



Town of Carrboro

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

Meeting Agenda Board of Aldermen



Tuesday, May 9, 2017

7:30 PM

Board Chambers - Room 110

WORK SESSION OF THE BOARD OF ALDERMEN

7:30-7:35

**A. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND
ACKNOWLEDGEMENTS**

7:30-7:37

B. ANNOUNCEMENT OF UPCOMING MEETINGS

7:37-7:40

C. CONSENT AGENDA

1. [17-149](#) Approval of Previous Meeting Minutes of April 25, 2017
2. [17-147](#) Request to Set a Public Hearing on Extension of Town's Extraterritorial Jurisdiction

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

Attachments: [Attachment A - Resolution Setting a Public Hearing](#)
[Attachment B - NCGS 160A-360](#)

3. [17-148](#) Request-to-Set Public Hearings on Land Use Ordinance Amendments Relating to the WM-3 Zoning District

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting public hearings on text and map amendments to the Land Use Ordinance relating to the Watershed Manufacturing District (WM-3).

Attachments: [Attachment A - Resolution for LUO Text Amend](#)
[Attachment B - Draft LUO Text Amend-WM-3](#)
[Attachment C - Resolution for LUO Map Amend](#)
[Attachment D - Draft Ordinance Map Amend](#)

7:40-10:00**D. WORK SESSION**

1. [17-145](#) Discussion of Lloyd Property Development Options
PURPOSE: The purpose of this work session is for the Board to discuss development options for the Lloyd property.

E. MATTERS BY BOARD MEMBERS**F. MATTERS BY TOWN MANAGER****G. MATTERS BY TOWN ATTORNEY****H. CLOSED SESSION - NCGS 143.318.11(A)(4)(5)**



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Agenda Item Abstract

File Number:17-147

Agenda Date: 5/9/2017

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

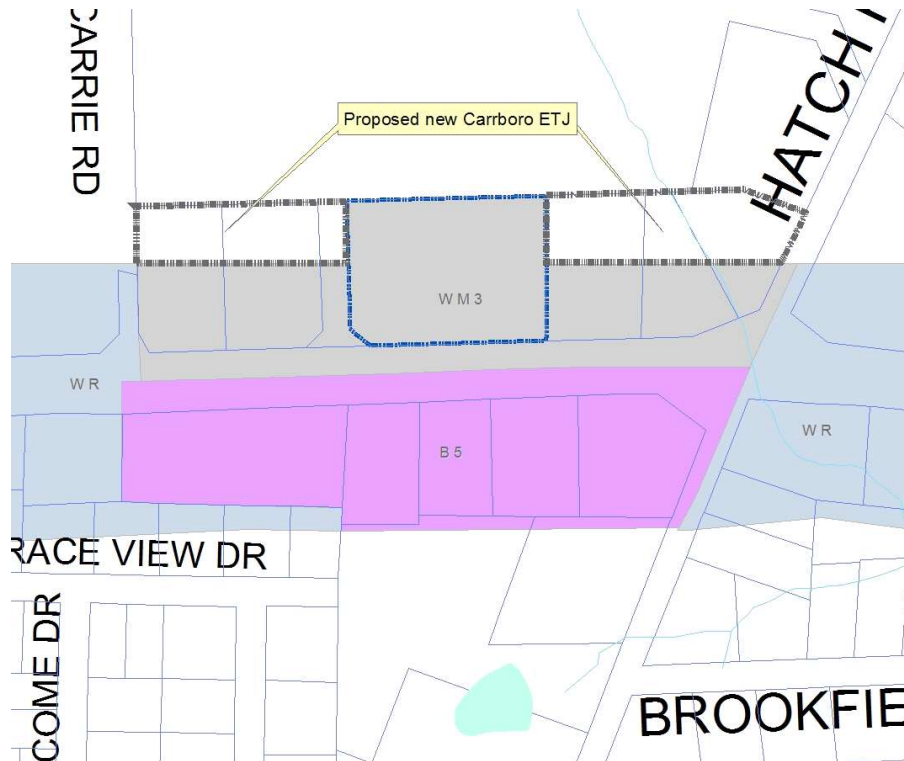
Request to Set a Public Hearing on Extension of Town's Extraterritorial Jurisdiction

PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

DEPARTMENT: Planning

CONTACT INFORMATION: Trish McGuire, pmcguire@townofcarrboro.org
<<mailto:pmcguire@townofcarrboro.org>>, 919-918-7327

INFORMATION: On March 28th, the Board of Aldermen decided to submit a request for Orange County to agree to an extension of the Town's extraterritorial jurisdiction (ETJ) boundary ETJ line slightly further north to capture the entirety of five parcels along NC Highway 54 West, along with a short section of land used as a driveway for Camelia Forest Nursery, the 22.83-acre parcel located at 620 NC Highway 54 West, as shown in the illustration below.



ETJ authority is provided in NCGS 160A-360 (*Attachment B*), and subsection (e) applies in this instance:

No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at that time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

On May 2nd, the Board of County Commissioners considered the Board's request and expressed support for the Board of Aldermen holding a public hearing on this matter. Commissioner Barry Jacobs expressed an interest for follow-up from staff regarding similar instances where parcels may be split by planning jurisdictions. County and Town staffs will meet to discuss this request.

With a public hearing date of June 13, 2017, the requirements for notice to property owners concerning this action can be met. The Board of County Commissioners currently is expected to act on a resolution in supporting the extension at their June 20 meeting. Once the County relinquishes its zoning authority, it is necessary for Town zoning to be put in place. A related agenda item provides the opportunity for the Board of Aldermen to set public hearings on a Land Use Ordinance text and map amendment that would accomplish this change. Staff has contacted property owners directly and their support of the change is still evident. Review of

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the text and map amendment by the Planning Board will be needed.

Agenda materials for related discussions may be found at the links below:

May 2, 2017: <http://server3.co.orange.nc.us:8088/weblink8/0/doc/46414/Page1.aspx>

March 28, 2017:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2991261&GUID=5CF7FF2D-995A-4F55-9D4E-57EE57EEC06C&Options=&Search=&Search=&Search=>

February 7, 2017:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2950249&GUID=9B6BFE58-D162-4777-95AC-95F3C820E0FD&Options=&Search=&Search=>.

October 13, 2016:

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=456737&GUID=E8053E71-8F10-436B-93A1-F3C92E6573DF&Options=&Search=&Search=>.

FISCAL & STAFF IMPACT: Public notice and legal costs associated with public hearing and ordinance preparation.

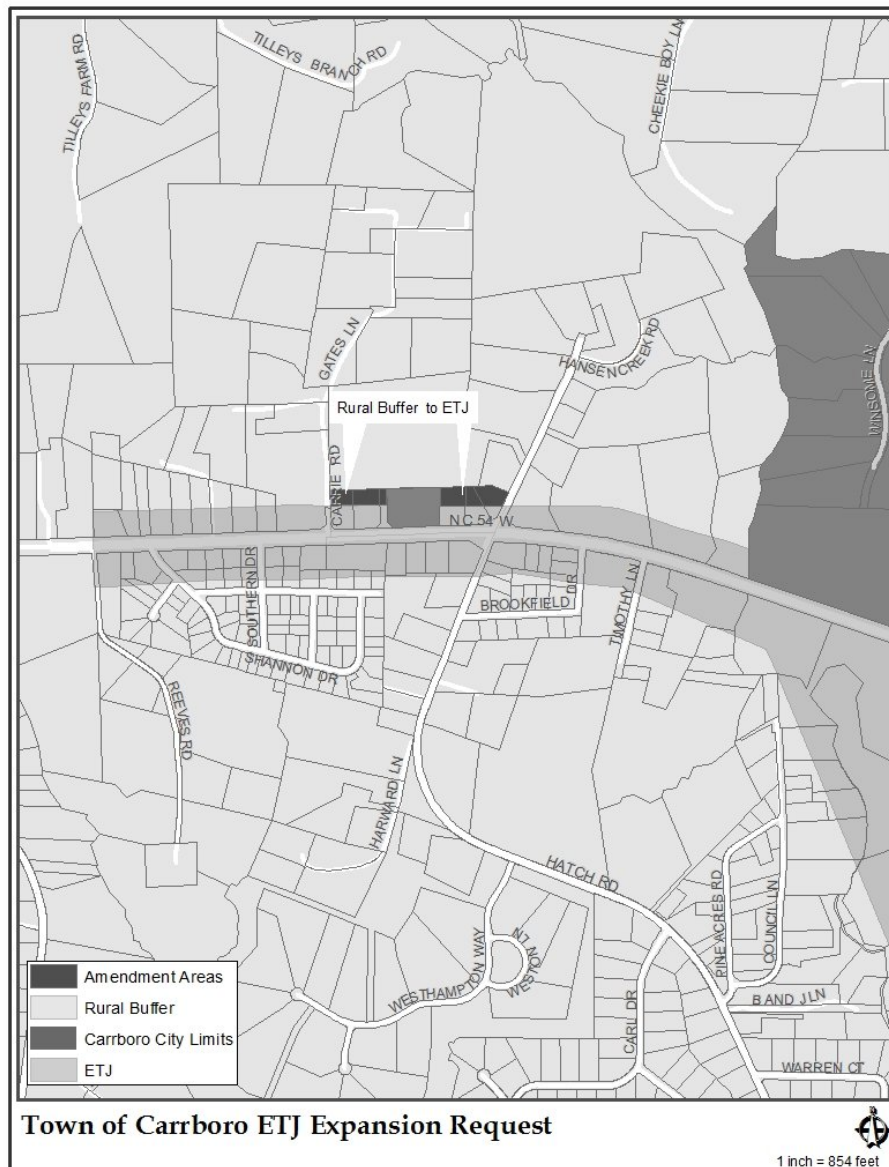
RECOMMENDATION: It is recommended that the Board of Aldermen consider setting a public hearing on the extension of the Town's extraterritorial boundary along the north side of NC Highway 54 West.

A RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER EXTENSION OF THE
CARRBORO EXTRATERRITORIAL JURISDICTION

WHEREAS, during a meeting on March 28, 2017, the Carrboro Board of Aldermen discussed its interest in extending the Town's Extraterritorial Jurisdiction (ETJ) boundary to encompass the entirety of five lots zoned WM-3 along NC Highway 54 West.

NOW, THEREFORE, BE IT RESOLVED that the Carrboro Board of Aldermen sets a Public Hearing for June 13, 2017 at 7:30 p.m. to consider extending the Extraterritorial Jurisdiction (ETJ) boundary as shown on the attached map [Town of Carrboro ETJ Extension Request].

This is the 9th day of May in the year 2017.



Article 19.

Planning and Regulation of Development.

Part 1. General Provisions.

§ 160A-360. Territorial jurisdiction.

(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city may exercise these powers within a defined area extending not more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration.

(a1) Any municipality planning to exercise extraterritorial jurisdiction under this Article shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a public hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160A-364, and the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning board and the board of adjustment, as provided in G.S. 160A-362. The notice shall be mailed at least four weeks prior to the public hearing. The person or persons mailing the notices shall certify to the city council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.

(b) Any council wishing to exercise extraterritorial jurisdiction under this Article shall adopt, and may amend from time to time, an ordinance specifying the areas to be included based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development. Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas separated from the city by barriers to urban growth, or areas whose projected development will have minimal impact on the city. The boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques. This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation of the corporate limits, and shall be recorded in the office of the register of deeds of each county in which any portion of the area lies.

(c) Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional boundary between them shall be a line connecting the midway points of the overlapping area unless the city councils agree to another boundary line within the overlapping area based upon existing or projected patterns of development.

(d) If a city fails to adopt an ordinance specifying the boundaries of its extraterritorial jurisdiction, the county of which it is a part shall be authorized to exercise the powers granted by this Article in any area beyond the city's corporate limits. The county may also, on request of the city council, exercise any or all these powers in any or all areas lying within the city's corporate limits or within the city's specified area of extraterritorial jurisdiction.

(e) No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at that time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

(f) When a city annexes, or a new city is incorporated in, or a city extends its jurisdiction to include, an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following the annexation, extension or incorporation, whichever is sooner. During this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area.

(f1) When a city relinquishes jurisdiction over an area that it is regulating under this Article to a county, the city regulations and powers of enforcement shall remain in effect until (i) the county has adopted this regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. During this period the county may hold hearings and take other measures that may be required in order to adopt its regulations for the area.

(g) When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of that government's legislative body. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other legislative bodies concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the legislative bodies concerned.

(h) Nothing in this section shall repeal, modify, or amend any local act which defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.

(i) Whenever a city or county, pursuant to this section, acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring jurisdiction may take any action regarding such a permit, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its ordinances and regulations. Except as provided in this subsection, any building, structure, or other land use in a territory over which a city or county has acquired jurisdiction is subject to the ordinances and regulations of the city or county.

(j) Repealed by Session Laws 1973, c. 669, s. 1.

(k) As used in this subsection, "bona fide farm purposes" is as described in G.S. 153A-340. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that is used for bona fide farm purposes is exempt from exercise of the municipality's extraterritorial jurisdiction under this Article. Property that is located in the geographic area of a municipality's extraterritorial jurisdiction and that ceases to be used for bona fide farm purposes shall become subject to exercise of the municipality's extraterritorial jurisdiction under this Article. For purposes of complying with 44 C.F.R. Part 60, Subpart A, property that is exempt from the exercise of extraterritorial jurisdiction pursuant to this subsection shall be subject to the county's floodplain ordinance or all floodplain regulation provisions of the county's unified development ordinance.

(l) A municipality may provide in its zoning ordinance that an accessory building of a "bona fide farm" as defined by G.S. 153A-340(b) has the same exemption from the building code as it would have under county zoning as provided by Part 3 of Article 18 of Chapter 153A of the General Statutes.

This subsection applies only to the City of Raleigh and the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 13/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5; c. 1099; 1971, c. 698, s. 1; c. 1076, s. 3; 1973, c. 426, s. 56; c. 525; c. 669, s. 1; 1977, c. 882; c. 912, ss. 2, 4; 1995 (Reg. Sess., 1996), c. 746, s. 1; 2005-418, s. 10; 2011-34, ss. 1, 2; 2011-363, s. 4; 2014-120, s. 15.)



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Agenda Item Abstract

File Number:17-148

Agenda Date: 5/9/2017

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-Set Public Hearings on Land Use Ordinance Amendments Relating to the WM-3 Zoning District

PURPOSE: The purpose of this agenda item is for the Board of Aldermen to consider setting public hearings on text and map amendments to the Land Use Ordinance relating to the Watershed Manufacturing District (WM-3).

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Bob Hornik - 919-929-3905

INFORMATION: Recognizing the development challenges associated with the split jurisdiction and split zoning of five parcels of land located along the north side of NC Highway 54 West, known as 630, 626, 610, 600 NC 54 West and 1306 Hatch Road, the Board of Aldermen submitted a request to Orange County to extend the Town's extraterritorial jurisdiction boundary (ETJ) slightly further north to include the entirety of all five parcels. A public hearing for the Board of Aldermen to consider the matter has been requested for June 13th as part of a separate agenda item. The Board of County Commissioners is scheduled to consider the matter on June 20th.

Contingent upon Orange County's approval, the Town could initiate its zoning authority to zone the approximately 2.9 acres of land (currently in Orange County) to Watershed Manufacturing (WM-3) such that the entirety of each of the five lots, along with a short section of land used as a driveway for Camelia Forest Nursery, the 22.83-acre parcel located at 620 NC Highway 54 West, would be classified WM-3.

The provisions in Section 15-137(2)(b) of the Land Use Ordinance that describe the WM-3 District, however, limit any expansion of the zone. The language appears to prevent any new lots from being zoned WM-3 or any existing WM-3 lots from being rezoned to include a larger amount of land area. After researching historical files on the establishment of the district, it seems likely that the original intent of the rezoning that assigned parcels to the WM-3 zoning category was to include the parcels in their entirety and that over time, as mapping technology changed from hand colored zoning maps to GIS, the northern boundary line was inadvertently shifted. With that in mind, a draft text amendment to the LUO has been prepared to reflect the intent of the original 1983 rezoning to WM-3 (Attachment B); the related draft zoning map amendment would rezone the Orange County portions of the parcels to WM-3, consistent with what was likely the original intent

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(Attachment D).

The Board of Aldermen must receive public comment before adopting amendments (text and map) to the LUO. Orange County and Planning Board review are also needed.

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 resolutions provided (Attachment A and Attachment C), setting two public hearings for June 13, 2017 and referring the proposed amendments (text and map) to Orange County, to the Planning Board.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE PROVISIONS RELATING TO THE WM-3 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;

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen sets a public hearing on June 13, 2017, to consider adopting, "An Ordinance Amending the Carrboro Land Use Ordinance Provisions Relating to the WM-3 Zoning District."

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County and the Town of Carrboro Planning Board for consideration and recommendation prior to the specified public hearing date.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following Town of Carrboro advisory boards and commissions.

☐

Appearance Commission

☐

Recreation and Parks Commission

☐

Transportation Advisory Board

☐

Northern Transition Area Advisory
Committee

☐

Environmental Advisory Board

☐

☐

Economic Sustainability Commission

☐

This is the 9th day of May in the year 2017.

**AN ORDINANCE AMENDING TOWN OF CARRBORO LAND USE ORDINANCE
PROVISIONS RELATING TO THE WM-3 ZONING DISTRICT**

Draft 4-28-2017

Section 1. Subparagraph (b) of the Town of Carrboro Land Use Ordinance Section 15-137 Manufacturing Districts Established, is amended to read as follows:

(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 (12/7/1983); this area shall not be expanded and no new WM-3 areas shall be designated. For the purposes of this section, changes to make WM-3 zoning uniform on lots that were depicted as entirely within the M-1 zoning at the time of its establishment, but that were later depicted as being bisected by the zoning boundary, will not be considered an expansion of the district or the creation of new WM-3 areas.

Section 2. All provisions of any Town Ordinance in conflict with this Ordinance are repealed.

Section 3. This Ordinance shall become effective upon adoption.

A RESOLUTION CALLING A PUBLIC HEARING TO AMEND THE CARRBORO ZONING
MAP TO REZONE PORTIONS OF SIX PARCELS, APPROXIMATELY 2.9 ACRES OF
LAND ON NC HIGHWAY 54 WEST, KNOWN AS
630, 626, 620, 610, 600 NC 54 WEST AND 1306 HATCH ROAD TO WM-3

Draft Resolution No.

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, the Board of Aldermen may initiate an amendment to the Carrboro zoning map if it believes the proposed amendment has significant merit and would benefit the general public interest; and

WHEREAS, the Board of Aldermen has initiated an amendment to the Carrboro zoning map to rezone portions of six parcels encompassing approximately 2.9 acres of property on the north side of NC Highway 54 West, known more specifically as portions of 9769-21-7639, 9769-21-9629, 9769-32-3307, 9769-31-5687, 9769-31-5687, and 9769-31-9894; and

WHEREAS, the Board of Aldermen must hold public hearings on these requests, and must also refer the rezoning request to the Planning Board for review; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 13, 2017 to receive public comments and to consider rezoning portions of six parcels of property on NC 54 West.

BE IT FURTHER RESOLVED, by the Board of Aldermen that the rezoning request is hereby referred for review to the Planning Board.

This the 9th day of May in the year 2017.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO ZONE
APPROXIMATELY 2.9 ACRES OF LAND ON NC HIGHWAY 54 WEST KNOWN AS
PORTIONS OF 630, 626, 620, 610, 600 NC 54 WEST AND 1306 HATCH ROAD TO WM-3

****DRAFT 4-28-2017****

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

Portions of six lots in the Chapel Hill Township known in the Orange County Land Records system as:

Parcel identification number	Property address
9769-21-7639	630 NC 54 West
9769-21-9629	626 NC 54 West
9769-32-3307	620 NC 54 West
9769-31-5687	610 NC 54 West
9769-31-7655	600 NC 54 West
9769-31-9894	1306 Hatch Road

and being the area that is called out on the accompanying map, Exhibit A, as “Rezoning Exhibit to WM-3” is hereby zoned WM-3 (Watershed Manufacturing).

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective upon adoption.

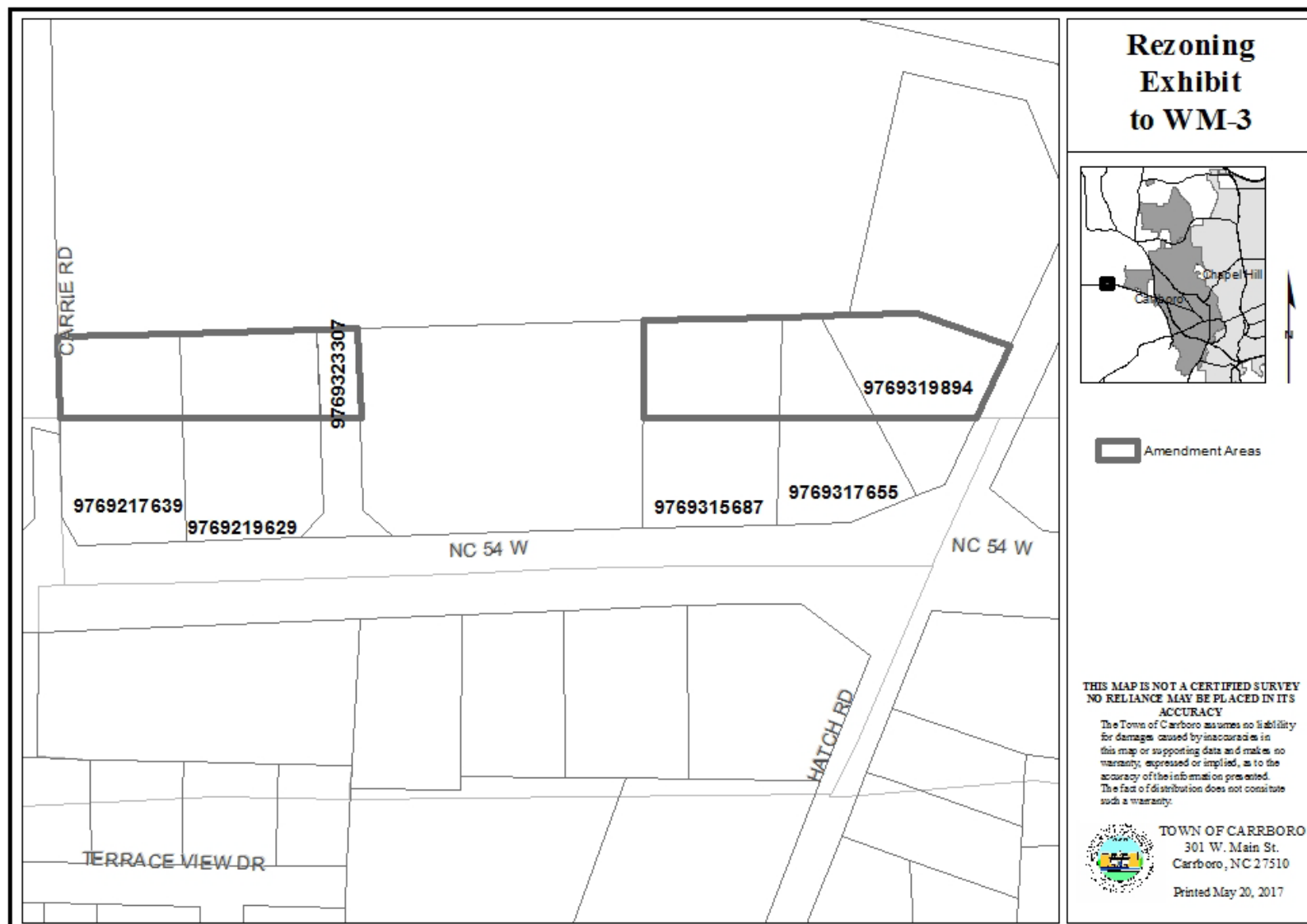
The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted, this the _____ day of _____ 2017.

AYES:

NOES:

ABSENT OR EXCUSED:

Exhibit A





Town of Carrboro

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Agenda Item Abstract

File Number:17-145

Agenda Date: 5/9/2017

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Discussion of Lloyd Property Development Options

PURPOSE: The purpose of this work session is for the Board to discuss development options for the Lloyd property.

DEPARTMENT: Planning

CONTACT INFORMATION: Patricia McGuire - pmcguire@townofcarrboro.org
<<mailto:pmcguire@townofcarrboro.org>>, 919-918-7327; Marty Roupe, mroupe@townofcarrboro.org
<<mailto:mroupe@townofcarrboro.org>> - 919-918-7333; Christina Moon - cmoon@townofcarrboro.org
<<mailto:cmoon@townofcarrboro.org>>, 919-918-7325

INFORMATION: Linda Lloyd contacted staff in late January to discuss ways the family and the contract purchasers might seek input from the Mayor and Board members to identify how a revised or new application might be prepared and submitted for consideration. Mrs. Lloyd reported that over \$1.2 million was spent during the development plan review process that recently concluded with denial of the rezoning request. The options that Mrs. Lloyd noted are being considered by the family are 1) revise/adjust the previous plan to respond to concerns stated by Board members, 2) prepare a new application instead that utilizes the existing zoning district boundaries, and 3) create an alternative development plan. There are varying procedural steps and requirements associated with each option - which might be characterized as benefits and limitations, generally. This work session has been proposed as an opportunity for Board members to revisit the existing zoning and its associated development expectations, and to consider how the comments during the public hearings might inspire additional plan elements. Staff will make a presentation at the meeting and will provide information and exhibits related to the options. To help inform the discussion, staff is preparing an exhibit that builds off of the previously prepared plan and outlines possible additional phases or development that intensify the use of the land over time.

Resource materials related to the previously proposed rezoning and associated site plan may be found at this link:

<<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2899489&GUID=1D7EF057-1B5E-4FD3-BF20-3235D9A08307&Options=&Search>>=.

FISCAL & STAFF IMPACT: There are no fiscal impacts relating to the discussion, there may be fiscal

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and/or staff impacts depending on the Board's direction.

RECOMMENDATION: Staff recommends that the Board discuss the topic and direct staff if follow up actions are of interest.