

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO ALLOW PERFORMING  
ARTS SPACE IN EXISTING BUILDINGS IN CERTAIN DISTRICTS

**\*\*DRAFT 10-19-18\*\***

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 (Definitions) of the Carrboro Land Use ordinance is amended by adding a new subsection (68.1) as follows:

(68.1) Performing Arts Space. A commercial enterprise occurring within an existing building or buildings aged fifty years or older and adapted for reuse in which performance art/performance art programming is the primary and principal driver of its business activities as demonstrated by factors specified in Section 15-147(r). This use is distinguished from bar and nightclub uses in that performances are often geared toward standing audiences and the ratio of audience to stage space is approximately four to one.

Section 2. Section 15-146 (The Table of Permissible Uses) is amended by adding a new use classification 8.800 entitled "Performing Arts Space" and by adding the letters "Z, C" opposite this use classification under the B-1(g), B-1(c), and M-1 zoning district columns to indicate that this use is permissible in these districts with a zoning permit or conditional use permit, subject to Subsection 15-147(r).

Section 3. Section 15-147 (Use of the Designations Z, S, C, in Table of Permissible uses) is amended by adding a new subsection (r) that reads as follows:

(r) When used in conjunction with 8.800 uses, the designation "Z, C" means that a zoning permit must be obtained if the performing arts space development is located on a property located in that portion of the B-1(g), B-1(c) or M-1 zoning districts and is located 150 feet or more from the nearest building containing a residential use. A conditional use permit must be obtained if the development is located on a property that is located within portions of the B-1(g), B-1(c) or M-1 zoning districts. The measurement is made from the building containing the main performance space to the nearest existing off-site building containing a residential use.

Section 4. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.8 as follows:

**Section 15-176.8 Performing Arts Space**

(a) Performing arts spaces shall be located on lots where an existing permanent structure or structures fifty years of age or older is available for adaptive reuse and such preservation and reuse will provide for the continued vibrancy of the Town's commercial and industrial building fabric and associated heritage.

(b) As set forth in the Table of Permissible Uses, performing arts spaces are permissible only in the B-1(g), B-1(c) and M-1 districts, subject to the permit requirements specified in Section 15-147 (r) and the other provisions of this section.

(c) Performing arts spaces must demonstrate at least three of the following criteria relating to the building facilities and venue operation:

- 1) defined performance space and defined audience space;
- 2) specialty equipment associated with live performances, such as: light mixing desk, public address system, lighting rig, back line equipment;
- 3) applies cover charge to some performances through ticketing or front door entrance fee;
- 4) marketing of specific acts through published advertisements or listings;
- 5) hours of operation for principle use associated with performance times; and
- 6) produces live performances at least three days a week.

(d) Performing arts spaces may include the following related and accessory uses: restaurants (indoor and outside service and consumption), mobile prepared food vendors, office, research, and service, billiards and pool halls, electronic gaming operations, temporary residences, multifamily residences, museums, art galleries and art centers, open air markets and sales and rental of goods, so long as the performing arts spaces is the predominant use and development. The area allocated for such related and accessory uses may be greater than fifty percent with a conditional use permit.

(e) All occupancy provisions for the principle performance uses, and for the accessory and related other uses, shall be in accordance with the State Building Code.

(f) Performing arts spaces shall not impede normal traffic patterns on adjacent public streets. Mobile prepared food vendors associated with a performance art venue must confine their operations to the lot on which the performance art venue is located.

(g) Up to six special performances may be programmed each year, provided that the event sponsor submits for the Town's prior approval a plan for traffic and parking which demonstrates that arrangements have been made to satisfy the required use of parking areas for the primary business on the lot during its regular hours of operation, and will not otherwise interfere in a significant way with the movement of motor vehicles using such area, unless such parking spaces are otherwise provided for.

(h) Mobile prepared food vendor business associated with this use shall not operate between the hours of 2:30 a.m. and 6:00 a.m.

(i) Density of accessory residential units shall be determined in accordance with Section 15-182. Up to four residential units may be allowed in conjunction with a performing arts space permitted with a zoning permit. More than four residential may be allowed in conjunction with a performing arts space permitted with a conditional use permit.

(j) A zoning permit issued for this use may be revoked for the reasons specified in Section 15-115 or if the zoning administrator determines that the performing arts space's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety, or is in repeated violation of the Town Code, Chapter 5, General Offenses, Article II Sections 5-11, 5-12, 5-16 and 5-18.

Section 5. Section 15-291(g) (Part I. Parking Requirement (Except as Noted in Part II of This Table)

8.800 1 space per 100 square feet of performing arts space, plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II, whichever is less.

Section 6. Section 15-291(g) (Part II. Applies to Properties Located Within the B-1(c), B-1(g), and B-2 Zoning Districts) Parking Requirements is amended by the addition of the following information to the table:

8.800 1 space per 100 square feet of performing arts space plus additional spaces for associated and accessory uses as indicated in this table, either Part I or Part II, whichever is less.

Section 7. Section 15-291(h) Table of Bicycle Parking Standards is amended by adding the new use classification 8.800 to the table so it reads as follows:

<b>Table of Bicycle Parking Standards</b>	
<b>Use</b>	<b>Bicycle Parking Requirement</b>
1.300	1.5 spaces per unit
2.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
2.200	
2.300	
3.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
3.200	
3.260	1 space for every 5 seats in the portion of the building used for dining
5.100	1 space per 10 students plus 1 space per 10 employees
6.200	1 space per 4 presumptively required auto spaces
8.100	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
8.200	
8.800	
10.100	1 space per 10 auto spaces, with a minimum of 5 spaces
34.100	1 space per 5 rooms, up to 50 rooms; 1 space per 10 rooms above 50 rooms

Section 8 Subsection 15-299 (a) (Special Provisions for Lots With Existing Buildings and Lots Within Neighborhood Preservation Districts) is amended by the addition of the phrase "to other than a performing arts space (use classification 8.800) so that the subsection now reads as follows:

- (a) Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one or more structures on it constructed before the effective date of this chapter, and (ii) a change in use to other than a performing arts space (use classification 8.800) that does not involve any enlargement of a structure is proposed for such lot, and (iii) the parking requirements of Section 15-291 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the requirements of Section 15-291 to the extent that (i) parking space is practicably available on the lot where the development is located, and (ii) satellite parking space is reasonably available as provided in Section 15-298. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

Section 9. Subsection 15-298(b)(Satellite Parking) is amended to read as follows:

- (b) All such satellite parking (except spaces intended for employee use or spaces required in relation to use 8.800, Performing Arts Space may be located within 1000 feet of the public entrance of a principal building housing the use associated with such parking.

Section 10. This ordinance shall become effective upon adoption.