



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, March 22, 2016

7:30 PM

Carrboro Elementary School Auditorium

A ANNOUNCEMENT OF UPCOMING MEETINGS

7:35-7:40

B. CONSENT AGENDA

1. [16-096](#) Approval of Previous Meeting Minutes
2. [16-093](#) Request-to-set a public hearing on Land Use Ordinance Text Amendments that would provide for a Site Specific, Flexible Zoning District

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new site specific, flexible zoning district.

Attachments: [Attachment A - Resolution](#)
[Attachment B-Draft LUO ordinance \(revised 3-07-2016\)](#)

8:40-10:00

C. PUBLIC HEARING

1. [16-094](#) Public Hearing on Land Use Ordinance Text Amendments
Establishing a New Use Classification with Associated
Requirements for Facilities Providing Social Services with Dining

PURPOSE: The purpose of this item is for the Board of Aldermen to consider amendments to the Land Use Ordinance to establish a new use classification for facilities providing social services with dining as a permissible use in certain zoning districts. 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 Approval](#)
[Attachment A-2 - Consistency Resolution for Ordinance Denial](#)
[Attachment B - IFC Request for Text Amendment](#)
[Attachment C - Draft LUO amendment for Community Kitchen
11-06-15 \(MB+\)-#](#)
[Attachment D - Staff Memo](#)
[Attachment E - OC & Advisory Board Recommendations](#)

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



Town of Carrboro

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

Agenda Item Abstract

File Number:16-093

Agenda Date: 3/22/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-set a public hearing on Land Use Ordinance Text Amendments that would provide for a Site Specific, Flexible Zoning District

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new site specific, flexible zoning district.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Patricia McGuire - 919-918-7327

INFORMATION: On October 13, 2015, the Board of Aldermen held a public hearing on proposed text amendments to the Land Use Ordinance to authorize the Board to consider petitions to rezone property to a site specific, flexible zoning district (FLX). The FLX district was designed to respond to goals set out in the Facilitated Small Area Plan for Carrboro's Northern Study Area (FSAP) for floating zones that would provide opportunities for commercial uses at a neighborhood scale and, potentially, office/assembly uses that would allow some light manufacturing and flex space subject to performance standards. The FSAP goals also spoke to the importance of an integrated site plan review process whereby the applicant, the Town and members of the public would be involved early in the process. The final report from the Durham Area Designers (DAD) group who lead the design workshops in 2011 included recommendations for public input as part of a site specific design for a potential development, modifying the existing Village Mixed Use (VMU) district provisions to become more form-based and using a master plan approach. In addition, the recommendations spoke to the relationship between lot sizes (scale) and financial viability and the importance of working with market specialists to determine viable lot sizes and configurations. The proposed FLX district appears to be consistent with both of these documents.

At the close of the October public hearing, the Board directed staff to develop graphics that would make it easier to understand the proposed process, particularly the opportunities for public input, but also the relationship between the required site specific planning study and the application materials, and what would information would be required from the applicant at key points during the process. Staff was also asked to meet with the NTAAC for input on the draft ordinance.

Staff met with the NTAAC for a special meeting on January 11, 2016, and reported back to the Board on February 16th as a follow up to the October public hearing. Staff met with the NTAAC again on March 14th to

discuss further revisions to the draft ordinance with the intent of providing more clarity, particularly with regard to the site specific planning study. At the close of the March NTAAC meeting, members shared information about a draft ordinance, still considered a work in progress, which the NTAAC was preparing as an alternative to the proposed FLX district. The alternative amendment is an attempt to combine elements from the FLX district with the Village Mixed Use (VMU) district-a FLXVMU. Omar Zinn attended and participated in the January NTAAC meeting but not the March meeting and has not seen the draft FLXVMU; staff received the initial draft but has not had a chance to review it.

To date, the overall concept behind the FLX district has remained consistent. The proposal outlines a process in keeping with conditional zoning with additional opportunities for public input at the very beginning of the process and at key intervals throughout. The submittal materials would include a petition for change of zoning which addresses four questions. How do the potential uses in the new district classification relate to the existing character of the area? In what way is the property proposed for rezoning particularly suited for the potential uses of the new district? How will the proposed rezoning affect the value of nearby buildings? In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction? The applicant of a FLX rezoning petition would also have to submit a site plan of sufficient detail to convey the location of proposed infrastructure, circulation patterns, potential land uses, and in the case of residential uses, density limitations, stormwater features, building height and massing as well as information relating to architectural themes and the overall character of the development. The applicant would also submit conditions which would be reviewed and refined during the review process.

Each request for a Site Specific, Flexible Zoning District would be specific to the particulars of the parcels involved. As a legislative decision, the Board of Aldermen would consider the particulars of the petition and the site plan as a policy matter. The Board's decision would be guided by Section 15-324(a-e) which speaks to consistency with adopted plans and policies, and particularly Section 15-325, Ultimate Issue Before Board on Amendments, which outlines the central issue for the Board as whether the rezoning advances the public health, safety or welfare.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed. The Board may also wish to refer the draft amendments to other advisory boards such as the Transportation Advisory Board, Appearance Commission, Environmental Advisory Board and NTAAC; the resolution template provides for those options.

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, setting a public hearing for April 26, 2016 and referring the proposed amendment to Orange County, the Planning Board and others, as appropriate.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE TO PROVIDE FOR A SITE SPECIFIC, FLEXIBLE
ZONING DISTRICT

WHEREAS, the Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed amendments to the Land Use Ordinance; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen confirms the public hearing date for April 26, 2016, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance to Provide for a Site Specific, Flexible Zoning District,”

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County, the Town of Carrboro Planning Board and the following Town of Carrboro advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

☒ Appearance Commission

☐ Recreation and Parks Commission

☒ Transportation Advisory Board

☒ Northern Transition Area Advisory Committee

☒ Environmental Advisory Board

☐ _____

☐ Economic Sustainability Commission

☐ _____

BE IT FURTHER RESOLVED that the Board of Aldermen requests the following:

1. _____
2. _____
3. _____

This is the 22nd day of March in the year 2016.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE
FOR A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

DRAFT 3-07-16

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. The Carrboro Land Use Ordinance is amended by adding a new Section 15-141.5 to read as follows:

Section 15-141.5 Site Specific, Flexible Zoning District

- (a) A site specific, flexible zoning district (FLX) may be established in accordance with the provisions of this section. The purpose of such a district is to establish detailed standards for alternative possibilities for the development of a specific tract of land, thereby facilitating the development of that property according to the demands of the market, but in a way that is consistent with sound planning and the promotion of the public health, safety, and welfare.
- (b) To be considered for FLX zoning, a tract must (i) be at least twenty-five acres in size, (ii) be owned or under contract or option to be purchased by the applicant/owner, under single ownership or control (i.e., the entire tract is owned or under contract or option to be purchased by a single individual or entity), (iii) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, and (iv) have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract. As used herein, the term "site specific planning study" shall mean a collaborative programmatic and design study for the site ~~conceptual review of the site~~ performed either by, or with the participation of the Town and input from the from one or more workshops, town planning staff with an opportunity for public input, which shall result in a narrative report and conceptual master plan describing in general terms how the site might be developed and how the conceptual master plan corresponds to and addresses applicable components of all town plans for the area, and applicable conditions.
- (c) A FLX zoning district shall address the following:
 - (1) The types of uses that are permissible within the FLX district, along with a maximum (and if applicable, a minimum) percentage of the gross land area that will be devoted to each such use. The description of uses may be in reference to the use classification numbers set forth in the Table of Permissible Uses, or the uses may otherwise be described. The district regulations may also establish density or intensity limitations (expressed in terms of a maximum and/or, if applicable, a minimum number of dwelling units or square feet of building floor area, and applicable ratios, if any if different types of uses within the district).

- (2) The dimensional restrictions (building height, minimum lot size, setbacks) that shall apply throughout the district. Different restrictions may apply to different portions of the district, depending on the uses located therein. The dimensional restrictions may be described by reference to those applicable within particular zoning districts, or otherwise.
 - (3) Any limitations on the areas within the district where particular types of uses may be allowed.
 - (4) Any architectural standards that will apply to all or designated portions of the district.
 - (5) Any limitations on the timing or sequence of development of various portions of the district.
 - (6) The location of entrances to and exits from the tract zoned FLX.
 - (7) The manner in which the development of the property will comply with the stormwater requirements set forth in Article XVI, Part II. All developed lots within the district shall be subject to these standards, regardless of the amount of land disturbance, but the FLX district may allow the necessary stormwater treatment facilities to be constructed to meet these standards on a lot by lot basis, or some other basis that provides effective and efficient treatment for all new construction.
 - (8) Any limitations on the location or design of parking lots and facilities.
 - (9) Specifications and standards for the internal circulation system serving vehicular and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town.
 - (10) All infrastructure improvements proposed to be constructed in conjunction with the development of the property zoned FLX (including but not limited to improvements to adjoining streets) together with a schedule that links construction of such improvements to the development of the property.
 - (11) The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet the goals of Low Impact Design and or exceed the standards for LEED gold certification.
- (d) Development of any lot within a FLX zoning district shall require a zoning permit (and a sign permit if applicable), but not a special or conditional use permit.
 - (e) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any FLX district established pursuant to this section. In case of conflict, the provisions of this ordinance or of the specific FLX district ordinance for the tract shall apply.

(f) A text amendment establishing a FLX district as well as a map amendment applying such district to a particular tract shall be initiated and processed in accordance with the following provisions:

- (1) The owner of property who wishes to have such property zoned FLX shall submit a written request to the Board of Aldermen, identifying the subject property and explaining ~~briefly~~ why the property is a good candidate for FLX zoning. This written request shall include or attach (i) relevant documents that describe the results of the site specific planning process referred to in subsection (b)(iv) above, and (ii) ~~an brief~~ explanation as to why and how the proposed district is consistent with the Northern Study Area Plan, or if the property is not located within the NSA, such other plans or policies as may be applicable. The Board may, in its discretion, summarily deny the request or direct the town attorney and planning staff to work with the property owner to develop an ordinance pursuant to this section that establishes an appropriate FLX district and that applies this district to such property.
- (2) Once an ordinance has been drafted as provided in subdivision (f)(1), such ordinance shall be processed in accordance with the provisions of Article XX of this chapter applicable to ordinance amendments initiated by the town administration, except that (i) a preliminary draft of the ordinance, ~~including a concept plan~~ shall be presented to ~~a meeting of the aJoint~~ ~~Advisory bBoards~~ prior to the ordinance being referred to the Board of Aldermen to ~~establish a date for~~ the legally required public hearing on the ordinance; (ii) at the time the Board of Aldermen directs that an ordinance be drafted in accordance with subsection (f)(1) above, the Board may establish such additional processes as deemed necessary to ensure that the public has an adequate opportunity for input into the proposed FLX district, and (iii) no property ~~shall may~~ be rezoned FLX without the consent of the property owner (which consent may be withdrawn at any time before the adoption of the ordinance establishing the FLX district). The text and the map amendment may be processed simultaneously.
- (3) Amendments to a FLX district shall be initiated and processed in the same manner as the initial ordinance, except that, if the planning staff determines that a proposed amendment has no substantial impact on neighboring properties, the general public, or those intended to occupy the site zoned FLX, the staff may forward the requested amendment to the Board as provided in subsection 15-321(c)(2). In such case, the Board may (i) decline to call for a public hearing on the proposed amendment, thereby rejecting it; (ii) establish a date for a public hearing on the proposed amendment in accordance with the procedures applicable to any other zoning amendment, or (iii) direct that additional processes be

| followed to obtain additional public input on the proposal before ~~to~~ setting a date for the legally required public hearing.

- (g) Property within a FLX district may be subdivided according to the provisions of this chapter applicable to minor subdivisions, even if such subdivision involves the creation of more than a total of four lots or the creation of a new public street.

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

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Carrboro, NC 27510

Agenda Item Abstract

File Number:16-094

Agenda Date: 3/22/2016

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Public Hearing on Land Use Ordinance Text Amendments Establishing a New Use Classification with Associated Requirements for Facilities Providing Social Services with Dining

PURPOSE: The purpose of this item is for the Board of Aldermen to consider amendments to the Land Use Ordinance to establish a new use classification for facilities providing social services with dining as a permissible use in certain zoning districts. 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, Patricia McGuire - 919-918-7327, Marty Roupe - 919-918-7333, Nick Herman - 919-929-3905

INFORMATION: On May 27th, the Inter-Faith Council for Social Service, Inc. (IFC) submitted a request for a text amendment to the Land Use Ordinance (LUO) to establish a new “community kitchen” use classification (Attachment B). As part of establishing a new use, the LUO would need to be amended to add community kitchens to the list of definitions, to add the use to the Table of Permissible Uses and to establish performance standards. Modifications to other LUO sections may also be necessary to ensure compatibility with existing and proposed uses in the downtown. A draft ordinance was developed after meeting with the IFC and input from the Board at the June 16, 2015 and October 13, 2015 work sessions (Attachment C), and a public hearing set after further discussion on November 17th.

If approved, the ordinance (dated October 14, 2015) would allow the new use classification, “facilities that provide social services including dining,” with a zoning permit in conjunction with a conditional rezoning of the subject property, and compliance with supplementary regulations. The conditional zoning mechanism allows staff to work with an applicant to develop appropriate conditions, which subject to mutual approval, would be attached to the rezoning and binding to the project. Changes to approved conditions would require a new public hearing.

As currently proposed, “facilities that provide social services including dining,” encompasses a number of land uses such as, general administration, educational programs, counseling services, food pantry facilities and dining services wherein free meals are provided on-site for a substantial number of individuals. While there are

other social service facilities which include a kitchen and/or dining component, the proposed new use seems distinct from these land uses in three specific areas:

- 1) The dining service is a walk-in program designed to accommodate a substantial number of people.
- 2) There are no membership requirements, nor program participation requirements, and diners do not typically participate in meal preparation.
- 3) The kitchen facility is not subject to the same inspection requirements of a commercial kitchen designed to prepare for meals for sale to members or to program service recipients (e.g. Meals on Wheels).

The Club Nova program, by comparison, is a membership program. New members are accepted through a referral process involving recommendation by a health clinician. Members participate in a series of programs, one of which is meal preparation. The clubhouse environment includes a kitchen for on-site meal preparation and dining areas where members eat together after purchasing meal tickets. Invited guests may participate in meals on occasion. Club Nova also provides transportation for its members. Similarly The Horizons (SAIOP) Program may include meals to participants in the program but not to the general public.

If approved, the IFC could proceed with the submittal of a petition for rezoning to seek the new use through the conditional rezoning process. The process would include advisory board review and a formal public hearing, and would likely include at least one additional meeting for public input and information.

The draft ordinance was referred to Orange County and was presented at Joint Review on February 4, 2016. In addition to the standard four advisory boards, the Economic Sustainability Commission and the Human Services Commission also participated in the February joint advisory board meeting to lend their expertise to the subject matter. Comments are provided (Attachment E).

FISCAL & STAFF IMPACT: Impacts include staff time associated with preparation of a draft ordinance and agenda materials for advisory board and Board of Aldermen review and the costs of advertising the public hearing.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the resolution finding consistency (Attachment A-1), and the draft ordinance (Attachment C).

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 ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING.

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 Carrboro's support of human services and inclusion of the interests of all citizens when making development decisions as described below:

1.0 Programming, Services, and Amenities

1.3 Human Services

Carrboro citizens are vocal in their concern for each other. Our citizens also desire the security of knowing how their town works, thereby facilitating our delivery of human services.

- 1.32 The town should continue to support human service needs that are above and beyond those met by the County.
- 1.35 The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.
- 1.44 The town should continue to seek opportunities to exercise more local control of revenue options and community health and welfare options.

2.0 Development

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. Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life. As much as possible, Carrboro's town character should be preserved; and the town should respond to citizen initiatives toward that goal. The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds. Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision202. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

- 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. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

Section 2. The Board further concludes that the above described amendment is reasonable and in the public interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

Section 3. This resolution becomes effective upon adoption.

This the 22ND day of March 2016

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 ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING.

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 22nd day of March 2016.

CARRBORO DEVELOPMENT GUIDE
 APPENDIX A

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 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):**

Among other uses, the BI-G (and BI-G-CZ) zone currently allows office, food storage, food collection and distribution and educational uses. The applicant, Inter-Faith Council for Social Service, Inc. ("IFC") currently employs those uses in its building at 110 West Main Street.

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

IFC proposes to amend the Land Use Ordinance to allow a "Community Kitchen" use as a permitted use in the BI-G-CZ zone. A Community Kitchen is a non-restaurant food service use, the purpose of which is to provide meals without cost to community members who are hungry, at risk for hunger or food insecure. The text amendment contemplated would add Community Kitchen to the definitions in Article II of the Ordinance and add Community Kitchen to the Table of Permissible Uses in Article X for the BI-G and/or BI-G-CZ zone. In addition, IFC may need a text amendment to the parking table to address parking requirements for this transit and pedestrian friendly Community*

3) **State the reasons for the proposed amendment:**

The purpose of the amendment(s) is to allow a Community Kitchen use to co-exist with IFC's offices and food pantry so that persons who require IFC services may have food needs met in one location.

*Kitchen use. IFC may also need a text amendment to allow flexibility in the BI-G-CZ zone regarding the use of a covered primary entrance courtyard and one to address the tree canopy provisions of Article XIX on this dense urban site to allow alternative shading and a roof garden in lieu of a 15 percent tree canopy.

SIGNATURE:

applicant

Inter-Faith Council for Social
 Service, Inc.

{print}

ADDRESS:

110 West Main Street, Carrboro, NC 27510

TELEPHONE NUMBER:

(919) 929-6380 (ext. 14)

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES
INCLUDING DINING

Draft 10-14-2015

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 (Definitions) of the Carrboro Land Use Ordinance is amended by adding a new subsection (112), as shown below, and renumbering the subsequent subsections accordingly.

(112) SOCIAL SERVICES PROVIDER WITH DINING: a facility that provides to the public, at little or no charge, various social services, which may include educational programs, counseling services, food pantry facilities, and other supportive services, and which includes dining, wherein free meals are provided on-site on a regular basis to substantial numbers of individuals. This use is distinguished from other social service providers, categorized elsewhere within category 3.000, which may also include a kitchen facility but that are primarily oriented to serving members of the organization, with only incidental service provided to the public.

Section 2. Section 15-146 (Table of Permissible Uses) is amended by adding a new use classification 3.260 “Social Service Provider with Dining” and by adding the letter “Z” opposite this use classification under the B-1(g), R-20 and RR zoning district columns to indicate that this use is permissible in these districts with a zoning permit (subject to the provisions of Subsection 15-147(o)).

Section 3. Section 15-147 (Use of the Designations Z,S,C in the Table of Permissible Uses) is amended by adding a new subsection (o) to read as follows:

(o) Notwithstanding the foregoing, the designation “Z” opposite use classification 3.260 is subject to the qualification that use classification 3.260 may only be allowed with a zoning permit in conjunction with the conditional rezoning of a property and demonstration of compliance with all applicable Land Use Ordinance provisions, including supplementary use regulations in section 15-176.7.

Section 4. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.7 to read as follows:

Section 15-176.7 Social Service Provider with Dining.

(a) An application for a zoning permit to allow a Social Service Provider with Dining use shall include documentation of all appropriate licensing for the type of services provided at the particular site, and any required training for staff and volunteers.

(b) A Social Service Provider with Dining must be located within a half block of a public transit service stop.

(c) All facilities shall be designed to provide an on-site, sheltered location with sufficient queuing space for patrons to enter and exit the facility in an orderly manner and without disrupting traffic within public rights of way.

(d) The facility shall have an appropriate management/security system. Examples of potential elements of a security plan may include but not be limited to the following:

- (1) The location and number of security cameras and/or security personnel during operating hours and non-operating hours.
- (2) A single sign no larger than 1 square feet in area, identifying the operator of the facility and providing a telephone number or other contact information for the operator after hours.

Section 5. Section 15-291 (Number of Parking Spaces Required) shall be amended as follows:

The Table in Section 15-291, Part I, shall be amended to add use 3.260 with the following corresponding requirements: 1 space for every full time employee; 1 space for every 2 part time employees; 1 space for every 3 volunteers; 1 space for every 20 seats the portion of the building used for dining, and 1 space for every 100 square feet of the building dedicated toward meeting or educational space (depending on programming needs, this requirement may apply to the kitchen and dining spaces).

The Table of Bicycle Parking Standards shall also be amended to add use 3.260 with the corresponding requirement of 1 space for every 5 seats in the portion of the building used for dining.

Section 6. Subsection (a) of Section 15-48.1, Concept Plan Review Procedures Prior to Submitting Applications, is hereby amended to read as follows:

(a) Prior to submitting an application for a special or conditional use permit, or for conditional zoning to allow use classification 3.260 Social Service Provider/Community Kitchen, the applicant shall comply with the requirements of this section.

Section 7. Subsection (d) of Section 15-141.4 Conditional Zoning Districts is hereby amended so that it reads as follows:

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. A rezoning petition submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height shall include information that demonstrates that, if the project is completed as proposed, it

- (1) Will not substantially injure the value of adjoining or abutting property; and

(2) Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings.

(3) Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.

(d1) The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district. Conditions and site-specific standards imposed in a conditional district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

(d2) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d1) above.

Section 8. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 9. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☒ MAIL ☐ FAX ☐ EMAIL

To: David Andrews, Town Manager
Mayor & Board of Aldermen

From: Tina Moon, Planning Administrator
Patricia McGuire, Planning Director

Date: March 18, 2016

Subject: Potential Text Amendments Relating to Social Service Providers with Dining

SUMMARY

In May of 2015, the IFC submitted an application for a text amendment to the Land Use Ordinance (LUO) to allow for a new use tentatively called a “community kitchen.” Staff brought the request before the Board of Aldermen in June of that year and was directed to prepare a draft ordinance that would add the new use to the LUO and create a process by which the IFC could apply. The following memo outlines the proposed process, details relating to required performance standards and opportunities for public input on applications for this new use by the IFC or other social services providers.

BACKGROUND

Representatives from the Inter-Faith Council for Social Services, Inc. (IFC) approached the Town several years ago about their long-term interest in moving the community kitchen (previously co-located with the IFC’s shelter) from the Rosemary Street location in Chapel Hill to their existing pantry facility in Carrboro. Discussions included an analysis of existing regulations and the staff determination that a text amendment to the Land Use Ordinance would be required to allow such a use. The IFC renewed conversations with Town staff in late winter of 2014, and on May 27, 2015 formally submitted a request for a text amendment to establish a new use tentatively called a “community kitchen” in the B-1(G) zoning district.

On June 16th, staff brought the request before the Board of Aldermen and received direction to prepare a draft ordinance while seeking additional information from the IFC regarding the proposed use and its potential effect on surrounding properties. Staff presented a draft ordinance to the Board

on October 13th and a revised ordinance on November 17th. The advisory boards considered the revised ordinance at the February 4, 2016 joint review meeting and again at their individual meetings later in February and in early March.

If adopted, the draft ordinance would amend the LUO in several areas. A new definition would be added to the list of definitions in Article II and the Table of Permissible Uses in Article X, and performance standards would be added as supplementary regulations to Article XI. Modifications to other LUO sections may also be necessary to ensure compatibility with existing and proposed uses in the downtown and elsewhere in the Town's jurisdiction.

Subsequent to receiving the request for the text amendment, staff researched examples of ordinance language from other jurisdictions for guidance relating to permitting requirements and potential performance standards. The search was challenging in two important regards. First, there is not a "catch-all" land use term for social service uses that provide free meals to the public; different jurisdictions categorize the use differently. Second, programs that feed the hungry are often incorporated as part of other uses such as shelters or group homes or as accessory uses for churches. In addition, several of the examples were from more urban settings and are therefore addressing issues which may not necessarily be applicable to Carrboro. With that in mind, the key performance standards that are linked to these types of land uses (mainly shelters and/or combined shelter/soup kitchen) include:

- Distance separation between facilities
- Limitations on the size of facilities
- Good neighbor/management plans
- Security measures
- Loitering control measures
- Litter control
- Communication plan/point of contact for the facility to communicate with the local community on a regular basis
- Licensing
- Access to transit
- Additional lighting
- Additional fencing or buffers between use and neighboring properties
- Design standards relating to size and scale to be in character with the surrounding neighborhood

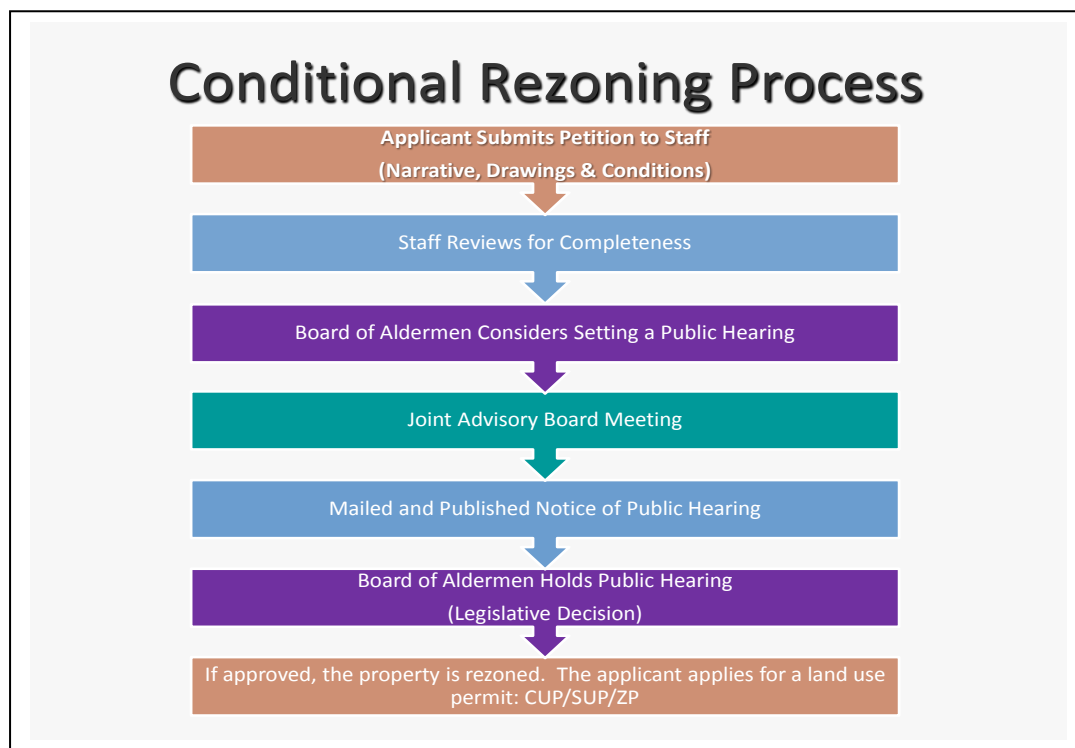
DRAFT ORDINANCE

The draft ordinance under consideration (dated October 14, 2015) creates a process by which the IFC or another social service provider could submit an application to develop a "facility that provides social services including dining." Staff renamed the proposed use to distinguish it from other facilities such as the Cookery in Durham or the Value-Added Processing Center in Orange County, which are sometimes referred to as community kitchens. The process, outlined below, draws on elements from other jurisdictions but is refined to reflect local needs and to fit within the framework of Carrboro's regulations. Information is also included on some wraparound service options, particularly transportation options for diners, such as bus service which is available Monday through Saturday.

As currently proposed, “facilities that provide social services including dining,” encompasses a number of land uses such as, general administration, educational programs, counseling services, food pantry facilities and dining services wherein free meals are provided on-site for a substantial number of individuals. While there are other social service facilities which include a kitchen and/or dining component, the proposed new use is distinct from these land uses in that the dining service is a free, walk-in program designed to accommodate a substantial number of people at one time on site.

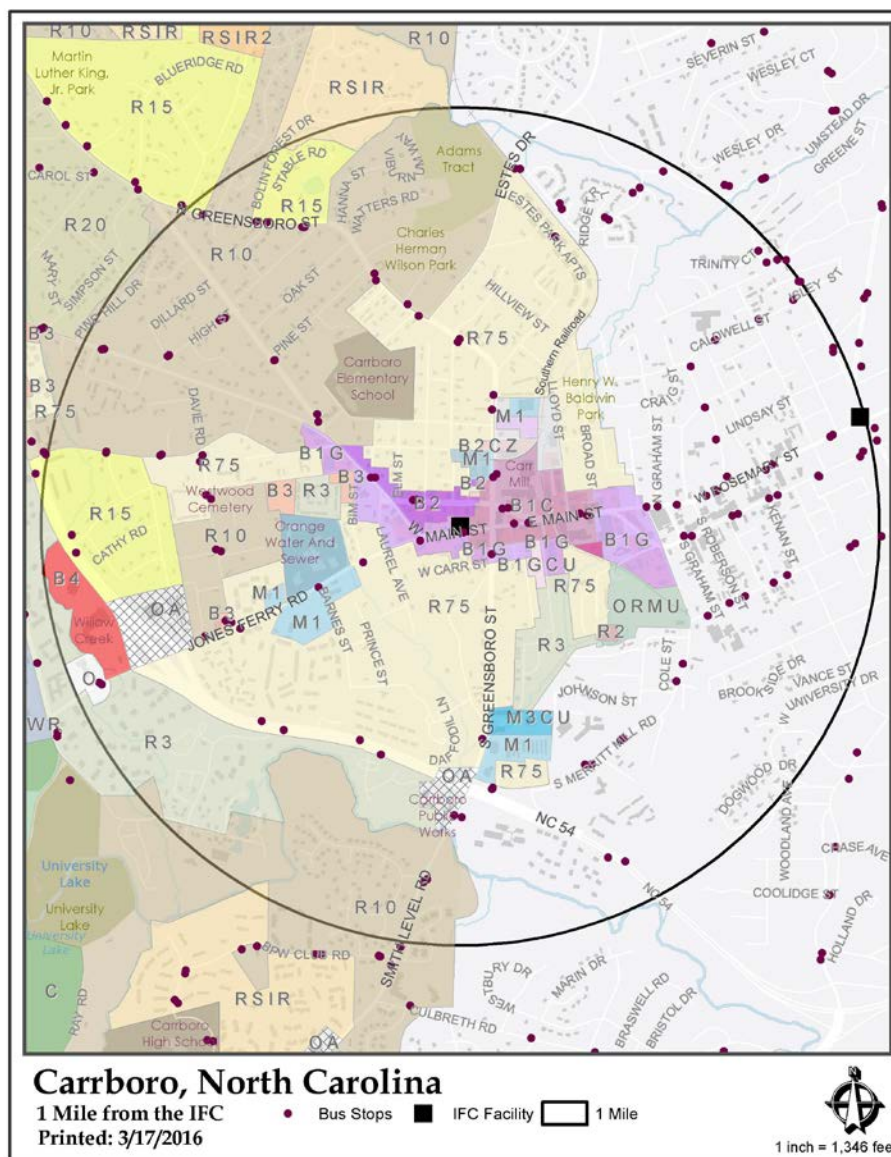
The development of a facility would require a zoning permit in conjunction with a conditional rezoning of the property and compliance with supplementary regulations. The submittal materials would include a petition for change of zoning and accompanying narrative, an illustrative site plan and proposed conditions. Information in the petition addresses four questions. How do the potential uses in the new district classification relate to the existing character of the area? In what way is the property proposed for rezoning particularly suited for the potential uses of the new district? How will the proposed rezoning affect the value of nearby buildings? In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

The conditional zoning process is legislative, providing the Board with discretion in the decision and the ability to potentially participate in informal discussions about the project. There are opportunities built into the process for public input, and the Board may consider citizen input during the public hearing without regard to expert testimony—a requirement for the quasi-judicial process used to consider conditional use permits. The typical process is shown in the flowchart below. Additional opportunities for public input, such as a neighborhood information meeting could be added to the process at the Board’s request.



The conditional zoning mechanism allows staff to work with an applicant to develop appropriate conditions, which subject to mutual approval, would be attached to the rezoning and be binding to the project. Each request for a social service provider with dining facility would be specific to the particulars of the parcels involved, thereby allowing for conditions that are directly linked to the individual application. Performance standards in the draft ordinance are intentionally general in nature because of the opportunity to attach specific requirements in the form of conditions during the rezoning process. Changes to the approved conditions would require a new public hearing.

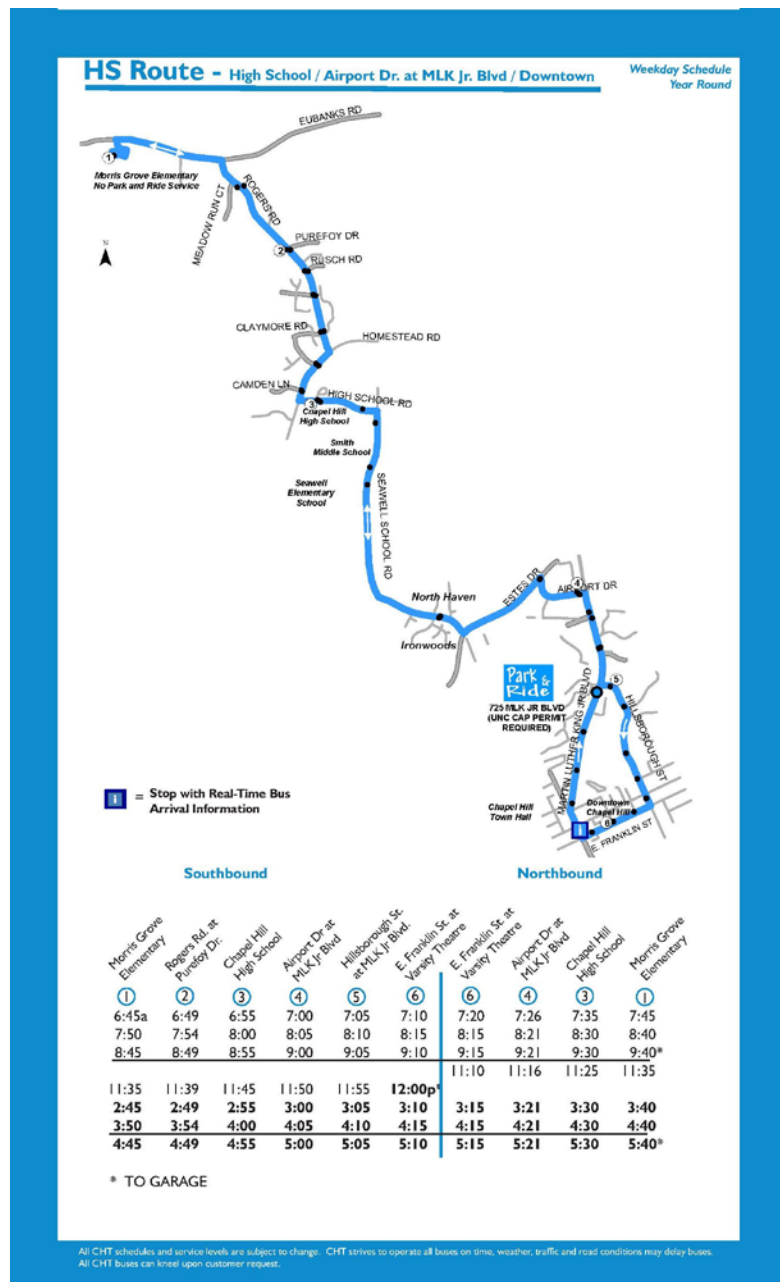
If approved, the IFC could proceed with the submittal of a petition for rezoning to seek the new use through the conditional rezoning process. The process would include advisory board review and a formal public hearing, and would likely include at least one additional meeting for public input and information.



The IFC's text amendment requested the new use for the General Business (B-1(G)) zoning district, only, which is the district within which the existing IFC food pantry is located. After reviewing other ordinances and noticing a common one-mile separation requirement, staff identified two additional zoning districts, R-20 and RR as possible locations for a social service provider with dining and added these districts to the draft amendment. Since performance standards included in the draft ordinance require proximity to a transit stop, locations in the northern part of the Town's planning jurisdictions are unlikely to be eligible unless sufficient development occurs to warrant additional transit service.

Some of the advisory boards spoke to the suitability of additional zoning districts in their review of the draft text amendment. The Planning Board recommended adding additional districts to the text amendment; the Economic Sustainability Commission recommended that the residential districts be removed. The M-1 district, a light manufacturing zoning district has also been identified as a possible location for this type of land use but was not included in the draft ordinance. Should the Board wish to consider allowing this use in additional zoning districts, staff would bring back a revised draft ordinance and re-advertise the public hearing. The same conditional zoning process would apply to these new districts as described in the current ordinance.

Churches and other religious organizations are already allowed in residential zoning districts and may provide free meals or other charity programs as an accessory use. In accordance with the Religious Land Use and Institutionalized Persons Act (RLUIPA), however the Town may apply traditional zoning regulations addressing traffic, hours of use, parking, intensity of use, building setbacks etc, just as it would to any other land uses.



Questions about the proposed use have been raised during Board consideration of the draft ordinance. Questions directly related to the IFC were forwarded and responses are attached. Staff has looked into some of the other issues relating to social services needs in the Town's jurisdiction and expects to look deeper at these issues (incidence of 911 calls, public toilets, for example) in relation to a specific application for a rezoning.

Consideration of the draft ordinance is in no way an endorsement of a future application from the IFC. Should the Board of Aldermen adopt the draft ordinance, the IFC would be able to apply for the use by submitting a petition for a change in zoning. The Board could deny the request to set a public hearing, in effect, stopping the project. If the Board set a public hearing for the request, the application would follow a standard public hearing process with opportunities for public input on use, the design of the project and the negotiation of specific conditions which would be binding to the rezoning. Conditions must be mutually acceptable by the Town and the applicant.

Questions and Answers about the IFC's Community Kitchen & Community House Programs

1. What does research show about the benefits and detractors to coupled short term shelter and dining service programs?

While the IFC has in the past operated with a combined shelter and kitchen, we believe an even better model is to provide housing in one location and food services in a separate location. We do not anticipate any application which would couple the two activities.

2. Are there people who are/were staying at the shelter on Rosemary St. that are not able to stay at the Community House? If so, where are they going?

All of those staying at Rosemary St. shelter are now at Community House. One person moved into permanent housing instead of moving to the new location.

3. Have they completely stopped using the Rosemary St. site as a shelter or are there still beds being used by people?

Yes, no one is staying at the Rosemary St. site.

4. Is the Community House full?

Approximately 45 of the 52 spaces are full.

5. How is the Community House program different from the activities that took place at the Rosemary St. location?

In many ways the programs are similar. We are providing housing and support to individual men who are experiencing homelessness. It is different in several important respects. Most importantly, we have developed a three stage program to move residents from initial entry to a graduation into permanent housing. The three stage program is only possible with the new facility that provides the space and resources needed to address all of the issues which might keep someone from getting back on his feet.

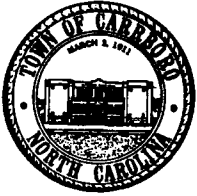
6. How does the emergency shelter intake work? Where does the intake occur? What constitutes an emergency, and therefore, allows you to offer the emergency beds?

Currently, intake and initial screening is done at the Community Kitchen at 100 W. Rosemary. We will make sure someone is eligible for emergency shelter and transport the individual to 1315 MLK. An emergency is defined by either an overnight temperature below 40 degrees or weather which would be considered unsafe, such as a hurricane.

7. How have other communities that have created a community kitchen in downtown dealt with the use? In particular, what types of conditions have they put on their permits?

Conditions are typically linked to the type of performance standards described in the attached memo. The use of conditional zoning as the mechanism to consider a social service provider with dining, provides the Town with broader discretion to tailor conditions specific to the subject property.

TOWN OF CARRBORO



Planning Board

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 4, 2016

LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING

Motion was made by Adamson and seconded by Clinton that the Planning Board recommends that the Board of Aldermen approve the draft ordinance with the following alterations, that in Section 2, the list of zones be edited to include B-1(C), B-1(G), B-4, M-1, M-2, C-T, RR and R-20 and that in Section 3, the maximum distance from a public transit stop be defined as 250 ft.

VOTE:

AYES (8) Foushee, Clinton, Adamson, Hunt, Haggerty, Tiemann, Whittemore, Pendergrass

ABSENT/EXCUSED (1) Poulton

NOES (1) Cohen

ABSTENTIONS: (0)

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 Adamson and seconded by Clinton that the Planning Board of the Town of Carrboro finds the proposed text amendment, is consistent with *Carrboro Vision 2020*, particularly the following provisions relating to Carrboro's support of human services and inclusion of the interests of all citizens when making development decisions:

- 1.32 The town should continue to support human service needs that are above and beyond those met by the County.
- 1.35 The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

- 1.44 The town should continue to seek opportunities to exercise more local control of revenue options and community health and welfare options.

2.0 Development

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. Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life. As much as possible, Carrboro's town character should be preserved; and the town should respond to citizen initiatives toward that goal. The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds. Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision202. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

- 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. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

The Planning Board furthermore finds that the above described amendment is reasonable and in the public interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

VOTE:

AYES (8) Foushee, Clinton, Adamson, Hunt, Haggerty, Tiemann, Whittemore, Pendergrass

ABSENT/EXCUSED (1) Poulton

NOES (1) Cohen

ABSTENTIONS: (0)


(Chair)

2/18/16
(Date)



TOWN OF CARRBORO

Transportation Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 18, 2016

LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING

Motion was made by Kurt and seconded by Diana that the TAB recommends that the Board of Aldermen approved the draft ordinance with the following stipulations:

- The use should be allowed in any zone in Town, as long as it meets the transit proximity requirement. In addition to proximity, the transit requirement should also consider the particular route's schedule and frequency so the site and mealtimes are accessible.
- The TAB would like to hear other examples of other jurisdictions under 100,000 people.

VOTE:

AYES: (Colleen, Kurt, Rob, Diana, John, Derek)

ABSENT/EXCUSED: (Bethany, Linda)

NOES: ()

ABSTENTIONS: ()

Associated Findings

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.

Motion was made by John and seconded by Rob that the TAB of the Town of Carrboro finds the proposed text amendment, is consistent with *Carrboro Vision 2020*, particularly the following provisions relating to Carrboro's support of human services and inclusion of the interests of all citizens when making development decisions:

- 1.32 The town should continue to support human service needs that are above and beyond those met by the County.

- 1.35 The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.
- 1.44 The town should continue to seek opportunities to exercise more local control of revenue options and community health and welfare options.

2.0 Development

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. Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life. As much as possible, Carrboro's town character should be preserved; and the town should respond to citizen initiatives toward that goal. The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds. Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision202. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

- 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. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

The TAB furthermore finds that the above described amendment is reasonable and in the public interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.


VOTE:

AYES: (Colleen, Kurt, Rob, Diana, John, Derek)

ABSENT/EXCUSED: (Bethany, Linda)

NOES: ()

ABSTENTIONS: ()


(Chair) For Colleen Barclay 2/19/16
(Date)



TOWN OF CARRBORO

Environmental Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 4, 2016

LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING

Motion was made by Turner and seconded by Patrick that the EAB recommends that the Board of Aldermen approve the draft ordinance.

VOTE:

AYES: (Crook, Patrick, Turner)

ABSENT/EXCUSED: (Reddy, O'Connor)

NOES: ()

ABSTENTIONS: (Sinclair)

Associated Findings

By a unanimous show of hands, the EAB 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 Patrick and seconded by Crook that the EAB of the Town of Carrboro finds the proposed text amendment, is consistent with *Carrboro Vision 2020*, particularly the following provisions relating to Carrboro's support of human services and inclusion of the interests of all citizens when making development decisions:

- 1.32 The town should continue to support human service needs that are above and beyond those met by the County.
- 1.35 The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

- 1.44 The town should continue to seek opportunities to exercise more ~~local control of~~ revenue options and community health and welfare options.

2.0 Development

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. Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life. As much as possible, Carrboro's town character should be preserved; and the town should respond to citizen initiatives toward that goal. The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds. Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision202. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

- 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. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

The EAB furthermore finds that the above described amendment is reasonable and in the *public* interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.


VOTE:

AYES: (Crook, Patrick, Turner)

ABSENT/EXCUSED: (Reddy, O'Connor)

NOES: ()

ABSTENTIONS: (Sinclair)

 2/5/2016

S. ✓ (Chair) (Date)

TOWN OF CARRBORO



301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 4, 2016

LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING

Motion was made by Andrea Tanner and seconded by Barbara Foushee that the Human Services recommends that the Board of Aldermen Approve the draft ordinance. Advisory Board
Commission
(HSAC)

VOTE:

AYES: (X) 3
ABSENT/EXCUSED: () 2
NOES: ()
ABSTENTIONS: ()

Associated Findings

By a unanimous show of hands, the HSAC 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 Andrea Tanner and seconded by Barbara Foushee that the HSAC of the Town of Carrboro finds the proposed text amendment, is consistent with Carrboro Vision 2020, particularly the following provisions relating to Carrboro's support of human services and inclusion of the interests of all citizens when making development decisions:

- 1.32 The town should continue to support human service needs that are above and beyond those met by the County.
- 1.35 The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

- 1.44 The town should continue to seek opportunities to exercise more local control of revenue options and community health and welfare options.

2.0 Development

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. Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life. As much as possible, Carrboro's town character should be preserved; and the town should respond to citizen initiatives toward that goal. The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds. Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision202. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

- 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. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

The HSAC furthermore finds that the above described amendment is reasonable and in the public interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

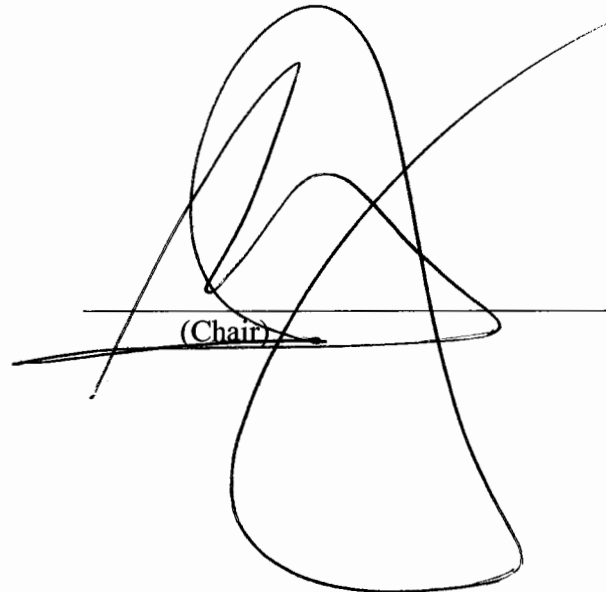
VOTE:

AYES: () -3

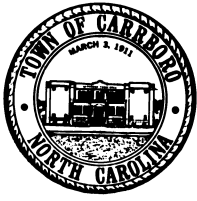
ABSENT/EXCUSED: () 2

NOES: ()

ABSTENTIONS: ()



(Chair) _____ 2/9/16 (Date)



TOWN OF CARRBORO

Economic Sustainability Commission

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 4, 2016

LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH REGULATIONS FOR FACILITIES THAT PROVIDE SOCIAL SERVICES INCLUDING DINING

Motion was made by Terri Turner and seconded by Leo Gaev that the Economic Sustainability Commission recommends that the Board of Aldermen approve the draft ordinance on the condition that the Residential zoning districts are not included in the ordinance.

VOTE:

AYES: (9)

ABSENT/EXCUSED: (0)

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Economic Sustainability Committee 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 Terri Turner and seconded by Leo Gaev that the Economic Sustainability Commission of the Town of Carrboro finds the proposed text amendment, is consistent with *Carrboro Vision 2020*, particularly the following provisions relating to Carrboro's support of human services and inclusion of the interests of all citizens when making development decisions:

1.31 The town should continue to look for unmet needs, to inform the Orange County Commissioners of those needs, and to urge them to address those unmet needs.

1.32 The town should continue to support human service needs that are above and beyond those met by the County.

1.33 The town should develop a comprehensive plan for supporting the needs of special populations, including senior citizens and immigrants, in which these populations identify their needs rather than the community at large. Such a plan would focus particularly on transit needs easy access and proximity to health care and integration into the greater community.

1.35 The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

1.44 The town should continue to seek opportunities to exercise more local control of revenue options and community health and welfare options.

2.0 Development

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. Respect for and protection of the natural environment should be integrated into the town's policies as a high priority in enriching the quality of life. As much as possible, Carrboro's town character should be preserved; and the town should respond to citizen initiatives toward that goal. The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds. Growth should occur in a balanced fashion, and at a rate that does not jeopardize the values set forth by Vision202. The interests of all members of the community, including property owners, neighbors, and other interested citizens should be considered when making development decisions.

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. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

3.21 The town should develop a plan to govern the continuing development of downtown. Toward this end, the town should adopt the following goals:

- To double commercial square footage in the downtown from that existing in the year 2000.
- To accommodate additional square footage by building up, not out.
- To increase the density of commercial property in the downtown area.
- To improve the downtown infrastructure (e.g. parking facilities, sidewalks, lighting, shading) to meet the needs of the community.
- To develop transit and traffic initiatives which enhance the viability of downtown.

3.63 The town should encourage the development of underutilized property in the downtown area.

- 4.13 The town should cooperate with Chapel Hill and other regional entities in a comprehensive transportation plan to include: regional transit service conducted by the Triangle Transit Authority, seamless connections among all the region's public transit systems, and shorter routes and more frequent service

The Economic Sustainability Commission furthermore finds that the above described amendment is reasonable and in the public interest because it expands the use of a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

VOTE:

AYES: (9)

ABSENT/EXCUSED: (0)

NOES: (0)

ABSTENTIONS: (0)

Arthur "Beven" Ramsey

(Chair)

(Date)

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

March 14, 2016

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 text amendments received by us February 19, 2016 and proposed for town public hearing on March 22, 2016:

- *An Ordinance to Establish Regulations for Facilities that Provide Social Services Including Dining.*

We have reviewed the amendments and have the following comments:

1. The proposed use would be allowed within the RR zoning district. Large portions of the Transition Areas, as designated by the *Joint Planning Area Land Use Plan*, are currently zoned RR.
2. The *Joint Planning Area Land Use Plan* (page 71) stipulates that the *Facilitated Small Area Plan for Carrboro's Northern Study Area* "supersedes the *Joint Planning Area Land Use Plan* to the extent that it is inconsistent with the *Joint Planning Area Land Use Plan*." Therefore, Orange County Planning staff referred to the *Facilitated Small Area Plan for Carrboro's Northern Study Area* in its review.
3. The *Facilitated Small Area Plan for Carrboro's Northern Study Area* identifies the desire for Mixed Use Villages but calls for "very modest retail components at appropriate locations" within these potential villages (page 41). Additionally, page 47 of the plan specifies "neighborhood-scale commercial and neighborhood-scale office."

4. The *Facilitated Small Area Plan for Carrboro's Northern Study Area* (page 58) also identifies possible business/office/assembly uses and proposes these uses be subject to "good neighbor" performance standards.
5. Commercial activities in the potential mixed use village centers "are intended to serve only the residents of the community and should not attract a large number of consumers from outside of the village" (page 92 of the *Facilitated Small Area Plan for Carrboro's Northern Study Area*).
6. The specific use being proposed for addition to the Town's code (Facilities that Provide Social Services Including Dining) does not appear to be a commercial facility type contemplated by the *Facilitated Small Area Plan for Carrboro's Northern Study Area*. Because of this, Orange County staff questions whether the proposed use is consistent with the relevant joint planning area documents. Before such a use were contemplated for approval within the Transition Area, Town and County staffs and, likely, elected officials would have to come to greater clarity on whether the use is consistent with adopted plans/documents.

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

cc: Bonnie Hammersley, County Manager
Travis Myren, Deputy County Manager
Board of County Commissioners
Craig Benedict, County Planning Director