



Town of Carrboro

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

Meeting Agenda Town Council



Tuesday, January 26, 2021

7:00 PM

Remote Meeting - View Livestream or Cable TV

18

7:00-7:05

A. ROLL CALL

7:05-7:10

B. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

1. [21-29](#) Proclamation - Honoring Retiring Police Chief Walter Horton

7:10-7:15

C. ANNOUNCEMENT OF UPCOMING MEETINGS

7:15-7:25

D. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

Comments are limited to three minutes per speaker.

7:25-7:40

E. CONSENT AGENDA

1. [21-23](#) Approval of Minutes from the November 10, 2020, December 1, 2020, and January 12, 2021 Meetings
2. [20-441](#) A Request to Adopt a Resolution to Award a Service Sidearm to a Retiring Police Chief
PURPOSE: Police Chief Walter Horton will retire from the Town of Carrboro Police Department on February 1, 2021 after approximately 27 years of service. The Police Department would like to award Chief Horton his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Town Council is requested to adopt by resolution, Town staff's recommendation to award the service side arm to Chief Horton.

3. [21-11](#) A Request to Amend the Unpaved Roads Upgrades Capital Improvement Project Ordinance.
PURPOSE: The purpose of this item is to request that the Town Council authorize the use of additional Funds and amend the Unpaved Roads Upgrades Capital Project Ordinance for the Roberts Street Improvement Project.
Attachments: [Attachment A - Unpaved Road Upgrades Proj Ord Amendment](#)
4. [21-19](#) Request to Authorize the Town Manager to Accept a CDBG-CV Grant from the North Carolina Department of Commerce
PURPOSE: The purpose of this item is for the Town Council to consider authorizing the Town Manager to accept the award of a Community Development Block Grant - Coronavirus from the North Carolina Department of Commerce.
Attachments: [Attachment A - Grant Project Ordinance - CDBG-CV](#)
5. [21-20](#) Affordable Housing Advisory Commission Funding Recommendations
PURPOSE: The purpose of this item is for the Town Council to consider approving recommended funding for two nonprofit affordable housing applications to the Affordable Housing Special Revenue Fund.
Attachments: [ATTACHMENT A - Resolution for AHSRF awards Jan 2021](#)
[ATTACHMENT B - AHAC Recommendation](#)
[ATTACHMENT C - AHSRF Applications](#)
6. [21-21](#) Update on the Implementation of the East Main Street Restriping Project and Request to Increase Contract with Stantec to Cover Signal Plans
PURPOSE: The purpose of this item is to provide the Town Council with an update on the pavement marking plans and to request an increase to the existing contract with Stantec to provide for the development of plans for the necessary signal changes.
Attachments: [Attachment A - East Main Street Redesign](#)
7. [21-22](#) Affordable Housing Update
PURPOSE: The purpose of this item is for the Council to receive an update on the Town's Housing activities.
Attachments: [Attachment A - Affordable Housing Update - Projects](#)
[Attachment B - Affordable Housing Update - Collaboration](#)
8. [21-30](#) Request to Set a Public Hearing for a Conditional Use Permit for a Watershed Residential Subdivision at 721 Jones Ferry Road
PURPOSE: Mr. Phil Szostak has submitted a conditional use permit application

to subdivide a 6.79 acre lot at 721 Jones Ferry Road to create a second lot. Prior to reaching a decision on a request for a CUP, Council must hold a public hearing to receive input. Staff recommends that Council adopts the attached resolution setting a public hearing for March 2, 2021 for consideration of the conditional use permit request.

Attachments: [Attachment A - Resolution](#)
[Attachment B - Vicinity Map](#)

9. [21-31](#) Request to Set a Public Hearing for a Conditional Use Permit for The ArtsCenter at 315 Jones Ferry Road

PURPOSE: Coulter Jewell Thames PA has submitted a conditional use permit application to locate The ArtsCenter at 315 Jones Ferry Road. Prior to reaching a decision on a request for a CUP, Council must hold a public hearing to receive input. Staff recommends that Council adopt the attached resolution setting a public hearing for February 23, 2021 for consideration of the conditional use permit request.

Attachments: [Attachment A - Resolution](#)
[Attachment B - Vicinity Map](#)

F. OTHER MATTERS

7:40-8:05

1. [21-14](#) Request-to-Set a Public Hearing on a Text Amendment to the Land Use Ordinance Relating to Stormwater Management Requirements

PURPOSE: The purpose of this agenda item is for the Town Council to consider a public hearing on a text amendment relating to the volume control provisions. Draft ordinances have been prepared. Text amendments are legislative decisions; the Town Council must receive public input prior to making a decision.

Attachments: [Attachment A - Resolution](#)
[Attachment B - Draft Ordinance Option A](#)
[Attachment C - Draft Ordinance Option B](#)
[Attachment D - Application-Arts Center TOC LUO-AME Final-1.5.2021](#)
[Attachment E - ART-XVI Part II-Stormwater Management](#)

8:15-8:40

2. [21-26](#) Presentation of Orange County Food Council Report

PURPOSE: To update the Town Council of the activities of the Orange County Food Council's activities.

Attachments: [Attachment A - Food Council 2019-2020 Update Slides](#)
[Attachment B - COVID Food Access Fall 2020 summary report](#)

8:40-9:15

3. [21-24](#) Information on Text Amendments Required as part of G.S. Chapter 160D, Part 1
- PURPOSE:** The purpose of this item is provide the Town Council with the first installment of draft text amendments to the Land Use Ordinance required by the adoption of G.S. Chapter 160D.

Attachments: [Attachment A - Working Draft Amendment 1-22-2021](#)
[Attachment B - Table_working](#)
[Attachment C - ART-III_working 1-21-2021](#)
[Attachment D - ART-IV_working](#)
[Attachment E - ART-V_working 1-22-2021](#)
[Attachment F - ART-XVII_working 1-21-2021](#)
[Attachment G - ART-XX_working 1-22-2021](#)
[Attachment H - ART-XXI_working 1-22-2021](#)

9:15-9:30

3. [21-25](#) Discussion of Possible Remote Legislative Delegation Meeting and Adoption of Legislative Priorities for the 2021 Session of the General Assembly

PURPOSE: The purpose of this item is to request that the Town Council discuss their interest in scheduling a virtual legislative delegation meeting and to allow the Town Council to discuss and adopt the legislative priorities for the upcoming session of the NC General Assembly.

Attachments: [Attachment A - Draft Legislative Priorities 2021](#)

9:30-9:40

G. MATTERS BY COUNCIL MEMBERS

9:40-10:10

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



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Agenda Item Abstract

File Number:20-441

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

A Request to Adopt a Resolution to Award a Service Sidearm to a Retiring Police Chief

PURPOSE: Police Chief Walter Horton will retire from the Town of Carrboro Police Department on February 1, 2021 after approximately 27 years of service. The Police Department would like to award Chief Horton his service sidearm to recognize his dedication to duty and his service to the Town of Carrboro. The Town Council is requested to adopt by resolution, Town staff's recommendation to award the service side arm to Chief Horton.

DEPARTMENT: Police

CONTACT INFORMATION: Captain Chris Atack, 919-918-7407

INFORMATION: As a certified law enforcement officer within the State of North Carolina, Chief Horton has the right under NCGS 20-187.2 to request that he be allowed to purchase his on-duty handgun from the Town. He has made such a request. The Council has traditionally awarded service sidearm to retiring officers free of charge. Based upon the action taken by the Town Council for previous retiring police officers, Town staff recommends that the Town Council award Chief Horton his service side arm.

FISCAL & STAFF IMPACT: The value of the handgun is \$250.00

RECOMMENDATION: Staff recommends that the Board approve the attached resolution.



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Agenda Item Abstract

File Number:21-11

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

A Request to Amend the Unpaved Roads Upgrades Capital Improvement Project Ordinance.

PURPOSE: The purpose of this item is to request that the Town Council authorize the use of additional Funds and amend the Unpaved Roads Upgrades Capital Project Ordinance for the Roberts Street Improvement Project.

DEPARTMENT: Public Works and Finance

CONTACT INFORMATION: Ben Schmadeke, 919-918-7424, Joe Guckavan, 919-918-7427, jguckavan@townofcarrboro.org <<mailto:jguckavan@townofcarrboro.org>>; bschmadeke@townofcarrboro.org <<mailto:bschmadeke@townofcarrboro.org>>; Cary McNallan, 919-918-7301, cmcnallan@townofcarrboro.org <<mailto:cmcnallan@townofcarrboro.org>>

INFORMATION: Town Staff have received the 100% construction drawings and final engineer's estimate of costs for the Roberts St. Improvement Project. The final engineer's estimate is higher than the current capital project budget. This is due in part to the addition of curb and gutter which was added as a result of community feedback and stormwater concerns. Staff have held two neighborhood meetings and have received resident buy-in on the 100% design. The project is slated to be advertised for bid on 1/31/2021 with construction beginning as soon as March 2021.

FISCAL & STAFF IMPACT: The fiscal impact is a reduction in the General Fund by \$30,000 and Stormwater reserves by \$50,000. There is no staff impact associated with this request.

RECOMMENDATION: It is recommended that the Council approve the attached revised Capital Project Ordinance.

Attachment A

**AMENDMENT TO THE UNPAVED ROAD UPGRADES CAPITAL IMPROVEMENT
PROJECT ORDINANCE**

WHEREAS, the Town Council has adopted Capital Improvement Project Ordinance No. 23/2018-18 for the Unpaved Road Upgrades Capital Improvement Project; and,

WHEREAS, project design is underway and current engineer estimates indicate that the total project costs will be \$310,000 which includes various stormwater improvements; and,

WHEREAS, additional monies will be necessary to completely fund the project.

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

1. The revenues anticipated to be available to the Town of Carrboro to complete the project are amended as follows:

	Current Budget	Increase	Revised Budget
General Fund Reserves	\$230,000.00	\$30,000.00	\$260,000.00
Stormwater Fees	<u>\$ 0.00</u>	<u>\$50,000.00</u>	<u>\$ 50,000.00</u>
Total Revenue	\$230,000.00	\$80,000.00	\$310,000.00

2. The amount appropriated for design, engineering, and construction costs are amended as follows:

	Current Budget	Increase	Revised Budget
Design and Engineering	\$ 44,000.00		\$ 44,000.00
Construction	<u>\$186,000.00</u>	<u>\$80,000.00</u>	<u>\$266,000.00</u>
Total Expenses	\$230,000.00	\$80,000.00	\$310,000.00

3. The revenues and appropriations are authorized for the Unpaved Road Upgrades Capital Improvement Project until all project activity is completed.
4. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.



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Agenda Item Abstract

File Number:21-19

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request to Authorize the Town Manager to Accept a CDBG-CV Grant from the North Carolina Department of Commerce

PURPOSE: The purpose of this item is for the Town Council to consider authorizing the Town Manager to accept the award of a Community Development Block Grant - Coronavirus from the North Carolina Department of Commerce.

DEPARTMENT: Housing & Community Services Department; Finance Department

CONTACT INFORMATION: Rebecca Buzzard, Housing and Community Services Director, rbuzzard@townofcarrboro.org, (919) 918-7438; Arche McAdoo, Finance Director, amcadoo@townofcarrboro.org <<mailto:amcadoo@townofcarrboro.org>>, (919) 918-7300

INFORMATION: In November 2020, Housing and Community Services staff submitted an application for a CDBG-CV Grant from the North Carolina Department of Commerce. In late December 2020, staff received notice that the Town was one of the successful grant recipients.

Funds from the grant will be used toward the Orange County administered Emergency Housing Assistance (EHA) program. The EHA program provides emergency financial assistance for housing related costs to help low-income households secure and maintain stable housing. To date, the EHA program has assisted more than 1,000 low-income households, including nearly 250 in Carrboro. The Town has expended all available CARES funds for this purpose but the urgent need for assistance has not abated. The additional funds from the CDBG-CV grant will ensure that we can continue to provide needed help to our residents.

To comply with the grant guidelines, the Town of Carrboro must enter into an agreement with the North Carolina Department of Commerce. Once the funding approval and grant agreement with the North Carolina Department of Commerce are completed, staff will complete a performance based agreement for the administration of the grant with the Orange County Department of Housing and Community Development. Grant funds must be expended within 30 months.

FISCAL & STAFF IMPACT: The total project budget is \$900,000. This includes up to \$90,000 (10%) for administration. No matching contribution is required.

RECOMMENDATION: Staff recommends that the Town Council consider adopting the resolution

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provided (Attachment A), authorizing the Town Manager to accept the CDBG-CV award from the Department of Commerce and permitting the Manager to enter into agreement for grant administration with Orange County.

North Carolina Community Development Block Grant Coronavirus Program
Grant Project # _____ Ordinance

WHEREAS, the Town of Carrboro has been awarded a grant in the amount of \$900,000 by the North Carolina Department of Commerce (NCDOC), Rural Economic Development Division (REDD) under the Community Development Block Grant Coronavirus Program (CDBG-CV) and,

WHEREAS, this grant is to be used to provide emergency housing assistance to Carrboro residents and does not require local matching funds from the Town; and,

WHEREAS, the Grant Funding Approval includes certain conditions that the Town must satisfy in order for all grant funds to be released to the Town; and,

WHEREAS, the Town Council for the Town of Carrboro deems this Grant Program to be a worthy and desirable undertaking:

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

1. The Town accepts the grant of \$900,000 from the North Carolina Department of Commerce, Rural Economic Development Division (REDD) Community Development Block Grant Coronavirus Program (CDBG-CV) for the purpose of providing emergency housing assistance to Carrboro residents. It is understood that no more than \$90,000 of the grant funds may be used for administration of the award. It is further understood that all grant activities shall be completed within 30 months of grant award, unless amended by NCDOC and the Town.
2. The Mayor as chief elected official for the Town shall sign and return to NCDOC the Grant Agreement and Funding Approval.
3. The Town Manager shall develop and enter into a Subrecipient Agreement with Orange County for administration of this CDBG grant. This Subrecipient Agreement, upon review and approval of Town Legal Counsel, shall be submitted to NCDOC for approval.
4. The Town Manager is further authorized to execute all necessary and required documents with NCDOC necessary to secure this funding.
5. The Chief Financial Officer of the Town shall (a) make arrangements for the electronic collection of grant revenues; and, (b) authorize and certify designated Town employees to sign requisitions for payment submitted to NCDOC.
6. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this grant project ordinance with the Finance Director.



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Agenda Item Abstract

File Number:21-20

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Affordable Housing Advisory Commission Funding Recommendations

PURPOSE: The purpose of this item is for the Town Council to consider approving recommended funding for two nonprofit affordable housing applications to the Affordable Housing Special Revenue Fund.

DEPARTMENT: Housing and Community Services

CONTACT INFORMATION: Rebecca Buzzard, Housing and Community Services Director, (919) 918-7438, rbuzzard@townofcarrboro.org; Anne-Marie Vanaman, Management Specialist, (919) 918-7321, amvanaman@townofcarrboro.org

INFORMATION: On March 5, 2019, the Town Council approved the revised application process for the Affordable Housing Special Revenue Fund.

In the January 1, 2021 application cycle, two (2) requests were received and forwarded to the Affordable Housing Advisory Commission (AHAC) for review. Combined these requests totaled \$47,258.

On January 20, 2021, the AHAC heard from both the applicants and residents. The AHAC discussed the requests and voted to make the following funding recommendations for a total of \$40,500:

1. Community Home Trust - Recommendation: Decline to Fund

Requested \$6,758 to support upgrades to the community room in The Landings apartment community in Carrboro. Upgrades will support online learning, employment searches, education workshops, and community events.

2. Alliance for AIDS Services - Carolina - Recommendation: Fully Fund

Requested \$40,500 for the rehabilitation of the Orange Community Residence (OCR) house, which has been vacant since 2016 and is located at 1700 N Greensboro St., to provide 7 single-resident units of permanent supportive housing, an intervention which provides housing with case management and supportive services for people with disabilities and who may experience chronic homelessness.

Their recommendation can be found in Attachment B. Funding requests can be found in Attachment C.

Agenda Date: 1/26/2021

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FISCAL & STAFF IMPACT: This recommended funding allocation will be drawn from the Town's Affordable Housing Special Revenue Fund. The recommended funding allocation will leave \$19,260 in uncommitted funds in the FY20-21 Fund budget. If additional funds are needed to fund future requests, the Town Council can consider amending the FY20-21 Fund budget later in the year to include payments in lieu of \$57,901 and \$24,125, received this fall. There is no staff impact.

RECOMMENDATION: Staff recommends the Town Council consider approving the funding recommendation. A resolution for approval is provided in Attachment A.

**A RESOLUTION APPROVING GRANT FUNDING FROM THE
AFFORDABLE HOUSING SPECIAL REVENUE FUND**

October 27, 2020

WHEREAS, the Town Council on, June 27, 2007, by the adoption of resolution no. 244/2006-07 created the Affordable Housing Special Revenue Fund; and

WHEREAS, the creation of the fund is another way in which the Council can advance its goal of increasing and maintaining the stock of affordable housing within the Town and its planning jurisdiction; and

WHEREAS, the Affordable Housing Advisory Commission (AHAC) reviewed two funding applications for the Affordable Housing Special Revenue Fund on January 20, 2021; and

WHEREAS, the AHAC determined that the requests met the criteria set forth in the Affordable Housing Special Revenue Fund; and

WHEREAS, the AHAC made the following funding recommendations:

Community Home Trust	Decline to fund
Alliance of AIDS Services – Carolina	\$40,500

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

Section 1. Approves the recommended grant funding activity from the Affordable Housing Special Revenue Fund in FY2020-2021.

Section 2. Authorizes the Town Manager to develop and execute agreements as necessary to carry out the Council's action.

Section 3. This resolution shall become effective upon adoption.



TOWN OF CARRBORO

Affordable Housing Advisory Commission

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

JANUARY 20, 2021

Affordable Housing Special Revenue Fund Funding Recommendations

The AHAC received two applications for funding from the Affordable Housing Special Revenue Fund in the January 1, 2021 funding cycle.

Motion was made by Terri Buckner, and seconded by Amy Singleton, that the AHAC recommends that the Town Council consider the following funding recommendation:

Fully fund the request from Alliance of AIDS Services - Carolina at \$40,500.

VOTE:

YES: (Quinton Harper, Amy Singleton, Terri Buckner, Betty Curry, Cain Twyman)

ABSENT/EXCUSED: (Gabe Vinas, Pamela Atwood)

NOES: (0)

ABSTENTIONS: (0)

Motion was made by Amy Singleton, and seconded by Cain Twyman, that the AHAC recommends that the Town Council consider the following funding recommendation:

Decline to fund the request from Community Home Trust.

VOTE:

YES: (Quinton Harper, Amy Singleton, Betty Curry, Cain Twyman)

ABSENT/EXCUSED: (Gabe Vinas, Pamela Atwood, Terri Buckner)

NOES: (0)

ABSTENTIONS: (0)

Comments:

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

A handwritten signature in blue ink, appearing to read 'QH', is centered on the page.

Quinton Harper

January 21, 2021

(Chair)

(Date)

TOWN OF CARRBORO AHSRF APPLICATION SCORE SHEET

APPLICANT: COMMUNITY HOME TRUST

PROJECT TYPE: Rehab

AMOUNT REQUESTED: \$6,758

TOWN AH GOALS ADDRESSED: 2.4 Reduce erosion of rental housing quality and affordability.

PROJECT ADDRESS: 100 Andy's Lane, #200, Chapel Hill (Carrboro limits)

PROJECT SUMMARY:

Community Home Trust will rehabilitate the community room at The Landings at Winmore apartment homes. The Landings is a Low-Income Housing Tax Credit property with rents affordable to households earning 80% AMI and below, with 15 units set aside for extremely low-income households, at or below 30% AMI. The Landings accepts Section 8 vouchers.

The proposed rehabilitation of the shared community room is at the behest of the advisory resident group who wish to make use of the space for online learning and other community activities. Currently, the community room is not well utilized and cannot be used after hours. The rehabilitation will create an ADA-compliant, safe, secure space that can be used during or after business hours and will house computers and printers and have WIFI. In addition, the room can host CHT education classes or resident desired community-programming. The advisory resident group has informed the concept and planning of the project. The rehabilitation project will cost \$14,650. CHT is seeking AHSRF funds to support the construction costs.

POPULATION SERVED:

TOTAL NUMBER: 109

AMI 24 <30% 85 31%-60% _____ 61-80% _____ 81-100% _____ 101-115%

RACE/ETHNICITY 2 Asian 86 Black 4 Hisp. /Latino _____ Mixed Race _____ Other 21 White

OF SENIORS PRESENT/ESTIMATED 20

OF CHILDREN PRESENT/ESTIMATED 30

WITH DISABILITY PRESENT 7

TOWN OF CARRBORO AHSRF APPLICATION SCORE SHEET

ENVIRONMENTAL IMPACT:

The project will rehabilitate an existing community space that has been under-utilized.

CHT will use extended life span materials and replace lighting with LED lighting and occupancy sensors.

FUNDING RECOMMENDATION:

- FULLY FUND
- PARTIALLY FUND (Can include suggested amount or %) _____
- DO NOT FUND

FUNDING APPLICATION

DATE: December 21, 2020

Section 1: APPLICANT AND PROJECT OVERVIEW

A. Applicant Information

Applicant/Organization's Legal Name: Community Home Trust

Primary Contact Person and Title: Kimberly Sanchez, Executive Director

Applicant/Organization's Physical Address: 109 Conner Drive, Suite 1000, Chapel Hill, NC 27514

Applicant/Organization's Mailing Address: PO BOX 2315, Chapel Hill, NC 27515

Telephone Number: 919-967-1545 x307

Email Address: ksanchez@communityhometruster.org

B. Project Information

Project Name: The Landings at Winmore Community Room renovation

Total Project Cost: \$14,650

Total Amount of Funds Requested: \$6,758

Please specify **which permitted use of funding is being requested** (as listed in Section 2: B.1.):

To the best of my knowledge all information and data in this application are true and current. The document has been duly authorized by the governing board of the applicant.

Signature: 

Executive Director or other Authorized Signatory

12/21/20

Date

Section 2: PROJECT DESCRIPTION

Please provide a thorough description of the project (by answering the "who," "what," "when," and "where" questions about your project). Do not assume the reader knows anything about the project.

A. "Who"

1. Who is the target population to be served and how will their needs be addressed through this project? If this is a repair or rehabilitation project, please address how the beneficiary meets eligibility requirements and provide substantiation, such as a deed, homeowner insurance policy statement, etc.

The population to be served are all 109 tenants at The Landings. All tenants will be able to access the community room during and after office hours, access computers, wi-fi, printers and meet with each other. CHT will be able to provide additional educational classes and offer space for other service providers for Landings Tenant's enrichment.

2. Please indicate the income of the beneficiaries (households) to be served through the proposed project. Please see **Attachment A** for the current income limits for the Durham-Chapel Hill MSA.

Income Group (Area Median Income)	Number of Beneficiaries	% of Total Beneficiaries
<30% of AMI	24	22%
31%-60% of AMI	40 persons at 50%; 45 persons at 60%	78%
61-80% of AMI		
81-100% of AMI		
101-115% of AMI		
TOTAL		

Income Group	Seniors (age 62+)	Children	Disability Present	Asian	Black	Hisp./ Latinx	Mixed Race	Other	White
<30% of AMI	7	6	0	0	18	2	0	0	6
31%-60% of AMI	13	24	7	2	68	2	0	0	15
61-80% of AMI									
81-100% of AMI									
101-115% of AMI									
TOTAL									

3. **Project Staff.** Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past:

(1) Ian Morse, CHT Property Manager will act as project manager, coordinating General Contractor to make sure project is completed as envisioned. Ian has worked with CHT for over 5 years in this role and manages all major renovation projects as well as the stewardship program at CHT, assisting homeowners with HVAC, flooring, roofing and other replacements. (2) Lori Woolworth, CHT Director of Operations and Finance will manage budgeting for the project. Lori has managed CHrs finances for over 10 years, keeping all projects on budget. (3) Felicia Stroud, CHT Community Manager, will maintain a leadership role with the resident advisory committee to assist with interior development of the space once construction has completed. Felicia has worked with CHT for over five years liaising with all 300 homeowners and tenants on HOA issues as well as leadership of the tenant committee. (4) Kimberly Sanchez, ED, will have overall supervision of the project. Kimberly has managed nonprofits for over 15 years focused on housing issues. (5) Gateway Building Company will act as General Contractor, to exercise construction and proper permitting for the project. Scope of work attached.

B. "What"

1. Type of Activity. Please check the category under which your project falls.

- Acquisition
- Pre-development costs
- Rental subsidy
- Ownership subsidy
- New construction for homeownership
- New construction for rental
- Rehabilitation for owner-occupied or rental (including urgent repairs - see *)
- Land banking
- Grant to land trust
- Foreclosure assistance
- Other (specify): Assistance with construction of community space based on resident initiated requests

**Starred items requesting no more than \$5,000 or 15% of the existing fund, whichever is lower, do not have to provide performance measures and can apply outside of the funding cycles.*

2. Project Description. Please provide a general overview of your project, including what you are planning to produce, how the requested funds will be used and how you are planning to carry out the project. Include how your project meets the criteria of eligible uses.

C. "Where"

1. Project Location. Please be as specific as possible.

100 Andy's Lane #200, Chapel Hill, NC 27516

2. Project Size (if applicable). Please provide the size of development site: _____ acres

Please attach the following:

- Site map showing lot boundaries, locations of structure(s), and other site features
- General location map (at least ½ mile radius)

D. "When"

Attach a **detailed** timetable showing when each work task will be completed (e.g., planning; obtaining financial commitments; design; environmental review; bidding; loan closing; key milestones in construction; marketing; final inspection; occupancy; etc.)

E. Project Details

If the questions below are not applicable or the requested information is not currently available, please insert N/A.

1. Property Acquisition.

- a. Has your agency acquired real property in order to carry out the project, or is property acquisition planned? Acquired in 2018, Built in 2005

- b. Is the property currently occupied? If so, attach a description of your plan to relocate.
- c. Please attach an appraisal of the property.

2. Construction/Rehabilitation Detail.

- a. How many units will be newly constructed?
- b. How many units will be rehabilitated?
- c. What is the square footage of each unit?
- d. What is the number of bedrooms in each unit?
- e. What is the number of bathrooms in each unit?
- f. How many units will have full ADA accessibility?
- g. Is the proposed project located in Carrboro Town limits, ETJ, or transitional area?
100 Andy's Lane #200, Chapel Hill, NC 27516
- h. Please attach the following:
 - Floor plan(s)
 - Elevation(s)
 - List of Energy Efficiency measures included in the project (if applicable)
 - List of Universal Design principles included in the project (if applicable)

3. Design, Affordability, Marketing, and Supportive Services.

- a. Describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, deed restrictions, etc.:

CHT, a non-profit organization, owns the property and will maintain it as affordable housing. HOME funds were used for purchase of the property requiring 99 year affordability in the restrictive covenants.

- b. What are the proposed rents (including utility costs) or sales prices for completed units?

The rents are established pursuant to HOME and LIHTC regulations requiring 15 units at or below 30%, 21 units at 50% and 22 units at 80%

- c. Explain your agency's process for marketing to ensure an adequate pool of income-eligible renters to buyers:

CHT partners with numerous community organizations including The Jackson Center, Orange County Housing, Habitat for Humanity, CommunityWorx and others to make sure that they are aware of the Landings and send eligible community members to apply at the Landings.

- d. Describe the use of **energy efficient principles**, universal design, and/or materials with extended life span.

CHT always uses universal design principles in building and construction. CHT plans to use materials as part of the construction that have extended life span, when appropriate. CHT will maintain ADA compliance with doorways and install energy efficient lighting where necessary and replace all existing lighting with energy efficient fixtures and bulbs. CHT will change light switches to turn on an off when motion is detected. Installation of any affixed tables to walls, will maintain proper ADA compliant height.

- e. What supportive services, if any, will be provided through this project?

CHT provides classes for Landings residents on financial counseling, credit counseling and maintenance. CHT partners with outside organizations to provide other types of curriculum to assist tenants.

Section 3: PERFORMANCE MEASUREMENTS

A. Goals and Objectives

Please complete the following chart with information about the project's goals and objectives.

Goal/Objective	Measurement
<i>Ex: Provide housing for low- to moderate-income households.</i>	<i>Ex: By 2020, build ten units that are affordable to households earning less than 80%AMI.</i>
Provide safe, secure, community space for low to moderate income households	Construct doors, install wi-fi, remodel room to add desks and computers

B. Alignment with Town Goals and adopted affordable housing strategies.

Please explain how the proposed project aligns with the Town Council Goals and adopted affordable housing strategies.

This plan to remodel the community room, adding secure access for residents, upgrading the space to include wi-fi, purchasing computers to increase access to online schooling and provide space for community functions and workforce preparation activities and classes fits within the town's goals of reducing erosion of rental housing quality and affordability and to assist with the costs of construction of affordable housing. Currently the community space is not utilized and it is not accessible during non front office hours. The resident committee has spearheaded this effort to bring community space on the property to the residents. It is through resident feedback and direction that this project has formulated. Adding community space will stop erosion of rental housing quality and maintain safe, decent, desired affordable housing for all residents.

Section 4: PROJECT BUDGET AND PRO-FORMA

A. Project Budget

Attach a **detailed project budget** in Excel format showing all sources and uses of funds. Indicate which funds are committed or pending and include the % of committed funds toward this project. Attach funding commitment letters where available or copies of funding applications previously submitted.

Has an appraisal been conducted? If so, please attach.

B. Terms of Project Funding

Please specify the type of funding request for which you are applying:

Grant Loan

C. Pro-forma (for rental property only)

If you are developing a property for rent, please attach a 20-year pro-forma showing estimated income, expenses, net operating income, debt service, and cash flow.

Section 5: ORGANIZATION DESCRIPTION

If you have already provided this information on a previous application in the current fiscal year, you do not need to provide this information again.

A. Organization

What is your organization's . . .

1. Mission statement?

Community Home Trust seeks to strengthen our community with permanently affordable housing opportunities.

2. Incorporation date (Month and Year)? 1/1990
3. Estimated Total Agency Budget for this fiscal year? \$ 1 million
4. Total number of agency staff (full time equivalents): 9

B. Organization Track Record and Community Support

Please describe your organization's experience and ability to carry out the proposed project, including:

1. Evidence of coordination of this application with other organizations to complement and/or support the proposed project

CHT has coordinated with the resident advisory group at The Landings for guidance and direction on this project

2. Involvement of intended beneficiaries of the project in the planning process

CHT Landings resident advisory group has been consulted in monthly meetings to shape this project and listening sessions will be set up with all residents to inform the internal space and function of the project.

3. Past achievements in carrying out similar projects and evidence of successful record of meeting proposed budgets and timetables

In October 2020, CHT engaged in two significant projects. (1) deckboard replacement, staining and exterior painting of all 30 townhomes at Rosemary Place in Chapel Hill. (2) Exterior painting and grounds maintenance at Greenway condominiums in Meadowmont of 16 units. All projects were completed with use of contractors, completed timely and within budget.

4. Collaborative relationships with other agencies

CHT collaborates regularly with Self-Help and the Jackson Center to purchase and rehabilitate homes in the North Side area of Chapel Hill and Carrboro. Recently CHT partnered with Orange County to help process Emergency housing Assistance applications, many of which assisted non-CHT Carrboro tenants and homeowners.

5. Plans to develop linkages with other programs and projects to coordinate activities so solutions are holistic and comprehensive

CHT will continue to work with other social service providers to bring helpful classes and information to the Landings.

6. Any other features relating to organization capacity that you consider relevant, (i.e. property management experience, including accepting Section 8 Vouchers, etc.).

CHT manages Chapel Hill's Master Leasing program of 5 units, which was just approved to increase to 8 rental units. CHT manages 4 rental units for non-profit Shared Visions. The Landings accepts Section 8 vouchers and currently 27 units have Section 8 vouchers.

Section 6: DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Are any of the Board Members or employees of the agency which will be carrying out this project, or members of their immediate families, or their business associates:

a) Employees of or closely related to employees of the Town of Carrboro

YES NO

b) Members of or closely related to members of the governing bodies of Carrboro?

YES NO

c) Current beneficiaries of the project/program for which funds are requested?

YES NO

d) Paid providers of goods or services to the program or having other financial interest in the program?

YES NO

If you have answered YES to any question, **please explain below**. The existence of a potential conflict of interest does not necessarily make the project ineligible for funding, but the existence of an **undisclosed** conflict may result in the termination of any grant awarded.

Council Member, Barbara Foushee, serves as a Director on the CHT Board of Directors.

The Landings community room Project Description

The current common space at the Landings is a large, bright room, furnished with well-worn living room furniture and an unused entertainment center. Because of a lack of access, amenities, and security doors, the room is not accessible to residents and sits largely unused. Members of the Landings Tenant Advocacy Committee (TAC) have shared their desire that the space be converted into an accessible multipurpose space, including computers and internet access as well as room for community activities and fellowship.

CHT Plans to remodel the space by adding doors that allow access at any time through a key fob or passcode entry. Construction for this project will also include all necessary permits and health and safety requirements. The project includes installation of wi-fi for resident access and purchase of furniture to include computers and printers for access by all residents. Access to wi-fi and computers is a priority of the TAC, during the pandemic, to make sure all children have safe, secure access to online learning.

CHT has begun fundraising for this campaign and on Giving Tuesday raised \$1,392. We anticipate continue to fundraise and CHT will also contribute some budgeted funds received from our annual fundraiser.

The general contractor anticipates that construction, once started can be completed within a week. All other internal remodeling will be done by CHT staff once construction is complete, within two weeks.



GC License #72933

The Landings at Winmore - Clubhouse doors

100 Andy's Lane, Chapel Hill, NC

Estimate - 12/15/20

DESCRIPTION	TOTAL AMOUNT	
General Conditions	\$	1,300
Fire Extinguisher	\$	75
Door Hardware	\$	970
Frame/Hang Walls, Paint, Trim, Install Doors & Glass	\$	5,765
Labor Burden	\$	440
Overhead and Fee	\$	855
Total	\$	9,405

Alternates:

If Town of Carrboro requires...

Exit Sign, ADD \$450.00 Allowance

Panic Hardware (simple push with alarm), ADD \$475

Panic Hardware (standard commercial), ADD \$1,320 Allowance

Qualifications & Exclusions:

Scope includes: frame new wall between office and hallway, install 6'8"x3' door with half-lite glass, lock and closer; frame new wall at kitchen and install 6'8"x3' door with half-lite glass and lock; cut existing exterior door and instal half-lite glass kit, electronic keypad lock and closer; install new locks at two closet doors; install trim to match existing; paint all new work

Pricing figured for normal working hours, M-F, 8am-4pm.

Owner to pay Plan A Architecture directly. Fee is \$500 for Appendix B and Life Safety Drawings plus hourly rate for negotiations with town.

The Landings at Winmore
Common Area Renovations

Income

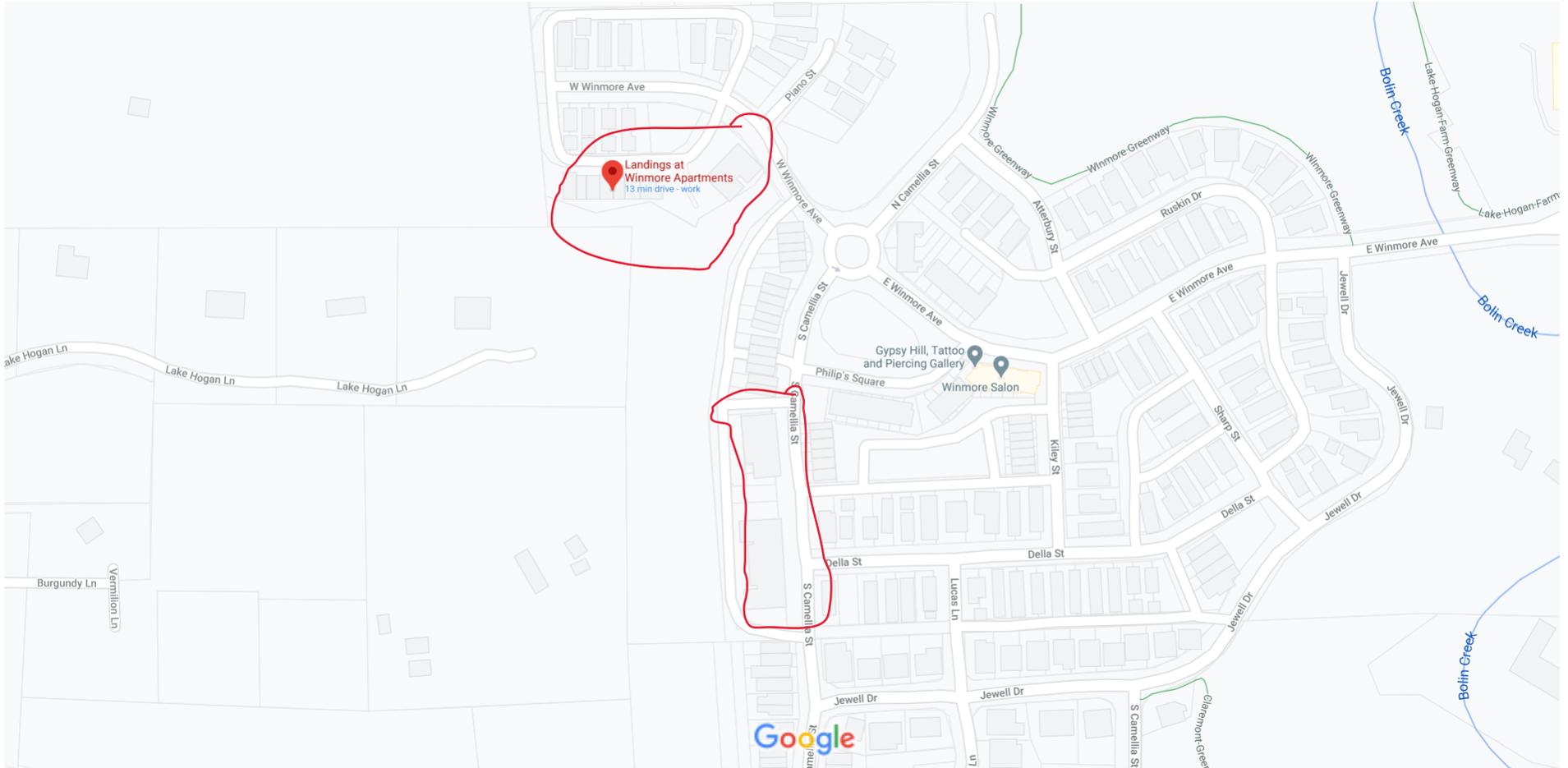
Donations: Already Received	\$ 1,392.00
Donations: Projected	\$ 1,500.00
CHT Contribution	\$ 5,000.00
Total Income	\$ 7,892.00

<u>Construction Costs</u>	\$ 9,405.00
Includes: Closing off two areas, adding after hours secure access,	
Construction Contingency	\$ 2,245.00
Estimated Construction Costs	\$ 11,650.00

<u>Additional Costs</u>	\$ 3,000.00
Includes: Computers, printer, furniture, Wi-Fi	
Estimated Additional Costs	\$ 3,000.00

Total Costs	\$ 14,650.00
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Amount Still Needed	\$ (6,758.00)
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Map data ©2021 100 ft

The Landings at Winmore

Proposed Timetable for Commercial Space Renovations: Separation of offices and clubhouse

Brief Description: The commercial space at 'The Landings' includes at least 3 office spaces in the front (near the parking lot) for management staff to interview prospective clients and respond to maintenance concerns. At the back of the building is a 'Clubhouse' with couches, chairs, bookshelves, and full kitchen. The clubhouse has its own exterior door, currently used exclusively as an 'Exit.'

The proposed renovations would create some separation between the offices at the front of the space and the clubhouse in the back. The clubhouse would be made more available to tenant use. The Clubhouse 'Exit' door would be converted to the primary entrance/exit. In addition, a door would be installed in the hallway between the offices and the clubhouse. This will relieve management staff of having to oversee tenant foot-traffic to the clubhouse.

Work Task	Time-Table
Planning	Complete
Obtaining Financial Commitments	Completed by Friday, Feb 12
Design	Refinements of scope completed by Jan 31st
Bidding	Draft proposals obtained. Bidding complete by 1/31
Panning Review	Inspection by the Town of Carrboro 'Planning' & 'Fire Department, complete by Friday Feb 19 No Environmental Review required
Bidding	Friday Feb 1
Loan Closing	
Key Construction Milestones	Drafting & review of contract (2/5, executing a contract (2/8), Initial construction (2/22), Construction complete (2/29), final CHT inspection (3/2).
Marketing	
Final Inspection	3/9
Occupancy	>50

***Town of Carrboro
Affordable Housing Revenue Fund***

Funding Application Submitted By:

The Alliance of AIDS Services - Carolina
A 501(c)(3) Non-profit Organization
TIN: 56-215-8082

December 31, 2020

Town of Carrboro
Affordable Housing Revenue Fund

The Alliance of AIDS Services – Carolina

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I. Funding Application

II. Support Documentation

- Project Description
- Site Maps
- Project Timeline
- Construction/Rehabilitation Details
- Supportive Services
- Performance Measurements
- Project Budget
- Organizational Overview
- Organization Track Record and Community Support

III. Required Documents

- Board of Director's List
- Current Bylaws
- Articles of Incorporation
- IRS Tax Determination Letter [501(c)(3)]
- Most Recent Independent Audit

Section 2: PROJECT DESCRIPTION

Please provide a thorough description of the project (by answering the "who," "what," "when," and "where" questions about your project). **Do not assume the reader knows anything about the project.**

A. "Who"

1. Who is the target population to be served and how will their needs be addressed through this project? If this is a repair or rehabilitation project, please address how the beneficiary meets eligibility requirements and provide substantiation, such as a deed, homeowner insurance policy statement, etc.

2. Please indicate the income of the beneficiaries (households) to be served through the proposed project. Please see **Attachment A** for the current income limits for the Durham-Chapel Hill MSA.

Income Group (Area Median Income)	Number of Beneficiaries	% of Total Beneficiaries
<30% of AMI		
31%-60% of AMI		
61-80% of AMI		
81-100% of AMI		
101-115% of AMI		
TOTAL		

Income Group	Seniors (age62+)	Children	Disability Present	Asian	Black	Hisp./ Latinx	Mixed Race	Other	White
<30% of AMI									
31%-60% of AMI									
61-80% of AMI									
81-100% of AMI									
101-115% of AMI									
TOTAL									

3. **Project Staff.** Please provide names of staff, contractors, and/or volunteers that will be involved with the project. Describe their responsibilities with the project and track record in successful completion of similar projects in the past:

B. "What"

1. Type of Activity. Please check the category under which your project falls.

- Acquisition
- Pre-development costs
- Rental subsidy
- Ownership subsidy
- New construction for homeownership
- New construction for rental
- Rehabilitation for owner-occupied or rental (including urgent repairs - see *)
- Land banking
- Grant to land trust
- Foreclosure assistance
- Other (specify): _____

**Starred items requesting no more than \$5,000 or 15% of the existing fund, whichever is lower, do not have to provide performance measures and can apply outside of the funding cycles.*

2. Project Description. Please provide a general overview of your project, including what you are planning to produce, how the requested funds will be used and how you are planning to carry out the project. Include how your project meets the criteria of eligible uses.

SEE: PROJECT DESCRIPTION

C. "Where"

1. Project Location. Please be as specific as possible.

2. Project Size (if applicable). Please provide the size of development site: _____ acres

Please attach the following: SEE: SITE MAPS

- Site map showing lot boundaries, locations of structure(s), and other site features
- General location map (at least ½ mile radius)

D. "When"

- Attach a **detailed** timetable showing when each work task will be completed (e.g., planning; obtaining financial commitments; design; environmental review; bidding; loan closing; key milestones in construction; marketing; final inspection; occupancy; etc.) SEE PROJECT TIMELINE

E. Project Details

If the questions below are not applicable or the requested information is not currently available, please insert N/A. N/A

1. Property Acquisition.

- a. Has your agency acquired real property in order to carry out the project, or is property acquisition planned? _____

- b. Is the property currently occupied? If so, attach a description of your plan to relocate.
- c. Please attach an appraisal of the property. N/A

2. Construction/Rehabilitation Detail.

- a. How many units will be newly constructed?
- b. How many units will be rehabilitated?
- c. What is the square footage of each unit?
- d. What is the number of bedrooms in each unit?
- e. What is the number of bathrooms in each unit?
- f. How many units will have full ADA accessibility?
- g. Is the proposed project located in Carrboro Town limits, ETJ, or transitional area?
- h. Please attach the following: SEE CONSTRUCTION/REHABILITATION DETAIL
 - Floor plan(s)
 - Elevation(s)
 - List of Energy Efficiency measures included in the project (if applicable)
 - List of Universal Design principles included in the project (if applicable)

3. Design, Affordability, Marketing, and Supportive Services.

- a. Describe any methods to ensure long-term affordability of housing units, including subsidy recapture, equity sharing, deed restrictions, etc.:
- b. What are the proposed rents (including utility costs) or sales prices for completed units?
- c. Explain your agency's process for marketing to ensure an adequate pool of income-eligible renters to buyers:
- d. Describe the use of **energy efficient principles**, universal design, and/or materials with extended life span.
- e. What supportive services, if any, will be provided through this project?

Section 3: PERFORMANCE MEASUREMENTS

A. Goals and Objectives SEE: PERFORMANCE MEASUREMENTS

Please complete the following chart with information about the project's goals and objectives.

Goal/Objective	Measurement
<i>Ex: Provide housing for low- to moderate-income households.</i>	<i>Ex: By 2020, build ten units that are affordable to households earning less than 80%AMI.</i>

B. Alignment with Town Goals and adopted affordable housing strategies.

Please explain how the proposed project aligns with the Town Council Goals and adopted affordable housing strategies.

Section 4: PROJECT BUDGET AND PRO-FORMA

A. Project Budget

Attach a **detailed project budget** in Excel format showing all sources and uses of funds. Indicate which funds are committed or pending and include the % of committed funds toward this project. Attach funding commitment letters where available or copies of funding applications previously submitted. SEE: PROJECT BUDGET

Has an appraisal been conducted? If so, please attach.
No, an appraisal hasn't been conducted.

B. Terms of Project Funding

Please specify the type of funding request for which you are applying:

Grant Loan

C. Pro-forma (for rental property only) N/A

If you are developing a property for rent, please attach a 20-year pro-forma showing estimated income, expenses, net operating income, debt service, and cash flow.

Section 5: ORGANIZATION DESCRIPTION

If you have already provided this information on a previous application in the current fiscal year, you do not need to provide this information again.

A. Organization

What is your organization's . . .

1. Mission statement?

2. Incorporation date (Month and Year)?
3. Estimated Total Agency Budget for this fiscal year? \$
4. Total number of agency staff (full time equivalents):

B. Organization Track Record and Community Support

SEE ORGANIZATIONAL TRACK
RECORD AND COMMUNITY SUPPORT

Please describe your organization's experience and ability to carry out the proposed project, including:

1. Evidence of coordination of this application with other organizations to complement and/or support the proposed project

2. Involvement of intended beneficiaries of the project in the planning process

3. Past achievements in carrying out similar projects and evidence of successful record of meeting proposed budgets and timetables

4. Collaborative relationships with other agencies

5. Plans to develop linkages with other programs and projects to coordinate activities so solutions are holistic and comprehensive

6. Any other features relating to organization capacity that you consider relevant, (i.e. property management experience, including accepting Section 8 Vouchers, etc.).

Section 6: DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

Are any of the Board Members or employees of the agency which will be carrying out this project, or members of their immediate families, or their business associates:

a) Employees of or closely related to employees of the Town of Carrboro

YES NO

b) Members of or closely related to members of the governing bodies of Carrboro?

YES NO

c) Current beneficiaries of the project/program for which funds are requested?

YES NO

d) Paid providers of goods or services to the program or having other financial interest in the program?

YES NO

If you have answered YES to any question, please explain below. The existence of a potential conflict of interest does not necessarily make the project ineligible for funding, but the existence of an undisclosed conflict may result in the termination of any grant awarded.

SUPPORT DOCUMENTATION

PROJECT DESCRIPTION

Property Overview:

WHO/WHAT: The Alliance for Affordable Housing is the implementing agency for the Orange Community Residence (OCR) in Carrboro, NC. The OCR is a 3,200 sq ft. multi-unit residential building with 7 single units, 3 shared bathrooms, and several common spaces, including an eat-in kitchen, living room, and a shared laundry room. There are 3 offices, two are larger staff offices and the other is a smaller space that could be used for client services such as case management, counseling, or skills-building sessions. There is a large, shaded backyard that is well-suited for outdoor recreation, gardening, and social gatherings. (See SITE MAPS)

WHERE: The Orange Community Residence (OCR), located at 1700 N Greensboro St., Carrboro, NC, was constructed in 1994 with the help of the community and the Department of Housing and Urban Development. Strategically located in Carrboro NC, the Orange Community Residence is approximately 3,200 sq ft., which encompasses 7-single resident units, three shared bathrooms, and several common spaces, including an eat-in kitchen, living room, and a shared laundry room. There are 3 offices, two are larger staff offices and the other is a smaller space that could be used for for client services such as case management, counseling, or skills-building sessions. There is a large, shaded backyard that is well-suited for outdoor recreation, gardening, and social gatherings. (See SITE MAPS)

PROJECT STAFF

Melissa Haithcox-Dennis, Executive Director and OCR Project Director

More than 20 years of effective non-profit fundraising, program development, and project management experience. Prior TA provider for developing affordable housing for HOPWA and McKinney Vento funding recipients. Experienced property manager and

Stephanie Bryant, Associate Director of Care and Support

More than 20 years of supportive housing operations management, housing case management, and support programming provider. Experienced with Section 8, Ryan White, STRUM, Housing Choice Vouchers, income eligibility verification, and HUD's regulations.

Linwood Johnson, Linwood Bookkeeping, Bookkeeper for The Alliance

Marques Moore, Principal Architect

Extensive architectural experience (<https://www.linkedin.com/in/marques-m-6b409023>)

Tyrone Harmon, Construction Project Director

Extensive experience with housing construction and rehabilitation project management (https://www.linkedin.com/in/tyrone-harmon-4b85b236?trk=people-guest_people_search-card)

Service Delivery

The Orange Community Residence will provide a safe, affordable home for individuals that are living with a disability and who have very low incomes. Residents of the Orange Community Residence will live in a community with full access to services and programs that will meet their specific needs, while encouraging independence and growth. The project will offer different levels of support, depending on the service needs of the individual. Residents will have the time and space to re-group and revive and move onto thrive in a supportive and engaging environment. OCR offers several conveniences such as full-service, on-site cooking and laundry facilities, easy access to public transportation, as well as recreation and social activities. Services will be a coordinated effort that fosters trust, a sense of belonging and a high-level of care and dignity. The sponsor, property management staff, on-site service staff, and residents themselves will work collaboratively to promote a healthy, safe, and up-lifting living environment.

Role and Responsibilities

The Alliance of AIDS Services – Carolina will be responsible for the design and implementation of OCR's supportive services program. The **Associate Director of Housing** will identify and case management partners and create the structure for the on-site social service team. The Associate Director will ensure that OCR is a supportive environment where support staff work collaboratively with help them to sustain their independence and housing. The Alliance will also ensure that all services are culturally appropriate and sensitive to the special needs of all residents. The Associate Director will also be responsible for oversight of all OCR programs, providing guidance for service delivery, and supervising the on-site ***Resident Service Coordinator***.

The Alliance will hire a full-time **Resident Services Coordinator** who will provide direct (but generalized) services to residents, including:

- Resident tours and orientation, move-in processing, brief assessment of resident interest in upcoming programming.
- Scheduling for the resident to meet with a case manager for the initial resident intake and assessment
- Providing **general** information and general referrals to resources (bus stops, local grocery stores...)
- Coordinating on-site recreational, social and community-building activities; support groups; and educational opportunities such as computer classes, speakers, etc.
- Actively engaging residents and encouraging their active participation in social and educational opportunities.
- Managing routine maintenance, site-specific repairs and resident room repairs.

Partnering Service Providers

OCR will operate under The Alliance's philosophy of nonjudgmental, culturally appropriate compassionate care for everyone so that residents can focus on attaining their full potential and maximizing their ability to live independently. Of equal importance, are the philosophies of our partners which align with ours to provide culturally competent individualized services designed to help residents meet their own goals for self-sufficiency and self-determination. The Alliance will partner with two medical/healthcare providers and two supportive service providers.

Health Care Providers: [UNC-Chapel Hill](#) and [Duke University's](#) along with an array of private and public health care clinics and providers the primary sources of medical care and other healthcare services.

Case Management Provider: The Alliance hasn't identified our case management partners at this time; however, we anticipate our partner will provide the following services and staff.

One Support Services Manager

This position will develop the resident services program, in conjunction with The Alliance's Associate Director of Housing and Resident Services Coordinator. The position will supervise two on-site case managers; communicate and coordinate additional services with other partner organizations; stay abreast of current programs and resources; carry out goals and direction as approved by The Alliance. Also responsible for, under the direction of The Alliance and the supervision of US Housing Incorporation (third-party agent) collect and track client data as needed to satisfy HUD requirements and to generate outcome data for the purpose of program evaluation.

Two Case Managers

Responsible for providing case management services to residents. Duties include outreach and engagement; needs assessment; case management; developing and implementing client goal plans; coordinating services; problem solving and making service referrals. Duties will also include some needs assessment; case management, developing and implementing client goal plans, coordinating services, problem solving and making service referrals. Both positions will be on-site, however, one will be full-time and the other part-time. on-site position.

Specific Services will include:

- Developing self-directed goal plans to help resident address any present issues and to maximize their independence and self-sufficiency.
- Assisting residents in applying for entitlement programs general assistance, supplemental security income, and employment opportunities.
- Supporting the development of life skills, such as housekeeping, budgeting and shopping, etc.
- Coordinating vocational, mental health and access to external therapeutic support groups such as Alcoholics Anonymous and groups dedicated to emotional, physical, and spiritual wellbeing.
- Providing advocacy and serve as a liaison for residents with service agencies and providers.

WHEN: PROJECT TIMELINE
Construction

Goal: To provide housing for low-income households in Carrboro, NC										
Activities	Timeline (in months)									
	Completed Tasks				1	2	3	4	5	6
Capital needs assessment & HUD REAC inspection	X									
Fire monitoring installation, inspection & required REAC repairs	X	X								
Architectural design development & construction drawings		X	X							
Construction scope of work development				X						
Permitting, site preparation & demolition					X	X				
Construction/rehabilitation, inspections						X	X	X	X	
Site clean-up, appliance install, and final inspections								X	X	X

CONSTRUCTION/REHABILITATION DETAIL

SEE CONSTRUCTION/REHABILITATION DETAIL:

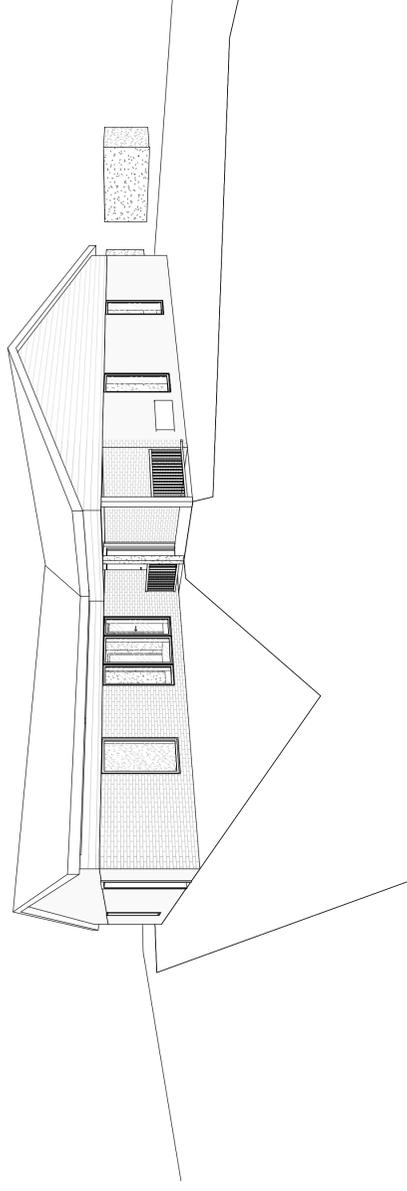
- **Floor plan(s)**
- **Elevation(s)**
- **List of Energy Efficiency measures included in the project**
- **List of Universal Design principles included in the project**

Repairs & Alterations

for

Alliance of AIDS Services

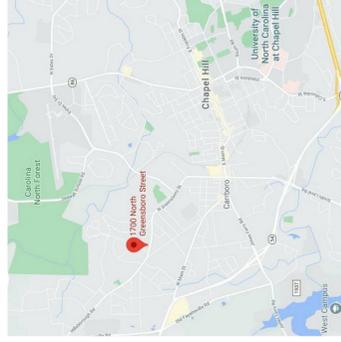
1700 North Greensboro Street Carrboro, NC 27510



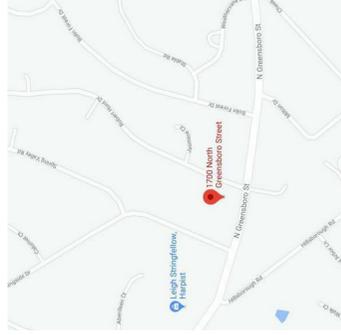
CONSTRUCTION/REHABILITATION DETAIL:

Room name	
	ROOM TAG
	DOORTAG
	WINDOW TAG
	STRUCTURAL TAG
	FACE OF MASONRY
	FACE OF STEEL
	CENTERLINE
	PROPERTY LINE
	WALL TAG
	LEVEL LABEL
	FLOOR ELEVATION DATUM
	SECTION CALLOUT
	Elevation Number
	ELEVATION CALLOUT
	Sheet name

SYMBOLS LEGEND



AREA MAP



VICINITY MAP

DRAWING LIST

SHEET		REVISION		
NO.	NAME	NO.	DESCRIPTION	DATE
A0.01	COVER PAGE			10-12-2020
A0.02	APPENDIX B CODE SUMMARY			10-12-2020
A0.03	APPENDIX B CODE SUMMARY			10-12-2020
A0.04	LIFE SAFETY PLAN			10-12-2020
A1.00	DIAGRAMMATIC SITE / ROOF PLAN			10-12-2020
A1.01	DEMOLITION FLOOR PLAN			10-12-2020
A1.02	NEW FLOOR PLAN			10-12-2020
A1.03	ENLARGED PLANS			10-12-2020
A1.21	REFLECTED CEILING PLAN			10-12-2020
A2.00	EXTERIOR ELEVATIONS			10-12-2020

GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY ALL FIELD CONDITIONS AND DIMENSIONS PRIOR TO THE START OF CONSTRUCTION AND SHALL COORDINATE THE WORK OF ALL TRADES. ANY DISCREPANCIES SHALL BE PROMPTLY BROUGHT TO THE ATTENTION OF THE ARCHITECT IF THE ARCHITECT IS HIRED AND RETAINED FOR CONSTRUCTION ADMINISTRATION.
2. IN THE EVENT OF INCONSISTENCIES IN THE DOCUMENTS, THE CONTRACTOR MUST REQUEST AND RECEIVE A CLARIFICATION OR INTERPRETATION FROM THE ARCHITECT PRIOR TO PROCEEDING WITH THE PORTION OF WORK IN QUESTION.
3. UNLESS HIRED FOR CONSTRUCTION ADMINISTRATION, THE ARCHITECT IS NOT RESPONSIBLE FOR INTERPRETING THE INTENT OF THESE DOCUMENTS, INCLUDING MAKING MODIFICATIONS AS MAY BE NECESSARY DURING THE CONSTRUCTION PHASE. NOR IS THE ARCHITECT LIABLE FOR THE WORK WHERE CHANGES TO THESE DOCUMENTS HAVE BEEN MADE BY OTHERS.
4. EXTERIOR DIMENSIONS ARE DRAWN TO THE FACE OF MASONRY U.N.O.
5. INTERIOR DIMENSIONS ARE DRAWN TO THE FINISHED FACE OF WALL U.N.O.
6. DRAWINGS ARE NOT TO BE SCALED.

Repairs & Alterations

for

Alliance of AIDS Services
1700 North Greensboro Street Carrboro, NC 27510

moore architecture
creative • design • solutions
moorearch.net
434.665.7780

Marques Moore
7725 Ralhin Court
Charlotte, NC

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PRELIMINARY DRAWINGS
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Date: 10-12-2020	
Not for Construction	X
Design Development	X
Construction Documents	
Revisions	
Sheet Name	COVER PAGE
Sheet Number	A0.01

UPDATE PER PROJECT SPECIFIC INFORMATION

2018 APPENDIX B BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS (EXCEPT 1 AND 2-FAMILY DWELLINGS AND TOWNHOUSES)

Name of Project: TRINITY WORLD INDUSTRIES - CHANGE OF USE
Address: 7213-A CHERYBERRY DRIVE
Phone #: (704) 457-1861
City: Charlotte, NC
County: MECK
Zip Code: 28212

2018 NC BUILDING CODE:
New Building
Addition
Renovation
Interior Completion
Mechanical and electrical inspection jurisdiction for possible additional possible additional procedures and requirements

2018 NC EXISTING BUILDING CODE:
Prescriptive
Level 1
Level II
Level III
Level IV
Alteration:
Level I
Level II
Level III
Level IV

CONSTRUCTED: (date) 2000
RENOVATED: (date) 2020
CURRENT OCCUPANCY(S) (Ch. 3): BUSINESS
PROPOSED OCCUPANCY(S) (Ch. 3): BUSINESS
RISK CATEGORY (Table 1004.5): A-3 ASSEMBLY

BASIC BUILDING DATA
Construction Type:
H-A
H-B
H-C
H-D
H-E
H-F
H-G
H-H
H-I
H-J
H-K
H-L
H-M
H-N
H-O
H-P
H-Q
H-R
H-S
H-T
H-U
H-V
H-W
H-X
H-Y
H-Z

PERCENTAGE OF WALL OPENING CALCULATIONS
Table with 3 columns: FIRE SEPARATION DISTANCE (FEET) FROM PROPERTY LINES, ALLOWABLE AREA (%), ACTUAL SHOWN ON PLANS (%). Values: 10 x X, 15%, 0%.

LIFE SAFETY SYSTEM REQUIREMENTS
Emergency Lighting:
Exit Signs:
Fire Alarm:
Smoke Detection Systems:
Carbon Monoxide Detection:

LIFE SAFETY PLAN REQUIREMENTS
Life Safety Plan Sheet #: A0.04
Fire and/or smoke rated wall locations (Chapter 7)
Assumed and real property line locations (if not on the site plan)

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Gross Building Area Table
Table with 3 columns: FLOOR, EXISTING (SQ.FT.), NEW (SQ.FT.), SUB-TOTAL. Rows for 1st Floor, Mezzanine, Basement, and TOTAL.

ALLOWABLE AREA
Primary Occupancy Classification(s):
Business
Educational
Factory
Hazardous
Institutional
Mercantile
Residential
Storage
Utility and Miscellaneous

ACCESSORY OCCUPANCY CLASSIFICATION(S):
Business
Incidental Use (Table 509):
Special Uses (Chapter 4 - List Code Sections):
Mixed Occupancy:
Non-Separated Use (508.3) - The required type of construction for the building shall be determined by the most restrictive type of occupancy to be used in the building.

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ACCESSIBLE DWELLING UNITS (SECTION 1107)
Table with 4 columns: TOTAL ACCESSIBLE UNITS, TYPE A UNITS, TYPE B UNITS, TOTAL ACCESSIBLE UNITS. Values: 20, 3B, 1, 1.

ACCESSIBLE PARKING (SECTION 1100)
Table with 2 columns: TOTAL # OF PARKING SPACES REQUIRED, # OF ACCESSIBLE SPACES PROVIDED. Values: 20, 3B.

PLUMBING FIXTURE REQUIREMENTS (TABLE 2902.1)
Table with 4 columns: USE, MALE, FEMALE, UNSEKS. Values: 1, 1, 1, 1.

SPECIAL APPROVALS
Special approval: (Local Jurisdiction, Department of Insurance, OSC, DPL, DHHS, etc., describe below)
NA

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STORY NO. DESCRIPTION AND USE, TABLE 506.2(1) AREA FOR FRONT-FIRE EXPOSURE (A), TABLE 506.2(2) AREA (B), TABLE 506.2(3) AREA (C), ALLOWABLE AREA FOR EXPOSURE (D). Values: 1, A-3 ASSEMBLY, 7,200, 6,000, 3,000, 9,000.

Frontage area increases from Section 506.2 are computed thus:
a. Total Building Perimeter (FFP) = 360 (F)
b. Ratio (F/P) = 1
c. W = Minimum width of public way = 20 (W)
d. Percent of frontage increase (I) = (100/F*P - 0.25) * W = 50 (%)

ALLOWABLE HEIGHT
Table with 2 columns: BUILDING HEIGHT IN FEET (TABLE 504.3), ALLOWABLE HEIGHT IN FEET (TABLE 504.4). Values: 40, 20.

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ENERGY REQUIREMENTS:
The following data shall be considered minimum and any special attribute required to meet the energy code shall also be provided. Field Designer shall furnish the required portions of the project information for the plan data sheet in performance method, state the annual energy cost for the standard reference design vs. annual energy cost for the proposed design.

Existing building envelope complies with code:
Climate Zone:
Method of Compliance:
ASHRAE 90.1 Performance
Prescriptive

THERMAL ENVELOPE (Prescriptive method only)
Roofing/Assembly (each assembly):
Description of assembly:
R-Value of insulation:

Walls below grade (each assembly):
Description of assembly:
R-Value of insulation:
U-Value of total assembly:

Floors above grade (each assembly):
Description of assembly:
R-Value of insulation:
U-Value of total assembly:

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FIRE PROTECTION REQUIREMENTS
Table with 4 columns: BUILDING ELEMENT, FIRE SEPARATION DISTANCE (FEET), FINISHES (PROVIDED OR DEFLECTIONS), DIMENSIONS (RATED FOR PENETRATION ASSEMBLY), DIMENSIONS (RATED FOR PENETRATION JOINTS).

Structural Trains, masonry columns, girders, beams, etc.
Bearing Walls, 10 x X
Floor, 10 x X
North, 10 x X
West, 10 x X
East, 10 x X
South, 10 x X

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Repairs & Alterations for Alliance of AIDS Services

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Design Development **X**
Construction Documents
Revisions

Sheet Name
**APPENDIX B CODE
SUMMARY**
Sheet Number
A0.03

**2018 APPENDIX B
BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS
ELECTRICAL DESIGN
(PROVIDE ON THE ELECTRICAL SHEETS IF APPLICABLE)**

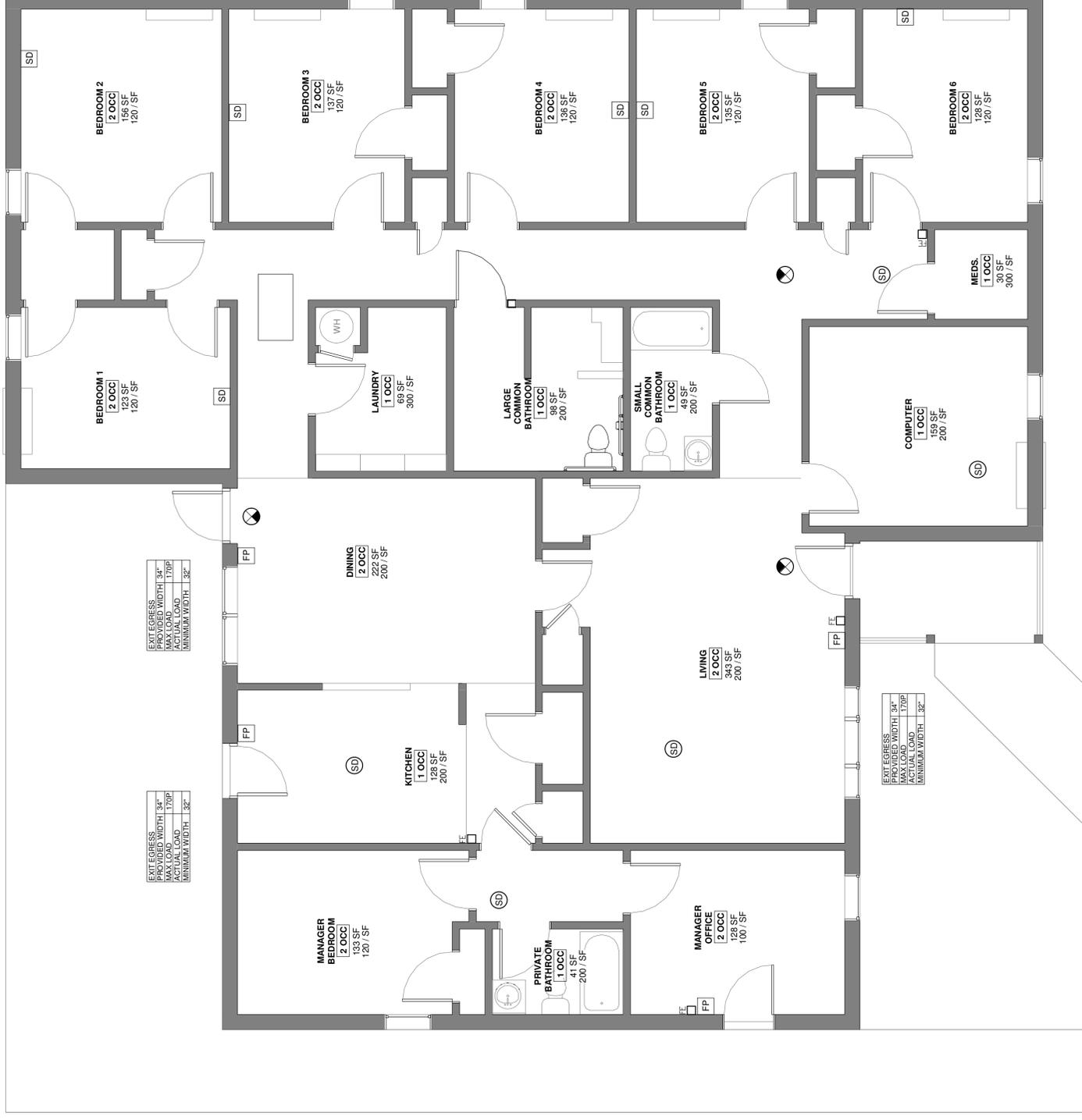
ELECTRICAL SYSTEM AND EQUIPMENT
Method of Compliance: Energy Code Performance Prescriptive
ASHRAE 90.1 Performance Prescriptive
Lighting schedule (each fixture type)
lamp type required in fixture _____
number of lamps in fixture _____
ballast type used in the fixture _____
number of ballasts in fixture _____
total interior wattage specified vs. allowed (whole building or space by space) _____
total exterior wattage specified vs. allowed _____
Additional Efficiency Package Options
(When Not Specified, Assume Not Installed)
 CH06.2 More Efficient HVAC Equipment Performance
 CH06.3 Reduced Lighting Power Density
 CH06.4 Enhanced Digital Lighting Controls
 CH06.5 On-Site Renewable Energy
 CH06.6 Dedicated Outdoor Air Systems
 CH06.7 Reduced Energy Use in Service Water Heating

**2018 APPENDIX B
BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS
MECHANICAL DESIGN
(PROVIDE ON THE MECHANICAL SHEETS IF APPLICABLE)**

MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT
Thermal Zone
winter dry bulb: _____
summer dry bulb: _____
Interior design conditions
winter dry bulb: _____
summer dry bulb: _____
relative humidity: _____
Building heating load: _____
Building cooling load: _____
Mechanical Spacing Conditioning System
Unitary
description of unit: _____
cooling capacity: _____
cooling efficiency: _____
size category of unit: _____
Boiler
Size category: If oversized, state reason: _____
Chiller
Size category: If oversized, state reason: _____
List equipment efficiencies: _____

3.6.2 PROVIDE CO DETECTORS IN EACH BEDROOM.
SD IN BEDROOMS PROVIDED BY HARDWIRE.
PROVIDE SD IN HALLWAY.

PROVIDE EXTERIOR ADA LIGHTS AT WALKWAY



- EGRESS CALCULATION
- EMERGENCY EXIT LIGHT
- EMERGENCY LIGHT
- FIRE EXTINGUISHER
- SMOKE DETECTOR - CEILING MOUNTED
- SMOKE DETECTOR - WALL MOUNTED
- FIRE ALARM PULL
- EXIT SIGN
- EXIT ACCESS TRAVEL PATH

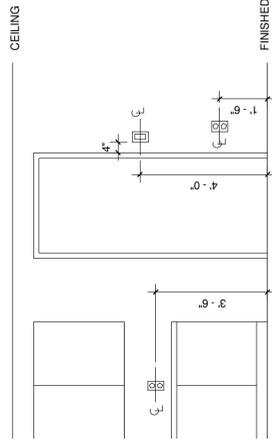
EGRESS	PROVIDED WIDTH 36"
MAX LOAD	170P
ACTUAL LOAD	
MINIMUM WIDTH	32"

EGRESS	PROVIDED WIDTH 36"
MAX LOAD	170P
ACTUAL LOAD	
MINIMUM WIDTH	32"

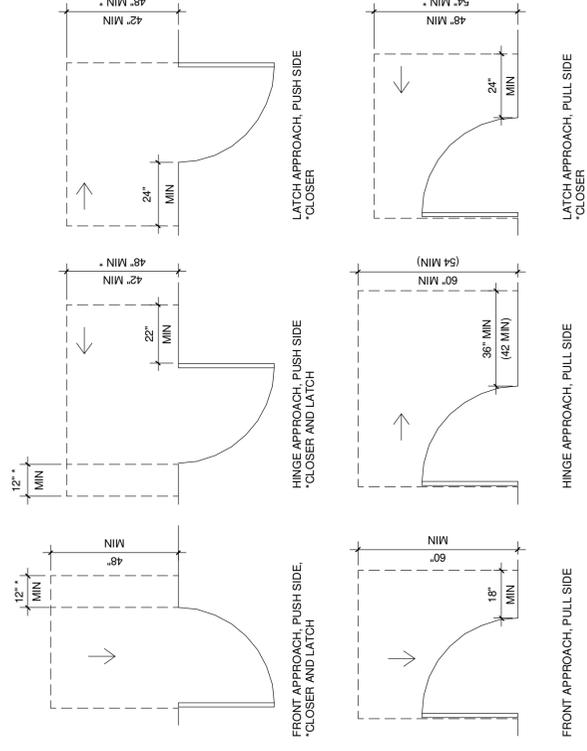
EGRESS	PROVIDED WIDTH 36"
MAX LOAD	170P
ACTUAL LOAD	
MINIMUM WIDTH	32"

EGRESS	PROVIDED WIDTH 36"
MAX LOAD	170P
ACTUAL LOAD	
MINIMUM WIDTH	32"

TYPICAL OUTLET PLACEMENT



LIFE SAFETY LEGEND



TYPICAL ADA DOOR DIMENSIONS

1 1/4" = 1'-0"

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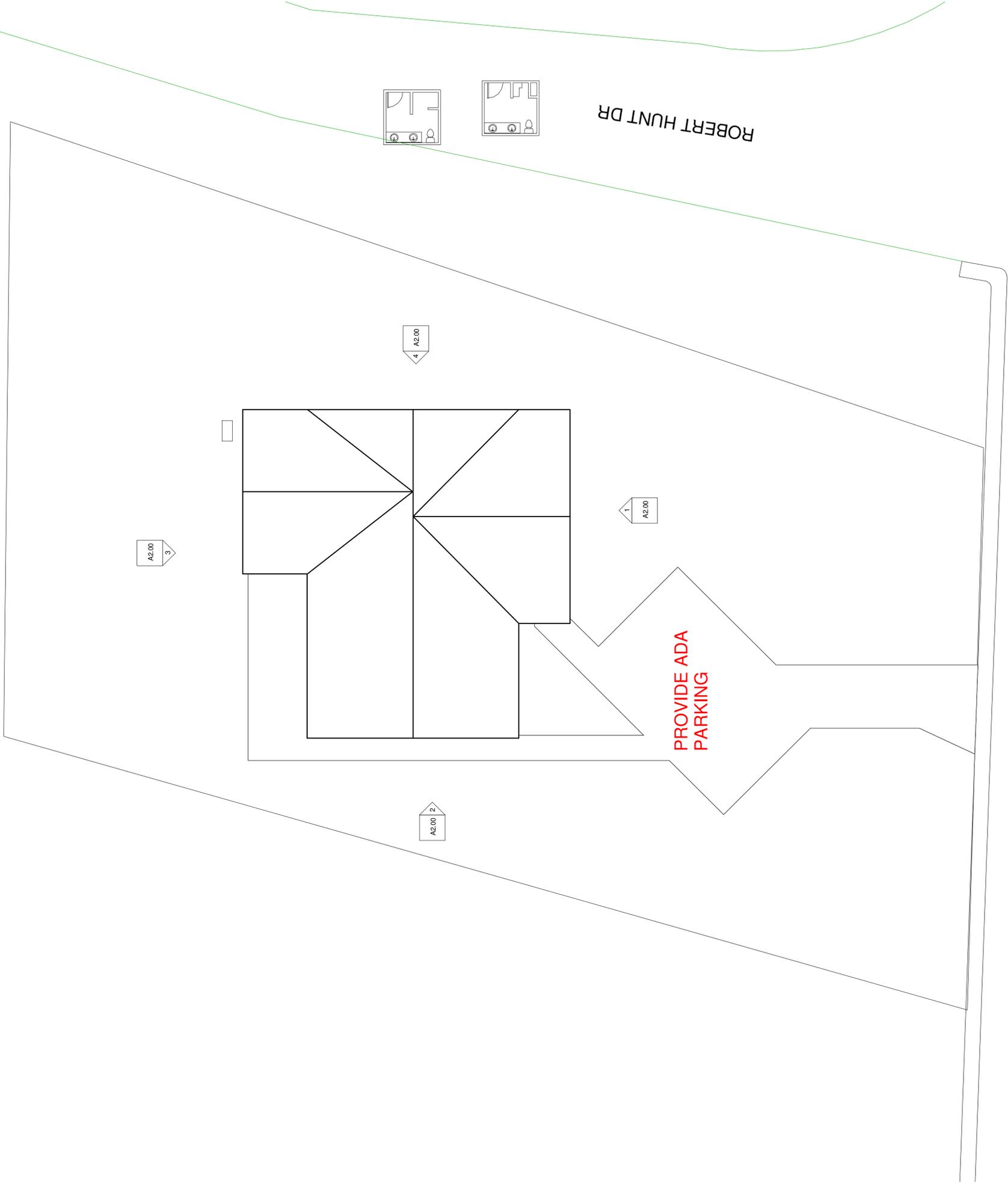
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Construction Documents	
Revisions	

Sheet Name
LIFE SAFETY PLAN
Sheet Number
A0.04

- 3.2.6 REPLACE STORAGE SHED
- 3.3.4 REPLACE SHINGLE ROOF
- REPLACE GUTTERS AND DOWNSPOUTS



NORTH GREENSBORO ST

ROBERT HUNT DR

PROVIDE ADA PARKING

A2.00 3

A2.00 2

A2.00 4

A2.00 1

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Construction Documents	
Revisions	

Sheet Name
DIAGRAMMATIC SITE / ROOF PLAN

Sheet Number
A1.00

- 3.7.1 REPLACE BEDROOM DOOR HARDWARE TO ADA COMPLAINT LEVERS.
- 3.7.2 INSTALL ADA COMPLIANT KITCHEN SINK.
 PROVIDE ADA COMPLIANT LOWERED SHELVING
 PROVIDE ADA COMPLIANT SINKS AT COMMON AREA BATHROOM.
 PROVIDE ADA COMPLIANT TOILET AND GRAB BARS AT COMMON AREA BATHROOM.

BATHROOMS DO NOT MEET ADA CODE.
 REPLACE DOOR AT LARGE COMMON BATHROOM, OUTSWING.

3.7.1 REPLACE LAMINATE FLOORING

WINDOWS DO NOT MEET CODE, NEED TO BE
 TEMPERED GLAZING OR INSTALL A PROTECTIVE RAIL.
 SILL IS LESS THAN 18" ABOVE FLOOR.
 PER NC BC 2406.4.3

DEMOLITION NOTES	
NUMBER	DESCRIPTION
1	DEMO EXISTING WINDOW
2	DEMO EXISTING DOOR HARDWARE
3	DEMO EXISTING SINK AND COUNTERTOP
4	DEMO EXISTING GRAB BARS
5	DEMO EXISTING BASE CABINETS AND COUNTERTOP
6	DEMO EXISTING UPPER CABINETS
8	DEMO EXISTING FLOORING FINISH



1 DEMOLITION FLOOR PLAN

1/4" = 1'-0"

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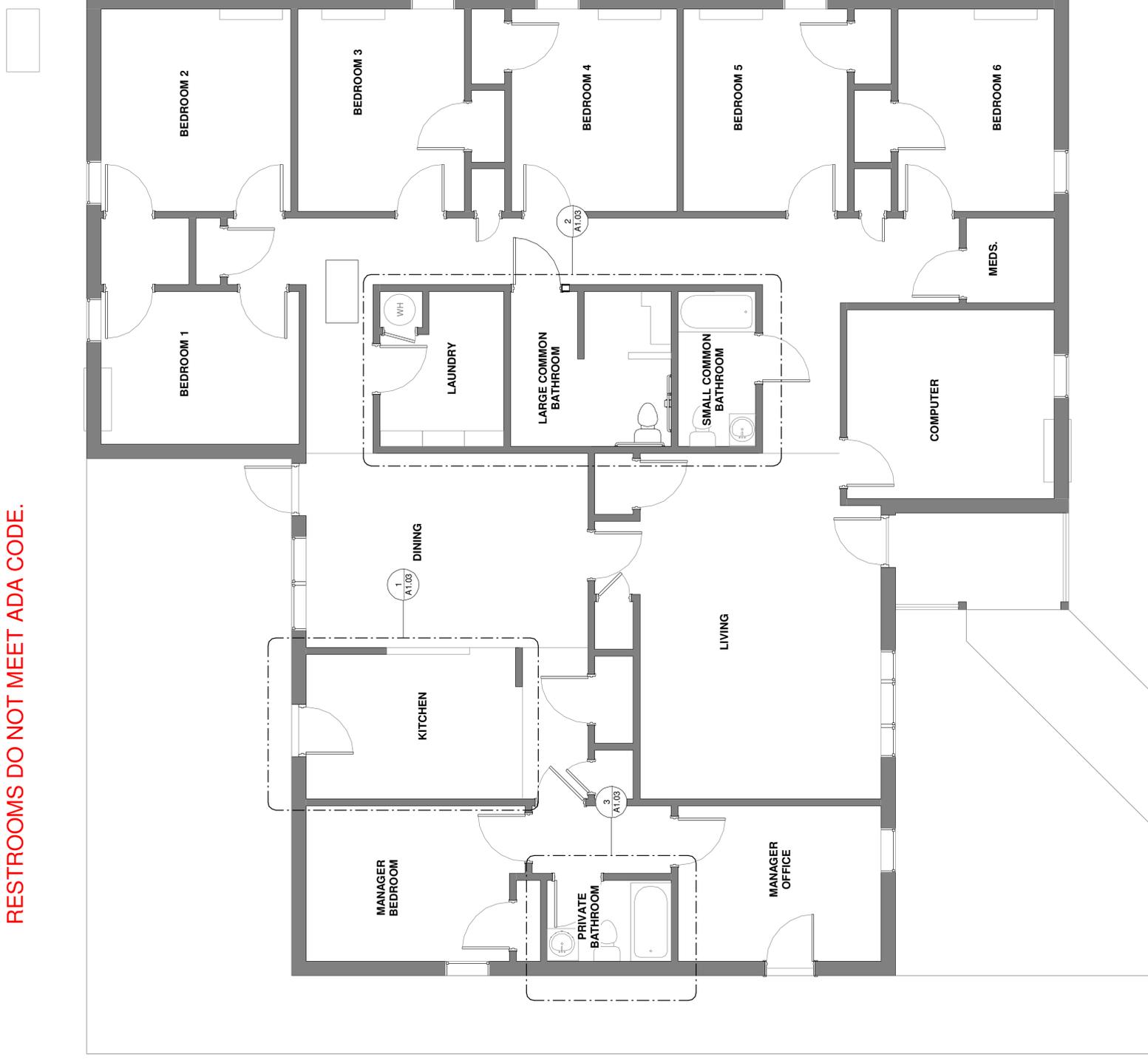
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Date:	10-12-2020
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Construction Documents	
Revisions	

Sheet Name
**DEMOLITION FLOOR
PLAN**
 Sheet Number
A1.01

- 3.7.1 REPLACE BEDROOM DOOR HARDWARE TO ADA COMPLAINT LEVERS.
- 3.7.2 INSTALL ADA COMPLIANT KITCHEN SINK.
- PROVIDE ADA COMPLIANT LOWERED SHELVING
- PROVIDE ADA COMPLIANT SINKS AT COMMON AREA RESTROOM.
- PROVIDE ADA COMPLIANT TOILET AND GRAB BARS AT COMMON AREA RESTROOM.

RESTROOMS DO NOT MEET ADA CODE.



1 NEW FLOOR PLAN
1/4" = 1'-0"

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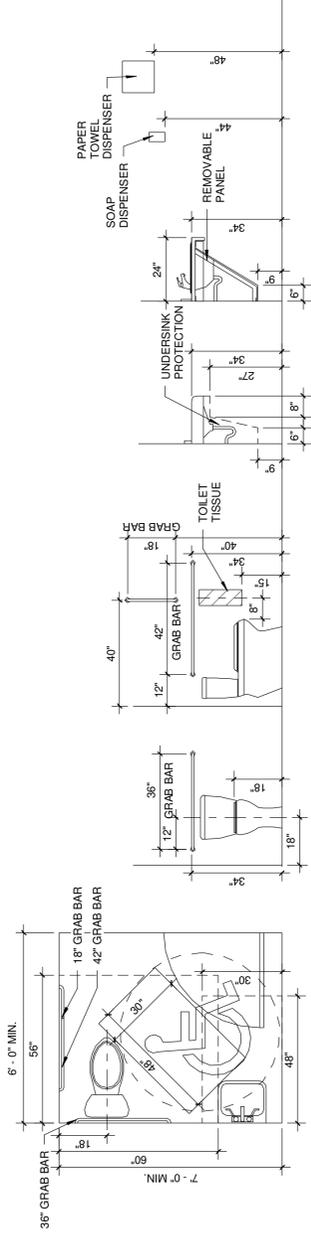
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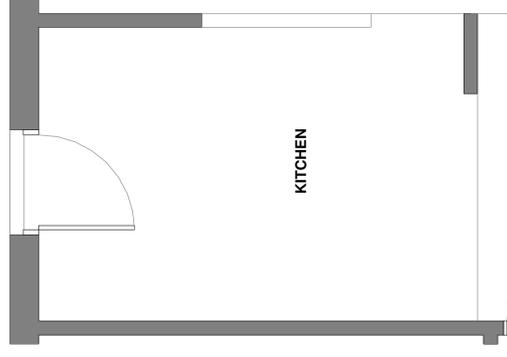
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Construction Documents	
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Sheet Name
NEW FLOOR PLAN
Sheet Number
A1.02

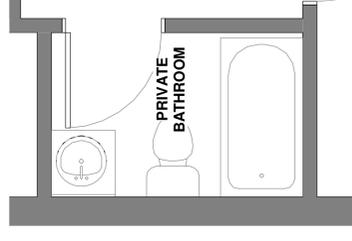


TYPICAL ADA FIXTURE DIMENSIONS

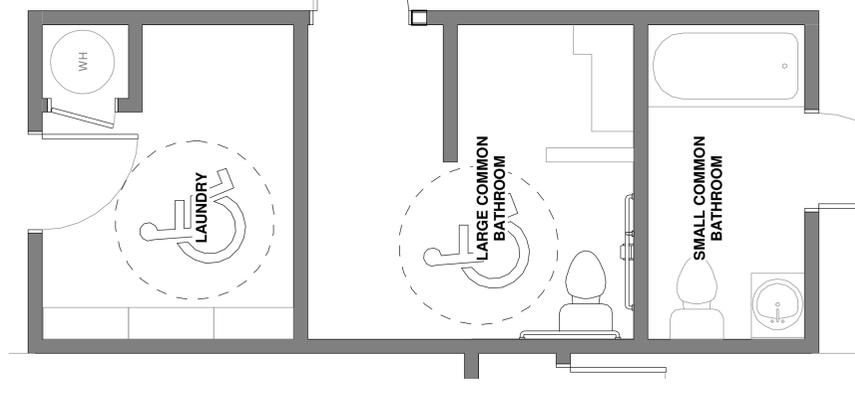


1 3/8" = 1'-0" REF: 1 / A1.02

**PROVIDE KITCHEN ELEVATIONS
 PROVIDE RESTROOM ELEVATIONS
 PROVIDE ADA COMPLIANCE REQUIREMENTS (GRAB BARS)
 LARGE COMMON AREA RESTROOM IS THE ONLY ONE THAT CAN
 MEET ADA CDOE**



3 3/8" = 1'-0" REF: 1 / A1.02



2 3/8" = 1'-0" REF: 1 / A1.02

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Sheet Name
ENLARGED PLANS
 Sheet Number
A1.03

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Design Development	X
Construction Documents	
Revisions	

Sheet Name
**REFLECTED CEILING
PLAN**

Sheet Number
A1.21



PROVIDE EXTERIOR ADA LIGHTS AT WALKWAY

- 24" x 48" LIGHT FIXTURE
- 24" x 24" LIGHT FIXTURE
- EXISTING FACE MOUNTED CEILING LIGHT
- 7.5" RECESSED CAN
- 48" DIFFUSER STRIP LIGHT
- EXTERIOR WALL LAMP
- EXTERIOR BACK-LIT FIBER-GLASS CROSS LAMP
200 WATT, 1/2" DIA. INCANDESCENT ROPE LIGHT
- EXTERIOR CYLINDRICAL WALL SCONCE
- EXTERIOR WALL SCONCE
- GYPSUM BOARD CEILING
- SUPPLY DIFFUSER
- RETURN REGISTER
- EXHAUST FAN
VENTED THROUGH ROOF
- 36" 3-BLADE, WHITE, COMMERCIAL CEILING FAN

CEILING PLAN LEGEND

1 NEW REFLECTED CEILING PLAN
1/4" = 1'-0"

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for

Repairs & Alterations

Date: 10-12-2020

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Design Development **X**

Construction Documents

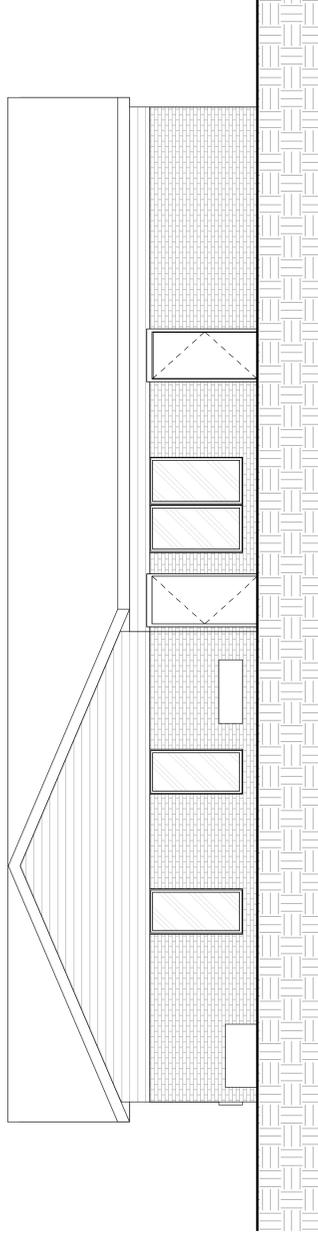
Revisions

Sheet Name

**EXTERIOR
ELEVATIONS**

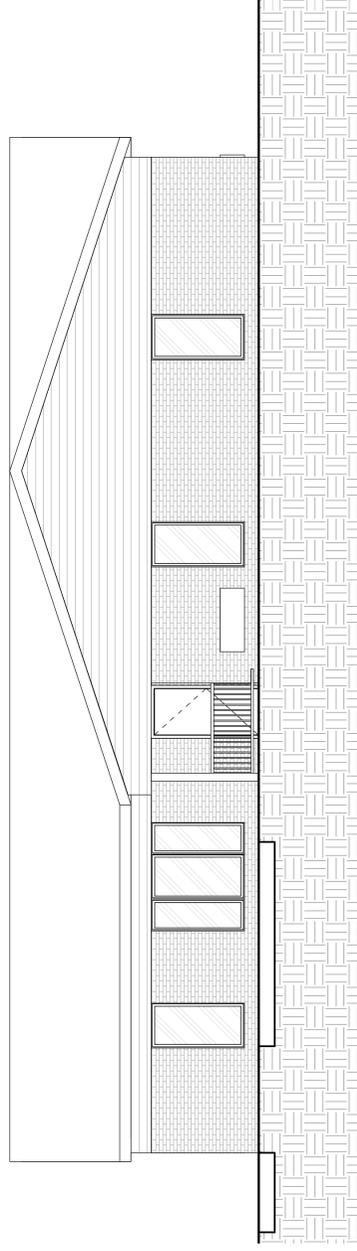
Sheet Number

A2.00



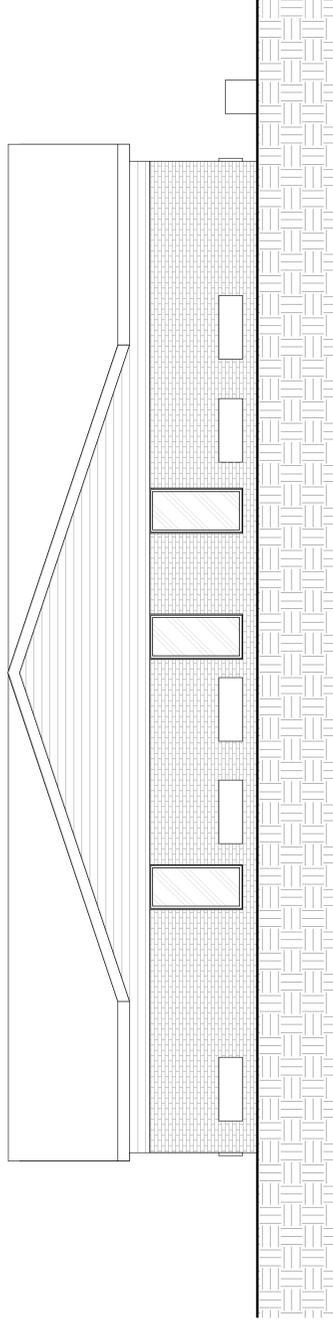
3 REAR ELEVATION

3/16" = 1'-0" REF: 17/A1.00



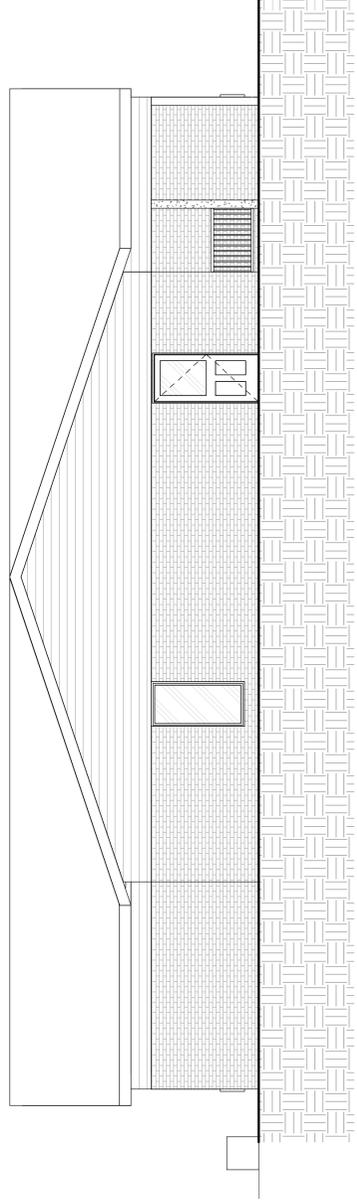
1 FRONT ELEVATION

3/16" = 1'-0" REF: 17/A1.00



4 RIGHT ELEVATION

3/16" = 1'-0" REF: 17/A1.00



2 LEFT ELEVATION

3/16" = 1'-0" REF: 17/A1.00

CONSTRUCTION/REHABILITATION DETAIL (cont.)

Energy efficiency measures include:

- LED lighting and occupancy sensors in each room.
- Replace windows with low-E windows.
- Update insulation from R-30 to R-38.
- Energy star appliances in the kitchen and laundry room.
- Low flow plumbing fixtures.

ADA/universal designs include:

- ADA compliant countertops in the kitchen, bathrooms, and the laundry room.
- ADA compliant parking and access to the main entrance.
- ADA compliant door hardware, appliances, and plumbing fixtures.
- ADA compliant reach ranges (15"- 48") for all light switches and thermostats.
- ADA compliant turning space in all individual living units.
- ADA compliant turning space in all bathrooms, the kitchen, and the laundry room.
- ADA compliant reach-depths in the kitchen, pantry, and all closets.

Extended life building materials include:

- Tile in bathrooms.
- Solid surface countertops
- Commercial grade doors and hardware.

Long-term affordability of housing units, including subsidy recapture, equity sharing, deed restrictions, etc.:

- HUD requires that the house be used for affordable housing for the next 15 years, and The Alliance is committed to retaining the home for affordable housing indefinitely.

SUPPORTIVE SERVICES

The Alliance’s staff possesses a high-level of expertise in determining and meeting the needs with disabilities. We reviewed multiple resources that identified projects that served similar populations for the Orange Community Residence. We also consulted with experts in the field of supportive housing to develop the following “menu” of expected service needs for our project.

<i>POPULATION</i>	<i>SERVICES</i>
All residents	Intake and assessment, local information and referrals, site and local community activities (recreational, social activities, transportation...) on-site hobby groups, educational or other enriching opportunities Crisis intervention and emergency procedures.
All residents	Medical Development of individualized service planning and goal setting for health/medical needs. Skills and knowledge to support healthy eating, medication management. Coordination of transportation for medical care. Assistance with accessing other low-cost or free medical services (dentist...)
All residents	Independent Living Development of individualized service planning and goal setting, 1-1 education on finances, stress management, conflict resolution, counseling and support, coordination of services and assistance with accessing community-based resources to build self-efficacy and independence. <i>*We will emphasize HUD’s “Moving On” services to, “support the long-term growth, recovery, and independence of program participants, especially those demonstrating promise or show interest in moving on from supportive housing.”</i>
All residents (as needed)	Social Support Case management and referrals to counseling and other community support as appropriate. Case management includes individualized service planning and goal setting, counseling and support, coordination of services to reduce isolation and stigma.
All residents	Vocational/Educational/Employment Service coordination on employment/vocation training services/education and job-finding resources. Help with resume writing, interviewing and developing “soft-skills” for employment success. Service coordination includes information and referral, with some follow through to help residents access needed services.

PERFORMANCE MEASUREMENTS

A. Goals and Objectives

<i>Goal/Objective</i>	<i>Measurement</i>
To provide housing for low-income households.	By July 1, 2021, rehabilitate seven units that are affordable to households earning between 30%- 60% AMI.

B. Alignment with Town Goals and Adopted Affordable Housing Strategies

The proposed project aligns with the Town of Carrboro's Affordable Housing Goal 2 to ***“increase the number of rental units that are permanently affordable to individuals and families earning less than 60% or less of AMI.”*** More specifically, the project will add **seven (7)** rental units *“that are permanently affordable to individuals earning less than 60% or less of AMI.”*

To achieve this goal, The Alliance will implement several ***affordable housing strategies***, including, but not limited to, the following:

- Work with the Town of Carrboro and Orange County and the University to reserve and rehabilitate one HUD-restricted rental community.
- Strengthen existing and build new community partnerships.
- Cultivate relationships with key gatekeepers and community stakeholders.
- Participate in community and governmental workgroups and community coalitions.
- Collaborate with affordable rental housing owners and developers.

PROJECT BUDGET

**The Alliance of AIDS Services - Carolina
Orange Community Residence Rehabilitation Budget**

Based on a 6-month timeline

INCOME	
Source	Amount
Agency Fundraising (incldues \$15,000 contribution, to date, to cover utilities, insurance, and 10K of architecture services)	\$50,000
Private and Corporate Donations (estimated)	\$25,000
Grants (estimated)	\$150,000
In-Kind Support (estimated)	\$25,000
TOTAL INCOME	\$250,000
EXPENSES	
Category and Description	Amount
Personnel	
M. Haithcox-Dennis, AAS-C ED/Project Director, \$72,000 Salary/Fringe= \$8,000/mo. @ 6mos. @.25 FTE= \$12,000	\$12,000
Sub-Total Personnel	\$12,000
Contracted Services	
*Architecture Services (Design development, construction drawings, permit review...)	\$13,500
*Rehabilitation/Construction Services (Materials, Fixtures, labor, permits, insurance, inspections, excludes contingency)	\$180,257
*Roofing (Labor and Materials)	\$13,000
Landscaping	\$2,200
Sub-Total Contracted Services	\$208,957
Insurance	
*Property Insurance (prorated)	\$1,976
Professional Liability -OCR Staff (prorated)	\$1,040
Sub-Total Insurance	\$3,016
Utilities	
Estimated Water/Sewer (6 months @ \$150/mo.)	\$750
Estimated Gas (6 months @ \$150/mo.)	\$750
Estimated Electricity (6 months @ \$300/mo.)	\$1,800
Sub-Total Utilities	\$3,300
SUB-TOTAL EXPENSES	\$227,273
Contingency	
10% of expenses (includes \$3,000 from Rehab. Expenses)	\$22,727.30
TOTAL EXPENSES	\$250,000
Profit/Loss	\$0

**Detailed estimates are attached*

September 16, 2020

Owner	Project Location	Architect
Melissa Haithcox-Dennis Alliance of AIDS Services m.haithcoxdennis@aas-c.org 252.702.3490	1700 North Greensboro Street Carrboro, NC 27510	Marques Moore AIA NOMA NCARB Moore Architecture marques@moorearch.net 434.665.7780

Dear Melissa:

We are thankful to be considered as your Architect of choice for this amazing project and opportunity.

Project Objective and Summary of Architectural Services:

Renovations – Orange Community Residences

Moore Architecture is submitting this specific proposal for Architectural services required for the *Renovation of the Orange Community Residences* at the above project location. The scope of Architectural services shall include: code summary, life safety plan, floor plan, reflected ceiling plan, roof plan, ADA compliance, demolition plans, diagrammatic site plan, kitchen plan, restroom plans, and exterior elevations. If required, Moore Architecture shall retain Engineering services for Mechanical, Electrical, and Plumbing design. Moore Architecture shall address and respond to all permit review comments.

Phase	Term Duration	Fee Schedule
Design Development	4 weeks	due at start \$ 5,000 ^{5,000}
Construction Drawings	4 weeks	due at start \$ 5,000 ^{5,000}
Permit Review	TBD	due at start \$ 3,750
Total Contract Fee		\$ 13,750
Additional Services		
Specification Manual, Bidding, Construction Administration, Post-Permit Revisions, Zoning, Renderings, HUD Coordination and Documentation		\$ 150 per hr


OWNER (Signature)


ARCHITECT (Signature)

Melissa Haithcox-Dennis
(Printed name and title) Executive Director

Marques Moore, Architect, NC 12297
(Printed name, title, and license number)

Alliance of AIDS Services
1700 North Greensboro Street, Carrboro, NC

REVISED 12-5-20

MELISSA HAITHCOX-DENNIS | CARRBORO, NC

General Information

Architect:
Existing Square Footage 7,200
Added Square Footage
Site Acres

Construction Details

Estimate Summary

Cost / SF: \$25

DIVISION COST CODE	DIVISION # CSI CODE	DESCRIPTION	L M S	P E	BASE BID	NOTES
DIVISION	1	GENERAL REQUIREMENTS				
		GENERAL CONDITIONS			\$ 9,720	INCLUDES PERMIT COST
		JOBSITE EQUIPMENT			\$ 5,450	
		SITE PERSONNEL			\$ 18,384	
DIVISION	2	DEMOLITION/SITE				
		TREE REMOVAL			\$ 2,500	
		GRADING FOR PARKING & ADA SIDEWALK			\$ 4,200	
		ADA SIGNAGE			\$ 300	
		SAW CUT FLOOR IN LANDRY ROOM & BATHROOMS			\$ 2,000	
		INTERIOR DEMOLITION			\$ 10,340	
DIVISION	3	CONCRETE				
		POUR BACK SLAB AT BATHROOMS & LAUNDRY ROOM			\$ 2,600	
		ADA PARKING SPACE AND SIDEWALK			\$ 3,444	
DIVISION	4	MASONRY				
DIVISION	5	STEEL				
DIVISION	6	FRAMING				
		REFRAME BD#1 & BD#2. PANTRY, BLOCKING			\$ 3,200	
		CABINET ALLOWANCE			\$ 7,600	\$4,600 MATERIAL ALLOWANCE
		COUNTERTOP ALLOWANCE - QUARTZ			\$ 2,495	
		INTERIOR TRIM			\$ 1,621	
		EXTERIOR POST WRAP			\$ 1,576	
DIVISION	7	THERMAL PROTECTION				
DIVISION	8	DOORS & WINDOWS				
		DOOR HARDWARE			\$ 825	
		EXTERIOR WINDOW REPLACEMENT			\$ 9,768	
		NEW DOORS (KITCHEN, LAUNDRY ROOM, BATHROOM #2, BR #1 & 2 CLOSETS)			\$ 3,750	
DIVISION	9	FINISHES				
		DRYWALL			\$ 5,879	
		PAINT			\$ 14,400	
		TILE FLOOR IN SHOWERS, COMMON BATHROOMS, LAUNDRY ROOM, KITCHEN WORK STATIONS			\$ 4,964	
DIVISION	10	ACCESSORIES				
		MIRRORS			\$ 6,678	
		GRAB BARS			INCL.	
		TOILET ACCESSORIES			INCL.	
		ADA SIGNAGE			INCL.	
DIVISION	11	SPECIALTIES				
DIVISION	15	PLUMBING & HVAC				
		PLUMBING			\$ 13,500	
		PLUMBING FIXTURE ALLOWANCE			\$ 6,600	
		HVAC REPAIR ALLOWANCE			\$ 9,500	
DIVISION	16	ELECTRICAL				
		ELECTRICAL ALLOWANCE			\$ 10,599	
		LIGHTING ALLOWANCE			\$ 3,000	

COST OF WORK		\$ 164,893
BUILDERS RISK INSURANCE	0.40%	\$ 660
GENERAL LIABILITY INSURANCE	0.82%	\$ 1,352
SUBTOTAL		\$ 166,905
BASE BID OVERHEAD & PROFIT	8.00%	\$ 13,352
CONTINGENCY		\$ 3,000
TOTAL COST		\$ 183,257

CLARIFICATIONS & EXCLUSIONS
Alliance of AIDS Services
1700 North Greensboro Street, Carrboro, NC 27510
Pricing

Division 1

1. Building permit fees included.
2. Owner to provide power and water needed to complete project.
3. Estimated time to complete project is 2.5 months.
4. Proposal based on drawings by Moore Architecture dated 10-29-20.
5. Dumpsters throughout construction.

Division 2

1. Interior demolition per plans.
 - a. Existing flooring to remain except in laundry room and common bathrooms.
2. Tree removal at top of hill for new ADA parking space.
3. Grading at hill for sidewalk and ADA parking space.
4. ADA parking sign.
5. Saw cut floor in laundry room.

Division 3

1. Concrete pour back plumbing drain relocation.
2. Concrete for ADA parking space and ADA compliant sidewalk. If sidewalk exceeds 5%, will require handrails. Not included in price.

Division 4

Division 5

Division 6

1. Reframe bedroom #1 & #2 closets to enlarge size per discussion with owner.
2. Reframe pantry to increase size per request of owner.
3. Wall blocking for wall hung sinks and ADA grab bars.
4. Cabinet material allowance \$4,600
5. Quartz countertop allowance \$2,495
6. Interior trim includes new trim at windows.
7. New cedar wrap around (2) columns at front entrance.

Division 7

1. Add \$13,800 for roof replacement.

Division 8

1. New ADA compliance door hardware where specified.
2. Includes hollow metal door frames, birch doors, with hardware at laundry room and common bathroom #2.
3. New doors at pantry and closets for bedrooms #1 & #2.
4. New kitchen door and hardware, frame to stay in place.

Division 9

1. New drywall at moisture resistant drywall at bathrooms.
2. Drywall point-up throughout facility.
3. Paint all walls and ceiling.
4. Sand and paint existing doors and frames.
5. Paint all interior trim.
6. New tile flooring in laundry room, common bathrooms, shower floors, and ADA work-stations in kitchen.

Division 10

1. Bathroom mirrors.
2. ADA grab bars.
3. Liquid soap dispenser.
4. Paper towel dispenser and waste receptacle.
5. Toilet paper holder (single roll).
6. ADA bathroom signage.

Division 11

Division 15

1. Includes plumbing slab at new showers and laundry room, wall rough-ins, and trim-out.
2. New plumbing for stack washer/dryer and new ADA washer and dryer.
3. Plumbing allowance of \$6,600 for fixtures, (2) prefabricated ADA showers, ADA compliant wall hung sinks.
4. HVAC allowance of \$9,500, to cover new bathroom fans, new registers, new dryer vents, fire wrap vents if required, review existing HVAC equipment, and make necessary repairs up-to budget balance.
5. Add \$4,200 for tankless water heater.

Division 16

1. Electrical allowance of \$10,599 for wiring at kitchen, new lights throughout facility, new stack washer/dryer, ADA washer and dryer, and new ceiling fans.
2. Electrical panel verification needed once stacked and ADA washer and dryers have been specified.
3. Electrical light fixture allowance of \$3,000.

Exclusions

1. Any unknown Orange County/City of Carrboro review comments.
2. Unknowns not visibly seen during walk thru above ceiling, slab, in wall (mechanical, electrical, and plumbing).
3. Owner supply appliances, contractor install.
4. Existing fire alarm system.

ORGANIZATIONAL OVERVIEW

The Alliance of AIDS Services - Carolina, "The Alliance," is a mission-driven, 501 (c)(3), nonprofit organization located in Raleigh, NC. The Alliance was founded in 1999 as a strategic partnership between the AIDS Service Agency of North Carolina (ASANC), AIDS Service Agency of Orange County (ASAOC), and Triangle AIDS Interfaith Network (TRAIN). This collaboration combined their unique talents, expertise, and resources to form a stronger, more-effective, community-based organization that served People Living With HIV/AIDS (PLWHAs). Now, more than 25 years later, ***The Alliance remains committed to their mission to serve the community through education, prevention, and connection to compassionate and non-judgmental care, prioritizing PLWHAs*** and individuals experiencing homelessness, interpersonal violence, disabilities, poverty, or other debilitating conditions that increase the risk for contracting HIV/AIDS.

The Alliance provides three core services (***Prevention, Care and Support***) throughout their service deliver area, including six NC Counties: Chatham, Durham, Johnston, Lee, Orange, and Wake. ***Prevention Services*** include HIV/STI testing, community outreach, and health education workshops. We distribute safer-sex supplies throughout the community and partner with key organizations such as the Raleigh LGBT Center, to host large testing and outreach events. ***Care Services*** include case-management (CM) that connect our HIV+ clients to medical, mental health and other healthcare providers. CM also work to reduce barriers to care such as transportation, navigating healthcare systems and building self-advocacy skills. ***Support Services*** include our well-established food pantry, educational workshops, and leadership development for PLWHAs. We also provide referrals to community resources such as food, housing, job-training, and social programming.

ORGANIZATION TRACK RECORD AND COMMUNITY SUPPORT

1. Evidence of coordination of this application with other organizations to complement and/or support the proposed project:

The Alliance has coordinated this effort with the Town of Carrboro, the Affordable Community Residence Association (www.acra.org), Habitat for Humanity, Orange County, US Housing Consultants and the Department of Housing and Urban Development.

2. Involvement of intended beneficiaries of the project in the planning process.

The Alliance maintains a group of peer educators, who are living with HIV *and* who have experienced homelessness, that offer their input on all our projects, including this one. We conduct focus groups and interviews to garner insight and support on a continual basis.

3. Past achievements in carrying out similar projects and evidence of successful record of meeting proposed budgets and timetables.

The Alliance has a 30-year track record of successful project development, implementation and meeting proposed budgets and timetables. Moreover, we have successfully met and exceeded our deliverables for our current funding, and have been tapped by several governmental agencies, including the CDC and local health departments to assist with community-level projects and interventions. The Alliance also successfully managed OCR for more than 12 years and the management staff have individually created and successfully sustained similar projects at prior organizations.

4. Collaborative relationships with other agencies

The Alliance maintains more than 50 active Memorandums of Agreement across 6 Counties, including Orange. Some of our Orange County partners include IFC, the Orange County Rape Crisis Center, the Orange County Health Department, The University of North Carolina, Chapel Hill (Various medical and research departments), the Orange Correctional Center, and Hillsborough Recovery.

5. Plans to develop linkages with other programs and projects to coordinate activities so solutions are holistic and comprehensive.

The Alliance is committed to creating holistic and comprehensive solutions for the community. We welcome the opportunity to partner with others and we will actively seek to collaborate with an array of providers throughout the region.

6. Any other features relating to organization capacity that you consider relevant, (i.e. property management experience, including accepting Section 8 Vouchers, etc.).



Town of Carrboro

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

Agenda Item Abstract

File Number:21-21

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Update on the Implementation of the East Main Street Restriping Project and Request to Increase Contract with Stantec to Cover Signal Plans

PURPOSE: The purpose of this item is to provide the Town Council with an update on the pavement marking plans and to request an increase to the existing contract with Stantec to provide for the development of plans for the necessary signal changes.

DEPARTMENT: Planning and Finance

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org <<mailto:cmoon@townofcarrboro.org>>; Zachary Hallock - 919-918-7329, zhallock@townofcarrboro.org <<mailto:zhallock@townofcarrboro.org>>; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org; Cary McNallan - 919-918-7301, cmcnallan@townofcarrboro.org <<mailto:cmcnallan@townofcarrboro.org>>

INFORMATION: Since the last update on the East Main Street project on June 23, 2020, staff has continued to work with Stantec, the project consultant, to refine the pavement marking plans as directed by NCDOT, and in collaboration with the Town of Chapel Hill to ensure a seamless transition at the eastern end of the corridor ([Town of Carrboro - Meeting of Town Council on 6/23/2020 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=788947&GUID=52538CB8-005F-4101-A316-EB2FB609F24C&Options=&Search=>) <<https://carrboro.legistar.com/MeetingDetail.aspx?ID=788947&GUID=52538CB8-005F-4101-A316-EB2FB609F24C&Options=&Search=>>>. Changes to the traffic signals are also necessary to implement the project and Stantec has provided staff with a scope of work to complete the necessary signal plans, as a contract amendment. NCDOT has identified March 1st as the deadline for plan completion/approval in order to stay on schedule for the NCDOT resurfacing project for this spring/summer.

Staff is also working with Stantec to develop preliminary estimates for construction in anticipation of an informal bid. Implementation will need to occur in coordination with NCDOT's resurfacing project.

Staff will work with the Economic Development Director to keep local businesses located along the corridor up to date as the project moves forward in an effort to minimize the potential for disruptions relating to the construction activity.

FISCAL & STAFF IMPACT: The cost for the signal plans is \$44,000. Existing Bicycle Friendly Community funds will be used fund this aspect of the project. Once the total construction costs are determined, a new capital project ordinance for construction costs will be established.

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

RECOMMENDATION: Staff recommends that the Town Council consider adopting the Project Ordinance for the East Main Street Restriping Project to complete the signal plans (Attachment A).

**EAST MAIN STREET REDESIGN
PROJECT ORDINANCE**

WHEREAS, the Town Council has instructed staff to review pavement markings and bikeway safety along the East Main Street corridor; and,

WHEREAS, a contract with Stantec Consulting Services was entered into on October 8, 2018 to provide an operational analysis of this corridor; and,

WHEREAS, additional services for final pavement marking design and signal timing plans and traffic signal design is needed at an estimated cost of \$44,000.00; and,

WHEREAS, additional monies will be necessary to completely fund this additional project design.

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

1. The funding for the above mentioned design services will be the Bicycle Friendly Community account within the Planning Department's operating budget.
2. The appropriation is authorized for the East Main Street Redesign Project until all project activity is completed.
3. Within five (5) days after this ordinance is adopted, the Town Clerk shall file a copy of this ordinance with the Finance Director.



Town of Carrboro

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

Agenda Item Abstract

File Number:21-22

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Affordable Housing Update

PURPOSE: The purpose of this item is for the Council to receive an update on the Town's Housing activities.

DEPARTMENT: Housing and Community Services

CONTACT INFORMATION: Rebecca Buzzard, Director, Housing and Community Services, 919-918-7438, Anne-Marie Vanaman, Management Specialist, 919-918-7321

INFORMATION: Town staff have been using the Goals and Strategies document, created in 2014, as the main guide for the Town's affordable housing efforts. In the spring of 2020, a new department was created which combined the Town's housing and human services programs into one cohesive community forward division. On September 8th, 2020, staff presented the yearly affordable housing and community services report, which included current local housing data, the updated Goals and Strategies document, and information on the Department's COVID-19 response efforts.

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=4633094&GUID=6E6EAD9B-556E-4AF2-9D9B-87E4FA6FD76C&Options=ID|Text|&Search=affordable+housing>

The presentation and report reflected the Town's accomplishments towards the stated goals and provided additional information on progress being made toward Council identified targets. This will continue to be updated and reported on a yearly basis.

In the meantime, Town Council members requested regular updates on current affordable housing projects and collaborative activities. Although much of the Housing and Community Services work in the first two quarters of FY21 has been dedicated to ongoing pandemic response, progress has been made toward affordable housing goals, albeit at a slower pace. Attachment A provides a listing of current affordable housing projects. Attachment B provides information on local and regional collaborative housing efforts.

FISCAL & STAFF IMPACT: None noted in relation to the receipt of this update.

RECOMMENDATION: Staff recommends that the Town Council receive this update.

Affordable Housing Update 1/26/2021 - Projects

Project - Partner (Location)	Units Supported, Added, or Preserved/Maintained	Details	Next Steps	Housing Goal
Development of Rental Units - CASA (Merritt Mill)	24 to be added	CASA submitted their final application for 9% Low Income Housing Tax Credits (LIHTC) in Spring 2020. The North Carolina Housing Finance Agency awarded tax credits for the Merritt Mill Road project in August 2020. Staff representatives from Carrboro, Chapel Hill, CASA, and their engineering firm have scheduled regular meetings to ensure a consistent, timely, and smooth development approval process. Expect groundbreaking in March.	1. Staff will continue to keep the Council updated. 2. The anticipated timeline is for construction to begin in spring 2021 and completion of the project is expected in mid-2022.	2.1 Increase number of rental units that are permanently affordable to individuals and families earning less than 60% of AMI.
Development of Rental Units - Alliance of AIDS Services - Carolina, 1700 North Greensboro Street	7 single-resident units	The Orange Community Residence has been vacant since 2016. AASC is rehabilitating the home to provide permanent supportive housing. The existing HUD agreement specifies that the home must be used for affordable housing until 2035 and AASC will keep that designation after that time.	The AHAC will make a funding recommendation to Council for this project in January 2021. Construction is expected to be complete by June 30, 2021. Conversations with AASC, Town staff, Orange County Housing and Development and UNC Health Care are occurring to explore an alternate use for the home - medical respite, an identified need in OCPEH's gap analysis.	Goal 2.1 of the Town of Carrboro's affordable housing goals by increasing the number of rental units that are permanently affordable to individuals earning less than 60% of AMI.
Development of Rental Units - Pee Wee Homes (Town-owned parcel)	1-2 rental units to be added	Housing and Planning Staff are working with Pee Wee Homes, and the Jackson Center, to move forward with building 1-2 tiny homes on a Town-owned parcel. Homes will be affordable to households under 30% AMI. Application should be received this spring.	Planning staff members are examining the best configuration of buildings on this site which has numerous constraints including a stream buffer that runs through most of the property. Staff have reached out to the Jackson Center to receive feedback from residents and the Compass Group on the project.	2.1 Increase number of rental units that are permanently affordable to individuals and families earning less than 60% of AMI. 3.1 Concerted Land Use Planning
Development of Owner Occupied Housing - Habitat for Humanity (Northside - Cobb St.)	4 to be added	AHSRF grant to support the construction costs of the 4-unit development.	The zoning permit was issued in June 2020. The Town Council approved the property's inclusion in the Secondary Fire District on September 22 nd . Habitat purchased the property in November 2020 and is preparing their construction plan and building permit request for approval. Construction is anticipated to start in Spring 2021.	1.1 Increase number of homeownership units that are permanently affordable in Carrboro. 1.3 Decrease barriers to first-time homeownership and to homeownership retention, particularly among seniors.

Affordable Housing Update 1/26/2021 - Projects

Preservation of Affordable Housing Stock/Rehab & Repair - EmPOWERment, Jackson Center, Rebuilding Together of the Triangle	9 homes maintained	AHSRF grant awarded to EmPOWERment to renovate and upgrade 5 rental units (4 in Hilmont and 1 in Collins Crossing.) AHSRF grant awarded to the Jackson Center for an emergency repair on Starlite Drive. RTT will complete critical repairs on 3 homes (AHSRF funded in Spring 2020).	The pandemic has slowed the pace of the renovations. Work is expected to be completed in Spring 2021.	1.3 A2. Grants for critical home repairs, energy efficiency, up fits to accommodate changing mobility, etc. +opportunities to decrease utility payments. 2.4 Reduce erosion of rental housing quality and affordability.
Development of Mobile Home Displacement Policy	N/A	Due to the pandemic, the AHAC delayed its discussion of the development of a mobile home displacement policy.	Use the comprehensive planning process to update the affordable housing vision and implementation plan (which may include a mobile home strategy).	1.3 Decrease barriers to first-time homeownership and to homeownership retention, particularly among seniors.
Mobile Home Park Preservation/Displacement - Orange County/Possibly Nonprofit Partner (Veridia)	39 ownership units	Owners Sustainable Properties, LLC, Town staff and some members of the Orange County Affordable Housing Coalition met to discuss possibilities to develop the property for affordable housing. Initial conversations indicated financial feasibility is an obstacle.	Town staff will stay abreast of the conversations and provide updates to the Town Council.	2.5 Examine the current marketplace for mobile and modular homes
Emergency Housing Assistance - CARES	164 Carrboro households	164 households diverted from pandemic-driven homelessness through the use of CARES Act funds.	Complete - awaiting additional information on the second major stimulus bill of the pandemic, which Congress passed in December 2020 for the current 2021 year.	2.4 Reduce erosion of rental housing quality and affordability.
Emergency Housing Assistance - CDBG-CV	TBD	In Fall 2020, the Town applied to the NC Department of Commerce for \$900,000 in CDBG-CV funding for emergency housing assistance. The Town was awarded \$900,000, the maximum grant amount, in December.	Staff is preparing an agenda item for Council to accept the grant award from the NC Department of Commerce and enter into contract with Orange County for Administration of the grant.	2.4 Reduce erosion of rental housing quality and affordability.
Energy-Efficiency Loan Fund	N/A	Town Housing, Economic, and Environmental Sustainability staff are working together to develop a process to access these funds for residential projects.	Environmental Sustainability Coordinator has assessed the program guidelines. Staff are meeting on 1/22/21 to discuss how to move forward.	1.3 A2. Grants for critical home repairs, energy efficiency, up fits to accommodate changing mobility, etc. +opportunities to decrease utility payments. 3.6 Reduce utility costs

Affordable Housing Update 1/26/2021 - Projects

Comprehensive Plan	N/A	Provide input for affordable housing considerations during the comprehensive plan process. Staff contributed to the development of Carrboro Connects: Housing Issues and Opportunities and presented to the Task force. AHAC member Amy Singleton serves on the Affordable Housing committee for the Comprehensive Plan.	Upcoming community presentations and workshops: OCAHC and NAACP Housing Committee in February. Planning affordable housing round table discussion for the spring.	3.1 Concerted Land Use Planning/small land use plan for three high priority/high potential areas. 3.2 Improve opportunities for developers and potential partners to identify affordability in a project. 3.5 Provide greater incentives for developers to include affordable housing in their projects
Landlord Outreach	N/A	Develop relationships with local landlords to easily share information with residents and encourage acceptance of vouchers.	Shared Landlord Incentive Program information with all landlords in database. Continue to make connections and meet landlords and managers.	2.4 Reduce erosion of rental housing quality and affordability
Property Tracking	N/A	Community Home Trust created an MLS query for staff to keep track of homes coming on the market. This will allow us to be better positioned to land bank, prevent gentrification, and identify potential properties for affordable housing.	Keep track of vulnerable neighborhoods, and potential lots for purchase. Continue to refine our partnership with CHT to be ready to quickly purchase properties.	3.7 Acquisition of land/property
Pandemic Response	N/A	Housing & Community staff respond to community inquiries, direct residents to services, and go through step-by-step processes for help.	Residents continue to seek pandemic-relief assistance from the Town, primarily for rental and utility payment assistance. Staff stays abreast of relevant developments such as eviction moratoriums, funding opportunities, utility payment policies, etc.	2.4 Reduce erosion of rental housing quality and affordability
Rogers Road Sewer Connection Assistance	N/A	Jointly-funded effort between Orange County and the Towns of Chapel Hill and Carrboro in which the costs of new sewer connection may be fully covered at no expense property owners of "Heritage Lots with Existing Dwellings" that also qualify as Low-To-Moderate-Income (LMI) households as defined by HUD guidelines.	One household connected. Two families in process. Staff went door to door with flyers about the program over the summer and followed-up with emails and phone calls to all eligible households in October.	3.6 Reduce utility costs

Affordable Housing Update 1/26/2021 - Collaboration

Group	Group Mission	Activity	Topics/Future Work	Housing Goal
Orange County Affordable Housing Coalition	The Orange County Affordable Housing Coalition is an association of individuals and organizations working together to provide housing opportunities for all in Orange County, NC. The mission is to foster collaboration among providers and advocates to support affordable housing development and preservation in Orange County.	Participate in monthly group meetings. Keep non-profit partners up to date on projects in Carrboro.	1. Currently reviewing vision, mission and priority areas. 2. Teska Associates will present Carrboro Connects Housing Issues and Opportunities to the OCAHC in February 2021.	1.1 Increase number of homeownership units that are permanently affordable. 2.2 Increase the number of rental units that are permanently affordable.
Orange County Affordable Housing Coalition - Development Review Subcommittee	Engage group in review of Carrboro developments at the appropriate time.	Participate in monthly meetings.	Future discussion: Carrboro's existing LUO affordable housing policies, follow up on additional meetings between Veridia owners and affordable housing nonprofits, affordable housing opportunities in Carrboro developments as they arise.	3.2 Improve opportunities for developers and potential partners to identify affordability in a project.
Orange County Local Government Affordable Housing Collaborative	Reviews HUD's HOME Investment Partnerships Program applications that fund a wide range of activities including construction, acquisition, and/or rehabilitating affordable housing for rent or homeownership, or to provide direct rental assistance to low-income people. Expanded mission in 2017 to increase collaboration and information sharing around affordable housing issues within the county.	Staff from Carrboro, Hillsborough, Chapel Hill, and Orange County meet regularly. Elected Officials (with staff) meet quarterly.	1. Funding applications for FY21/22 HOME funds are due 2/26/21. A recommended funding plan will be reviewed for approval by the Collaborative on March 25th at 6pm.	Addresses all goals: 1. Affordable homeownership 2. Affordable Rentals 3. Overarching priorities, such as land use planning, identified funding sources, developer incentives, housing strategies, and acquisition of land.
Orange County Home Preservation Coalition	The Orange County Home Preservation Coalition is a county-wide network of organizations in Orange County, NC working together to improve accessibility and affordability of home repairs and preservation projects to Orange County Residents.	Participate in monthly meetings with local home repair organizations, representatives from the TJCOG, Orange County Department on Aging, and jurisdictional funding partners.	Stay abreast of Carrboro homes that are in the process of being repaired or assessed for repairs. The SEEA grant closeout and evaluation is in process. Invite OCHPC to present to Council when report is finalized (rescheduling an earlier presentation which was cancelled due to the pandemic). Get feedback from Coalition on EERLF implementation.	1.1 Increase number of homeownership units that are permanently affordable in Carrboro. 1.3 Decrease barriers to homeownership retention, particularly among seniors. 3.6 Reduce utility costs
Triangle J Council of Governments	TJCOG is a key player in regional efforts that span cross-jurisdictional boundaries, including transportation planning, development and land-use coordination, water resources and infrastructure, sustainability, and regional economic development strategies.	Housing Practitioners Group met last in the spring of 2020. Meetings have been postponed so that staff can address pandemic response efforts.	Staff is part of their effort to create a regional housing strategy. Exploring the use of an online tool to track regional affordable housing inventory. Will bring information to the Council as the strategy is developed.	1.1 Increase number of homeownership units that are permanently affordable. 2.2 Increase the number of rental units that are permanently affordable.

Affordable Housing Update 1/26/2021 - Collaboration

Carrboro Affordable Housing Advisory Commission	The AHAC is tasked with furthering the Town of Carrboro's housing mission, which is to provide opportunities for safe, decent and affordable housing for all residents no matter their age, ability or income level.	Monthly meetings.	Reviewed annual affordable housing progress. Joint review of HR-MU. Made funding recommendations for the AHSRF to the Town Council in January and April 2021.	3.4 Ensure implementation of the Affordable Housing Strategy.
Orange County Master Aging Plan Housing Workgroup	The Orange County Affordable Housing Coalition is an association of individuals and organizations working together to provide housing opportunities for all in Orange County, NC. The mission is to foster collaboration among providers and advocates to support affordable housing development and preservation in Orange County.	Participate in quarterly meetings.	Update the 2017-2022 Master Aging Plan (Year 4 Implementation Plan). Engagement in affordable housing projects that could benefit seniors such as 104 Cobb Street Habitat for Humanity homes and potential Pee Wee homes on the Town-owned Hill Street lot. Town staff continued engagement with Carolina Spring.	1.3 Decrease barriers to first-time homeownership and to homeownership retention, particularly among seniors.
Northside Neighborhood Initiative	Engage group in review of Carrboro developments at the appropriate time.	Participate in regular meetings.	Examining development of town owned land on Hill St. Considering two tiny homes or one duplex.	1.3 Decrease barriers to first-time homeownership and to homeownership retention, particularly among seniors.
Long Term Recovery Group	The Long-Term Recovery Group was established to inform and shape decisions about recovery by bringing together stakeholders of diverse backgrounds and expertise. The Long-Term Recovery Group is made up of smaller working groups, called Recovery Support Functions.	Project Management Team meets weekly. Provide input for affordable housing considerations and solutions during the long-term pandemic recovery process.	Receive public input on the Draft Long-Term Recovery & Transformation Plan. Share feedback opportunities with housing non-profits and community members.	Draft Plan addresses Carrboro's established goals.
Partnership to End Homeless - Leadership	The Orange County Partnership to End Homelessness (OCPEH) is a coalition of service providers, local governments, and community members who work together to coordinate funding and bring best practices to the work of ending homelessness in Orange County. The Leadership Team is the governing body of the Orange County Partnership to End Homelessness and as such makes policy to prevent and end homelessness in Orange County.	Leadership Team meets monthly. Housing staff are not members of the leadership team, but attend meetings for informational purposes. Staff also attend bi-weekly meetings on homelessness issues related to COVID-19 and report information and notes from these meetings to council.	Upcoming: ESG-CV Funding Decision, 2021 Leadership Team membership, Racial Equity discussion	Need to examine how issues of homelessness fit in with established goals & strategies and recommend changes based on assessment.
Partnership to End Homeless - Project Review	To review, score and make recommendations for ESG funding applications and review grantee progress toward goals.	Meets as needed.	Made funding recommendations for ESG-CV grants.	Same as above.



Town of Carrboro

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

Agenda Item Abstract

File Number:21-30

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request to Set a Public Hearing for a Conditional Use Permit for a Watershed Residential Subdivision at 721 Jones Ferry Road

PURPOSE: Mr. Phil Szostak has submitted a conditional use permit application to subdivide a 6.79 acre lot at 721 Jones Ferry Road to create a second lot. Prior to reaching a decision on a request for a CUP, Council must hold a public hearing to receive input. Staff recommends that Council adopts the attached resolution setting a public hearing for March 2, 2021 for consideration of the conditional use permit request.

DEPARTMENT: Planning Department

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

INFORMATION: Mr. Phil Szostak has submitted an application to subdivide a 6.79 acre lot at 721 Jones Ferry Road to create a second lot. The property is located at the southwest corner of the Jones Ferry Road and Old Fayetteville Road / Berryhill Drive intersection (see yellow lot on Attachment B - Vicinity Map), and is zoned Watershed Residential. If approved, the CUP would allow for the creation of one additional lot, for a total of two lots. One lot is proposed to be 4.79 acres and the other lot 2 acres.

FISCAL & STAFF IMPACT: No fiscal impact associated with setting the public hearing for the CUP.

RECOMMENDATION: Town staff recommends that Council adopt the attached resolution setting a public hearing date of March 2, 2021 for the proposed conditional use permit.

The following resolution was introduced by Council member _____ and duly seconded by Council member _____.

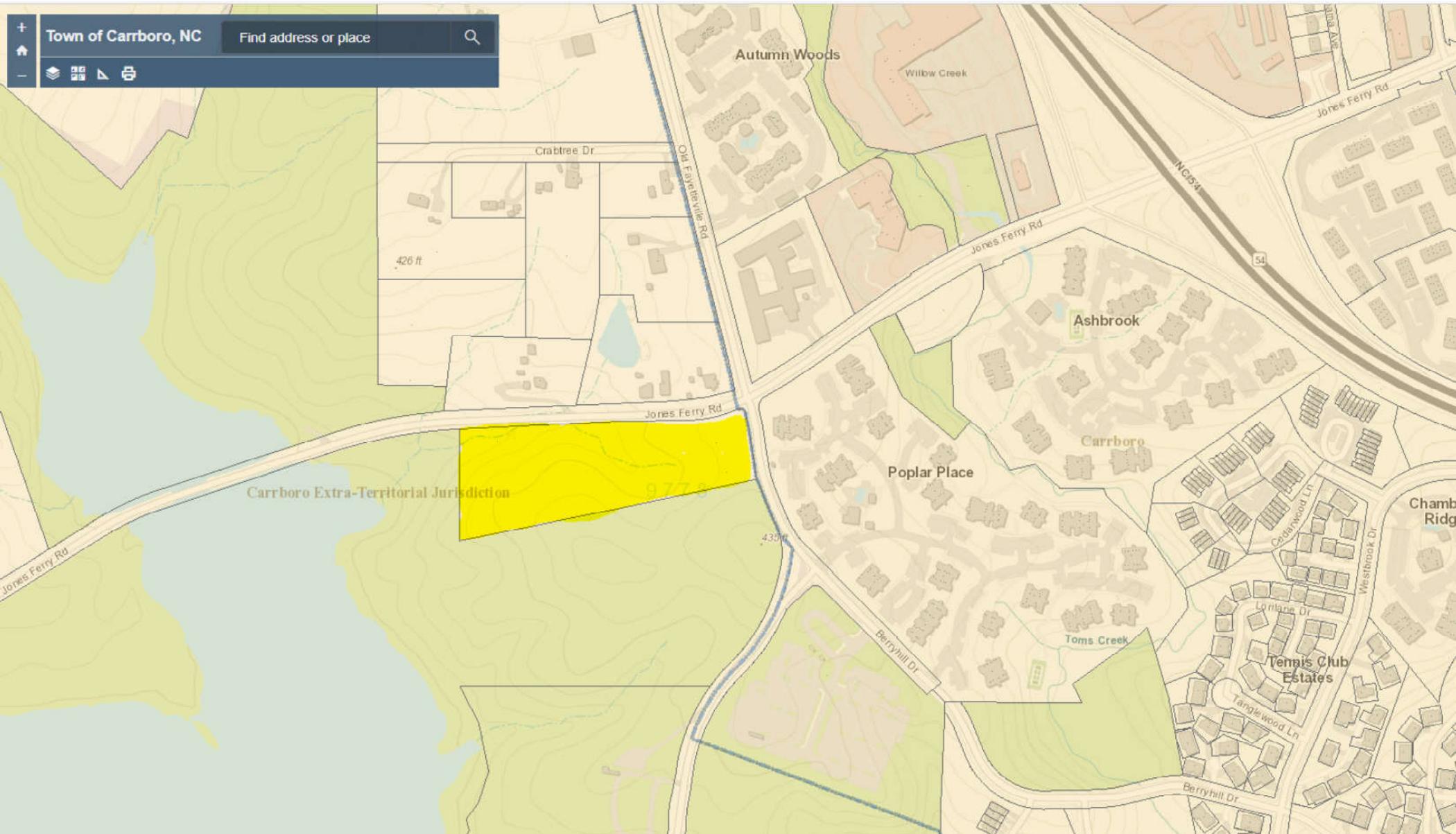
**A RESOLUTION CALLING A PUBLIC HEARING ON THE PROPOSED
CONDITIONAL USE PERMIT APPLICATION FOR 721 JONES FERRY
ROAD**

WHEREAS, the Carrboro Town Council seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a conditional use permit for 721 Jones Ferry Road.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that the Council calls a public hearing on March 2, 2021 to discuss and comment on the proposed subdivision at 721 Jones Ferry Road.

This the 26th day of February, 2021





Town of Carrboro

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

Agenda Item Abstract

File Number:21-31

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request to Set a Public Hearing for a Conditional Use Permit for The ArtsCenter at 315 Jones Ferry Road

PURPOSE: Coulter Jewell Thames PA has submitted a conditional use permit application to locate The ArtsCenter at 315 Jones Ferry Road. Prior to reaching a decision on a request for a CUP, Council must hold a public hearing to receive input. Staff recommends that Council adopt the attached resolution setting a public hearing for February 23, 2021 for consideration of the conditional use permit request.

DEPARTMENT: Planning Department

CONTACT INFORMATION: James Thomas, Planner / Zoning Development Specialist, 919-918-7335 or jthomas@townofcarrboro.org <<mailto:jthomas@townofcarrboro.org>>

INFORMATION: Coulter Jewell Thames PA has submitted a conditional use permit application to locate The ArtsCenter at 315 Jones Ferry Road (see Attachment B for vicinity map). If approved, the CUP would allow for construction of a 19,000 square foot two-story building with associated parking and other infrastructure at 315 Jones Ferry Road. The property is zoned M-1, Light Manufacturing and is approximately 1.35 acres in size. The proposed use of the new building is a new location for The ArtsCenter (Use Category 5.320).

FISCAL & STAFF IMPACT: No fiscal impact associated with setting the public hearing for the CUP.

RECOMMENDATION: Town staff recommends that Council adopt the attached resolution setting a public hearing date of February 23, 2021 for the proposed conditional use permit.

Attachment A

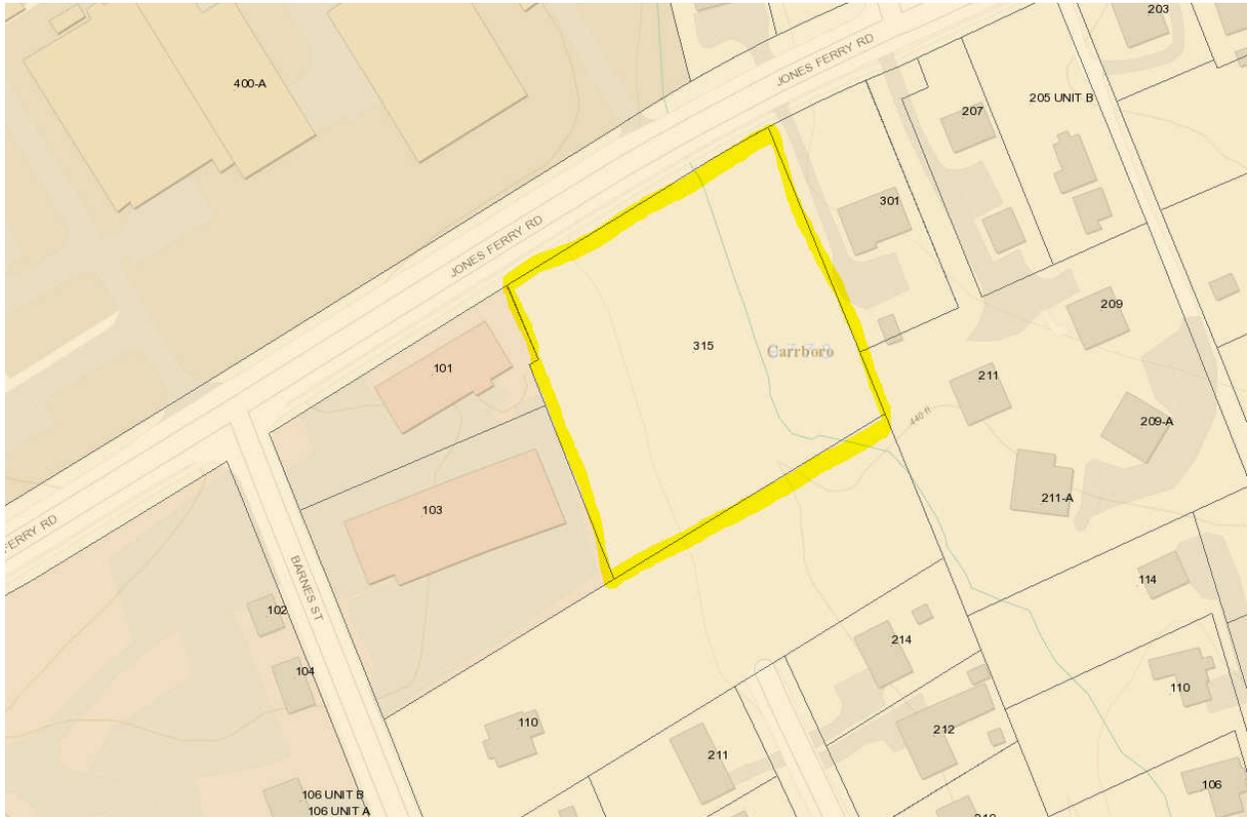
A RESOLUTION CALLING A PUBLIC HEARING ON THE ARTSCENTER CONDITIONAL USE PERMIT REQUEST AT 315 JONES FERRY ROAD

WHEREAS, the Town Council seeks to provide ample opportunities for the public to comment on proposed projects; and

WHEREAS, an application has been received for a Conditional Use Permit for a new two-story building at 315 Jones Ferry Road, further identified as Orange County PIN 9778-65-6581.

NOW, THEREFORE BE RESOLVED that the Town Council call a public hearing on February 23, 2021 to discuss the conditional use permit request.

Vicinity Map- ArtsCenter at 315 Jones Ferry Road





Town of Carrboro

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

Agenda Item Abstract

File Number:21-14

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-Set a Public Hearing on a Text Amendment to the Land Use Ordinance Relating to Stormwater Management Requirements

PURPOSE: The purpose of this agenda item is for the Town Council to consider a public hearing on a text amendment relating to the volume control provisions. Draft ordinances have been prepared. Text amendments are legislative decisions; the Town Council must receive public input prior to making a decision.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org; Marty Roupe - 919-918-7333, mroupe@townofcarrboro.org; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org; Nick Herman - 919-929-3905, gnherman@broughlawfirm.com

INFORMATION: The Town has received an application for a text amendment to modify the requirements under Section 15-263, Management of Stormwater, to allow for the use of an alternative method of addressing the volume control provisions under subsection 15-263(g)(3) using a delayed release approach calculation (Attachment D). Dan Jewell, of Coulter, Jewell, Thames, has submitted this application on behalf of the ArtsCenter in relation to an application for a conditional use permit.

Subsection 15-321(c), Initiation of Amendments, outlines the process for when the Town receives an application for a text amendment; planning staff may, under provision (2), forward the petition to the Council with or without written comment for a determination of whether an ordinance should be draft and a public hearing set. As with all requests for amendments, staff may also treat the proposed amendment as one initiated by the town administration and proceed to draft an amendment if it believes that the proposed amendment has significant merit and would benefit the general public interest.

In the interest of advancing this request for consideration in conjunction with the conditional use permit application, staff has prepared two draft ordinances (Attachment B and C).The first includes the changes as requested in the application. The second seeks to address the interests expressed in a way that is more consistent with the existing framework of the Land Use Ordinance to continue to require compliance with volume control, albeit at a lessor amount in certain very specific situations. A resolution has been provided that directs staff to advance one of the draft ordinances for the public hearing. A summary of the two drafts and comparison of the changes within each is provided below:

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

Option A - Adds a new provision such that the permit issuing authority may approve projects meeting certain parameters related to existing conditions, community benefit and other factors, and slow release of stormwater rather than meet the annual stormwater volume reduction requirements. Departs from method used by other developments since the volume control provision was established. Does not include the measurement of volume in a comparable fashion to ordinance requirement.

Option B - Adds a new provision that establishes property size and performance criteria to allow up to a specific increase in the post-development volume. Measurement of stormwater volume remains the same and the extent to which the regulation was being reduced or relaxed under the provision would be known.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and the Planning Board must also review; the Council may wish to include the Environmental Advisory Board and the Stormwater Advisory Commission because of their expertise with regard to the subject matter.

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

RECOMMENDATION: Staff recommends that the Town Council consider the attached resolution (*Attachment A*) and select an ordinance to advance to a public hearing on February 23, 2021.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE
CARRBORO LAND USE ORDINANCE RELATING TO THE REQUIREMENTS FOR
STORMWATER MANAGEMENT

WHEREAS, the Carrboro Town Council 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 Town Council sets a public hearing on February 23, 2021, to consider adopting “An Ordinance Amending the Carrboro Land Use Ordinance Relating to the Requirements for Stormwater Management,” as provided in Option A.

(OPTIONAL) BE IT FURTHER RESOLVED, that the Town Council sets a public hearing on February 23, 2021 to consider adopting the ALTERNATIVE draft ordinance, “An Ordinance Amending the Carrboro Land Use Ordinance Relating to the Requirements for Stormwater Management,” as provided in Option B.

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.

- | | |
|---|--|
| <input type="checkbox"/> Appearance Commission | <input type="checkbox"/> Recreation and Parks Commission |
| <input type="checkbox"/> Transportation Advisory Board | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Affordable Housing Advisory Commission | <input checked="" type="checkbox"/> Environmental Advisory Board |
| <input type="checkbox"/> Economic Sustainability Commission | <input checked="" type="checkbox"/> Stormwater Advisory Commission |
-

This is the 26th day of January in the year 2021.

OPTION - A

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO
THE REQUIREMENTS FOR STORMWATER MANAGEMENT

DRAFT 1-20-2021

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-263(g) is amended by adding a new provision (4) to read as follows:

- (4) In circumstances where (i) the post-development runoff volume exceeds the predevelopment runoff volume; (ii) there is a clear community benefit inherent in the proposed development; and (iii) where a substantial portion of a property can remain in and/or be restored to a vegetated conditional; and (iv) where regulatory requirements such as stream buffers, floodplains steep slopes and utility easements substantially encumber a property; an alternative means of compliance consisting of stormwater management systems installed to mitigate the increase in volume such that the increase in volume is captured and released over a 2-5 day period can be allowed by the [permit-issuing] authority.

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

Section 3. This ordinance shall become effective upon adoption.

OPTION - B

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO
THE REQUIREMENTS FOR STORMWATER MANAGEMENT

DRAFT 1-20-2021

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-263(g) is amended by adding a new provision (4) to read as follows:

- (4) Notwithstanding the foregoing, the Council may approve a development application that does not fully comply with the volume control provisions in provision (3) above, if all of the follow criteria can be met: (i) the development complies with all other stormwater requirements in this chapter except for the volume control provision in 15-393(g), (ii) the property is less than one acre, and (iii) the applicant has demonstrated the extent to which all practicable design measures have been incorporated into the stormwater management plan and that full compliance with the volume control requirements in provision (3) is impracticable. In no case shall the annual runoff volume exceed more than ____ times the amount shown in the table in provision (3) above.

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



LAND USE ORDINANCE AMENDMENT REQUEST

"Dear Potential Business Operator:

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

To the Town Council, the Planning Board, Stormwater Advisory Commission, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Town Council 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):**

LUO Section 15-263(g)(3) currently reads as follows:

- (1)** The Board finds that increases in the total annual volume of runoff associated with new development results in decreased groundwater recharge, increased stream channel instability/erosion and significant water quality degradation. Therefore to the maximum extent practicable developments shall install and maintain stormwater management systems such that the post-development total annual stormwater runoff volume shall not exceed the predevelopment volume by more than the limits set forth in the table below. The predevelopment and post-development annual stormwater runoff volume shall be calculated using the most up to date guidance and accounting methodology from North Carolina environmental regulatory agencies with stormwater management oversight. **(AMENDED 6/26/12, AMENDED 2/26/13, AMENDED 5/28/19)**

A composite curve number shall be assigned to the development site in the pre-development stage using the runoff curve number method described in USDA NRCS Technical Release 55, Urban Hydrology for Small Watersheds (June, 1986). See also Chapters 4 through 10 of NEH-4, SCS (1985).

Preexisting Composite Curve Number*	Maximum allowable increase in annual stormwater runoff volume
> 78	50%
>70-78	100%
> 64-70	200%
<=64	400%

(AMENDED 2/26/13)

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

The LUO notes that annual stormwater runoff volume shall be calculated using the most up to date guidance and accounting methodology from North Carolina environmental regulatory agencies with stormwater management oversight. NCDEQ does not require annual volume mitigation, so there are no definitive methodologies specifically for this calculation. We would suggest that in circumstances where there is a clear community benefit (i.e., where a substantial portion of a property can remain in and/or be restored to a vegetated condition), and where regulatory requirements such as stream buffers, floodplains, steep slopes and utility easements substantially encumber a property, an alternate means of compliance through slow release of the additional runoff volumes above and beyond the amounts given in the table in LUO Section 15-263(g)(3), can be granted through the Approving Authority. NCDEQ requires that water quality devices drain down in 2-5 days. The intent of this section of the LUO is improved (or increased) groundwater recharge, improved (or decreased) channel instability, and reduced water quality degradation. Given this, we propose to use a combination of sand filter treatment as well as an underground detention system that releases the captured runoff volume slowly. This allows the device to have adequate time to provide the necessary nutrient reduction treatment. This slow, controlled release also allows for the runoff to have an opportunity to infiltrate due to a reduced velocity. The treatment provided by the sand filter improves water quality, and the slow release allows water to infiltrate and thus recharge groundwater more quickly. Additionally, the slow release is at a significantly reduced velocity that will positively affect the stream channel stability. Given this, we feel that the proposed stormwater controls meet the intent of this section of the LUO, and the Approving Authority can find as such.

Specifically, the applicant requests that a new subsection (4) be inserted below (3) under 15-263(g) to read as follows:

- (4) *In circumstances where (i) the post-development runoff volume exceeds the pre-development runoff volume; (ii) there is a clear community benefit inherent in the proposed development; and (iii) where a substantial portion of a property can remain in and/or be restored to a vegetated condition; and (iv) where regulatory requirements such as stream buffers, floodplains steep slopes and utility easements substantially encumber a property; an alternate means of compliance consisting of stormwater management systems installed to mitigate the increase in volume such that the increase in volume is captured and released over a 2-5 day period can be allowed by the Approving Authority.*

3) State the reasons for the proposed amendment:

This amendment is requested to provide further clarifying and conforming guidance with respect to interpretation of section 15-263(g)(3) of the LUO, and to deal with narrowly tailored and unique property circumstances and development proposals that provide community benefits and environmental protection, but where a strict adherence to the Staff's traditional policy interpretation of this section of the LUO, would be impractical. Staff has requested that the Stormwater Nitrogen and Phosphorus (SNAP) Tool be used to calculate the annual runoff volume. We believe that there are alternative tools that are equally effective in measuring, and more impactful in managing, storm water runoff and helping to meet the LUO's intentions, particularly: improved groundwater recharge, decreased channel instability, and reduced water quality degradation. Towards this end, we feel that the SNAP Tool that Staff currently relies on is not the only appropriate methodology to perform the required calculations or to show compliance with this section of the LUO; rather, we would propose sand filter treatment as well as an underground detention system that releases the captured runoff volume slowly to meet the intent of the LUO.. The limited buildable area on this site severely restricts

ARTICLE XVI

FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION

PART II. STORM WATER MANAGEMENT

Section 15-261 Natural Drainage System Utilized to Extent Feasible (REWRITTEN 6/27/07) AMENDED 2/21/12) .

(a) To the extent practicable, all development shall conform to the natural contours of the land and natural drainage ways shall remain undisturbed.

(b) To the extent practicable, lot boundaries shall be made to coincide with natural drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such natural drainage ways.

(c) Drainage or filling in of existing ponds, under circumstances where the requirements of Section 15-263 are not applicable, shall only be allowed if the stormwater management benefits of the pond are otherwise provided for through installation of other stormwater management devices or practices deemed suitable by the Administrator. (AMENDED 2-21/12)

Section 15-262 Development Must Drain Properly (REWRITTEN 6/27/07)

(a) All development shall be provided with a stormwater management system containing drainage facilities that are adequately designed and constructed to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

- (1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater management plan, or
- (2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

(b) No surface water may be channeled or directed into the OWASA sanitary sewer system.

(c) Whenever practicable, the drainage system of a development shall coordinate with the drainage system or drainage ways on surrounding properties or streets.

Art. XVI. FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION

(d) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in Section 15-216. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

(e) The minimum design storm frequency for all drainage systems shall be the 10 year storm, except that those facilities crossing streets shall be designed for the 25 year storm.

(f) Drainage culverts and associated facilities shall be suitably sized to accommodate designated storm frequencies and shall be suitably constructed and installed to insure that the facilities will function adequately and will not deteriorate within an unreasonably short period of time. **(AMENDED 04/03/90)**

Section 15-263 Management of Stormwater (REWRITTEN 6/26/07; AMENDED 6/24/08; AMENDED 10/28/08; 6/22/10; 11/23/10; REWRITTEN 6/26/12)

(a) The requirements of this section shall apply to developments to the extent provided in this subsection.

- (1) For purposes of this subsection, “impervious surface” means that portion of the development of a lot or tract that is covered by a surface or material that substantially or completely prevents rainwater from reaching and being absorbed into the underlying soil. Impervious surfaces include but are not limited to streets, driveways, sidewalks, parking lots, buildings, and other roofed, paved, or graveled areas. Wooden slatted decks and the water area of swimming pools are considered pervious, as are detention ponds.
- (2) For purposes of this subsection, “net addition of impervious surface” shall be determined by subtracting the total square footage of impervious surface prior to commencement of construction authorized by a development permit from the total square footage of impervious that is proposed to be located on the development site when all construction authorized by the development permit (including all phases thereof) is completed. If the permit issuing authority reasonably concludes that a permit applicant is seeking or has sought separate permits (simultaneously or sequentially) for different components of what is demonstrably intended to be a single development in an attempt to stay below the impervious surface threshold that triggers the requirements set forth in this section, then the permit issuing authority shall treat such multiple applications as a single application for purposes of determining whether the requirements of this section are applicable.
- (3) All unsubdivided developments that involve a net addition of more than 5,000 square feet of impervious surface shall be subject to the requirements of this section, except that these requirements shall not apply if the total of the net addition of impervious surface area plus the previously existing impervious

Art. XVI. FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION

surface area on the lot does not exceed (i) six percent (6%) of the lot area within a B-5 or WM-3 zoning district, or (ii) for lots in all other zoning districts, the amount of impervious surface area permissible on lots within the C or WR zoning districts under subsection 15-266(b) of this part.

- (4) When land is subdivided, and the permit authorizing the subdivision does not itself authorize the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided, then the requirements of this section shall not be applicable to the subdivision. The applicability of the requirements of this section to each of the individual lots so created shall then be determined as development permits are issued for each such lot.
- (5) When land is subdivided, and the permit authorizing the subdivision itself authorizes the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided (regardless of whether such impervious surface consists of a road or other facilities external to the lots so created, or buildings, parking lots, and other facilities constructed within the lots so created, or a combination of the two), then the subdivision shall comply with the requirements of this section. Furthermore, the stormwater management system that is installed to comply with the provisions of this section shall be required to take into account all the stormwater reasonably expected to be generated by the development (according to generally accepted engineering standards) when all subdivided lots five acres or less in size are fully developed. When such lots are subsequently developed, they shall be exempt from further review under the provisions of this section. However, any lot within such subdivision that is greater than five acres in size and that was not included in the stormwater calculations for purposes of designing a stormwater management system that satisfies the requirements of this section shall be required to comply with the requirements of this section at the time such lot is developed, if and to the extent required to do so under subsection (a)(3) of this section.
- (6) Notwithstanding the other provisions of this subsection, if (i) a lot is within a commercial district described in Section 15-136 or a manufacturing district described in 15-137, (ii) on the date that a development permit application is submitted and the fees paid the lot is already developed to the extent that the lot contains at least 10,000 square feet of impervious surface area, and (iii) the reasonably estimated cost of the redevelopment of the lot as proposed in the development permit application exceeds the greater of \$100,000, or fifty percent (50%) of the appraised value of the existing improvements on the lot, then the requirements of this section shall be applicable to such redevelopment. For purposes of this subdivision (a)(6), the terms “cost” and “appraised value” shall have the same meaning as provided in Subsection 15-125(c) of this chapter.
- (7) Notwithstanding the other provisions of this subsection, the requirements of this section shall apply to any development involving the reconstruction of a

Art. XVI. FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION

previously paved area comprising at least 10,000 square feet (repaving or resurfacing shall not be considered reconstruction).

(8) Notwithstanding the other provisions of this subsection (but subject to the provisions of subsection (a)(8)f below), the requirements of this section shall apply to all proposed new development that cumulatively disturbs one acre or more for single family and duplex residential property and recreational facilities, and one-half acre for commercial, industrial, institutional, multifamily residential, or local government property. For purposes of this subsection (a)(8) only:

- a. Development means any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.
- b. New development means any development project that does not meet the definition of existing development set forth immediately below.
- c. Existing development means development not otherwise exempted from the provisions of this section that meets one of the following criteria: (i) it either is built or has established a vested right based on statutory or common law grounds as of the effective date of this section, or (ii) it occurs after the effective date of this section but does not result in a net increase in impervious surface area and does not increase the infiltration of precipitation into the soil..
- d. Land disturbing activity means any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.
- e. Larger common plan of development or sale means any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.
- f. Redevelopment means any development on previously developed land.

(b) Developments must install and maintain stormwater management systems that will control and treat runoff from the first one inch of rain as follows:

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- (1) Draw down the treatment volume in accordance with the requirements of the North Carolina Division of Water Quality Best Management Practices (NC DWQ BMP) Manual.
- (2) Achieve an eighty-five percent (85%) average annual removal rate for Total Suspended Solids.

(c) Subject to subsections (d) and (f), developments must install and maintain stormwater management systems that ensure that the nutrient load contributed by the development is limited to not more than 2.2 pounds per acre per year of nitrogen and 0.82 pounds per acre per year of phosphorus.

(d) Subject to subsection (f), developments that (i) would otherwise be required under subsection (a) to comply with the stormwater treatment standards set forth in subsection (c), and (ii) involve the replacement or expansion of existing structures or improvements, shall have the option of either satisfying the requirements of subsection (c) of this section or achieving a thirty-five percent (35%) nitrogen and five percent (5%) phosphorous reduction in the loading rates for these nutrients when comparing the situation that exists on the date a completed application is submitted to the post redevelopment situation for the entire project site.

(e) The need for engineered stormwater controls to meet the nutrient loading rate standards set forth in subsections (c) and (d) shall be determined by using the loading calculation methods and other standards established by the Division of Water Quality as set forth in Sub-Item (4)(a) of 15A NCAC 2B.0265, including the current version of the Stormwater Best Management Practices Manual published by the Division.

(f) Developers shall have the option of offsetting part of their nitrogen and phosphorus loads by implementing or funding offsite management measures as follows:

- (1) Before using offsite offset options, a development shall attain a maximum nitrogen loading rate on-site of six pounds per acre per year for single-family detached and duplex residential development and ten pounds per acre per year for other development, including multi-family residential, commercial and industrial, and shall meet any requirement for engineered stormwater controls required by this Article..
- (2) Offsite offsetting measures shall achieve at least equivalent reductions in nitrogen and phosphorus loading to the remaining reduction needed onsite to comply with the loading rate standards set forth in subsection (c) of this section.
- (3) A developer may make offset payments to the N.C. Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by the Town of

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Carrboro, or may propose other offset measures including providing the developer's own offsite offset or utilizing a private seller. All offset measures shall meet the requirements of 15A NCAC 02B.0273(2) through (4) and 15A NCAC 02B.0240.

(g) Developments shall be constructed and maintained so that their stormwater management systems meet the following minimum standards:

- (1) The post-development discharge rates shall be less than or equal to the pre-development discharge rates for the 1-, 2-, 5-, 10-, and 25-year 24-hour design storms.
- (2) For upstream properties, the 1% chance flood elevation may not be increased.
- (3) The Board finds that increases in the total annual volume of runoff associated with new development results in decreased groundwater recharge, increased stream channel instability/erosion and significant water quality degradation. Therefore to the maximum extent practicable developments shall install and maintain stormwater management systems such that the post-development total annual stormwater runoff volume shall not exceed the predevelopment volume by more than the limits set forth in the table below. The predevelopment and post-development annual stormwater runoff volume shall be calculated using the most up to date guidance and accounting methodology from North Carolina environmental regulatory agencies with stormwater management oversight. **(AMENDED 6/26/12, AMENDED 2/26/13, AMENDED 5/28/19)**

A composite curve number shall be assigned to the development site in the pre-development stage using the runoff curve number method described in USDA NRCS Technical Release 55, Urban Hydrology for Small Watersheds (June, 1986). See also Chapters 4 through 10 of NEH-4, SCS (1985).

Preexisting Composite Curve Number*	Maximum allowable increase in annual stormwater runoff volume
> 78	50%
>70-78	100%
> 64-70	200%
<=64	400%

(AMENDED 2/26/13)

(h) The presumption established by this section is that, to satisfy the standards set forth herein, the applicant shall design and construct all stormwater management systems

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required by this section in accordance with the guidelines set forth in the Town of Carrboro Storm Drainage Design Manual (Appendix I to this chapter). However, the permit issuing authority may establish different requirements when it concludes, based upon (i) the information it receives in the consideration of the specific development proposal, and (ii) the recommendations of the public works director or the town engineer, that such deviations from the presumptive guidelines are necessary to satisfy the standards set forth in this section, or that the standards can still be met with such deviations and the deviations are otherwise warranted.

(i) Approval by the town of an applicant's stormwater management plans, and construction by the applicant of the stormwater management system as shown in such plans, shall not relieve the applicant of the responsibility of complying with the standards set forth in this section. If at any time prior to two years after the date that the town concludes that a stormwater management system (or any component thereof) has been constructed in accordance with approved plans, the town determines that the stormwater management system (or any component thereof) installed to meet the requirements of this section does not achieve that objective, the town may require the submission of revised plans and the installation of new, altered, or additional facilities to bring the development into compliance. Prior to issuance of a certificate of occupancy or approval of a final plat, the town may require the applicant to post a performance bond or other sufficient surety to guarantee compliance with this section. **(AMENDED 1/29/13)**

(j) Upon completion of construction of the stormwater management facilities, the permit recipient shall submit to the town "as built" plans for all such facilities in the form required by the town. Compliance with this requirement must occur prior to issuance of a certificate of occupancy, or prior to final plat approval (if applicable), unless adequate security is otherwise provided in accordance with the provisions of Sections 15-53 or 15-60.

(k) Proposed new development undertaken by the Town solely as a public road project shall be deemed compliant with the provisions of this section if it meets the buffer protection requirements of Part III of this Article. All other developments shall comply with both the requirements of this section and the provisions of Part III of this Article.

(l) Variances from the provisions of this section may only be granted in accordance with the requirements of Section 15-92, including subsection (l) of that section.

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Section 15-263.1 Maintenance of Structural BMPs.

(a) For purposes of this section, a “structural BMP” is a device constructed or installed to trap, settle out, or filter pollutants from stormwater runoff or to reduce stormwater discharge volume or velocity in order to satisfy one or more of the requirements of Section 15-263.

(b) The owner of each structural BMP installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed. Such operation and maintenance shall be in accordance with the Operation and Maintenance Agreement specified in subsection (e) of this section.

(c) The owner of each structural BMP shall ensure that each such facility is inspected in accordance with the Operation and Maintenance Agreement specified in subsection (e) of this section by a qualified registered North Carolina professional or other individual specially qualified by an appropriate training, testing, and certification program. The person performing the inspections shall submit annually to the administrator a report certifying the results of such inspections. The report shall be in a format and shall contain the information prescribed by the administrator. The first report shall be due one year from the date of the as built certification required by Subsection 15-263(i), and subsequent reports shall be due on or before that anniversary date.

(d) The owner of each structural BMP shall ensure that, in accordance with the Operation and Maintenance Agreement, funds are set aside in an escrow account, sinking fund, or other arrangement, sufficient to pay major, non-routine costs associated with keeping such BMPs in proper operational condition, such as the cost of sediment removal, structural, biological, or vegetative replacement, major repair, or reconstruction. The owner shall submit annually to the administrator a report certifying that such funds have been set aside. The report shall be in a format and shall contain the information prescribed by the administrator. The first report shall be due one year from the date of the as-built certification required by Subsection 15-263(i), and subsequent reports shall be due on or before that anniversary date.

(e) Prior to final plat approval, in the case of a subdivision, or prior to the issuance of a certificate of occupancy, in the case of an unsubdivided development, the owner of a development that contains a structural BMP shall enter into an Operation and Maintenance Agreement with the town (and shall record such agreement in the Orange County Registry) that specifies that the owner, and his or her successor and assigns:

- (1) Agrees to comply with the obligations set forth in subsections (b), (c), and (d) of this section;
- (2) Authorizes the town and its employees or agents to enter the property where the structural BMPs are located at reasonable times to inspect the

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same for compliance with the requirements of this section, the permit issued pursuant thereto, and the provisions of the Operation and Maintenance Agreement;

- (3) Agrees that, if the owner fails to operate and maintain such structural BMPs in accordance with the requirements of this section, the permit issued pursuant thereto, and the provisions of the Operation and Maintenance Agreement, the town is authorized (but not obligated) to enter the property to perform such work as is necessary to bring such BMPs into compliance and to charge the owner with the costs of such work.

(f) If structural BMPs are to be owned by a property owners or homeowners association or similar entity, then the covenants applicable to such association shall clearly reference the obligations of the association, as owner of such BMPs, to fulfill the obligations of the owner relating to such BMPs as required by the provisions of this section, the permit issued pursuant thereto, and the provisions of the Operation and Maintenance Agreement.

(g) If a structural BMP is located within a subdivision, then the recorded plat of such subdivision shall include a reference to the book and page number where the Operation and Maintenance Agreement is recorded. **(AMENDED 6/26/12)**

(h) Where appropriate in the determination of the Administrator to assure compliance with this section, structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible. **(AMENDED 6/26/12)**

Section 15-264 Sedimentation and Erosion Control

(a) No zoning, special use, or conditional use permit may be issued and final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity subject to the jurisdiction of the Orange County Erosion Control Officer or the North Carolina Sedimentation Control Commission unless such officer or agency has certified to the town; either that:

- (1) Any permit required by such officer or agency has been issued or any erosion control plan required by such officer or agency has been approved; or
- (2) Such officer or agency has examined the preliminary plans for the development and it reasonably appears that any required permit or erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits

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may be issued) until such officer or agency issues any required permit or approves any required erosion control plan.

(b) For purposes of this section, “land disturbing activity” means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

(c) The Orange County Erosion Control Officer is authorized by resolution of the Carrboro Board of Aldermen to enforce within the town the Orange County Soil Erosion and Sedimentation Control Ordinance. **(AMENDED 12/7/83)**

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

Section 15-265 (REPEALED 3/24/09).**Section 15-266 Impervious Surface Limitations (AMENDED 12/7/83; 05/15/90)**

(a) Within a B-5 or WM-3 zoning district (the total area of which comprises less than one percent of the are of the University Lake Watershed and all of which is located more than one-half mile from the normal pool elevation of University Lake), not more than twenty-four percent (24%) of the land on any lot may be covered by an impervious surface such as a street, drive, sidewalk, parking lot, building, or other roofed structure, etc. In the event that the area of impervious surface is greater than six percent (6%) of the total lot, stormwater management techniques must be employed that would retain the first one inch of rainfall running off of all impervious surfaces on a lot. A registered engineer must certify that the stormwater techniques used will accomplish this objective before a permit is issued, and it shall be a continuing condition of the permit that the owner provide necessary maintenance so that the stormwater retention techniques continue to function effectively. Such stormwater retention techniques shall be subject to inspection by the Town at least annually. In granting the conditional use permit authorizing such facilities, the Board shall require the developer to post a cash bond or other sufficient security to guarantee that the developer or his successor shall adequately maintain such stormwater retention facilities so that such facilities will continue to operate as intended. **(AMENDED 07/06/93; 10/15/96)**

(b) Subject to subsections (c) and (d), within a C or WR zoning district the maximum impervious surface coverage permissible on any lot shall be as shown in the following Table of Impervious Surface Calculations, which establishes a sliding scale of permissible impervious surface coverage based on lot size. For purposes of applying the table, lot sizes shall be rounded to the nearest tenth of an acre. Lot sizes of less than 0.5 acres may not exceed 4200 square feet of impervious surface, and lot sizes in excess of five acres may not exceed an impervious surface area equal to 4% of the lot size. For purposes of this subsection,

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impervious surface includes but is not limited to areas such as a street, driveway, sidewalk, parking lot, building, or other roofed or paved structure.

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LOT SIZE		IMPERVIOUS SURFACE	
ACRES	SQUARE FOOTAGE	SQUARE FOOTAGE	PERCENTAGE
0.5	21,780	4,200	19.28
0.6	26,136	4,300	16.45
0.7	30,492	4,400	14.43
0.8	34,848	4,500	12.91
0.9	39,204	4,600	11.73
1.0	43,560	4,700	10.79
1.1	47,916	4,800	10.02
1.2	52,272	4,900	9.37
1.3	56,628	5,000	8.83
1.4	60,984	5,100	8.36
1.5	65,340	5,200	7.96
1.6	69,696	5,300	7.60
1.7	74,052	5,400	7.29
1.8	78,408	5,500	7.04
1.9	82,764	5,600	6.77
2.0	87,120	5,700	6.54
2.1	91,476	5,800	6.34
2.2	95,832	5,900	6.16
2.3	100,188	6,000	5.99
2.4	104,544	6,100	5.83
2.5	108,900	6,200	5.69
2.6	113,256	6,300	5.56
2.7	117,612	6,400	5.44
2.8	121,968	6,500	5.33
2.9	126,324	6,600	5.22
3.0	130,680	6,700	5.13
3.1	135,036	6,800	5.04
3.2	139,392	6,900	4.95
3.3	143,748	7,000	4.87
3.4	148,104	7,100	4.79
3.5	152,460	7,200	4.72
3.6	156,816	7,300	4.66
3.7	161,172	7,400	4.59
3.8	165,528	7,500	4.53
3.9	169,884	7,600	4.47
4.0	174,240	7,700	4.42
4.1	178,596	7,800	4.37
4.2	182,954	7,900	4.32
4.3	187,308	8,000	4.27
4.4	191,664	8,100	4.23
4.5	196,020	8,200	4.18
4.6	200,376	8,300	4.14
4.7	204,732	8,400	4.10
4.8	209,088	8,500	4.07
4.9	213,244	8,600	4.03
5.0	217,800	8,712	4.00

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- (c) If a tract is subdivided, then impervious surface shall be calculated as follows:
- (1) The area of each lot shown on a proposed final plat shall be calculated. For purposes of this calculation, all street right-of-way created as part of the subdivision shall be allocated to the adjoining lots by extending lot lines. If lots are created on either side of a proposed street, lot lines shall be extended to the centerline of the right-of-way.
 - (2) Maximum impervious surface area for each lot shall be determined in accordance with subsections (a) or (b).
 - (3) The sum total of impervious surface area permissible on the entire tract shall be determined by adding together the impervious surface area available to each lot as determined under subsections (a) or (b).
 - (4) The impervious surface area within streets and other areas, (such as common areas) outside of individual lot boundaries shall be subtracted from the total area calculated pursuant to subsection (3).
 - (5) Following the calculation set forth in subsection (4), the remaining permissible impervious surface area shall be allocated by the subdivide to each lot, subject to the applicable limitations set forth in this section, and subject to the further limitation that, with respect to a cluster subdivision, in no case may the overall impervious surface area allocation for the subdivided tract exceed 4% of the area of that tract. For purposes of this calculation, the area of each lot shall exclude street right-of-way. The allocation assigned to each lot shall be indicated on the face of the subdivision final plat, and purchasers of each lot shall be bound by such allocation.
- (d) If a development is completed in phases or stages, the percentage restrictions set forth in this section shall apply to each separate phase or stage.
- (e) All development within the JLWP that requires a sedimentation and erosion control plan under 15A NCAC 4 or the Orange County Sedimentation and Erosion Control Ordinance shall be subject to the following requirements:
- (1) Density and built-upon area shall be limited as follows:
 - a. For single family residential subdivisions, minimum lot sizes of 20,000 square feet or maximum of two dwelling units per acre; or
 - b. Twenty-four percent built-upon area for all other residential and non-residential development; or

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c. Three dwelling units per acre or thirty-six percent built-upon area for properties without curb and gutter systems.

(2) Stormwater runoff from such developments shall be transported by vegetated conveyances to the maximum extent practicable. **(AMENDED 10/15/96)**

(f) For purposes of this section, the term “built-upon area” means that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. Wooden slatted decks and the water area of a swimming pool are considered pervious. **(AMENDED 10/15/96)**

Section 15-267 Additional Development Standards Within C and WR District

(AMENDED 11/11/86; 05/15/90)

(a) Buildings and other impervious surfaces within the C and WR zoning districts shall be located, to the extent reasonably possible, so as to (i) take full advantage of the assimilative capacity of the land and (ii) avoid areas described in subsection 15-198(e) and (f). **(AMENDED 09/05/95).**

(b) To avoid the creation of lots that will be difficult to build upon in a manner that complies with the standard set forth in subsection (a) and the impervious surface limitations set forth in Section 15-266, preliminary and final plats for the subdivision of land within the C and WR zoning districts shall show buildable area and approximate driveway locations for all lots within such subdivision. Thereafter, no zoning permit may be issued for construction of buildings or driveways outside the buildable areas so designated on the final plat unless the zoning administrator makes a written finding that the proposed location complies with the provisions of subsection (a) of this section as well as section 15-266.

Section 15-268 (REPEALED 3/24/09).



Town of Carrboro

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

Agenda Item Abstract

File Number:21-26

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Presentation of Orange County Food Council Report

PURPOSE: To update the Town Council of the activities of the Orange County Food Council's activities.

DEPARTMENT: Orange County Food Council

CONTACT INFORMATION: Ashley Heger - aheger@orangecountync.gov

INFORMATION:

FISCAL & STAFF IMPACT:

RECOMMENDATION:



ORANGE COUNTY FOOD COUNCIL

2019 Review &
2020 - 2021 Scope of Work

- I. Progress report 2018 - now
- II. Scope of work for the 2020 - 2021 fiscal year
- III. State of food insecurity during Covid19
Update from the January 2020 BOCC Retreat



2018 Work Plan Progress Report

The 2018 work plan was designed to be a living document. This plan was shared with all elected boards during the process to approve the MOU to create a Food Council Coordinator position. Any changes made to the Food Council's work plan and/or the Coordinator's scope of work have been approved by the County Manager and the Council's Executive Committee.

- ★ Progress made in all identified priority areas
- ★ Changes to actions came through collaboration with nonprofit agencies, community members, food system stakeholders, and county/town departments
- ★ Moved towards centering racial equity and lived experience

- Facilitated partnerships with OCS, UNC, local childcare centers, and Farmer Foodshare to increase local foods in schools
- Created a Community Food Resource Guide available in multiple languages
- Facilitated Social Justice & Racial Equity workshops
- Met with food service providers to share & develop best practices for a justice approach to addressing hunger
- Presented a 'State of Food Security' report at the County Commissioner annual retreat; continuing to work with county and town staff and community partners to better understand the challenges and opportunities for addressing hunger



- Created educational infographic to show relationship between food security, affordable housing, and systemic racism
- Facilitated relationships to reduce food waste in schools and with local food businesses
- Lead the development of a regional food council collaborative
- Supported the development of SOP's at a state level for reducing food waste and increasing safe food recovery practices
- Created an Agricultural Trust Fund proposal, conducted a racial equity assessment, and transitioned this effort into the creation of an Orange County Black Farmers think tank
- Coordinate weekly turned monthly food system calls for Covid related efforts



2020 - 2021 Goals & Scope of Work

Develop a Food Policy Agenda (FPA is intended to be a 2+ year process)

Recruit new members to sit on the Food Council

Relationships play a central role in the FPA design and implementation process

Support the coordination of partners and activities in the local food system

Support the development of a Racial Equity Community Data Index in collaboration with the Health Equity Council

What is a Food Policy Agenda?



EQUALITY VERSUS EQUITY



In the first image, it is assumed that everyone will benefit from the same supports. They are being treated equally.



In the second image, individuals are given different supports to make it possible for them to have equal access to the game. They are being treated equitably.



In the third image, all three can see the game without any supports or accommodations because the cause of the inequity was addressed. The systemic barrier has been removed.

Purpose & Structure

Identify gaps and opportunities for improving the local food system

Develop an agreement between partners where lived experience and racial equity is centered and everyone understands their role in this work

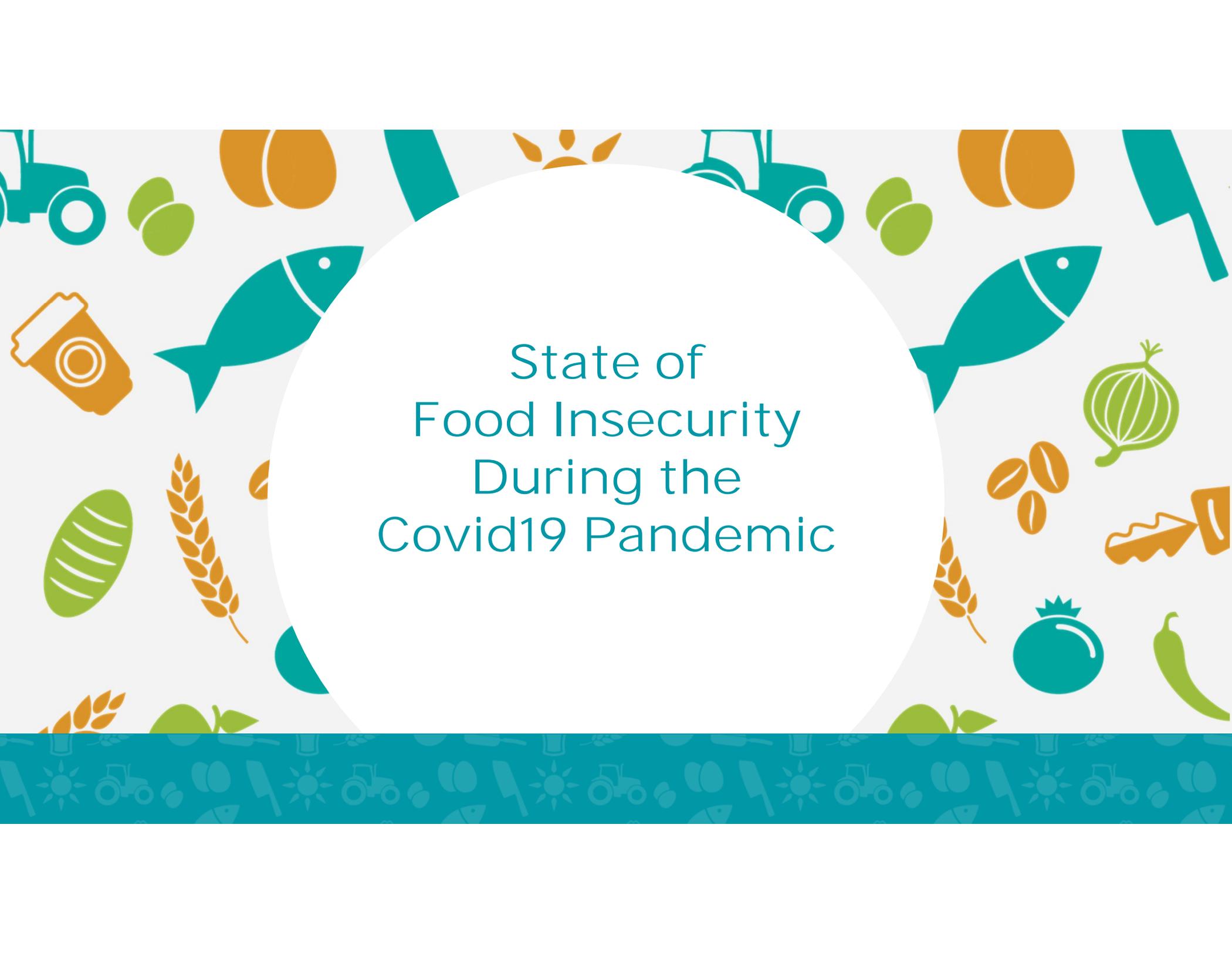
Provide recommendations for practices and policies; recommendations will be part of an accountability framework to ensure actions create necessary change guided by the community



FPA design process in 2020 - 2021

- Lived experience centered in design process
- Focus on accountability + transparency
- Relationships with those most impacted essential for effective change
- Data Index as a complimentary tool for tracking outcomes
- Participating in other long-term planning processes to help identify areas for deeper collaboration and shared learning across sectors and jurisdictions





State of
Food Insecurity
During the
Covid19 Pandemic

Trends in the (limited) data

- Initial spike in need happened in April followed by slow decline in May but numbers are trending up again
- Impact of federal programs
- Changes from April to now
- What to expect in the coming months

Learning from those with lived experience

Intersectional nature of food insecurity

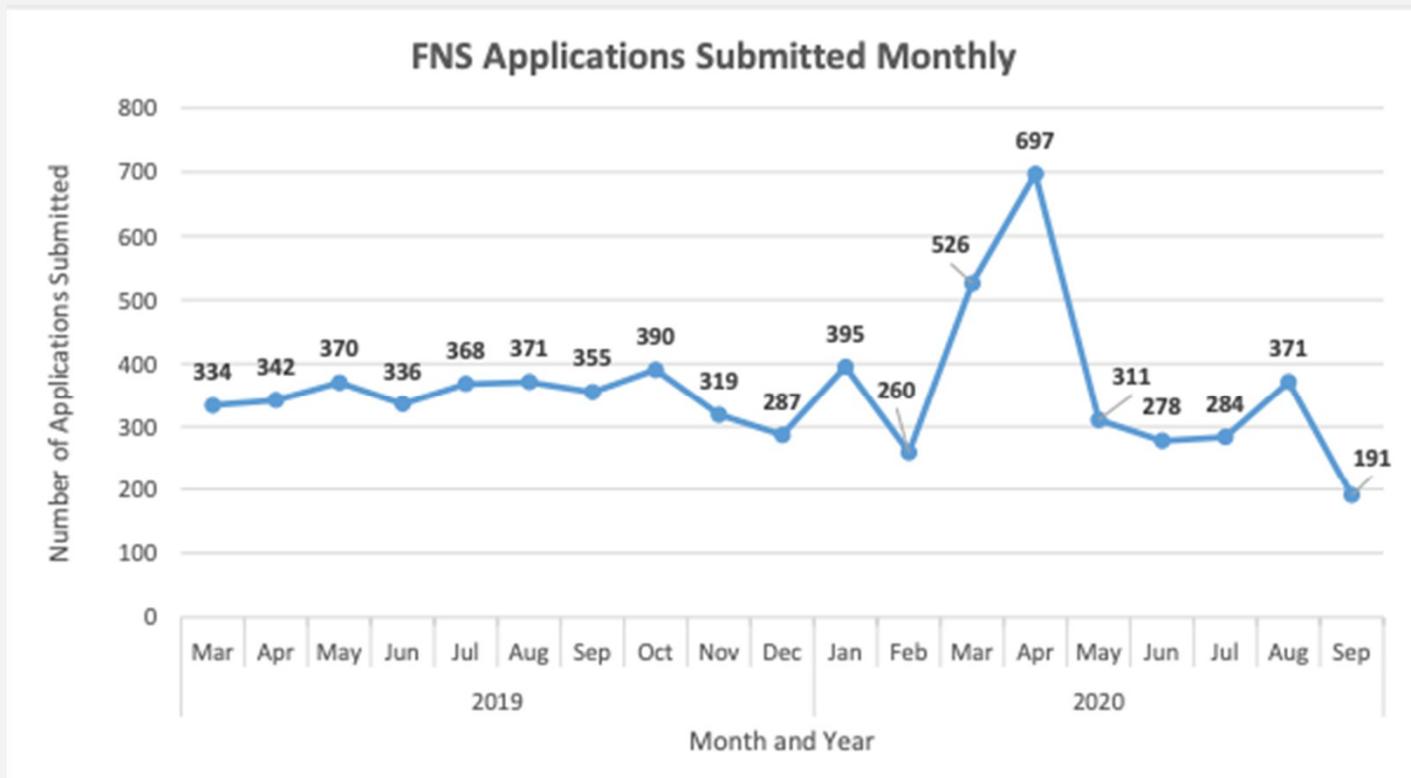
- rent eats first

How race and place impact food insecurity

- systemic issues that have been exacerbated during the pandemic but predate this crisis)



Food and Nutrition Services



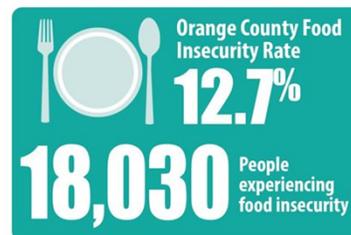
Numbers from Food Providers

Month	Meals Served	Caloric Intake
March 2020	34,000	23,606,800
April 2020	99,491	61,976,540
May 2020	69,999	48,111,345
June 2020	86,622	57,654,660
July 2020	28,240	19,344,400
August 2020	18,450	12,638,250
September 2020	18,310	12,542,350
October 2020	14,030	9,610,550
Total	369,142	245,484,895

Average of **48K meals served weekly** since March 2020

Infographic from February 2020

Food Insecurity in Orange County



- Cost of food exceeds funds available
- Lack of transportation especially in rural areas
- Falling in between the gaps: not eligible for nutrition services but limited food budget due to cost of living (housing costs and low wages)
- College students often not eligible for nutrition services like SNAP
- Fear of endangering immigration status
- History of unjust policies has a more severe impact on communities of color and rural communities

ORANGE COUNTY FOOD COUNCIL
orangecountyfoodcouncil.org



Food Insecurity Report

Coordinator will share this report by early December with all the jurisdictions in Orange County

- More details from frontline communities and food providers
- Supply chain challenges and lessons
- Updated infographic to show changes due to the pandemic
- Comparison of overall FNS participation from 2019 to now



The background of the slide is a light gray color with a repeating pattern of various agricultural icons. These icons include tractors, fish, wheat stalks, pumpkins, onions, tomatoes, and other farm-related items in shades of teal, orange, and green. A large white circle is centered on the slide, containing the text.

QUESTIONS?

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Covid19 Food Insecurity Summary Report

Fall 2020

Table of Contents

- I. Introduction
- II. How race and place influence access
- III. Summary of data and experiences

Introduction

This report includes information and data collected by community partners, Orange County DSS, Orange County Housing and Community Development, and people who have experienced food insecurity. The report is intended to be a summary of information collected about food insecurity during the first 8 months of the Covid19 pandemic. The Food Council Coordinator will continue working with partners to capture new information and build a deeper understanding of the experiences and lessons learned throughout the pandemic. Another summary report is planned for early in the 2nd quarter of 2021. The Food Council will be consulting with community members that have direct lived experience with food insecurity to build a food access think tank. The purpose of this community consulting effort will be to support a Food Policy Agenda process where community members are able to guide public policy and planning efforts. The process will be documented and reports will be shared regularly.

How Race and Place Influence Access and Security

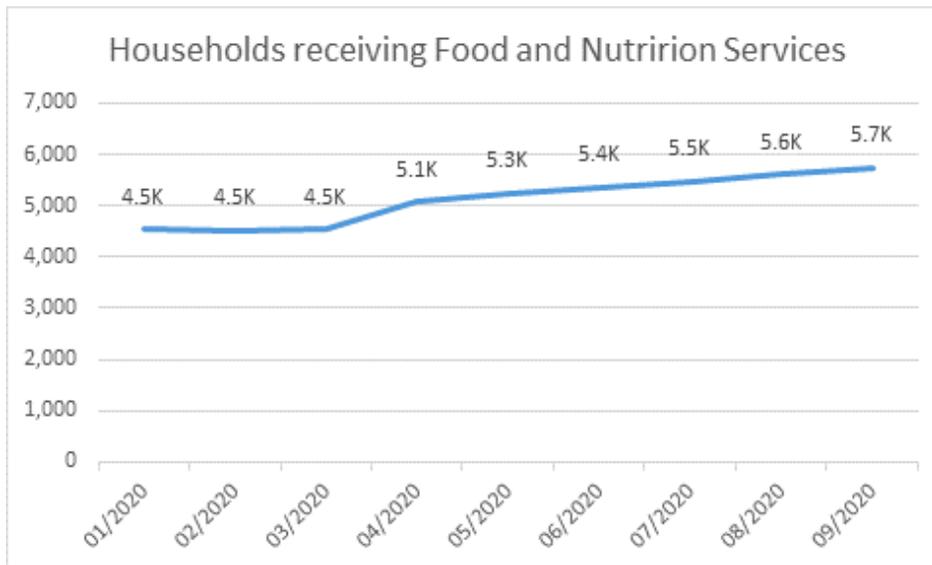
Systemic issues like racism and poverty have been exacerbated by the Covid19 pandemic, but these wicked problems existed before the current crisis. Poverty is a root cause of food insecurity and cannot be separated from systemic racism or the unique challenges that impact rural communities. Policies like redlining and segregation in housing and the workforce have kept people of color from owning homes, working in higher wage jobs, and having the economic access to basic needs like food, housing, and healthcare. People living in rural areas often experience some of the highest rates of food insecurity. Lower wages, limited transportation, and fewer food retailers all contribute to the lack of access. The legacy of these practices and policies continues to influence who has sufficient food and who is most exposed to the harms of this disease.

Data from Orange County DSS and Community Partners

DSS saw a sharp increase in new Federal Nutrition Services (FNS) applications starting in early April. The increase in applications and participation in FNS has been steady (see images below). New FNS applications began to slow down in early summer and this slow down appeared to coincide with stimulus checks being distributed and some jobs returning. In October, DSS staff were preparing for another spike in new applications and expected an increase in demand starting in early winter. Participation in FNS and other services have remained higher than before the pandemic began. Feeding America's food insecurity database¹

¹ <https://www.feedingamericaaction.org/the-impact-of-coronavirus-on-food-insecurity/>

shows a current food insecurity rate for Orange County at around 10.8% but predicts this will rise closer to 14% due to the pandemic.



Month	People Served (Distributions)
Mar-20	1557
Apr-20	9238
May-20	12086
Jun-20	11580
Jul-20	9516
Aug-20	5978
Sep-20	7219
Oct-20	4747
Total	61921
Avg Persons served per Month	7740

The numbers captured in the table above include County food distributions, the Town of Chapel Hill’s food distributions, and a number of community organizations and nonprofits. This does not include all food distributions in the County. For example, the table does not include food served through the school districts. Many school meals and food programs were distributed without counting the number of students/children/families served. A number of school food programs were administered by bus drop offs and various pick up options. The Food Council is working with those involved in school meals to begin documenting their experiences since March 2020.

Experiences and Stories

- Rent eats first. Individuals and families are focusing their limited resources on rent/housing costs and that often means less time and money available for food. Fair market rent² for a 3 bedroom home in Orange County is \$1,461/month. A family of 3 that is eligible for FNS programs like SNAP³ will spend an average of 65% of their monthly income on rent. Many of these same families are now relying on increased support for housing and food due to the pandemic. Some cannot work, others are experiencing a decrease in wages, and so many families are without childcare
- Gift cards are needed, not just food. Gift cards give more flexibility and agency. Community members in a crisis can use cards to buy the kind of food they need when they need it. This is an easier way for foods to be chosen based on the person's culture, nutritional needs, and their capacity for food storage. Gift cards also enable people to buy other essential needs like toothpaste, toilet paper, etc.
- There remains a fear that participating in government programs may endanger a person/family's immigration status and eligibility.
- Misinformation has circulated about who is eligible for services and how resources are distributed.
- Nonprofits expect the number of people in need of support will remain higher than before the pandemic. In the past, organizations have seen a trend of economic recessions pushing people into increasingly precarious situations that they may never recover from. Some of the contributing factors that can push people over the edge when a recession hits are things like high cost of living, limited access to other support services, disabilities, health care costs, and low wages.

² https://www.huduser.gov/portal/datasets/fmr/fmrs/FY2020_code/2020summary.odn

³ <https://www.cbpp.org/research/food-assistance/policy-basics-the-supplemental-nutrition-assistance-program-snap>



Town of Carrboro

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

Agenda Item Abstract

File Number:21-24

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Information on Text Amendments Required as part of G.S. Chapter 160D, Part 1

PURPOSE: The purpose of this item is provide the Town Council with the first installment of draft text amendments to the Land Use Ordinance required by the adoption of G.S. Chapter 160D.

DEPARTMENT: Planning

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INFORMATION: At the October 13, 2020 Town Council meeting, staff reported on the adoption of G.S. Chapter 160D and the requirement for the Town to prepare a series of amendments to the Land Use Ordinance to conform with new regulations ([Town of Carrboro - Meeting of Town Council on 10/13/2020 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=802043&GUID=B231F771-7774-436A-8004-307550C17F31&Options=&Search=>) <<https://carrboro.legistar.com/MeetingDetail.aspx?ID=802043&GUID=B231F771-7774-436A-8004-307550C17F31&Options=&Search=>>>. Since amendments are numerous and will be made throughout the Land Use Ordinance, a plan and schedule was offered to bundle the changes by topical areas and present in a series of installments during the winter/spring in preparation for a single public hearing in May/June. The schedule seeks to allow time for the Council to ask questions or request additional information so that action on the required amendments can occur before the deadline of July 1, 2021.

Agenda materials include a draft ordinance that incorporates all the currently - anticipated changes within the topical area under discussion in each session (Attachment A). Also included is a table showing the purpose of the change and specific section/provision(s) to be amended (Attachment B) and full copies of Articles III-V, XVII, XX and XXI, with the changes tracked (Attachments C-H).

It should be noted that the materials in the agenda packet are still in draft form, and additional revisions may be required as staff continues to review Chapter 160D and the associated updates in S.L. 2020-15. Any substantive changes will be identified in the public hearing materials.

FISCAL & STAFF IMPACT: Staff and Town Attorney time and costs are associated with the preparation of this item; public notice costs and staff time will be associated with the future public hearing and

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

advisory board review.

RECOMMENDATION: Staff recommends that the Town Council review the material and ask questions of staff and/or the Town Attorney as part of the discussion at the meeting.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CONFORM WITH
RECENT CHANGES IN STATE LEGISLATION RELATING TO THE ADOPTION OF CHAPTER
160D

DRAFT 01-22-2021

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Article III, Administrative Mechanisms, is amended to replace all references to the ‘Board of Aldermen,’ ‘Alderman,’ or ‘Board’ in Article III, Administrative Mechanisms, with the ‘Town Council,’ ‘Council Member,’ or ‘Council,’ respectively.

Section 2. Article III, Administrative Mechanisms, is amended to replace the words, ‘chairman’ and ‘vice chairman’ with ‘chair’ and ‘vice chair.’

Section 3. Section 15-15-21, Appointment and Terms of Planning Board Members, is amended by adding a new subsection (a1) to read as follows:

(a1) To ensure proportional representation, the number of ETJ representatives on the planning board shall be based on the population for residents within the town’s extraterritorial planning area. The population estimates for this calculation shall be updated no less frequently than after each decennial census, and pursuant to G.S. 160D-307, board representation adjusted as needed to maintain proportionality.

Section 4. Article III, Administrative Mechanisms, is amended by changing the names of ‘conditional use permits’ and ‘special use permits’ to ‘class A special use permits’ and ‘class B special use permits.’

Section 5. Section 15-25, Powers and Duties of the Planning Board, is amended by adding a new provision (4) allowing the planning board to make recommendations to the Board of Adjustment relating to class B special use permits, and renumbering the existing provision (4) to provision (5).

Section 6. Subsection 15-26(a), Advisory Committees, is rewritten to read as follows:

(a) From time to time, the Town Council may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Town Council may appoint advisory committees to consider long range transportation plans, including pedestrian and bicycle plans, housing plans, economic development plans, etc..

Section 7. Section 15-29, Appointment and Terms of Board of Adjustment is amended to add a new subsection (a1) to read as follows:

(a1) To ensure proportional representation, the number of ETJ representatives on the board of adjustment shall be based on the population for residents within the town’s extraterritorial planning area. The population estimates for this calculation shall be updated no less frequently than after each decennial census, and pursuant to G.S. 160D-307, board representation adjusted as needed to maintain proportionality.

Section 8. Section 15-32, Voting, is amended by rewriting subsection (f) to read as follows:

(f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order if made by or at the initiative of the member directly affected or to decide an objection to a member's participation at or prior to a hearing.

Section 9. Section 15-37, Land Use Administrator, is amended by adding an additional sentence requiring staff charged with administrating the Land Use Ordinance with taking an oath of office, to read as follows:

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the town manager. The person or persons to whom these functions are assigned shall be referred to in this chapter as the "land use administrator" or "administrator." The term "staff" or "planning staff" is sometimes used interchangeably with the term "administrator."

As required by G.S. 160D-309, all persons assigned to the administration of this chapter shall take an oath of office prior to beginning to their service.

Section 10. Section 15-42, Appointment and Terms of Appearance Commission, is amended by adding a new subsection (d1) to read as follows:

(d1) Whenever a historic district is designated, subject to the provisions of Section 15-338 of this chapter, in the town's extraterritorial planning area, the Town Council shall appoint persons residing in the town's extraterritorial planning area to serve on the Appearance Commission to provide proportional representation as required by G.S. 160D-307.

Section 11. Article III, Part VII., Membership Limitations on Boards, Committees, Advisory Groups, and Commissions, is amended by adding a sentence requiring newly appointed board members to take an oath of office prior to beginning a term of service.

Section 12. Article IV, Permits and Final Plat Approval, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'class A special use permits' and 'class B special use permits' throughout.

Section 13. Section 15-46, Permits Required, is rewritten to read as follows:

Section 15-46 Permits Required.

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

- (1) A zoning permit issued by the administrator;
- (2) A class B special use permit issued by the board of adjustment;
- (3) A class A special use permit issued by the Town Council.

(a1) Pursuant to G.S. 160D-102(30) and Section 2.9(b) of S.L. 2019-111, any valid 'conditional use permit' issued prior to January 1, 2021 shall automatically convert to a 'class A special use permit.' Any valid 'special use permit' shall automatically convert to a 'class B special use permit.' Any 'conditional use zoning district,' adopted in accordance with section 15-141.3 and Article XX of this chapter shall be deemed a 'conditional zoning district' and the 'conditional use permit' issued concurrently with the establishment of the district shall be deemed a valid 'class A special use permit.' Requests for modifications to class A and class B special use permits shall be consider in accordance with the procedures in section 15-64 of this chapter.

(b) Zoning permits, class B special use permits, class A special use permits, and sign permits are issued under this chapter in respect to plans submitted by the applicant that demonstrate compliance with the ordinance provisions contained herein. Such plans as are finally approved are incorporated into any permit issued in reliance thereon, and except as otherwise provided in Section 15-64, all development shall occur strictly in accordance with such approved plans. Approvals shall be in writing, issued in print or electronic form, and may contain a provision that the development shall comply with all applicable State and local laws. **(AMENDED 1/10/81)**

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

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

(e) Notwithstanding the provisions of subsection (a) of this section, no permit under this chapter shall be required for the substantial alteration of a building or structure located within a B-1(c), B-1(g) or B-2 zoning district if such alteration does not change the exterior of such building or structure in any substantial way. **(AMENDED 10/22/91)**

(f) Property located in the town's extraterritorial planning area and development regulation jurisdiction that is used for bona fide farm purposes, as defined in G.S. 106-581.1, is exempt from the regulations in this chapter. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the town's extraterritorial planning and development regulation jurisdiction under this chapter.

Section 14. Section 15-48, Who May Submit Permit Applications, is amended by listing an easement holder as an example of an applicant for a development approval.

Section 15. Article IV, Permits and Final Plat Approval is amended by the addition of a new Section, 15-49.1, Permit Choice, to read as follows:

15-49.1 Permit Choice.

(a) If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

(b) If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the town for a period of six consecutive months or more, the application review is discontinued and the development regulations in effect at the time permit processing is resumed apply to the application.

(c) Repealed by Session Laws 2015-246, s. 5(a), effective September 23, 2015.

(d) Any person aggrieved by the failure of the town to comply with this section or G.S. 160A-360.1 or G.S. 153A-320.1 G.S. 160D-108(b) may apply to the appropriate division of the General Court of Justice for an order compelling compliance by the town, and the court may issue that order. Actions brought pursuant to any of these sections shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.

(e) For purposes of this section, the following definitions apply:

- (1) Development. – Without altering the scope of any regulatory authority granted by statute or local act, any of the following:
 - a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - b. Excavation, grading, filling, clearing, or alteration of land.
 - c. The subdivision of land as defined in G.S. 160D-802.
 - d. The initiation of substantial change in the use of land or the intensity of the use of land.
- (2) Development permit. – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:
 - a. Zoning permits.

- b. Site plan approvals.
 - c. Special use permits.
 - d. Variances.
 - e. Certificates of appropriateness.
 - f. Plat approvals.
 - g. Development agreements.
 - h. Building permits.
 - i. Subdivision of land.
 - j. State agency permits for development.
 - k. Driveway permits.
 - l. Erosion and sedimentation control permits.
 - m. Sign permit.
- (3) Land development regulation. – Any State statute, rule, or regulation, or town ordinance affecting the development or use of real property, including any of the following:
- a. the Carrboro Land Use Ordinance and Zoning Map, and
 - b. Erosion and sedimentation control regulation.
 - c. Floodplain or flood damage prevention regulation.
 - d. Housing code.

Section 16. Section 15-51 Staff Consultation After Application Submitted, is amended to replace the use of pronouns for gender neutral language.

Section 17. Sections 15-53 and 15-60(a) are amended to reference the rewritten performance guarantee provisions for subdivisions, in 15-60(b).

Section 18. The provisions relating to performance guarantees for subdivisions under Section 15-60(b) are rewritten to read as follows:

(b) With respect to subdivided developments, the manager may authorize final plat approval and the sale of lots before all the requirements of this chapter (including approved plans) are fulfilled if the subdivider provides a surety bond, letter of credit, or other security satisfactory to the manager to ensure that all of these requirements will be fulfilled within a reasonable period of time after final plat approval (not to exceed twelve months) as determined by the manager. The developer shall choose which of the above listed performance guarantees to use. Upon a showing of good cause (by way of illustration without limitation, where it is sensible to delay the final coat of pavement of a street until heavy construction within the subdivision is essentially complete, or where completion of a bioretention area should be delayed until site disturbance is nearly finished), the manager may approve the extension of such security for successive periods of up to twelve months each, so long as such extension does not compromise the health or safety of the general public or the occupants of the subdivision.

Notwithstanding the foregoing, pursuant to G.S. sections 160D-804; 804.1, all of the following shall apply with respect to performance guarantees:

- (1a) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.

- (1b) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.
- (2) Release. – The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the town that the improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer. The town shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the town, or are accepted by the town, if subject to its acceptance, upon request by the developer, the town government shall timely provide written acknowledgement that the required improvements have been completed.
- (3) Amount. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. The town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- (3a) Timing. – The town, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.
- (4) Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

- (5) Legal responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
- a. The town, to whom such the performance guarantee is provided.
 - b. The developer at whose request or for whose benefit such the performance guarantee is given.
 - c. The person or entity issuing or providing such the performance guarantee at the request of or for the benefit of the developer.
- (6) Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.
- (7) Exclusion. – Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

Section 19. Section 15-59, Additional Requirements on Special Use and Conditional Use Permits, is rewritten to read as follows:

Section 15-59 Additional Requirements on Class B and Class A Special Use Permits.

(a) Subject to subsection (b), in granting a class B special or class A special use permit, the board of adjustment or Town Council, respectively, may attach to the permit such reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location: **(AMENDED 3/23/10)**

- (1) Will not endanger the public health or safety; or
- (2) Will not injure the value of adjoining or abutting property; or
- (3) Will be in harmony with the area in which it is located; ~~and~~ or
- (4) Will be in conformity with the Carrboro Comprehensive Plan, Land use Plan, Long Range Plan, or other plan officially adopted by the Council.

(b) The permit-issuing authority may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. **(AMENDED 5/26/87)**

- (1) Conditions and safeguards imposed under this subsection shall not include requirements for which the town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the town, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land

(2) The applicant/landowner shall provide written consent to all conditions relating to the special use permit.

(c) Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration.

(d) Repealed.)

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

(f) A vote may be taken on additional conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subdivision 15- 54(c)(3) or (4).

Section 20. Section 15-61, Completing Developments in Phases, is amended by adding a new subsection (d) to read as follows:

(d) Pursuant to G.S. section 160D-108(d)(4), and subsection 15-128.2 of this chapter, a multiphase development shall be vested for the entire development with the ordinance regulations in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

Section 21. Section 15-67, Maintenance of Common Areas, Improvements, and Facilities, is amended to remove the reference to conditional use permits in the first sentence.

Section 22. Article IV, Part II. Major and Minor Subdivisions, is amended by adding a new section 15-78.1 to read as follows:

Section 15-78.1 Special Review for Certain Classes of Subdivisions

Pursuant to G.S. section 160D-802, the town may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of G.S. 160D-802; (the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved).
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any.

- b. The use of the lots is in conformity with the applicable zoning requirements, if any. c. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4.)
- c. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4.)

Section 23. Article V, Appeals, is amended to update the citations referencing the applicable provisions in the North Carolina General Statutes.

Section 24. Article V, Appeals, is amended to replace all references to the ‘Board of Aldermen,’ ‘Alderman,’ or ‘Board’ in Article III, Administrative Mechanisms, with the ‘Town Council,’ ‘Council Member,’ or ‘Council,’ respectively.

Section 25. Article V, Appeals is amended by adding a new Section 15-93.1, Determinations, to read as follows:

Section 15-93.1 Determinations.

A determination is a written, final, and binding order, requirement, or determination regarding an administrative decision. This includes any interpretation of this chapter, affirmation of nonconforming status, notice of violation or other binding order concerning a development regulation. When making a determination, the administrator shall follow the process provided for appeals in sections 15-91 of this chapter. Determinations may be appealed to the board of adjustment.

Section 26. Article XVII, Signs, is amended by changing the names of ‘conditional use permits’ and ‘special use permits’ to ‘class A special use permits’ and ‘class B special use permits’ wherever they appear in the Article.

Section 27. Subsection 15-271(c), Permit Required for Signs, is amended to change the word administration in provision (2)(b) from ‘administration’ to ‘administrator.’

Section 28. Article XVII, Signs, is amended to replace all references to the ‘Board of Aldermen,’ ‘Alderman,’ or ‘Board’ in Article III, Administrative Mechanisms, with the ‘Town Council,’ ‘Council Member,’ or ‘Council,’ respectively.

Section 29. Subsection 15-271(d), Permit Required for Signs, provision (1) is written to read as follows:

- (1) Such master signage plan may be approved as part of the issuance of the original class A special use permit or as a minor amendment to the original class A special use permit, provided that no such master plan shall be approved through the minor amendment process unless the Town Council first holds a public hearing on the proposed amendment. With respect to class A special use permits that were approved as conditional use permits prior to July 1, 2021, a master signage plan may also be approved as a minor amendment following the public hearing process described above. Amendments to a master signage plan approved under this section may be approved in accordance with the provisions of Section 15-64 (Amendments to and Modifications of Permits).

Section 30. Section 15-320, Amendments in General, is amended to include a reference to the comprehensive plan in subsection (a), as follows:

(a) Amendments to the text of this chapter or to the zoning map or to the comprehensive plan may be made in accordance with the provisions of this article, or in the case of non-substantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

Section 31. Article XX, Amendments, is amended to update the citations referencing the applicable provisions in the North Carolina General Statutes.

Section 32. Provision (1) under Subsection 15-321(b), Initiation of Amendments, is rewritten to read as follows:

- (1) The name, address, and phone number of the applicant. If a change in zoning district classification to a less dense development density is proposed, the name, address, phone number and signature of all property owners consent to the application is required. Applications for down-zoning shall not be considered unless all the property owners consent to the application.

Section 33. Subsection 15-321(d), Initiation of Amendments, is amended to include an additional sentence, to read as follows:

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Council may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Council may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance. In accordance with G.S. 160D-60 (d), petitions for proposed map changes that would result in a downzoning of property shall only be initiated by the owners of the property or the Town. (See subsection (b)(1) above.)

Section 34. Section 322 of the Carrboro Land Use Ordinance, Planning Board and Other Advisory Consideration of Proposed Amendments, is rewritten to read as follows:

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments

(a) If the Council sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues, and may refer the amendment to the environmental advisory board if the amendment involves community environment issues, and may refer the amendment to the affordable housing advisory commission if the amendment involves an affordable housing issue, and may refer the amendment to the Economic Sustainability Commission if the amendment involves an economic development issue. **(AMENDED 09/19/95, REWRITTEN 02/25/14, AMENDED 06/25/19).**

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans, or other applicable plans officially adopted by the Town Council. The planning board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days

of referral of the amendment to that board, the Town Council may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Town Council, and the Town Council is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Town Council (i.e. it does not report to the planning board) shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. **(AMENDED 10/24/06)**

Section 35. Section 15-323, Hearing Required: Notice, is amended to add the word ‘legislative’ in the section heading and in subsection (a), and to expand the mailed notice requirements under subsection (c) to more closely align with the language in the North Carolina General Statutes which speaks to abutting property as follows:

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is abutting the property rezoned by the amendment, including property separated by a street right of way, railroad or other transportation corridor and any other property that is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term “owners” shall mean the persons shown as owners on Orange County’s computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

Section 36. Subsection 15-323(e), Hearing Required: Notice, is amended to specify when notice should be posted, as follows:

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way at least 10 but not more than 25 days prior to the date of the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

Section 37. Section 15-324, Board Action on Amendments, is rewritten to read as follows:

Section 15-324 Council Action on Amendments (AMENDED 10/24/06)

(a) At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 2-15 of the Town Code.

(d) When adopting or rejecting any zoning amendment, the Council shall adopt a statement describing whether the action is consistent with an adopted comprehensive plan, which shall not be subject to judicial review (**AMENDED 2/6/2018**).

- (1) If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required.
- (2) A plan amendment and zoning amendment may be considered concurrently.
- (3) If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the Council’s statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(d1) When adopting or rejecting any petition for a zoning text or map amendment the Council shall adopt a statement explaining the reasonableness of the proposed rezoning. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment, (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the statement on reasonableness may address the overall rezoning.

(e) A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (See also Carrboro Town Code Section 2-35).

Section 38. Section 15-325, Ultimate Issue Before Board on Amendments, is amended to remove the language relating to a request to rezone property to a conditional use district, in provision (1).

Section 39. Section 15-326, Citizen Comments on Zoning Map and Text Amendments, is rewritten to read as follows:

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to a zoning regulation (including a text or map

amendment) to the Clerk of the Town Council at least two (2) business days prior to the proposed vote on such change, the Clerk to the Council shall deliver such written statement to the Council. If the proposed change is the subject of a quasi-judicial proceeding under North Carolina General Statutes section 160D-705 or any other statute, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Council shall not disqualify any member of the Council from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the Council determines that such statements are admissible under the N.C. Rules of Evidence in the proceeding. (Amended 12-6-16; and enacted pursuant to a Resolution in Opposition to the General Assembly's Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).

Section 40. Article XXI, Neighborhood Preservation, is amended to replace all references to the 'Board of Aldermen,' 'Alderman,' or 'Board' in Article III, Administrative Mechanisms, with the 'Town Council,' 'Council Member,' or 'Council,' respectively.

Section 41. Article XXI, Neighborhood Preservation, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'class A special use permits' and 'class B special use permits.'

Section 42. Article XXI, Neighborhood Preservation, is amended to update the citations referencing the applicable provisions in the North Carolina General Statutes.

Section 43. Section 15-336, Historic District Commission, is rewritten to read as follow:

The appearance commission established under Article III, Part V, of this chapter is hereby designated as the historic district commission and shall exercise all duties and responsibilities conferred upon the historic district commission. Pursuant to Section 15-339(d) below, when serving as the historic district commission to consider certificates of appropriateness, the appearance commission shall conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.

Section 44. Article XXI, Neighborhood Preservation, is amended to change all references to 'guidelines' in Section 15-338 and 15-339 to 'standards.'

Section 45. Section 15-339, Certificates of Appropriateness, is amended to clarify the quasi-judicial nature of all procedures relating to certificates of appropriateness.

Section 46. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 47. This ordinance shall become effective upon adoption.

Draft ORD. No.	Chapt 160D Subject/Topic	Status	Purpose	Recommended Action	LUO Article or Town Code Chapter	Specific Citation(s)
	Boards	Required	<u>Chapter 160D Requirement.</u> Must keep minutes of proceedings of each board. (G.S. 160D-308.)	No change needed.		
	Boards	Required	<u>Chapter 160D Requirement.</u> Must have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)	Amend LUO Article III, PART VII. Membership Limitations on Boards, Committees, Advisory Groups, and Commissions with a new provision to require incoming advisory board members to receive the oath of office before beginning to serve their duties. Requirement is provided in one central place for all advisory boards in association with the appointment process rather than repeated under the appointment language for each board. A less formal option would be to amend the Rules of Procedures for Advisory Board Rules to reflect this requirement.	Article III	Part VII
	Boards	Required	<u>Chapter 160D Requirement.</u> Must update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)	Amend Article III, with new provisions (a1) under the appointments and terms for the planning board (15-21(a1) and board of adjustment(15-29(a1) to meet this requirement; boards where ETJ membership is a requirement part of the make up of the board. Consulting with Town Attorney as to whether similar language is needed for other advisory boards, such as the appearance commission and boards described in the Town Code.	Article III	15-21(a1) 15-29(a1)
	Boards	Required	<u>Chapter 160D Requirement.</u> Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)	Add a new provision 15-42(d1) under the Article III, Part V. for the appointment and terms of Appearance Commission, to include an ETJ membership requirement when a local historic district(s) is located in the ETJ.	Article III	15-42(d1)
	Boards	Required	<u>Chapter 160D Requirement.</u> Must adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)	Amend LUO Section 15-322(d), to expand the conflict of interest provisions for advisory board review of legislative decisions (text & map amendments) to include close familial, business or other associational relationship. Amend LUO Section 15-324(e) to expand the conflict of interest provisions for advisory board review of legislative decisions (text & map amendments) to include close familial, business or other associational relationship.	Article XX	15-322(d) 15-324(e)
	Land Use Administration General	Required	<u>Chapter 160D Requirement.</u> Must have each staff member take an oath of office before starting his or her duties.	Add a new provision under the Land Use Administrator to include this new requirement.	Article III	15-37
			Town administrative update.	Amend LUO Section 15-22 to change CUP and SUP to Class A SUP and Class B SUP	Article III	15-22(e); 15-25(a) in three places; 15-40(a); 15-40(c)
			Town administrative update.	Amend LUO Section 15-25(a) to add a new provision (4) to include make recommendations to Board of Adjustment concerning class B sup to list of Planning Board duties.	Article III	15-25(a)(4)
			Town administrative update.	Amend LUO Section 15-26 to update list of examples of long range planning documents	Article III	15-26(a)

			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article III	15-21(a), in two places; 15-25(a)(1); 15-25(a)(2); 15-25(a)(3); 15-25(a)(5); 15-26(a) in two places; 15-26(b); 15-26(c) in two places; 15-26(d); 15-27(a) in three places; 15-27(h)(1), 15-27(h)(4); 15-27(h)(8); 15-29(a) in three places; 15-29(e); 15-38(b) in two places Part IV title; 15-40; 15-40(a); 15-40(b); 15-40(c) 14-52(a); 15-42(d) in two places; 15-44(a)(3); 15-44(a)(4); 15-44(a)(6); 15-44(b); 15-44(c); 15-45(a); 15-45(c)(3); 15-45.2(a); 15-45.2(d)
			Town administrative update.	Use gender neutral language. Remove references for chairman and vice chairman and replace with chair and vice chair.	Article III	15-21(e)(1); 15-21(e)(2) in four places; 15-24(a); 15-29(d)(1); 15-29(d)(2) in four places; 15-30(b); 15-33(a); 15-33(b); 15-42(c)(2) in three places 15-30(b); 15-29(d)(1); 15-29(d)(2) in four places; 15-33(a); 15-33(b);
Substance of Zoning Ordinance	Required	<u>Chapter 160D Requirement.</u> Must maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); may adopt and maintain in paper or digital format. (G.S. 160D-105.)	Minor amendment provided in Article IX, Zoning Districts and Zoning Map, Part II. Zoning Map. New phrase or sentence under either 15-143(b) of 15-143(d) to clarify the historical and current copies of the zoning map shall be maintained in paper and digital forms.	Article IX	15-143(b)	
Substance of Zoning Ordinance	Required	<u>Chapter 160D Requirement.</u> Must eliminate conditional use district zoning; existing conditional use district zoning converts to conditional district on January 1, 2021 upon adoption of updated local ordinances or July 1, 2021. (G.S. 160D-703; S.L. 2020-25; S.L. 2019-111, § 2.9(b).)	Amendments needed. New provision (a1) added under 15-46 in Article IV, Permits and Final Plat Approvals, to indicate the automatic conversation to Conditional Districts. Add a new provision under the Section 141.3 Conditional Use Districts to indicate the automatic conversation to Conditional Districts--to match language in 15-46(a1) and repeal section. Review districts in Article IX, Zoning Districts and Zoning Maps and modify as needed, 3, specific districts such as the O/A, conditional use district and associated references throughout the ordinance. Scan LUO and make other updates as needed.	Article IV Article IX	15-46(a1) 15-141.3	

Substance of Zoning Ordinance	Required	<u>Chapter 160D Requirement.</u> Must not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code. (G.S. 160D-703; S.L. 2019-174.)	Possible amendment to Chapter 17 of the Town Code, Housing Code, 17-6, Space and U	Chapter 17 of Town Code	17-6
Substance of Zoning Ordinance	Optional	<u>Chapter 160D Option.</u> May incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; may incorporate the most recent officially adopted version of such maps so that there is no need for ordinance amendment for subsequent map updates; must maintain current effective map for public inspection; may maintain in paper or digital format. (G.S. 160D-105.)	No change needed. 15-251.2(b)(1) provides for such incorporation. (1) Those Special Flood Hazard Areas that are identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Orange County, dated 09/26/2017, which are adopted by reference and declared to be a part of this ordinance. (AMENDED 09/26/17)	Article XVI	15-251.2(b)(1)
Substance of Zoning Ordinance	Optional	<u>Chapter 160D Option.</u> May require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)	Amendments needed. G.S. 160D-702 allows local governments to use performance guarantees for zoning approvals, consistent with the provisions for performance guarantees for subdivision approvals, as provided for in G.S. 160D-804(g). Additional language needed to conform the existing standards for performance guarantees for zoning permits (15-53) and SUPs (15-60(s), and subdivisions (15-60(b)) to the standards in 160D-804.	Article IV	15-53 (zoning permits) 15-60(a) (special use permits)
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must conform subdivision performance guarantee requirements with statutory standards. (G.S. 160D-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)	Language added in 15-60(b) to clarify maximum amount and allowable uses for bond money.	Article IV	15-60(b) subdivisions
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)	Amendment needed. New section 15-78.1 added which provisions related to expedited review provided directly from the language in 160D-802.	Article IV	15.78.1

Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of property to be subdivided. (G.S. 160D-804(h); S.L. 2020-25.)	Amendment needed. Add new provision (c) under 15-246 to list exemptions as provided in 160D as amended in S.L. 202-25.	Article XVI	15-246
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)	Amendments needed. Bona fide farm definition added to Section 15-15. New provision 15-46(f) added with language clarifying exemption.	Article III	15-46(f)
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)	Add definition of manufactured home from 160D to definitions in Article II. Amend table of permissible uses in Section 15-146 to allow manufactured homes.	Article II Article X	15-15 15-146
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must follow standardized process for housing code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)	Review language in the Housing Code, Chapter 17 of the Town Code. Amendment may be needed.	Chapter 17 of Town Code	
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> May adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)	No amendment needed. The Town will follow requirements if a future moratoria is considered/adopted.	NA	
Development Agreements	Required	<u>Chapter 160D Requirement.</u> Must process a development agreement as a legislative decision. (G.S. 160D-105.)	Consider adding a reference to development agreements and requirement for legislative hearing procedures in Article XX. Note in Article IV and X for "breadcrumbs."	Article IV	
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Must follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)	Minor amendment provided to include the word "evidentiary" for hearings subject to quasi-judicial proceedings. The existing language described in Article VI describes a quasi-judicial process. This amendment seems to be sufficient for this requirement. Reference to administrative decisions and certificates of appropriateness added for clarity.	Article VI; Article IV; Article V; Article XXI	15-101(a)
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing must have testimony under oath; must establish written findings of fact and conclusions of law. (G.S. 160D-406.)	Consistent with the emphasis in 160D that hearings are either evidentiary for quasi-judicial proceedings or legislative hearings for amendments, the terms 'evidentiary' and 'quasi-judicial' have been added throughout Article VI. No substantive change needed. The existing language in 15-101 and 15-103 describes the elements of an evidentiary hearing.	Article VI	15-101
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Board chair must rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling may be appealed to the full board. (G.S. 160D-406(d).)	Amendment needed. New subsection added to 15-103, Evidence.	Article VI	15-103(d)
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; may allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)	Amendment needed. New provisions (1) & (2) added to 15-103(b) for clarity.	Article VI	15-103(b)(1) & 15-103(b)(2)

Quasi-Judicial Decisions Procedures	Optional	<u>Chapter 160D Option.</u> May continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).)	No amendment needed for continuation; existing language in Section 101(d) provides for this. New provision (e) added to provide for continuation if a quorum is not present.	Article VI	15-101(d) 15-101(e)
Quasi-Judicial Decisions Procedures	Optional	<u>Chapter 160D Option.</u> May distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then must distribute the same materials to the applicant and landowner at the same time; must present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).)	Amended added for clarity. New subsection added as 15-102.1 added under the procedure for evidentiary hearing in Article VI.	Article VI	15-102.1
Quasi-Judicial Decisions Procedures	Optional	<u>Chapter 160D Option.</u> May have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing, but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing. (G.S. 160D-301.)	No change needed. Existing provisions in the LUO provide for the Planning Board and other advisory boards to review SUP/CUP--revised as Class B Special Use Permits in 15-56 (Board of Adjustment) and Class A Special Use Permits in 15-57 (Town Council).	Article IV	15-56(c); 15-57
Quasi-Judicial Decisions Procedures	Be Aware	<u>Additional Information.</u> Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)	No change needed. Included in the table for information. Language could be added for clarity to members of the public.	Article VI	15-103
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (G.S. 160D-705(c); S.L. 2019-111, Pt. I.)	The existing language in 15-59, seems to state this limit, but an additional provision (1) has been added for clarity.	Article IV	15-59(b)(1)
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (G.S. 160D-1402(k); G.S. 160D-1403.2; S.L. 2019-111, Pt. I.)	Additional provision (2) has been added under 15-59(b) to clarify this requirement.	Article IV	15-59(b)(2)
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)	No change needed. Subsection 15-91 seems to cover all decisions. Addition of "administrative decisions" to 15-101(a) provides "bread crumb" to the articles relating to appeals. Can add language relating to the three day mailing if needed.	Article V	15-91(d) 15-101(a)
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)	Amendments needed. New provision (a1) added under 15-46, Permits Required, stating that existing conditional use districts automatically converted to conditional districts. Existing subsection 15-59(d) repealed. Additional language added in Article IX, Zoning Districts and Zoning Map.	Article IV	15-46(a1)

Administrative Decisions Development Approvals	Required	Must provide development approvals in writing; may provide in print or electronic form; if electronic form is used, then it must be protected from further editing. (G.S. 160D-403(a).)	Amendment added for clarity. New sentence at the end of provision 15-46(b) added. Existing Section 15-106 currently requires written decisions for quasi-judicial decisions. The language in 160D-403 suggests that a written decision is needed for administrative decisions--zoning permits as well.	Article IV Article VI	15-46(b) 15-106
Administrative Decisions Development Approvals	Required	Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)	Additional language added to Section 15-48, Who May Submit Permit Application, to list all the potential applicants stated in the Chapter 160D.	Article IV	15-48
Administrative Decisions Development Approvals	Required	Must provide that development approvals run with the land. (G.S. 160D-104.)	No change needed. Section 15-63, Effect of Permit on Successors and Assigns provides for permits to runs with the land so long as the permit continues to be used for the purposes for which the permit was granted.	Article IV	15-63
Administrative Decisions Development Approvals	Required	For revocation of development approval, must follow the same process as was used for the approval. (G.S. 160D-403(f).)	No change needed. Section 15-115, Permit Revocation and Building Permit Denial speaks to the process for revocation. Subsection (b) speaks to the same process for special use permits as the approval process in Article VI.	Article VII	15-115(b)
Administrative Decisions Determinations	Required	Must provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)	No change needed. Relating to special use permits, the process is described in 15-115(b) as the same for approval which includes written and posted notice and written determination. Provisions relating to notice outlined in 15-115(b) for SUPs and 15-115(c) for zoning permits. New language added to 15-46(b) clarifies written approval for zoning permits.	Article VII	15-115(b); 15-115(c)
Administrative Decisions Determinations	Optional	May require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b).)	No change needed. Article 15-91(e) speaks to the posting of a sign meeting specific criteria.	Article V	15-91(e)
Administrative Decisions Appeals of Administrative Decisions	Required	Must allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building code and housing code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)	No change needed. The existing language under Section 15-91, Appeals, seems to cover all decisions. For clarity, however, "administrative decisions" has been added to the list of matters in subsection 15-101(a), Hearing Required on Appeals and Applications.	Article V Article VI	15-91 15-101(a)
Administrative Decisions Appeals of Administrative Decisions	Required	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)	No change needed. Existing language under Section 15-91 sufficient.	Article V	15-91(d)
Administrative Decisions Appeals of Administrative Decisions	Required	Must require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)	No change needed. Existing language in 15-91(i) states that the administrator shall be present at the hearing as a witness.	Article V	15-91(i)
Administrative Decisions Appeals of Administrative Decisions	Required	Must pause enforcement actions, including fines, during the appeal. (G.S. 160D-405(f).)	Amendment needed. Section 15-114(b)(3)(a) currently provides for the collection of civil penalties to be stayed, but not the accrual. Subsection 15-114 to be rewritten to align with the new language is 160D and S.L. 2020-25.	Article VII	15-114(b)(3)
Administrative Decisions Vested Rights	Optional	May designate that appeals be filed with the local government clerk or another official. (G.S. 160D-405.)	No change needed. Section 15-91(c) provides for an appeal to be filed with the Town Clerk.	Article V	15-91(c)
Administrative Decisions Vested Rights	Required	Must recognize that building permits are valid for six months, as under prior law. (G.S. 160D-1111 G.S. 160D-108(d)(1).)	No change needed. The Land Use Ordinance does not speak to building permits. Period of approval noted.	NA	

Administrative Decisions Vested Rights	Required	Must recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule adjusted by statute or local rule. (G.S. 160D-108(d)(2).)	No change needed. The LUO provides for approved land use permits to be valid for a period of two years and, subsequently, extended for another period of two years.	Article IV	15-62(a) and 15-62(c)
Administrative Decisions Vested Rights	Required	Must identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108.1 G.S. 160D-108(d)(3); -108(f).)	Amendment needed. Provisions for vested rights are outlined in Section 15-128.2, under Article VIII, Nonconforming Situations. See also related vested rights upon issuance of building permits-15-128.3	Article VIII	15-128.2
Administrative Decisions Vested Rights	Required	Must recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(c)(d)(4); 108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)	Amendment needed. New language added as subsection (d) under 15-61. Further consultation with the Town Attorney may be needed for addressing all of the elements of this requirement. The existing language relating to phased developments, is in Article IV under permits, and speaks more to the completion of requirements such as recreation facilities that are intended to either serve the entire development versus a particular phase. Vested Rights are discussed in Article VIII under nonconforming situations. It appears that the existing language should be repealed and replaced with the new requirements in 160D.	Article IV; Article VIII	15-61; 15-128.2
Administrative Decisions Vested Rights	Optional	May provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(h)(c), -405.)	The existing language for vested rights in Article VIII provides for zoning permits-in subsection 15-128.2(b). This provision can be reworked into the updated language for vesting.	Article VIII	15-128.2
Administrative Decisions Permit Choice	Required	Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)	Amendment needed. New section 15-49.1 added with language in S.L. 2020-25.	Article IV	15-49.1
Administrative Decisions Permit Choice	Be Aware	Be aware that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but may require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2020-25.)	Amendment needed. New section 15-49.1 added with language in S.L. 2020-25.	Article IV	15-49.1
Administrative Decisions Permit Choice	Be Aware	Be aware that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)	Article IV, phasing section or Article IV, 15-61. New language will be added in the rewritten section on vested rights: Article VIII.	Article VIII	15-128.2
		Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article IV	
		Town administrative update.	Changes for gender neutral language.	Article IV	
		Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article V	
		Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article VI	
		Town administrative update.	Amend LUO sections 15-271, 15-273 to change CUP and SUP to Class A SUP and Class B SUP	Article XVII	15-15-271(b) in two places; 15-273

			Town administrative update.	Amend LUO Subsection 15-271(d) to update the provisions associated with a master sign permits approved as part of a CUP to class A SUP and a new provision to clarify that existing CUPs will automatically be converted to SUPs.	Article XVII	15-271(d); 15-271(d)(1) in three places;
			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XVII	15-271(d); 15-271(d)(1); 15-271(d)(2) in two places; 15-271(d)(3); 15-272(4)
Comprehensive Plan	Required		<u>Chapter 160D Requirement.</u> Must adopt a comprehensive plan or land-use plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)	No change needed. Work on the Town's comprehensive plan is underway and scheduled for adoption in time to meet this requirement. The legislative decision process for amendments (text and map) require a determination of consistency/ Once adopted, the comprehensive plan will be a key document for determining consistency	Article XX	
Comprehensive Plan	Required		<u>Chapter 160D Requirement.</u> Must adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)	Amend Article I, General Provisions, with a new Section 15-10, Relationship to Comprehensive Plan, or establish a subsection to 15-6, Relationship to Land Use Plan, to describe the comprehensive plan and its purpose, the topics it may address and the manner in which it can be adopted and amended--the procedure for legislative decisions set out in Article XX. Include a sentence that the plan must be updated at regular intervals. Amend 15-320(a) to include the comprehensive plan.	Article I Article XX	15-10 or 15-6 15-320
Comprehensive Plan	Required		<u>Chapter 160D Requirement.</u> Must reasonably maintain a plan. (G.S. 160D-501(a).)	Include a sentence at the end of the new subsection on the comprehensive plan in Article I, that the plan must be updated at regular intervals.	Article I	15-10 or 15-6
Legislative Decisions Notice	Required		<u>Chapter 160D Requirement.</u> Must follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; must adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)	No change needed. The Town currently adopts amendments by ordinance, as is noted under 15-321(a). If needed, 15-325 could be rewritten to say, "In deciding whether to adopt a <u>proposed ordinance to amend</u> this chapter" instead of "In deciding whether to adopt a proposed amendment to this chapter."	Article XX	15-321(a)
Legislative Decisions Notice	Required		<u>Chapter 160D Requirement.</u> For zoning map amendments, must provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)	Amend the area subject to receive written notice to include the owners of abutting properties while retaining the existing provisions of 1000 feet of the property so as not to reduce the area if "abutting" properties creates a smaller area for notice. Since the provision for renters is described as a reasonable effort the 1000 feet is left as is.	Article XX	15-323(c)
Legislative Decisions Notice	Required		<u>Chapter 160D Requirement.</u> For zoning map amendments, must provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)	Amend the Section 15-323(e) to include the 10-25 day window for posting notice.	Article XX	15-323(e)

Legislative Decisions Notice	Optional	<u>Chapter 160D Option.</u> For extension of ETJ, may use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)	No change needed.	Article XX	
Legislative Decisions Notice	Optional	<u>Chapter 160D Option.</u> For zoning map amendments, may require applicant to notify neighbors and hold a community meeting and may require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)	The Council has discussed whether to include a neighborhood meeting as part of the conditional zoning process. This could be incorporated into the process as a policy (recommendation listed on a standard checklist), or formally incorporated into the ordinance. If the latter, the description of the conditional zoning process under Article IX, Zoning Districts & Zoning Map seems to be an more appropriate location than Article XX.	Article IX Article XX	
Legislative Decisions Planning Board Comment	Required	<u>Chapter 160D Requirement.</u> Must refer zoning amendments to the planning board for review and comment; must not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)	No change needed. Section 15-322 refers amendments (zoning or map, and text) to the planning board and other advisory boards.	Article XX	15-322
Legislative Decisions Planning Board Comment	Required	<u>Chapter 160D Requirement.</u> Must have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)	No change needed. Subsection 15-322(a) refers amendments to the Planning Board and other advisory boards when the matter involves an issue relating to their purview; subsections 15-322(b) directs the Planning Board and other advisory boards to advise and comment on consistency with adopted plans. This section will be amended to reflect the comprehensive plan--underway.	Article XX	15-322(b).
Legislative Decisions Planning Consistency	Required	<u>Chapter 160D Requirement.</u> When adopting an amendment to the zoning ordinance, must adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) (This eliminates the 2017 requirement that statements take one of three particular forms.)	Amendment needed. Subsection 15-324(d) describes the required elements of the consistency statement for considering text/map amendments. As noted in the 160D bullet, this language was rewritten in 2017 with three specific options: 15-324(d)-(1) through 15-324(d)(3) including provisions a.-c. This section will need to be rewritten again to go back to the earlier verision--a statement of consistency with adopted plans for text and map amendments, and an additional statement of reasonableness for map amendments.	Article XX	15-324(d)(1) thru 15-324(3)
Legislative Decisions Planning Consistency	Required	<u>Chapter 160D Requirement.</u> Must adopt a statement of reasonableness for zoning map amendments; for such statements, may consider factors noted in the statutes; may adopt a statement of reasonableness for zoning text amendments. (G.S. 160D-605(b).)	Amendment needed. See note above regarding changes to Subsection 15-324(d). There may be interest in keeping the rational language for both types of amendments--map and text, although the requirement only applies to map.	Article XX	15-324(d)
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May consider and approve a statement of reasonableness and a plan consistency statement as a single, combined statement. (G.S. 160D-605(c).)	No change needed. The current practise is to include both elements in a single consistency statement.	Article XX	15-324
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May adopt plan consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)	No change needed. The current practice is to adopt the consistency statement first, followed by the amendment.	Article XX	15-324

Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).)	No change needed. This is a policy question, but the formal adoption of a statement of consistency provides clarity to the motion and decision.	Article XX	15-324
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May adopt plan consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)	No change needed.	Article XX	15-324
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).)	Amendment needed. A separate statement for changes to the comprehensive plan, seems appropriate.	Article XX	15-324
Legislative Decisions Planning Consistency	Required	<u>Chapter 160D Requirement.</u> Must note on the applicable future land use map when a zoning map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) (This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.)	Amendment needed. Rewriting the existing provisions of 15-324(d) to include a new provision for this purpose.	Article XX	15-324
Legislative Decisions Voting	Required	<u>Chapter 160D Requirement.</u> Must permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, § 2.5(n).)	Subsection 15-324(c), under Council Action on Amendments, should be amended to remove the existing reference to 15-326 and the supermajority vote required with a protest petition, since the provisions for protect petitions were removed in 2016.	Article XX	15-324
Legislative Decisions Certain Legislative Decisions	Required	<u>Chapter 160D Requirement.</u> Must prohibit third-party down-zonings; may process down-zonings initiated by the local government or landowner (G.S. 160D-601; S.L. 2019-111, Pt. I.)	Amendment needed. A new sentence has been added to the end of 15-321, Initiation of Amendments which clarifies that requests for downzoning can only be made by the property owner or the Town.	Article XX	15-323(d)
Legislative Decisions Certain Legislative Decisions	Required	<u>Chapter 160D Requirement.</u> Must obtain applicant's/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability. (G.S. 160D-703(b); S.L. 2019-111, Pt. I)	Existing provisions under conditional zoning districts, 15-141.4(e) speak to mutually approved conditions. New language needed to add requirement for written consent.	Article IX	15-141.4
Legislative Decisions Certain Legislative Decisions	Required	<u>Chapter 160D Requirement.</u> May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)	Amendment needed. Existing conditional use districts will be automatically converted to conditional districts with the adoption of this amendment process. The existing provisions for conditional use zoning, 15-141.3 will be largely deleted. Certain conditional use districts that have special standards may need to be modified.	Article IX	14-141-3(e)
Legislative Decisions Certain Legislative Decisions	Optional	<u>Chapter 160D Option.</u> With applicant's written consent, may agree to conditional zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)	The existing provisions under 15-141.4(e) limits conditions 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.	Article IX	14-141-3(e)

Legislative Decisions Certain Legislative Decisions & Substance of Zoning Ordinance & Certain Quasi-Judicial Decisions	Optional	<u>Chapter 160D Option.</u> May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, must define "minor modification: by ordinance, must not include modification of use or density, and major modifications must follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)	Amendment needed. New language outlining clear standards/parameters for minor modifications would be beneficial.	Article IX	141.3
		Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XX	
Substance of other Development Ordinances Historic Preservation	Required	<u>Chapter 160D Requirement.</u> Must follow standard quasi-judicial procedures when considering preservation certificates of appropriateness. (G.S. 160D-947(c).)	Existing language in the LUO under 15-339(d) directs the Historic District Commission (Appearance Commission) when considering a certificate of appropriateness (COA) to follow the provisions for the Board of Adjustment considering a SUP (meaning a quasi-judicial process). New language under this subsection and under subsection 15-336 has been added, incorporating the terms quasi-judicial for clarity.	Article XXI	15-336; 15-339(d)
Substance of other Development Ordinances Historic Preservation	Required	<u>Chapter 160D Requirement.</u> Must frame preservation district provisions as "standards" rather than "guidelines." (G.S. 160D-947(c).)	References to "guidelines" in Subsection 15-338 changed to "standards."	Article XXI	15-338(b) in two places; 15-338(c); 15-338(d); 15-338(f)
Substance of other Development Ordinances Historic Preservation	Optional	<u>160D Option.</u> May choose for appeals of preservation commission decisions to go to board of adjustment. Default rule is that preservation appeals go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)	No change needed. The existing language in the LUO under 15-339(g) provides for COA appeals to go to the Board of Adjustment.	Article XXI	15-339(g)
Judicial Review Appeals of Quasi-Judicial Decisions	Required	<u>Chapter 160D Requirement.</u> Must update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)	No change needed. The existing language in the LUO under 15-339(g) provides for COA appeals to go to the Board of Adjustment.	Article XX Article V	15-339(g) 15-91(d)
Judicial Review Appeals of Quasi-Judicial Decisions	Required	<u>Chapter 160D Requirement.</u> Must provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; -1405.)	No change needed. The existing language in the LUO under 15-339(g) outlines the procedure for COA appeals to go to the Board of Adjustment following the standard process for appeals in 15-91 (Article V) Subsection 15-91(d) speaks to the 30-day window.	Article XXI Article V	15-339(g) 15-91(d)
		Town administrative update. List other administrative changes for Article XXI	Change references for the Board of Aldermen to the Town Council.	Article XXI	

ARTICLE III

ADMINISTRATION MECHANISMS

PART I. PLANNING BOARD

Section 15-21 Appointment and Terms of Planning Board Members

(a) There shall be a planning board consisting of eleven members. Nine members appointed by the ~~Town Council~~~~Board of Aldermen~~, shall reside within the town. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's extraterritorial planning area. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's joint planning transition area. If the Orange County Board fails to make these appointments within ninety days after receiving a resolution from the ~~Town Council~~~~Board of Aldermen~~ requesting that they be made, the ~~Town Council~~~~Board of Aldermen~~ may make them. ¹(**AMENDED 5/26/81; 5/27/86; 11/14/88; 09/13/94; 4/25/06**)

(a1) To ensure proportional representation, the number of ETJ representatives on the planning board shall be based on the population for residents within the town's extraterritorial planning area. The population estimates for this calculation shall be updated no less frequently than after each decennial census, and pursuant to G.S. 160D-307, board representation adjusted as needed to maintain proportionality.

(b) Planning board members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies shall be filled for the unexpired terms only. (**AMENDED 05/27/86; 11/14/88; 4/25/06**)

(c) The term of one of the new in-town members shall expire January 31, 2009 (this seat replaces the vacant seat of an ETJ member whose term would have expired on that date) and the term of the other new in-town member shall expire January 31, 2007 (this seat replaces the vacant seat of a transition area member whose term would have expired on that date). (**AMENDED 4/25/06**)

(d) All members may participate in and vote on all issues before the board, regardless of whether the issue affects property within the town or within the extraterritorial planning area.

(e) Members may be removed as follows: (**AMENDED 05/27/86**)

(1) The chair~~man~~ shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chair~~man~~ waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall

¹ [N.C. Gen. Stat. §160D-307\(b\), June 2020.](#)

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notify the chair~~man~~ in writing as soon as a member becomes subject to removal under this section. The chair~~man~~ will have ten days after receipt of such notice to waive the removal. If the chair~~man~~ fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

Section 15-22 Meetings of the Planning Board.

(a) The planning board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 15-66 (Applications to be Processed Expeditiously).

(b) Since the board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

(e) Whenever the board is called upon to make recommendations concerning a class A special conditional use permit request, class B special use permit request, or a ~~minor~~-zoning amendment proposal, the planning staff shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the board's agenda at a specified date and time. Such notice(s) shall be posted at least seven days prior to the meeting at which the matter is to be considered.

Section 15-23 Quorum and Voting.

(a) A quorum for the planning board shall consist of six members if there are no vacant seats, five members if there are one or two vacant seats, and four members if there are more than two vacant seats. A quorum is necessary for the board to take official action.

(b) All actions of the planning board shall be taken by majority vote, a quorum being present.

(c) A roll call vote shall be taken upon the request of any member.

*Art. III ADMINISTRATION MECHANISMS***Section 15-24 Planning Board Officers.**

(a) The planning board shall designate one of its members to serve as chair, one member to serve as first vice-chair and one member to serve as second vice-~~chair~~^{chair}. These officers shall be selected annually at the board's first regular meeting in February and shall serve for terms of one year unless their terms of appointment to the board sooner expire. A member may be selected to serve as chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. (AMENDED 01/10/84; 01/27/09)

(b) The chair, first vice-chair and second vice-chair may take part in all deliberations and vote on all issues." (AMENDED 01/27/09)

Section 15-25 Powers and Duties of the Planning Board.

(a) The planning board may:

- (1) Make studies and recommend to the ~~Town Council~~^{Board of Aldermen} plans, goals and objectives relating to the growth, development and redevelopment of the town and the surrounding extraterritorial planning area.
- (2) Develop and recommend to the ~~Town Council~~^{Board of Aldermen} policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- (3) Make recommendations to the ~~Town Council~~^{Board of Aldermen} concerning proposed ~~class A special~~^{conditional} use permit, and proposed land use ordinance and zoning map changes as provided by Section 15-57 and 15-322.
- ~~(4)~~ Make recommendations to the Board of Adjustment concerning proposed class B special use permits as provided by Section 15-56.
- ~~(5)~~ Perform any other duties assigned by the ~~Town Council~~^{Board of Aldermen}.

(b) The planning board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

Section 15-26 Advisory Committees. (AMENDED 10/24/06)

(a) From time to time, the ~~Town Council~~^{Board of Aldermen} may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the ~~Town Council~~^{Board of Aldermen} may appoint advisory committees to consider ~~long range transportation plans the thoroughfare plan, including pedestrian and bicycle keway~~ plans, housing plans, economic development plans, etc..

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(b) Members of such advisory committees shall sit as nonvoting members of the planning board when such issues are being considered and shall lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the ~~Town Council Board of Aldermen~~ shall be made by the planning board.

(c) Nothing in this section shall prevent the ~~Town Council Board of Aldermen~~ from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the ~~Town Council Board of Aldermen~~.

(d) If an advisory committee provides direct advice to the ~~Town Council Board of Aldermen~~ (i.e. it does not report to the planning board), a member of that board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

Section 15-27 Northern Transition Area Advisory Committee (AMENDED 05/25/99)

(a) There shall be a Northern Transition Area Advisory Committee consisting of five members, three appointed by the Orange County Board of Commissioners and two by the ~~Town Council Board~~ of Aldermen. If the Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the ~~Town Council Board of Aldermen~~ requesting that they be made, the ~~Town Council Board of Aldermen~~ may make them. All members shall be residents of the Northern Transition Area. For the purposes of this section, the Northern Transition Area shall include those unannexed portions of the Northern Study Area. The Northern Study Area is defined as follows:

The boundaries of this area are Carrboro's joint planning jurisdiction line to the north and Carrboro's Town limits to the south. The Carrboro/Chapel Hill joint planning jurisdiction line serves as the boundary to the east. It begins north of Eubanks Road, follows Rogers Road to Homestead, then proceeds southwest on Homestead road to High School Road and finally turns south and east to the railroad right-of-way. A primary ridge line serves as the northwest boundary line just east of Union Grove Church Road down to Dairyland Road, where the road serves as the boundary heading southeast until it intersects, and Old NC 86 serves as the boundary then turning southeast and running along Hillsborough Road to Greensboro Street.

(b) Members of the committee shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Initially the terms of all membership seats on the committee shall expire on January 31, 2000. Thereafter, one county appointee and one town appointee shall be appointed for three-year terms, one county appointee and one town appointee shall be appointed for two-year terms, and one county appointee shall be appointed for a term of one year. All members shall thereafter be appointed for terms of three years but shall be limited to no more than two consecutive three-year terms.

(c) The same provisions that govern the removal of planning board members (Subsection 15-21(e)) shall apply to committee members.

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(d) The committee shall establish a regular meeting schedule. Minutes shall be kept of all meetings.

(e) A quorum for the committee shall consist of three members. A quorum is necessary for the committee to take official action.

(f) All actions of the committee shall be taken by majority vote, a quorum being present.

(g) The committee shall designate one of its members to serve as chair and one member to serve as vice-chair. These officers shall be selected annually at the committee's first regular meeting in February and shall serve for terms of one year unless their terms of appointment to the committee sooner expire. A member may be selected to serve as chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. The chair and vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 01/27/09)**

(h) The committee shall have the following powers and duties:

(1) Review zoning amendment requests and special ~~and conditional~~ use permit applications for developments within the Northern Transition Area and make recommendations on the same to the board of adjustment or Town Council/Board of Aldermen, respectively.

(2) Initiate studies related to the special character of the Northern Study Area.

a) Inventory of areas of cultural, archaeological, or historical significance.

b) Inventory of open space character and scenic qualities.

c) Inventory of agricultural uses

1. Land in Use Value

a. Horticultural

b. Agricultural

c. Timber

2. Farming as business

a. Large field crops

b. Metro farms, specialty crops

d) Inventory of biological value

1. Tree species diversity, exceptional tracts of forest land

2. Rare occurrences (i.e. Upland Depression Swamp)

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3. Wildlife
 - a. Audubon annual bird count
 - b. Deer population
- (3) Use the studies above as the basis of its development of, and recommendations for, additional policies, objectives, goals, plans, ordinances, and administrative actions that will preserve and enhance that special character and relate to its growth.
- (4) Develop and recommend to the ~~Town Council~~Board of Aldermen policies, ordinances, administrative procedures and other means for carrying out plans in an efficient and coordinated manner.
- (5) Track and review other studies and plans that will have an impact on the Northern Study Area – including those of the Chapel Hill Town Council, The Orange County Board of County Commissioners and their appointed committees – and give feedback to the originating governing body.
- (6) Meet annually with the Carrboro Planning Board for a joint planning session.
- (7) Submit regular reports to the Orange County Board of Commissioners.
- (8) Perform other duties as assigned by the ~~Town Council~~Board of Aldermen.

Section 15-28 Reserved.

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PART II. BOARD OF ADJUSTMENT

Section 15-29 Appointment and Terms of Board of Adjustment (AMENDED 12/4/2018).

(a) There shall be a board of adjustment consisting of nine members. Seven members, appointed by the ~~Town Council~~~~Board of Aldermen~~, shall reside within the town. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's extraterritorial planning area. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's joint planning transition area. If, despite good faith efforts, residents of the extraterritorial planning and joint planning transition areas cannot be found to fill the seats reserved for residents of such area, then the Orange County Board of Commissioners may appoint other residents of the county (including residents of the Town of Carrboro) to fill these seats. If the Orange County Board of Commissioners fails to make these appointments within ninety days after receiving a resolution from the ~~Town Council~~~~Board of Aldermen~~ requesting that they be made, the ~~Town Council~~~~Board of Aldermen~~ may make them. (AMENDED 05/26/81; 05/27/86; 11/14/88)

(a1) To ensure proportional representation, the number of ETJ representatives on the board of adjustment shall be based on the population for residents within the town's extraterritorial planning area. The population estimates for this calculation shall be updated no less frequently than after each decennial census, and pursuant to G.S. 160D-307, board representation adjusted as needed to maintain proportionality.

(b) Board of adjustment members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of all seats on the board of adjustment on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, two in-town residents and one extraterritorial area resident shall be appointed for one-year terms, two in-town residents and one extraterritorial area resident shall be appointed for two-year terms, and three in-town residents shall be initially appointed for three-terms. Effective July 1, 1988, one joint planning transition area resident shall be appointed to fulfill the remaining term of one extraterritorial planning area resident. Vacancies may be filled for the unexpired terms only. (AMENDED 05/27/86; 11/14/88)

(c) All members may participate in and vote on all issues before the board, regardless of whether the property involved is located within the town, within the extraterritorial planning area, or within the joint planning transition area. (AMENDED 11/14/88)

(d) Members may be removed as follows: (AMENDED 05/27/86)

- (1) The chair~~man~~ shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chair~~man~~ waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chair~~man~~ in writing as soon as a member becomes subject to

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removal under this section. The chair~~man~~ will have ten days after receipt of such notice to waive the removal. If the chair~~man~~ fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

(e) Members of the ~~Town Council~~~~Board of Adjustment~~ shall be administered an oath of office as prescribed by Section 3-25(c) and (d) of the Town Code. (AMENDED 10/09/90)

Section 15-30 Meetings of the Board of Adjustment.

(a) The board of adjustment shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 15-66 (Applications to be Processed Expeditiously).

(b) The chair~~man~~ or vice chair~~man~~ of the board may call a special meeting by signing a written statement stating the time, place, and reason for the meeting. The staff shall notify the remaining members as soon as possible thereafter by whatever means appear most reasonably calculated to effect such notice. (AMENDED 10/24/89)

(c) The board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.

(d) All meetings of the board shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

Section 15-31 Quorum.

(a) A quorum for the board of adjustment shall consist of the number of members equal to a majority of the non-vacant seats on the board, but in no case shall a quorum consist of less than four members. A quorum is necessary for the Board to take official action. (AMENDED 12/16/86)

(b) A member who has withdrawn from the meeting without being excused as provided in Section 15-32 shall be counted as present for purposes of determining whether a quorum is present.

Section 15-32 Voting.

(a) The concurring vote of a four-fifths majority of members of the board present at a meeting and not excused from voting (a quorum being present) shall be necessary to grant a variance. All other actions of the board, including decisions relating to appeals and special use permits, shall be taken by majority vote, a quorum being present. If a motion to grant a variance is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to deny the variance shall be in

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order. This motion is adopted as the board's decision if support by at least two members. **(AMENDED 05/26/81; 10/25/83; 10/21/14)**

(b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) or (d) or has been allowed to withdraw from the meeting in accordance with subsection (e). **(AMENDED 10/24/06)**

(c) A member shall not participate in or vote on any quasi-judicial matter if that member's participation would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to,

- (1) a member having a fixed opinion prior to hearing the matter that is not susceptible to change,
- (2) undisclosed ex parte communications,
- (3) a close familial, business, or other associational relationship with an affected person, or
- (4) a financial interest in the outcome of the matter.

If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(d) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

- (1) If the matter at issue involves the member's own official conduct; or
- (2) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility;

(e) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected or to decide an objection to a member's participation at or prior to a hearing.²

(g) A roll call vote shall be taken upon the request of any member.

² N.C. Gen. Stat. §160D-109 (e) June 2019

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Section 15-33 Board of Adjustment Officers.

(a) The Board of Adjustment shall designate one of its members to serve as chair~~man~~ and one member to serve as vice- chair. These officers shall be selected annually at the board's first regular meeting in February and shall serve for terms of one year unless their terms of appointment to the board sooner expire. A member may be selected to serve as chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. **(AMENDED 05/26/81; 01/10/84; 02/20/90; 01/27/09)**

(b) The chair~~man~~ and vice-chair~~man~~ may take part in all deliberations and vote on all issues.

Section 15-34 Powers and Duties of Board of Adjustment.

(a) The board of adjustment shall hear and decide:

- (1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Section 15-91.
- (2) Applications for special use permits, as provided in Subsection 15-46(a).
- (3) Applications for variances, as provided in Section 15-92.
- (4) Applications for special exception permits, as provided in Section 15-92.1. **(AMENDED 06/21/94)**
- (5) Questions involving interpretation of the zoning map, including disputed district boundary lines and lot lines, as provided in Section 15-93.
- (6) Applications for major subdivisions containing between five and twelve lots. **(AMENDED 07/21/87)**
- (7) Any other matters the board is required to act upon by any other town ordinance.

(b) The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

Section 15-35 through 15-36 Reserved.

*Art. III ADMINISTRATION MECHANISMS***PART III. LAND USE ADMINISTRATOR AND PLANNING DIRECTOR****Section 15-37 Land Use Administrator.**

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the town manager. The person or persons to whom these functions are assigned shall be referred to in this chapter as the “land use administrator” or “administrator”. The term “staff” or “planning staff” is sometimes used interchangeably with the term “administrator”.

As required by G.S. 160D-309, all persons assigned to the administration of this chapter shall take an oath of office prior to beginning to their service.

Section 15-38 Planning Director.

(a) The planning director is the administrative head of the planning department. As provided in Section 15-78, the planning director is authorized to approve minor subdivision final plats.

(b) The planning director may correct typographical errors, numerical reference errors, spelling errors, and errors in section or page numbering, and may make other non-substantive editorial changes to the text of this ordinance without formal adoption by the Town Council Board of Aldermen, provided that the changes necessary to correct such errors do not change the meaning of the ordinance. Any corrections made pursuant to this section must be documented to the Town Council Board of Aldermen and Town Clerk and made a part of the council's board's regular meeting minutes. (AMENDED 09/01/87)

Section 15-39 Reserved.

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PART IV. TOWN COUNCIL BOARD OF ALDERMEN

Section 15-40 The Town Council Board of Aldermen.

(a) The ~~Town Council Board of Aldermen~~, in considering ~~class A special~~~~conditional~~ use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Articles IV and VI of this chapter.

(b) In considering proposed changes in the text of this chapter or in the zoning map, the ~~Town Council Board of Aldermen~~ acts in its legislative capacity and must proceed in accordance with the requirements of Article XX.

(c) Unless otherwise specifically provided in this chapter, in acting upon ~~class A special~~~~conditional~~ use permit requests or in considering amendments to this chapter or the zoning map, the ~~council board~~ shall follow the quorum, voting, and other requirements set forth in Chapter 2 of the Town Code.

Section 15-41 Reserved.

*Art. III ADMINISTRATION MECHANISMS***PART V. APPEARANCE COMMISSION****Section 15-42 Appointment and Terms of Appearance Commission**

(a) There shall be an appearance commission, which shall consist of nine members appointed by the ~~Town Council~~~~Board of Aldermen~~. All members of the commission shall either reside, own property, or operate a business within the town's planning jurisdiction.

(b) Appearance commission members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of all seats on the appearance commission on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, three members shall be initially appointed for three-year terms, three members for two-year terms, and three members for one-year terms. Vacancies shall be filled for the unexpired terms only. **(AMENDED 5/27/86)**

(c) Members may be removed as follows: **(AMENDED 5/27/86)**

- (1) The chair~~man~~ shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chair~~man~~ waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chair~~man~~ in writing as soon as a member becomes subject to removal under this section. The chair~~man~~ will have ten days after receipt of such notice to waive the removal. If the chair~~man~~ fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

(d) In making appointments to the commission, the ~~Town Council~~~~Board of Aldermen~~ shall seek to appoint persons with impartial and broad judgment, and when possible, persons with training or experience in a design profession. As wide a range of community interests as possible should be represented on the commission. The ~~Town Council~~~~Board of Aldermen~~ shall seek to appoint at least one person who lives in a neighborhood preservation district, one person who lives in an historic preservation district, and three persons who have demonstrated special interest, experience, or education in history, architecture, or related fields. **(AMENDED 09/26/89, 11/21/95)**

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(d1) Whenever a historic district is designated, subject to the provisions of Section 15-338 of this chapter, in the town's extraterritorial planning area, the Town Council shall appoint persons residing in the town's extraterritorial planning area to serve on the Appearance Commission to provide proportional representation as required by G.S. 160D-307.

(e) Members of the Appearance Commission shall be administered an oath of office as prescribed by Section 3-35(c) and (d) of the Town Code. **(AMENDED 10-10-90)**

Section 15-43 Organization and Meetings of Appearance Commission

(a) The appearance commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with section 15-66 (Applications to be Processed Exeditiously).

(b) Since the commission has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All commission meetings shall be open to the public, and whenever feasible, the agenda for each board meeting shall be available in advance of the meeting.

(e) A quorum shall be present for the commission to take official action, and all actions shall be taken by majority vote. A quorum shall consist of four members if all seats on the Appearance Commission are filled and three members if there are one or more vacancies on the board. **(AMENDED 06/25/19)**

(f) The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when the commission exercises the powers and duties of the appearance commission. The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when exercising the powers and duties of the neighborhood preservation district commission or the historic district commission. The commission may, but need not, choose the same members to serve as officers in these two different capacities. These officers will be chosen annually at the commission's first meeting in March and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair in either capacity for not more than two consecutive full one-year terms. The chairman and vice-chairman may take part in all deliberations and vote on all issues. **(AMENDED 1/10/84; 9/26/89; 11/21/95; 01/27/09)**

Section 15-44 Powers and Duties of Appearance Commission.

(a) The appearance commission may:

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- (1) Initiate, promote, and assist in the implementation of programs for general community beautification within the town's planning jurisdiction.
- (2) Seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of the town and its environs.
- (3) Direct the attention of the mayor and the Board of Aldermen to ways in which the town government may take direct action affecting the appearance of the town and its environs.
- (4) Make recommendations upon any permit or other item referred to the commission by the ~~Town Council~~Board of Aldermen, planning board, board of adjustment, or administrator. Without limiting the generality of the foregoing, the commission's recommendations regarding development permit applications may address the appearance or design of proposed development projects. **(AMENDED 06/27/06).**
- (5) Appoint subcommittees (consisting of commission members) or advisory groups (consisting of commission members, persons who are not ~~non~~ commission members or any combination thereof) to advise and assist the commission in carrying out its duties.
- (6) Take any other action authorized by this chapter or any other ordinance or resolution of the ~~Town Council~~Board of Aldermen.

(b) The appearance commission shall report orally or in writing, as requested by the board, at least quarterly to the mayor and ~~Town Council~~Board of Aldermen. It shall submit its requested budget of funds needed for operation during the ensuing fiscal year to the town manager no later than April 15. All accounts and funds of the commission shall be administered in accordance with the requirements of the Municipal Fiscal Control Act.

(c) The appearance commission is hereby authorized to receive contributions from private agencies, foundations, organizations, individuals, the state or federal government, or any other source, in addition to any sums which may be appropriated for its use by the ~~Town Council~~Board of Aldermen. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions which it deems acceptable, whether or not such projects are included in the approving budget.

(d) The appearance commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

(e) The appearance commission shall exercise all the powers and duties of the neighborhood preservation district commission as set forth in Article XXI, Part 1, of this chapter. **(AMENDED 09/26/89)**

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(f) The appearance commission shall exercise all the powers and duties of the historic district commission as set forth in Article XXI, Part 2 of this chapter. (AMENDED 11/21/95)

PART VI. ENVIRONMENTAL ADVISORY BOARD (AMENDED 02/20/96)**Section 15-45 Appointment and Terms of Environmental Advisory Board**

(a) There shall be an Environmental Advisory Board (EAB), which shall consist of seven members appointed by the ~~Town Council~~Board of Alderman. All members of the EAB shall either reside, own property, or operate a business within the town's planning jurisdiction.

(b) EAB members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. The initial terms of all members shall expire on January 31, 1996. Effective February 1, 1996, three members shall be appointed for three year terms, two members for two year terms, and two members for one year terms. Vacancies shall be filled for the unexpired terms only.

(c) Members may be removed as follows:

- (1) The chair shall file or caused to be filed with the town clerk an attendance report after each meeting identifying those members who are present or absent.
- (2) Unless the chair waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than 30% of the meetings during a twelve-month period. The town clerk shall notify the chair in writing as soon as a member becomes subject to removal under this section. The chair will have ten days after receipt of such notice to waive the removal. If the chair fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirements should be waived, the town clerk will send the removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the ~~Town Council~~Board of Alderman, after a hearing, for any good cause related to performance of duty.

Section 15-45.1 Organization and Meetings of EAB

(a) The EAB shall establish a regular meeting schedule. All meetings shall be open to the public and notification of such meetings shall conform to the requirements of the Open Meetings Law.

(b) A quorum shall be present for the EAB to take official action, and all actions shall be taken by majority vote. A quorum shall consist of four members if all seats on the EAB are filled and three members if there are one or more vacancies on the board.

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(c) The EAB shall select one of its members to serve as chair and one member to serve as vice-chair. These officers will be chosen annually at the EAB's first meeting in ~~February~~~~March~~ and shall serve for terms of one year unless their terms of appointment to the EAB sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair for not more than two consecutive full one-year terms. The chair and vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 01/27/09)**

Section 15-45.2 Powers and Duties of the EAB (REPEALED 5/11/99) (AMENDED 02/25/14) (AMENDED 10/24/17)

The Environmental Advisory Board may:

(a) Advise the ~~Town Council~~~~Board of Aldermen~~ on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the EAB include new development, solid waste, air quality, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.

(b) Provide recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution.

(c) Adopt a set of guiding principles or goals for the EAB and review these goals periodically to determine if they are being obtained.

(d) Take any other action authorized by this chapter or any other ordinance or resolution of the ~~Town Council~~~~Board of Alderman~~.

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**PART VII. MEMBERSHIP LIMITATIONS ON BOARDS, COMMITTEES,
ADVISORY GROUPS, AND COMMISSIONS (AMENDED 12/04/2018)**

A member may be appointed to the same board, committee, advisory group, or commission for a maximum of two successive full terms. A member who has served for two successive full terms on the same board, committee, advisory group, or commission may be eligible for re-appointment after an absence from that board, committee, advisory group, or commission of at least one year. The ~~Town Council~~~~Board of Aldermen~~ may make exceptions to these conditions under the following circumstances:

1. To retain diversity on an advisor board;
2. To appoint a member in the absence of applicants.

Prior to beginning a term of service, a newly appointed member shall take an oath of office.

ARTICLE IV

PERMITS AND FINAL PLAT APPROVAL

PART I. PERMIT REQUIREMENTS

Section 15-46 Permits Required.

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

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

(a1) Pursuant to G.S. 160D-102(30) and Section 2.9(b) of S.L. 2019-111, any valid 'conditional use permit' issued prior to January 1, 2021 shall automatically convert to a 'class A special use permit.' Any valid 'special use permit' shall automatically convert to a 'class B special use permit.' Any 'conditional use zoning district,' adopted in accordance with section 15-141.3 and Article XX of this chapter shall be deemed a 'conditional zoning district' and the 'conditional use permit' issued concurrently with the establishment of the district shall be deemed a valid 'class A special use permit.' Requests for modifications to class A and class B special use permits shall be consider in accordance with the procedures in section 15-64 of this chapter.

(b) Zoning permits, class B special use permits, class A special conditional use permits, and sign permits are issued under this chapter in respect to plans submitted by the applicant that demonstrate compliance with the ordinance provisions contained herein. Such plans as are finally approved are incorporated into any permit issued in reliance thereon, and except as otherwise provided in Section 15-64, all development shall occur strictly in accordance with such approved plans. Approvals shall be in writing, issued in print or electronic form, and may contain a provision that the development shall comply with all applicable State and local laws. **(AMENDED 1/10/81)**

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

Art. IV PERMITS AND FINAL PLAT APPROVAL

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

(e) Notwithstanding the provisions of subsection (a) of this section, no permit under this chapter shall be required for the substantial alteration of a building or structure located within a B-1(c), B-1(g) or B-2 zoning district if such alteration does not change the exterior of such building or structure in any substantial way. **(AMENDED 10/22/91)**

(f) Property located in the town's extraterritorial planning area and development regulation jurisdiction that is used for bona fide farm purposes, as defined in G.S. 106-581.1, is exempt from the regulations in this chapter. As used in this subsection, "property" means a single tract of property or an identifiable portion of a single tract. Property that ceases to be used for bona fide farm purposes becomes subject to exercise of the town's extraterritorial planning and development regulation jurisdiction under this chapter.

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

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

Section 15-48 Who May Submit Permit Applications.

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

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

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

(a) Prior to submitting an application for a class A or class B 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. **(AMENDED 03/22/16)**

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

(c) Following compliance with the provisions of subsection (b), the applicant shall attend a Joint Advisory Board meeting comprising at least the following boards: Planning Board, Appearance Commission, Transportation Advisory Board, and Environmental Advisory Board, ~~and Economic Sustainability Commission~~. The planning staff may notify the Economic Sustainability Commission, Recreation and Parks Commission, Northern Transition Area Advisory Committee, ~~and~~ Affordable Housing Advisory Commission, or other boards when issues relevant to those boards are raised by a proposed development and members of those boards may attend. **(AMENDED 06/25/19)**

- (1) No quorum requirements shall apply to the Joint Advisory Board.
- (2) The applicant shall present to the Joint Advisory Board sufficient information about the proposed development to enable the board to have a general understanding of the nature and extent of the development. If the development is a major subdivision, then a “conceptual preliminary plan” prepared in accordance with the provisions of Section 15-50 shall suffice. If the development is not a major subdivision, then the information submitted shall include at least the following:
 - a) A sketch site plan showing the location and size (including floor area) of proposed buildings, (including the extent to which buildings taller than 40 feet may cast a shadow), parking areas, and driveway entrances; **(AMENDED 03/25/14)**
 - b) Proposed residential densities and types of residential units (in terms of number of bedrooms);

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- c) Illustrations of building elevations.
- d) Other information deemed necessary by the staff to demonstrate to the Joint Advisory Board the concept of the proposed development.

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

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

Section 15-49 Applications To Be Complete.

(a) All applications for zoning, class B special use, class A special~~conditional~~ use, or sign permits must be complete before the permit-issuing authority is required to consider the application.

(b) Subject to subsections (c) and (c1), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this chapter. **(AMENDED 11/23/10).**

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

(c1) If the administrator determines that a proposed development that has been issued a zoning permit, class B special use permit, or class A special~~conditional~~ use permit would likely have

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a significant impact on adjoining or nearby streets, sidewalks, or properties during the construction process, the administrator shall notify the permit recipient that a construction management plan must be submitted and approved by the administrator. Examples of significant impacts include but are not limited to the construction of more than 1000 square feet of new building area in the downtown commercial zoning districts or ground disturbance of more than 20,000 square feet in the downtown commercial zoning districts. A construction management plan shall likewise be submitted and approved by the administrator if required by a condition attached to a class A special use conditional or class B special use permit. **(AMENDED 02/25/14)**

- (1) The administrator shall inform the permit recipient of the contents of the Town Code regarding (i) construction noise and hours of operation (Section 5-12(4)), and (ii) obstructing or excavating within public street rights of way (Sections 7-1, 7-4, and 7-12). The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shall explain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, parking for employees, contractors and subcontractors, and the location on the site for the staging of construction materials and equipment, and concerns about potentially harmful pollutants including buty not limited to dust, debris and aerosols.
- (2) If a development triggers a construction management plan, a meeting will be held by the developer with surrounding residents and businesses to elicit their input into the development of the construction management plan and to ensure its implementation. Town staff shall be present at the meeting and shall record the minutes to make certain that public input is conveyed to the applicant and incorporated into the construction management plan.
- (3) No construction may be commenced until the construction management plan has been approved. The administrator shall approve the plan if the plan proposes measures to mitigate the potential negative impacts of the project during the construction process to the extent reasonably practical under all the circumstances.
- (4) The provisions of an approved construction management plan shall be enforceable in the same manner as other provisions of this chapter. **(AMENDED 02/25/14)**

(c2) Permit applications for commercial projects (meaning those where at least twenty percent of the proposed floor area is devoted to non-residential uses) in the commercial zoning districts need not contain all of the detailed information necessary for the permit issuing authority to determine that the development, if constructed in accordance with the application and plans,

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will comply with the drainage and stormwater management requirements set forth in Sections 15-262 and 15-263 of this chapter, so long as:

- (1) The application contains sufficient information to explain how the development will address drainage and stormwater management issues, and it appears reasonably likely to the permit issuing authority that the proposed drainage and stormwater management systems will function in such a manner that the development will comply with Sections 15-262 and 15-263; and
- (2) Before construction plans are approved, such plans must demonstrate that all the requirements of Sections 15-262 and 15-263 and related appendices will be satisfied. **(AMENDED 11/23/10, 02/25/14)**

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

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

15-49.1 Permit Choice.

(a) If a development permit applicant submits a permit application for any type of development and a rule or ordinance is amended, including an amendment to any applicable land development regulation, between the time the development permit application was submitted and a development permit decision is made, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable rule or ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application.

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Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant.

(b) If a permit application is placed on hold at the request of the applicant for a period of six consecutive months or more, or the applicant fails to respond to comments or provide additional information reasonably requested by the town for a period of six consecutive months or more, the application review is discontinued and the development regulations in effect at the time permit processing is resumed apply to the application.

(c) Repealed by Session Laws 2015-246, s. 5(a), effective September 23, 2015.

(d) Any person aggrieved by the failure of the town to comply with this section or G.S. 160A-360.1 or G.S. 153A-320.1 G.S. 160D-108(b) may apply to the appropriate division of the General Court of Justice for an order compelling compliance by the town, and the court may issue that order. Actions brought pursuant to any of these sections shall be set down for immediate hearing, and subsequent proceedings in those actions shall be accorded priority by the trial and appellate courts.

(e) For purposes of this section, the following definitions apply:

- (1) Development. – Without altering the scope of any regulatory authority granted by statute or local act, any of the following:
 - a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
 - b. Excavation, grading, filling, clearing, or alteration of land.
 - c. The subdivision of land as defined in G.S. 160D-802.
 - d. The initiation of substantial change in the use of land or the intensity of the use of land.
- (2) Development permit. – An administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal, including any of the following:
 - a. Zoning permits.
 - b. Site plan approvals.
 - c. Special use permits.
 - d. Variances.
 - e. Certificates of appropriateness.
 - f. Plat approvals.
 - g. Development agreements.
 - h. Building permits.
 - i. Subdivision of land.

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- j. State agency permits for development.
- k. Driveway permits.
- l. Erosion and sedimentation control permits.
- m. Sign permit.

(3) Land development regulation. – Any State statute, rule, or regulation, or town ordinance affecting the development or use of real property, including any of the following:

- a. the Carrboro Land Use Ordinance and Zoning Map, and
- b. Erosion and sedimentation control regulation.
- c. Floodplain or flood damage prevention regulation.
- d. Housing code.

Section 15-50 Site Planning Procedures for Major Subdivisions (AMENDED 05/25/99).

(a) Before submitting an application for a class A or class B conditional ~~or~~ special use permit for a major subdivision, the applicant shall comply with the requirements of this section.

(b) The applicant shall submit a site analysis plan drawn approximately to scale (1inch = 100 feet) that contains the following information:

- (1) The name and address of the developer;
- (2) The proposed name and location of the subdivision;
- (3) The approximate total acreage of the proposed subdivision;
- (4) Topographic lines based on maps published by the U.S. Geological Survey;
- (5) The location of all primary and secondary conservation areas as defined in subsections 15-198(b)(4) and (5); and
- (6) The location of any existing or proposed road connections on adjacent property.

(c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. Designated members of the Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, Northern Transition Area Advisory Commission, and Affordable Housing Advisory Commission shall be notified of the date and time of this "on-site walkabout." The purpose of this visit is to familiarize town officials with the property's special features and to provide an informal opportunity for an interchange of information as to the developer's plans and the town's requirements. **(REWRITTEN 02/25/14) (AMENDED 06/25/2019).**

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(d) Prior to the submission of a conceptual preliminary plan as described in subsection (e), the staff shall meet with the developer to discuss how the four-step approach to designing subdivisions described below could be applied to the subject property. This conference may be combined with the on-site walkabout.

(e) Following completion of the steps described in subsections (b), (c), and (d), the developer shall submit a conceptual preliminary plan of the proposed subdivision, prepared in accordance with the four-step process described in subsection (f). This plan shall be a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for open space, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The planning staff shall review this plan and provide comment to the developer on the overall pattern of streets, house lots, open space, and the treatment of primary and secondary conservation areas in light of the applicable requirements of this chapter.

(f) Each conceptual preliminary plan shall be prepared using the following four-step design process:

- (1) During the first step, all primary and secondary conservation areas are identified (and shown on the site analysis plan described in subsection (b)).
- (2) During the second step, potential sites are tentatively located. House sites should generally be located not closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas.
- (3) The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way and to identify points of existing or proposed connectivity in order to comply with Subsection 15-217(a). When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall comply with the provisions of Section 15-214.
- (4) The fourth step is to draw in the lot lines.

(g) The conceptual preliminary plan shall demonstrate that the proposed development will satisfy the following objectives, as more particularly described in the remaining provisions of this chapter:

- (1) Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).

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- (2) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating house lots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in #5 and #8 below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
- (3) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species, found in a typical nearby roadside verge or hedgerow).
- (4) Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
- (5) Designs around existing hedgerows and treelines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10 percent should be avoided. However, woodlands in poor condition with limited management potential can provide suitable location for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal field, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
- (6) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep, “no-build, no-plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

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- (7) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
- (8) Protects wildlife habitat areas of special species listed as endangered, threatened, or of special concern by the state or federal government.
- (9) Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.
- (10) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
- (11) Landscapes common areas (such as community greens), and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.
- (12) Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby house lots.
- (13) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
- (14) Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger, contiguous, and integrated greenway systems, as per the policies in the Open Space and Recreation section of the Town's Ordinance.

*Art. IV PERMITS AND FINAL PLAT APPROVAL***Section 15-51 Staff Consultation After Application Submitted.**

(a) Upon receipt of a formal application for a zoning, ~~class B or class A~~ special use ~~permit, or conditional use permit~~, or minor plat approval, the administrator shall review the application and confer with the applicant to ensure that ~~the applicant~~ understands the planning staff's interpretation of the applicable requirements of this chapter, that ~~the applicant~~ has submitted all of the information that ~~the applicants~~ intends to submit, and that the application represents precisely and completely what ~~the applicant~~ proposes to do.

(b) If the application is for a special use ~~or conditional use~~ permit, the administrator shall place the application on the agenda of the appropriate boards when the applicant indicates that the application is as complete as ~~the applicant~~ intends to make it. However, as provided in Sections 15-56 and 15-57, if the administrator believes that the application is incomplete, ~~the administrator~~ shall recommend to the appropriate boards that the application be denied on that basis.

Section 15-52 Zoning Permits.

(a) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the planning department.

(b) The administrator shall issue the zoning permit unless ~~the administrator~~ finds, after reviewing the application and consulting with the applicant as provided in Section 15-50, that:

- (1) The requested permit is not within ~~the town's~~ jurisdiction according to the Table of Permissible Uses as interpreted in the light of the other provisions of Article X, particularly Section 148.
- (2) The application is incomplete; or
- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those requirements concerning when a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations).

(c) If the administrator determines that the development for which a zoning permit is requested will have or may have substantial impact on surrounding properties, ~~the administrator or she~~ shall, at least ten days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within 150 feet of the lot that is the subject of the application, informing them that: **(AMENDED 5/26/81)**

- (1) An application has been filed for a permit authorizing identified property to be used in a specified way;

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- (2) All persons wishing to comment on the application should contact the administrator by a certain date; and
- (3) Persons wishing to be informed of the outcome of the application should send a written request for such notification to the administrator.

(d) In determining under subsection (c) whether a development for which a zoning permit is requested “will have or may have [a] substantial impact on surrounding properties” the administrator shall consider, among other relevant factors, whether: **(AMENDED 5/21/02)**

- (1) The development involves a permit for property where a nonconforming situation exists; and
- (2) The development constitutes a departure from the development pattern of surrounding properties in terms of the type, density, intensity or scale of use.

(e) If the administrator is contacted by a person entitled to receive notice under subsection (c) within the time period specified in subsection (c)(2) and requested to delay issuing the permit for an additional period of not more than ten days, the administrator shall comply with this request and so notify the permit applicant. **(AMENDED 5/21/02).**

(f) An application for a zoning permit to collocate small and micro wireless facilities in public rights-of-way on new, existing or replacement utility poles or wireless support structures; or outside public rights-of-way ~~is~~ subject to the approval process required by N.C. Gen. Stat. Chapter 160A, Art. 19, Part 3E. Wireless Telecommunications Facilities, as incorporated into this ordinance. **(AMENDED 6/23/20)**

- (1) In addition to the requirements of section 15-176, and Chapter 7, Streets and Sidewalks, an application for a small wireless facility must include an attestation that the small wireless facility shall be:
 - a. Activated for use by a wireless services provider to provide service no later than one year from the permit issuance date; and
 - b. Collocation shall commence within six months or the permit issuance date; and
 - c. If not, the permit may be revoked.
- (2) Review and processing shall be completed within forty-five (45) days of the Town’s receipt of a completed application. The Town shall provide written notice that an application is incomplete within thirty (30) days of the receipt of the application.
- (3) Applications for zoning permits for small wireless facilities shall be reviewed

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for conformance with this ordinance, including the applicable site plan and State Building code requirements.

- (4) The Town may deny an application for a small wireless facility only on the basis that it does not meet any of the following:
 - a. The Town's applicable ordinance;
 - b. Town ordinances that concern public safety, objective design standards for decorative utility poles, Town utility poles, or reasonable and non-discriminatory stealth and concealment requirements, including screening or landscaping for ground-mounted equipment, subject to Appendix E;
 - c. Public safety and reasonable spacing requirements concerning the location of ground-mounted equipment in a right-of-way; or
 - d. The requirements of any historic district.
- (5) Applicants may file for a consolidated application for no more than 25 separate facilities and may receive a permit for the collocation of all the small wireless facilities meeting the requirements of this ordinance. The Town may remove small wireless facility collocations from a consolidated application and treat separately small wireless collocations *(i)* for which incomplete information has been provided, or *(ii)* that are denied. The Town may issue a separate permit for each collocation that is approved.
- (6) Applications for small wireless facilities to be in Town rights-of-way shall meet the requirements of Chapter 7, Streets and Sidewalks.
- (7) No zoning permit application or fee is required for the suspension of micro wireless facilities between existing utility poles by or for a communications service provider; for routine maintenance; or for the replacement of small wireless facilities with small wireless facilities. An encroachment permit may be required as provided in Chapter 7, Streets and Sidewalks.

Section 15-53 Performance Guarantee to Ensure Compliance with Zoning Permit (AMENDED 10/24/06, 6/22/10).

In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this chapter (including approved plans) before commencing the intended use of the property or occupying any buildings, the administrator may authorize the commencement of the intended use or occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient provides a surety bond, letter of

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credit or other security satisfactory to the administrator to ensure that all these requirements will be fulfilled within a reasonable period of time (not to exceed twelve months) determined by the administrator. The developer shall choose which of the above listed performance guarantees to use. Upon a showing of good cause, the administrator may approve the extension of such security for successive periods of up to twelve months each, so long as such extension does not compromise the health or safety of the general public or the occupants of the property that is the subject of the permit. -With respect to performance guarantees for zoning permits, the standards of subsection 15-60(b) shall apply.

Section 15-54 Class B Special Use Permits and Class A Special Conditional-Use Permits (AMENDED 6/28/05).

(a) An application for a class B special use permit shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department.

(b) An application for a class A special conditional use permit shall be submitted to the Town Council~~Board of Aldermen~~ by filing a copy of the application with the administrator in the planning department.

(c) The board of adjustment or the Town Council~~Board of Aldermen~~, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the evidentiary hearing, that:

- 1) The requested permit is not within its jurisdiction according to the table of permissible uses;
- 2) The application is incomplete, or
- 3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations);
- 4) If completed as proposed, the development, more probably than not:
 - a) Will materially endanger the public health or safety; or
 - b) Will substantially injure the value of adjoining or abutting property; or
 - c) Will not be in harmony with the area in which it is to be located; or
 - d) Will not be in general conformity with the Comprehensive Plan, Land Use Plan, Long Range Transportation Plan~~Thoroughfare Plan~~, or other plans officially adopted by the Council~~Board~~.

*Art. IV PERMITS AND FINAL PLAT APPROVAL***Section 15-54.1 Affordable Housing Goal and Alternative Methods of Achieving the Goal (AMENDED 6/28/05; REWRITTEN 6/26/07; AMENDED 10/28/08); AMENDED 6/26/12.**

(a) The ~~Town Council~~~~Board of Aldermen~~ has established as a policy goal that at least fifteen percent of the housing units within all new residential developments should consist of affordable housing units as described in Section 15-182.4. That section, as well as Section 15-188, establish incentives for developers to provide for such affordable housing. The purpose of this section is to establish alternative processes whereby developers who do not achieve the 15% objective can nevertheless contribute to the fulfillment of this goal in another way, and also to create a process to ensure that developers understand the importance of attempting to meet this goal.

(b) An applicant for approval of any residential development containing five or more dwelling units or lots that does not elect to meet the ~~Council Board~~'s 15% affordable housing policy goal by constructing affordable housing units or donating affordable housing lots (as those terms are described in Section 15-182.4) shall nevertheless be considered to have met this goal if such applicant makes a payment to the Town's Affordable Housing Special Reserve Fund in lieu of such construction or donation in an amount calculated as provided in this subsection:

- 1) The number of dwelling units or lots authorized within the development (including additional units or lots authorized under Section 15-182.4 when the developer constructs affordable units, provides affordable housing lots, or is authorized by the ~~Council Board~~ to construct density bonus units by making a payment in lieu of constructing units) shall be multiplied by 0.15 and the product shall be carried to two decimal places. **(REWRITTEN 1/22/08)**
- 2) There shall be subtracted from the product derived under subsection (b)(1) of this section (i) the number of affordable housing units or affordable housing lots the developer proposes to provide under Section 15-182.4, plus (ii) the number of affordable housing payment in lieu fees the ~~Council Board~~ has agreed to allow to be regarded as the equivalent of providing an affordable housing unit under Subsection 15-182.4(d1). **(REWRITTEN 1/22/08)**
- 3) The product derived under subsection (b)(2) shall be multiplied by the affordable housing payment in lieu fee. The result is the amount that must be paid to satisfy the provisions of this subsection (b).
- 4) The affordable housing payment in lieu fee shall be an amount established by the ~~Town Council~~~~Board of Aldermen~~ and shall be included in the Town's Miscellaneous Fees and Charges Schedule. In establishing the amount of this fee, the ~~Council Board~~ may consider (i) the extent to which the costs incurred by a developer in constructing and selling a two bedroom affordable housing unit (including land cost, the cost of construction, interest cost, closing costs, and other costs allocable to such unit) exceed the

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maximum amount for which that housing unit could be sold (as an affordable housing unit) by the developer in accordance with Section 15-182.4, (ii) the extent to which non-monetary factors might induce developers to prefer paying a fee in lieu of constructing an affordable housing unit if the monetary cost of doing one or the other were roughly equivalent, and (iii) any other factors the ~~Council Board~~ deems relevant in establishing a fee that provides developers with a practical and financially viable means of satisfying the Town's affordable housing policy goals. **(AMENDED 10/28/08; 6/26/12)**

(c) An applicant for approval of any residential development containing five or more lots restricted to single-family residential use (which lots the developer intends to sell undeveloped) who does not elect to meet the ~~Council Board~~'s 15% affordable housing policy goal by donating affordable housing lots (as those terms are described in Section 15-182.4) or making a payment in lieu as provided in subsection (b) above shall nevertheless be considered to have met this goal if such applicant chooses to follow the process that reserves lots for purchase by the Town of Carrboro and makes a payment for the eventual purchase of such lots as outlined in this subsection.

- 1) The developer shall request that a condition that obligates the developer to comply with the provisions of this subsection be added to the ~~class B~~ special or ~~class A special conditional~~ use permit that authorizes the subdivision in question, and such condition shall be added by the permit issuing authority.
- 2) Before the final plat is approved, the developer shall designate on the plat a number of lots that are reserved for purchase by the Town of Carrboro. The number of lots so reserved shall be equal to the product of the number of lots within such subdivision multiplied by 0.15, rounded down to the nearest whole number.
- 3) The purchase price for each reserved lot shall be the estimated market price as agreed upon by the Town and the developer, which price shall be specified in the condition added to the special ~~or conditional~~ use permit.
- 4) The lots so designated shall be restricted by the permit to the development of affordable housing as defined in Section 15-182.4 of this chapter.
- 5) The lots so designated shall be in all other ways equal to the market rate lots and shall be provided with utility connections and other necessary infrastructure so as to render them buildable at the time of sale.
- 6) With respect to all other lots within the subdivision, no certificate of occupancy shall be issued for any dwelling unit constructed on such lots unless and until a payment is made to the town in an amount determined as follows:

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- a. Prior to approval of the permit for such subdivision, the applicant for the permit shall estimate the total market value of all developed lots (i.e. lots with houses completed on them) within the subdivision that are not restricted to affordable housing units, and calculate from this number the percentage number that, when applied to the total market value of such developed lots, would yield the number of dollars necessary to purchase the lots within the subdivision that are restricted to affordable housing use.
 - b. If the town accepts the percentage number derived above as a reasonable estimate, such percentage shall be included as part of the condition on the permit prohibiting the issuance of a certificate of occupancy until a payment is made to the town as provided in this subsection.
 - c. The amount of the payment shall be determined by applying the percentage determined in accordance with this subsection to the appraised value of the completed house and lot, as determined by a licensed appraiser.
- 7) The funds so received shall be held and reserved for the purchase of the lots designated to be developed with affordable housing.
 - 8) The town shall have the right to purchase the designated lots at any time after final plat approval, and must purchase the lots not later than ninety days after sufficient funds to do so have been received by the town from the other lots.
 - 9) If sufficient funds have not been received by the town to purchase one or more of the affordable housing lots after the last certificate of occupancy is issued for the other lots within the subdivision, then the town shall either purchase such affordable housing lot or lots using such funds as may be available to the town within ninety days after the date of issuance of such certificate of occupancy, or the condition limiting the use of such designated lot or lots to affordable housing shall be deemed to have expired and such designated lot or lots may thereafter be conveyed without this restriction.
 - 10) If the funds received exceed the amount necessary to purchase the lots that have been reserved then such funds shall be retained in the fund and used for other purposes authorized for that fund.

(d) The CouncilBoard finds that some developers may not fully understand how the affordable housing provisions of this chapter operate or the incentives that are available under the ordinance to encourage affordable housing. Therefore, the CouncilBoard concludes that, when

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developers of proposed developments containing five or more dwelling units propose to construct such developments without meeting the affordable housing goals established by the town for new developments, it may be beneficial to both the developers and the town for the ~~Council Board~~ and such developers to have an opportunity, prior to the formal consideration of a permit request, to discuss the town's affordable housing policy, the affordable housing opportunities and incentives provided by this chapter, and any questions or concerns such developers may have about utilizing those provisions. Subsections (e) and (f) below provide for that opportunity.

(e) The applicant for any residential development containing five or more lots or dwelling units, and therefore required to obtain either a class B special use permit from the Board of Adjustment or a class A special conditional user permit from the ~~Town Council Board of Aldermen~~, shall be required to participate in an Affordable Housing Review Meeting with the ~~Town Council Board of Aldermen~~ if the residential development does not meet the ~~Council Board's~~ affordable housing goal in any of the ways described in this section or Section 15-182.4.

(f) Should an applicant for any residential development containing five or more lots or dwelling units decide in the course of the development review process to change the application in such a way that it no longer satisfies the Board's affordable housing policy goal, further review of the project will be delayed until the applicant participates in an Affordable Housing Review Meeting with the ~~Town Council Board of Aldermen~~.

Section 15-55 Burden of Presenting Evidence, Burden of Persuasion.

(a) The burden of presenting a complete application (as described in Section 15-49) to the permit-issuing ~~authority board~~ shall be upon the applicant. However, unless the council or board of adjustment informs the applicant at the evidentiary hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing) the application shall be presumed to be complete.

(b) Once a complete application has been submitted, the burden of presenting evidence to the permit-issuing board sufficient to lead it to conclude that the application should be denied for any reasons stated in Subdivisions 15-54(c)(1), (3), or (4) shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists for denying the application as provided in Subdivision 15-54(c)(1), (3), or (4).

- 1) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Subdivision 15-54(c)(4) rests on the party or parties urging that the requested permit should be denied.

*Art. IV PERMITS AND FINAL PLAT APPROVAL***Section 15-55.1 Findings and Burden of Proof for ~~Class A Special Conditional~~ Use Permits Required for Taller Buildings in Commercial Districts (AMENDED) 10/25/05.**

If a ~~class A special conditional~~ use permit for a development is required under Section 15-147 (j), then, notwithstanding the provisions of Subsection 15-54 (c) and Section 15-55 of this chapter, the applicant for such ~~class A special conditional~~ use permit shall have the burden of demonstrating that, if completed as proposed, the development:

- (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 ~~Comprehensive Plan~~, Land Use Plan, ~~Long Range Transportation Thoroughfare~~ Plan, and other plans officially adopted by the ~~Council Board~~.

Section 15-56 Recommendation on ~~Class B~~ Special Use Permit Applications.

(a) When presented to the board of adjustment at the ~~evidentiary~~ hearing, the application for a ~~class B~~ special use permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 (Application To Be Complete) and the other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the board of adjustment.

(b) If the staff proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirements of this chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

(c) The board of adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the planning board, the transportation advisory board, the environmental advisory board, the affordable housing advisory commission, or the appearance commission to obtain the recommendations of some or all of these boards. ~~Attachment C-2 of 3.~~ (REWRITTEN 02/25/14, AMENDED 06/25/19).

Section 15-57 Recommendations on ~~Class A Special Conditional~~ Use Permits.

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(a) Before being presented to the ~~Town Council Board of Aldermen~~, an application for a ~~class A special conditional~~ use permit shall be referred to the planning board, appearance commission, environmental advisory board, and the transportation advisory board for joint review and action in accordance with this section. The ~~Town Council Board of Aldermen~~ may not hold a public hearing on a ~~class A special conditional~~ use permit application until the planning board, affordable housing advisory commission, appearance commission, environmental advisory board, and the transportation advisory board have had an opportunity to consider the application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, environmental advisory board or the transportation advisory board, the ~~Town Council Board of Aldermen~~ may continue the public hearing to allow the respective boards more time to consider the application. **(AMENDED 09/19/19, REWRITTEN 02/25/14, AMENDED 06/25/19).**

(b) When presented to the planning board, affordable housing advisory commission, appearance commission, environmental advisory board and the transportation advisory board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the ~~Town Council Board of Aldermen~~. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirement of this chapter, it shall identify the requirement in questions and specifically state supporting reasons for the proposed findings and conclusions. **(AMENDED 09/19/95, AMENDED 06/25/19).**

(c) The planning board, affordable housing advisory commission, appearance commission, environmental advisory board, and the transportation advisory board shall consider the application and the attached staff report in a timely fashion, and may, in its discretion, hear from the applicant or members of the public. **(AMENDED 09/19/95, AMENDED 06/25/19).**

(d) After reviewing the application, the planning board, affordable housing advisory commission, appearance commission, environmental advisory board, and the transportation advisory board shall report to the ~~Town Council Board of Aldermen~~ whether it concurs in whole part with the staff's proposed findings and conditions, and to the extent there are differences the respective boards shall propose their own recommendations and the reasons therefore. **(AMENDED 09/19/19, REWRITTEN 02/25/14, AMENDED 06/25/19).**

(e) In response to the planning board's, the affordable housing advisory commission's, appearance commission's, environmental advisory board's or the transportation advisory board's recommendations, the applicant may modify his application prior to submission to the ~~Town Council Board of Aldermen~~, and the planning staff may likewise revise its recommendations. **(AMENDED 09/19/19, REWRITTEN 02/25/14, AMENDED 06/25/19).**

Section 15-58 Board Action On Class B Special Use Permits and Town Council Action on Class A Special and Conditional Use Permits.

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In considering whether to approve an application for a class B or class A special or conditional use permit, the board of adjustment or the Town Council Board of Aldermen shall proceed according to the following format:

- (1) The councilboard shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the board that the application is complete.
- (2) The councilboard shall consider whether the application complies with all of the applicable requirements of this chapter. If a motion to this effect passes, the councilboard need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this chapter. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the board to be unsatisfied through this process.
- (3) If the board concludes that the application fails to comply with one or more requirements of this chapter, the application shall be denied. If the board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Subdivision 15-54(c)(4). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Section 15-59 Additional Requirements on Class B and Class A Special Use and Conditional Use Permits.

(a) Subject to subsection (b), in granting a class B special or class A special-conditional use permit, the board of adjustment or Town Council Board of Aldermen, respectively, may attach to the permit such reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location: **(AMENDED 3/23/10)**

- (1) Will not endanger the public health or safety; or
- (2) Will not injure the value of adjoining or abutting property; or
- (3) Will be in harmony with the area in which it is located; ~~and~~ or
- (4) Will be in conformity with the Carrboro Comprehensive Plan, Land use Plan, Long Range Plan~~Thoroughfare Plan~~, or other plan officially adopted by the Council Board.

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(b) The permit-issuing ~~authority~~board may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. (AMENDED 5/26/87)

(1) Conditions and safeguards imposed under this subsection shall not include requirements for which the town does not have authority under statute to regulate nor requirements for which the courts have held to be unenforceable if imposed directly by the town, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land

(2) The applicant/landowner shall provide written consent to all conditions relating to the special use permit.

(c) Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration.

~~(d) Repealed. In the case of a conditional use zoning district, specific conditions may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and the petitioner may be incorporated into the permit requirements. Conditions and site specific standards imposed in a conditional use permit as a part of a conditional use zoning district shall be limited to those that address the conformance of the development and use of the site to Town ordinances and any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. (AMENDED 10/24/06)~~

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

(f) A vote may be taken on additional conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subdivision 15- 54(c)(3) or (4).

Section 15-60 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use ~~or Conditional Use~~ Permits (AMENDED 10/08/96; 10/24/06; 6/22/10).

(a) With respect to unsubdivided developments, in cases when, because of weather conditions or other factors beyond the control of the special ~~or conditional~~ use permit recipient

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(exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter (including approved plans) before commencing the intended use of the property or occupying any buildings, the manager may authorize the commencement of the intended use or occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient provides a surety bond, letter of credit or other security satisfactory to the manager to ensure that all these requirements will be fulfilled within a reasonable period of time (not to exceed twelve months) determined by the manager. The developer shall choose which of the above listed performance guarantees to use. Upon a showing of good cause, the manager may approve the extension of such security for successive periods of up to twelve months each, so long as such extension does not compromise the health or safety of the general public or the occupants of the property that is the subject of the permit. With respect to performance guarantees for special use permits, the standards of subsection (b) below shall apply.

(b) With respect to subdivided developments, the manager may authorize final plat approval and the sale of lots before all the requirements of this chapter (including approved plans) are fulfilled if the subdivider provides a surety bond, letter of credit, or other security satisfactory to the manager to ensure that all of these requirements will be fulfilled within a reasonable period of time after final plat approval (not to exceed twelve months) as determined by the manager. The developer shall choose which of the above listed performance guarantees to use. Upon a showing of good cause (by way of illustration without limitation, where it is sensible to delay the final coat of pavement of a street until heavy construction within the subdivision is essentially complete, or where completion of a bioretention area should be delayed until site disturbance is nearly finished), the manager may approve the extension of such security for successive periods of up to twelve months each, so long as such extension does not compromise the health or safety of the general public or the occupants of the subdivision.

Notwithstanding the foregoing, pursuant to G.S. sections 160D-804; 804.1, all of the following shall apply with respect to performance guarantees:

- (1a) Duration. – The duration of the performance guarantee shall initially be one year, unless the developer determines that the scope of work for the required improvements necessitates a longer duration. In the case of a bonded obligation, the completion date shall be set one year from the date the bond is issued, unless the developer determines that the scope of work for the required improvements necessitates a longer duration.
- (1b) Extension. – A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are secured by the performance guarantee or any extension. If the improvements are not completed to the specifications of the local government, and the current performance guarantee is likely to expire prior to completion of the required improvements, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period. An extension under this subdivision shall only be for a duration necessary to complete the required improvements. If a new performance guarantee is issued, the amount

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shall be determined by the procedure provided in subdivision (3) of this subsection and shall include the total cost of all incomplete improvements.

- (2) Release. – The performance guarantee shall be returned or released, as appropriate, in a timely manner upon the acknowledgement by the town that the improvements for which the performance guarantee is being required are complete. If the improvements are not complete and the current performance guarantee is expiring, the performance guarantee shall be extended, or a new performance guarantee issued, for an additional period until such required improvements are complete. A developer shall demonstrate reasonable, good-faith progress toward completion of the required improvements that are the subject of the performance guarantee or any extension. The form of any extension shall remain at the election of the developer. The town shall return letters of credit or escrowed funds upon completion of the required improvements to its specifications or upon acceptance of the required improvements, if the required improvements are subject to local government acceptance. When required improvements that are secured by a bond are completed to the specifications of the town, or are accepted by the town, if subject to its acceptance, upon request by the developer, the town government shall timely provide written acknowledgement that the required improvements have been completed.
- (3) Amount. – The amount of the performance guarantee shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion at the time the performance guarantee is issued. Any extension of the performance guarantee necessary to complete required improvements shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained. The town may determine the amount of the performance guarantee or use a cost estimate determined by the developer. The reasonably estimated cost of completion shall include one hundred percent (100%) of the costs for labor and materials necessary for completion of the required improvements. Where applicable, the costs shall be based on unit pricing. The additional twenty-five percent (25%) allowed under this subdivision includes inflation and all costs of administration regardless of how such fees or charges are denominated. The amount of any extension of any performance guarantee shall be determined according to the procedures for determining the initial guarantee and shall not exceed one hundred twenty-five percent (125%) of the reasonably estimated cost of completion of the remaining incomplete improvements still outstanding at the time the extension is obtained.
- (3a) Timing. – The town, at its discretion, may require the performance guarantee to be posted either at the time the plat is recorded or at a time subsequent to plat recordation.
- (4) Coverage. – The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.

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- (5) Legal responsibilities. – No person shall have or may claim any rights under or to any performance guarantee provided pursuant to this subsection or in the proceeds of any such performance guarantee other than the following:
- a. The town, to whom such the performance guarantee is provided.
 - b. The developer at whose request or for whose benefit such the performance guarantee is given.
 - c. The person or entity issuing or providing such the performance guarantee at the request of or for the benefit of the developer.
- (6) Multiple guarantees. – The developer shall have the option to post one type of a performance guarantee as provided for in subdivision (1) of this section, in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.
- (7) Exclusion. – Performance guarantees associated with erosion control and storm-water control measures are not subject to the provisions of this section.

(c) The authorization provided to the manager under subsections (a) and (b) of this section shall also apply to fulfillment of additional requirements upon the special ~~or conditional~~ use permit recipient by the permit issuing board in accordance with Section 15-59 unless the board specifies a certain date by which or a schedule according to which such requirements must be met.

Section 15-61 Completing Developments in Phases.

(a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c), the provisions of Section 15-47 (No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled) and Section 15-60 (exceptions to Section 15-47) shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of subsection (a), the developer shall submit plans that clearly show the various phases or stages of the proposed development and the requirements of this chapter that will be satisfied with respect to each phase or stage.

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

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

(d) Pursuant to G.S. section 160D-108(d)(4), and subsection 15-128.2 of this chapter, a multiphase development shall be vested for the entire development with the ordinance regulations in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

Section 15-62 Expiration of Permits.

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

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

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

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(c) The permit-issuing authority may extend for a period up to two years the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to two years upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit. **(AMENDED 06/23/15)**

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

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

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

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

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

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

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persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b)) of the existence of the permit at the time they acquired their interest.

(b) Whenever a zoning, special use or conditional use permit is issued to authorize development (other than single-family residences or duplexes) on a tract of land in excess of one acre, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the Orange County Registry and indexed under the record owner's name as grantor.

Section 15-64 Amendments to and Modifications of Permits. (AMENDED 5/25/04; 11/22/05).

(a) Subject to subsection (e), insignificant deviations from the permit (including approved plans) issued by the ~~Town Council~~~~Board of Aldermen~~, the board of adjustment, or the administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. (AMENDED 5/26/81; 6/22/82)

(b) Subject to subsection (e), minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. (AMENDED 6/22/82; 06/06/89)

(c) Subject to subsection (e), all other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the ~~Town Council~~~~Board of Aldermen~~ or board of adjustment, new conditions may be imposed in accordance with Section 15-59, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit. (AMENDED 6/22/82)

(d) The administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c). (AMENDED 5/26/81)

(e) Notwithstanding the foregoing provisions of this section, whenever the ~~councilboard~~ issues a ~~class A special~~~~conditional~~ use permit for a planned industrial development (use classification 30.000), the administrator may authorize changes in the approved plans for such development that do not substantially alter the character or pattern of development approved by the ~~councilboard~~, so long as the revised plans continue to comply with the provisions of this chapter and any conditions imposed by the ~~councilboard~~ in issuing the permit. In granting a permit for a planned industrial development,

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the ~~council~~~~board~~ may identify more specifically those elements of the plans concerning which changes may be approved by the administrator under this subsection. (AMENDED 6/22/82)

(f) An applicant requesting a change in approved plans shall point out to the administrator, specifically and in writing, what deviation or changes are requested. The administrator shall respond in writing. No changes shall be authorized except in conformity with this section. (AMENDED 1/22/85)

(g) When (i) a request for a change in a permit is made under this section (whether for an insignificant deviation, minor modification, or major modification), and (ii) the use of the property is not changed, and (iii) some type of nonconforming situation other than a nonconforming use exists on the property, then the permit change may be approved without requiring the elimination of the nonconforming situations. However, (i) any new development authorized by the permit change shall comply with current standards to the extent reasonably practicable, and (ii) the permit issuing authority may require the elimination of nonconforming situations when the cost (financial and otherwise) of doing so is clearly proportional to the benefits of elimination of such nonconformity.

(h) Notwithstanding the other provisions of this section, whenever town-owned facilities or services are proposed as an additional use on property for which a special use permit or a conditional use permit is already in effect the permit required by this article for the new town-owned facility or service shall be as shown in Section 15-146. (AMENDED 11/25/05)

Section 15-65 Reconsideration of Council or Board Action.

Whenever (i) the ~~Town Council~~~~Board of Aldermen~~ disapproves a ~~class A special~~~~conditional~~ use permit application, or (ii) the board of adjustment disapproves an application for a ~~class B~~ special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the ~~council or~~ ~~respective~~ board at a later time unless the applicant clearly demonstrates that:

- (1) Circumstances affecting the property that is the subject of the application have substantially changed; or
- (2) The application is changed in some substantial way; or
- (3) New information is available that could not with reasonable diligence have been presented at a previous hearing.

Section 15-66 Applications to be Processed Expeditiously.

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the town shall make every reasonable effort to process

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appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this chapter.

Section 15-67 Maintenance of Common Areas, Improvements, and Facilities.

The recipient of any zoning, special use, ~~conditional use~~, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements or facilities required by this chapter or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Section 15-68 through 15-75 Reserved.

*Art. IV PERMITS AND FINAL PLAT APPROVAL***PART II. MAJOR AND MINOR SUBDIVISIONS****Section 15-76 Regulation of Subdivisions.**

Major subdivisions are subject to a two step approval process. Physical improvements to the land to be subdivided are authorized by a ~~class A or class B conditional use permit or~~ special use permit as provided in Part I of Article IV of this chapter, and sale of lots is permitted after final plat approval as provided in Section 15-79. Minor subdivisions only require a one step approval process final plat approval (in accordance with Section 15-78). (AMENDED 12/15/87)

Section 15-77 No Subdivision Without Plat Approval.

(a) As provided in G.S. ~~160D-807+60A-375~~, no person may subdivide his land except in accordance with all of the provisions of this chapter. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been approved in accordance with the provisions of Section 15-78 or Section 15-79 and recorded in the Orange County Registry.

(b) As provided in G.S. ~~160D-803+60A-373~~, the Orange County Register of Deeds shall not record a plat of any subdivision within the town's planning jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.

Section 15-78 Minor Subdivisions Approval.

(a) The planning director shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section.

(b) The applicant for minor subdivision plat approval, before complying with subsection (c), shall submit a sketch plan to the planning director for a determination of whether the approval process authorized by this section can be and should be utilized. The planning director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years.

(c) Applicants for minor subdivision approval shall submit to the planning director a copy of a plat conforming to the requirements set forth in subsections 15-79(b) and (c) (as well as two prints of such plat), except that a minor subdivision plat shall contain the following certificates in lieu of those required in Section 15-80:

Section 15-78.1 Special Review for Certain Classes of Subdivisions

Pursuant to G.S. section 160D-802, the town may require only a plat for recordation for the division of a tract or parcel of land in single ownership if all of the following criteria are met:

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- (1) The tract or parcel to be divided is not exempted under subdivision (2) of subsection (a) of G.S. 160D-802; (the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved).
- (2) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
- (3) The entire area of the tract or parcel to be divided is greater than 5 acres.
- (4) After division, no more than three lots result from the division.
- (5) After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any. c. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4.)
 - c. A permanent means of ingress and egress is recorded for each lot. (2019-111, s. 2.4.)

Art. IV PERMITS AND FINAL PLAT APPROVAL(1) **Certificate of Ownership**

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Carrboro, and that I freely adopt this plan of subdivision.

Date Owner

(2) **Certificate of Approval** (AMENDED 5/26/81)

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with Chapter 15 of the Carrboro Town Code, and that therefore this plat has been approved by the Carrboro planning director, subject to its being recorded in the Orange County Registry within 30 days of the date below.

Date Town Manager (or designee)

(3) A Certificate of Survey and Accuracy, in the form stated in subdivision 15-80(3).

(d) The planning director shall take expeditious action on an application for minor subdivision plat approval as provided in Section 15-66. However, either the planning director or the applicant may at any time refer the application to the major subdivision approval process.

(e) No more than a total of four lots may be created out of one tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time. (AMENDED 7/21/87)

(f) Subject to subsection (d), the planning director shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 15-15 or the application or the proposed subdivision fails to comply with subsection (e) or any other applicable requirements of this chapter. (AMENDED 5/26/81)

(g) If the subdivision is disapproved, the planning director shall promptly furnish the applicant with a written statement of the reasons for disapproval.

(h) Approval of any plat is contingent upon the plat being recorded within thirty days after the date the Certificate of Approval is signed by the manager or his designee. (AMENDED 5/26/81)

*Art. IV PERMITS AND FINAL PLAT APPROVAL***Section 15-79 Major Subdivision Approval Process.**

(a) The town manager shall approve or disapprove major subdivision final plats. Notwithstanding the foregoing, if, at the time the ~~class A or class B conditional use permit or~~ special use permit was issued for the subdivision pursuant to Part I of Article IV of this Chapter, the permit issuing ~~authority board~~ requested that the final plat be reviewed by it, then the Town Council or Board of adjustment shall approve or disapprove the major subdivision final plat. (AMENDED 12/15/87; 07/27/89)

(b) The applicant for major subdivision plat approval shall submit to the administrator a final plat, drawn in waterproof ink on a sheet made of material that will be acceptable to the Orange County Register of Deeds' Office for recording purposes, and having dimensions as follows: either (i) 21" x 30", (ii) 12" x 18", or (iii) 18" x 24". When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one-inch equals not more than one hundred feet. The applicant shall also submit two prints of the plat.

(c) In addition to the appropriate endorsements, as provided in Section 15-80, the final plat shall contain the following information:

- (1) All of the information required by G.S. 47-30 and G.S. 39-32.3;
- (2) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Orange County Registry;
- (3) The name of the subdivision owner or owners;
- (4) The township, county and state where the subdivision is located; and
- (5) The name of the surveyor and his registration number and the date of survey.

(d) The applicable final plat approval authority shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this chapter or that the final plat differs substantially from the plans and specifications approved in conjunction with the ~~class A special conditional~~-use permit that authorized the development of the subdivision. (AMENDED 12/15/87)

(e) If the final plat is disapproved by the town manager, the applicant shall be furnished with a written statement of the reasons for the disapproval and may appeal the decision pursuant to Section 15-91. If the final plat is disapproved by the ~~Town Council Board of Aldermen~~ or the board of adjustment, the applicant shall be furnished with a written statement of the reasons for the disapproval and shall be given an opportunity to petition the applicable plat approval authority for a hearing, to be conducted in accordance with the procedures for processing class A or class B

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~~conditional or~~ special use permit applications. Following such hearing, the Council or bBoard may reverse, modify, or affirm its earlier decision. (AMENDED 12/15/87; 06/27/89)

(f) Approval of a final plat is contingent upon the plat being recorded within thirty (30) days after the approval certificate is signed by the manager. (AMENDED 11/10/81)

Section 15-80 Endorsements on Major Subdivision Plats.

All major subdivision plats shall contain the endorsements listed in subdivision (1), (2), and (3) herein. The endorsements listed in subdivision (4) shall appear on plats of all major subdivisions located outside the corporate limits of the town but within the planning jurisdiction. The endorsement listed in subdivision (5) shall appear on plats when required by federal regulations.

(1) **CERTIFICATE OF APPROVAL**

I hereby certify that all streets shown on this plat are within the Town of Carrboro’s planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within ten months after the date below) has been ensured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with Chapter 15 of the Carrboro Town Code, and therefore this plat has been approved by the [Carrboro Town Manager] [Carrboro Town Council~~Board of Aldermen~~] [Carrboro Board of Adjustment], subject to its being recorded. (AMENDED 7/21/87; 12/15/87; 06/27/89)

Date Carrboro Town Manager (or designee)

(2) **CERTIFICATE OF OWNERSHIP AND DEDICATION**

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Carrboro, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Town Council~~Board of Aldermen~~ in the public interest.

Date Owner

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Notarized

(3) **CERTIFICATE OF SURVEY AND ACCURACY (AMENDED 11/26/85)**

I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____); that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this __ day of _____, 19_____.

Seal or Stamp

Surveyor

Registration Number

North Carolina, _____ County, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this __ day of _____, 19_____.

Stamp or Seal

Notary Public
My Commission Expires _____

(4) **DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE**

I hereby certify that the public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards of the N.C. State Department of Transportation for acceptance of subdivision streets on the State highway system for maintenance.

District Engineer

(5) **CERTIFICATE FOR FEDERALLY FUNDED PROJECT**

I hereby certify that the specifications for street grading, drainage improvements, and paving for the group housing development shown on this plat, which development is being financed or insured under regulations of the United States Government, are equal to or of a higher standard than required by the subdivision regulations of the Town of Carrboro and the Standards of the N.C. Department of Transportation.

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Planning Director

Section 15-81 Plat Approval Not Acceptance of Dedication Offers.

Approval of a plat does not constitute acceptance by the town of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the town may accept any such offer of dedication by resolution of the Council Board, by issuing to the dedicator a written notice of acceptance signed by the town manager, or by actually exercising control over and maintaining such facilities. (AMENDED 06/06/89)

Section 15-82 Protection Against Defects.

(a) Whenever (pursuant to Section 15-60) occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or the surety that is posted pursuant to Section 15-60 shall guarantee that any defects in such facilities or improvements that appear within fifteen months after the offer of dedication of such facilities or improvements is accepted shall be corrected by the developer. (AMENDED 04/27/82; 06/06/89)

(b) Whenever all facilities or improvements intended for dedication are installed before occupancy, use or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that he will correct all defects in such facilities or improvements that occur within fifteen months after the offer of dedication of such facilities is accepted. (AMENDED 04/27/82; 06/06/89)

(c) An architect or engineer retained by the developer shall certify to the town that all facilities and improvements to be dedicated to the town have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the town of the offer of dedication of such facilities or improvements.

(d) For purposes of this section, the term “defects” refers to any condition in publicly dedicated facilities or improvements that requires the town to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this chapter.

Section 15-83 Maintenance of Dedicated Areas Until Acceptance.

As provided in Section 15-67, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

Section 15-83.1 Display of Approved Site Plan Required (AMENDED 01/28/92).

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(a) Prior to final plat approval, the developer of any residential subdivision that contains or is designed to contain when fully developed a total of more than four lots shall display in a prominent outdoor location on the development site a copy of a site plan drawn at a minimum scale of 1" = 100' that shows town approved lot configurations, easements, street patterns, amenities, and other design features that may affect the use or enjoyment of property purchased within such development. Included on the site plan shall be a prominently displayed notice advising prospective purchasers to contact the Carrboro Planning Department for additional information concerning the approved development plans.

(b) For purposes of this section the term "design features" includes but is not limited to water, sewer, or electric power easements, recreational amenities, street extensions or future streets, bikeways, and proposed future phases. When a private street is proposed, such signs shall indicate that maintenance will be the responsibility of a homeowners association.

(c) The site plan required under this section shall be placed within a weatherproof display case. It shall be regarded as a continuing condition of the developer's permit that the site plan displayed under this section shall be kept current as changes in development plans are approved by the town and shall remain at all times sufficiently legible to satisfy the disclosure objectives of this section. The site plan shall remain on display as long as lots within the subdivision remain in the possession of the developer to whom the conditional use permit was granted or his successors.

(d) The site plan displayed in accordance with this section as well as the location and construction of the display case shall be subject to the prior approval of the zoning administrator, which approval shall not be unreasonably withheld.

(e) The site plan display required under this section shall not be regarded as a sign for purposes of Article XVII of this chapter.

Section 15-83.2 Signs Posted to Disclose Development Plan (AMENDED 01/28/92).

(a) Prior to final plat approval, the developer of any residential subdivision that contains or is designed to contain when fully developed to total of more than four lots may be required by the permit issuing ~~authority~~board to post a sufficient number of signs throughout the subdivision in appropriate locations to provide notification (to the extent reasonably practicable) to the prospective purchasers of lots or dwelling units within the area for which final plat approval is requested of design features proposed for the subdivision that may significantly affect the use or enjoyment of property purchased within the subdivision.

(b) For purposes of this section the term "design features" includes but is not limited to water, sewer, or electric power easements, recreational amenities, street extensions or future streets, bikeways, and proposed future phases. When a private street is proposed, such signs shall indicate that maintenance will be the responsibility of a homeowners association.

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(c) Notwithstanding the other provisions of this section, no signs need be posted where the impact of the design feature is evident upon inspection of the property (e.g., a power line or sewer line is already constructed and the easement boundaries are apparent).

(d) Signs posted in conformity with this section shall remain so long as lots within the subdivision remain in the possession of the developer to whom the class B or class A special ~~or conditional~~ use permit was granted or his successor, and it shall be regarded as a continuing condition of the permit authorizing the subdivision that such signs be maintained to serve the purposes intended by this section. However, in any enforcement action it shall be a valid defense for the developer to show that signs have been posted as required but have been deliberately removed or destroyed without such developer's consent or acquiescence.

(e) The developer of a subdivision that is subject to the provisions of this section shall submit with his application for a class A or class B ~~conditional or~~ special use permit a sign plan that shows the location, size, design and content of every sign proposed to be posted to satisfy the requirements of this action. The Council or permit-issuing ~~board~~ shall approve the plan if it demonstrates substantial compliance with this action. Signs erected or posted pursuant to such an approved sign plan are exempt from the provisions of Article XVII of this chapter. Signs shall be erected prior to final plat approval for each phase.

Section 15-83.3 Covenants May Not Prohibit Devices that Generate or Conserve Energy or Water (AMENDED 04/26/11).

(a) This section is authorized by Chapter 42 7 of the 2009 Session Laws, codified as Section 10-2 of the Carrboro Town Charter.

(b) Subject to the provisions of subsections (c) and (d) of this section, lots within a residential subdivision may not be conveyed subject to covenants or restrictions that run with the land unless, prior to approval of the final plat creating such lots, the final plat approval authority (planning director for minor subdivisions and town manager for major subdivisions) has determined that such covenants or restrictions are consistent with the requirements of this section. The developer shall submit any such proposed covenants to the town along with or subsequent to the proposed final plat. Final plat approval for such subdivision may not be granted if the covenants or restrictions prohibit, or have the effect of prohibiting, or allow a property owners association to prohibit, the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology or device designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device.

(c) The provisions of subsection (b) of this section do not apply to any condominium created under Chapter 47A or 47C of the General Statutes. Nor are such provisions intended to prohibit the adoption or enforcement of any covenant or restriction, or any rule or regulation adopted by a property owners association that does any of the following:

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- (1) Affects a common area.
- (2) Is designed to ensure that any device described in subsection (b) is installed and maintained in such a manner that it does not pose a risk to the safety of any person or domesticated animal.
- (3) Regulates the location or screening of any device described in subsection (b), provided the covenant or restriction, or rule or regulation adopted by a property owners association, does not have the effect of preventing the reasonable use of such device.
- (d) The provisions of this section apply only to covenants or restrictions recorded after the effective date of this section.

*Art. IV PERMITS AND FINAL PLAT APPROVAL***PART III. CONSTRUCTION DRAWING APPROVAL (AMENDED 06/06/89)****Section 15-84 Construction Drawings Shall Conform To Land Use Permit Plans.**

(a) Construction drawings prepared for development projects and prepared in accordance with Section 15-49 (c) shall conform to the plans which have been approved as part of the appropriate land use permitting process (zoning permit, class B or class A special use permit, ~~conditional use permit~~). In the event that the detailed site work which is required for the preparation of construction drawings makes necessary modifications or deviations from the general design approved during the land use permitting process, such changes may require additional review by the relevant permit-issuing authority, as described in Section 15-64, prior to the start of construction plan review.

(b) For utility extension projects, which are exempted from the requirement to obtain a zoning, class B special use or class A special~~conditional use~~ permit by the provisions of Section 15-151, construction plans shall be submitted to and approved by the public works director prior to the commencement of construction activity.

Section 15-85 Construction Drawing Submittal Process.

As set forth in Section 15-49 (c), persons desiring to construct any development project in the area within the town's planning jurisdiction may be required to submit construction drawings for review and approval by the town. Submittal of construction drawings shall be made only after a land use permit (zoning, class B or class A special use, ~~or conditional use~~ permit) has been issued for the project in question, and filed with the Orange County Register of Deeds, if required by Section 15-63. Construction drawings are to be submitted to the land use administrator for review and approval in accordance with the process described below.

(a) **PRE-SUBMITTAL CONFERENCE.** Persons preparing construction drawings are requested to confer with the land use administrator prior to making the formal construction drawings submittal described below in subsection (b). This conference is suggested in order to minimize the time required for the construction drawing review process. It is especially encouraged where such drawings will require modifications to the plans approved as part of the land use permitting process in order to comply with the provisions of Section 15-84. As described in Section 15-64, land use permit modifications can require additional review by the permit-issuing authority, prior to construction plan review.

(b) **INITIAL SUBMITTAL.** Four (4) complete sets of construction drawings shall be submitted to the land use administrator for review. Construction drawing size and content shall conform to the requirements set forth in Section 15-87. The land use administrator will review the initial submittal and will send the applicant written comments outlining the additions or corrections that are considered necessary.

(c) **DRAWINGS REVISED AND RESUBMITTED.** After receiving the land use administrator's comments on the initial submittal, the applicant shall revise the drawings to

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incorporate those comments. The applicant shall resubmit four (4) sets of revised construction drawings for review. The land use administrator will review the revised drawings and will send the applicant written comments outlining any additions or corrections that may still be considered necessary. The applicant shall then revise the construction drawings accordingly. This process shall continue until such time as the land use administrator is satisfied as to the sufficiency of the drawings and their conformance with the required standard specifications included in Appendix C.

(d) **FINAL SUBMITTAL.** Once the land use administrator is satisfied as to the sufficiency of the construction drawings, a full set of final construction drawing materials shall be submitted for approval. These materials shall include at a minimum:

- (1) five (5) complete sets of final construction drawings, including all the revisions as requested by the land use administrator, and sealed by the professional engineer responsible for their preparation. Materials that must be included in a complete set of construction drawings are described in Section 15-87 below;
- (2) a letter from the Orange Water and Sewer Authority, if applicable, certifying their approval of the final construction drawings;
- (3) letters from the appropriate utility providers certifying their approval of the final construction drawings;
- (4) copies of any applicable state or federal permits or approvals;
- (5) a copy of the Orange County Sedimentation and Erosion Control permit, if required, or a copy of correspondence from the Erosion Control Office indicating that a permit is not required;
- (6) a copy of all approved driveway permits and/or encroachment agreements from the North Carolina Department of Transportation.

The land use administrator shall review the final construction drawing package submittal, shall approve them for construction if they are found to be complete and sufficient, and shall notify the applicant in writing of the approval.

Section 15-86 Record Drawings.

Upon completion of construction, a set of record drawings reflecting as-built conditions must be submitted prior to the final acceptance of the streets and any other facilities by the town. The record drawings must be labeled RECORD DRAWINGS and sealed and signed by the engineer preparing them. The record drawings shall be permanent reproducible drawings, on mylar, 2 mil minimum weight.

*Art. IV PERMITS AND FINAL PLAT APPROVAL***Section 15-87 Construction Drawing Submittal Requirements.**

(a) **CERTIFICATION OF DRAWINGS.** All construction drawings submitted shall be signed by and carry the seal of the professional engineer, professional architect or professional landscape architect responsible for that preparation, who shall be licensed to practice in the State of North Carolina. **(AMENDED 10/9/90)**

(b) **MATERIALS TO BE SUBMITTED AS PART OF THE CONSTRUCTION DRAWINGS PACKAGE:** A complete set of construction drawings submitted in accordance with the provisions of Section 15-49 (c) shall include at least the following items. The Town's required standard construction specifications, for use in preparing construction drawings are outlined in Appendix C.

- (1) Project site drawings including all information required by Appendix A as part of the approved land use permit submittal, including but not limited to footprints of existing and proposed buildings, parking areas, the location of 100-year floodplain limits, existing and proposed contour elevations at 2 foot intervals. These drawings shall also include the boundary of the tract with all courses and distances indicated. One corner of the tract shall be tied to the North Carolina Plane Coordinate System. Plan size shall generally be 24 inches by 36 inches, however the land use administrator may permit smaller sized plans if that is deemed appropriate for a smaller project; and
- (2) A summary illustrative site plan drawn to a scale of 1"=100', on one 24" X 36" sheet if possible, or two sheets with match lines if not possible, showing a vicinity map, the outline of the project, and the location of lots, buildings, roads and other significant project features; and
- (3) Plan and profile sheets indicating all existing and proposed roads, sidewalks, parking areas and driveways, cut-and-fill lines, the location of all utilities, and all drainage improvements. A summary roadway plan showing the street layout and all centerline and curve data shall be submitted in addition to a separate plan and profile sheet for each proposed new street; and
- (4) Specifications sheets showing details for all curb and gutter treatments, proposed pavement treatments, and specifications for all erosion control, drainage and permanent stormwater control structures and facilities; and
- (5) A grading, drainage and erosion control plan including data on construction sequencing and a schedule for re-stabilization of denuded areas. Drainage and stormwater facility drawings shall include information on materials used, pipe sizes and lengths, invert elevations, and top elevations for each structure, including but not limited to catch basins, curb inlets, stormwater retention or detention structures, and stormwater velocity dissipaters. In addition, a complete set of hydrologic calculations of existing and proposed runoff

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(prepared as described in Appendix C) shall be submitted, and estimated stormwater exit volumes and velocities provided for each proposed drainage and stormwater control structure; and

- (6) A landscape and tree protection plan showing the location of all trees greater than 18 inches in diameter and rare species trees that are to be retained, all proposed plantings, and the location of other existing trees that are to be retained, and giving specifications for their preservation during construction; and
- (7) A water and sewer location plan meeting the requirements of the Orange Water and Sewer Authority, and showing the location of all easements and proposed fire hydrants; and
- (8) A utilities plan showing primary and secondary electrical and natural gas distribution and service lines, and the location of all electrical and natural gas easements; and
- (9) A preliminary soils evaluation as described in Appendix C (Standard Specifications), prepared by a certified soils engineer and addressing the soils' suitability for street construction, as well as any potential problems and recommendations. The report shall confirm the adequacy of the standard pavement design required by the town, or, if the subgrade soils are expected to have poor CBR (California Bearing Ratio) values, and if the standard design is considered inadequate, the report shall present a recommended alternative design for consideration.

*Art. IV PERMITS AND FINAL PLAT APPROVAL***PART IV. ADEQUATE PUBLIC SCHOOL FACILITIES (JULY 17, 2003)****Section 15-88 Purpose.**

The purpose of this Part IV is to ensure that, to the maximum extent practical, approval of new residential development will become effective only when it can reasonably be expected that adequate public school facilities will be available to accommodate such new development.

Section 15-88.1 Certificate of Adequacy of Public School Facilities.

(a) Subject to the remaining provisions of this part, no approval under this ordinance of a conditional or special use permit for a residential development shall become effective unless and until Certificate of Adequacy of Public School Facilities (CAPS) for the project has been issued by the School District. Notwithstanding the foregoing, this subsection shall not apply to conditional use permits for residential developments less than five lots or dwelling units in the WR, B-5 and WM-3 zoning districts.

(b) A CAPS shall not be required for a general use or conditional ~~use~~ rezoning or for a master land use plan. However, even if a rezoning or master plan is approved, a CAPS will nevertheless be required before any of the permits or approvals identified in subsection (a) of this section shall become effective, and the rezoning of the property or approval of a master plan provides no indication as to whether the CAPS will be issued. The application for rezoning or master plan approval shall contain a statement to this effect.

(c) A CAPS must be obtained from the School District. The School District will issue or deny a CAPS in accordance with the provisions of the Memorandum of Understanding between Carrboro, Chapel Hill, Orange County, and the Chapel Hill Carrboro School District dated July 17, 2003.

(d) A CAPS attaches to the land in the same way that development permission attaches to the land. A CAPS may be transferred along with other interests in the property with respect to which such CAPS is issued, but may not be severed or transferred separately.

Section 15-88.2 Service Levels.

(a) This section describes the service levels regarded as adequate by the parties to the Memorandum of Understanding described in subsection (b) with respect to public school facilities.

(b) As provided in the Memorandum of Understanding between Orange County, Chapel Hill, Carrboro, and the Chapel Hill/Carrboro School District, adequate service levels for public schools shall be deemed to exist with respect to a proposed new residential development if, given the number of school age children projected to reside in that development, and considering all the factors listed in the Memorandum of Understanding, projected school membership for the elementary schools, the middle schools, and the high school(s) within the Chapel Hill/Carrboro

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School District will not exceed the following percentages of the building capacities of each of the following three school levels:

Elementary school level	<u>105%</u>
Middle school level	<u>107%</u>
High school level	<u>110%</u>

For the period of time beginning the effective date of this ordinance and terminating on the day on which the third high school within the Chapel Hill-Carrboro City School District is first attended by high school students, the determination by the Chapel Hill-Carrboro City School District that adequate service levels for public schools exist shall be made without regard to whether or not projected capacity of the High School level exceeds 110% of Building Capacity. On and after the day on which the third high school within the Chapel Hill-Carrboro City School District is first attended by high school students, determination by the Chapel Hill-Carrboro City School District that adequate service levels for public schools exist shall be made only if projected capacity of each school level does not exceed the following:

Elementary School	105% of Building Capacity
Middle School	107% of Building Capacity
High School	110% of Building Capacity

For purposes of this ordinance, the terms "building capacity" and "school membership" shall have the same meaning attributed in the Schools Adequate Public Facilities Memorandum of Understanding among the Towns of Carrboro, Chapel Hill, Orange County, and the Chapel Hill/Carrboro Board of Education.

Section 15-88.3 Expiration of Certificates of Adequacy of Public School Facilities.

A CAPS issued in connection with approval of a ~~conditional or class A or class B~~ special use permit shall expire automatically upon the expiration of such permit approval.

Section 15-88.4 Exemption From Certification Requirement for Development with Negligible Student Generation Rates.

In recognition of the fact that some new development will have a negligible impact on school capacity, a CAPS shall not be required under the following circumstances:

- a. For residential developments restricted by law and/or covenant for a period of at least thirty years to housing for the elderly and/or adult care living and/or adult special needs;
- b. For residential developments restricted for a period of at least thirty years to dormitory housing for university students.

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If the use of a development restricted as provided above changes, then before a permit authorizing such change of use becomes effective, a CAPS must be issued just as if the development were being constructed initially.

Section 15-88.5 Applicability to Previously Approved Projects and Projects Pending Approval.

(a) Except as otherwise provided herein, the provisions of this part shall only apply to applications for approval of ~~conditional or class A or class B~~ special use permits that are submitted for approval after the effective date of this ordinance.

(b) The provisions of this part shall not apply to amendments to ~~class B or class A~~ special ~~or conditional~~ use permit approvals issued prior to the effective date of this ordinance so long as the approvals have not expired and the proposed amendments do not increase the number of dwelling units authorized within the development by more than five percent or five dwelling units, whichever is less.

(c) The ~~Town Council Board of Aldermen~~ shall issue a special exception to the CAPS requirement to an applicant whose application for approval of a ~~class A or class B~~ ~~conditional or~~ special use permit covers property within a planned unit development or master plan project that was approved prior to the effective date of this ordinance, if the ~~Town Council Board of Aldermen~~ finds, after an evidentiary hearing, that the applicant has (1) applied to the School District for a CAPS and the application has been denied, (2) in good faith made substantial expenditures or incurred substantial binding obligations in reasonable reliance on the previously obtained planned unit development or master plan approval, and (3) would be unreasonably prejudiced if development in accordance with the previously approved development or plan is delayed due to the provisions of this ordinance. In deciding whether these findings can be made, the ~~Town Council Board of Aldermen~~ shall consider the following, among other relevant factors:

- (1) Whether the developer has installed streets, utilities, or other facilities or expended substantial sums in the planning and preparation for installation of such facilities which were designed to serve or to be paid for in part by the development of portions of the planned unit development or master planned project that have not yet been approved for construction;
- (2) Whether the developer has installed streets, utilities, or other facilities or expended substantial sums in the planning and preparation for installation of such facilities that directly benefit other properties outside the development in question or the general public;
- (3) Whether the developer has donated land to the School District for the construction of school facilities or otherwise dedicated land or made improvements deemed to benefit the School District and its public school system;

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(4) Whether the developer has had development approval for a substantial amount of time and has in good faith worked to timely implement the plan in reasonable reliance on the previously obtained approval;

(5) The duration of the delay that will occur until public school facilities are improved or exist to such an extent that a CAPS can be issued for the project, and the effect of such delay on the development and the developer.

(d) The decision of the ~~Town Council Board of Aldermen~~ involving a special exception application under subsection (c) is subject to review by the Orange County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after a written copy of the decision of the ~~Town Council Board of Aldermen~~ is delivered to the applicant and every other party who has filed a written request for such copy with the Clerk to the ~~Town Council Board of Aldermen~~ at the time of its hearing on the application for a special exception. The written copy of the decision of the ~~Town Council Board of Aldermen~~ may be delivered either by personal service or by certified mail, return receipt requested.

(e) The Mayor or any member temporarily acting as Mayor may, in his or her official capacity, administer oaths to witnesses in any hearing before the ~~Town Council Board of Aldermen~~ concerning a special exception.

Section 15-88.6 Appeal of School District Denial of a CAPS.

The applicant for a CAPS which is denied by the School District may, within 30 days of the date of the denial, appeal the denial to the ~~Town Council Board of Aldermen~~. Any such appeal shall be heard by the ~~Town Council Board of Aldermen~~ at an evidentiary hearing before it. At this hearing the School District will present its reasons for the denial of the CAPS and the evidence it relied on in denying the CAPS. The applicant appealing the denial may present its reasons why the CAPS application should have, in its view, been approved and the evidentiary basis it contends supports approval. The ~~Town Council Board of Aldermen~~ may (1) affirm the decision of the School District, (2) remand to the School District for further proceedings in the event evidence is presented at the hearing before the ~~Town Council Board of Aldermen~~ not brought before the School District, or (3) issue a CAPS. The ~~Town Council Board of Aldermen~~ will only issue a CAPS if it finds that the CAPS should have been issued by the School District as prescribed in the Memorandum of Understanding among the School District, Orange County and the towns of Carrboro and Chapel Hill. A decision of the ~~Town Council Board of Aldermen~~ affirming the School District may be appealed by the applicant for a CAPS by proceedings in the nature of certiorari and as prescribed for an appeal under section 15-88.5 of this part.

Section 15-88.7 Information Required From Applicants.

The applicant for a CAPS shall submit to the School District all information reasonably deemed necessary by the School District to determine whether a CAPS should be issued under the

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provision of the Memorandum of Understanding. An applicant for a CAPS special exception or an applicant appealing a CAPS denial by the School District shall submit to the ~~Town Council-Board of Aldermen~~ Town Council all information reasonably deemed necessary by the ~~Board of Aldermen~~ Board of Aldermen to determine whether a special exception should be granted as provided in Section 15-88.5 or for the hearing of an appeal of a School District denial of a CAPS as provided in Section 15-88.6. A copy of a request for a CAPS special exception or of an appeal of a School District denial of a CAPS shall be served on the superintendent of the School District. Service may be made by personal delivery or certified mail, return receipt requested.

Section 15-89 through 15-90 Reserved.

ARTICLE V

APPEALS, VARIANCES, SPECIAL EXCEPTIONS, ~~AND~~ INTERPRETATIONS, AND DETERMINATIONS

Section 15-91 Appeals (AMENDED 06/21/94; 04/23/96; 5/21/02; REPEALED 4/27/82;
REWRITTEN 10/21/14)

(a) The board of adjustment shall hear and decide appeals of decisions of the administrator in accordance with the provisions of G.S. sections 160D-302; 405; 406; 705-160A-388. Those provisions are summarized in the remaining subsections of this section. For purposes of this section, the term "decision" includes any final and binding order, requirement, or determination made by the administrator.

(b) The administrator shall give written notice of the decision to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.

(c) Any person who has standing under G.S. sections 160D-405(b); 1402(c) 160A-393(d), as well as the town, may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the town clerk. The notice of appeal shall state the grounds for the appeal.

(d) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(e) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high is prominently posted on the property that is the subject of the decision, provided that (i) the sign remains on the property for at least 10 days, and (ii) and the sign states that additional information about the decision can be obtained by calling the planning department at a specified telephone number. Posting of such signs shall not be required, and is not the only form of constructive notice, but such posting offers the applicant or landowner a means of ensuring that constructive notice of the decision has been provided. Verification of the posting shall be provided to the administrator.

(f) The administrator shall transmit to the board of adjustment all documents and exhibits constituting the record of the action that is the subject of the appeal. The administrator shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(g) An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the administrator certifies to the board of adjustment after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property, or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a

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restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the administrator a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(h) Subject to the provisions of subdivision (g) of this section, the board of adjustment shall hear and decide the appeal within a reasonable time.

(i) The administrator shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the administrator.

(j) The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution.

Section 15-92 Variances (AMENDED 11/10/81; 4/21/87; 12/05/89; 04/23/96; 10/24/06; 6/26/12; 10/21/14; REPEALED & AMENDED 3/24/09; REWRITTEN 10/26/10)

(a) An application for a variance shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department. Applications shall be handled in the same manner as applications for special use permits in conformity with the provisions of Sections 15-48, 15-49, and 15-56.

(b) Subject to the remaining provisions of this section, when unnecessary hardships would result from carrying out the strict letter of this ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of this ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances

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exist that may justify the granting of a variance shall not be regarded as a self-created hardship

- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.
- (c) No change in permitted uses may be authorized by variance.
- (d) Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance.
- (e) A variance may be issued for an indefinite duration or for a specified duration only.
- (f) In determining whether a variance should be granted from any of the provisions of Article XVI, Part I, the board of adjustment shall consider the following factors, each of which shall be addressed in a written report that accompanies the application.
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (6) The compatibility of the proposed use with existing and anticipated development;
 - (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (9) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
 - (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

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(g) Any applicant to whom a variance is granted from the provisions of Article XVI, Part I, shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(h) With respect to the provisions of Article XVI, Part I, the administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(i) With respect to the provisions of Article XVI

Part I:

- (1) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances
- (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief
- (4) Variances shall only be issued prior to development permit approval
- (5) The Town shall notify the Secretary of the North Carolina Department of Crime Control and Public Safety that a variance has been requested at least 30 days prior to consideration of the application by the board of adjustment

(j) If the board votes to grant a major variance from any of the provisions of Section 15-266, dealing with requirements peculiar to areas within the University Lake Watershed or Jordan Lake Watershed Protection District, the administrator shall forthwith prepare and send to the Environmental Management Commission a record of the proceedings before the board. The variance shall not be issued until it is approved by the EMC. For purposes of this subsection, a major variance is one that authorizes a relaxation of greater than 10% of any requirement set forth in Section 15-266.

(k) If the board votes to grant a major variance from any of the provisions of Part III (Water Quality Buffers) of Article XVI, the administrator shall forthwith prepare and send to the Environmental Management Commission a record of the proceedings before the board. The variance shall not be issued until it is approved by the EMC. For purposes of this subsection, a major variance is one that pertains to prohibited activities that will impact that portion of Zone One of the riparian buffers that lies within 30 feet of the surface waters subject to buffer requirements of the Jordan Reservoir.

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(l) The administrator shall keep a record of all variances granted during any calendar year from the provisions of Sections 15-266 or Part III of Article XVI and shall submit the record of such variances on or before January 1 of the following year to the Division of Water Quality. The record shall contain a description of each project receiving a variance and the reason for granting the variance.

(m) If the board votes to grant a major variance from the provisions of Section 15-263, the board shall then prepare a preliminary record of the hearing and submit it to the Environmental Management Commission for review and approval. If the Commission approves the major variance or approves with conditions or stipulations added, then the Commission shall prepare a Commission decision which authorizes the board to issue a final decision which would include any conditions or stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare a Commission decision to be sent to the board. The board shall prepare a final decision denying the major variance. For all proposed major and minor variances from the other local governments having jurisdiction within the Jordan Lake Watershed Area and any local governments using Jordan Lake as a water supply for consumption. Appeals from a board decision on a major or minor variance request are made on certiorari to the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial review to Superior Court. For purposes of this subsection, a major variance is one that authorizes a relaxation by more than five percent of any requirement set forth in Section 15-263.

Section 15-92.1 Special Exception Permits (AMENDED 06/21/94).

[PLEASE REFERENCE "APPENDIX H"]

(a) An application for a special exception permit shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department.

(b) All of the provisions of this article applicable to the processing of variance applications shall also apply to special exception permit requests, except the provisions of Subsections 15-92(b) and 15-96(b) and (c).

(c) The board of adjustment may issue a special exception permit for the purposes and under the circumstances set forth in the remaining subsections of this section if it concludes, in addition to any other findings required below, that:

- (1) Issuance of the permit will not create a threat to the public health or safety; and
- (2) Issuance of the permit will not adversely affect the value of adjoining or neighboring properties. If the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 15-102(2), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may (but

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shall not be required to) make the required finding. The board may also make the required finding based on other competent evidence.

(d) The board of adjustment may issue a special exception permit under this section to allow a reduction of up to 50% in the required distances that buildings must be set back from lot boundary lines under Subsection 15-184(a)(4), provided that:

- (1) The reduction may be permitted only for buildings on lots used for conforming residential purposes in residential districts, where (i) the building in question has existed for at least three years prior to the application for the special exception permit, or (ii) the lot is to be developed or redeveloped using the residential density bonus for affordable housing provided for elsewhere in this chapter at Section 15-184. **(Amended 5/14/02)**
- (2) In no case may the reduction allow a building to be located closer to a lot boundary line than a distance equal to one-half of the minimum building separation requirement established by the North Carolina State Building Code or allow the location of a building in such proximity to a pre-existing building as to violate the minimum building separation requirement of the North Carolina State Building Code;
- (3) Reductions may be allowed under this section only for setbacks from lot boundary lines, not setbacks from street right-of-way lines.

(e) The board of adjustment may issue a special exception permit to authorize a structure to encroach upon a setback required under Section 15-184 if it finds that:

- (1) The proposed encroachment results from an addition to or an extension of an existing structure that already is nonconforming with respect to the requirements of section 15-184; and
- (2) The proposed addition or extension will not encroach upon any required front, rear, or side yard to a greater extent than the existing structure on that lot.

Section 15-93 Interpretations (REWRITTEN 10/21/14)

- (a) The administrator is authorized to interpret the official zoning map and to pass upon disputed questions of district boundary lines and similar questions.
- (b) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - (1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

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- (2) Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;
- (3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;
- (4) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurements, using the scale of the Official Zoning Map;
- (5) Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Section 15-93.1 Determinations.

A determination is a written, final, and binding order, requirement, or determination regarding an administrative decision. This includes any interpretation of this chapter, affirmation of nonconforming status, notice of violation or other binding order concerning a development regulation. When making a determination, the administrator shall follow the process provided for appeals in sections 15-91 of this chapter. Determinations may be appealed to the board of adjustment.

Section 15-94 Requests To Be Heard Expeditiously.

As provided in Section 15-66, the board of adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article VI, and obtain the necessary information to make sound decisions.

Section 15-95 Burden of Proof in Appeals, Variances, and Special Exceptions (AMENDED 06/21/94; REPEALED 10/21/14)**Section 15-96 Board Action on Appeals, Variances, and Special Exceptions (AMENDED 4/27/82; 06/21/94; 10/21/14)**

(a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings that support that motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption [of a variance](#) (see Section 15-32), then a motion to uphold the decision appealed from shall be in order. Insofar as practicable, this motion shall include a statement of the findings, or reasons that support it. This motion is adopted as the board's decision if supported by at least two members.

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(b) Before granting a variance, the board must take a separate vote and vote affirmatively (by a 4/5 majority--see Section 15-32) on each of the four required findings stated in Subsection 15-92(b). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Subsection 15-92(b) shall include a statement of the specific reasons for findings of fact supporting such motion.

(c) A motion to deny a variance may be made on the basis that any one or more of the four criteria set forth in Subsection 15-92(b) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the board's decision if supported by at least two members.

(d) Before granting a special exception permit, the board shall vote affirmatively on each of the findings required under section 15-92.1. A motion to deny a special exception may be made on the basis that any one or more of the findings required by section 15-92.1 are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it.

Section 15-97 Reasonable Accommodations (Amended 06/26/19)

(a) The ~~Town Council~~~~Board of Aldermen~~ is authorized to grant reasonable accommodations under the Federal Fair Housing Act and Americans with Disabilities Act under the circumstances set forth in this section.

(b) An application for a reasonable accommodation may be filed only by the owner of the land affected by the reasonable accommodation; an agent, lessee, or contract purchaser specifically authorized by the owner to file such application; or any unit of government that is not the owner of the lot but proposes to acquire the lot by purchase, gift or condemnation.

(c) An application for a reasonable accommodation shall be filed with the Administrator and contain: (1) the applicant's contact information (name, mailing address, telephone number, fax number, and email address); (2) the contact information for the owner(s) of the property (if different from the applicant); (3) the address of the property at which the reasonable accommodation is requested; (4) a description of the reasonable accommodation requested; (5) a statement explaining how and why the request meets the standards for a reasonable accommodation (see subsection (f) below); and (6) the notarized signature of the applicant and property owner(s) (if different from the applicant). No filing fee shall be required for the application.

(d) The ~~Council~~~~Board~~ shall hold a quasi-judicial hearing on the proposed reasonable accommodation and shall decide the request upon a majority vote of the members.

(e) The quasi-judicial hearing shall be noticed in accordance with Section 15-102(1) and conducted in accordance with Sections 15-103 through 15-106 to the extent not inconsistent with this Section.

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(f) The CouncilBoard shall grant a reasonable accommodation to any provision of the Land Use Ordinance if the CouncilBoard finds by the greater weight of the evidence that the proposed reasonable accommodation is both reasonable and necessary, in accordance with the following:

- (1) Reasonable: An accommodation will be determined to be reasonable if it would not undermine the legitimate purposes and effects of existing zoning regulations, and if it will not impose significant financial and administrative burdens upon the Town and/or constitute a substantial or fundamental alteration of the Town's Land Use Ordinance provisions; and
- (2) Necessary: An accommodation will be determined to be necessary if it would provide direct or meaningful therapeutic amelioration of the effects of the particular disability or handicap, and would afford persons with disabilities equal opportunity to enjoy and use housing in residential districts in the Town.

(g) After the CouncilBoard approves a reasonable accommodation, the applicant shall follow all applicable Land Use Ordinance procedures for the approval of any permits, certificates, or other approvals required in order to proceed with development or use of the property. All orders, decisions, determinations, and interpretations made by administrative officers under those procedures shall be consistent with the reasonable accommodation granted by the CouncilBoard.

Section 15-98 through 15-100 Reserved.

ARTICLE XVII

SIGNS

Section 15-270 Definitions.

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

- (1) **SIGN.** Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them. Without limiting the generality of the foregoing, a device that might otherwise be categorized as a sign that is located at least fifteen feet to the interior side of any exterior wall shall not be regarded as a sign so long as it is not internally illuminated, illuminated with spotlights, or otherwise illuminated to draw special attention to it. **(AMENDED 3/11/86)**
- (2) **FREESTANDING SIGN.** A sign that (i) is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but (ii) is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as “sandwich sign”, is also a freestanding sign.
- (3) **OFF-PREMISES SIGNS.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
- (4) **SANDWICH BOARD SIGN.** A freestanding sign consisting of two panels joined together at the top and configured in the shape of an inverted “V” (Λ) so that the bottom of the sign rests upon or near the ground. **(AMENDED 12/08/92)**
- (5) **TEMPORARY SIGN.** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Section 15-271 Permit Required for Signs (AMENDED 1/22/85)

Art. XVII SIGNS

(a) Except as otherwise provided in Sections 15-272 (Signs Excluded From Regulation) and 15-273 (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign may be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this section.

(b) If plans submitted for a zoning permit, class B special use permit, or class A special conditional use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this chapter, then issuance of the requested zoning, class B special use, or class A special conditional use permit shall constitute approval of the proposed sign or signs.

(c) Signs not approved as provided in subsection (b) or (d) exempted under the provisions referenced in subsection (a) may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the administrator. **(AMENDED 6/26/12)**

- (1) Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.
- (2) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center): **(AMENDED 3/4/86)**
 - a. Subject to Subsection 15-271(b), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business, and it shall be the sole responsibility of such owner or agent to allocate among the tenants the permissible maximum sign surface area.
 - b. Upon application by such owner or agent, the administrator ~~or~~ may issue a master sign permit that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed upon formula and thereafter sign permits may be issued to individual tenants only in accordance with the allocation contained in the master sign permit.

(d) In the B-1(C) and B-1(G) zoning districts, with respect to developments that (i) require the issuance of a conditional use permit, (ii) are intended to be occupied by multiple commercial enterprises, and (iii) will contain one or more buildings that are at least three stories in height, the Town Council Board of Aldermen may approve a master signage plan that shows in detail the dimensions, locations, and characteristics of all signs within that development other than those signs that are excluded from regulation under Section 15-272 or that do not require permits under Section 15-273. **(AMENDED 6/26/12)**

- (1) Such master signage plan may be approved as part of the issuance of the original class A special conditional use permit or as a minor amendment to the original class A special conditional use permit, provided that no such master plan shall be approved through the minor amendment process unless the Town Council Board of Aldermen first holds a public hearing on the

proposed amendment. With respect to class A special use permits that were approved as conditional use permits prior to July 1, 2021, a master signage plan may also be approved as a minor amendment following the public hearing process described above. Amendments to a master signage plan approved under this section may be approved in accordance with the provisions of Section 15-64 (Amendments to and Modifications of Permits).

- (2) In approving a master signage plan as authorized by this subsection, the ~~Council Board~~ may allow deviations from the requirements of this chapter relating to the number and type of permissible signs as well as other dimensional restrictions applicable to such signs if the ~~Council Board~~ concludes that such deviations are warranted given the height, shape, dimensions, and orientation of buildings on the development site, the number of individual businesses likely to occupy the development site, the need of the traveling public to be able conveniently and safely to locate and access destination businesses (e.g. hotels and restaurants) and parking areas.
- (3) In approving a master signage plan as authorized by this subsection, the ~~Council Board~~ may also authorize the construction of one or more off-premises signs that direct motorists to the location of parking for a Carrboro hotel or motel, so long as such signs are located in a commercial zoning district on private property with the consent of the property owner. **(AMENDED 1/29/13)**

(e) Signs for home occupations and major home occupations shall be permitted subject to the following provisions **(AMENDED 10/22/19)**:

- (1) A lot that houses a legally-established home-based occupation as an accessory use may have up to one wall-mounted sign with a maximum area of 4 square feet. In the HR-R district, legally-established major home occupations may have up to one wall-mounted sign with a maximum area of 8 square feet.
- (2) Signs must be non-illuminated.
- (3) Signs shall comply with the standards of Sections 15-271, Permit Required for Signs, 15-275, Computation of Sign Area, and 15-282, Miscellaneous Requirements.

Section 15-272 Signs Excluded From Regulation.

The following signs are exempt from regulation under this chapter except for those stated in Subsection 15-282(b) through (e).

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- (1) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.
- (2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.
- (3) Official signs of a noncommercial nature erected by public utilities.
- (4) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion; provided that such flags, pennants, or insignia may be displayed within a public right-of-way only when authorized by a resolution adopted by the Town Council~~Board of Aldermen~~. **(AMENDED 05/09/89)**
- (5) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.
- (6) Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.
- (7) Bulletin boards, identification signs, and church directional signs that do not exceed one per abutting street and sixteen square feet in area and that are not internally illuminated. **(AMENDED 01/22/2019)**
- (8) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.
- (9) Signs proclaiming religious, political, or other non-commercial messages [other than those regulated by Subdivision 15-273(a)(5)] that do not exceed one per abutting street and sixteen square feet in area and that are not internally illuminated. **(AMENDED 1/22/85)**
- (10) Signs attached to the interior of a building window or glass door, or visible through such window or door, so long as such signs, individually or collectively, do not cover more than thirty percent (30%) of the surface area of the transparent portion of such window or door. **(AMENDED 3/11/86)**
 - a. For purposes of determining whether a sign not attached to the interior of a window or door but visible by looking through such window or door complies with this subdivision, the area of such sign shall be computed in accordance with Section 15-275 and the sign shall be deemed to “cover” an equivalent

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- amount of the surface area of the window or glass door through which it is visible.
- b. If a sign located inside a building is visible through glass doors or windows on more than one side of a building, then the relevant windows or doors for purposes of this subdivision are those facing the street toward which the sign has its primary orientation.
 - c. Notwithstanding the foregoing, signs attached to the interior of a building window or glass door or visible through such window or door that are internally illuminated or externally illuminated by spotlighting or other illuminating technique designed to draw particular attention to them shall not be exempt from regulations.
 - d. Signs that do not exceed four square feet and that advertise an event or activity sponsored by a nonprofit enterprise shall not be included in determining compliance with the thirty percent (30%) surface area coverage limitation set forth above, so long as such signs are removed after the event or activity has occurred.
- (11) Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this exemption.
 - (12) Signs posted near structural BMPs to comply with Subsection 15-263.1(h) that do not exceed four square feet. **(AMENDED 6/26/12)**

Section 15-273 Certain Temporary Signs: Permit Exemptions and Additional Regulations

(a) The following temporary signs are permitted without a zoning, **class B** special use, **class A special conditional** use, or sign permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter except those contained in Section 15-276 (Total Sign Surface Area) and 15-278 (Number of Freestanding Signs).

- (1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed four square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five acres, a single sign on each street frontage may be erected. For lots of five acres or more in area and having a street frontage in excess of four hundred feet, a second sign not exceeding four square feet in area may be erected.
- (2) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors,

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funding sources, and may contain related information. (i) Not more than one such sign may be erected per site, and it may not exceed thirty-two square feet in area. Such signs shall be erected prior to the issuance of a building permit and shall be removed within ten days after the issuance of the final occupancy permit. (ii) In addition, fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt until a certificate of occupancy is issued for the final portion of any construction at a site, or 24 months from the time the fence wrap is installed, whichever is shorter. If the construction is not completed at the end of 24 months from the time the fence wrap was installed, the Town may regulate the signage but shall allow fence wrapping material to remain affixed to the perimeter fencing. Fence wrapping shall not impede the view from sight distance triangles. **(AMENDED 03/28/17)**

- (3) Signs indicating that, on the lot where the sign is located, a new business is opening, a previously existing business is going out of business, a one-time auction is planned, or some other non-recurring activity of a similar nature is scheduled. Signs referring to sales or other events designed to promote a pre-existing, ongoing business or commercial venture or any specific product or service offered by such business or commercial venture are not authorized under this subsection. Signs authorized under this subsection may be erected or displayed not sooner than two weeks before the activity that is advertised and must be removed not later than three weeks after they are first erected or displayed. **(REPEALED 3/11/86; AMENDED 12/03/91)**
- (4) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten days following the holidays.
- (5) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed sixteen square feet in area. Such signs may not be attached to any natural or man-made permanent structure located within a public right-of-way, including without limitation trees, utility poles, or traffic control signs. **(AMENDED 08/25/83); 08/25/92)**
- (6) Signs indicating that a special event such as a fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located. Such signs may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.
- (7) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
 - a. Not more than one such sign may be located on any lot.
 - b. No such sign may exceed four square feet in surface area.

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- c. Such sign may not be displayed for longer than three consecutive days nor more than ten days out of any 365-day period.

(b) Other temporary signs not listed in subsection (a) shall be regarded and treated in all respects as permanent signs, except that (as provided in Section 15-276) temporary signs shall not be included in calculating the total amount of permitted sign area.

Section 15-274 Determining the Number of Signs.

(a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(b) Without limiting the generality of subsection (a), a multi-sided sign shall be regarded as one sign.

Section 15-275 Computation of Sign Area.

(a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) Except as provided in subsection (d), the sign surface area of two-sided, multi-sided, or three dimensional signs shall be computed by including the total of all sides designed either to attract attention or communicate information. This means that, with respect to the typical two-sided sign, where the message is printed on both sides of a flat surface and the sign is erected perpendicular to the street, the sign surface area will equal twice the area of a single side of the sign (i.e., twice the area determined by multiplying the dimensions--length times width--of the sign panel). **(AMENDED 3/12/85)**

(d) With respect to signs covered under Sections 15-272, 15-273, and 15-276(b), the sign surface area of two-sided, multi-sided, and three dimensional signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at one time by a person from any vantage point. Thus, for example, signs directing traffic on private property are exempt from regulation so long as such signs do not exceed four square feet [Subsection 15-262(6)]. A back-to-back sign having dimensions of two feet by two feet would qualify for this exemption. **(AMENDED 3/12/85)**

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(e) The sign surface area of any sign located on the wall of a structure where the closest element of the sign is at least 60 feet from the street centerline shall be computed by multiplying the true sign surface area [Section 15-275(a)] by 0.5. **(AMENDED 3/12/85)**

Section 15-276 Total Sign Surface Area.

(a) Unless otherwise provided in this article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.

(b) Unless otherwise provided in this article or in Article XI (Supplementary Use Regulations), the maximum sign surface area permitted on any lot in an R-2, R-3, R-7.5, R-10, R-15, R-20, R-R, or R-S.I.R. district is four square feet. **(AMENDED 2/4/86)**

(c) Subject to the other provisions of this section, the maximum sign surface area permitted on any lot in a commercial or manufacturing district as set out in Section 15-136 or 15-137 shall be determined as follows: **(AMENDED 2/4/86)**

- (1) There may be not more than 0.5 square feet of sign surface area per linear foot of street frontage up to 200 feet of frontage.
- (2) There may be up to 0.75 square feet of additional sign surface area per linear foot of lot frontage in excess of 200 feet.

(d) If a lot has frontage on more than one street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street [as determined in accordance with subsection (c)] on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street. **(AMENDED 4/ /82)**

(e) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed [as determined in accordance with subsection (c) and Section 15-275 subsection (d)], if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one street and the closest lot boundary to this street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one street used in the calculations and toward which this sign will also be oriented.

(f) The sign surface area of any sign located on a wall of a structure may not exceed 50% of the total surface area of the wall on which the sign is located.

(g) Whenever a tract located within a B-4 zoning district is subdivided, then, subject to the following requirements, the subdivider may allocate among the lots so created the total sign surface area that would be allowed under this section on the tract prior to subdivision. **(AMENDED 3/4/86)**

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- (1) Information concerning the exact nature of the sign surface area allocation must either be indicated on the face of a recorded plat of the subdivided tract or included in a separately recorded document, which document must be referenced on the recorded plat in a manner that indicates the general nature of such document and specifies the book and page number where such recorded document can be located in the Orange County Registry.
- (2) Sign surface area allocation may be shifted only from a lot bordering a street to another lot bordering the same street.
- (3) No sign allocation may be made affecting (by adding sign surface area to or subtracting sign area from) any lot after such lot has been conveyed by the subdivider.
- (4) Once a sign allocation has been made in accordance with this section, the allocation so made shall control the amount of total sign surface area permissible on any lot affected, regardless of the street frontage of such lot.
- (5) An allocation under this section shall not affect the provisions of Section 15-277, which will continue to govern the determination of the maximum area of a freestanding sign on any subdivided lot.

Section 15-277 Freestanding Sign Surface Area.

(a) For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 15-275. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.

(b) A single side of a freestanding sign may not exceed 0.3 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a freestanding sign exceed 50 square feet in surface area if the lot on which the sign is located has less than 200 feet of frontage on the street toward which that sign is primarily oriented, 75 square feet on lots with 200 or more but less than 400 feet of frontage, and 100 square feet on lots with 400 or more feet of frontage.

(c) With respect to freestanding signs that have no discernible “sides”, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed 0.3 square feet in total surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may such sign exceed 100 square feet in surface area.

Section 15-278 Number of Freestanding Signs.

(a) Except as authorized by this section and Section 15-283, no development may have more than one freestanding sign. (AMENDED 12/08/92)

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(b) If a development is located on a corner lot that has at least 400 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets.

(c) If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.

(d) If a corner lot contains a building, then a freestanding sign may be located along each of the intersecting streets that abut such lot if the freestanding signs are located such that, when a person is standing next to one such sign, the building on that lot totally obscures the view of the other freestanding sign. **(AMENDED 12/03/91)**

Section 15-279 Subdivision and Multi-Family Development Entrance Signs.

At any entrance to a subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed sixteen square feet, nor may the total surface area of all such signs exceed thirty-two square feet.

Section 15-280 Location and Height Requirements.

(a) Freestanding signs other than sandwich board signs shall observe the setback requirements set forth in Section 15-184. **(AMENDED 12/08/92)**

(b) No sign may extend above any parapet or be placed upon any roof surface, except that for purpose of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(c) No sign attached to a building may project more than forty-two inches from the building wall. Any sign that is attached to a building wall and that projects more than twelve inches from the building wall shall not exceed twelve square feet (generally, six square feet per sign face, see section 15-275) and shall be constructed so that the lowest part of the sign is at least eight feet above ground level and the highest part is not more than fifteen feet above ground level. **(AMENDED 08/25/92)**

(d) No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the town (and from the state, if necessary).

(e) No part of a freestanding sign may exceed a height of fifteen feet, measured from ground level.

Section 15-281 Sign Illumination and Signs Containing Lights.

(a) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.

(b) No sign within 150 feet of a residential zone may be illuminated between the hours of 12 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. Freestanding signs located in residential districts may not be internally lit. **(AMENDED 11/26/85)**

(c) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(d) Internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. Notwithstanding any other provision of this ordinance, existing situations that violate the provisions of this subsection shall not be regarded as lawful, nonconforming situations.

(e) Subject to subsection (g), illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

(f) Subject to subsection (g), no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

(g) Subsections (e) and (f) do not apply to temporary signs erected in connection with observance of holidays.

Section 15-282 Miscellaneous Requirements.

(a) As provided in the Table of Permissible Uses, off-premises signs may only be located in the M-2 district, except that, within a commercial zoning district, off-premises signs directing motorists to the location of Carrboro hotel parking may be approved in accordance with the provisions of Subsection 15-271(d)(3). **(AMENDED 1/29/13)**

(b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(c) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the foregoing, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited, if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection

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shall not apply to signs specified in subdivision 15-272(4) or to signs indicating the time, date, or weather conditions.

(d) No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(e) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

Section 15-283 Sandwich Board Signs (AMENDED 12/08/92)

(a) Sandwich board signs shall be allowed subject to the provisions of this section to the extent that any other provision of this article is inconsistent with this section, the provisions of this section shall be controlling.

(b) Any business or commercial or noncommercial entity that has a place of business or occupancy on a lot within a B-1(c), B-1(g), B-2, or CT zoning district may place not more than one sandwich board sign on the lot where such business or other entity is located. If such business or other entity is not located on a lot that has street frontage, then it may (with the permission of the lot owner) place a sandwich board sign on the closest lot that has street frontage.

(c) Each single side of a sandwich board sign may not exceed six square feet and may not exceed a height of three feet, measured from ground level. The sign surface area authorized herein shall be in addition to the sign surface area otherwise allowable under this article.

(d) A sandwich board sign shall be of sufficiently solid construction and weight that it will not be blown over in winds of less than forty miles per hour.

(e) Sandwich board signs need not observe the setback requirements set forth in Section 15-184. However, such signs may not be located within the traveled portion of any street or sidewalk or in any other place or manner that would tend to obstruct the free movement of vehicles or pedestrians or block the view of motorists at street intersections or driveway entrances.

(f) Sandwich board signs may not be internally or externally lighted.

(g) Sandwich board signs shall be stored within a completely enclosed building whenever the enterprise advertised by such sign is not open for business.

(h) Sandwich board signs authorized under this subsection must contain a permanently affixed message (i.e., one that does not change daily, weekly, or monthly).

Section 15-284 through 15-289 Reserved.

ARTICLE XX

AMENDMENTS

Section 15-320 Amendments in General

(a) Amendments to the text of this chapter or to the zoning map or to the comprehensive plan may be made in accordance with the provisions of this article, or in the case of non-substantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

(b) The term “major map amendment” shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as “minor map amendments.”

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. [section 143-214.5](#). Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. **(AMENDED 10/15/96)**

Section 15-321 Initiation of Amendments

(a) Whenever a request to amend this chapter is initiated by the ~~Town Council Board of Aldermen~~, the planning board, the board of adjustment, other town advisory board, ~~the appearance commission~~, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the ~~Town Council Board of Aldermen~~ so that a date for a public hearing may be set.

(b) Any other person may also petition the ~~Council Board~~ to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant. If a change in zoning district classification to a less dense development density is proposed, the name, address, phone number and signature of all property owners consent to the application is required.¹ Applications for down-zoning shall not be considered unless all the property owners consent to the application.

¹ [N.C. Gen. Stat. §160D-601 \(d\) June 2020](#)

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- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
 - (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.
 - (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
 - (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
 - (2) Forward the petition to the CouncilBoard with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).
- (d) Upon receipt of a proposed ordinance as provided in subsection (a), the CouncilBoard may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the CouncilBoard may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance. In accordance with G.S. 160D-60 (d), petitions for proposed map changes that would result in a downzoning of property shall only be initiated by the owners of the property or the Town. (See subsection (b)(1) above.)

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments

(a) If the CouncilBoard sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues, and may refer the amendment to the environmental advisory board if the amendment involves community environment issues, and may refer the amendment to the affordable housing advisory commission if the amendment involves an affordable housing issue, and may refer the amendment to the Economic Sustainability Commission if the amendment involves an economic development issue. (AMENDED 09/19/95, REWRITTEN 02/25/14, AMENDED 06/25/19).

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(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans~~Thoroughfare Plan~~, or other applicable plans officially adopted by the Town Council Board of Aldermen. The planning board shall provide a written recommendation to the Town Council Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Town Council Board of Aldermen may proceed in its consideration of the amendment without the planning board report. (AMENDED 10/24/06)

(c) A comment by the planning board that a proposed amendment is inconsistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans~~Thoroughfare Plan~~ or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Town Council Board of Aldermen, and the Town Council Board of Aldermen is not bound by the recommendations of the planning board. (AMENDED 10/24/06)

(d) A member of the planning board and any other advisory committee that provides direct advice to the Town Council Board of Aldermen (i.e. it does not report to the planning board) shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter ~~recommendations regarding any zoning map or text amendment~~ where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (AMENDED 10/24/06)

Section 15-323 Legislative Hearing Required: Notice

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a legislative public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. section 160D-601 (a) ~~G.S. 160A-364~~, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is abutting the property rezoned by the amendment, including property separated by a street right of way, railroad or other transportation corridor and any other property that is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term “owners” shall mean the persons shown as owners on Orange County’s computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of

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residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. [section 160D-602 \(b\)4](#), but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way at least 10 but not more than 25 days prior to the date of the public hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

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(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the ~~CouncilBoard~~'s intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. (AMENDED 11/24/09)

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the ~~Town CouncilBoard of Aldermen~~ that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the ~~Town CouncilBoard of Aldermen~~ that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. (AMENDED 11/24/09)

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. [section 1A-1, Rule 4\(j\)](#). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. [section 1A-1, Rule 4\(j1\)](#). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a city-initiated zoning map amendment. (AMENDED 11/24/09)

Section 15-324 CouncilBoard Action on Amendments (AMENDED 10/24/06)

(a) At the conclusion of the public hearing on a proposed amendment, the ~~CouncilBoard~~ may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The ~~CouncilBoard~~ is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to ~~Section 15-326 of the Land Use Ordinance and~~ Section 2-15 of the Town Code.

(d) ~~When Prior to~~ adopting or rejecting any zoning amendment, the ~~CouncilBoard~~ shall adopt ~~a one of the following~~ statements describing whether the action is consistent with an adopted comprehensive plan, which shall not be subject to judicial review (AMENDED 2/6/2018).~~;~~

(1) If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional

request or application for a plan amendment shall be required.

- (2) A plan amendment and zoning amendment may be considered concurrently.
- (3) If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the Council’s statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(d1) When adopting or rejecting any petition for a zoning text or map amendment the Council shall adopt a statement explaining the reasonableness of the proposed rezoning. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment, (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the statement on reasonableness may address the overall rezoning.

- ~~(1) — A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.~~
- ~~(2) — A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.~~
- ~~(3) — A statement approving the zoning amendment and containing at least all of the following:~~
- ~~a. — A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.~~
- ~~b. — An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.~~
- ~~c. — Why the action was reasonable and in the public interest.~~
- ~~(4) — The Board retains the right to find a zoning amendment to be consistent with any duly adopted plan, but to deny the zoning amendment request~~
- ~~(5) — For the purposes of this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable.~~

(e) A Board-Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter zoning map or text amendment where

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the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (See also Carrboro Town Code Section 2-35).

Section 15-325 Ultimate Issue Before CouncilBoard on Amendments

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the CouncilBoard is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a ~~conditional use district or~~ conditional zoning district, the Council shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the CouncilBoard shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. (AMENDED 05/25/99; 05/27/08)
- (2) The CouncilBoard shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 15-326 Citizen Comments on Zoning Map and Text Amendments (AMENDED 10/24/06, REWRITTEN 12/6/16).

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to a zoning regulation (including a text or map amendment) this Ordinance to the Clerk of the Town CouncilBoard of Aldermen at least two (2) business days prior to the proposed vote on such change, the Clerk to the CouncilBoard shall deliver such written statement to the CouncilBoard. If the proposed change is the subject of a quasi-judicial proceeding under North Carolina General Statutes sSection 160D-70-5 or any other statute, 160A-388 (such as conditional use rezoning in which the legislative rezoning is accompanied by or followed by a quasi-judicial conditional use permit process), the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the CouncilBoard shall not disqualify any member of the CouncilBoard from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the CouncilBoard determines that such statements are admissible under the N.C. Rules of Evidence in the proceeding. (Amended 12-6-16; and enacted pursuant to a Resolution in Opposition to the General Assembly's Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).

**ARTICLE XXI
(AMENDED 09/26/89)**

NEIGHBORHOOD PRESERVATION

PART I. NEIGHBORHOOD PRESERVATION

Section 15-330 Neighborhood Preservation District Commission.

The appearance commission established under Article III, Part V, of this chapter is hereby designated as the neighborhood preservation district commission and shall exercise all duties and responsibilities conferred upon the neighborhood preservation district commission.

Section 15-331 Powers and Duties of the Neighborhood Preservation District Commission.

(a) The neighborhood preservation district commission shall seek to promote, enhance and preserve the character and heritage of neighborhood preservation districts and to this end may:

- (1) Undertake an inventory of areas of cultural or historical significance within the jurisdiction of the town to identify for all public officials and public bodies those characteristics which define significant areas within the jurisdiction;
- (2) Recommend to the ~~Town Council~~~~Board of Aldermen~~ areas to be designated or removed from designation by ordinance as neighborhood preservation districts;
- (3) Conduct an educational program with respect to the special character of neighborhood preservation districts;
- (4) Prepare or review studies and plans for consideration by the governing bodies in taking action that affects the preservation and enhancement of such districts;
- (5) Recommend to the ~~Town Council~~~~Board of Aldermen~~ such action as will enhance and preserve the special character of neighborhood preservation districts;
- (6) Cooperate with public and private officials, organizations, agencies, and groups which are concerned with and have an impact upon neighborhood preservation districts;
- (7) Submit annually to the ~~Town Council~~~~Board of Aldermen~~ a written report of its activities and identify activities, including violations of ordinances and plans, that affect the district.
- (8) As described in Section 15-332, review all applications for zoning, sign, class B special use, or class A speciale~~conditional~~ use permits within a district, and

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all building permits required for any work involving the construction, removal, or alteration of an exterior feature of a building within a district, and at the commission's discretion exercise authority to delay the issuance of such permits.

(b) All accounts and funds of the commission shall be administered in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

Section 15-332 Review Process For Certain Projects Within A Neighborhood Preservation District; Delay of Permit Issuance.

(a) The neighborhood preservation district commission shall review (i) all applications for zoning, sign, class B special use and class A special~~conditional~~ use permits required for development within a neighborhood preservation district, as well as (ii) all applications for building permits for any work involving the construction, removal, or alteration of an exterior feature of a building within a neighborhood preservation district under circumstances where no zoning, sign, or special use ~~or conditional use~~ permit is required for such work. Notwithstanding the foregoing, no review by the neighborhood preservation district commission shall be required when mobile homes are moved in or out of a mobile home park. (AMENDED 02/01/00)

(b) For purposes of this section, "exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. Exterior features shall not include color.

(c) Whenever a completed application is made for the permits described in subsection (a) above, the application shall be referred to the neighborhood preservation district commission.

(d) No zoning, sign, class B special use, class A special~~conditional~~ use or building permit, the application for which is referred to the neighborhood preservation district commission pursuant to subsections (a) and (c) above, may be issued until the neighborhood preservation commission has commented upon the application, or 45 days from the date the application is determined to be complete by the administrator, whichever occurs first.

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(e) In the case of an application for any of the permits referenced in subsection (a) above which authorize the demolition of any building within a district, the neighborhood preservation district commission may request that the permit-issuing authority delay the issuance of the permit for a period up to but not exceeding 90 days from the date the application for the permit is determined to be complete by the administrator in order to provide an opportunity for the commission to negotiate with the applicant and any other parties in an effort to find a means of preventing the demolition consistent with the preservation of the district. The permit-issuing authority shall abide by any such request made within 45 days from the date the application is determined to be complete by the administrator.

(f) In the case of an application for any of the permits referenced in subsection (a) above which authorize work involving the construction, reconstruction, alteration, removal, or restoration of an exterior feature of a building within the district, the neighborhood preservation district commission may request that the permit-issuing authority delay the issuance of the permit for a period not exceeding 90 days from the date of the application for the permit is determined to be complete by the administrator in order to provide an opportunity for the commission to negotiate with the applicant and any other parties in an effort to find a means of making the proposed work more consistent with the preservation of the district. The permit-issuing authority shall abide by any such request made within 45 days from the date the application for the permit is determined to be complete by the administrator.

Section 15-333 Commission Rules, Procedures and Guidelines.

(a) Before enforcing the provisions of this Part, the neighborhood preservation district commission shall prepare and adopt (i) rules of procedure for the conduct of its business and (ii) principles and guidelines not inconsistent with this part for use in reviewing permit applications before this commission. The rules of procedure and guidelines must be approved by the ~~Town Council Board of Aldermen~~ before becoming effective. The guidelines may address the following:

- (1) Definitions and clarifications of terms used in the ordinance or the guidelines;
- (2) The height of the building;
- (3) The setback and placement of a building on a lot, including lot coverage and orientation;
- (4) Exterior construction materials, including but not limited to, textures and patterns;
- (5) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
- (6) Roof shapes, forms and materials;
- (7) Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration;

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- (8) General form and proportions of buildings and structures and orientation to the street;
- (9) Appurtenant fixtures and other features such as lighting;
- (10) Structural condition and soundness;
- (11) Use of local or regional architectural traditions;
- (12) Effect of trees and other landscape elements; and
- (13) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right of way which might affect the character of any building or structure within the district.

Section 15-334 Procedure for Designating a Neighborhood Preservation District.

(a) Before the ~~Town Council~~~~Board of Aldermen~~ adopts or amends an ordinance designating or amending a neighborhood preservation district:

- (1) The neighborhood preservation district commission shall investigate and prepare a report on the special historical or cultural qualities of the area to be designated; and
- (2) The neighborhood preservation district commission and the ~~Town Council~~~~Board of Aldermen~~ shall hold a joint public hearing on the proposed ordinance. Notice of this hearing shall be given in the same manner as notice of any other amendment to the official zoning map.

(b) Following the joint public hearing, the ~~Town Council~~~~Board of Aldermen~~ may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

(c) Following the adoption of the ordinance, the designation of the neighborhood preservation district shall be publicized through appropriate publications and public awareness programs.

Section 15-335 Reserved.

PART II. HISTORIC PRESERVATION (AMENDED 11/21/95)**Section 15-336 Historic District Commission.**

The appearance commission established under Article III, Part V, of this chapter is hereby designated as the historic district commission and shall exercise all duties and responsibilities conferred upon the historic district commission. Pursuant to Section 15-339(d) below, when serving as the historic district commission to consider certificates of appropriateness, the appearance commission shall conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.

Section 15-337 Powers and Duties of Historic District Commission.

(a) The historic district commission shall seek to promote, enhance and preserve the character and heritage of historic districts and to this end may:

- (1) Undertake an inventory of areas of historical significance within the jurisdiction of the town to identify those characteristics which define significant areas within the jurisdiction;
- (2) Recommend to the ~~Town Council~~Board of Aldermen areas to be designated or removed from designation by ordinance as historic districts, as well as structures, sites or objects worthy of national, state or local recognition;
- (3) Conduct an educational program with respect to the special character of historic districts and offer advice upon request to property owners concerning the treatment of the historical and visual characteristics of their properties located within the district, such as color schemes, gardens and landscape features and minor decorative elements;
- (4) Propose or review studies, plans, changes to this or any related ordinance, and new ordinances or laws relating to the total program for the development of the historical resources of Carrboro, for consideration by the ~~Town Council~~Board of Aldermen in taking action that affects the preservation and enhancement of such districts;
- (5) Recommend to the ~~Town Council~~Board of Aldermen such action as will enhance and preserve the special character of historic districts;
- (6) Cooperate with public and private officials, organizations, agencies, and groups which are concerned with and have an impact upon historic districts;
- (7) Submit annually to the ~~Town Council~~Board of Aldermen a written report of its activities and identify activities, including violations of ordinances and plans, that affect the district; and

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- (8) Issue certificates of appropriateness pursuant to Section 15-339 of this chapter;
- (9) Review proposed amendments to the land use ordinance that affect historic districts as well as proposed planning documents or changes to the same (including without limitation transportation plans, improvements and changes) that affect historic districts and make timely recommendations to the ~~Town Council~~~~Board of Aldermen~~ regarding such ordinances or plans;
- (10) Undertake such additional relevant duties or responsibilities as are assigned by the ~~Town Council~~~~Board of Aldermen~~;
- (11) Accept funds granted to the commission from private or nonprofit organizations.

(b) All accounts and funds of the commission shall be administered in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

Section 15-338 Procedure for Designating or Amending an Historic District.

(a) Before the ~~Town Council~~~~Board of Aldermen~~ adopts an ordinance designating or amending an historic district:

- (1) The historic district commission shall investigate and prepare a report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and describing the boundaries of such district;
- (2) The planning board shall be given a reasonable opportunity to review and comment on the historic district commission's report; and
- (3) The report and proposed boundaries shall be submitted to the Department of Cultural Resources for its analysis and recommendation. Failure of the Department to submit its written analysis and recommendations to the ~~Town Council~~~~Board of Aldermen~~ within thirty (30) days after a written request for such analysis has been mailed to it shall relieve the town of any responsibility for awaiting such analysis, and the town may at any time thereafter take any necessary action to adopt or amend the ordinance.

(b) Before enforcing the provisions of this Part, the historic district commission shall prepare and adopt (i) rules of procedure for the conduct of its business and (ii) principles and ~~standards~~~~guidelines~~ not inconsistent with this part for new construction, alterations, additions, moving and demolition. These ~~standards~~~~guidelines~~ must be approved by the ~~Town Council~~~~Board of Aldermen~~ in order to be effective, and may include standards relating to the following:

- (1) The height of the building;

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- (2) The setback and placement on the lot of the building, including lot coverage and orientation;
- (3) Exterior construction materials, including but not limited to, textures and patterns;
- (4) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
- (5) Roof shapes, forms and materials;
- (6) Proportions, shapes, positioning and locations, patterns and sizes of any elements of fenestration;
- (7) General form and proportions of buildings and structures and orientation to the street;
- (8) Appurtenant fixtures and other features such as lighting;
- (9) Structural condition and soundness;
- (10) Use of local or regional architectural traditions;
- (11) Effect of trees and other landscape elements; and
- (12) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way which might affect the character of any building or structure within the historic district.

(c) It is the intention of these regulations and standardsguidelines to insure, insofar as possible, that buildings or structures in an historic district shall be in harmony with other buildings or structures located therein. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings (or prohibit the demolition or removal of the same) or to impose architectural styles from particular historic periods. In considering new construction, the commission shall encourage contemporary design which is harmonious with the character of the district in terms of form, scale, setbacks, materials, massing, etc.

(d) In granting a certificate of appropriateness, the commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such changes or additions upon other structures in the vicinity, in accordance with the principles and standardsguidelines for the certificates of appropriateness adopted for the district.

Section 15-339 Certificates of Appropriateness.

(a) From and after the designation of an historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structures nor any type of outdoor advertising signs shall be erected, altered, restored, moved or demolished within such district until after an application for a certificate of appropriateness as to exterior features (as the terms is defined in G.S. sections 160D-102; 160D-947~~G.S. 160A-400.9~~) has been submitted to and approved by the historic district commission. A certificate of appropriateness shall be issued by the commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness shall be required whether or not a building or other permit is required.

(b) The town and all public utility companies shall be required to obtain a certificate of appropriateness before initiating any changes in the character of any street paving, sidewalks, trees, or utility installations (including without limitation poles and lighting) located within an historic district.

(c) The commission shall have no jurisdiction over interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the district. Nor shall this part be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in an historic district which does not involve a change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition.

(d) With respect to all aspects of administration, including without limitation notice and hearing and enforcement requirements, the quasi-judicial provisions of this chapter applicable to class B special use permits issued by the board of adjustment shall apply to certificates of appropriateness issued by the historic district commission.

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- (1) The commission may, by uniform rule in its Rules of Procedure, require that an applicant submit all or any portion of the information required by Appendix A for other permit applications, as well as additional information reasonably necessary to make a determination on whether the certificate of appropriateness should be issued. Without limiting the generality of the foregoing, the commission shall require that each application be accompanied by such sketches, drawings, or photographs that satisfactorily show, among other things, the scale of the proposed building in relation to adjoining buildings, as well as specifications, descriptions, or other information sufficient to clearly show the proposed move, exterior alterations, additions, changes, new construction or demolition.
- (2) Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.
- (3) An application for a certificate of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application is filed.
- (4) If the commission determines that a certificate of appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving, or other conditions related to the district or surrounding uses have been changed substantially.

(e) An application for a certificate of appropriateness authorizing the demolition of a building or structure within the district may not be denied. However, the effective date of such a certificate may be delayed by the historic district commission for a period of up to 180 days from the date of approval. During such period the historic district commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the historic district commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

(f) Except as provided in subsection (e), a certificate of appropriateness shall be issued if the application complies with the ~~standardsguidelines~~ adopted pursuant to Subsection 15-338(b) and denied if the application does not comply.

(g) An appeal from the commission's action in granting or denying a certificate of appropriateness may be taken to the board of adjustment in the manner specified in Section 15-91 and subject to all the provisions applicable to appeals from decisions of the zoning administrator, except that the board's review shall be on the record of the hearing before the commission.

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(h) A decision by the board of adjustment shall be subject to review by the Superior Court of Orange County by proceedings in the nature of certiorari pursuant to Section 15-116 of this chapter.

Section 15-340 Historic District Commission Recommendation on Permit and Other Applications.

All applications for land use permits, variances, rezoning requests, zoning text amendment applications, and other plans, including transportation plans, within an historic district shall be reviewed by the historic district commission at its next regular meeting after the application has been submitted in accordance with the requirements of this ordinance. The commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the authority having final decision responsibility for applications for land use permits, variances, rezoning requests, zoning text amendments and any other plans, including transportation plans.



Town of Carrboro

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

Agenda Item Abstract

File Number:21-25

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Discussion of Possible Remote Legislative Delegation Meeting and Adoption of Legislative Priorities for the 2021 Session of the General Assembly

PURPOSE: The purpose of this item is to request that the Town Council discuss their interest in scheduling a virtual legislative delegation meeting and to allow the Town Council to discuss and adopt the legislative priorities for the upcoming session of the NC General Assembly.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: The N.C. General Assembly marked its ceremonial start to the 2021 legislative long session on January 13, 2021. In previous years, the Town Council has developed a package of legislative issues to discuss with the delegation. Occasionally, this package has included a piece of local legislation that the Council would like to get passed. The 2021 draft goals are attached.

Local bill deadlines are listed below:

Local bills in the House are due to the bill drafting office by March 3 and must be introduced by March 25.

Local bills in the Senate are due to bill drafting by Feb. 25 and must be introduced by March 11.

The current pandemic has led to virtual events for the past 10 months. If the Town Council would like to schedule a legislative meeting, it is advised that the event will be a virtual event held after 5PM. Please discuss if you want to schedule this meeting and be prepared to offer suggested dates and times that will then be offered to the delegation.

FISCAL & STAFF IMPACT: N/A

RECOMMENDATION: Town staff recommends that the Council decide if they want to schedule a virtual meeting with the delegation and discuss and approve the list of legislative issues/priorities to discuss with our local delegation and, where appropriate, to propose local legislation in the upcoming session of the

Agenda Date: 1/26/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

General Assembly.



Town of Carrboro Long Session 2021 Draft Legislative Priorities

- Funding assistance to fill revenue losses associated with COVID-19 Pandemic.
- Broadband flexibility for local governments in a manner that would allow leasing infrastructure to private service providers
- Flooding and stormwater assistance
- Statewide source of funds (or another source of funds for schools to address utilities/stormwater mitigation)
- Police video camera footage viewing and release for governing boards
- Begin policy making and enact a program to allocate funding for reparations to governments at the local level, healing some of the deepest wounds we face today and reaffirming our commitment to a more inclusive future.
- Authorize additional local option Sales Tax for Transportation Purposes (suggested by NC First Commission Report Findings on the Future Investment Resources for Sustainable Transportation)