9.100 Motor vehicle sales or rental of sales and service									C					ZC	ZC							
9.200 Automobile service stations													S	C	Z							
9.300 Gas sales operations											S	S	S	C	Z							
9.400 Automobile repair shop or body shop									C			S	S	C	Z							
9.500 Car wash														C	Z							
<b>10.000 Storage and Parking</b>																						
10.100 Independent automobile parking lots or garages								ZC	Z				Z	Z	Z	C						
10.200 Storage of goods not related to sale or uses of those goods on the same lot where they are stored																						
10.210 All storage within completely enclosed structures														Z	Z							C
10.220 Storage inside or outside completely enclosed structures														C	Z							ZC
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot														S	S							
<b>11.000 Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards</b>																S						
<b>12.000 Services and Enterprises Related to Animals</b>																						
12.100 Veterinarian							S		ZC				S	S	S							
12.200 Kennel							S							S	S							
<b>13.000 Emergency Services</b>																						
13.100 Police Stations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
13.200 Fire Stations	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
13.300 Rescue Squad, Ambulance Service	S	S	S	S	S	S	Z		S	S	S	S	S	S	S	Z	S	C	C	C	C	S
13.400 Civil Defense Operation	S	S	S	S	S	S	Z		S	S	S	S	S	S	S	Z	S	C	C	C	C	S
<b>14.000 Agricultural, Silvicultural, Mining, Quarrying Operations</b>																						
14.100 Agricultural operations, farming																						
14.110 Excluding livestock		Z	Z	Z	Z	Z	Z							Z			Z	Z	Z			
14.120 Including livestock							Z											Z	Z	Z		
14.200 Silvicultural operations		Z	Z	Z	Z	Z	Z							Z								
14.300 Mining or quarrying operations, including on-site sales of products																S						
14.400 Reclamation landfill		Z	Z	Z	Z	Z	Z						Z	Z	Z							

# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
<b>15.000 Miscellaneous Public and Semi-Public Facilities</b>																						
15.100 Post Office								C	C		C	C	C	C	C	C						
15.200 Airport							C		S				S	S								C
15.300 Sanitary landfill							C								C							
15.400 Military reserve, National Guard centers														Z								
15.500 Recycling materials collection operations																						
15.510 Using collection facilities other than motor vehicles									Z				Z	Z	Z							
15.520 Aluminum recycling using motor vehicles									S				S	S	S							
15.600 Public utility service complex																		C				
15.700 Cable Television Signal Distribution Center								S	S	S	S		S	S	S	S					S	S
<b>15.800 Town-owned and/or Operated Facilities and Services</b>																						
15.810 Town-owned and/or Operated Public Parking Lot								Z	Z	Z	Z	Z	Z	Z	Z	Z				Z		Z
15.820 All other town-owned and/or operated facilities and services	Z	Z	Z	Z	Z	Z	Z		Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z
<b>16.000 Dry Cleaner, Laundromat</b>																						
16.100 With drive-in windows											C	C	C	C								C
16.200 Without drive-in windows									Z		S	S	Z	S		Z		C				S
<b>17.000 Utility Facilities</b>																						
17.100 Neighborhood	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	C	C	C			S
17.200 Community or regional														S	S		C	C				S
17.300 Cable Television Satellite Station							S				S	S	S	S	S	S				S	S	
17.400 Underground Utility Lines	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	Z	C	Z	Z
<b>18.000 Towers and Related Structures</b>																						
18.100 Towers and antennas fifty feet tall or less	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	C	Z			Z
18.200 Towers and antennas attached thereto that exceed 50 feet in height, and that are not regarded as accessory to residential users under 15-150(c)(5)						C	C				C	C	C	C	C	C		C	C	C	C	
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
18.400 Publicly-owned towers and antennas of all sizes that are used in the provision of public safety services									ZC													
<b>19.000 Open Air Markets and Horticultural Sales</b>																						
19.100 Open air markets (farm and craft markets, flea markets, produce markets)								ZC	ZC	ZC	S	S		S		S					S	S
19.200 Horticultural sales with outdoor display									ZC	ZC	S	S		S		S					S	S
19.300 Seasonal Christmas or pumpkin sales								Z	Z	Z	Z	Z	Z	Z	Z						Z	Z
<b>20.000 Funeral Homes</b>														Z	Z							
<b>21.000 Cemetery and Crematorium</b>																						
21.100 Town-owned cemetery	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.200 All other cemeteries							S							Z	Z		C	C	C			
21.300 Crematorium														Z	Z							
<b>22.000 Day Care</b>																						
22.100 Child Day Care Home	ZZ	Z	Z	Z	Z	Z	Z	S	S	Z	S	S				Z	Z				S	S
22.200 Child Day Care Facility	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z	Z		Z	C	C			Z	Z
22.300 Senior Citizens Day Care, Class A	S	S	S	S	S	S	S		Z	Z	Z	Z	Z	Z		Z	C	C			Z	Z
22.400 Senior Citizens Day Care, Class B	S	S	S	S	S	S	S	Z	Z	S	Z	Z	S	Z		S					Z	Z



# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
23.000 Temporary structure or parking lots used in connection with the construction of a permanent building or for some non-recurring purpose																						
23.100 Temporary structures located on same lot as activity generating need for structure	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z	Z
23.200 Temporary parking facilities located on or off-site of activity generating need for parking	Z																					
24.000 Bus Station									ZC					S	S		S					
25.000 Commercial Greenhouse Operations																						
25.100 No on-premises sales						S	S								Z							
25.200 On-premises sales permitted							S								Z							
26.000 Subdivisions																						
26.100 Major	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	C	C	C	C	SC	SC
26.200 Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z	Z
27.000 Combination Uses	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*
28.000 Planned Unit Developments	Permissible only in Planned Unit Development Districts (See Section 15-139) pursuant to a conditional use permit).																					
29.000 Special Events	C	C	C	C	C	C	C	ZC	ZC	ZC	C	C	C	C	C	C	C	C	C		C	C
30.000 Planned Industrial Development	Permissible only in Planned Industrial Development Districts [See Subsection 15-137(c)] pursuant to a conditional use permit																					
31.000 Off-Premises Signs															Z							
32.000 Village Mixed Use Development	Permissible only in Village Mixed Use Districts (See Section 15-141.2 pursuant to a conditional use permit).																					
33.000 Office/Assembly Planned Development	Permissible only in Office/Assembly Conditional Use Districts [see Subsection 15-136(11)] pursuant to a conditional use permit].																					
34.000 Temporary Lodging																						
34.100 Hotels and Motels	C							C	C					C			C					C
34.200 Bed and Breakfast	S	S	S	S	S	S	S			S						S		C	S			

*Art. X PERMISSIBLE USES (con't)***Section 15-147 Use of the Designations Z,S,C in Table of Permissible Uses (AMENDED 11/18/03; 6/22/04; 10/25/05; 11/22/05; 6/26/07; 11/27/07; 10/28/08, 11/24/09. REWRITTEN 4/23/09)**

(a) Subject to Section 15-148, and subsection (h) of this section, when used in connection with a particular use in the Table of Permissible Uses (Section 15-146), the letter “Z” means that the use is permissible in the indicated zone with a zoning permit issued by the administrator (except that, in connection with use classification 26.200, minor subdivisions, the letter “Z” means that final plat approval shall be granted by the Planning Director). The letter “S” means a special use permit must be obtained from the board of adjustment, and the letter “C” means a conditional use permit must be obtained from the Board of Aldermen. (AMENDED 1/22/85; 11/18/03)

(b) When used in connection with single-family, two-family and multi-family residences (use classifications 1.100, 1.200 and 1.300) outside the watershed districts, the designation “ZSC” or “SC” means that tracts developed with four dwelling units or less require a zoning permit, tracts developed with between five and twelve dwelling units require a special use permit, and tracts developed with more than twelve dwelling units require a conditional use permit. When used in connection with single-family, two-family, and multi-family residences in the watershed districts, the designation “ZC” means that tracts developed with one dwelling unit shall require a zoning permit and tracts developed with two or more dwelling units shall require a conditional use permit. (AMENDED 1/22/85; 2/24/87; 12/15/87)

(c) When used in connection with major subdivisions (use classification 26.100) outside the watershed districts, the designation “SC” means that subdivisions containing between five and twelve lots shall require a special use permit, and subdivisions containing thirteen or more lots shall require a conditional use permit. (AMENDED 7/21/87; 12/15/87)

(d) Subject to Section 15-148, use of the designation “ZC” (which designation appears only under the zoning district columns applicable to the commercial and manufacturing districts) means that a conditional use permit must be obtained if the development involves the construction of more than 3,000 square feet of new building gross floor area *or* the development is located on a lot of more than one acre, and a zoning permit must be obtained if the development involves the construction of 3,000 square feet or less of new building gross floor area *and* the development is located on a lot of one acre or less. (AMENDED 11/14/88) (REWRITTEN 4/23/13)

(e) Subject to Section 15-148, use of the designation “Z,S” means that a zoning permit must be obtained if the development is located on a lot of two acres or less while a special use permit must be obtained for developments in excess of two acres.

(f) Use of the designation Z,S,C, for combination uses is explained in Section 15-154.

(g) When used in connection with use classification 18.400 (publicly-owned towers and antennas of all sizes that are used in the provisions of public safety services), the designation “ZC” means that the development of such towers that are fifty feet tall or less

**Art. X PERMISSIBLE USES (con't)**

shall require a zoning permit, and the development of such towers that are more than fifty feet tall shall require a conditional use permit. **(AMENDED 10/04/88, 02/18/97)**

- (h) Whenever any 1.000 classification use is proposed for a lot in the R-2, R-3, R-7.5, and R-10 zoning districts and such use would otherwise require the issuance of a zoning permit under the provisions of this section, a special use permit shall nevertheless be required if:
  - (1) The use involves (i) construction of an addition to an existing dwelling, or (ii) construction of an additional dwelling on a lot where at least one dwelling already exists, or (iii) construction of a dwelling on a lot from which a previously existing dwelling has been removed within a period of three years prior to the application for a permit under this chapter, and
  - (2) The gross floor area of any one dwelling unit exceeds 3,500 square feet, or the gross floor area of all dwellings covered by the proposed permit exceeds 5,500 square feet.
  - (3) This requirement shall not apply if at least one of the dwelling units is an affordable housing unit as defined in Section 15-182.4(a).
  - (4) This requirement shall not apply with respect to a proposed one-time addition to a dwelling that has been in existence for a period of at least twenty years if such one-time addition results in less than a 25 percent increase in the gross floor area of such dwelling and less than a 15 percent increase in the gross floor area of all dwellings covered by the proposed permit.
- (i) When used in connection with 8.100, 8.200, 8.500 and 8.600 uses, the designation "ZC(l)" means that a zoning permit must be obtained if the total area within a development to be used for this purpose does not exceed 1,500 square feet and the use is to take place in a building in existence on the effective date of this subsection while a conditional use permit must be obtained whenever the total area to be used for this purpose is equal to or exceeds 1,500 square feet.
- (j) Notwithstanding the other provisions of this section, whenever a building of more than two stories or 35 feet in height is proposed within the B-1(g), B-1(c), B-2, CT or M-1 zoning districts, a conditional use permit must be obtained from the Board of Aldermen. **(AMENDED 10/25/05)**
- (k) Notwithstanding the foregoing, Uses 22.200 Child Day Care Facilities serving nine to fifteen children, and 22.300 Senior Citizen Day Care, Class A, serving four to sixteen seniors, that are located on collector or arterial streets are permissible with a Zoning Permit issued by the

**Art. X PERMISSIBLE USES (con't)**

Administrator. For the purposes of this section, collector streets are those streets whose function and design meet the current town standards for classification as collector streets; and arterial streets are those listed in subsection 15-210.

l) Notwithstanding the foregoing, if a use within use classifications 2.112, 2.120, 2.150, 2.220, 2.230, 3.120, or 3.220 is proposed for an existing building within the WM-3 zoning district, and no other changes to the site are proposed that would require the issuance of a new permit under Section 15-46, then such use shall be permissible with a zoning permit. **(Amended 10/28/08)**

m) Notwithstanding the foregoing, 5.110 uses may be permitted within the B-4 zoning district only when proposed within an existing building and when no other changes to the site are proposed that would require the issuance of a new permit under Section 15-46. **(AMENDED 11/24/09)**

**Section 15-148 Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit.**

(a) Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of Section 15-147 and the other provisions of this article) provides that a use is permissible with a zoning permit, (i) a conditional use permit shall nevertheless be required if the administrator finds that the proposed use is located within the University Lake Watershed (i.e., the C, B-5, and WM-3 districts) and would have a substantial impact on neighboring properties or the general public, and (ii) a conditional use permit shall nevertheless be required if the administrator finds that the proposed use is located in the B-1(c), B-1(g), B-2, or CT zoning districts, the use is shown as permissible in those districts with a "ZC" designation in the Table of Permissible Uses, and the proposed use would have a substantial impact on neighboring properties or the general public; (iii) otherwise, a special use permit shall nevertheless be required if the administrator finds that the proposed use would have a substantial impact on neighboring properties or the general public. **(AMENDED 01/22/85; 12/15/87; 02/25/92)**

(b) A special use permit shall be required for any use that is otherwise permissible with a zoning permit if the administrator concludes that, given the impact of the proposed use on neighboring properties, the vested right conferred upon the permit recipient pursuant to Section 15-128.2 should not be conferred without an opportunity for public input. A conditional use permit shall be required for any use that is otherwise permissible with a zoning permit if the administrator concludes that, given the impact of the proposed use on the general public, the vested right conferred upon the permit recipient pursuant to Section 15-128.2 should not be conferred without an opportunity for public input. However, if the zoning administrator makes this determination, the permit applicant may require that the application be returned to the zoning permit process by submitting to the administrator a written waiver of the vested right normally acquired under Section 15-128.2 upon the issuance of a zoning permit. **(AMENDED 10/01/91; 02/25/92)**

**Section 15-149 Permissible Uses and Specific Exclusions** **(AMENDED 6/24/08)**

## ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.orangecountync.gov



131 W. Margaret Lane  
P O Box 8181  
Hillsborough,  
North Carolina, 27278



### TRANSMITTAL DELIVERED VIA EMAIL

October 29, 2013

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 October 20, 2013 and proposed for town public hearing on November 19, 2013:

- *Bicycle Rack Designs that Count Towards Fulfillment of Bicycle Parking Requirements.*
- *Changes to Cell Tower Requirements in relation to Recent Federal and State Regulations.*
- *Adding Permissible Uses to M-1 Zoning District subject to a Conditional Use Permit and Certain Criteria.*
- *Construction Management Plan to be required for Projects that May Have Significant Impacts.*

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  
Planning Systems Coordinator



# 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

NOVEMBER 7, 2013

### LAND USE ORDINANCE TEXT AMENDMENT RELATING TO ALLOWING ADDITIONAL USES IN M-1 ZONING DISTRICTS

Motion was made by M. Barton and seconded by A. Cohen that the Planning Board recommends that the Board of Aldermen **approve** the draft ordinance, with the following changes:

- That the new uses permissible in the M-1 zoning district with a conditional use permit include the following, and that the Table of Permissible uses as well as the new Section 15-176.6 be amended accordingly:

3.250 Freestanding Automatic Teller Machine

8.000 Restaurants (including food delivery services), Bars, Night Clubs

8.100 Restaurant with none of the features listed in the use classification below as its primary activity

8.200 Outside service or consumption

8.500 Carry out service (picked up inside for off-premises consumption)

8.600 Food delivery

8.700 Mobile prepared food vendors

- That in the new Section 15-176.6 the following category be eliminated from the five site and building elements that exempt a developer from the 25% limitation on conditional uses, reducing the list to four:
  - The provision of public art and/or provision of outdoor amenities for public use.
- Subsequently, that *(8) Provision of public art and/or outdoor amenities for public use* be removed from the list of includable conditions enumerated in Section 15-176.6

In addition, the Planning Board acknowledges that it is not ideal for zoning use changes such as this one to be driven by a single project. The Planning Board recommends that, as part of its future comprehensive planning process, the Board of Aldermen take a closer look at the M1 and all other commercial zoning districts to ensure they can better and more flexibly support the Town's vision for a diverse economic base.

**VOTE:**

AYES: Chaney, Foushee, Poulton, Barton, Hunt, Eldred, Cohen

ABSENT/EXCUSED: Clinton, Adamson

NOES: Davis

ABSTENTIONS: N/A

**Associated Findings**

By a unanimous show of hands, the **Planning Board** membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, a motion was made by **M. Barton** and seconded by **B. Foushee** that the **Planning Board** of the Town of Carrboro finds that the proposed text amendment is consistent with Carrboro Vision 2020, particularly the following provisions relating to development and economic development.

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

3.0 With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

3.1 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

**VOTE:**

AYES: Chaney, Foushee, Poulton, Barton, Hunt, Eldred, Cohen

ABSENT/EXCUSED: Clinton, Adamson

NOES: N/A

ABSTENTIONS: Davis



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Bethany Chaney, Chair

November 7, 2013



**TOWN OF CARRBORO**

**TRANSPORTATION ADVISORY BOARD**

**RECOMMENDATION**

**November 7, 2013**

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**SUBJECT:** Land Use Ordinance Amendments to Allow Additional Uses in the M-1 Zoning Districts with a Conditional Use Permit

**MOTION:** The Transportation Advisory Board recommends that the Board of Aldermen approve the draft ordinance amendment.

By a unanimous show of hands, the TAB membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the TAB finds that the proposed text amendment is consistent with Carrboro Vision 2020, particularly the following provisions relating to development and economic development.

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

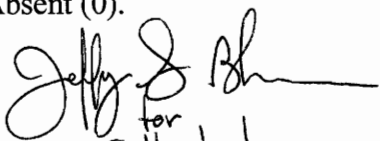
3.0 With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

3.1 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

Moved: Perry

Second: Nicopoulos

**VOTE:** Ayes (7): LaJeunesse, Štolka, Perry, Haac, Nicopoulos, Kim, Barclay. Nays (0). Abstain (0). Absent (0).

  
for  
Seth LaJeunesse

TAB Chair

11 / 14 /13  
DATE





## TOWN OF CARRBORO

Economic Sustainability Commission301 West Main Street, Carrboro, North Carolina 27510

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

NOVEMBER \_\_, 2013

**LAND USE ORDINANCE TEXT AMENDMENT RELATING TO ALLOWING ADDITIONAL USES  
IN M-1 ZONING DISTRICTS**

Motion was made by Art Menzies and seconded by Chris Butler that the ESC recommends that the Board of Aldermen \_\_\_\_\_ the draft ordinance.

**VOTE:**AYES: 8ABSENT/EXCUSED: 1

NOES:

ABSTENTIONS:

Associated Findings

By a unanimous show of hands, the ESC membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the ESC of the Town of Carrboro finds that the proposed text amendment is consistent with Carrboro Vision 2020, particularly the following provisions relating to development and economic development.

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.

3.0 With the population of Carrboro expected to increase during the Vision 2020 period, additional commercial development should be anticipated both downtown and in peripheral areas.

3.1 In the interest of environmental preservation, new commercial development must minimize negative environmental impact, it must emphasize appropriate buffers, and it must not compromise the integrity of established neighborhoods.

## Recommendations -

- 1) Remove Performance Standards for Public Art
- 2) Ensure status of potential Brown field sites.

**VOTE:**

AYES:

8

ABSENT/EXCUSED: |

NOES:

ABSTENTIONS:

Jim Turner 11.13.13  
(Chair) (Date)



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0483

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**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Other Matters

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 1.

### **TITLE:**

Statewide Transportation Improvement Program Prioritization and Consideration of Surface Transportation Program-Direct Apportionment and Transportation Alternatives Program Funding Priorities

**PURPOSE:** The Board of Aldermen is asked to consider several resolutions relating to approval of transportation project priorities for the current development of the STIP and allocation of STP-DA and TAP funds.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Jeff Brubaker

**INFORMATION:** Background information was provided at the previous (Nov. 12) meeting. (ATTACHMENT B is a link to that agenda item.) Most of that information will not be repeated here. However, some of that information is summarized where needed, and some additional information is provided, in the memo in ATTACHMENT C.

**FISCAL & STAFF IMPACT:** The fiscal impact of the resolutions is summarized as follows:

- **ATTACHMENT A-1, P3.0 highway projects** - No fiscal impacts accrue from this resolution. The projects are already on the draft P3.0 list at this time. The MPO and NCDOT SPOT office will rank these projects in the spring of 2014. Any fiscal impacts would accrue only if a project makes the STIP. If any of the highway projects make the STIP, which is expected to be adopted by July 2015, then any fiscal impact could be discussed in relation to whatever fiscal year the projects are programmed for construction, likely to be FY16 or later. Most of the cost of any of these projects would be expected to be paid for via federal or state funds, but there may be incidental costs (such as a match, per NCDOT policy, for sidewalks) to be borne by the Town.
- **ATTACHMENT A-2, P3.0 bicycle and pedestrian projects** - An assessment similar to that for highway projects applies to bicycle and pedestrian projects. However, it should be reiterated that the Strategic Transportation Investments (STI) included a provision prohibiting NCDOT from providing financial support for independent bicycle

and pedestrian projects. In the past, NCDOT had used state funding to match federal surface transportation program (STP) funding for bike-ped projects. Now, any bike-ped projects that make it onto the STIP will require a 20 percent non-federal match from either the municipality or another non-NCDOT source.

- **ATTACHMENT A-3, reallocation of current STP-DA funding** - This action will allow the Town to retain \$113,640 of STP-DA funding that would otherwise have been reprogrammed for other MPO projects. There is no net gain or loss in total STP-DA amount from approving this resolution. The funds go to a project already in design, so the additional staff time is not substantial.
- **ATTACHMENT A-4, preliminary STP-DA project list for FY 15 and 16** - No fiscal impacts accrue from submitting the preliminary list. In the general, STP-DA projects are a significant source of funding for Carrboro transportation projects.

**RECOMMENDATION:** That the Board consider the resolutions in ATTACHMENTS A-1 through A-4.

**A RESOLUTION PROVIDING INPUT ON HIGHWAY PROJECTS TO BE SUBMITTED  
FOR PRIORITIZATION FOR THE STATEWIDE TRANSPORTATION IMPROVEMENT  
PROGRAM**

WHEREAS, the next Statewide Transportation Improvement Program (STIP) process is underway, and the STIP process is an opportunity for local governments to submit transportation project priorities to the North Carolina Department of Transportation (NCDOT); and,

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) 2040 Metropolitan Transportation Plan (MTP) includes Objective 1b, which states: “Select and program transportation projects, which are consistent with community goals and are a cost-effective use of funds”; and,

WHEREAS, DCHC-MPO has requested that local governments submit projects for inclusion in the STIP prioritization process, called “SPOT P3.0”; and,

WHEREAS, P3.0 evaluates projects based on data and input from NCDOT highway divisions and MPOs; and,

WHEREAS, these projects are categorized by travel mode, including highway, transit, bicycle and pedestrian, rail, aviation, and ferry; and,

WHEREAS, the Board has considered highway projects for inclusion in the P3.0 process;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board:

1. Approves of the inclusion of the following projects within Carrboro for prioritization within the highway category, recognizing that these projects are already included in the draft P3.0 list at the time of this resolution:

<b>SPOT ID</b>	<b>Route name</b>	<b>From / cross street</b>	<b>To</b>	<b>Description</b>
H090365	Homestead Rd.	Old NC 86	NC 86	SR 1009 (Old NC 86) to NC 86. Widen to include Bicycle Lanes, Sidewalks, Transit Accommodations, and Safety Improvements (Design May Vary Along Length).
H090654	Franklin St. / E. Main St.	Merritt Mill Rd. / Brewer Ln.		Intersection improvements
H090655	Estes Dr.	Greensboro St.		Construct roundabout

2. [Options]

- a. [Does not have any additional highway projects to submit]
- b. [Submits the following new project(s) for prioritization in P3.0 highway category:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_

- iii. \_\_\_\_\_]
3. Authorizes Town staff to communicate this resolution to DCHC-MPO.

This is the 19<sup>th</sup> day of November in the year 2013.

**A RESOLUTION PROVIDING INPUT ON BICYCLE AND PEDESTRIAN PROJECTS TO  
BE SUBMITTED FOR PRIORITIZATION FOR THE STATEWIDE TRANSPORTATION  
IMPROVEMENT PROGRAM**

WHEREAS, the next Statewide Transportation Improvement Program (STIP) process is underway, and the STIP process is an opportunity for local governments to submit transportation project priorities to the North Carolina Department of Transportation (NCDOT); and,

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) 2040 Metropolitan Transportation Plan (MTP) includes Objective 1b, which states: “Select and program transportation projects, which are consistent with community goals and are a cost-effective use of funds”; and,

WHEREAS, Objective 4h of the 2040 MTP states: “Pursue strong funding commitment for building both pedestrian and bicycle facilities”; and,

WHEREAS, DCHC-MPO has requested that local governments submit projects for inclusion in the STIP prioritization process, called “SPOT P3.0”, including that most member jurisdictions submit their top four bicycle or pedestrian projects, labeling at least two of them as Safe Routes to School projects ; and,

WHEREAS, P3.0 evaluates projects based on data and input from NCDOT highway divisions and MPOs; and,

WHEREAS, these projects are categorized by travel mode, including highway, transit, bicycle and pedestrian, rail, aviation, and ferry; and,

WHEREAS, the Board has considered bicycle and pedestrian projects for inclusion in the P3.0 process;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board:

1. Approves the submittal of the following projects within Carrboro for prioritization within the bicycle and pedestrian category:

<b>Route name</b>	<b>From / cross street</b>	<b>To</b>	<b>Description</b>	<b>Safe Routes to School project? (Yes/No)</b>

2. Authorizes Town staff to communicate this resolution to DCHC-MPO.

This is the 19<sup>th</sup> day of November in the year 2013.

A RESOLUTION APPROVING A REQUEST TO THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING ORGANIZATION TO AMEND THE TABLE OF SURFACE TRANSPORTATION PROGRAM – DIRECT APPORTIONMENT PROJECTS

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) 2040 Metropolitan Transportation Plan (MTP) includes Objective 1b, which states: “Select and program transportation projects, which are consistent with community goals and are a cost-effective use of funds”; and,

WHEREAS, Objective 4h of the 2040 MTP states: “Pursue strong funding commitment for building both pedestrian and bicycle facilities”; and,

WHEREAS, federal Surface Transportation Program-Direct Apportionment (STP-DA) funding is made available to metropolitan areas to support regional and local transportation priorities; and,

WHEREAS, STP-DA funding has been a significant source of funding for the Town of Carrboro’s transportation priorities; and,

WHEREAS, several current Town projects are being funded with STP-DA funds, some of which are in need of additional funding, including the Rogers Road sidewalk project; and,

WHEREAS, MPO staff have requested that STP-DA projects already programmed be obligated for construction by September 30, 2014, and projects which are not already in the preliminary engineering phase would be difficult to obligate for construction by that time; and,

WHEREAS, the Rogers Road sidewalk project’s preliminary engineering phase is underway and the project funding includes local funds that could serve as the non-federal match;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board:

1. Approves a request that the MPO amend the schedule of STP-DA projects to reallocate funding from two projects – the South Greensboro Street sidewalk and Bel Arbor-Plantation Acres Multi-use Path – to the Rogers Road sidewalk, summarized as follows:

<b>Project and action</b>	<b>Amount</b>
Transfer from S. Greensboro St. sidewalk	(\$46,640)
Transfer from Bel Arbor-Plantation Acres Multi-use Path	(\$67,000)
Transfer to Rogers Road sidewalk	\$113,640
<b>Balance</b>	<b>\$ -</b>

2. Authorizes Town staff to communicate this resolution to DCHC-MPO.

This is the 19<sup>th</sup> day of November in the year 2013.



A RESOLUTION APPROVING THE SUBMITTAL OF A PRELIMINARY LIST OF  
SURFACE TRANSPORTATION PROGRAM – DIRECT APPORTIONMENT PROJECTS TO  
THE DURHAM-CHAPEL HILL-CARRBORO METROPOLITAN PLANNING  
ORGANIZATION FOR FISCAL YEARS 2015 AND 2016

WHEREAS, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC-MPO) 2040 Metropolitan Transportation Plan (MTP) includes Objective 1b, which states: “Select and program transportation projects, which are consistent with community goals and are a cost-effective use of funds”; and,

WHEREAS, Objective 4h of the 2040 MTP states: “Pursue strong funding commitment for building both pedestrian and bicycle facilities”; and,

WHEREAS, federal Surface Transportation Program-Direct Apportionment (STP-DA) funding is made available to metropolitan areas to support regional and local transportation priorities; and,

WHEREAS, STP-DA funding has been a significant source of funding for the Town of Carrboro’s transportation priorities; and,

WHEREAS, the MPO is seeking project lists from member jurisdictions for STP-DA allocations for fiscal years 2015 and 2016;

NOW THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board:

1. Approves the following preliminary list of STP-DA project allocations for fiscal years 2015 and 2016:
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_
2. Authorizes Town staff to communicate this resolution to DCHC-MPO.

This is the 19<sup>th</sup> day of November in the year 2013.



# TOWN OF CARRBORO

NORTH CAROLINA

## MEMORANDUM

**DELIVERED VIA:** ☐ HAND ☐ MAIL ☐ FAX ☒ EMAIL

**DATE:** November 15, 2013

**TO:** David Andrews, Town Manager  
Mayor and Board of Aldermen

**FROM:** Jeff Brubaker, Transportation Planner JSB

**RE:** Statewide Transportation Improvement Program project selection and prioritization; STP-DA and Transportation Alternatives Program funding

### Requested Board actions on the STIP

The Board is asked to take the following actions at this meeting.

#### Highway projects

*Action: Consider approval of the resolution in ATTACHMENT A-1. Section 1 of this resolution is essentially a confirmation, since the listed projects are by default already in the draft P3.0 list and are slated for prioritization. The resolution also offers the Board of Aldermen an opportunity to suggest any additional highway projects, although staff has not identified any additional projects at this time.*

The projects are:

- Homestead Rd. – Old NC 86 to NC 86 – bike lanes, sidewalks, transit accommodations, and safety improvements
- Franklin/Main/Merritt Mill/Brewer Ln. – intersection improvements
- Estes/Greensboro – construct roundabout

How might these projects fare in the prioritization? At the Division Needs level, the State scores highway projects as follows:

- Benefit\*-cost ratio – 20% (\* benefit limited to travel time benefit)
- Congestion – 20% (derived from volume/capacity ratio, weighted for higher-volume corridors)
- Safety – 10% -- function of crash density, frequency, and severity

- MPO input – 25%: based on points assigned by the MPO TAC to projects
- NCDOT division input – 25%: based on points assigned by the division to projects

#### *Additional information*

- The MPO is limited to submitting up to 19 *new* highway projects for P3.0.
- All projects submitted to be on the STIP should be in the adopted long-range transportation plan – the 2040 Metropolitan Transportation Plan. The Homestead Rd. project is included in the 2040 MTP. The two intersection improvement projects are considered transportation system management projects (TSM) and are not typically listed individually in the MTP.
- If a case could be made for a former “modernization” project (see Nov. 12 agenda) continuing to be on the highway list because it has significant traffic safety or traffic operations benefits – not merely adding bike facilities and sidewalks – it is possible it could continue to be included on the highway list.
- Other projects on the draft highway list near Carrboro:
  - Seawell School Rd. – Estes Dr. to Homestead Rd. – bike lanes, sidewalks, transit accommodations, and intersection safety improvements
  - Eubanks Rd. – Rogers Rd. to NC 86/MLK Blvd. – bike lanes, sidewalks, safety, and intersection improvements

#### **Bicycle and pedestrian projects**

*Action: Consider approval of the resolution in ATTACHMENT A-2 submitting the top four bicycle and pedestrian projects, including categorizing at least two projects as Safe Routes to School projects. The four do not need to be ranked 1-4 at this point. But projects (unless they succeed in being Safe Routes-funded) will require a 20 percent non-federal match, which is a new consideration compared to past requests.*

The Nov. 12 item provided information about the eight projects (three bicycle and five pedestrian) submitted for the 2014-2020 Local Priority List.

The SRTS funding will apply to projects prior to FFY16 and is reserved for projects within two miles of a K-8 school. All of the projects in the last Local Priority List are within the two-mile distance threshold, so any could be labeled SRTS.

Despite the funding caveat reiterated below, projects will nonetheless have a better chance of being funded if they score highly with the state’s scoring criteria, they are assigned points by the NCDOT Division, and they are assigned points by the MPO. Projects that score highly with the MPO’s own, concurrent project rating criteria may be more likely to be given MPO points, although the final decision resides with the TAC.

The state’s and MPO’s scoring criteria are included in the MPO document in ATTACHMENT D-1. The MPO could change its scoring criteria in early 2014. Input on the MPO’s criteria are not needed at this meeting. Nonetheless, looking at the NCDOT criteria, it can be seen that access to destinations, amount of ROW already acquired, preliminary work completed, a lower

environmental impact, the amount of crashes that have occurred in the vicinity, and population density in the vicinity are all factors that affect how a project scores. Given the small amount of funding available, a bike-ped project is almost guaranteed to fall short if its scores are low on several criteria and does not receive any division or MPO points.

ATTACHMENT D-2 shows how all bike-ped projects scored for P2.0. The highest NCDOT score for a Carrboro project was a sidepath on NC-54 from James St. to Anderson Park, which received the second-highest state score in the MPO, although its MPO score was lower-ranked. Based on a Board resolution on Nov. 22, 2011, the MPO assigned 100 points (the maximum possible) to the Estes Dr. project. However, it did not make the STIP, and that STIP, as has been mentioned, was never adopted.

### *Recommended projects*

Based on the above information, staff recommend that the following four projects should be considered for Board prioritization (with all four being labeled as Safe Routes to School projects):

- Estes Dr. – construct bike lanes and sidewalk on south/east side of road
- S. Greensboro St. – construct sidewalk on west side of road
- NC-54 (James St. to Anderson Park) – construct sidepath on north side of road
- Morgan Creek Greenway – construct multi-use path from University Lake to the western terminus of first Phase 1 of the greenway and a multi-use path spur to BPW Club Rd.

### **Reiteration of funding availability**

The above projects will all be considered in the Division Needs tier. The note about funding levels in the Nov. 12 memo (Nov. 12 Attachment B – pp. 2-3) is reiterated; these projects will be competing for a relatively small amount of funding with many other projects in the Division, including projects that did not score highly enough in higher tiers.

Historically, the Town has benefitted from several STIP projects, such as the construction of bicycle and pedestrian facilities on Main St., Hillsborough Rd., Old Fayetteville Rd., and (currently) Smith Level Rd. However, given the current funding context for non-auto facilities, the Town may have a better likelihood of successfully funding a project through the STP-DA and TAP processes, where federal dollars are suballocated directly to the MPO, with the usual caveat that these funds require a minimum 20 percent non-federal match.

### *Funding years*

The STIP will include funding for federal fiscal years (FFY) 2016-2022. FFY16 begins on Oct. 1, 2015.

## Requested Board actions on STP-DA and TAP funding

### Approval of amendment request for current STP-DA allocations

*Action: Consider approval of the resolution in ATTACHMENT A-3 reallocating STP-DA funding to the Rogers Road sidewalk. This will prevent the loss of STP-DA funding due to its non-obligation.*

The MPO is requesting that member jurisdictions make any current STP-DA amendment requests prior to the TCC meeting on November 20.

Staff recommend reallocating small allocations of STP-DA funding for two projects – S. Greensboro St. sidewalk and Bel Arbor-Plantation Acres Multi-use Path – to the Rogers Road sidewalk project.

The difficulties and lack of cost-effectiveness of using STP-DA funding for such small allocations was explained in the Nov. 12 memo. In the case of the S. Greensboro St. sidewalk, the Board has recently adopted a resolution prioritizing it first among four potential projects to receive half-cent sales tax transit stop access funding. There is significant neighbor support for the project as demonstrated by a petition presented by a resident at the Nov. 12, 2013, Board meeting. The \$46,640 allocation was believed at the time of allocation (2008) to be suitable for the construction of a short sidewalk segment on S. Greensboro leading south from the bus stop near the southern end of Old Pittsboro Rd. However, given the increased engineering and construction costs for completing federally-funded projects, it is very unlikely that that amount of funding would come close to covering the cost of even that short segment. Therefore the administratively-necessary reallocation of this small amount of funding should not be taken to influence the larger-picture question of a sidewalk along the corridor.

Staff recommend the reallocation to the Rogers Road project because local funds are already allocated to cover additional costs beyond the local funding committed to providing the match for STP-DA funds. The additional funding could be expected to help in completing the project by addressing its currently-projected shortfall.

Item	Amount
Current cost estimate, assuming higher-end easement acquisition costs	(\$1,199,840)
Current STP-DA allocation	\$428,960
Current local match for STP-DA	\$107,240
Additional local funds allocated – some of which could match additional STP-DA funding	\$550,470
<i>Additional funds needed</i>	<i>\$113,170</i>
<i>Additional funds provided by STP-DA reallocation (ATTACHMENT A-3)</i>	<i>\$113,640</i>

### Approval of a preliminary list of STP-DA project priorities for FY 15 and 16

*Action: Consider approval of the resolution in ATTACHMENT A-4 submitting to the MPO a preliminary list of projects to be funded by STP-DA and TAP funding in FY 15 and 16.*

The MPO would like member jurisdictions to submit projects by December 1. This would allow for a schedule of approving a distribution policy and list of projects by the TAC in February (TCC recommendation in January). This schedule is recommended for local budget considerations: member jurisdictions need to know what STP-DA revenues to plan for in their FY 2015 budgets.

Information about the Transportation Alternatives Program was provided at the Oct. 1, 2013, Board meeting.

### *Modes*

Current MPO policy stipulates that bicycle, pedestrian, transit projects be eligible for STP-DA funding.

### *Size of projects*

Staff recommend that the projects included be either additional funding for existing projects or large enough allocations to justify the costs and staff time for administering the projects. The exact level of funding does not need to be submitted at this time.

### *Non-federal match requirement*

As usual, the projects will require a minimum 20 percent non-federal match.

### *Total expected annual STP-DA funding*

The total expected annual STP-DA funding for the whole MPO is about \$4.8 million. As noted on Oct. 1, there is a total of approximately \$700,000 in TAP funds for FY 13 and 14 combined. Both funding sources are dependent on Congressional reauthorization or extension of MAP-21, the current federal transportation bill, beyond FFY 14.

### *Additional Board review*

Since the TCC recommendation is expected in January, and TAC consideration in February, the Board would have the opportunity to provide additional feedback at a January meeting, which could then be submitted to the MPO.

### *Projects recommended for a preliminary list*

- S. Greensboro St. – north end of Old Pittsboro Rd. to Public Works Driveway – construct sidewalk on the west side of the road
- Morgan Creek Greenway – provide additional funding for the construction of the greenway
- Jones Creek Greenway – provide additional funding for the construction of the greenway, extending the Twin Creeks Greenway south and west (supplementing currently allocated

Congestion Mitigation and Air Quality funds) as planned for Phase 2 of the Bolin Creek Greenway

**Note about a previous consideration of STP-DA projects**

The Board last considered STP-DA project prioritization in October 2011, after MPO staff indicated a Call for Projects was forthcoming. The TAB had recommended a preliminary list of projects on November 17, 2011. However, the Call for Projects was delayed by the MPO, who urged member jurisdictions to focus on completing their current STP-DA projects before allocating more funds for new projects.

**Additional information from the MPO**

More information is available in ATTACHMENT E, a memo included in the Nov. 13 TAC meeting packet.



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

File Number: 13-0486

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**Agenda Date:** 11/19/2013

**Version:** 1

**Status:** Other Matters

**In Control:** Board of Aldermen

**File Type:** Abstract

**Agenda Number:** 2.

**TITLE:**

A Discussion of the Process for Filling the Future Vacant Alderman Seat

**PURPOSE:** The purpose of this item is to allow the Board of Aldermen to discuss, and possibly decide, which method they will use to fill the upcoming vacancy on the Board.

**DEPARTMENT:** Town Clerk

**CONTACT INFORMATION:** Cathy Wilson, 919-9118-7309

**INFORMATION:** Alderman Lydia Lavelle was recently elected as Mayor of the Town of Carrboro. She is scheduled to be sworn in as Carrboro's Mayor on December 3, 2013 but her current term does not expire until December of 2015. At the time of her swearing in, her seat on the Board of Aldermen will become vacant. Pursuant to Section 2-2 (f) of the Town's Charter, as authorized by the North Carolina General Assembly, the Board has the authority to fill that vacant seat by an appointment process or by calling a special election.

### Option 1: Filling the Vacancy by Appointment

If the Board fills the vacancy by appointment, it shall be in accordance with the provisions of G.S. 160A-63. Since the vacant seat's term of office will expire immediately following the Town's next regular election, scheduled for November 2015, the appointee shall serve the remainder of Alderman Lavelle's unexpired term.

If the Board fills the vacancy by appointment, they can direct staff on the process in which they would like to follow. Previous appointments were filled after a call for applications and an interview process.

### Option 2: Filling the Vacancy by Election

If the Board fills the vacancy by calling a special election, staff recommends that the Board schedule it to run concurrently with the May primary schedule. The Primary Election is scheduled for May 6, 2014.

If the Board fills the vacancy by election, staff will provide an item to the Board during the January 14, 2014 meeting that includes all information necessary for an election to be called.



**FISCAL & STAFF IMPACT:**

**Option 1: Filling the Vacancy by Appointment**

This process would require additional staff time in developing, posting, and accepting applications. The appointment process would also most likely require that the Board schedule additional meetings that would require staff time and attendance. There would be no additional fiscal impact associated with staff time. However, if the meetings were broadcast and recorded, there may be an additional cost associated with those contractual services.

**Option 2: Filling the Vacancy by Election**

This process would require contracting with Orange County Board of Elections to organize and operate the election. The estimated cost associated to the Town of Carrboro is \$1,500. That cost would cover programming and ballot layouts specific to the Town.

**RECOMMENDATION:** Staff asks that the Board of Aldermen discuss the processes outlined above and provide direction to staff on which method they will use to fill the vacancy.