



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☐ MAIL ☐ FAX ☒ EMAIL

To: Richard White, Town Manager
Mayor and Town Council

From: Tina Moon, Planning Administrator

Date: September 24, 2021

Subject: Request for Conditional Rezoning at 106 Hill Street

SUMMARY

The Town has received a petition from Pee Wee Homes to rezone property at 106 Hill Street from R-7.5 to R-3, conditional, for the purpose of developing three size-restricted, required-affordable dwelling units. The 0.17-acre (7,405.20 sq. ft.) property is currently owned by the Town. If the rezoning is approved, the property would be conveyed to Pee Wee Homes. The request was presented at the September 2, 2021 Joint Advisory Board meeting and subsequently discussed at the September meetings for the Economic Development Commission, the Stormwater Advisory Commission and Affordable Housing Commission. A public hearing has been set for September 28, 2021. Should the Town Council approve the rezoning, Pee Wee Homes would follow with an application for a zoning permit. Pee Wee Homes has indicated their intent to rent the homes to individuals with annual incomes at or below 30-percent of the Area Median Income (AMI), approximately \$18,150.

BACKGROUND

In February 2021, Pee Wee Homes, a local non-profit organization, presented a development proposal to construct three size-restricted (300 to 400 sq. ft.) required-affordable dwelling units at 106 Hill Street to the Town's Affordable Housing Advisory Commission (AHAC). Located at the northwest corner of Hill and Broad streets, the property is currently zoned R-7.5 (residential, 7,500 sq. ft. per dwelling unit) and has sufficient land area to allow for the construction of one home. The development potential for the property is encumbered by a piped stream that extends diagonally underneath the site, and the presence of a



Figure 1. View of the site from Hill Street looking southeast toward Baldwin Park. The yard inlet and cluster of existing trees are visible in the back of the photo.

yard inlet designed to drain ponding after significant storm events. The piped stream is subject to the water quality buffers in Part II, of Article XVI of the Land Use Ordinance (LUO), Flood Damage Prevention, Stormwater Management and Watershed Protection, for Zone 1 and Zone 2.

In order to advance the proposal, the property would need to be rezoned to allow for additional density and a variance would be needed to allow for the buildings to encroach into the stream buffers. The AHAC prepared a memorandum expressing its support for the project, and recommending that the Town convey the property to Pee Wee Homes, with deed restrictions to require the homes to remain affordable, contingent upon Pee Wee Homes applying for and receiving the necessary approvals—the variance and rezoning (Attachment D).

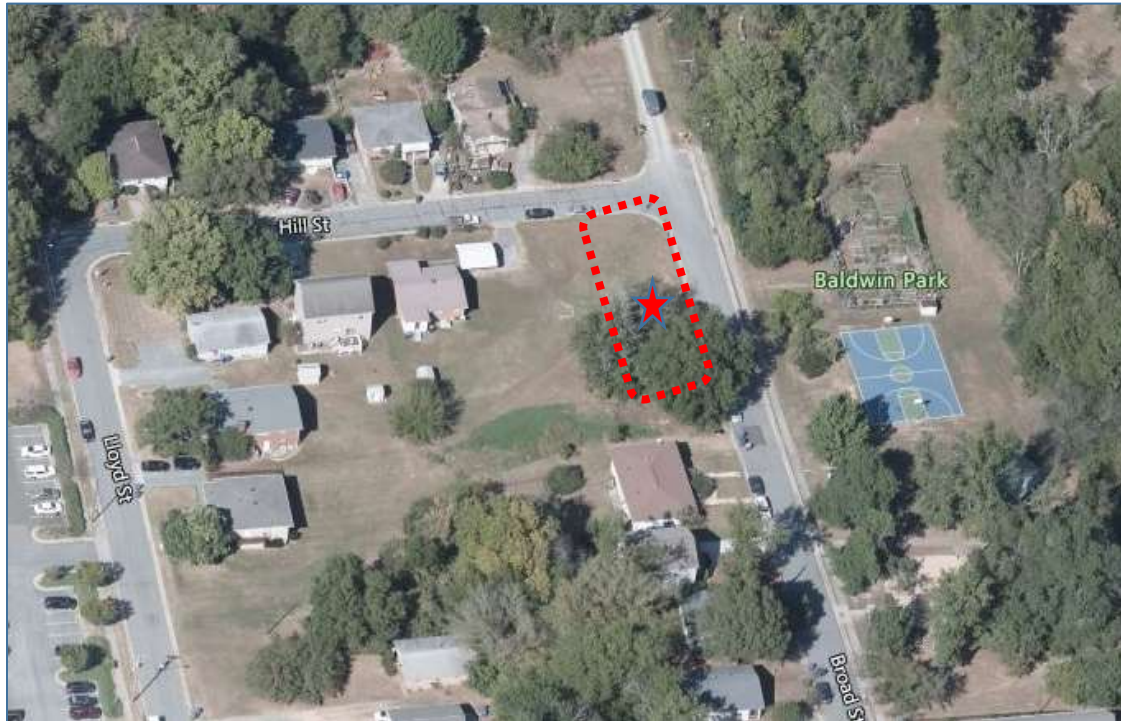


Figure 2. Image from Microsoft Bird's Eye showing an aerial view of the area in question. The site is outlined in the red dashed line.

On June 16, 2021, the Board of Adjustment granted Pee Wee Homes a variance that allows for all three homes to encroach into Buffer Zone 2, and part of two homes to encroach into Buffer Zone 1. As part of the application for the variance, Pee Wee Homes also asked for flexibility with regard to the building setbacks, the on-site parking requirement and the recreational facilities requirement. Section 15-291(f) of the Land Use Ordinance (LUO) allows for flexibility in the parking requirement, in if the applicant can provide information supporting another standard. The LUO does not provide the same flexibility for the recreation standards; per Section 15-196(d), the requirement can either be met on-site or provided by a payment in-lieu. The language in the variance, defers the final determination on these two matters to the Town Council as part of its consideration of the rezoning. It should also be noted that the approved variance included a condition that the final site plan include the location of the existing drainage system and that the site plan must be reviewed by the Town Engineer prior to the issuance of the zoning permit. The applicant has consulted with the Town Engineer in the preparation of the rezoning conceptual plan, with regard to the existing stormwater infrastructure and determination of the finished floor elevations for the proposed homes.

Following the approval of the variance, the applicant submitted a petition to rezone the property from R-7.5 to R-3-CZ (residential, 3,000 sq. ft. per dwelling unit, conditional) to allow for the development of three units. On June 22, 2021, the Town Council set the public hearing to consider the rezoning for September 28, 2021, and referred the matter to the Planning Board and other advisory boards. The Council also adopted a resolution directing the Town Manager to sign the petition for rezoning as the property owner and agreeing to convey the property to Pee Wee Homes contingent upon the rezoning.

Discussion at the June 22nd Council meeting included a request for clarification regarding the use of a ninety-nine year affordability provision as part of the potential deed of sale, and questions relating to possible benefits associated with daylighting the piped stream on the subject property. The Town Attorney provided a brief history of the law of privity, as it relates to contract law and the standard use of ninety nine years for matters intended for perpetuity at the meeting, and subsequently conveyed additional information relating to existing language in the Town's affordable housing policy in the Land Use Ordinance regarding the ninety-nine year benchmark. Deed restrictions run with the land, so any restrictions recorded as part of the conveyance of the property would limit the use of the property. Conditions associated with the rezoning, and there are two relating to affordability, will likewise run with the land. The Town Engineer has provided additional information relating to the possibility of future flooding and daylighting the piped stream in a memo (Attachment G). As previously noted, daylighting the stream would necessitate the removal of two of the three homes from the project and would affect other area homes. Options for daylighting the piped stream either in full or in part would likely involve the purchase and removal of existing homes. Community outreach and input would be needed.

REZONING OVERVIEW

The process for amending the official Carrboro Zoning Map is described in Article XX of the Land Use Ordinance. The request would be considered a minor map amendment, in that it involves fewer than five parcels and less than fifty acres. The petition form includes four key questions for the applicant to answer: A) how is the proposed rezoning consistent with Town plans and policies, B) in what way is the subject property particularly suited for the potential uses of the new district, C) how will the purposed rezoning affect the value of nearby buildings, and D) in what way does the rezoning encourage the most appropriate use of the land?

Petitioners/Owner

The petitioner for the rezoning request is Pee Wee Homes, Inc., located at 8410 Merin Road, Chapel Hill, North Carolina.

As noted above, the current owner of the property is the Town of Carrboro.

Conditional Zoning

More specific information relating to conditional zoning is discussed in Section 15-141.4, of Article IX. The application to rezone property to a conditional district (Section 15-141.4(d)) includes the formal petition for change of zoning described above and a list of proposed conditions which may be in the form of written statements, graphic illustrations, or any combinations thereof, to be incorporated into the ordinance that rezones the property.

The applicant's materials--the petition form, and an illustrative or conceptual site plan of the proposal and architectural renderings of the three dwelling units—are provided (Attachments D and E). The proposed layout for the Pee Wee Homes development--including the general location and size of buildings and building setbacks, stream buffers and stormwater management features, open space and recreation facilities, and possible locations for on-site parking are shown on the conceptual site plan (Attachment E).

If the rezoning is approved the applicant would follow with an application for a zoning permit. The zoning permit application will require a greater level of detail, but the overall design must remain consistent with the illustrative site plan approved as part of the rezoning. Zoning permits are approved administratively by staff; therefore any requests for flexibility in development standards such as the number of required parking spaces would need to be determined as part of the rezoning.

DESCRIPTION OF THE AREA



Figure 3. Vicinity Map showing the subject property. The portion of the Tanbark Branch shown on map is piped under the subject property and adjacent properties to the west. The stream becomes daylighted to east side of Broad Street in Baldwin Park. Stream buffer requirements apply.

The subject property is located at southwest corner of the intersection of Hill and Broad streets, and may be more specifically identified as Orange County PIN # 9778-97-5883. The site is currently undeveloped.

Address	PIN	Existing Zoning	Proposed Zoning	Acreage
106 Hill Street	9778-97-5883	R-7.5	R-3-CZ	0.17 (approx. 7,405.2 sq.ft.)

ADJACENT ZONING & LAND USES

An excerpt from the Zoning Map shows the subject property and the surrounding properties in the historic Lloyd-Broad neighborhood in the image below. Surrounding properties include single family homes along both sides of Hill Street and portions of Broad Street. A triplex is located at 309 Broad Street. Baldwin Park, the Town-owned recreation facility is located along the east side of Broad Street and includes a substantial community garden and natural area in the northern section of the park and a basketball court and gathering pavilion in the southern section of the park. The residential portions of the historic Lloyd-Broad neighborhood, east of Lloyd Street, are all part of the R-7.5 zoning district (residential, 7,500 sq. ft. per dwelling unit). In June 2018, the neighborhood was rezoned as the Lloyd-Broad Overlay District, an additional layer of zoning requested by the residents to help maintain the historic character of the neighborhood. Properties within the Lloyd-Broad Overlay District are subject to additional limitations on building height, size and building placement with the lots.

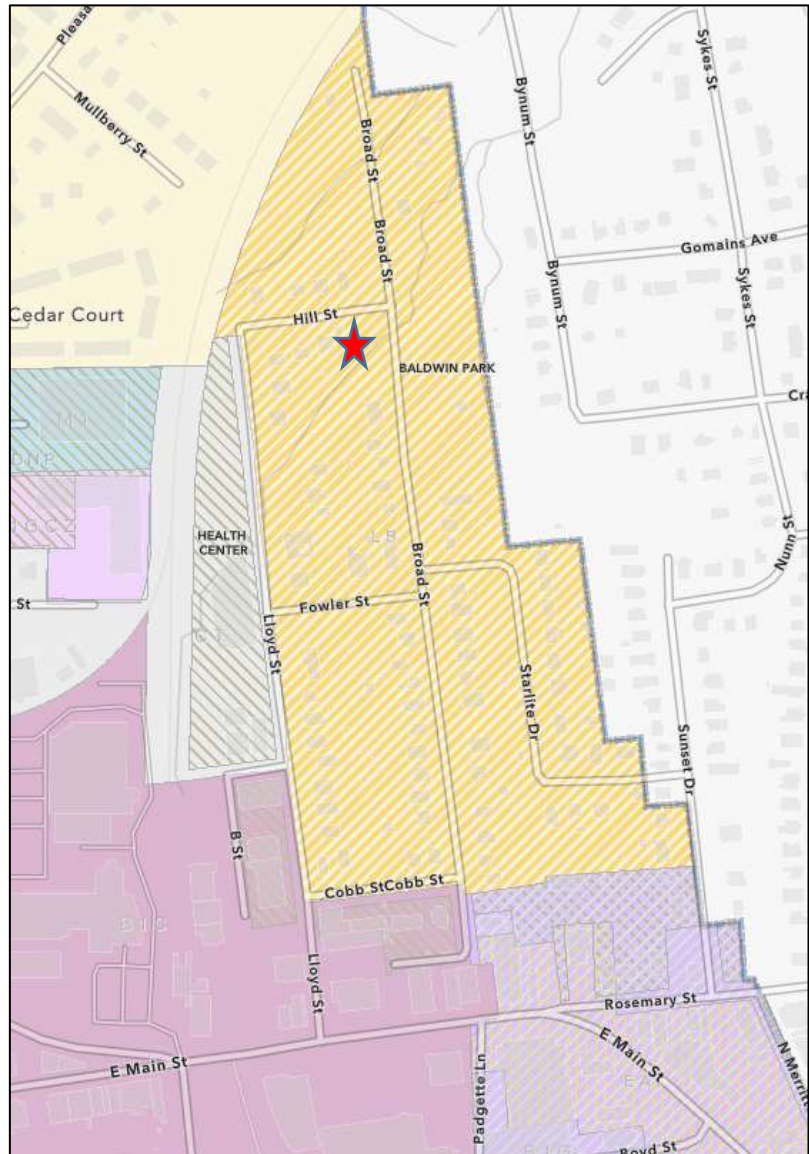


Figure 3. Excerpt from Zoning Map.

A combination of residential and commercial uses are located along Lloyd Street. The west side of the Lloyd Street is zoned CT (Corporate Town) at the northern end and B-1(c), (Town Center Business) at the southern end. The southern-most section of the neighborhood located between Cobb Street and East Main Street is zoned B-1(c) to the west of Broad Street and B-1(g), (General Business) to the east of Broad Street.

COMPARISON OF ZONES

Subsection 15-135(a) of the Land Use Ordinance includes descriptions of the residential zoning districts. Both zoning classifications, the existing district R-7.5 and the proposed district R-3-CZ are residential in nature and described by ordinance as follows: The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in

which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. The primary difference between the districts relating to density, is the number of dwelling units per acre, which is based in part on the minimum number of square feet per lot: 7,500 square feet per dwelling unit for R-7.5 and 3,000 square feet per dwelling unit for R-3. As a conditional district, the development would be restricted to what is shown on the illustrative site plan. (A complete list of uses is described in the Table of Permissible Uses in Section 15-146 of the Town of Carrboro Land Use Ordinance, provided as one of the excerpts at the end of this memorandum.)

ANALYSIS

The conditional zoning mechanism allows for the approval of a site specific development plan and conditions tailored to the individual project. If approved, the conditions become binding to the rezoning and subsequent permit.

Proposed Conditions

Draft conditions for the project are provided as part of the rezoning ordinance (Attachment B). Conditions specific to the proposal focus on retaining long-term affordability, and designing and constructing the homes such that the finished floor elevation and mechanical systems will be above the level where, water-tops the low point at the intersection of Hill and Broad streets. As designed, the development of the three units leaves in place the existing stormwater infrastructure.

1. The rezoning exhibit labeled “Conditional Rezoning Site Plan,” dated _____ is approved and incorporated herein to indicate land uses, the general location and size of buildings, building setbacks, stormwater management features, open space and parking spaces. Other features and issues remain to be decided at the time a permit is requested for development include, but are not necessarily limited to, the location and number of trees and other landscaped areas, and the location of recreational facilities or payment in-lieu thereof.
2. Up to three size-restricted dwelling units may be constructed on the site subject to the provisions of the variance approved by the Town of Carrboro Board of Adjustment on June 16th, 2021, which allows for the buildings to encroach into the Zone 1 and Zone 2 riparian buffer.
3. All dwelling units constructed on the subject property are to remain affordable for residents earning less than 30% of the area AMI, for a period of at least 99 years following the approval date of the certificates of occupancy.
4. The homes shall not be enlarged or replaced. If future replacement is deemed necessary due to age or damage the replacement building shall match the original in size, height, massing and placement on the site.
5. Each dwelling unit shall be constructed with a finished floor and mechanical units elevated at least two feet above the existing elevation of the curb at the intersection of Hill and Broad streets. The final elevation to be determined as part of the zoning permit approval.
6. The foundation or portion of the dwelling below the finished floor for each unit shall be “flood proof,” meaning that flood waters will not be impeded from passing through, hydrostatic pressure will not be created, and the risk of damage to the structure will be minimized. Due to

this risk of flooding, the space under the finished floor for each unit shall be not enclosed as a finished habitable space or unfinished area for storage.

The consideration of additional conditions and/or modification of existing conditions may occur during the public hearing. An optional condition 1A relating to on-site parking has been provided in the draft ordinance. As drafted, condition 1A would allow the Council to make a finding regarding the sufficient number of parking spaces for the project based on evidence from the applicant. An additional condition that has been discussed with the applicant is a provision relating to the identification of possible tree species in addition to the number and placement of trees on the site. The selection would be for a native tree that is well-suited to wet conditions that would replace some/all of the absorption provided by the existing tree cluster that would be removed as part of the development. The notes on the conceptual site plan relating to the specific selection of trees may be sufficient to meet this interest.

Consistency with Adopted Plans/Policies

Carrboro Vision2020 presents the policies that are expected to guide the Town's growth and development. In the Petition for Change of Zoning the petitioners have provided responses in support of their assertion that the proposed zoning district classification is consistent with the Town's adopted plans and policies. Staff has identified the following sections of Carrboro Vision2020, and the Affordable Housing Goals and Strategies that pertain to the requested rezoning:

Carrboro Vision2020

- 2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility.
- 2.52 The town should continue to require the construction of a diverse housing stock.
- 3.28 Carrboro encourages a variety of appropriate residential development—single-family, multi-family, SROS, etcetera—in the downtown especially as part of mixed-use developments.
- 6.0 The town should develop a comprehensive housing policy that seeks to provide housing all of Carrboro's citizens.
- 6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.
- 6.13 The town should review all vacant municipally owned land for the purpose of making unneeded tracts available for housing programs.
- 6.17 the town should interact with non-profit groups that work to provide affordable housing, including but not limited to the Community Home Trust, Empowerment Inc., and Habitat for Humanity [of Orange County].

Affordable Housing Goals and Strategies

- 2.1 Increase number of rental units that are permanently affordable to individuals and families earning less than 60% AMI.
- 2.4 Reduce erosion of rental housing quality and affordability.

CONSIDERATIONS/SUMMARY COMMENTS

- Adopted policies support the establishment of conditional districts.
- The conditional district process (legislative action for the rezoning) allows for the project and associated conditions to be tailored to the specific development.
- Town policies acknowledge an interest and need for a diverse mix of housing options, for an increase in affordable rental units and particularly for rental units serving populations earning less than 60 percent AMI.
- There is a significant lack of quality rental units for extremely low-income households, those earning 30 percent AMI or less.
- Town policies also acknowledge interest in using underutilized town-owned property for affordable housing.
- Provisions in the conditions and proposed deed restrictions address the interest in ensuring long-term affordability.
- The project represents an infill project that seems to be compatible with the existing neighborhood in terms of building scale, massing and architectural character.
- The site's location provides connections to existing neighborhoods with facilities for multi-modal travelers, and will provide improved access for destinations such as employment centers, parks and grocery stores/pharmacies, within reasonable distances for walking, biking and transit service.
- The applicant identified policy provisions appear to be consistent with the request.
- Conveying the property to Pee Wee Homes may provide some financial return in the form of property taxes, particularly once the property is developed.
- The site is not in a floodway or floodplain, and retains existing stormwater infrastructure. Conditions require the buildings to be elevated such that the finished floor level, HVAC and other mechanical systems would be above the level of ponding if, during an extreme rain event, water topped the low point at the curb at the intersection of Hill and Broad streets.
- The residents at the adjacent property at 104 Hill Street have recently received approval to construct a new home; the property is currently undeveloped.

ACTION REQUESTED

Staff requests that the Town Council receive public comment and consider the request to rezone the property at 106 Hill Street.

RELEVANT ORDINANCE PROVISIONS

Section 15-325 of the LUO specifies that when considering a rezoning, the central issue before the Town Council is “whether the proposed amendment advances the public health, safety or welfare.” The Council is obligated to disregard advantages or disadvantages to the individual requesting the change and must consider the impact of the proposed change on the public at large.

A resolution template has been provided for the Council’s consideration (Attachment A). It should be noted that changes relating to the adoption of Chapter 160D allow for the Council to include more general statements relating to specifics of the site and/or project and related public benefits in Section 15-325(d1). The resolution template includes space to include additional statements if there is interest in doing so.

Please also note the expanded conflict of interest provisions adopted as part of 160D, in Section 15-324(e) which extends the conflict of interest to include familial, business, or other associational relationship.

Excerpts from Articles IX, X and XX of the Land Use Ordinance are attached below.

ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-135 Residential Districts Established.

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. (AMENDED 5/12/81; 12/7/83; 2/4/86)

Section 15-141.4 Conditional Zoning Districts. (AMENDED 5/27/08)(REWRITTEN 6/22/21)

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ, and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, O/A-CZ, M-1-CZ, M-2-CZ, M-3-CZ (AMENDED 4/27/10; 06/23/15; 10/23/18)

There may also be established a HR-CC-CZ zoning district, pursuant to the purpose statement and criteria described in Section 15-136.1.

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Subject to the provisions of subsections (k), (l), and (n), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the conventional use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (f) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d). (AMENDED 10/23/18)

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- (1) Property that is zoned B-4-CZ may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321 (multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) 1 in addition to other uses permissible in the B-4 district, subject to a special use permit-A, and the following: (i) not more than 25% of the total land area covered in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).
- (2) Except as otherwise provided in this section, the uses that are permissible within a M-3-CZ district, and the regulations applicable to property within such a district shall be those uses and those regulations that would be applicable to any property zone M-1-CZ (i.e. excluding specific conditions specific conditions made applicable to any property zoned M-1-CZ (i.e. excluding specific conditions made applicable to specific property to specific property zoned M-1-CZ with the addition of use 3.230. **(AMENDED 11/9/11)**
- (3) Property that is zoned O/A-CZ shall be subject to all regulations applicable to the O/A district (including but not limited to the performance standards set forth in part I of Article XI), except as follows:
 - a. No area less than four contiguous acres and no more than a total of twenty-five (25) acres may be rezoned to the O/A-CZ.
 - b. Uses within the O/A-CZ district shall be limited to those where loading and unloading occurs during daylight hours only.
 - c. Buildings within the O/A-CZ district shall comply with the following standards:
 1. Exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood or fabricated residential lap siding made of hardboard or vinyl).
 2. The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run.
 3. Windows shall be of a scale and proportion typically of single-family residences.

Art. IX ZONING DISTRICTS AND ZONING MAP

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. The rezoning petition for a VMU district, described in subsection 15-141.2(g)(1), shall include a master plan as a condition of the approval. **(AMENDED 10/25/16)**

(e) A rezoning petition may be submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height. **(AMENDED 10/25/16)**

- (1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:
 - a. Will not substantially injure the value of adjoining or abutting property; and
 - b. 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; and
 - c. Will be in general conformity with the Comprehensive Plan, Land Use Plan, long range transportation plans, and other plans officially adopted by the Council. **(AMENDED 3/22/16, 10/25/16)**
- (2) All relative provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d) and (f). **(AMENDED 10/25/16)**

(f) The specific conditions proposed by the petitioner or the Town may be modified by the planning staff, advisory boards or Town Council as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the Town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, the town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, 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-

Art. IX ZONING DISTRICTS AND ZONING MAP

18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the requirements of this chapter, or the impacts reasonably expected to be generated by the development or use of the site.

(g) Except as allowed under minor modifications below, all changes to conditional zoning districts are major amendments and shall follow the same process as for the original approval as described in this section and in Article XX. Changes to conditional zoning districts may also require amendments or modifications to associated special use permits, zoning permits or sign permits for the development as pursuant to Section 15-64.

- (1) Minor modifications in conditional zoning districts may be reviewed and approved administratively subject to the following limitations:

The minor modification:

- a. Does not involve a change in uses permitted or the density overall of the development permitted;
 - b. Is a limited minor change that does not have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, such as, without limitation, a minor adjustment to internal road or parking configuration, a minor adjustment to building location, or a minor adjustment to internal tree screening or other landscaping, or a minor adjustment to utility location;
 - c. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval;
 - d. Meets all other applicable conditions of the rezoning; and
 - e. Meets all other ordinance requirements.
- (2) For a conditional zoning district applicable to multiple parcels, the owners of individual parcels may apply for a minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved changes shall only be applicable to those properties who owners petition for the change.

(h) A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination as provided for in subsection 15-93.1. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

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(i) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding conventional use district would ordinarily require (according to the Table of Permissible Uses), i.e. a special use permit-A, special use permit-B, or zoning permit.

PART II. ZONING MAP**Section 15-142 Official Zoning Map.**

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

(b) The Official Zoning Map dated April 1973 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 15-143.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further (c) authorization or action is required so long as no district boundaries are changed in this process.

Section 15-143 Amendments to Official Zoning Map. (AMENDED 4/27/10; 10/26/10; 09/24/13)

(a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in Article XX.

(b) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendments to the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The planning department shall keep copies of superseded prints of the zoning map for historical reference.

Section 15-143.4 Downtown Neighborhood Protection Overlay District. (AMENDED 8/23/05)

(a) There is hereby created a Downtown Neighborhood Protection (DNP) Overlay District. The purpose of this district is to establish special height, setback, and design requirements

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applicable to lots in certain commercially zoned downtown areas where such lots abut or are directly across the street from residentially zoned properties.

(b) Because the DNP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district except as those regulations are modified or superseded by the requirements of the DNP district. The requirements of the DNP district are set forth in Section 15-185.1 of this chapter.

Section 15-143.5 Lloyd/Broad Overlay District. (AMENDED 6/26/2018)

(a) There is hereby created a Lloyd/Broad Overlay District. The purpose of this District is to protect and preserve the character of the District and to establish special height, setback, mass and parking requirements applicable to lots within the District.

(b) Because the Lloyd/Broad Overlay District is an overlay district, properties within this District are subject to the regulations applicable to the underlying zoning district, except as those regulations are modified or superseded by the requirements of this District which are set forth in Section 15-185.2 of this Chapter.

Section 15-144 through 15-145 Reserved.

TABLE OF PERMISSIBLE USES

Last Amended: 6/09/21

DESCRIPTION			R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-R	HR-CC	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
1.000 Residential																										
1.100	Single Family Residences																									
1.110	Single Family Detached One Dwelling Unit Per Lot																									
1.111	Site Built/Modular		Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.112	Class A Mobile Home				Z	Z	Z	Z	Z	Z	Z											Z				
1.113	Class B Mobile Home																									
1.120	Single Family Detached More Than One Dwelling Unit Per Lot																									
1.121	Site Built/Modular		*	*	*	*	*	*	*	*	*		*	*	*	*				*					*	*
1.122	Class A Mobile Home				*	*	*	*	*	*	*															
1.123	Class B Mobile Home																									
1.200	Two-Family Residences																									
1.210	Two-Family Conversion		*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.220	Primary Residence with Accessory Apartment		*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.230	Duplex		*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.231	Maximum 20% units > 3 bedrms/du		*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.232	No bedroom limit		*	*																						
1.240	Two Family Apartment		*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.241	Maximum 20% units > 3 bedrms/du		*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.242	No bedroom limit		*	*																					*	*
1.300	Multi-Family Residences																									
1.310	Multi-Family Conversion		BA	BA	BA	BA	BA	BA	BA			BA	BA	BA	BA	BA				BA					BA	BA
1.320	Multi-Family Townhomes		BA	BA	BA	BA	BA	BA	BA		*	BA	BA	BA	BA	BA				BA					BA	BA
1.321	Maximum 20% units > 3 bedrms/du		BA	BA	BA	BA	BA	BA	BA			BA	BA	BA	BA	BA				BA					BA	BA
1.322	No bedroom limit		BA	BA																						
1.330	Multi-Family Apartments		BA	BA	BA	BA	BA	BA	BA			BA	BA	BA	BA	BA				BA					BA	BA
1.331	Maximum 20% units > 3 bedrms/du		BA	BA	BA	BA	BA	BA	BA			BA	BA	BA	BA	BA				BA					BA	BA
1.332	No bedroom limit		BA	BA																BA						
1.340	Single-Room Occupancy		BA									BA	BA	BA	BA					BA						
1.350	Triplex									*	*															
1.400	Group Homes																									
1.410	Fraternalities, Sororities, Dormitories and Similar Housing		A	A	A	A	A	A	C				A	A						A						
1.420	Boarding Houses, Rooming Houses		B	B	B	B	B	B	B				A	B						A		A				
1.430	Adult Care Home, Class A		Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.440	Adult Care Home, Class B		B	B	B	B	B	B	B	B	B		Z	Z						Z		B				
1.450	Child Care Home, Class A		Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.460	Child Care Home, Class B		B	B	B	B	B	B	B	B	B		Z	Z						Z		B				
1.470	Maternity Home		Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.480	Nursing Care Home		Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.500	Temporary Residences																									
1.510	Tourist Homes and other Temporary Residences Renting Rooms for Relatively Short Periods of Time		B	B	B	B								B								A				
1.600	Homes Emphasizing Services, Treatment or Supervision																									
1.610	Temporary Homes for the Homeless			B	B				B			B		B	B	B										
1.620	Overnight Shelters for Homeless											B		B	B	B										
1.630	Senior Citizen Residential Complex					A	A																			
1.700																										
1.800																										
1.900	Home Occupation		Z	Z	Z	Z	Z	Z	Z	Z	Z			B	B	B				B		Z			Z	Z
1.910	Major Home Occupation									Z	Z															

TABLE OF PERMISSIBLE USES

Last Amended: 6/09/21

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-R	HR-CC	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
2.000 Sales and Rental of Goods, Merchandise and Equipment																								
2.100 No Storage or Display of Goods																								
Outside Fully Enclosed Building																								
2.110 High-Volume Traffic Generation										BA	BA		BA	BA	BA	BA	BA	A			A			BA
2.111 ABC Stores										BA	BA		A	A	A			A						
2.112 Specialty High Volume Retail												BA										A		
2.120 Low-Volume Traffic Generation										ZA	ZA	ZA	ZA	ZA	ZA	ZA	ZA	A			A	A		ZA
2.130 Wholesale Sales											ZA				ZA	ZA	ZA	A			A	A		ZA
2.140 Drive-In Windows													A	A	A									
2.150 Retail Sales with Subordinate Manufacturing and Processing										ZA												A		
2.200 Display of Goods Outside Fully Enclosed Building																								
2.210 High-Volume Traffic Generation										ZA	ZA						ZA	ZA	ZA			A	A	ZA
2.220 Low-Volume Traffic Generation										ZA	ZA						ZA	ZA	ZA			A	A	ZA
2.250 High Volume Retail with Outdoor Display and Curbside Pick-up and/or Drive Through Window (service directly to vehicle to pick-up pre-ordered grocery or pharmacy items for off-premises consumption)																								
2.230 Wholesale Sales											A						ZA	ZA	ZA			A	A	ZA
2.240 Drive-In Windows													A	A										
2.300 Storage of goods outside fully enclosed building																								
2.310 High-volume traffic generation																								
2.320 Low-volume traffic																								
2.330 Wholesale Sales																								
2.340 Drive-in Windows																								
3.000 Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise																								
3.100 All operations conducted entirely Within Fully Enclosed Building																								
3.110 Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.										ZA	ZA	ZA	ZA	B		ZA	ZA	ZA	A			A		ZA
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use										ZA	ZA	ZA	ZA	B		ZA	ZA	ZA	A			A	A	Z
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area										ZA	ZA	ZA	ZA	B		ZA	ZA		ZA			A		ZA
3.131 Office or clinics of physicians or dentists with not more than 30,000 square feet of total building gross floor area																								

TABLE OF PERMISSIBLE USES

Last Amended: 6/09/21

DESCRIPTION					R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-R	HR-CC	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
		3.140 Watershed research																					A					
		3.150 Copy Centers/Printing Operations											ZA	ZA	ZA	ZA	B	ZA	ZA	ZA	ZA	ZA			ZA		ZA	
	3.200	Operations conducted within or outside fully enclosed buildings																										
		3.210 Operations designed to affect and serve customers or																										
		clients on the premises																		ZA	ZA				A			ZA
		3.220 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use																		ZA	ZA	A			A	A		ZA
		3.230 Banks with drive-in window															A	A	A									
		3.240 Watershed research																					A					
		3.250 Automatic Teller Machine, Freestanding												A	A		A		A			A					A	A
		3.260 Social Service Provider with Dining								Z	Z					Z												
	4.000	Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment																										
		4.100 All operations conducted entirely within fully enclosed buildings											A		ZA					ZA	ZA	A				A		A
		4.200 Operations conducted within or outside fully enclosed buildings																			ZA							
	5.000	Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses																										
		5.100 Schools																										
		5.110 Elementary and secondary (including associated grounds and athletic and other facilities)			A	A	A	A	A	A	A	A	A	A	A				Z(1)					Z	A			
		5.120 Trade or vocational school												Z	ZA				A	ZA	A	A			A			
		5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc)									A			Z	ZA				A	A		A						
		5.200 Churches, synagogues and temples, and other places of worship and spiritual contemplation (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings).			ZB	ZB	ZB	ZB	ZB	ZB	ZB	ZB	ZB	Z	ZA	ZA	ZA	ZA	ZA	ZA		ZA		A	A		ZA	ZA
		5.300 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)																										
		5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet			B	B	B	B	B	B	B			ZA	Z	Z	Z	Z	B	ZA		ZA			A		Z	ZA
		5.320 Located within any permissible structures												ZA	ZA	ZA			B	ZA		ZA			A		A	ZA
		5.400 Social, fraternal clubs and lodges, union halls, and similar uses												ZA	ZA	ZA			B	B		ZA			A			
	6.000	Recreation, Amusement, Entertainment																										
		6.100 Activity conducted entirely within building or substantial structure																										
		6.110 Bowling alley, skating rinks, indoor tennis and squash courts, billiards and pool halls, indoor athletic and exercise facilities and similar uses.												ZA	ZA		ZA	ZA	ZA	ZA		ZA			A			
		6.120 Movie Theaters																										

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DESCRIPTION			R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-R	HR-CC	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
		6.121 Seating capacity of not more than 300										ZA	ZA				ZA	B		ZA						B
		6.122 Unlimited Seating Capacity										B	ZA				ZA	B		ZA						
		6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1000 people										A	A				A	A		A						
		6.140 Community Center--a Town sponsored, non-profit indoor facility providing for one or several of various type of recreational uses. Facilities in a Community Center may include, but are not limited to gymnasias, swimming pools, indoor court areas, meeting/ activity rooms, and other similar uses	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z		Z
		6.150 Electronic Gaming Operations															B									
6.200		Activity conducted primarily outside enclosed buildings or structures.																								
		6.210 Outdoor recreational facilities developed on private lands, without Town sponsorship or investment, such as golf and country clubs, swimming or tennis clubs, etc. and not constructed pursuant to a permit authorizing the construction of a residential development.	B	B	B	B	B	B	B				A							A	A	A	A			
		6.220 Outdoor recreational facilities developed on public lands, or on private lands with swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school																								
		6.221 Town of Carrboro owned and operated facilities.	Z	Z	Z	Z	Z	Z	Z			Z	Z				Z	Z		Z	Z	Z	Z	Z		
		6.222 Facilities owned and operated by public entities other than the Town of Carrboro	A	A	A	A	A	A	A			A	A				A	A		A	A	A	A	A		
		6.230 Golf driving ranges not accessory to golf course, par 3 golf courses, miniature golf course, skateboard parks, water slides, and similar uses.																ZA					A			
		6.240 Horseback riding stables (not constructed pursuant to permit authorizing residential development)							B									B			Z	A	A			
		6.250 Automobile and motorcycle racing tracks																	B							
		6.260 Drive-in Movie Theaters																								
7.000 Institutional Residence or Care of Confinement Facilities																										
		7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area											A							A						
		7.200 Nursing care institutions, intermediate care institutions, handicapped, aged or infirm institutions, child care institutions	A	A					A				A							A			A			
		7.300 Institutions (other than halfway houses)																								

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DESCRIPTION			R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-R	HR-CC	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
		where mentally ill persons are confined											A							A						
	7.400	Penal and Correctional Facilities																								
8.000	Restaurants (including food delivery services), Bars, Night Clubs																									
	8.100	Restaurant with none of the features listed in use classification below as its primary activity									A	ZA	ZA(I)	A			Z						A			ZA
	8.200	Outside Service or Consumption										ZA	ZA(I)	A			B						A			ZA
	8.300	Drive-in (service to and consumption in vehicle on premises)															A									
	8.400	Drive Through Windows (service directly to vehicles primarily for off-premises consumption)															A									
	8.500	Carry Out Service (food picked up inside of off-premises consumption)										ZA	ZA(I)				Z						A			
	8.600	Food Delivery										ZA	ZA(I)				Z						A			
	8.700	Mobile prepared food vendors										Z	Z					Z								
	8.800	Performing Arts Space										ZA	ZA													
9.000	Motor Vehicle-Related Sales and Service Operations																									
	9.100	Motor vehicle sales or rental of sales and service											A					ZA	ZA							
	9.200	Automobile service stations															B	A	Z							
	9.300	Gas sales operations													B	B	B	A	Z							
	9.400	Automobile repair shop or body shop											A			B	B	A	Z							
	9.500	Car wash																A	Z							
10.000	Storage and Parking																									
	10.100	Independent automobile parking lots or garages										ZA	Z				Z	Z	Z	A						
	10.200	Storage of goods not related to sale or uses of those goods on the same lot where they are stored																								
		10.210 All storage within completely enclosed structures																	Z	Z						A
		10.220 Storage inside or outside completely enclosed structures																A	Z							ZA
	10.300	Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot																								
																		B	B							
11.000	Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards																									
12.000	Services and Enterprises Related to Animals																									
	12.100	Veterinarian							B				ZA				B	B	B							
	12.200	Kennel							B									B	B							
13.000	Emergency Services																									
	13.100	Police Stations	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
	13.200	Fire Stations	Z	Z	Z	Z	Z	Z	Z				Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
	13.300	Rescue Squad, Ambulance Service	B	B	B	B	B	B	Z				B	B	B	B	B	B	Z	B	A	A	A	A	B	B
	13.400	Civil Defense Operation	B	B	B	B	B	B	Z				B	B	B	B	B	B	Z	B	A	A	A	A	B	B
14.000	Agricultural, Silvicultural, Mining, Quarrying Operations																									
	14.100	Agricultural operations, farming																								
		14.110 Excluding livestock		Z	Z	Z	Z	Z	Z										Z		Z	Z	Z			
		14.120 Including livestock																			Z	Z	Z			
	14.200	Silvicultural operations		Z	Z	Z	Z	Z	Z										Z							
	14.300	Mining or quarrying operations, including on-site sales of products																								
	14.400	Reclamation landfill		Z	Z	Z	Z	Z	Z								Z	Z	Z							
15.000	Miscellaneous Public and Semi-Public Facilities																									

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15.100	Post Office										A	A		A	A	A	A	A	A						
15.200	Airport							A				B				B	B								A
15.300	Sanitary landfill							A									A								
15.400	Military reserve, National Guard centers																Z								
15.500	Recycling materials collection operations																								
15.510	Using collection facilities other than motor vehicles											Z					Z	Z	Z						
15.520	Aluminum recycling using motor vehicles											B					B	B	B						
15.600	Public utility service complex																					A			
15.700	Cable Television Signal Distribution Center										B	B	B	B		B	B	B	B					B	B
15.750	Data Service Provider Facility				ZB	ZB	ZB																		
15.800	Town-owned and/or Operated Facilities and Services																								
15.810	Town-owned and/or Operated Public Parking Lot										Z	Z	Z	Z	Z	Z	Z	Z	Z				Z		Z
15.820	All other town-owned and/or operated facilities and services	Z	Z	Z	Z	Z	Z	Z				Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z
16.000	Dry Cleaner, Laundromat																								
16.100	With drive-in windows													A	A	A									A
16.200	Without drive-in windows											Z		B	B	Z	B		Z			A			B
17.000	Utility Facilities																								
17.100	Neighborhood	B	B	B	B	B	B	B				B	B	B	B	B	B	B	B	A	A	A			B
17.200	Community or regional utility facilities				ZB												B	B		A		A			B
17.300	Cable Television Satellite Station							B						B	B	B	B	B	B					B	B
17.400	Underground Utility Lines																								
17.410	Electric Power Lines & Gas Lines	B	B	B	B	B	B	B			B	B	B	B	B	B	B	B	B	A	A	B	A	B	B
17.420	Other Underground Lines	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z	Z	Z	Z	Z	Z	A	A	Z	A	Z	Z
17.500	Solar Array																								
17.501	Solar Array Facility, Level 1				Z	Z	Z	Z			Z	Z	Z	Z	Z	Z	Z	Z	Z	S	S	Z	S	Z	Z
17.502	Solar Array Facility, Level 2							B			B	B	B	B	B	B	B	B	B	A	A	B	A	B	B
17.503	Solar Array Facility, Level 3							A			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
18.000	Towers and Wireless Support Structures																								
18.100	Towers and antennas 50 feet tall or less	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	A	Z			Z
18.200	Towers and antennas that exceed 50 feet in height; substantial modifications, that are not regarded as accessory to residential uses under 15-150(c)(5)							A	A					A	A	A	A	A	A			A	A	A	A
18.300	Antennas exceeding 50 feet in height attached to wireless support structures other than towers; substantial modifications (other than accessory uses under 15-150(c)(5))	B	B	B	B	B	B	B			B	B	B	B	B	B	B	B	B	B	B	B	B	B	B
18.400	Publicly-owned towers, wireless support structures and antennas of all sizes that are used in the provision of public safety services											ZA													
18.500	Small and Micro Wireless Facilities; with or without associated Utility Poles or Wireless Support Structures	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
19.000	Open Air Markets and Horticultural Sales																								
19.100	Open air markets (farm and craft markets, flea markets, produce markets)										ZA	ZA	ZA	B	B		B		B					B	B
19.200	Horticultural sales with outdoor display											ZA	ZA	B	B		B		B					B	B
19.300	Seasonal Christmas or pumpkin sales										Z	Z	Z	Z	Z	Z	Z	Z						Z	Z
20.000	Funeral Homes																Z	Z							
21.000	Cemetery and Crematorium																								
21.100	Town-owned cemetery	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.200	All other cemeteries							B									Z	Z		A	A	A			
21.300	Crematorium																Z	Z							
22.000	Day Care																								
22.100	Child Day Care Home	Z	Z	Z	Z	Z	Z	Z	Z	Z	B	B	Z	B	B				Z		Z			B	B

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	22.200	Child Day Care Facility		B	B	B	B	B	B	B	B	B	Z	Z	Z	Z	Z	Z	Z		Z		A	A		Z	Z				
	22.300	Senior Citizens Day Care, Class A		B	B	B	B	B	B	B	B	B		Z	Z	Z	Z	Z	Z		Z		A	A		Z	Z				
	22.400	Senior Citizens Day Care, Class B		B	B	B	B	B	B	B	B	B	Z	Z	B	Z	Z	B	Z		B					Z	Z				
23.000	Temporary structure or parking lots used in connection with the construction of a permanent building or for some non-recurring purpose																														
	23.100	Temporary structures located on same lot as activity generating need for structure																													
	23.200	Temporary parking facilities located on or off-site of activity generating need for parking		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	A	A	A	A	Z	Z				
	23.300	Temporary Construction Parking											Z(1)	Z(1)	Z(1)																
24.000	Bus Station													ZA				B	B		B										
25.000	Commercial Greenhouse Operations																														
	25.100	No on-premises sales							B	B										Z											
	25.200	On-premises sales permitted								B										Z											
26.000	Subdivisions																														
	26.100	Major		BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	BA	A	A	A	A	BA	VA				
	26.200	Minor		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	A	A	A	Z	Z				
27.000	Combination Uses																														
				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	A	*	*	*	*	*				
28.000	Planned Unit Developments																														
29.000	Special Events																														
	A	A		A	A	A	A	A	A	A	A	ZA	ZA	ZA	A	A	A	A	A	A	A	A	A			A	A				
				Permissible only in Planned Industrial Development Districts [See Subsection 15-137(c)]																											
30.000	Planned Industrial Development																														
31.000	Off-Premises Signs																														
																				Z											
32.000	Village Mixed Use Development																														
	special use permit-A).																														
33.000	(Repealed)																														
34.000	Temporary Lodging																														
	34.100	Hotels and Motels		A									A	A				A			A						A				
	34.200	Bed and Breakfast		B	B	B	B	B	B	B	B	B			B						B		A	B							

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 9/01/87; 6/22/21)**

(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 **(AMENDED 6/22/21)**

(a) Whenever a request to amend this chapter is initiated by the Town Council, the planning board, the board of adjustment, other town advisory board, 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 so that a date for a public hearing may be set.

(b) Any other person may also petition the Council 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. Applications for down-zoning shall not be considered unless all the property owners consent to the application.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.

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- (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.

(b1) If a change in zoning district classification is proposed, the petitioner shall hold at least one neighborhood information meeting on the application. A mailing is required in accordance with the standards in 15-323(c).

(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 Council 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 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-601(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 (AMENDED 6/22/21)

(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 or any other board if the amendment involves an issue of which the board has expertise.(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, 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 15-323 Hearing Required: Notice (AMENDED 6/22/21)

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a 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), 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 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

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prior to the date of the public hearing. If the rezoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing. The staff member mailing such notices shall certify to the council 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; 4/15/97; 3/26/02)(REWRITTEN 6/22/21)**

(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), 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.

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- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Council'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 Council 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 Council 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 town-initiated zoning map amendment. **(AMENDED 11/24/09)**

Section 15-324 Council Action on Amendments (AMENDED 10/24/06)(REWRITTEN 6/22/21)

(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 or text amendment, the Council shall adopt a statement describing whether the action is consistent or inconsistent 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

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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 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 15-325 Ultimate Issue Before Council on Amendments (AMENDED 6/22/21)

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Council 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 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 Council 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 5/25/99; 5/27/08)

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- (2) The Council 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; 6/22/21).

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 that has been properly initiated as provided in G.S. 160D-601, 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 G.S. 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).