

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

**\*DRAFT 1-30-2014\***

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

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

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

- (1) The administrator shall inform the permit recipient of the contents of the Town Code regarding (i) construction noise and hours of operation (Section 5-12(4)), and (ii) obstructing or excavating within public street rights of way (Sections 7-1, 7-4, and 7-12). The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shall explain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, 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 but not limited to dust, debris and aerosols.
- (2) If a development triggers a construction management plan, meetings will be held with surrounding residents and businesses to elicit their input into the development of the construction management plan and to ensure its implementation. 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.

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 All provisions of any town ordinance in conflict with this ordinance are repealed.

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