

Tuesday, May 11, 2021	7:00 PM	Remote Meeting - View Livestream or Cable TV
		18

7:00-7:05

A. ROLL CALL

<u>7:05-7:15</u>

- B. POETRY READING, RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS
- 1. <u>21-158</u> Proclamation: Police Week and Peace Officers' Memorial Day
- 2. <u>21-153</u> Charges Issued to Recently Appointed Advisory Board Members

7:15-7:20

C. ANNOUNCEMENT OF UPCOMING MEETINGS

7:20-7:25

D. PUBLIC COMMENT

Comments are limited to three minutes per speaker.

7:25-7:35

E. CONSENT AGENDA

- 1. <u>21-154</u> Approval of Minutes from the April 27, 2021 Meeting
- 2. <u>21-155</u> Request-to-Set a Public Hearing on Text Amendments to the Land Use Ordinance for Compliance with N.C.G.S. Chapter 160D.
 PURPOSE: The purpose of this agenda item is to consider setting a public hearing on text amendments that would bring the Land Use Ordinance into conformance N.C.G.S. Chapter 160D. A draft ordinance has been prepared. Text amendments are legislative decisions. The Town Council must receive public input prior to making a decision.

Town Council		Meeting Agenda		May 11, 2021		
		<u>Attachments:</u>	Attachment A - Resolution			
			Attachment B - Draft Ordinance & PUT (compiled)_05-04-	<u>2021</u>		
			Attachment C - Table_working_05-7-2021			
3.	<u>21-156</u>	Request to Approve a Resolution Authorizing the Town Manage				
		_	Contract for Commissioning Agent Services for			
		Project.				
		•	: The purpose of this item is for the Town Council to the Town Manager to award a contract to Affiliated Engine 1 for Commissioning Agent Services for the 203 Project	ineers Inc. (AEI)		
		Attachments:	Attachment A - Resolution for Commissioning Agent			
			Attachment B - Commissioning Agent Firms Evaluation Ta	able		
			Attachment C - Los Alamos National Laboratory Sustainal Guide Ch 9 Attachment D - Town of Carrboro RFQ for CxA	<u>ole Design</u>		
4.	<u>21-160</u>	Authorization to Donate \$500 to the Carrboro High School Class of				
		PURPOSE	f \$500 from			
		the Town Cour	ncil contingency fund for the purposes of supporting the fun	draising		
		efforts to insta	ll a mural for the 2021 Carrboro High School graduating cla	ss.		
		<u>Attachments:</u>	Attachment A - Resolution			
5.	<u>21-161</u>	f a DJ				
		During the	Town of Carrboro Pride Food Truck Rodeo			
		PURPOSE	: The purpose of this item is to authorize the expenditure of	f \$500 from		
			ncil contingency fund for the purposes of supporting Carrbo	ro Pride Food		
		Truck Rodeo t	o cover the cost of a DJ.			
		<u>Attachments:</u>	Attachment A - Resolution			
F.	OTHER M	IATTERS				

<u>7:35-7:55</u>

 <u>21-159</u> Update on Bike Share and Consideration of Town Code Amendments Relating to Bike Share, E-Bikes, E-Scooters and other Micromobility Devices, and Bikeways
 PURPOSE: The purpose of this agenda item is to provide the Town Council with an update on a proposed bike share pilot and to consider amendments to the Town Code that would add new definitions and establish standards relating to bikeways, shared use systems, e-bikes and other micromobility devices.

Town Council		Meeting Agenda		May 11, 2021	
		<u>Attachments:</u>	Attachment A - Draft Town Code Amendments for Share Transportation Systems 4-29-2021 Attachment B - UNC Gotcha Service Area Map	ed Active	
			<u>Attachment C - PBIC_Brief_MicromobilityTypology</u>		
<u>7:55-</u>	<u>-8:15</u>				
2. <u>21-121</u> Crisis Diversion Facility Update					
		PURPOSE county-wide <u>Attachments:</u>	The Purpose of this agenda item is to update the C plans for a Crisis Diversion Facility to be located in O <u>Carrboro TownCouncil(11MAY2021)</u>		
<u>8:15-</u>	- <u>8:40</u>				
3.	<u>21-152</u>	Use Ordina PURPOSE hearing on a has been prep	Request-to-Set a Public Hearing on a Text Amendment to the Land Use Ordinance Relating to Parking Requirements PURPOSE: The purpose of this agenda item is to consider setting a public hearing on a text amendment relating to the use of satellite parking. A draft ordinan has been prepared. Text amendments are legislative decisions; the Town Council must receive public input prior to making a decision.		
		<u>Attachments:</u>	Attachment A - Resolution Attachment B - Draft Ordinance Relating to Satellite Parl Attachment C- Text Amend Applic Parking 3-25-21 Attachment D- 21 ART-XVIII	king 05-05-2021	
<u>8:40-</u>	-9:40				
4.	<u>21-157</u>	Facilitie Overview	s Rehabilitation - Energy and Sustainability S	ystems	
			The purpose of this agenda item is for the Public V		

Department and consulting engineer, Sud Associates, to present an overview of energy and sustainability options and recommendations for Town Hall, Century Center and Public Works that will align with the Town's goal of Net Zero Buildings. <u>Attachments:</u> <u>Attachment A - Energy and Sustainability Systems Overview</u>

G. MATTERS BY COUNCIL MEMBERS



File Number:21-158

Agenda Date: 5/11/2021 In Control: Board of Aldermen Version: 1 File Type:Agendas

Proclamation: Police Week and Peace Officers' Memorial Day



File Number:21-153

Agenda Date: 5/11/2021 In Control: Board of Aldermen Version: 1 File Type: Agendas

Charges Issued to Recently Appointed Advisory Board Members



File Number:21-154

Agenda Date: 5/11/2021 In Control: Board of Aldermen Version: 1 File Type:Agendas

Approval of Minutes from the April 27, 2021 Meeting



File Number:21-155

Agenda Date: 5/11/2021

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Request-to-Set a Public Hearing on Text Amendments to the Land Use Ordinance for Compliance with N.C.G.S. Chapter 160D.

PURPOSE: The purpose of this agenda item is to consider setting a public hearing on text amendments that would bring the Land Use Ordinance into conformance N.C.G.S. Chapter 160D. A draft ordinance has 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, <u>cmoon@townofcarrboro.org</u> <<u>mailto:cmoon@townofcarrboro.org</u>>; Marty Roupe - 919-918-7333, <u>mroupe@townofcarrboro.org</u> <<u>mailto:mroupe@townofcarrboro.org</u>>; Patricia McGuire - 919-918-7327, <u>pmcguire@townofcarrboro.org</u> <<u>mailto:pmcguire@townofcarrboro.org</u>>; Nick Herman - 919-929-3905, <u>gnherman@broughlawfirm.com</u> <<u>mailto:gnherman@broughlawfirm.com</u>>

INFORMATION: During the last several months, staff has been providing the Town Council with updates on the preparation of draft text amendments to bring the Land Use Ordinance into compliance with new requirements based on the adoption of Chapter 160D. Draft materials were been presented to the Council at three meetings: January 26th, February 16th and April 6th (Town of Carrboro - Meeting of Town Council on 1/26/2021 at 7:00 PM (legistar.com) https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=823939&GUID=3D78913E-0653-46D9-A733-8346B5C8DC69&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=853658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=855658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=855658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=855658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=855658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=">https://carrboro.legistar.com/MeetingDetail.aspx?ID=85658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=">https://carrboro.legistar.com/Meeti

As noted previously, some of the key elements of the legislation include:

- The removal of conditional use districts as a rezoning mechanism (rezoning & conditional use permits at the same time); existing conditional use districts will automatically become conditional districts as of January 1, 2021
- The use of conditional use permits will also be removed. All quasi-judicial permits will become special

File Type: Agendas

Agenda Date: 5/11/2021

In Control: Board of Aldermen

Version: 1

use permits; this change will also occur automatically.

- Comprehensive plans will become required.
- Conflict of interest provisions for legislative decisions (text amendments/rezonings) have been expanded. New conflict of interest provisions will apply to staff.
- New provisions for proportional representation will require ETJ representation on certain advisory boards.
- Provisions relating to vested rights have been updated and new provisions relating to permit choice added.
- Procedures relating to administrative determinations (staff decisions) have been added along with provisions for appealing determinations.

The preparation of text amendments have involved most of the articles in the Land Use Ordinance. Copies of the articles showing changes in tracking have been loaded to a ShareFile and may be accessed using the following link: https://townofcarrboro.sharefile.com/d-s19a8c484f3d54098b00a4f4536d020f2. Staff anticipates some additional minor revisions during the public hearing process.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and Planning Board review is also needed.

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

RECOMMENDATION: Staff recommends that the Town Council consider the attached resolution *(Attachment A)* setting a public hearing for June 15th and referring the item to Orange County and the Planning Board.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO CONFORM WITH RECENT CHANGES IN STATE LEGISLATION RELATING TO THE ADOPTION OF CHAPTER 160D

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 June 15, 2021 to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance to Conform with recent Changes in State Legislation Relating to the Adoption of Chapter 160D."

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.

This is the 11th day of May in the year 2021.

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

DRAFT 05-07-2021

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. Section 15-2, Authority, is amended to update the references to the North Carolina General Statutes to read as follows:

Section 15-2 Authority.

This chapter is adopted pursuant to the authority contained in Article 2 of G.S. Chapter 160D; Article 21 (Part 6) of G.S. Chapter 143; G.S. 143-215.6A; G.S. 143-214.5; Article 4 of G.S. Chapter 113A; as well as Chapter 527 of the Session Laws of 1953; Chapters 122 and 136 of the Session Laws of 1963; Chapter 260 of the Session Laws of 1977; Chapter 753 of the Session Laws of 1979; Chapters 233 and 476 of the 1987 Session Laws; Chapters 216 and 484 of the 2009 Session Laws; and other state and local laws. (AMENDED 4/27/82; (REWRITTEN 6/26/12).

Section 2. Section 15-3, Jurisdiction, is rewritten to read as follows:

Section 15-3 Jurisdiction.

(a) This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises the area described by Chapters 122 and 636 of the Session Laws of 1963, as modified from time to time in accordance with Section 160D-200; 202; 903 of the North Carolina General Statutes.

(b) If a parcel of land lies within the planning and development regulation jurisdiction of more than one local government, the local governments may, by mutual agreement and with the written consent of the landowner, assign exclusive planning and development regulation jurisdiction for the entire parcel to any one of those local governments in accordance with the process described in G.S. 160D-203.

(c) In addition to other locations required by laws, a copy of a map showing the boundaries of the town's planning jurisdiction shall be available for public inspection in the planning department. Maps may be maintained either in paper or digital format and shall be available for public inspection in the Planning Department.

Section 3. Section 15-6, Relationship to Land Use Plan is rewritten to read as follows:

Section 15-6 Relationship to Comprehensive Plan, Land Use Plan and other Adopted Plans.

(a) Pursuant to the intent and requirements of G.S. 160D-501, the Town shall adopt a Comprehensive Plan setting forth the goals, policies, and programs intended to guide the present and future physical, social, and economic development of the Town. The Comprehensive Plan may, among other topics, address any of the following: land use, economic sustainability, affordable housing, recreation, parks and open space, transportation, water and wastewater, energy and utilities, environmental systems and resilience, stormwater management, and public services.

(1) The adoption and amendment of the comprehensive plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601 and Article XX of this chapter.

(2) The comprehensive plan shall periodically be reviewed and maintained to ensure the relevance of the policies to current and projected conditions.

(b) It is the intention of the Town Council that this chapter implement the planning policies adopted by the Council for the town and its extraterritorial planning area, as reflected in the Comprehensive Plan, Land Use Plan and other planning documents. While the Council reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the Council hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

- (1) If an amendment to the Official Zoning Map is adopted and the action is deemed inconsistent with the adopted Comprehensive Plan, the Official Zoning Map amendment shall have the effect of also amending the Future Land Use Map of the Comprehensive Plan.
- (2) In such case, no additional application or fee for an amendment to the Comprehensive Plan shall be required of the applicant.

Section 4. Subsection 15-8(a), Fees, is amended to delete the reference to conditional use permits.

Section 5. Section 15-15 (Basic Definitions and Interpretations) of the Carrboro Land Use Ordinance is amended by adding twenty-two new definitions and modifying sixteen existing definitions, "adult care home, class B," "applicable codes," "berm," "childcare home, class A," "childcare home, class B," "conditional use permit," "developer," "development," "drainage facilities," "maternity home," "modular home," "nursing care home," "planning and development regulation jurisdiction," "special use permit," "subdivision," and "wireless facility", as shown below, and by renumbering the entire section in alphabetical order.

ADMINISTRATIVE DECISION. Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this chapter, also referred to as administrative determinations.

ADMINISTRATIVE HEARING. A proceeding to gather facts needed to make an administrative decision.

BERM. A human-made mound of earth whose length exceeds its height by a factor or at least five and whose side slopes are constructed at a steepness ratio of 6:1 or steeper. (The side slope of a berm shall not be constructed steeper than 2:1) (**AMENDED 05/19/98**)

BONA FIDE FARM. Agricultural activities as set forth in G.S. 160D-903.

CHARTER. As defined in G.S. 160A-1(2).

CHILD CARE HOME, CLASS A. All group homes for minor children other than Class B group homes. This definition specifically includes but is not limited to group homes for minor children who are in need of such a residential arrangement because they are orphaned, abused, neglected, or dependent, or who have a "handicap" as defined in the Fair Housing Act (42 U.S.C. § 3602), or are "persons with disabilities" as that term is defined in G.S. § 160d-907(b)(2). (AMENDED 6/22/04)

COMPREHENSIVE PLAN. A comprehensive plan that has been officially adopted by the Town Council pursuant to G.S. 1660D-501.

CONDITIONAL USE PERMIT. A permit that was issued by the Town Council, prior to January 1, 2021, authorizing the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Town Council. Pursuant to G.S. Chapter 160D, all valid conditional use permits were automatically converted to special use permits-A on January 1, 2021. See also special use permit.

CONDITIONAL ZONING. A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

DETERMINATION. A written, final, and binding order, requirement, or determination regarding an administrative decision.

DEVELOPER. A person, including a governmental agency or redevelopment authority, who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

DEVELOPMENT. Any of the following:

- a. The construction, erection, alteration, enlargement, renovation, substantial repair, movement to another site, or demolition of any structure.
- b. The excavation, grading, filling, clearing, or alteration of land.
- c. The subdivision of land as defined in G.S. 160D-802.
- d. The initiation or substantial change in the use of land or the intensity of use of land.

DEVELOPMENT APPROVAL. An administrative or quasi-judicial approval made pursuant to this chapter that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this chapter, including plat approvals, permits issued, development agreements entered into, and building permits issued.

DEVELOPMENT REGULATION. A unified development ordinance, zoning regulation, subdivision regulation, erosion and sedimentation control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code, State Building Code enforcement, or any other regulation adopted pursuant to G.S. Chapter 160D, this chapter or the Town Code or Town charter.

DRAINAGE FACILITIES. Any temporary or permanent natural or human-made facility utilized to divert, convey, or store stormwater runoff. Such facilities shall include (but are not limited to): drainage pipes and culverts, swales and ditches, intermittent and permanent streams, catch basins, drainage junction boxes and manholes, yard inlets, retention and detention basins and ponds, curbing which will carry runoff, dams and weirs, and culvert outlet stabilization and protection devices. (AMENDED 04/03/90)

DWELLING. Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith.

EVIDENTIARY HEARING. A hearing to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by a development regulation adopted under this chapter. [See Article VI.]

INTERESTED PERSON. For purposes of quasi-judicial evidentiary hearings an interested person or party is one who has standing as defined in G.S. 160D-1402(c). [See Article VI].

LANDOWNER OR OWNER. The holder of the title in fee simple. Absent evidence to the contrary, the Town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as the agent or representative for the purpose of making applications for development approvals.

LEGISLATIVE DECISION. The adoption, amendment, or repeal of a regulation under G.S. Chapter 160D, and Article XX of this chapter. The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of Article 10 of G.S. Chapter 160D.

LEGISLATIVE HEARING. A hearing to solicit public comment on a proposed legislative decision. [See Article XX.]

MULTI-PHASE DEVELOPMENT. A development at is submitted for development permit approval to occur in more than one phase and subject to a master development plan with committed elements showing the type and intensity of use of each phase.

MANUFACTURED HOME. A structure as defined in G.S. 143-145(7). [See also Mobile Home.]

MATERNITY HOME. A group home licensed as a maternity home by the North Carolina Department of Health and Human Services pursuant to G.S. § 131D-10.10. (**AMENDED 6/22/04**)

PLANNING AND DEVELOPMENT REGULATION JURISDICTION. The area within the town limits as well as the area beyond the town limits within which the town is authorized to plan for and regulate development pursuant to the authority granted in Article 2 of Chapter 160D of the N.C. General Statutes and Chapter 122 of the Session Laws of 1963. (AMENDED 6/22/82)

QUASI-JUDICIAL DECISION. A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. Decisions on the approval of subdivision plats and site plans are quasi-judicial in nature if the regulation authorizes a decision-making board, Town Council or board of adjustment, to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

SITE PLAN. A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan may include site specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. A site plan approval based solely upon application of objective standards is an administrative decision and a site plan approval based in whole or in part upon the application of standards involving judgment and discretion is a quasi-judicial decision. A site plan may also be approved as part of a conditional zoning decision.

SITE SPECIFIC VESTING PLAN. An approved plan that describes, with reasonable certainty, using a combination of graphic illustrations and written notes, the type and intensity of use for a specific parcel or parcels of property located within the Town's planning jurisdiction. Conditional districts, planned unit developments, special use permits and zoning permits can be approved as site specific vesting plans in accordance with G.S. 160D-108. [See Article VIII.]

SPECIAL USE PERMIT. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits.

SUBDIVISION. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter applicable strictly to subdivisions: (i) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter, (ii) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or (iii) the public acquisition by purchase of strips of land for widening or opening of streets or for public transportation system corridors; or (iv) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter; or (v) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter; or (v) the division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the G.S.

WIRELESS FACILITY. Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless communications and (ii) radio transceivers, antennas, wires, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration. The term includes small wireless facilities. Also refers to Wireless Telecommunications Facility. The term shall not include any of the following: (AMENDED 6/23/20)

- (1) The structure or improvements on, under, within, or adjacent to which the equipment is collocated.
- (2) Wireline backhaul facilities.
- (3) Coaxial or fiber-optic cable that is between wireless structures or utility poles or city utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- (4) Amateur radio antennas. See also, Section 15-150(5) Towers and antennas constructed on residential property and G.S. § 160D-931

ZONING MAP AMENDMENT OR REZONING. An amendment to a zoning regulation for the purpose of changing the zoning district that is applied to a specified property or properties. The term also includes (i) the initial application of zoning when land is added to the territorial jurisdiction of the town that has previously adopted zoning regulations and (ii) the application of an overlay zoning district or a conditional zoning district. The term does not include (i) the initial adoption of a zoning map by the town, (ii) the repeal of a zoning map and readoption of a new zoning map for the entire planning and development regulation jurisdiction, or (iii) updating the zoning map to incorporate amendments to the names of zoning district or land uses permitted in the district.

Section 6. 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 7. 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 8. Article III, Administrative Mechanisms, is amended to replace the words, 'chairman' and 'vice chairman' with 'chair' and 'vice chair,' and 'himself or herself' with 'themself' throughout.

Section 9. Article III, Administrative Mechanisms, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B,' respectively.

Section 10. Subsection 15-22(b) is rewritten to read as follows:

(b) The board shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas to assist with the preparation of advisory comments and recommendations for the Town Council and board of adjustment, or as otherwise directed by the Council.

Section 11. 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 special use permits-B, and renumbering the existing provision (4) to provision (5).

Section 12. 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 13. Subsection 15-26(d) is rewritten to read as follows:

(d) If an advisory committee provides direct advice to the Town Council (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. 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.

Section 14. Subsection 15-27(h)(3) is amended by adding the words, 'character and,' to read as follows:

(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.

Section 15. 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 16. Subsection 15-32(f) is rewritten 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 17. Subsection 15-34(a), Powers and Duties of the Board of Adjustment, is amended to add a new provision (8) to read as follows:

(8) Questions involving administrative determinations as provided in Subsection 15-93.1.

Section 18. Section 15-37, Land Use Administrator, is amended by adding two new paragraphs defining new conflicts of interest provisions for staff, to read as follows:

Pursuant to G.S. 160D-109(c), no staff member shall make a final decision on an administrative decision required by this chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the Town, as determined by the Town.

Section 19. Subsection 15-40(a) is rewritten to read as follows:

(a) The Town Council, in considering special use permit-A 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.

Members of the Town Council shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process 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.

Section 20. Section 15-42, Appointment and Terms of Appearance Commission, is amended by rewriting subsection (a) and by adding a new subsection (a1) to read as follows:

(a) There shall be an appearance commission consisting of nine members. Seven members, appointed by the Town Council, 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 requesting that they be made, the Town Council may make them.

(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 21. 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 22. Subsection 15-43(b) is rewritten to read as follows:

(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 except when, pursuant with subsection 15-43(f), the commission is acting in its capacity as the historic district commission in accordance with Article XXI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

Section 23. 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 24. Article IV, Permits and Final Plat Approval, is amended by changing 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B' respectively throughout the article.

Section 25. 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 special use permit-B issued by the board of adjustment;
- (3) A special use permit-A issued by the Town Council.

(a1) Pursuant to G.S. sections 160D-705(c) and 160D-102(30), any valid 'conditional use permit' issued prior to January 1, 2021 shall automatically convert to a 'special use permit-A.' Any valid 'special use permit' shall automatically convert to a 'special use permit-B.' 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 'special use permit-A.' Requests for modifications to special use permits shall be consider in accordance with the procedures in section 15-64 of this chapter.

(b) Zoning permits, special use permits-B, special use permits-A, 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 special use permit-A issued by the Town Council (for major subdivisions containing more than twelve lots and all subdivisions in watershed districts) or a special use permit-B 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, special use permit-A, special use permit-B, 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. sections 106-581.1 and 106-743.2 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. [See also the definition of bona fide farm in Article II of this chapter.]

(g) Notwithstanding the provisions of subsection (a) of this section, the Town may consider the use of development agreements for part or all of a development in accordance with G.S. sections 160D-1003 through 160D-1007 and the legislative hearing process in Article XX of this chapter.

Section 26. Section 15-48, Who May Submit Permit Applications, is amended by adding an additional sentence at the end of the subsection 15-48(a) that reads as follows:

An easement holder may also apply for development approval for such development as is authorized by the easement.

Section 27. Subsection 15-48(b) is amended to replace the pronoun 'his' with 'the applicant.'

Section 28. Subsection 15-48.1(c) is rewritten to read as follows:

(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. The planning staff may notify the Economic Sustainability Commission, Recreation and Parks Commission, Northern Transition Area Advisory Committee, 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)

Section 29. Subsection 15-49(a), Applications To Be Complete, is rewritten to read as follows:

(a) All applications for zoning permits, special use permits-A, special use permits-B, or sign permits must be complete before the permit-issuing authority is required to consider the application.

Section 30. Subdivision 15-49(c1)(1) is amended to corrected to replace the word 'by' in the last phase of the last sentence with 'but' to read, "and concerns about potentially harmful pollutants including but not limited to dust, debris and aerosols."

Section 31. Subsection 15-50(a) is amended by deleting the words, 'conditional or' as follows:

(a) Before submitting an application for a special use permit for a major subdivision, the applicant shall comply with the requirements of this section.

Section 32. Subsection 15-50(c) is rewritten to read as follows:

(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, or other boards when issues relevant to those boards are raised by the proposed subdivision, 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).

Section 33. Subdivision 15-50(g)(14) is amended to reference the Design and Management Handbook for Preservation Areas, as Appendix K.

Section 34. Section 15-51 Staff Consultation After Application Submitted, is amended to delete the reference to condition use permits, in subsection (a) and (b), to replace the word 'he' with 'the applicant' four times in subsection (a), and to replace the word 'he' with the applicant in the first sentence of subsection (b), and to replace the word 'he' with 'the administrator' in the last sentence of subsection (b).

Section 35. Section 15-52 is amended to replace the word 'he' with 'the administrator' in subsection (b), to replace the word 'his' with 'the town's' in subdivision (b)(1), and update citation, to add the phrase, "involving permit choice," at the end of the last sentence in subdivision (b)(3), and to replace the words, 'he or she,' with 'the administrator' in subsection (c), and to update the general statute citation in subsection (f).

Section 36. Section 15-53 is amended to reference the applicable performance guarantee

provisions in 15-60(b), to read as follows:

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 credit or other security that complies with all of the standards applicable to security guarantees in subsection 15-60(b) of this chapter and is satisfactory to the administrator.

Section 37. Subsection 15-54(c) is amended to read as follows:

(c) The board of adjustment or the Town Council, 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, involving permit choice);
- 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 Plans, or other plans officially adopted by the Council.

Section 38. Section 15-54.1, Affordable Housing Goal and Alternative Methods of Achieving the Goal, is amended by deleting the words 'or conditional' in subdivisions (c)(1) and (c)(3).

Section 39. Subsection 15-54.1(e) is rewritten to read as follow:

(e) The applicant for any residential development containing five or more lots or dwelling units, and therefore required to obtain either a special use permit-B from the Board of Adjustment or a special use permit-A from the Town Council, shall be required to participate in an Affordable Housing Review Meeting with the Town Council if the residential development does not meet the Council's affordable housing goal in any of the ways described in this section or Section 15-182.4.

Section 40. Section 15-55 is amended by replacing the word 'board' with 'authority' in the first sentence in subsection (a), and replacing the word 'board' with 'council,' and 'board of adjustment,' and adding the word 'evidentiary,' in front of the word 'hearing,' in the second sentence in subsection (a). Subsection 15-55(b) is amended by replacing the word 'board,' with 'authority' and the word 'his' with

'their.'

Section 41. Subsection 15-55.1(3) is rewritten to read as follows:

(3) Will be in general conformity with the Comprehensive Plan, Land Use Plan, Long Range Transportation Plans, and other plans officially adopted by the Council.

Section 42. Section 15-56, 'Recommendation on Special Use Permit Applications,' is renamed, 'Recommendation on Special Use Permit-B Applications.'

Section 43. Subsection 15-56(a) is amended by adding the word 'evidentiary' before the word 'hearing' and the letter 'B' after the word permit in the first sentence.

Section 44. Subsection 15-56(c) is rewritten to read as follows:

(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 appearance commission, transportation advisory board, the environmental advisory board, the affordable housing advisory commission, or to other relevant advisory board, to obtain the recommendations of some or all of these boards. (**REWRITTEN 02/25/14, AMENDED 06/25/19).**

Section 45. Section 15-57, Recommendations on Conditional Use Permits, is rewritten to read as follows:

Section 15-57 Recommendations on Special Use Permits-A.

(a) Before being presented to the Town Council, an application for a special use permit-A shall be referred to the planning board, appearance commission, transportation advisory board, environmental advisory board, the affordable housing advisory commission, or other relevant advisory board for joint review and action in accordance with this section. The Town Council may not hold a public hearing on a special use permit application-A until the planning board, appearance commission, transportation advisory board, environmental advisory board, affordable housing advisory commission, or other relevant advisory board advisory board and application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, transportation advisory board, environmental advisory board, affordable housing advisory commission, or other advisory board, the Town Council 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, appearance commission, transportation advisory board, environmental advisory board, affordable housing advisory commission, or other 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. 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, appearance commission, transportation advisory board, environmental advisory board, affordable housing advisory commission, or other 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, appearance commission, transportation advisory board, environmental advisory board, affordable housing advisory commission or other advisory board, shall, in their advisory capacity, report to the Town Council 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 appearance commission's, transportation advisory board's, environmental advisory board's, affordable housing advisory commission's or other advisory board's recommendations, the applicant may modify his application prior to submission to the Town Council, and the planning staff may likewise revise its recommendations. (AMENDED 09/19/19, REWRITTEN 02/25/14, AMENDED 06/25/19).

Section 46. Section 15-58, 'Board Action on Special use Permits,' is renamed, 'Board of Adjustment Action On Special Use Permits-B and Town Council Action on Special Use Permits-A..

Section 47. Section 15-59, Additional Requirements on Special Use and Conditional Use Permits, is rewritten to read as follows:

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

(a) Subject to subsection (b), in granting special use permit—B or special use permit-A, 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; <u>or</u>
- (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 48. Section 15-60, Authorizing Use, Occupancy, or Sale Before Completion of Development under Special Use Permits, is rewritten to read as follows:

<u>Section 15-60</u> Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special 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 use permit recipient (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 that complies with all of the standards applicable to security guarantees in subsection 15-60(b) of this chapter and is satisfactory to the manager

(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 pursuant to G.S. 160D-804.1 and satisfactory to the manager to ensure that all of these requirements will be fulfilled within a reasonable period, as described below. (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).

To assure compliance with G.S.160D-804, 160D-804.1, and other development regulation requirements, the town may provide for performance guarantees to assure successful completion of required improvements. For purposes of this section, all of the following apply with respect to performance guarantees:

- (1) Type. The type of performance guarantee shall be at the election of the developer. The term "performance guarantee" means any of the following forms of guarantee:
 - a. Surety bond issued by any company authorized to do business in this State.
 - b. Letter of credit issued by any financial institution licensed to do business in this State.
 - c. Other form of guarantee that provides equivalent security to a surety bond or letter of credit.
- (2) 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.

- (3) 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 town standards, 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 (e) of this subsection and shall include the total cost of all incomplete improvements.
- (4) 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. 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 town 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 shall timely provide written acknowledgement that the required improvements have been completed.
- (5) 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. 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.
- (6) 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.
- (7) Coverage. The performance guarantee shall only be used for completion of the required improvements and not for repairs or maintenance after completion.
- (8) 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 the performance guarantee is provided.

- b. The developer at whose request or for whose benefit the performance guarantee is given.
- c. The person or entity issuing or providing the performance guarantee at the request of or for the benefit of the developer.
- (9) 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.
- (10) Exclusion. Performance guarantees associated with erosion control and stormwater 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 use permit recipient by the permit issuing board in accordance with Section 15-59 unless the council or board specifies a certain date by which or a schedule according to which such requirements must be met.

Section 49. Section 15-61, Completing Developments in Phases, is amended by adding a new reference at the end of subsection (a) to read as follows:

(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. [See Article VIII for provisions relating to vested rights for multi-phase developments.]

Section 50. Subsection 15-63(a), Effect of Permit on Successors and Assigns, is amended to delete the words 'conditional use' in the first sentence and rewrite the second sentence to read, "Such permits run with the land." Subsection 15-63(b) is amended to add the word 'or' after zoning and to delete the words 'or conditional use' in the first sentence.

Section 51. Section 15-65, 'Reconsideration of Board Action,' is rewritten to read as follows:

Section 15-65 Reconsideration of Council or Board Action.

Whenever (i) the Town Council disapproves a special use permit-A application, or (ii) the board of adjustment disapproves an application for a special use permit-B 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 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; or
- (4) A member of the Town Council or board of adjustment who voted to deny the application makes a motion to reconsider no later than the next regular meeting.

Section 52. 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 53. Section 16-77, No Subdivision Without Plat Approval, is amended by updating the General Statute citations.

Section 54. 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. 160D-82, 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:

(a) The tract or parcel to be divided is not exempted under G.S.160D-802(a)(2), [the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved];

(b) No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to the proposed division;

- (c) The entire area of the tract or parcel to be divided is greater than 5 acres;
- (d) After division, no more than three lots result from the division; and
- (e) After division, all resultant lots comply with all of the following:
 - (1) All lot dimension size requirements of the applicable regulations of this chapter;
 - (2) The use of the lots is in conformity with the applicable zoning requirements, if any; and
 - (3) A permanent means of ingress and egress is recorded for each lot.

(f) Applicants for special review of certain classes of subdivision approval shall submit to the planning director a copy of a plat demonstrating that the property in question conforms with the standards in Section 15-78.1 (as well as two prints of such plat); the subdivision plat subdivision plat shall contain the following certificates in lieu of those required in Section 15-80:

(1) <u>Certificate of Ownership</u>

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) <u>Certificate of Approval for Recording – Subdivision Plat</u>

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Carrboro, North Carolina, and that this plat has been approved for recording in the Office of the Register of Deeds of Orange County. This plat is null and void if not recorded at the Orange County Deed Registry within sixty (60) days of the date written below.

Date

Owner

Section 55. Subsection 15-79(a), Major Subdivision Approval Process, is rewritten to read as follows:

(a) The town manager (or designee) shall approve or disapprove major subdivision final plats. Notwithstanding the foregoing, if, at the time the special use permit-A or special use permit-B was issued for the subdivision pursuant to Part I of Article IV of this Chapter, the permit issuing authority 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)

Section 56. Section 15-81, Plat Approval Not Acceptance of Dedication Offers, is amended to change the reference from the Board to the Council, and to add the words,' or designee' to read as follows:

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, by issuing to the dedicator a written notice of acceptance signed by the town manager (or designee), or by actually exercising control over and maintaining such facilities. (AMENDED 06/06/89)

Section 57. Section 15-82, Protection Against Defects, is rewritten to read as follows:

Section 15-82 Protection Against Incompleteness.

(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 guarantee that is posted pursuant to Section 15-60 shall guarantee that any required improvements not completed shall be completed, subject to the Town collecting the performance guarantee to make the improvements. (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 guarantee that any incomplete improvements will be satisfactorily installed, in accordance with subsection 16-60(b). Or the Town will make such improvements using the performance guarantee. (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.

Section 58. Subsection 15-83.2(a) is amended to replace 'permit issuing board,' with 'permit issuing authority.'

Section 59. Section 15-86, Record Drawings, is amended by adding an addition phrase to the end

of the last sentence to read as follows:

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, or in a digital format determined acceptable by the Town.

Section 60. Subsection 15-88.1(b) is amended by replacing the words 'general use' with 'conventional' and deleting the work 'use' after conditional in the first sentence, to read as follows:

(b) A CAPS shall not be required for a conventional or conditional rezoning or for a master land use plan. The record drawings shall be permanent reproducible drawings, on mylar, 2 mil minimum weight or in a digital format determined acceptable by the Town.

Section 61. Subsections 15-88.5(a) and (b) are amended to delete references to conditional use permits.

Section 62. Article V, 'Appeals, Variances, Special Exceptions and Interpretations,' is renamed as 'Appeals, Variances, Special Exceptions, Interpretations, and Determinations.'

Section 63. Article V, Appeals, Variances, Special Exceptions, Interpretations, and Determinations, is amended to update the citations referencing the applicable provisions in the North Carolina General Statutes.

Section 64. Article V, Appeals, Variances, Special Exceptions, Interpretations, and Determinations, is amended to replace any references to 'conditional use permits,' and 'special use permits' to' special use permits-A' and 'special use permits-B,' respectively.

Section 65. Article V, Appeals, Variances, Special Exceptions, Interpretations, and Determinations, 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 66. Article V, Appeals, Variances, Special Exceptions, Interpretations, and Determinations, is amended by adding a new Section 15-93.1, Determinations, to read as follows

Section 15-93.1 Determinations.

(a) The administrator is authorized to make determinations, a written, final, and binding order, requirement, or determination regarding an administrative decision. This includes any interpretation of the requirements of this chapter, affirmation of nonconforming status, notice of violation or other binding order concerning development regulations.

- (1) When making a determination, 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.
- (2) It is conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, provided the sign remains on the property for at least 10 days. The sign shall contain the words "Zoning Decision" or "Subdivision Decision" or similar language for other

determinations in letters at least 6 inches high and shall identify the means to contact a local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any such posting is the responsibility of the landowner, applicant, or person who sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination. Absent an ordinance provision to the contrary, posting of signs shall not be required

(b) Determinations may be appealed to the board of adjustment in accordance with Section 15-91.

Section 67. Subsection 15-96(a) is amended to add the phrase, 'of a variance,' in the second sentence of the subsection to read as follow:

(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.

Section 68. Article VI, 'Hearing Procedures for Appeals and Applications,' is renamed 'Evidentiary Hearing Procedures for Appeals and Applications.'

Section 69. Subsection 15-101(a), Evidentiary Hearing Required on Appeals and Applications, is rewritten to read as follows:

(a) Before making a decision on an appeal or an application for an administrative decision, variance, special use permit-B, or special use permit-B, certificate of appropriateness, or a petition from the planning staff to revoke a special use permit, the board of adjustment or the town council, as the case may be, shall hold an evidentiary hearing on the appeal or application. Evidentiary hearings are also known as quasi-judicial hearings. Evidentiary hearings on special use permits-A shall be set by the town council as provided in Section 2-17 of the Town Code. (AMENDED 4/27/82))

Section 70. Article VI, Evidentiary Hearing Procedures for Appeals and Applications, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 71. Subsection 15-101, Evidentiary Hearing Required on Appeals and Applications, is amended by adding a new subsection (e) to read as follows:

(e) If an evidentiary hearing is set for a given date and a quorum of the board of adjustment or town council is not then present, the hearing shall be continued until then next regular meeting without further advertisement.

Section 72. Section 15-102, Notice of Hearing, is renamed, Notice of Evidentiary Hearing.

Section 73. Section 15-102(2), Notice of Evidentiary Hearing, is rewritten to read as follows:

(2) With respect to hearings on matters other than special use permits, notice shall be given to neighboring property owners by mailing a written notice not later than 10 days or earlier than 25 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is abutting or located within 150 feet of the lot that is the subject of the application or appeal. The planning staff

shall also make reasonable efforts to mail a similar written notice not less than 10 days before the hearing to the occupants of residential rental property which is abutting or located within 150 feet of the lot that is the subject of the application or appeal. With respect to hearings on the issuance or revocation of special use permits, notice shall be given to abutting property owners by mailing a written notice not later than 10 days or earlier than 25 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is abutting or located within 500 feet of the lot that is the subject of a special use permit-B and 1000 feet of the lot that is the subject of a use permit-A. The planning staff shall also make reasonable efforts to mail a similar written notice not less than 10 days or earlier than 25 days before the hearing to the non-owner occupants of residential rental property abutting or located within 1,000 feet of the lot that is the subject of the special use permit-A. In all cases, notice shall also be given by prominently posting signs in the vicinity of the property that is the subject of the proposed action. Such signs shall be posted within the same 10 to 25-day period for mailed notice. (AMENDED 10/12/82; 1/22/85; 04/15/97; 10/12/99; 3/26/02)

Section 74. Article VI, Evidentiary Hearing Procedures for Appeals and Applications, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and special use permit-B,' respectively.

Section 75. Article VI, Evidentiary Hearing Procedures for Appeals and Applications, is amended by adding a new Section 15-102.1, 'Administrative Materials,' to read as follows:

Section 15-102.1. Administrative Materials.

The administrator or staff to the board of adjustment or town council shall transmit to the board or council all applications, reports, and written materials relevant to the matter being considered. The administrative may be distributed to the members of the board or council prior to the hearing if at the same time they are distributed to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant.

- (1) The administrative materials, may be provided in written or electronic form, and shall become part of the hearing records.
- (2) Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board or council at the hearing.

Section 76. Section 15-103, Evidence, is rewritten to read as follows:

Section 15-103 Evidence.

(a) The provisions of this section apply to all evidentiary hearings for which a notice is required by Section 15-101.

(b) All persons who intend to present evidence to the permit-issuing board, rather than arguments only, shall be sworn.

(1) The applicant, the town, and any person who would have standing to appeal the decision under G.S. 160D-1402(c), and Article V of this chapter, shall have the right to participate as a party at the evidentiary hearing.

- (2) Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board of adjustment or town council.
- (3) Any person who, while under oath during a proceeding before the board or council determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

(c) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

(d) Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board or council. The chair shall rule on any objections, and the chair's rulings may be appealed to the full board or council. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

(e) The council or board making a quasi-judicial decision under this chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the town, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall issue requested subpoenas that the chair determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full council or board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the council or board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Section 77. Section 15-104, Modification of Application at Hearing, is amended by adding a new subsection (c) to read as follows:

(c) The administrator who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a 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 council or board shall continue the hearing.

Section 78. Subsection 15-106(a) is amended to update the citations to reflect the adoption of G.S. Chapter 106D.

Section 79. Article VI, Evidentiary Hearing Procedures for Appeals and Applications, is amended by adding a new Section 15-107, 'Standing,' to read as follows:

Section 15-107 Standing.

A petition may be filed under this section only by a petitioner who has standing to challenge the decision being appealed. The following persons have standing to file a petition under this section:

(1) Any person possessing any of the following criteria:

- a. An ownership interest in the property that is the subject of the decision being appealed, a leasehold interest in the property that is the subject of the decision being appealed, or an interest created by easement, restriction, or covenant in the property that is the subject of the decision being appealed.
- b. An option or contract to purchase the property that is the subject of the decision being appealed
- c. An applicant before the decision-making board whose decision is being appealed.
- (2) Any other person who will suffer special damages as the result of the decision being appealed.
- (3) An incorporated or unincorporated association to which owners or lessees of property in a designated area belong by virtue of their owning or leasing property in that area, or an association otherwise organized to protect and foster the interest of the particular neighborhood or local area, so long as at least one of the members of the association would have standing as an individual to challenge the decision being appealed, and the association was not created in response to the particular development or issue that is the subject of the appeal.
- (4) The Town of Carrboro whose decision-making board has made a decision that the Town Council believes improperly grants a variance from or is otherwise inconsistent with the proper interpretation of a development regulation adopted by the Council.

(d) The respondent named in the petition shall be the Town of Carrboro whose decisionmaking board made the decision that is being appealed, except that if the petitioner is the town that has filed a petition pursuant to subdivision (4) of subsection (c) of this section, then the respondent shall be the decision-making board. If the petitioner is not the applicant before the decision making board whose decision is being appealed, the petitioner shall also name that applicant as a respondent. Any petitioner may name as a respondent any person with an ownership or leasehold interest in the property that is the subject of the decision being appealed who participated in the hearing, or was an applicant, before the decisionmaking board.

(e) Upon filing the petition, the petitioner shall present the petition and a proposed writ of certiorari to the clerk of superior court of Orange County. The writ shall direct the town or the respondent decision-making board, if the petitioner is the town that has filed a petition pursuant to subdivision (4) of subsection (c) of this section, to prepare and certify to the court the record of proceedings below within a specified date. The writ shall also direct the petitioner to serve the petition and the writ upon each respondent named therein in the manner provided for service of a complaint under Rule 4(j) of the Rules of Civil Procedure, except that, if the respondent is a decision-making board, the petition and the writ shall be served upon the chair of that decision-making board. Rule 4(j)(5)d. of the Rules of Civil Procedure applies in the event the chair of a decision-making board cannot be found. No summons shall be issued. The clerk shall issue the writ without notice to the respondent or respondents if the petition has been properly filed and the writ is in proper form. A copy of the executed writ shall be filed with the court. Upon the filing of a petition for writ of certiorari, a party may request a stay of the execution or enforcement of the decision of the quasi-judicial board pending superior court review. The court may grant a stay in its discretion and on conditions that properly provide for the security of the adverse party. A stay granted in favor of a city or county shall not require a bond or other security.

(f) The respondent may, but need not, file a response to the petition, except that, if the respondent contends for the first time that any petitioner lacks standing to bring the appeal, that contention must be set forth in a response served on all petitioners at least 30 days prior to the hearing on the petition. If it is not served within that time period, the matter may be continued to allow the petitioners time to respond.

Section 80. Article VII, Enforcement and Review, is amended by replacing pronouns with gender neutral language throughout.

Section 81. Article VII, Enforcement and Review, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and "special use permits-B.'

Section 82. Subsection 15-114(b), Penalties and Remedies for Violations, is amended by rewriting provision (a) under subsection (3) regarding an automatic stay of the collection of civil penalties during an appeal, to read as follows:

a. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from and accrual of any fines assessed during the pendency of the appeal to the board of adjustment and any subsequent appeal in accordance with G.S. 160D-1402 or during the pendency of any civil proceeding authorized by law or appeals therefrom, unless the official who made the decision certifies to the board 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 development regulation. In that case, enforcement proceedings are not stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the board shall meet to hear the appeal within 15 days after such a request is filed.

Section 83. Subsection 15-116(a), Judicial Review, is rewritten to read as follows:

(a) Every quasi-judicial decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d). Appeals in any such case shall be heard by the superior court of Orange County.

Section 84. Article VII, Enforcement and Review, is amended by adding a new Section 15-118, 'Statutes of Limitations,' to read as follows:

Section 15-118 Statutes of Limitations

(a) Zoning Map Adoption or Amendments. A cause of action as to the validity of any regulation adopting or amending a zoning map adopted under Article XX of this chapter or G.S. 160D-1405 or other applicable law or a development agreement adopted under Article 10 of Chapter 160D of the General Statutes accrues upon adoption of the ordinance and shall be brought within 60 days as provided in G.S. 1-54.1.

(b) Text Adoption or Amendment. Except as otherwise provided in G.S. 160D-1405(a), an action challenging the validity of a development regulation adopted under this chapter or other applicable law shall be brought within one year of the accrual of such action. Such an action accrues when the party bringing such action first has standing to challenge the ordinance. A challenge to an ordinance on the basis of an alleged defect in the adoption process shall be brought within three years after the adoption of the ordinance.

(c) Enforcement Defense. Nothing in G.S. sections 160D-1405, 1-54(10) or 1-54.1 bars a party in an action involving the enforcement of a development regulation or an action under G.S. 160D-1403.1 from raising as a claim or defense in the proceedings or enforceability or the invalidity of the ordinance. Nothing in G.S. sections 160D-1405, 1-54(10) or 1-54.1 bars a party who files a timely appeal from an order, requirement, decision, or determination made by the administrator contending that the party is in violation of a development regulation from raising in the judicial appeal the invalidity of the ordinance as a defense to the order, requirement, decision, or determination. A party in an enforcement action or appeal may not assert the invalidity of the ordinance on the basis of an alleged defect in the adoption process unless the defense is formally raised within three years of the adoption of the challenged ordinance.

(d) Termination of Grandfathered Status. When a use constituting a violation of this chapter is in existence prior to adoption of the Carrboro Land Use Ordinance creating the violation, and that use is grandfathered and subsequently terminated for any reason, the town shall bring an enforcement action within 10 years of the date of the termination of the grandfathered status, unless the violation poses an imminent hazard to health or public safety.

(e) Quasi-Judicial Decisions. Unless specifically provided otherwise, a petition for review of a quasi-judicial decision shall be filed with the clerk of superior court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with G.S. section 160D-406(j). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(f) Others. Except as provided by this section, the statutes of limitations shall be as provided in Subchapter II of Chapter 1 of the General Statutes.

Section 85. Article VIII, Nonconforming Situations, is renamed, Nonconforming Situations, Vested Rights and Permit Choice.

Section 86. Article VIII, Nonconforming Situations, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 87. Article VIII, Nonconforming Situations, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B,' respectively throughout the article.

Section 88. Section 15-121, Definitions, is amended by adding eight new definitions, listed below, and by renumbering the section in alphabetical order.

DEVELOPMENT. As defined in G.S. 143-755(e)(1). 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, or d) the initiation of substantial change in the use of land or the intensity of the use of land.

DEVELOPMENT PERMIT. As defined in G.S. 143-755(e)(2). 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; and m) sign permits.

LAND DEVELOPMENT REGULATION. As defined in G.S. 143-755(e)(3). Any State statute, rule, or regulation, or local ordinance affecting the development or use of real property, including any of the following: a) unified development ordinance; b) zoning regulation, including zoning maps; c) subdivision regulation; d) erosion and sedimentation control regulation; e) floodplain or flood damage prevention regulation; f) mountain ridge protection regulation; g) stormwater control regulation; h) wireless telecommunication facility regulation; i) historic preservation or landmark regulation; and j) housing code.

MULTI-PHASED DEVELOPMENT. A development that is submitted for development permit approval to occur in more than one phase and subject to a master development plan with committed elements showing the type and intensity of use of each phase.

SITE SPECIFIC VESTING PLAN. An approved plan that describes, with reasonable certainty, using a combination of graphic illustrations and written notes, the type and intensity of use for a specific parcel or parcels of property located within the Town's planning jurisdiction. Conditional districts, planned unit developments, special use permits and zoning permits can be approved as site specific vesting plans in accordance with G.S. 160D-108.

SUBSTANTIALLY COMMENCED. Substantial commencement of work shall be determined by the administrator based on any of the following:

- The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis and not discontinued it for more than thirty (30) days;
- (2) The development has installed substantial on-site infrastructure; or
- (3) The development has received and maintained a valid building permit for the construction and approval of a building foundation.

Even if work has substantially commenced, a development approval still expired is development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, as calculated and tolled pursuant to G.S. 160D-108.following:

VESTED RIGHTS. A vested right shall be deemed established upon the valid approval of the Town Council, board of adjustment or administrator of a site specific development plan. The approval authority may approve a site specific development plan upon such terms and conditions as may be reasonably necessary to protect the public health, safety and welfare. Such conditional approval shall result in a vested right being established; provided, that failure to satisfy any of the terms and conditions so imposed will result in forfeiture of vested rights. A site specific development plan shall be deemed approved as of the effective date of the approval authority's final action or adoption of an ordinance relating thereto.

VESTED RIGHTS, COMMON LAW

A statutory vested right is a validity period for a particular development approval. While the approval is valid, subsequent changes to the development regulations do not apply to the valid approval.

Section 89. Article VIII, Nonconforming Situations, is amended by replacing pronouns with gender neutral language throughout

Section 90. Section 15-124, Extension or Enlargement of Nonconforming Situations, is amended by deleting subdivisions (e)(2) and (e1)(2) and renumbering the subsequent subdivisions.

Section 91. Section 15-128, Completion on Nonconforming Projects, is amended by deleting subsections (d) and (g) and renumbering the subsections accordingly.

Section 92. Section 15-128.2, 'Vested Rights: Site Specific Development Plan,' is rewritten as 'Vested Rights and Permit Choice," to read as follows:

Section 15-128.2 Vested Rights and Permit Choice

(a) Findings. The Town Council recognizes that development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expenses, and finds that it is necessary and desirable to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation. In accordance with G.S. sections 160D-108 and 160-108.1, the provisions below and in Section 128.3 are designed to provide a balance between private expectations and the public interest.

(b) Permit Choice. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit decision has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies.

(c) Vested Rights. Amendments in land development regulations are not applicable or enforceable without the written consent of the owner with regard to any of the following:

- (1) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
- (2) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
- (3) A site-specific vesting plan pursuant to G.S. 160D-108.1.
- (4) A multi-phased development pursuant to subsection (f) of this section.
- (5) A vested right established by the terms of a development agreement authorized by Article 10 of G.S. Chapter 160D [See 15-146(g)].

The establishment of a vested right under any subdivision of this subsection does not preclude vesting under one or more other subdivisions of this subsection or vesting by application of common law principles. A vested right, once established as provided for in this section or by common law, precludes any action by the town that would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property allowed by the applicable land development regulation or regulations, except where a change in State or federal law mandating town enforcement occurs after the development application is submitted that has a fundamental and retroactive effect on the development or use.

(d) Duration of Vesting. Upon issuance of a development permit, the statutory vesting granted by subsection (c) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. A zoning right that has been vested as provided in this chapter shall remain vested for a period of two years after issuance of a development permit unless work authorized by the permit has substantially commenced. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency as a court directive.

The statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months. The 24-month discontinuance period is automatically tolled during the pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section. The 24-month discontinuance period is also tolled during the pendency of any litigation involving the development project or property that is the subject of the vesting

(e) Multiple Permits for Development Project. Subject to subsection (d) of this section, where multiple town development permits are required to complete a development project, the development permit applicant may choose the version of each of the town development regulations applicable to the project upon submittal of the application for any initial development permit. This provision is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. For purposes of the vesting protections of this subsection, an erosion and sedimentation control permit or a sign permit is not an initial development permit.

(f) Multi-Phased Development. A multi-phased development is vested for the entire development with the land development regulations then in place at the time a site plan approval is granted for the initial phase of the multi-phased development. A right which has been vested as provided for in this subsection remains vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multi-phased development.

(g) Continuing Review. Following issuance of a development permit, the town may make subsequent inspections and reviews to ensure compliance with the applicable regulations in effect at the time of the original approval.

(h) Process to Claim Vested Right. A person claiming a statutory or common law vested right may submit information to substantiate that claim to the administrator, who shall make an initial determination as to the existence of the vested right. The decision of the administrator may be appealed under G.S. 160D-405 [See Subsection 15-93.1(b) and Article V of this chapter.]. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1.

(i) Miscellaneous Provisions. The vested rights granted by this section run with the land except for the use of land for outdoor advertising governed by G.S. 136-136.1 and G.S. 136-131.2 in which case the rights granted by this section run with the owner of the permit issued by the North Carolina Department of Transportation. Nothing in this section precludes judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.

Section 93. Section 15-128.3, 'Vested Rights Upon Issuance of Building Permits', is repealed and replaced with 'Vested Rights – Site Specific Vesting Plans,' to read as follows:

Section 15-128.3 Vested Rights - Site Specific Vesting Plans.

(a) Site-Specific Vesting Plan. A site-specific vesting plan consists of a plan submitted to the town in which the applicant requests vesting pursuant to this section, describing with reasonable certainty on the plan the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a preliminary or general development plan, a special use permit, a conditional district zoning plan, or any other land-use approval designation.

Unless otherwise expressly provided by the town, the plan shall include the requirements of the permit sought and the following if not required by the permit: approximate boundaries of the site; significant topographical and other natural features affecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways.

(b) Establishment of Vested Right. A vested right is established with respect to any property upon the valid approval, or conditional approval, of a site-specific vesting plan as provided in this section. Such a vested right confers upon the landowner the right to undertake and complete the development and use of the property under the terms and conditions of the site specific vesting plan, including any amendments thereto. The vested right under this section commences upon the issuance of the permit or rezoning in question, and the date of issuance is to be determined in accordance with the provisions of Subsection 15-62(d) for permits and Section 15-141.4 for conditional rezonings.

(c) Approval and Amendment of Plans. If a site-specific vesting plan is based on an approval required by a town development regulation, the town shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than two years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by G.S. 160D-602 and pursuant to Article XX of this chapter shall be held.

The town may approve a site-specific vesting plan upon any terms and conditions that may reasonably be necessary to protect the public health, safety, and welfare. Conditional approval results in a vested right, although failure to abide by the terms and conditions of the approval will result in a forfeiture of vested rights. The town shall not require a landowner to waive the landowner's vested rights as a condition of developmental approval. A site specific vesting plan is deemed approved upon the effective date of the town's decision approving the plan or another date determined by the council upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the town as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by the administrator, as provided for in section 15-64 of this chapter.

(d) Continuing Review. Following approval or conditional approval of a site-specific vesting plan, the town may make subsequent reviews and require subsequent approvals to ensure compliance with the terms and conditions of the original approval, provided that these reviews and approvals are not inconsistent with the original approval. The town may, pursuant to G.S. 160D-403(f), revoke the original approval for failure to comply with applicable terms and conditions of the original approval or the applicable local development regulations.

- (e) Duration and Termination of Vested Right.
 - (1) A vested right for a site-specific vesting plan remains vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan except as provided for in sections 15-64 and 15-141.4 of this chapter, or unless expressly provided by the approval authority at the time the amendment or modification is approved.
 - (2) Notwithstanding the provisions of subdivision (1) of this subsection, the Town Council may provide for rights to be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. These determinations are in the sound discretion of the Town Council and shall be made following the process specified for the particular form of a site-specific vesting plan involved in accordance with subsection (a) of this section.
 - (3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and G.S. 160D-1115 apply, except that a permit does not expire and shall not be revoked because of the running of time while a vested right under this section is outstanding.
 - (4) A right vested as provided in this section terminates at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.
- (f) Subsequent Changes Prohibited; Exceptions.
 - (1) A vested right, once established as provided for in this section, precludes any zoning action by the town which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site-specific vesting plan, except under one or more of the following conditions:
 - a. With the written consent of the affected landowner.
 - b. Upon findings, by ordinance after notice and an evidentiary hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site-specific vesting plan.
 - c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consulting fees incurred after approval by the town, together with interest as provided under G.S. 160D-106. Compensation shall not include any diminution in the value of the property which is caused by the action.
 - d. Upon findings, by ordinance after notice and an evidentiary hearing, that the landowner or the landowner's representative intentionally supplied inaccurate

information or made material misrepresentations that made a difference in the approval by the town of the site-specific vesting plan or the phased development plan.

- e. Upon the enactment or promulgation of a State or federal law or regulation that precludes development as contemplated in the site-specific vesting plan or the phased development plan, in which case the town may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and an evidentiary hearing.
- (2) The establishment of a vested right under this section does not preclude the application of overlay zoning or other development regulations which impose additional requirements but do not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to development regulation by the town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations become effective with respect to property which is subject to a site-specific vesting plan upon the expiration or termination of the vesting rights period provided for in this section.
- (3) Notwithstanding any provision of this section, the establishment of a vested right does not preclude, change, or impair the authority of the town to adopt and enforce development regulations governing nonconforming situations or uses.

(g) Miscellaneous Provisions. A vested right obtained under this section is not a personal right but attaches to and runs with the applicable property, and should be recorded in the County Register of Deeds. After approval of a site-specific vesting plan, all successors to the original landowner are entitled to exercise these rights.

Section 94. Subsection 15-135(d) is amended by changing the reference to the town's Comprehensive Land Use Plan to the town's Comprehensive Plan.

Section 95. Subsection 15-136, Commercial Districts Established, is amended to repeal the O/A-CU, Office/Assembly Conditional Use district, provision (11).

Section 96. Article IX, Zoning Districts and Zoning Maps, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B.'

Section 97. Article IX, Zoning Districts and Zoning Maps, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 98. Section 15-141.2, Village Mixed Use District Established, is rewritten to convert the VMU district from a conditional use district to a conditional district, as follows:

Section 15-141.2 Village Mixed Use District Established (AMENDED 05/25/99)

(a) There is hereby established a Village Mixed Use (VMU) district. This district is established to provide for the development of rural new villages at a scale intended to continue Carrboro's small town character as described in its Year 2000 Task Force Report and to promote a traditional concept of villages. The applicant for rezoning to this district must demonstrate that its planning, design and development will achieve, but not necessarily be limited to, all of the following specific objectives:

- (1) The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses;
- (2) The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes.
- (3) Dwellings, shops, and workplaces generally located in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the village.
- (4) Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner.
- (5) A generally rectilinear pattern of streets, alleys and blocks reflecting the street network in existing small villages which provides for a balanced mix of pedestrians and automobiles.
- (6) Squares greens, landscaped streets and parks woven into street and block patterns to provide space for social activity, parks and visual enjoyment.
- (7) Provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community.
- (8) A recognizable, functionally diverse, but visually unified village focused on a village green or square.
- (9) Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the village.
- (10) Compliance with the policies embodied in this chapter for the development of a village mixed use.

(b) The VMU district shall be a conditional district authorized under N.C.G.S. 160D-703(b). As such, property may be placed within this district only in response to a petition by the owners of all the property to be included.

(b1) Pursuant to G.S. sections 160D-705(c) and 160D-102(30), any VMU district adopted as a conditional use district, in accordance with this section and Article XX of this chapter, prior to July 1, 2021 shall be deemed a conditional district and the conditional use permit issued concurrently with the establishment of the district shall be deemed a valid special use permit-A.

(c) As indicated in the Table of Permissible Uses, the only permissible use within a VMU district is a village mixed use development, and a village mixed use development is only permissible within a VMU district.

(d) Property may be rezoned to the VMU district only when the property proposed for such rezoning:

- (1) Comprises at least fifty, but not more than two hundred, contiguous acres. For purposes of this subsection, acreage is not "contiguous" to other acreage if separated by a public street or connected only at a point less than one hundred feet in width; and
- (2) Is so located in relationship to existing or proposed public streets that traffic generated by the development of the tract proposed for rezoning can be accommodated without endangering the public health, safety, or welfare; and
- (3) Will be served by OWASA water and sewer lines when developed.

(e) No more than 350 gross acres may be rezoned to the VMU district and no more than three villages may be approved.

(f) Nothing in this section is intended to limit the discretion of the Town Council to deny an application to rezone property to a VMU district if it determines that the proposed rezoning is not in the public interest.

(g) When a VMU rezoning application is submitted (in accordance with Article XX of this ordinance), the applicant shall simultaneously submit a master plan for the proposed village mixed use development, in accordance with the following provisions.

- (1) The master plan shall show, through a combination of graphic means and text (including without limitation proposed conditions to be included in the rezoning t for the proposed development):
 - a. The location, types, and densities of residential uses;
 - b. The location, types, and maximum floor areas and impervious surface areas for non-residential uses;
 - c. The location and orientation of buildings, parking areas, recreational facilities, and open spaces;
 - d. Access and circulation systems for vehicles and pedestrians;
 - e. How the development proposes to satisfy the objectives of and comply with the regulations applicable to a village mixed use development as set forth in Section 15-176.2 of this chapter;
 - f. How the development proposes to minimize or mitigate any adverse impacts on neighboring properties and the environment, including without limitation impacts from traffic and stormwater runoff; and
 - g. How the development proposes to substantially comply with the town's recommended "Village Mixed Use Vernacular Architectural Standards." (AMENDED 8/22/06).
- (2) The planning board, Northern Transition Advisory Committee, Appearance Commission, Environmental Advisory Board, Transportation Advisory Board (and other advisory boards to which the Town Council may refer the application) shall review the proposed master plan as part of the applicant's rezoning request. In response to suggestions made by the planning board (or other advisory boards), the applicant may revise the master plan before it is submitted to the Town Council.

- (3) Applicants for VMU districts that are located within the Transition Area portion of the Carrboro Joint Development Area as defined within the Joint Planning Agreement should meet with Carrboro Town and Orange County Planning staff prior to the formal submittal of an application to informally discuss the preliminary rezoning development plan.
- (4) Approval of a VMU rezoning application with a master plan under this section does not obviate the need to obtain a class A special use permit for the village mixed use development in accordance with the provisions of Section 15-176.2 of this chapter.
 - a. In addition to other grounds for denial of a class a special use permit application under this chapter, a class a special use permit for a village mixed use development shall be denied if the application is inconsistent with the approved master plan in any substantial way. Without limiting the generality of the foregoing, an application for a class A special use permit is inconsistent in a substantial way with a previously approved master plan if the plan of development proposed under the conditional use permit application increases the residential density or commercial floor area permissible on the property or decreases or alters the location of open space areas.
 - b. No class A special use permit for a village neighborhood mixed use development may be denied for reasons set forth in Subsection 15-54(c)(4) if the basis for such denial involves an element or effect of the development that has previously been specifically addressed and approved in the master plan approval process, unless (i) it can be demonstrated that the information presented to the Town Council at the master plan approval stage was materially false or misleading, (ii) conditions have changed substantially in a manner that could not reasonably have been anticipated, or (iii) a basis for denial for reasons set forth in Subsection 15-54(c)(4) is demonstrated by clear and convincing evidence.
- (5) Subject to Subsection 15-141.2(g)(4)b, a master plan approved under this section as a condition of the conditional rezoning may only be amended in accordance with the provisions applicable to a rezoning of the property in question. Notwithstanding the foregoing, the Council may consider as a condition to the rezoning, parameters for future modifications to the master plan. All other requests for modifications shall be considered in accordance with the standards in subsection 15-141.4(f).

Section 99. Article IX, Zoning Districts and Zoning Maps is amended to repeal Section 141.3, Conditional Use Zoning Districts.

Section 100. Section 141.4, Conditional Zoning Districts, is rewritten to read as follows:

Section 15-141.4 Conditional Zoning Districts (AMENDED 5/27/08)

(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, OACZ, 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) and (l), 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 general use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) 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)

- (1) Notwithstanding the foregoing, 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 conditional use permit, 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 zoned M-1-CZ (i.e. excluding specific conditions made applicable to specific property zoned M-1-CZ) with the addition of use 3.250. (Reserved)(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).
 - The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run unless the roof is intended to be: (i) more than 50 percent of the roof area shall be covered with solar Photovoltaic (PV) panels, or (ii) to accommodate the installation of a green or blue roof.
 - 3. Windows shall be of a scale and proportion typically of single-family residences.

(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 03/22/16, 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 (d1) above. (AMENDED 10/25/16)

(f) Specific conditions may be proposed by the petitioner or the Town and 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 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. 136-18(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, applicable plans adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the development or use of the site.

(g) Minor modifications in conditional district standards that do not involve a change in uses permitted or the density of overall development permitted may be reviewed and approved administratively. Any other modification of the conditions and standards in a conditional district shall follow the same process for approval as are applicable to zoning map amendments as described in Article XX.

(h) If multiple parcels of land are subject to a conditional zoning, the owners of individual parcels may apply for modification of the conditions so long as the modification would not result in other properties failing to meet the terms of the conditions. Any modifications approved apply only to those properties whose owners petition for the modification.

(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 general use district would ordinarily require (according to the Table of Permissible Uses), i.e. a class A special use permit, class B special use permit, or zoning permit.

(j) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district and M-3-CZ zoning district shall require the issuance of a conditional use permit.(AMENDED 10/23/18)

(k) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) - CZ zoning district, the Town Council may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: (AMENDED 11/9/11)

(1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the North Carolina Stormwater Nitrogen and Phosphorus (SNAP).

- (2) Energy performance in building requirements to meet one or more of the following.
 - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
 - b. "Designed to Earn the Energy Star" rating.
 - c. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type.
 - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
 - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
 - f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
 - g. Specific energy saving features, including but not limited to the following, are encouraged.
 - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
 - ii. Insulation beyond minimum standards;
 - iii. Use of energy efficient motors/HVAC;
 - iv. Use of energy efficient lighting;
 - v. Use of energy efficient appliances
 - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
 - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a "green" parking lot, per the EPA document Green "Parking Lot Resource Guide."
- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips.
- (9) Inclusion of at least one (1) parking space for car sharing vehicles.
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.

- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

(1) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (k) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1). (AMENDED 11/9/11)

(m) For property that is zoned B-4-CZ, the Town Council may approve a special use permit-A that authorizes the tract to be divided into two or more lots, so long as (i) the application for the special use permit-A contains sufficient information to allow the Town Council to approve (and the Council does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e. The subdivision and development of such lot(s) require no further review by the Council); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Council.(Amended 10/23/18)

- 1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a special use permit-A for the entire tract does not provide sufficient information to allow development approval of such lots by the Council, the Council shall specify (by way of a condition upon the special use permit-A) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Council shall consider the extent to which the initial special use permit-A imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Council's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Council. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.
- (2) Except as provided in subdivision (1) above, the provisions of Section 15-64 and Subsection 15-141.4 shall apply to proposed changes to a special use permit-A issued in connection with a B-4-CZ rezoning.

(n) For property that is zoned M-3-CZ, pursuant to subsection 15-141.4(c)(2) the following provisions shall apply.

 If the Town Council concludes that a proposed development of property zoned M-3- CZ will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Council may approve a class A special use permit that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700. The specified maximum percentage of the gross floor area of the development that may be devoted to such uses shall be proportional to the extent to which the development provides site and building elements that exceed the basic requirements of this ordinance. Such site and building elements are intended to be selected from the following five areas: stormwater management and water conservation; substantial transportation improvement and alternative transportation enhancement; on-site energy production and energy conservation; creation of new and innovative light manufacturing operations; and the provision of public art and/or provision of outdoor amenities for public use.

(2)The following relationships between site and building elements and uses are hereby deemed to satisfy the standard set forth in subdivision (1) of this subsection: (i) up to fifteen percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700 if the development includes at least fifteen percent of the examples of performance measures from the five areas of site and building element categories set forth below; (ii) up to thirty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least thirty percent of the examples of performance measures from the five areas of site and building element categories set forth below; and (iii) up to forty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least forty percent of the examples of performance measures from the five areas of site and building element categories set forth below. In addition, the Council may allow up to forty percent of a development approved pursuant to this section to be devoted to any combination of the foregoing uses if it concludes that the development will be making a substantial enough investment in one or more of the performance measures listed below to satisfy the standard set forth in subdivision (1) of this subsection.

Site and Building Element Categories	Examples of Performance Measures
Stormwater management and Water conservation	 Substantial stormwater retrofits Reduction in nitrogen loading from the site by at least 8 percent from the existing condition, as determined by the Jordan Lake Accounting Tool
Substantial transportation improvement and	3) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips

Performance Measures

Alternative transportation	4)	Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit
enhancement	5)	Construction of substantially improved site entrance, intersection
On-site	6)	Meets or exceeds standards for LEED Gold certification
energy production and energy conservation	7)	Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical usage for the property
	8)	Use of harvested rainwater for toilet flushing
	9)	Use of devices that shade at least 30 percent of south-facing and west- facing building elevations
	10)	Use of low emissivity (low-e ²) windows along south-facing and west- facing building elevations
	11)	Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater
	12)	Use of geothermal heat system to serve the entire complex
	13)	Use of LED fixtures for parking and street lights
	14)	Meets the Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type or the US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030
Creation of new and	15)	The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers
innovative light manufacturing operations	16)	Incorporates technologies to reduce production waste by 50 percent or more
The provision	17)	Outdoor amenities such as major public art
of public art and/or	18)	Amphitheatre or outdoor theater, outdoor congregating/gathering area
provision of outdoor	19)	Outdoor eating facilities
amenities for public use	20)	Outdoor tables with game surfaces, etc.

- (3) In approving a special use permit-A for a development of infill property zoned M-3-CZ, the Council may allow deviations from the otherwise applicable standards relating to public streets as follows:
 - a. The Council may approve a curb and gutter street having a right-of way of not less than 50 feet, travel lanes of not less than 11 feet, divided by a raised concrete median, with a two foot planting strip and a five foot sidewalk if

the development provides a separate ten-foot wide paved bike path or shareduse path that constitutes a satisfactory alternative to a bike lane with the street right-of-way if the applicant can demonstrate that the proposed road will provide the functional equivalent to the required street classification standard for all modes of travel from the point of origin to the terminus at the property boundaries.

- b. The Council may approve a street lighting system consisting of LED lights on 15 foot poles if satisfactory arrangements are made to ensure that all costs associated with the installation, operation, and maintenance of such poles and lights are borne by the developer or the developer's successor, and not the Town.
- c. The Council may approve a street tree planting plan that provides for the installation of fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-316.

Section 101. Article X, Permissible Uses, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and special use permits-B' throughout the article.

Section 102. Section 15-146, Table of Permissible Uses, is amended by replacing the designation "C" in the table indicating that a conditional use permit must be obtained, with the letter "A" indicating that a special use permit-A must be obtained. The Table of Permissible Uses is also amended by replacing the designation "S" in the table indicating that a special use permit must be obtained, with the letter "B" indicating that a special use permit a special use permit.

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	СТ	С	W- R	B- 5	WM -3	0	0/ A
1.000 Residential 1.100 Single Family Residences																		1	+	\parallel				
1.110 Single Family Detached																		i						
One Dwelling Unit Per Lot																								
1.111 Site Built/Modular	Z	Ζ	Ζ	Z	Ζ	Ζ	Ζ	Ζ	Ζ		Z	Ζ	Ζ	Ζ				Ζ		Ζ			Ζ	Ζ
1.112 Class A Mobile Home 1.113 Class B Mobile Home			Z	Z	Z	Z	Z	Z	Z		-							il	+	Z		(
1.120 Single Family Detached																		il		-				
More Than One Dwelling																		1						
Unit Per Lot																								
1.121 Site Built/Modular	*	*	*	*	*	*	*	*	*		*	*	*	*				*					*	*
1.122 Class A Mobile Home 1.123 Class B Mobile Home			*	*	*	*	*	*	*									 	+	$ \parallel$	-			
1.200 Two-Family Residences		-																1	+	\square				
1.210 Two-Family Conversion	*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.220 Primary Residence with																								
Accessory Apartment	*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.230 Duplex 1.231 Maximum 20% units	*	*	*	*	*	*	*	*	*	*	*	*	*	*				*	+	<u> </u>		(*	*
> 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*	*	*				*	+	$ \parallel$			*	*
1.232 No bedroom limit	*	*																i 						
1.240 Two Family Apartment	*	*	*	*	*	*	*	*		*	*	*	*	*				*					*	*
1.241 Maximum 20% units																								
> 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.242 No bedroom limit 1.300 Multi-Family Residences	*	*																ıl	+			(
1.310 Multi-Family Residences	BA	BA	BA	BA	BA	BA	BA			BA	BA	BA	BA	BA				BA	+	$ \parallel$			BA	BA
1.320 Multi-Family Townhomes	BA	BA	BA	BA	BA	BA	BA		*	BA	BA			BA				BA						
1.321 Maximum 20% units																		1						
> 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					-													L				
1.330 Multi-Family Apartments 1.331 Maximum 20% units	BA	BA	BA	BA	BA	BA	BA			BA	BA	BA	BA	BA				BA	\parallel	⊢			BA	BA
> 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	DIT	DII	Dir	Dir	Dir			DII	DIT	DII	DI	D 11									211	
1.340 Single-Room Occupancy	BA									BA	BA	BA	BA					BA						
1.350 Triplex								*	*									í—						
1.400 Group Homes																		i —						
1.410 Fraternities, Sororities, Dormitories and Similar	_	-												-				ıl						
Housing	Α	Α	Α	Α	Α	Α	С				Α	Α						Α						
1.420 Boarding Houses,																		1						
Rooming Houses	В	В	В	В	В	В	В				Α	В						Α		Α				
1.430 Adult Care Home, Class A	Z	Z	Z	Z	Z	Z	Z	Ζ	Z		Z	Z	Ζ	Ζ				Z		Z			Ζ	Ζ
1.440 Adult Care Home, Class B 1.450 Child Care Home, Class A	BZ	B Z	BZ	B Z	B Z	BZ	B Z	B Z	B Z		Z	Z	z	Z				Z	+	B Z	-		Z	z
1.400 Child Care Home, Class A	B	B	B	B	B	B	B	B	B		Z	Z	L	~				Z	+	B			L	2
1.470 Maternity Home	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	-			Z		Z			Ζ	Z
1.480 Nursing Care Home	Z	Ζ	Z	Z	Ζ	Ζ	Ζ	Ζ	Ζ		Z	Ζ	Ζ	Ζ				Ζ		Ζ			Ζ	Ζ
1.500 Temporary Residences																		i ——						
1.510 Tourist Homes and other Temporary Residences																		il		⊢	_			
Renting Rooms for																	\vdash	1	\mathbb{H}	\square	\vdash	╟──┦		
Relatively Short																		1	\parallel		\vdash			
Periods of Time	В	В	В	В								В									Α			
1.600 Homes Emphasizing Services,																			\square					
Treatment or Supervision																		<u> </u>	\parallel	щľ	\square	⊮		
1.610 Temporary Homes for the Homeless	_	В	В				В			В		В	в	В				/──	╢	⊢┦	$\left -\right $	───		
1.620 Overnight Shelters for		<u>и</u>					u U						u U	<u>и</u>			\vdash	1	\mathbb{H}	\square	\vdash	┢──┦		╢──
Homeless		11								В		В	В	в				1	\square	\square	\square			
1.630 Senior Citizen Residential																								
Complex				Α	Α													í—	\square	⊢┛	\square			
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1.700																						1 1		
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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	1	B- 1 (G)	B- 2	B- 3	B- 3- T	B- 4	M- 1	M- 2	СТ	С	W- R		WM -3	0	0/ A
2.000 Sales and Rental of Goods, Merchandise							Î												TT					
and Equipment																								
2.100 No Storage or Display of Goods																								
Outside Fully Enclosed Building																		1						
2.110 High-Volume Traffic Generation										DA	D.A.		DA	D.4	DA	BA	DA		_					D.A.
2.111 ABC Stores						-				BA BA	BA BA		BA A	BA A	A	BA	BA	A A	╢╢		Α	\vdash	┢──┤	BA
2.112 Specialty High Volume										DI	DI		11	- 11	11					_		$\left - \right $		
Retail												BA										Α		
2.120 Low-Volume Traffic Generation										ZA	ZA	ZA	ZA	ZA	ZA	ZA	ZA	Α			Α	Α		ZA
2.130 Wholesale Sales 2.140 Drive-In Windows											ZA			ZA	ZA	ZA	ZA	Α	╢╢		Α	Α		ZA
2.140 Drive-in Windows 2.150 Retail Sales with Subordinate						-							Α	Α	Α			∦——	╢╢		I	\vdash	┢──┤	
Manufacturing and Processing										ZA								1				Α		
2.200 Display of Goods Outside Fully																								
Enclosed Building																								
2.210 High-Volume Traffic	_											<u> </u>							╂╂	$- \ $	H	\vdash		
Generation 2.220 Low-Volume Traffic					┣───		╢───		╟───	ZA	ZA		\vdash			ZA	ZA	ZA	╢╢	-	Α	Α	┢─┤	ZA
Generation										ZA	ZA					ZA	ZA	ZA		_	Α	Α		ZA
2.250 High Volume Retail with Outdoor																								
Display and Curbside Pick-up an	d/																							
or Drive Through Window (servic	ce																				щľ			
directly to vehicle to pick-up pre- ordered grocery or pharmacy iter																		/──	╉		-	\vdash		
for off-premises consumption	ns														Α						I	$\left - \right $	┢──┤	
2.230 Wholesale Sales											Α					ZA	ZA	ZA		_	Α	Α		ZA
2.240 Drive-In Windows													Α	Α										
2.300 Storage of goods outside fully																								
enclosed building																		1	_			\mid		
2.310 High-volume traffic generation																ZA		1	+			$\left - \right $		
2.320 Low-volume traffic																ZA				_	-	$\left - \right $		
2.330 Wholesale Sales																ZA								
2.340 Drive-in Windows																								
3.000 Office, Clerical, Research and Services																		1			Ш			
Not Primarily Related to Goods or																		1			i – ľ			
Merchandise									-					-		-		∥——						
3.100 All operations conducted entirely Within Fully Enclosed Building														-			-	1				\vdash		
3.110 Operations designed to																		1	+			$\left - \right $		
attract and serve																						$\left - \right $		
customers or clients on																				_				
the premises, such as																								
the office of attorneys, physicians, other														-				1	+		<u> </u>			
professions, insurance and																					I'		┣──┤	
stock brokers, travel						-			-					-				1				$\left - \right $		
agents, government																								
office buildings, etc.									ZA	ZA	ZA	ZA	В		ZA	ZA	ZA	Α			Α		ZA	ZA
3.120 Operations designed to																					щľ			
attract little or no customer or client traffic									-					-		-		∥——						
other than employees of																					I			
the entity operating the		1		1															╢╢	-	\square			
principal use									ZA	ZA	ZA	ZA	В		ZA	ZA	ZA	Α			Α	Α	Ζ	ZA
3.130 Office or clinics of					I														₽	[\square	\square	∟	1
physicians or dentists with not more than 10,000	_						∥				<u> </u>	-	$\left -\right $					⊮—	╢╢	-	\dashv	\vdash	1	-
square feet of gross floor	_		-															┢──	+	$- \ $	\square	\vdash		┣──
area									ZA	ZA	ZA	ZA	В		ZA	ZA		ZA	╢	-	Α	\vdash	ZA	ZA
3.131 Office or clinics of												Ľ												Ľ
physicians or dentists																								
with not more than 30,000													\square					<u> </u>	₽₽		\square	\square	∟	⊫
square feet of total building gross floor area	_			⊢			╢───	<u> </u>			<u> </u>	┣	\vdash			┣—		╟—	╇	$- \ $	\dashv	\vdash		
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DES	CRIPTION		R- 2	R- 3	R- 7.5	R- SIR, SIR2, 10	R- 15	R- 20	RR	HR- R	HR- CC	1 (C)	B- 1 (G)	B- 2	B- 3	B- 3- T	B- 4	M- 1	2	СТ		R	5	WM -3		0/ A
	3.150 Copy Centers/Printing Ope	erations									ZA	ZA	ZA	ZA	В	ZA	ZA	ZA	ZA	ZA	┢┝	7	ZA		ZA	
3.200	Operations conducted within or																-					-+	-+			
	outside fully enclosed buildings 3.210 Operations designed to aff	in et																			╋	-+	-+			
	and serve customers or	eci																			╋╋	-+	—┣	<u> </u>		
	clients on the premises																	ZA	71		╋┯┝╴		Α	<u> </u>		ZA
	3.220 Operations designed to att	ract																ZA	ZA		╟─╟─		A			ZA
	little or no customer or clie				-																					
	traffic other than employe																									
	of the entity operating																					_		-		
	the principal use																	ZA	ZA	Α			Α	Α		ZA
	3.230 Banks with drive-in window	v													Α	Α	Α									
	3.240 Watershed research																				Α	$- \parallel$	- +			
	3.250 Automatic Teller Machine,																				╇		-+			
	Freestanding							-				Α	A		Α		Α			Α	╇┻		_		Α	Α
4 0 0 0 0 0 0	3.260 Social Service Provider wi	th Dining					-	Z	Z				Z								╢─╟─	-+	-+	ŀ		
	acturing, Processing, Creating,																						-+			-
	ing, Renovating, Painting,	-			 			∥							\vdash						╢╢	$-\parallel$	-	-+	$- \ $	
	ig, Assembling of Goods,	_																			╋╋		-+			
	andise and Equipment																				╟╢	$- \parallel$	$- \parallel$	-	$- \ $	
4.100	All operations conducted entirely																				┢┝					
	within fully enclosed buildings										Α		ZA					ZA	ZA	Α	┢┝┝		\square	Α		Α
4.200	Operations conducted within or																		77.4				-+			
7 000 F1 /	outside fully enclosed buildings																		ZA		╋╋	-+	-+	ŀ		
	ional, Cultural, Religious,																						-+			
	hropic, Social, Fraternal Uses																						-+			
5.100	Schools																						-+			
	5.110 Elementary and secondary	/																					-+			
	(including associated grounds and athletic and																				╋╋	-+	-+			
	other facilities)		Α	Α	Α	Α	Α	Α	Α	Α	Α	Α	Α				Z(1)				-	Z	Α			
	5.120 Trade or vocational schoo		л	л	А	л	л	л	л	л	л	Z	ZA				Z(1) A	ZA	Α	Α	╢╌╢╴		A			
	5.130 Colleges, universities, con											2	Luis				11	2.11	11	11						
	colleges (including associa																									
	facilities such as dormitorie																									
	buildings, athletic fields, et	c)							Α			Ζ	ZA				Α	Α		Α		_				
5.200	Churches, synagogues and temples, and																									
	other places of worship and spiritual																					_		-		
	comtemplation (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	Ζ	ZA	ZA	ZA	ZA	ZA	ZA		ZA	┢┝	Α	Α		ZA	ZA
5.300	Libraries, museums, art galleries,																				╇		-+			
	art centers and similar uses																						-+			
	(including associated educational a instructional activities)	na																			╋╋	-+	-+			
	5.310 Located within a building																									
	designed and previously																									
	occupied as a residence o	r			-																					
	within a building having a																					╉	-			
	gross floor area not in exc	ess			1																	╈			$-\parallel$	
	of 3,500 square feet		В	В	В	В	В	В	В			ZA	Ζ	Ζ	Ζ	Ζ	В	ZA		ZA			Α		Ζ	ZA
	5.320 Located within any																									
	permissible structures											ZA	ZA	ZA			В	ZA		ZA	ШL		Α		Α	ZA
5.400	Social, fraternal clubs and lodges,	_																			$\parallel \mid$	\bot	\square	-		L
	union halls, and similar uses	-										ZA	ZA	ZA	\square		В	В		ZA	╟╟	\parallel	Α	-	\parallel	
	tion, Amusement, Entertainment	-																			╟╟	\parallel	$- \parallel$		$ \parallel$	
6 100	Activity conducted entirely within building or substantial structure																				╟╢	\parallel	$- \parallel$	-	$- \ $	
0.100	initiation or substantial structure													-			\parallel				╢╢	+	$- \parallel$		$- \ $	-
0.100						I												\vdash			╢╢	-+	-+		$- \ $	
0.100	6.110 Bowling alley, skating rinks	s,																								1
0.100	6.110 Bowling alley, skating rinks indoor tennis and squash																				╢╢	-	-+			
0.100	6.110 Bowling alley, skating rinks indoor tennis and squash courts, billiards and pool h	alls,																								
	6.110 Bowling alley, skating rinks indoor tennis and squash courts, billiards and pool h indoor athletic and exercis	alls,										ZA	ZA		ZA	ZA	ZA	ZA		ZA						
0.100	6.110 Bowling alley, skating rinks indoor tennis and squash courts, billiards and pool h	alls,										ZA	ZA		ZA	ZA	ZA	ZA		ZA			A			

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Inclusion Inclusion <t< th=""><th>DE</th><th>SCRIP</th><th>TION</th><th>2</th><th>3</th><th>7.5</th><th></th><th>15</th><th>20</th><th></th><th>R</th><th>CC</th><th></th><th></th><th>2</th><th>3</th><th>3-</th><th>4</th><th>1</th><th>2</th><th> </th><th></th><th>R</th><th>5</th><th>-3</th><th> </th><th>А</th></t<>	DE	SCRIP	TION	2	3	7.5		15	20		R	CC			2	3	3-	4	1	2			R	5	-3		А
Inclusion of the basis of the series of t													(C)	(G)			Т										
6 122 Logical product N B ZA							10																				
Capacity													ZA	ZA				ZA	В		ZA						В
6.130 Consume, statuture, and all other factors loss of the statu																											
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Important																						┢──┝					
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0.140 Community Center - 1 Com Image: Section on product index Image: Section on product i													Α	Α				Α	Α		Α						
In facility providing for one or several dravators type of increasional uses. Facilities in a Community Center may in- clude, but ure not infrinte (o) generatives in the construction of a Community Center may in- clude, but ure not infrinte (o) generatives in the construction of a community Center may in- clude. but ure not infrinte (o) generatives in the construction of a community Center may in- clude. but ure not infrinte (o) generatives in the construction of a community Center may in- clude. but ure not infrinte (o) generatives in the construction of a community Center may in- generatives in the construction of a constructed pursuant to a permit a urb circle pursuant to a permit a ur																											
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interestational uses. Facilities in a Community Content ways in the content of the the co																											
a Community Center may in- duce, but an ont imited to gymnasis, swimming pools, index court areas, meeting? b b c <td></td>																											
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6.160 Electronic Gaming Operations N				Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z	Z	Z	z	Z	Ζ	z		Z	Z		Ζ
6.200 Activity conducted primarily outside enclosed buildings or structures. 6.200 Outdoor recreational facilities 6.200 Outdoor recreational facilities 6.200 Activity conducted private lands, without Town spansorship or investment, such as golf and country clubs, eximining or terminic dubs, eck, and not aperitic a antorizing the construction of a residential development. 6.200 Outdoor recreational facilities 6.200 Outdoor recreational facilities 7.200 Instruction of a another use such as a school 6.221 Town of Carrboro 6.222 Facilities owned and 6.220 Outdoor recreational facilities 7.2 Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z Z		6.150	Electronic Gaming Operations													Ė						L I					
6.210 Outdoor recreational facilities	6.2	200 Activity of	conducted primarily outside																								
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authorizing the construction of a residential development. B																											
a residential development. B B B B B B B B B B C A			authorizing the construction of																								
6.220 Outdoor recreational facilities Image: structure of the st			a residential development.	В	В	В	В	В	В	В				Α							Α	Α	Α	Α			
on private lands with swimming or		6.220	Outdoor recreational facilities																								
pools, parks, etc., not con. structed pursuant to a permit not not not a permit not																											
structed pursuant to a permit authorizing the construction of															-												
authorizing the construction of another use such as a school authorizing the construction of another use such as a school authorizing the construction of another use such as a school authorizing the construction of another use such as a school authorizing the construction of another use such as a school authorizing the construction of another use such as a school authorizing the construction of another use school authorizing the construction of another u																						 					
another use such as a school a <td< td=""><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td> </td><td>1</td><td></td><td></td><td></td><td> </td><td></td></td<>																						1					
6.221 Town of Carrboro owned and operated facilities. Z																						-					
and operated facilities. Z </td <td></td>																											
6.222 Facilities owned and operated by public entities other than the I own of Carrboro A				Z	Z	Z	Z	Z	Z	Z			Z	Z				Z	Z		Z	Z	Z	Z	Z		
initial other than the Town of Carrboro A <td></td>																											
Image: Norm of Carrboro A <td></td>																											
6.230 Golf driving ranges not accessory to golf course, par 3 I<																											
i accessory to golf course, par 3 i				Α	Α	Α	Α	Α	Α	Α			Α	Α				Α	Α		Α	Α	Α	Α	Α	⊢┛	
i golf courses, miniature golf i <td< td=""><td> </td><td>6.230</td><td>Golf driving ranges not</td><td></td><td></td><td> </td><td> </td><td></td><td> </td><td> </td><td> </td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td>µ]</td><td>┢╟</td><td>\parallel</td><td>]</td><td></td><td></td><td> </td></td<>		6.230	Golf driving ranges not							 	 										µ]	┢╟	\parallel]			
image: course, skateboard parks, mailer uses. image: course, skateboard parks, mailer use. image: co							∥		┣───	 	 					\vdash						┢╋╋	-	$- \ $		\parallel	
water slides, and similar uses.	<u> </u>						∦		┣───							\vdash		\vdash				┢╋	-	$- \ $		\square	<u> </u>
6.240 Horseback riding stables (not constructed pursuant to permit authorizing residential development) Image: Constructed pursuant to permit authorizing residential development)									 						-	\vdash			ZA			┢╋	-	A			
image: constructed pursuant to permit image: consto permit image: constructed			,				┣───									\square			2.111		-	┢╋	-	**			
authorizing residential development) B B B B B B C B C Z A A C			constructed pursuant to permit				1														1	┢					
racing tracks			authorizing residential development)						В									В			Z	Α	Α			
6.260 Drive-in Movie Theaters Image: Constructional Residence or Care of Confinement Image: Constructicare of Confinement Image: Constr																						Ш					
7.000 Institutional Residence or Care of Confinement Image: Solution of Confinement																				В		⊫	\square	$ \parallel$		\square	
Facilities Image: Constraint of the set of	-						∥		┣───				\vdash	<u> </u>		\vdash					µ	┢┻╟	-	$- \ $		\parallel	
7.100 Hospitals, clinics, other medical Image: Cli			adence or Care of Confinement																			╟╢	-	$- \ $		\parallel	
(including mental health) treatment I										 	 										I	⊢	-			\parallel	
facilities in excess of 10,000 square Image: Construction of the construction of	7.*															\vdash						╟╢	-				
feet of floor area Image: Construction of the construction o																\vdash						┢┼╢	-	$- \ $			
7.200 Nursing care institutions, inter- I	<u>├</u>													Δ							Δ	┢╋╟	-			-	
Image: Comparised on the composition of	71			<u> </u>	<u> </u>		╢────			∦	∦		\vdash	Δ		\vdash					А	┢┼╢	-+	-		\square	
capped, aged or infirm institutions, A	1.4															-				-		┢╋╟	-	-			
child care institutions A B A			,				1			11	11					\square					I	┢╋	-				
7.300 Institutions (other than halfway houses)				Α	Α					Α				Α							Α		-	Α			
	7.3									1	1										<u> </u>	rt	\neg				

DESCRIPTION	R- 2	R- 3	R- 7.5	R- SIR, SIR2,	R- 15	R- 20	RR	HR- R	HR- CC		B- 1 (G)	B- 2	B- 3	B- 3- T	B- 4		M- 2	СТ	C	W- R	B- 5	WM -3	0	0/ A
				10						``	· · /													
confined											Α							Α						
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											71.0				-				┢┻╟					
as its primary activity	_								Α		ZA(1)				Z				┢─┟╴		A		\square	ZA ZA
8.200 Outside Service or Consumption 8.300 Drive-in (service to and consumption										ZA	ZA(l)	Α			В				┢─┟╴		Α			ZA
in vehicle on premises)															Α				┢─┟╴					
8.400 Drive Through Windows (service															Α				┢─┢╴					
directly to vehicles primarily for																				_				
off-premises consumption)							-								Α									
8.500 Carry Out Service (food picked up inside																								
of off-premises consumption)										ZA	ZA(l)				Ζ						Α			
8.600 Food Delivery										ZA	ZA(I)				Ζ						Α			
8.700 Mobile prepared food vendors							IL.			Ζ	Z					Ζ								
8.800 Performing Arts Space										ZA	ZA													
9.000 Motor Vehicle-Related Sales and Service																			\square					
Operations							l																	
9.100 Motor vehicle sales or rental of sales																								
and service											Α					ZA	ZA							
9.200 Automobile service stations															В	Α	Ζ							
9.300 Gas sales operations													В	В	В	Α	Ζ							
9.400 Automobile repair shop or body shop											Α			В	В	Α	Ζ							
9.500 Car wash																Α	Ζ							
10.000 Storage and Parking																								
10.100 Independent automobile parking lots																								
or garages										ZA	Z				Ζ	Ζ	Ζ	Α	┢┛┢					
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																7	7		┢──┝					
10.220 Storage inside or outside																Z	Z		┢─┢			L		Α
completely enclosed structures																Α	z		╂—┠-					ZA
10.300 Parking of vehicles or storage of equip-					-											11	2		╟─╟			 		241
ment 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																В	В							
11.000 Scrap Materials Salvage Yards, Junkyards,																								
Automobile Graveyards			L			L											В	L	LT					
12.000 Services and Enterprises Related to Animals																			Γľ					
12.100 Veterinarian							В				ZA				В	В	В							
12.200 Kennel							В									В	В		Ц					
13.000 Emergency Services																								
13.100 Police Stations	Ζ	Ζ	Ζ	Z	Ζ	Ζ	Ζ			Ζ	Z	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ		Ζ	Ζ	Z	Ζ	Ζ
13.200 Fire Stations	Ζ	Ζ	Ζ	Z	Ζ	Ζ	Z				Z	Ζ	Ζ	Ζ	Ζ	Ζ		Ζ			Ζ	Z	Ζ	Ζ
13.300 Rescue Squad, Ambulance Service	В	В	B	B	В	B	Z	\square	\square	\square	В	В	В	В	В	В	Z	В		Α	Α	Α	В	В
13.400 Civil Defense Operation	В	В	В	В	В	В	Z				В	В	В	В	В	В	Ζ	В	Α	A	Α	Α	В	В
14.000 Agricultural, Silvicultural, Mining,	\parallel	\vdash		\vdash			∥							\vdash				I	\mathbb{H}			\vdash	\square	<u> </u>
Quarrying Operations							 												╟╟	\parallel		\mid	⊢⊢	
14.100 Agricultural operations, farming			-			-												I	닏			\vdash	\square	<u> </u>
14.110 Excluding livestock		Z	Z	Z	Z	Ζ	Z	\vdash	\vdash	\vdash		\vdash	\vdash				Z	<u> </u>		Z	Z	\vdash	\vdash	<u> </u>
14.120 Including livestock 14.200 Silvicultural operations	\vdash	Z	Z	Z	Z	Z	Z						\vdash				Z		4	Z	Z	\vdash	\vdash	<u> </u>
14.200 Silvicultural operations 14.300 Mining or quarrying operations, in-	\parallel	2	Z	L	<u> </u>	L		\vdash	\vdash	\vdash		\vdash	\vdash	\vdash		\vdash	2	┣──	╟╢			\vdash	\vdash	<u> </u>
	┢━┥		<u> </u>			<u> </u>		<u> </u>	<u> </u>	<u> </u>		<u> </u>					р	<u> </u>	╠╟	=	_	╞═┩	⊢	<u> </u>
cluding on-site sales of products	\parallel			\vdash			∥						\vdash				В		╟╢			\vdash	\vdash	—
14.400 Reclamation landfill		Ζ	Ζ	Z	Ζ	Ζ	Ζ								Ζ	Ζ	Ζ	I	Ш			\square	Щ	<u> </u>
15.000 Miscellaneous Public and Semi-Public Facilities																			╞┼				$ \begin{bmatrix} 1 \end{bmatrix} $	
15.100 Post Office										Α	Α		Α	Α	Α	Α	Α	Α						
15.200 Airport							Α				В				В	В		L						Α

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	СТ	С	W- R	B- 5	WM -3	0	0/ A
15.300 Sanitary landfill							Α									Α			П					
15.400 Military reserve, National Guard centers																Ζ								
15.500 Recycling materials collection					-				-		-							1						
operations 15.510 Using collection			-		-													1				⊢		┝──
facilities other than																		1	+			├──┨		
motor vehicles											Z				Z	Z	Z	1			-			
15.520 Aluminum recycling using																			\square					
motor vehicles											В				В	В	В							
15.600 Public utility service complex																					Α			
15.700 Cable Television Signal Distribution										_		_						1						
										В	В	В	В		В	В	В	В	\blacksquare			└──┦	В	В
15.750 Data Service Provider Facility 15.800 Town-owned and/or Operated				ZB	ZB	ZB												1	+			<u> </u>		┝──
Facilities and Services																		1	+			⊢]		
15.810 Town-owned and/or Operated					-													1	╉					
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	Ζ	Ζ	Z	Ζ	Ζ	Z	Ζ				Z		Ζ	Ζ		Ζ	Ζ	Ζ	Z	Z	Z	Z	Ζ	Ζ
16.000 Dry Cleaner, Laundromat						_	_												Ħ					<u> </u>
16.100 With drive-in windows													Α	Α	Α									Α
16.200 Without drive-in windows											Ζ		В	В	Ζ	В		Ζ			Α			В
17.000 Utility Facilities																		1	\square					
17.100 Neighborhood	В	В	В	В	В	В	В				В	В	В	В	В	В	В	В	Α	Α	Α			В
17.200 Community or regional utility facilities				ZB												В	В		Α		Α			В
17.300 Cable Television Satellite Station							В						В	В	В	В	В	В					В	В
17.400 Underground Utility Lines																								
17.410 Electric Power Lines & Gas Lines	В	В	В	В	В	В	В			В	В	В	В	В	В	В	В	В	Α	Α	В	Α	В	В
17.420 Other Underground Lines	Ζ	Ζ	Z	Z	Ζ	Ζ	Ζ			Ζ	Z	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Α	Α	Ζ	Α	Ζ	Ζ
17.500 Solar Array					_		_											<u> </u>						
17.501 Solar Array Facility, Level 1 17.502 Solar Array Facility, Level 2				Z	Z	Z	ZB			Z B	ZB	ZB	Z B	Z B	Z B	Z B	Z B	ZB	S A	S A	ZB	S A	Z B	ZB
17.502 Solar Array Facility, Level 2 17.503 Solar Array Facility, Level 3					-		A			A	A	A	A	A	A	A	A	A	A		A	A	A	A
18.000 Towers and Wireless Support Structures							л			л	л	л	п	л	л	л	п	л		л	Π	Л	л	п
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	Α	Z			Z
18.200 Towers and antennas that exceed 50 feet																-			Ē					
in height; substantial modifications, that																								
are not regarded as accessory to resi-																								
dential uses under 15-150(c)(5)						Α	Α						Α	Α	Α	Α	Α	Α			Α	Α	Α	Α
18.300 Antennas exceeding 50 feet in height attach	ed																	1						
to wireless support structures other than																		1	┢					<u> </u>
towers; substantial modifications (other	D	D	В	р	р	D	В			n	р	D	D	р	D	в	D		в	в	P	D	P	в
than accessory uses under 15-150(c)(5) 18.400 Publicly-owned towers, wireless support	В	В	в	В	В	В	в			В	В	В	В	В	В	в	В	В	в	в	В	В	В	в
structures and antennas of all sizes that are																		1						
used in the provision of public safety service	ŝ										ZA							1						
18.500 Small and Micro Wireless Facilities; with																			\parallel					
or without associated Utility Poles or																		í L						
Wireless Support Structures	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Z	Ζ	Ζ	Ζ	Ζ	Ζ
19.000 Open Air Markets and Horticultural Sales																								
19.100 Open air markets (farm and craft						\square													₽			µI		
markets, flea markets, produce																		í—	₽		$\mid \mid \mid$	⊢I	Ľ	<u> </u>
markets)			 			\vdash		<u> </u>		ZA	ZA	ZA	В	В		В		В	╉┥	\parallel	\vdash	⊢──╢	В	В
19.200 Horticultural sales with outdoor display						<u> </u>		<u> </u>			ZA	ZA	в	В		в		В	╉┥	\parallel	\vdash	┍──╢	в	в
19.300 Seasonal Christmas or pumpkin											LA	LA	a	a		a	\vdash		╉┥	\square	\vdash	┝──┦	<u>u</u>	
sales			11			\vdash			\vdash	Z	Z	Z	z	Z	z	z	Z		╢┤	\vdash	\vdash		Z	Z
20.000 Funeral Homes			11			\vdash							Ē		Z	Z			\square		H		۲Ĩ	Ē
21.000 Cemetery and Crematorium					ŀ	\vdash							\square					1	\parallel				┍──┦	<u> </u>
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							В									Z	Ζ	íL.	Α	Α	Α			
21.300 Crematorium																Ζ	Ζ							
22.000 Day Care																								
22.100 Child Day Care Home	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	В	В	Ζ	В	В				Ζ		Ζ			В	В
00 000 Child Days Cana Facility	В	В	В	В	В	В	В	В	В	Ζ	Z	Ζ	Ζ	Ζ	Ζ	Ζ		Ζ		Α	Α		Ζ	Ζ
22.200 Child Day Care Facility 22.300 Senior Citizens Day Care, Class A	В	В	В	В	В	В	В	В	В		Ζ	Ζ	Ζ	Ζ	Ζ	Ζ		Ζ		Α	Α		Z	Ζ

DESCRIPTION	I		R- 2	R- 3	R- 7.5	R- SIR, SIR2, 10	R- 15	R- 20	RR	HR- R	HR- CC	В- 1 (С)	B- 1 (G)	B- 2	B- 3	В- 3- Т	B- 4	М- 1	M- 2	СТ	С	W- R	B- 5	WM -3	0	O/ A
22.400 Senior Citizens I	Day Care, Cl	ass B	В	В	В	В	В	В	В	В	В	Ζ	Z	В	Ζ	Ζ	В	Ζ		В					Ζ	Ζ
23.000 Temporary structure or	parking lo	ts used in																								
connection with the con	struction of	a																								
permanent building or f	or some no	n-																								
recurring purpose																										
23.100 Temporary struc																										
lot as activity ge	nerating nee	d					-																			
for structure			Z	Ζ	Ζ	Z	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Z	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Ζ	Α	Α	Α	Α	Ζ	Ζ
23.200 Temporary parki			_																		-					
on or off-site of a		rating	_																		_			-		
need for parking			Z																		_					
23.300 Temporary Cons	truction Parl	king										Z(1)	/	Z(1)							_					
24.000 Bus Station													ZA				В	В		В	_					
25.000 Commercial Greenhous		IS	_						_												-					
25.100 No on-premises								В	В									Z			_					
25.200 On-premises sal	es permitted						-		В									Ζ			_			-		
26.000 Subdivisions					-					-		-	-				-									
26.100 Major 26.200 Minor			BA	BA	BA	BA	BA	BA	BA Z	BA	BA	BA	BA			BA					A C		A	Α		VA Z
			Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	Α	Α	Α	Z	-
27.000 Combination Uses			*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	Α	*	*	*	*
			_			Perm	issibl	e only	in Pl	anned	l Unit	Deve	lopme	nt Di	strict	s (See	e Sec	tion 1	15-13	9) pu	rsua	ant t	o a			
28.000 Planned Unit Developm	ents		_	n		n —	n	n —	n	n			use pe				1				- 10			n	n	
29.000 Special Events			Α	Α	Α	A	Α	Α	Α	Α	Α		ZA			Α		Α				Α	Α		Α	Α
			_		1	Permiss	ible c	only in	n Plan	ned I								Subse	ectio	n 15-:	137(c)]				
30.000 Planned Industrial Deve	elopment			n	n	n	r	n —	n		pursu	iant to	o a spe	cial u	se pe	ermit-	A			1	n	1		n —	1	
31.000 Off-Premises Signs								L				ļ.		Ι					Z							
			_			ŀ	ermis	ssible	only	n Vill	<u> </u>		Use D		`	e Sec	tion	15-14	1.2 p	ursua	ant i	to a				
32.000 Village Mixed Use Deve	opment					Pa	mies	ible o	nlv in	Offic			use pe y Cond			stricts	[eee	Sub	secti	on 15	-134	5(11)				
33.000 Office/Assembly Planne	d Developm	ont				1.6			iny in	ome			t to a s				-		secu	01113	-130	J(11)				
34.000 Temporary Lodging	a Developii	icht (1		I	1	1	I		pu	isuan	n io a s	specia	u use	pern	ut-A]	i		1	1		1	1	1	
54.000 remporary Louging			+									Α	Α				Α									
																			. 1	Α				11		Α
34.100 Hotels and Mote 34.200 Bed and Breakfa			AB	в	В	в	в	В	в	в	В	л	л	в						B	_	Α	в			

Section 103. Section 15-147, Use of the Designations Z,S,C in the Table of Permissible Uses is rewritten to reflect the change from conditional use permits to special use permits-A and the change from special use permits to special use permits-B, in the title of the section and throughout.

Section 15-147, Use of the Designations Z,B,A in the Table of Permissible Uses is amended to remove references to the B-4-CU district in subsections (P) and (Q).

Section 104. Article XI, Supplementary Use Regulations, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 105. Article XI, Supplementary Use Regulations, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B, respectively.'

Section 106. Subsection 15-176.2(a), Village Mixed use Developments is amended by updating the approval requirements in provision (1) to reflect the change from a conditional use district with an associated conditional use permit to a conditional district, approved with a master plan as a condition of the rezoning, and a subsequent special use permit-A.

Section 107. Article XII, Density and Dimensional Regulations, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and special use permits-B,' respectively throughout.

Section 108. Section 15-182, Residential Density, is amended to update the reference in provision (i) from Section 15-141.4(f) to 15-141.4(k).

Section 109. Article XII, Density and Dimensional Regulations, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 110. Article XIII, Recreation Facilities and Open Space, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 111. Subsection 15-202(b), is rewritten to read as follows:

(b) Whenever the permit issuing authority authorizes some deviation from the standards set forth in this article pursuant to subsection (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

Section 112. Subsection 15-204(d)(2) is rewritten to read as follows:

(2) The dollar value of the urban amenities to be installed within the downtown livability area shall be an amount equal to 7 percent of the assessed value of the land that constitutes the development site, determined as of the date the development permit is approved.

Section 113. Article XIV, Streets and Sidewalks, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 114. Subsection 15-216(d1) is amended to replace the reference to a conditional use permit to a special use permit-A, and to delete the words 'B-4-CU' in the first sentence.

Section 115. Subsection 15-216(e) is rewritten to read as follows:

(e) The Council may allow a deviation from the right-of-way minimums set forth in subsections (b) and (c) if it finds that (i) the deviation is needed because in order for a development to be served by a public street the street must be constructed within an area that is not of sufficient width to comply with the right-ofway criteria set forth above, (ii) a street that meets the pavement width criteria and substantially complies with the other criteria set forth above can be constructed within the right-of-way that can be made available; and (iii) that the applicant has shown that the applicant has made a reasonable effort and attempted to purchase the necessary right-of-way.

Section 116. Article XIV, Streets and Sidewalks, is amended to replace the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and special use permits-B,' respectively throughout.

Section 117. Subsection 15-220(f), Public Streets and Private Roads in Subdivision, is amended to update the citation for the North Carolina General Statutes to G.S.136-102.6(f) at the end of the first and second sentences.

Section 118. Subsection 15,220.1(a) is amended to correct the spelling of 'supercede' by replacing it with 'supersede' in the second sentence.

Section 119. Section 15-236, Utility Ownership and Easement Rights, is amended to include 'fiber optic cable or conduit' in the list of utilities installed by a developer and intended to be owned, operated or maintained by a public utility or entity other than the developer.

Section 120. The table in Subsection 15-239(b), Determining Compliance With Section 15-238 is amended to change the reference to the 'Division of Environmental Management of the NC Department of Natural Resources and Community Development' to the 'NC Department of Environmental Quality (DEQ).'

Section 121. The table in Subsection 15-240(b), Determining Compliance With Section 15-240 is amended to change the reference to the 'Division of Health Services of the NC Department of Human Resources' to the 'Division of Public Health of the NC Department of Health and Human Services.'

Section 122. Section 15-242, Purpose and Intent, is amended to replace the change the reference to the Board to the Town Council.

Section 123. Subsection 15-242.5(b), General Standards, is amended to change the name for a conditional use permit to a special use permit-A.

Section 124. Subsection 15-242.5(g), General Standards, is amended to replace the word Board with Council.

Section 125. Section 15-246, Underground Utilities is rewritten to read as follows:

Section 15-246 Underground Utilities.

(a) All electric power lines, (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), telephone, gas distribution, fiber optic cable or conduit, and cable television lines in subdivisions developed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility companies and located in accordance with Appendix C, Standard Drawing No. 6 or No. 7.

(b) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this chapter, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies. (AMENDED 1/22/85)

(c) Notwithstanding the foregoing, a developer or builder is not required to bury power lines meeting all of the following criteria:

- (1) The power lines existed above ground at the time of first approval of a plat or development plan, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan.
- (2) The power lines are located outside the boundaries of the parcel of land that contains the subdivision or the property covered by the development plan.

Section 126. Article XVI, Flood Damage Prevention, Stormwater Management, and Watershed Protection, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B,' respectively.

Section 127. Article XVI, Flood Damage Prevention, Stormwater Management, and Watershed Protection, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 128. Section 15-251.1, Definitions, is amended by correcting an error in definition (63), Substantial Damage, to read as follows:

<u>63.</u> Substantial Damage. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "Substantial Improvement."

Section 129. The first paragraph under Section 15-251.6, Duties and Responsibilities of the Administrator is amended to be gender neutral, as follows:

As set forth in Part I of Article IV of this chapter, development permits (including permits for development within Special Flood Hazard Areas), shall not be issued unless the requirements of this chapter have been satisfied. In addition to permit responsibilities, the administrator's responsibilities relating to the administration and enforcement of the provisions of this part shall include but shall not be limited to the following duties:

Section 130. Article XVII, Signs, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B' wherever they appear in the Article.

Section 131. Subsection 15-271(c), Permit Required for Signs, is amended to change the word administration in provision (2)(b) from 'administration' to 'administrator.'

Section 132. 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 133. 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 special use permit-A or as a minor amendment to the original special use permit-A, 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. Any master signage plan approved as part of a valid 'conditional use permit' prior to July 1, 2021, shall be automatically converted to a 'special use permit-A', pursuant to G.S. 160D-705 and subsection 15-46(a1) of this chapter. 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 134. Article XVIII, Parking, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 135. Article XVIII, Parking, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B,' respectively throughout the article.

Section 136. Subsection 15-291(g), Number of Parking Spaces Required is amended by deleting the reference for 1 space per room plus additional space for restaurant or other facilities in the table under use 23.000, temporary structure or parking lots used in connection with the construction of a permanent building or for nonrecurring purpose.

Section 137. Subsection 15-295(h) is amended to add the words, '2009 Carrboro' to the last sentence, to read as follows:

The "wave", "toast", and "comb" racks, as described in Chapter 7, Figure 7-60, of the 2009 Carrboro Comprehensive Bicycle Transportation Plan, are discouraged and shall not count toward fulfillment of the requirements in Sec. 15-291(h).

Section 138. Subsection 15-298(e) is amended to delete the reference for a definition number for independent automobile parking lots or garages.

Section 139. Article XIX, Screening and Trees, is amended to replace all references to the 'Board of Aldermen,' or 'Board' with the 'Town Council,' or 'Council,' respectively.

Section 140. Article XIX, Screening and Trees, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and special use permits-B.'

Section 141. The first paragraph of Subsection 15-319(a), Minimum Canopy Coverage Standards is rewritten to read as follows:

(a) Minimum Canopy Coverage Standards

Subject to the remaining provisions of this section, the following minimum tree canopy coverage percentages are required within the boundaries of every lot or tract for which a zoning, special use, or conditional use permit was issued after June 24th, 2014 or for which a special use permit-A or special use permit-B is issued after July 1, 2021, exclusive of required cleared active recreation areas, water bodies, access easements, public and private right-of-way, stormwater and utility easements.

Section 142. The N.C.G.S. citation in subsection (a) under 15-321.1, Regulations of Forestry Activities is changed from G.S.160A-458.5 to G.S. 160D-921.

Section 143. Section 15-320, Amendments in General, is amended to include a reference to the comprehensive plan in subsection (a), to read 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 144. Article XX, Amendments, is amended to update the citations referencing the applicable provisions in the North Carolina General Statutes.

Section 145. 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 146. 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 147. 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 or 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).

(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 148. 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 149. 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-ofway 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 150. 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 151. 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 152. 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 153. 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 154. Article XXI, Neighborhood Preservation, is amended by changing the names of 'conditional use permits' and 'special use permits' to 'special use permits-A' and 'special use permits-B.'

Section 155. Article XXI, Neighborhood Preservation, is amended to update the citations referencing the applicable provisions in the North Carolina General Statutes.

Section 156. 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 157. Article XXI, Neighborhood Preservation, is amended to change all references to 'guidelines' in Section 15-338 and 15-339 to 'standards.'

Section 158. Section 15-339, Certificates of Appropriateness, is amended to clarify the quasijudicial nature of all procedures relating to certificates of appropriateness.

Section 159. Appendix A is amended to update the name of the Board of Aldermen to the Town Council and to change the name of conditional and special use permits to special use permit-A and special use permit-B, respectively throughout.

Section 160. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 161. This ordinance shall become effective upon adoption.

Chapt 160D Subject/Topic	Status	Purpose	Recommended Action	LUO Article or Town Code Chapter	Specific Citation(s)
Land Use Administration	Required	Chapter 160D Requirement. Update citations.	Amendments needed to reflect new citations. Consult with Town Attorney to ensure	Article I	15-2
General		The second set of the set of the second set of	that all appropriate citations are included.		15-3
		Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article I	15-6
 		Town administrative update.	Delete reference to conditional use permits.	Article I	15-8
Land Use Administration General		Chapter 160D Requirement. Update definitions.	Add new definitions and/or modify existing definitions to comply with 160D. Amendments to Chapter 17 of the Town Code, Housing Code may also be needed.	Article II	15-15
Boards	Required	Chapter 160D Requirement. Must keep minutes of	No change needed. The Rules of Procedure for Town of Carrboro Boards and		
		proceedings of each board. (G.S. 160D-308.)	Commissions was adopted as an administrative policy, 11-21-2017.		
		p	http://www.townofcarrboro.org/DocumentCenter/View/5357/-Rules-of-Procedure-		
			for-Town-of-Carrboro-Boards-and-Commissions-Approved-11-21-17		
Boards	Required	Chapter 160D Requirement. Must update ETJ population	Amend Article III with new provisions (a1) under the appointments and terms for the	Article III	15-21(a1)
		estimate, at least with each decennial census (also	planning board (15-21(a1), and board of adjustment (15-29(a1) to meet requirement;		15-29(a1)
		calculation for proportional representation is simplified	boards where ETJ membership is a requirement part of the make up of the board.		
		and process for appointment is clarified). (G.S. 160D-	Consulting with Town Attorney as to whether similar language is needed for other		
		307.)	advisory boards, such as the appearance commission and boards described in the Town Code.		
Boards	Required	Chapter 160D Requirement. Must provide proportional	Add a new provision 15-42(d1) under the Article III, Part V. for the appointment and	Article III	15-42(d1)
		representation for ETJ on preservation commission if any	terms of Appearance Commission, to include an ETJ membership requirement when a		
		districts or landmarks are designated in the ETJ. (G.S. 160D-307.)	local historic district(s) is located in the ETJ.		
Boards	Required	Chapter 160D Requirement. Must have each board	Amend LUO Article III, PART VII. Membership Limitations on Boards, Committees,	Article III	Part VII
		member take an oath of office before starting his or her	Advisory Groups, and Commissions with a new provision to require incoming advisory		
		duties. (G.S. 160D-309.)	board members to receive the oath of office before begining 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.		
Land Use Administration		Chapter 160D Requirement. New conflict of interest	Amendment needed. Add new provisions under the Land Use Administrator to	Article III	15-37
General		provisions for administrative staff. (G.S. 160D-109(c)	include this new requirement.		15-37(a); (b)

Town administrative update.	Change references for the Board of Aldermen to the Town Council in Article III, Administration Mechanisms.	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); 15-45(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.	Ind 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);
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, and renumber existing provision (4) to (5).	Article III	15-25(a)(4)
Town administrative update.	Amend LUO Section 15-26 to update list of examples of long range planning documents; use this updated list throughout chapter.	Article III	15-26(a)

		Chapter 160D Requirement. Resolution of Objection. (G.S. 160D-109(e)).	Amendment needed, Subsection 15-32(f) is rewritten.	Article III	15-32
Substance of Zoning Ordinance	Required	prior zoning maps for public inspection (local government	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	Article IX	15-143(b)
Substance of Zoning Ordinance	Required	adopt and maintain in paper or digital format. (G.S. 160D- 105.)		Article IV	15-46(a1)
		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).)	and Final Plat Approvals, to indicate the automatic conversation to Conditional Districts. Add a new provisision under the Section 141.3 Conditional Use Districts to indicate the automatic conversation to Conditional Districtsto 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 IX	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	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	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)

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Substan	nce of Zoning Ordinance		<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-	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	Article IV	15-53 (zoning permits) 15-60(a) (special use permits
			702.)	language needed to conform the existing standards for performance guaranteees for zoning permits (15-53) and SUPs (15-60(s), and subdivisions (15-60(b)) to the standards in 160D-804.		
Substan Ordinar	nce of Other Development	Required	<u>Chapter 160D Requirement</u> . Must conform subdivision performance guarantee requirements with statutory	Language added in 15-60(b) to clarify maximum amount and allowable uses for bond money.	Article IV	15-60(b) subdivisions
Orumar	inces		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.)	money.		
Substan Ordinar	nce of Other Development nces		<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
			Town Administrative Update	Amendments needed. Fiber optic infrastructure needs to be added to Article XVI.	Article XV	15-236 15-246
			Town Administrative Update	Amendments needed to update the state government reviewing/permitting agencies.	Article XV	15-239 (b) - Table 15-241(b) - Table
Substan Ordinar	nce of Other Development nces		<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. 2020-25.	Article XV	15-246
			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XV	

Substance of Other Development Ordinances	Required		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)
		may still apply. (G.S. 160D-903(c).)			
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 adminstrative 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 added relating to evidence and standing,.	Article VI	15-103(b)(1) & 15-103(b)(15-104, 15-107.

Quasi-Judicial Decisions Procedures	<u>Chapter 160D Option</u> . May continue an evidentiary hearing without additional notice if the time, date, and	No amendment needed for continuation; existing language in Section 101(d) provides for this.	Article VI	15-101(d) 15-101(e)
Procedures	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).)	New provision (e) added to provide for continuation if a quorum is not present.		12-101(6)
Quasi-Judicial Decisions Procedures	<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	<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/CUPrevised as Class B Special Use Permits in 15- 56 (Board of Adjustment) and Class A Special Use Permits in 15-57 (Town Council).		15-56(c); 15-57
Quasi-Judicial Decisions Procedures	Additional Information. 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.)		Article VI	15-103
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	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	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	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	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	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	Article IV Article VI	15-46(b) 15-106
		used, then it must be protected from further editing. (G.S. 160D-403(a).)	descisions. The language in 160D-403 suggests that a written decision is needed for administrative decisionszoning permits as well.		
Administrative Decisions	Required	Must provide that applications for development		Article IV	15-48
Development Approvals		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).)	list all the potential applicants stated in the Chapter 160D.		
Administrative Decisions	Required	Must provide that development approvals run with the	No change needed. Section 15-63, Effect of Permit on Successors and Assigns	Article IV	15-63
Development Approvals		land. (G.S. 160D-104.)	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.		
Administrative Decisions	Required	For revocation of development approval, must follow the		Article VII	15-115(b)
Development Approvals		same process as was used for the approval. (G.S. 160D-403(f).)	speaks to the process for revocation. Subsection (b) speaks to the same process for special use permits as the approval process in Article VI.		
Administrative Decisions	Required	Must provide written notice of determination by	No change needed. Relating to special use permits, the process is described in 15-	Article VII	15-115(b);
Determinations		personal delivery, electronic mail, or first-class mail to	115(b) as the same for approval which includes written and posted notice and written		15-115(c)
		the property owner and party seeking determination, if	determination. Provisions relating to notice outlined in 15-115(b) for SUPs and 15-115		
		different from the owner. (G.S. 160D-403(b).)	(c) for zoning permits. New language added to 15-46(b) clarifies written approval for zoning permits.		
Administrative Decisions	Optional	May require owner to post notice of determination on	No change needed. Article 15-91(e) speaks to the posting of a sign meeting specific	Article V	15-91(e)
Determinations		the site for ten days; if such is not required, then owner	criteria.		
		has option to post on the site to establish constructive notice. (G.S. 160D-403(b).)			
Administrative Decisions	Required	Must allow administrative decisions of any development	No change needed. The existing language under Section 15-91, Appeals, seems to	Article V	15-91
Appeals of Administrative Decisions		regulations (not just zoning) to be appealed to the board	cover all decisions. For clarity, however, "administrative decisions" has been added to	Article VI	15-101(a)
		of adjustment, unless provided otherwise by statute or	the list of matters in subsection 15-101(a), Hearing Required on Appeals and		
		ordinance. (Appeals relating to erosion and	Applications.		
		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.)			
Administrative Decisions	Required	Must set a thirty-day period to file an appeal of any	No change needed. Existing language under Section 15-91 sufficient.	Article V	15-91(d)
Appeals of Administrative Decisions		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).)			
Administrative Decisions	Required		No change needed. Existing language in 15-91(i) states that the administrator shall be	Article V	15-91(i)
Appeals of Administrative Decisions		her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)	present at the hearing as a witness.		
Administrative Decisions	Required	Must pause enforcement actions, including fines, during	Amendment needed. Section 15-114(b)(3)(a) currently provides for the collection of	Article VII	15-114(b)(3)
Appeals of Administrative Decisions		the appeal. (G.S. 160D-405(f).)	civil penalties to be stayed, but not the accural. Subsection 15-114 to be rewritten to align with the new language is 160D and S.L. 2020-25.		
Administrative Decisions /ested 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-	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.)	consultation with the Town Attorney may be needed for addressing all of the		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.)		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			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
Comprehensive Plan	Required		No change needed. Work on the Town's comprehensive plan is underway and scheduled for adoption in time to meet this requirement. The legislative descision process for amendments (text and map) require a deteermination of consistency/ Once adopted, the comprehensive plan will be a key document for determining consistency	Article XX	

Required		Amend Article I, General Provisions, with a new Section 15-10, Relationship to	Article I	15-10 or 15-6
	aecision. (G.S. 1000-501(C).)			
				15-320
Required			Article I	15-10 or 15-6
Required			Article XX	15-321(a)
	development regulation authorized under Chapter 160D,	If needed, 15-325 could be rewritten to say, "In deciding whether to adopt a proposed	_	
	not just zoning; must adopt any development regulation	ordinance to amend this chapter" instead of "In deciding whether to adopt a		
	by ordinance, not by resolution. (G.S. 160D-601.)	proposed amendment to this chapter."		
Required	Chapter 160D Requirement. Must adopt broadened	Amend LUO Section 15-322(d), to expand the conflict of interest provisions for	Article XX	15-322(d)
	conflict-of-interest standards for governing and advisory	advisory board review of legislative decisions (text & map amendments) to include		
	boards. (G.S. 160D-109.)	close familial, business or other associational relationship.		
		Amend LUO Section 15-324(e) to expand the conflict of interest provisions for		15-324(e)
		advisory board review of legislative decisions (text & map amendments) to include		
		close familial, business or other associational relationship.		
Required	Chapter 160D Requirement. For zoning map	Amend the area subject to receive written notice to include the owners of abutting	Article XX	15-323(c)
	amendments, must provide notice not only to immediate	properties while retaining the existing provisions of 1000 feet of the property so as		
	neighbors but also to properties separated from the	not to reduce the area if "abutting" properties creates a smaller area for notice. Since		
	subject property by street, railroad, or other	the provision for renters is described as a reasonable effort the 1000 feet is left as is.		
	transportation corridor. (G.S. 160D-602.)			
Required	Chapter 160D Requirement. For zoning map	Amend the Section 15-323(e) to include the 10-25 day window for posting notice.	Article XX	15-323(e)
	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).)			
Optional		No change needed.	Article XX	
	single mailed notice for ETJ and zoning-map amendment			
	pursuant to statutory procedures. (G.S. 160D-202.)			
	Required Required Required Required Required Required	update following the procedures used for a legislative decision. (G.S. 160D-501(c).) Required Chapter 160D Requirement. Must reasonably maintain a plan. (G.S. 160D-501(a).) Required Chapter 160D Requirement. 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.) Required Chapter 160D Requirement. Must adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.) Required Chapter 160D Requirement. 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.) Required Chapter 160D Requirement. 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.) Optional Chapter 160D Option. For extension of ETJ, may use single mailed notice for ETJ and zoning-map amendment	Implicit following the procedures used for a legislative decision. (G.S. 160D-501(c).) 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 mamer 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. (G.S. 160D-501(a).) Required Chapter 160D Requirement. Must reasonably maintain a plan. (G.S. 160D-501(a).) Article 1, that the plan must be updated at regular intervals. Amend 15-320(a) to include the comprehensive plan in Include a sentence at the end of the new subsection on the comprehensive plan in Include a sentence at the end of the new subsection on the comprehensive plan in Include a sentence at the end of the new subsection on the comprehensive plan in Include a sentence at the end of the new subsection on the comprehensive plan in Include a sentence at the end of the new subsection on the comprehensive plan in Include a sentence at the end of the new subsection on the comprehensive plan in Include a sentence at the end of the new subsection on the comprehensive plan in Include a sentence at the plan must be updated at regular intervals. Amend 15:320(a) to include the real sentence at the plan must be updated at regular intervals. Required Chapter 160D Requirement. Must adopt broadened conflict-of-interest standards for governing and advisory board review of legislative decisions (text & map amendments) to include close familial, business or other associational relationship. Required Chapter 160D Requirement. For zoning map amendments, must provide notice not on the area subject to receive written notice to include th	update following the procedures used for a legislative decision. (G.S. 160D-501(c).)Comprehensive Plan, or establish a subsection to 15-G. 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. (G.S. 160D-501(c).)Article XXRequiredChapter 160D Requirement. Must reasonably maintain a procedure for legislative decisions under any to include the comprehensive plan.Article XXRequiredChapter 160D Requirement. Must follow applicable procedure for legislative decisions under any development regulation and under Chapter 160D Requirement. Must follow applicable procedure for legislative decisions under any development regulation and user of the comprehensive plan.Article XXRequiredChapter 160D Requirement. Must adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)Amend LUO Section 15-322 (a), to expand the conflict of interest provisions for advisory board review of legislative decisions (text & map amendments) to include

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).)		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 planunderway.	Article XX	15-322(b).
Legislative Decisions Planning Consistency		<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.)	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 ac. This section will need to be rewritten again to go back to the earlier verisiona statement of consistency with adopted plans for text and map amendments, and an additional statement of reasonableness for map amendments.		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).)	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	future land use map when a zoning map amendment is	Amendment needed. Rewritting the existing provisions of 15-324(d) to include a new provision for this purpose.	Article XX	15-324
		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.)			
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 supermarjority 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.		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 will 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	Chapter 160D Option. 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	

Attachment C - 11 of 13

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.		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 procdure 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.	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.	Change references for the Board of Aldermen to the Town Council.	Article XIII	
		Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XIV	
		Town administrative update.	Amend subsection 15-216(d1) and 15-216.1(a) to change the reference to a CUP to a class A SUP. In addition, delete the reference to a B-4-CU district in 15-216(d1).	Article XIV	15-216(d1) 151-216.1(a)
		Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XVI	
		Town administrative update.	Amendments needed to change CUP and SUP to class A SUP and class B SUP.	Article XVI	15-251.10(b)(2) 15-251.11(a); (b) 15-264(a)
		Town administrative update.	Amendments needed for gender neutral language.	Article XVI	15-251.6
		Town administrative update.	Amend LUO sections 15-271, 15-273 to change CUP and SUP to class A SUP and class		15-15-271(b) in two places

Town administrative update.	Amend LUO Subsection 15-271(d) to update the provisons 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)
Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XVIII	
Town administrative update.	Amendments needed to change CUP and SUP to class A SUP and class B SUP.	Article XVIII	15-291(f) 15-296(h)
Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XIX	
Town administrative update.	Amend LUO sections 15-311, 15-319 and 15-321.1 to change CUP and SUP to class A SUP and class B SUP	Article XIX	15-311 15-319 15-321.1(c)
Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XX	
Town administrative update.	List other administrative changes for Article XX		
Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XXI	



Agenda Item Abstract

File Number:21-156

File Type: Agendas

Agenda Date: 5/11/2021 In Control: Board of Aldermen

Version: 1

TITLE:

Request to Approve a Resolution Authorizing the Town Manager to Award a Contract for Commissioning Agent Services for the 203 Project.

PURPOSE: The purpose of this item is for the Town Council to consider authorizing the Town Manager to award a contract to Affiliated Engineers Inc. (AEI) of Chapel Hill for Commissioning Agent Services for the 203 Project.

DEPARTMENT: Public Works

CONTACT INFORMATION: Ben Schmadeke - 919-918-7424, <u>bschmadeke@townofcarrboro.org</u> <<u>mailto:bschmadeke@townofcarrboro.org</u>>; Joe Guckavan - 919-918-7427, jguckavan@townofcarrboro.org <<u>mailto:jguckavan@townofcarrboro.org</u>>; Arche McAdoo - 919-918-7439, <u>amcadoo@townofcarrboro.org</u> <<u>mailto:amcadoo@townofcarrboro.org</u>>

INFORMATION: The 203 Project Ordinance dated February 11, 2020 includes a budget for professional services in the amount of \$3,549,095.00. Commissioning is a professional service that ensures building performance. For more information on building commissioning and its value to the owner, please reference Attachment C: *Los Alamos National Laboratory Sustainable Design Guide, Chapter 9: Commissioning the Building*.

Town Staff issued a Request for Qualifications (RFQ) for Commissioning Agent Services on January 10, 2021, please see Attachment D for RFQ. Outreach to minority/women-owned businesses included advertisement on the state Historically Underutilized Business (HUB) website and the Triangle Tribune, a minority business publication. Additionally, the advertisement was posted on the Town's website, advertised in the News and Observer and posted to the State Procurement Portal website.

Eleven Letters of Interest (LOIs) were received. An evaluation committee was formed including staff from Public Works, Finance, Planning as well as Orange County. The LOIs were scored from 0 to 100 based on the evaluation criteria outlined in the RFQ. The top 3 firms were subsequently interviewed by the committee and further evaluated by the committee using pre-established questions. Please see Attachment B: Commissioning Agent Firms Evaluation Table, for the list of firms and their final ranking.

AEI was unanimously chosen by the committee based on their team's qualifications, track record of successful

Agenda Date: 5/11/2021 In Control: Board of Aldermen Version: 1 File Type: Agendas

projects, proximity to the project, approach to commissioning and ability to perform all commissioning services in-house. None of the firms who submitted a LOI are certified as a minority or women owned business enterprise (MWBE).

FISCAL & STAFF IMPACT: The anticipated cost for AEI to provide commissioning agent services is \$175,000 which is under the budget of \$200,000 originally estimated for commissioning services. Per Attachment C, commissioning typically lowers operating costs by 8 - 20%. It is expected that staff time required for Project Management will be decreased due to the commissioning agent's involvement in the project.

RECOMMENDATION: Staff recommends that the Council consider adopting the resolution (Attachment A) authorizing the Town Manager to award and negotiate a contract for commissioning agent services with AEI for the 203 Project.

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO AWARD A CONTRACT FOR COMISSIONING AGENT SERVICES FOR THE 203 PROJECT

WHEREAS, The Carrboro Town Council has adopted a Capital Improvement Project Ordinance for the design and construction of the 203 Project, and has appropriated \$25,831,095.00 for this project; and,

WHEREAS, Town staff have prepared and advertised a Request for Qualifications to select the most qualified firm to service as the Commissioning Agent for the 203 Project; and

WHEREAS, eleven (11) Letters of Interest from qualified firms were received; and

WHEREAS, an evaluation committee with representatives from Public Works, Planning, Finance and Orange County scored all submissions and interviewed the top three firms; and,

WHEREAS, the evaluation committee selected Affiliated Engineers Inc. as the most qualified firm for commissioning agent; and,

WHEREAS, the Town Council desires to retain a commissioning agent for the 203 Project to ensure a successful delivery of the project.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Town Council that:

- 1. The Town Manager is authorized to negotiate and execute a contract with Affiliated Engineers for Commissioning Agent Services for the 203 Project.
- 2. The amount of this contract with Affiliated Engineeers, Inc. shall not exceed \$175,000.
- 3. The Town Manager may make changes in the contract provided the original intent and purposes are not changed and the contract amount is not increased above \$175,000.
- 4. This Resolution is effective upon passage by the Town Council.
- 5. A copy of this resolution shall be provided to the Finance Director within five days,

This is the 11th day of May in the year 2021

Attachment B

Ranking	Firm	NC Firm?	Shortlisted and Interviewed?	Selected?
1	AEI	Yes	Yes	Yes
2	Facility Dynamics	No	Yes	No
3	SKA	Yes	Yes	No
4	HEA	Yes	No	No
5	McKim & Creed	Yes	No	No
6	HEAPY	Yes	No	No
7	DEVITA	Yes	No	No
8	CMTA	Yes	No	No
9	Commissioning WorCx	Yes	No	No
10	Edison Energy	No	No	No
11	Jeff Traylor	Yes	No	No

Commissioning Firms Evaluation Table

Chapter 9: Commissioning the Building

- **#** Commissioning Process Overview
- **#** Commissioning Activities and Documentation

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Chapter 9

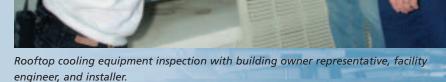
Commissioning the Building

Commissioning Process Overview

Commissioning is a process – a systematic process of ensuring that a building performs in accordance with the design intent, contract documents, and the owner's operational needs. Commissioning is fundamental to the success of the whole-building design process. Due to the sophistication of building designs and the complexity of building systems constructed today, commissioning is necessary, but not automatically included as part of the typical design and contracting process.

Commissioning is critical for ensuring that the building design is successfully constructed and operated. Any type of building will benefit from a commissioning effort. Commissioning is even more important in energyefficient buildings to ensure that they perform as intended to maintain comfort. Also, HVAC equipment in better-performing buildings may require advanced control strategies. But commissioning goes beyond the traditional HVAC elements. More and more buildings rely on the integrity of the envelope to ensure comfort.

Commissioning can also evaluate claims about the construction materials such as durability and VOC emission content. It can improve power quality for the overall building by verifying that electrical building support and



Building commissioning:

- Is a systematic and designed process coordinated by a commissioning authority or team.
- Includes documentation, verification procedures, functional performance tests, validation, and training.
- Is performed specifically to ensure building operation in accordance with design intent and construction documents.
- Starts with the conceptual phase and continues through design and construction to a minimum of one year after construction completion.

Building commissioning implementation:

- Begins early in the design process.
- Necessitates special bidding requirements during contractor selection.
- Coordinates the static and dynamic testing that acceptance is based on.
- Finishes with staff training and warranty monitoring.

Building systems to be commissioned include:

- Mechanical (heating, ventilating, airconditioning, and refrigeration)
- Electrical
- Lighting
- Life safety
- Plumbing
- Building envelope and interior finish materials
- Laboratory-specific processes

Building commissioning is more than:

- Construction observation (punch list)
- Start-up
- Testing, adjusting, and balancing (TAB)
- Final punch-out and acceptance
- Post-occupancy re-tuning

These activities are among the individual steps in the systematic process of commissioning, but by themselves these activities cannot meet the goals of building commissioning. laboratory equipment performs as specified. It is important that the products specified for the building meet the manufacturer's claims and are appropriate for the project.

While commissioning is critical before and during initial occupancy, use and changes over time require that systems be evaluated on an ongoing basis. *Continuous commissioning*, or recommissioning at planned inter-



Checking air flow in a displacement ventilation system diffuser. Dirty or clogged air filters are a common commissioning finding. Not only do dirty filters reduce air handler efficiency, they also can affect occupant comfort and health.

vals, ensures that the building operates as efficiently as possible while meeting comfort and functional needs throughout the life of the building. Continuous commissioning goes beyond traditional building operation and maintenance just as initial commissioning differs from testing, adjusting, and balancing. Continuous commissioning involves scheduled and rigorous retesting of building systems to ensure that they continue to operate optimally.

Building commissioning has emerged as the preferred method of ensuring that building systems are installed and operated to provide the performance envisioned by the designer.

- Continuous Commissioning Guidebook, U.S. Department of Energy Benefits of building commissioning include:

- Energy savings and persistence of savings
- Improved thermal comfort with proper environmental control
- Improved indoor air quality
- Improved operation and maintenance with documentation
- Improved system function that eases building turn-over from contractor to owner
- Consistent system function when the building turns over from one operator to another

aintenance with Acceptance Test Procedures

O&M Manuals

Building commissioning coordinates these plans and manuals and leverages their benefits through a systematic and integrated process.

The Laboratory already uses project documentation

relevant to commissioning including:

Quality Assurance Project Plans

Construction Management Plans

Test and Inspection Plans

The Cost of Commissioning

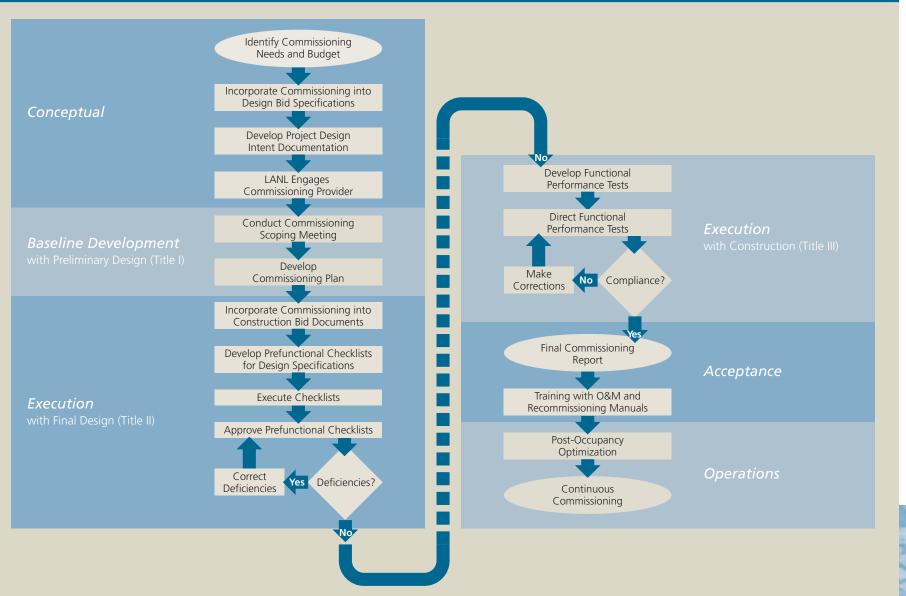
Energy, water, productivity, and operational savings resulting from commissioning offsets the cost of implementing a building commissioning process. Recent studies indicate that on average, operating costs of a commissioned building range from 8–20% below that of a non-commissioned building. The one-time investment in commissioning at the beginning of a project results in reduced operating costs that will last the life of the building. In general, the cost of commissioning is less than the cost of NOT commissioning. Continuous commissioning is an enhancement to O&M that typically makes facility operations and management more efficient.

The cost of commissioning is dependent upon many factors, including a building's size and complexity, and whether the project consists of new construction or building renovation. In general, the cost of commissioning a new building ranges from 0.5-1.5% of the total construction cost. For an existing building, never before commissioned, the cost of retro-commissioning can range from 3-5% of total operating cost.

Costs of Commissioning, New Construction				
Commissioning Scope	Estimated Cost			
Entire building (HVAC, Controls, Electrical, Mechanical)	0.5–1.5% of total construction cost			
HVAC and Automated Control System	1.5–2.5% of mechan- ical system cost			
Electrical Systems	1.0–1.5% of electrical system cost			
Energy Efficiency Measures	\$0.23–0.28 per square foot			

Source: Building Commissioning Guide. Version 2.2. 1998. DOE/GSA





Los Alamos National Laboratory Sustainable Design Guide

Commissioning ideally occurs through all phases of a building project (see figure on the opposing page). The process begins by identifying commissioning needs in the conceptual design phase and then designating a commissioning provider. While it is beneficial to have a third-party commissioning authority for more comprehensive design and construction review, it is acceptable for a project to use a qualified member of the design team as the commissioning agent.

The commissioning provider serves as an objective advocate of the owner, directs the commissioning process, and presents final recommendations to the owner regarding the design and performance of commissioned building systems. The commissioning provider introduces standards and strategies early in the design process and then ensures implementation of selected measures by clearly stating target requirements in construction documents. The commissioning provider then verifies that the minimum performance targets have been met after construction completion. In addition, the commissioning provider should provide guidance on how to operate the building at peak efficiency as part of a continuous commissioning manual.

End-use metering provides a good indication of how sub-systems are operating in a building. Sub-meters are recommended for HVAC, lighting, and plug loads. Recording and tracking this information is useful for evaluating the start-up and efficiencies of sub-metered systems.

Temperature sensors must be calibrated against known standards to ensure that monitoring results and actual comfort conditions match.



Commissioning Activities and Documentation

- **Owner's Requirements.** List and describe the owner's requirements and basis of design intent with performance criteria and goals.
- **Commissioning Plan.** Create the commissioning plan as early in the design phase as possible, including the management strategy and list of all features and systems to be commissioned.
- **Design Review.** Review plans at designated points in the design process to verify that the design is consistent with the owner's intent and goals.
- **Bid Documents.** Integrate commissioning requirements in the construction bid and contract documents. Designate the Construction Specifications

Institute (CSI) Construction Specification Section 01810 in Division 1 for general commissioning requirements. Use the unassigned Sections 01811 through 01819 to address requirements specific to individual systems. Notify mechanical and electrical subcontractors of Division 15 and 16 commissioning requirements in Sections 15995 and 16995.

- **Prefunctional Checklists.** Develop prefunctional checklists for specifications of each piece of equipment identified in the commissioning plan.
- **Functional Performance Test Procedures and Checklists.** Develop functional performance test procedures or performance criteria verification checklists for each of the systems identified in the commissioning plan.
- **Commissioning Report.** Complete a commissioning report for each identified component, equipment, system, or feature, including results of prefunctional checklists, installation observation, start-up and checkout, operation sampling, functional performance testing, and performance criteria verification.
- **Training.** Assemble written verification that training was conducted for appropriate personnel on all commissioned features and systems.

Examples of Components and Systems to Target for Functional Performance Testing:

Mechanical and Electrical

- Central building automation systems, including linkages to remote monitoring and control sites
- Air supply and exhaust systems and controls
- Fume hoods and laboratory air pressurization
- Central plant systems (boilers, chillers, pumps, cooling towers, controls, etc.)
- All equipment of the heating, ventilating and air conditioning (HVAC) systems, including test and balance (TAB) procedures and ductwork testing and cleaning
- Lighting systems and controls
- Electrical power systems including emergency power, electrical grounding, and possible faults

Building Envelope

- Interior and exterior light and shade management devices
- Window glazing
- Infiltration air leakage

Laboratory

- Life-safety systems and toxic-gas monitoring systems (verify that HVAC systems are interlocked and operate per code under emergency situations)
- Process and specialty gas distribution systems, including hazardous production materials
- Process cooling water systems, including deionized water



- **Deration and Maintenance Manuals.** Review operation and maintenance manuals for completeness, including instructions for installation, maintenance schedules and procedures, replacement, and start-up; replacement sources; parts lists; special tools; performance data; and warranty details.
- **EXAMPLA** Recommissioning Management Manual. Develop an indexed recommissioning management manual with components such as guidelines for establishing and tracking benchmarks for whole building energy use and equipment efficiencies, recommendations

for recalibration frequency of sensors, list of all user adjustable set-points and reset schedules, and list of diagnostic tools.

Post-Occupancy Optimization Report. Complete a commissioning report at the close of the warranty period verifying that the identified systems and features of the building are performing as intended through the heating, cooling, and swing seasons. Identify any issues with recommended resolutions.

est Activities:

- Verify all pieces of equipment perform according to manufacturers' specifications.
- Measure temperatures and flow rates from all HVAC devices and compare to specifications.
- Calibrate all sensors to a known standard.
- Review the sequence of start-up operations.
- Verify controls are providing the correct interaction between equipment and systems.
- Determine energy efficiency of major systems and equipment relative to design specifications and at variable loads.

Light sensors must be calibrated and control sequences validated properly to dim and shut-off light fixtures when adequate natural light is available.

A National Park Service staff member verifies the operation of an Energy Management Control System. Calibration of sensors and verification of program sequencing is essential to creating a building that operates properly.





Building flush-out

Consider a building flush-out period after construction completion and prior to occupancy to reduce possible indoor air quality contamination. This involves running the mechanical system with tempered 100% outside air for an extended period of time (two weeks). Flushing out the building may be particularly important when high VOC- and particle-emitting construction materials, furnishings, interior finishes, and cleaning agents have been applied. Change all ventilation air filters as a final step of building flush-out.



ig Miller, DOE

Visual inspection can provide clues for diagnosing HVAC system performance problems. For example, filters full of construction dust and water on the floor of a mechanical room indicate issues that need to be corrected.

Case Study:

Commissioning at the Nicholas C. Metropolis Modeling and Simulation Center at the Strategic Computing Complex

The Metropolis Center general contractor, Hensel Phelps, retained a third-party commissioning agent, Testmark Associates of Golden, Colorado. Testmark participated in the general review. They reviewed and had some input into plans for chilled water schematics and sequences and mechanical/electrical systems.

Subsequently, there were bimonthly commissioning meetings to address issues as they arose during construction, to plan coordination for building start-up, and to review safety procedures. Testmark placed two full-time staff on site to carry out standard testing procedures during construction. These tests were ongoing throughout summer months. Commissioned systems included chilled water, heating water, ventilation systems (including air handlers, variable air volumes, and exhaust fans), main switches, building substations, power panels, lighting controls, electrical receptacles, i.e. all mechanical/electrical systems and equipment. Before Testmark completed its contract, it conducted a 24-hour baseline analysis during winter months to ensure that systems were functioning within the expected design and operating parameters. Testmark's contract did not call for revisits. Due to security concerns, it is necessary for LANL to carry out all future testing and recommissioning procedures. Testmark provided a comprehensive procedure manual with manufacturer specifications for that purpose.



Systems Integration Issues

- The commissioning process is a mechanism to ensure that the interface between the trades is working properly. It affects all dynamically operated components, equipment, systems, and features, as well as the environmental performance aspects of selected static materials and systems.
- Additional commissioning supplements fundamental commissioning and focuses on review of the building design and construction documents to identify areas for improvement as well as recommissioning of building systems after occupancy.
- Address the commissioning process during pre-bid or pre-construction conferences as well as at design and construction meetings.
- ☐ The construction contractor should understand that a third-party will be evaluating their work for compliance with the specifications. If design review is included within the commissioning scope, the design team also will be asked to provide plans and specifications and to respond to questions and concerns. These expectations must be made clear early in the process so that the designers and contractors are prepared to assist and provide appropriate documentation.
- □ Coordinate functional performance test measurement devices with those required as part of the energy management control system and any longterm continuous measurement and verification objectives to either double check instrument readings or to reduce redundancy of equipment.

The bottom line is that commissioning improves a building's value... Systems that function properly use less energy, experience less down time, and require less maintenance, thereby saving money for building owners.

– Building Commissioning: The Key to Quality Assurance, U.S. Department of Energy



Perform functional tests at design, intermediate, and minimum flow conditions on variable frequency drive motors controlling variable flow hydronic systems.



Los Alamos National Laboratory Sustainable Design Guide

	Standard Practice/	Better	High Performance
Commissioning	○ Federal and local codes for quality	PLUS:	PLUS:
Activities	assurance	 Commissioning plan, functional perfor- mance testing, and commissioning report 	 Comprehensive review of design and contractor submittals throughout the entire construction process
Commissioning Provider	○ None	 Contract for commissioning agent as part of design or construction team 	 Contract for third-party commissioning authority
Operation	Construction as-built drawings and	PLUS:	PLUS:
Documentation	warranty documentation	 Comprehensive O&M manual and preven- tive maintenance plan 	Recommissioning management manual
Last Construction Process Step	○ Final contractor punch-out	 Final commissioning report after staff training and building flush-out 	 Near-warranty end or post-occupancy review (i.e., 10 months into 12-month warranty period)
Continuous Commissioning	 Reactive approach: examination of systems only when problems are reported 	 Active approach: effective maintenance with performance testing as resources allow 	Proactive approach: scheduled recommis sioning of all systems on a periodic basis



References

"Building Commissioning Guide." Version 2.2. 1998. DOE/GSA. www.eren.doe.gov/femp/techassist/ bldgcomgd.html

"ASHRAE Guideline 1-1996: The HVAC Commissioning Process." American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE), 1996.

"An Integrated Approach to Building Commissioning – Professional Development Seminar." ASHRAE, 1999.

"What Can Commissioning Do For Your Building?" PECI. *www.peci.org/cx/overviews.html*

"Commissioning to Meet Green Expectations." PECI. www.peci.org/cx/CxGreen.pdf

Proceedings of the Annual National Conference on Building Commissioning. 1993–2002. PECI. *www. peci.org/ncbc/proceed.html*

"Leadership in Energy & Environmental Design Reference Guide." Version 2.0. U.S. Green Building Council, 2001.

"Sustainable Building Technical Manual." Public Technology, Inc., 1996. "Sustainable Design Report for Los Alamos National Laboratory's Strategic Computing Complex." LA-UR-01-5547. http://emeso.lanl.gov/useful_ info/publications/SCC_SD.pdf

Additional Resources

"Model Commissioning Plan and Guide Specifications." Version 2.05. *www.eren.doe.gov/femp/ techassist/bldgcomgd.html*

"Commissioning for Energy Efficiency." DOE Office of Energy Efficiency and Renewable Energy. *www.eren. doe.gov/buildings/comm_energyeff.html*

E-design Online Commissioning Archives 1996-2000. www.state.fl.us/fdi/edesign/news/main/ commiss.htm

Diagnostics for Building Commissioning and Operation *http://eetd.lbl.gov/EA/IIT/diag*

"Building Commissioning; The Key to Buildings that Work." *Environmental Building News.* Vol. 9, No. 2 (February 2000).

Oregon State Energy Office *www.energy.state.or. us/bus/comm/bldgcx.htm*

Building Commissioning Association www.bcxa.org



Town of Carrboro, North Carolina Request for Qualifications: Commissioning Agent

Issue Date: <u>January 10, 2021</u> Submittal Deadline: <u>February 1, 2021</u>

Project Overview

A. **Project Description**

The Town of Carrboro is seeking qualifications from interested Commissioning Agent Firms to complete the Commissioning for the new Town of Carrboro and Orange County Community Center (The 203 Project). The proposed site is an existing gravel parking lot located at 203 South Greensboro Street.

The 203 facility will include a new three-story, 53,000 GSF building and adjacent 173 car capacity parking deck. The project is currently planned for a Construction Manager at Risk delivery method.

Project Vision Statement:

The 203 facility will be the area's new hub for our shared culture of learning and leisure—a community oasis that nourishes the mind, body and soul. As a user focused community center, it will connect Town and County residents to resources, tools and each other in the spirit of learning, making, and nurturing collective values. By integrating vital public resources—the Carrboro Recreation, Parks and Cultural Resources Department, the Orange County Southern Branch Library, the Orange County Skills Development Center, and WCOM—The 203 facility will host traditional services as well as new collaborative programming. New and enhanced programs will weave together learning with leisure, personal growth with vital workforce readiness. This purpose-built facility will be an environmentally sustainable, functionally resilient destination that is welcoming and accessible to all.

B. Scope of Services

The objective of commissioning is to provide documented confirmation that a facility fulfills the functional and performance requirements of the building owner.

To reach this goal, it is necessary for the commissioning process to develop and document the owner's criteria for system function, performance, and maintainability, as well as, to verify document compliance with these criteria throughout design, construction, start-up, initial operation and seasonal operation. In addition, complete electronic operation and maintenance (O&M) manuals, as well as training on system operations should be provided to the building operators to ensure the building continues to operate as intended.

The Commissioning Agent (CxA) will be involved from initial design phase through construction warranty phase, including 1-year post occupancy testing/verification. The CxA will be responsible for reviewing and thoroughly documenting the Owner's Requirements and Basis of Design through reviews and interaction with the Project Engineer and the Owner. The primary role of the CxA during the overall design phase is to develop detailed commissioning specifications, assist with creating Building Controls Sequences of Operation, and to review design to ensure it meets the Owner's objectives as well as energy efficiency goals. During construction, the CxA coordinates the execution of a testing plan, which includes observing and documenting all systems' performance to ensure that systems are functioning in accordance with the Owner's objectives and the contract documents. The CxA is not responsible for design or general construction scheduling, cost estimating, or construction management, but it may be

necessary to assist with problem solving non-conformance issues and deficiencies. The CxA will be required to provide input on the overall master schedule where they are to perform tasks.

It is the owner's desire for the person designated as the CxA to satisfy as many of the following prerequisites as possible:

- Acted as the principle CxA on several 50,000+ GSF Facilities
 Acted as the principle CxA for at least two (2) projects that have achieved or are currently pursing LEED certification.
 Extensive experience in the operation and troubleshooting of building controls systems and MEP
- systems.

- systems.
 Extensive field experience is required, with a minimum of five (5) years in this type of work.
 Knowledgeable in building O&M training.
 Knowledgeable in air testing and balance and water systems.
 Experienced in writing commissioning specifications.
 Direct experience in monitoring and analyzing system operation using the building control system trending and standalone data logging equipment.
 Excellent verbal and written communication skills. Highly organized and able to work with both the office and field personnel and the A/E, Consultant, and CM.

The CxA will be responsible for contracting with an outside firm for independent testing and air balancing of systems.

Closeout Services: The closeout for this project is required to be delivered in an electronic format and adhere to industry standards.

For purposes of completing the Statement of Qualifications, below is a list of relevant scope of work requirements for this RFQ:

- Experience working with Municipalities
 MEP Systems Commissioning
 Building Automation Commissioning
 Building Envelope Commissioning
 LEED Commissioning Services

- 6. Post-Occupancy Analysis and Commissioning

CONTRACT

The selected Firm will report directly to the Town's designee, and is to administer the contract to ensure that all work is performed in accordance with the contract requirements. See Attachment A – Town's Standard Contract.

The selected Firm will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000. Liability insurance certificates should list the Town of Carrboro as an additional insured. The Firm must have an adequate accounting system to identify costs chargeable to the project.

The selection of a Firm to provide the desired services on this specific project will be handled in accordance with the following process:

- 1. Submission by the Firm of a response to this Request for Qualifications.
- 2. Town may short list Firms to a minimum of three.
- 3. Pre-interview meeting and oral interview at the option of the Town
- Town will identify firms based on qualifications in rank order. 4.
- 5. Contract negotiations to finalize scope of work and price will begin with the number 1 ranked firm. If negotiations are unsuccessful with the first ranked Firm, negotiations will

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begin with second ranked Firm and so on. * All Firms submitting qualifications; are expected – if selected – to prepare a scope of services, fee estimate, and any other required documentation in a timely manner. Failure to provide timely response will result in termination of the negotiations process.

EVALUATION

The following considerations, with the weighted importance, will be utilized for evaluation of all Letters of Interest submitted:

- 1. Firm's overall experience, knowledge, familiarity and past performance relating to cost-effective delivery of the requested services 30%
- 2. Experience of the Firm's proposed staff to perform the required work and proximity of staff to project location- 40%
- 3. Firm's proposed project approach and management plan and demonstrated ability to provide sound recommendations, solutions and advice to the Town 30%

Firms are requested to identify professional registrations, memberships, and any other appropriate design and construction industry credentials.

Corrections and Addendums

Any corrections or addendums to this RFQ will be posted at the following web page: <u>http://townofcarrboro.org/bids.aspx</u>

Applicants are responsible for monitoring this page for any corrections or addendums. In the event that a correction or addendum is posted, applicants must include within their Cover/Introductory Letter a statement acknowledging that applicants have read and understand it.

FORMAT FOR SUBMISSION OF LETTERS OF INTEREST

All letters of interest are limited to 20 pages (reference forms are not included in the page count) <u>inclusive</u> of the cover sheet, and shall be typed on 8 1/2" x 11" sheets, single-spaced, one-sided. Fold out pages <u>are not</u> allowed. In order to reduce costs and to facilitate recycling; binders, dividers, tabs, etc. are prohibited. One staple in the upper left-hand corner is preferred. <u>Submittals containing more than 20</u> <u>pages will not be considered.</u>

Four (4) paper copies of LOIs should be delivered to the address below. Firms must also send one (1) electronic copy of the LOI in a single PDF file, ideally less than 10 MB. The electronic copy can be included on a CD with the paper copy mailing or can be emailed to <u>bschmadeke@townofcarrboro.org</u>. (The Firm is responsible for ensuring the PDF file size does not prevent the delivery of the email.) Faxed copies will not be accepted.

Section I - Introductory Letter

The introductory letter should be addressed to Arche McAdoo, Finance Director, and limited to two (2) pages and should contain the following elements of information:

- Expression of Firm's interest in the work;
- Statement regarding Firm's possible conflict(s) of interest for the work; and
- Summation of qualifications contained in the letter of interest.

Section II - Qualifications

This section should contain information regarding evaluation and other factors listed in the advertisement such as:

- A brief synopsis of the Firm's previous experience that is focused to the type of project advertised for services [performed within last seven (7) years];
- The number of employees within the Firm;
- A brief description of the Firm's approach to performing the services for this work, including the Firm's understanding of their responsibility with regard to safety, contract administration, environmental responsibility, claims, and project delivery;
- The proposed personnel to be assigned to the work by discipline, their availability date on the project.
- Identify project personnel/subconsultant qualifications and experience as related to this work;
- Unique qualifications of key team members; and
- Any innovative approaches to be used.

Section III - Project Personnel and Capacity-

This section should contain the following information:

- Capacity Chart/Graph (available work force);
- Organizational chart indicating personnel to be assigned by discipline and percent of effort;
- The resumes of key personnel
- Other resources to be assigned to the project;
- Other information.

Section IV References

Firms must include in their submittal the completed reference form in Attachment B, or a typed form including the information requested in the form. Firms must list at least three – and may list up to five – references of clients for whom similar work was performed. This Appendix will not count against the page limit of the RFQ; however, Firms are encouraged to keep reference entries concise.

SUBMISSION OF QUALIFICATIONS

Firms are invited to submit letters of interest for furnishing professional services outlined in this RFQ to the Town by <u>February 1, 2021</u>. Submittals after this deadline will not be considered. This deadline applies to both the four paper copies and the electronic copy: <u>all</u> copies must be received by the deadline. No faxed copies will be accepted.

Firms responding to this request are encouraged to carefully check them for conformance to the requirements stated above. If responses do not meet ALL of these requirements or are submitted to any address other than shown below may be disqualified in the Town's sole discretion.

The address for mailings and hand-deliveries is:

Arche McAdoo, Finance Director Town of Carrboro 301 W. Main St. Carrboro, NC 27510

All questions concerning this RFQ should be directed to Ben Schmadeke, Capital Projects Manager at <u>bschmadeke@townofcarrboro.org</u>

Questions may be submitted <u>electronically only</u>, to the contact above. Responses will be issued in the form of an addendum available to all interested parties. **Questions must be submitted to the person listed above no later than <u>January 19, 2021</u>** the last addendum will be issued no later than January 22, 2021

In order to be considered for selection, Firms must submit complete responses by the specified deadline. Failure to submit all information by the deadline will result in disqualification. The Town of Carrboro will review all qualifying RFQ submittals. After reviewing submittals, the Town MAY chose to short-list a minimum of three Firms to be interviewed.

The Town reserves the right to reject any and all submittals.

NON-FEDERAL FUNDS STANDARD SERVICE CONTRACT



NORTH CAROLINA TOWN OF CARRBORO

SERVICE CONTRACT

THIS CONTRACT is made, and entered into by and between the TOWN of CARRBORO, a political subdivision of the State of North Carolina, (hereinafter referred to as "TOWN", party of the first part and ______, (hereinafter referred to as "CONTRACTOR"), party of the second part.

1. SERVICES TO BE PROVIDED

CONTRACTOR hereby agrees to provide services and/or materials under this contract (hereinafter referred to collectively as **"SERVICES"** for <u>{Insert Name of Project}</u> pursuant to the provisions and specifications identified in "Attachment 1".

2. TERM OF CONTRACT

The term of this **CONTRACT** for services and supplies is from ______ to _____.

3. PAYMENT TO CONTRACTOR

CONTRACTOR shall receive from **TOWN an amount not to exceed <u>\$XXXXX</u></u>. Unless otherwise specified, CONTRACTOR** shall submit a monthly itemized invoice to ______ at the Public Works Department of the Town of Carrboro, NC 27510. Payment will be processed within 30 days upon receipt and approval of the invoice by **TOWN**.

4. INDEPENDENT CONTRACTOR

TOWN and **CONTRACTOR** agree that **CONTRACTOR** is an independent contractor and shall not represent itself as an agent or employee of **TOWN** for any purpose in the performance of **CONTRACTOR'S** duties under this contract. Accordingly, **CONTRACTOR** shall be responsible for payment of all federal, state and local taxes as well as business license fees arising out of **CONTRACTOR'S** activities in accordance with this contract. For purposes of this contract taxes shall include, but not be limited to, Federal and State Income, Social Security and Unemployment Insurance taxes.

CONTRACTOR, as an independent contractor, shall perform said services in a professional manner and in accordance with the standards of applicable professional organizations and licensing agencies.

5. INSURANCE AND INDEMNITY

To the fullest extent permitted by laws and regulations, the **CONTRACTOR** shall indemnify and hold harmless the **TOWN** and its officials, agents, and employees from and against all claims, damages, losses, and expenses, direct, indirect, or consequential (including but not limited to fees and charges of engineers or architects, attorneys, and other professionals and costs related to court action or arbitration) arising out of or resulting from the performance of this Contract or the actions of the **CONTRACTOR** or its officials, employees, or contractors under this Contract or under the contracts entered into by the **CONTRACTOR** in connection with this Contract. This indemnification shall survive the termination of this agreement.

In addition, **CONTRACTOR** shall comply with the North Carolina Workers' Compensation Act and shall provide for the payment of workers' compensation to its employees in the manner and to the extent required by such Act. **CONTRACTOR** shall supply **TOWN** with certification of insurance for workers' compensation coverage with North Carolina statutory limits.

CONTRACTOR shall maintain, at its expense, the following minimum insurance coverage:

General Liability with Combined Single Limit Bodily Injury and Property Damage not less than \$1,000,000 and Products and Completed Operations Liability not less than \$1,000,000.

CONTRACTOR agrees to furnish **TOWN** a certificate of insurance from an insurance company, licensed to do business in the State of North Carolina and acceptable to **TOWN** verifying the existence of any insurance coverage required by **TOWN**. The certificate will provide for thirty (30) days advance notice in the event of termination or cancellation of coverage.

6. HEALTH AND SAFETY

CONTRACTOR shall be responsible for initiating, maintaining and supervising all safety precautions and programs required by OSHA and all other regulatory agencies while providing services under this contract.

7. NON-DISCRIMINATION IN EMPLOYMENT

CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, sex, race, creed, national origin, disability or on the basis of sexual orientation or gender expression/identity. **CONTRACTOR** shall take affirmative action to ensure that applicants are employed and that employees are treated fairly and legally during employment with regard to their age, sex, race, creed, national origin, disability or on the basis of sexual orientation or gender expression/identity. In the event **CONTRACTOR** is determined by the final order of an appropriate agency or court to be in violation of any non-discrimination provision of federal, state or local law or this provision, this Contract may be canceled, terminated or suspended in whole or in part by **TOWN**, and **CONTRACTOR** may be declared ineligible for further **TOWN** contracts.

8. GOVERNING LAW

This contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this contract shall be brought in the General Court of Justice in the County of Orange and the State of North Carolina.

9. AMENDMENT

This contract may be amended only in writing by mutual agreement by both parties.

10. TERMINATION OF AGREEMENT

This contract may be terminated at any time by either party by written notice of a minimum of ninety (90) days.

This contract may be terminated, for cause, by the non-breaching party notifying the breaching party of a substantial failure to perform in accordance with the provisions of this contract and if the failure is not corrected within ten (10) days of the receipt of the notification. Upon such termination, the parties shall be entitled to such additional rights and remedies as may be allowed by relevant law.

Termination of this agreement, either with or without cause, shall not form the basis of any claim for loss of anticipated profits by either party.

11. SUCCESSORS AND ASSIGNS

CONTRACTOR shall not assign its interest in this contract without the written consent of **TOWN**. **CONTRACTOR** has no authority to enter into contracts on behalf of **TOWN**.

12. COMPLIANCE WITH LAWS

CONTRACTOR represents that it is in compliance with all Federal, State, and local laws, regulations or orders, as amended or supplemented. The implementation or this contract will be carried out in strict compliance with all Federal, State, or local laws regarding discrimination in employment.

13. NOTICES

All notices which may be required by this contract or any rule of law shall be effective when received by certified mail sent to the following addresses:

TOWN OF CARRBORO FINANCE OFFICER 301 WEST MAIN STREET CARRBORO, NORTH CAROLINA, 27510

14. AUDIT RIGHTS

For all services being provided under this contract, **TOWN** shall have the right to inspect, examine, and make copies of any and all books, accounts, invoices, records and other writings relating to the performance of said services. Audits shall take place at times and locations mutually agreed upon by both parties, although **CONTRACTOR** must make the materials to be audited available within one (1) week of the request for them.

15. TOWN NOT RESPONSIBLE FOR EXPENSES

TOWN shall not be liable to **CONTRACTOR** for any expenses paid or incurred by **CONTRACTOR** prior to the commencement date of contract, unless otherwise agreed in writing.

16. ENTIRE AGREEMENT

This Agreement and the attached document labeled "Attachment 1" shall constitute the entire understanding between **TOWN** and **CONTRACTOR** and shall supersede all prior understandings and agreements relating to the subject matter hereof and may be amended only by written mutual agreement of the parties.

17. HEADINGS.

The subject headings of the paragraphs are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions.

18. <u>E-VERIFY</u>

The **CONTRACTOR** shall comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes. **CONTRACTOR** shall require subcontractors to comply with the requirements of Article 2, Chapter 64 of the North Carolina General Statutes.

19. IRAN DIVESTMENT ACT CERTIFICATION

Contractor hereby certifies that Contractor, and all subcontractors, are not on the Iran Final Divestment List ("List") created by the North Carolina State Treasurer pursuant to N.C.G.S. 147-86.58. Contractor shall not utilize any subcontractor that is identified on the List.

20. DIVESTMENT FROM COMPANIES THAT BOYCOTT ISRAEL

Contractor certifies that Contractor has not been designated by the North Carolina State Treasurer as a company engaged in the boycott of Israel pursuant to N.C.G.S. 147-86.81. It is the responsibility of each contractor to monitor compliance with this restriction. Contracts valued at less than \$1,000.00 are exempt from this restriction.

The **CONTRACTOR** hereby agrees that each clause of this **CONTRACT** has been read and fully understands the meaning of the same and will comply with all of its terms.

TOWN OF CARRBORO

CONTRACTOR

Signature	Signature
Title: Date:	Title:Date:
ATTEST	ATTEST
Signature	Signature
Title: Date:	Title:Date:

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Officer

REFERENCES

PEF must supply three to five references of clients for whom similar work was performed. A PEF may fill out this form by hand, or substitute a typed form containing all the information requested below. This section does not count against the 22-page limit of the LOI, but Firms are encouraged to be concise in providing the information requested.

Reference Company Name:	
Contact	Dhanatt
Contact:	Phone#:
Nature of work performed:	
Reference Company Name:	
Contact:	Phone#:
Nature of work performed:	
-	
Reference Company Name:	
Contact:	Phone#:
Nature of work performed:	
Reference Company Name:	
Contact:	Phone#:

Nature of work performed:		
	_ _	
Reference Company Name:		
Contact:	Phone#:	-
Nature of work performed:		

STATE OF NORTH CAROLINA E-VERIFY AFFIDAVIT TOWN OF CARRBORO

NOW COMES Affiant, first being sworn, deposes and says as follows:

1. I have submitted a bid for contract or desire to enter into a contract with the Town of Carrboro;

2. As part of my duties and responsibilities pursuant to said bid and/or contract, I attest that I am aware of and in compliance with the requirements of E-Verify, Article 2 of Chapter 64 of the North Carolina General Statutes, to include (mark which applies):

_____ After hiring an employee to work in the United States I verify the work authorization of said employee through E-Verify and retain the record of the verification of work authorization while the employee is employed and for one year thereafter; or

____ I employ less than twenty-five (25) employees in the State of North Carolina.

3. As part of my duties and responsibilities pursuant to said bid and/or contract, I attest that to the best of my knowledge any subcontractors employed as a part of this bid and/or contract are in compliance with the requirements of E-Verify, Article 2 of Chapter 64 of the North Carolina General Statutes, to include (mark which applies):

_____ After hiring an employee to work in the United States the subcontractor verifies the work authorization of said employee through E-Verify and retain the record of the verification of work authorization while the employee is employed and for one year thereafter; or

____ Employ less than twenty-five (25) employees in the State of North Carolina.

Specify subcontractor: _____

This the _____ day of _____, 2019.

Affiant

Sworn to and subscribed before me, this the _____ day of _____, 2019.

[OFFICIAL SEAL]

_____, Notary Public

My Commission Expires: _____



Agenda Item Abstract

File Number:21-160

Agenda Date: 5/11/2021

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Authorization to Donate \$500 to the Carrboro High School Class of 2021 Mural Project **PURPOSE:** The purpose of this item is to authorize the expenditure of \$500 from the Town Council contingency fund for the purposes of supporting the fundraising efforts to install a mural for the 2021 Carrboro High School graduating class.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: Andressa Thorne and Jane Ogawa emailed the Town Council with the request detailed below:

From: Andressa Thorne [<mailto:andressathorne@comcast.net>]
Sent: Monday, May 03, 2021 8:20 PM
To: council <<u>council@townofcarrboro.org <mailto:council@townofcarrboro.org></u>; Lydia Lavelle <
LLavelle@townofcarrboro.org <mailto:LLavelle@townofcarrboro.org>>
Cc: jtsuetaki@gmail.com <mailto:jtsuetaki@gmail.com>; AndressaThorne <andressathorne@comcast.net
<mailto:andressathorne@comcast.net>>
Subject: Request from Carrboro High School Class of 2021

Dear Mayor Lavelle and Carrboro City Council,

We hope this finds you well and healthy.

We are parents of seniors at Carrboro High School and both our children are members of the Student Council.

The long-term effects of what we just lived through are years away from being fully understood yet already psychologists, pediatricians and social researchers are sounding the alarm about what superficially this generation of high school upper-class students are still going through. The topic is a feature in outlets ranging from the New York Times, NPR, morning shows, and medical journals. They are all referencing the loss of key developmental milestones, countless social engagements and activities that never happened, lost in a moment of their lives never to return and the stunning number of students dealing with depressing to say nothing of repression waiting to surface.

Agenda Date: 5/11/2021 In Control: Board of Aldermen Version: 1

File Type: Agendas

Like missing their moment of birth this lost time of learning self and community can't be recreated or made up for. These students graduating next month, have not been in school most of this year (their senior year) and half of their Junior year was also taken away from them with no celebrations whatsoever such as prom and other events. Their memories of the last two years of high school will be as you can imagine...

The senior council came up with the idea to celebrate and honor these students by giving a mural painted by Carrboro muralists Michael Brown and Lauren Pease as gift to their school community.

Murals tell our community what and who we care about, what historical events need to remain in our hearts, not just for the times we live in but for future generations. We, as a community, we need to tell these children that we see them and acknowledge this trauma and that we recognize that what they are living through in not normal, or fair, nor will it be easy to move on from. A mural will tell them that it is okay to feel sad about what they lost. That acknowledgment is key to their eventual healing. Please help us provide that validation and reflection.

Here is the scoop:

The student council is looking for a grant to raise the needed funds for this mural project. The mural will be on the Carrboro High School outside wall facing the football stadium and athletic fields. They are currently working with the artists to determine the theme/impact that they want the mural to convey to the community.

The seniors are planning to fund raise though a raffle but would appreciate any size grant for this mural project if the city can provide. Unfortunately, the funding is needed by <u>May 30</u> due to the everchanging landscape of this pandemic. The amount that they are trying to fund raise for is <u>\$2000</u>.

Thank you for your consideration and we would be happy to have a conversation to answer any questions you may have.

Warm regards,

Jane Ogawa (<u>jtsuetaki@gmail.com <mailto:jtsuetaki@gmail.com></u>) and Andressa Thorne (andressathorne@comcast.net <mailto:andressathorne@comcast.net>) Agenda Date: 5/11/2021 In Control: Board of Aldermen Version: 1 File Type: Agendas

A resolution authorizing this expenditure is attached.

FISCAL & STAFF IMPACT: The fiscal impact will result in the appropriation of \$500 from the Town Council Contingency Fund.

RECOMMENDATION: It is recommended that the Mayor and Town Council approve the attached resolution.

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWN COUNCIL CONTINGENCY LINE ITEM

NOW, THERFORE BE IT RESOLVED BY THE CARRBORO TOWN COUNCIL THAT:

Section 1: The amount of \$500 from the Town Council contingency is approved for allocation and donation to the Carrboro High School for the Class of 2021 Student Council led mural project.

Section 2: That the Town Clerk shall file a copy of this resolution with the Finance Director.

Section 3: This resolution is effective immediately.



Agenda Item Abstract

File Number:21-161

Agenda Date: 5/11/2021

File Type:Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Authorization to Expend Up to \$250 to Support the Cost of a DJ During the Town of Carrboro Pride Food Truck Rodeo

PURPOSE: The purpose of this item is to authorize the expenditure of \$500 from the Town Council contingency fund for the purposes of supporting Carrboro Pride Food Truck Rodeo to cover the cost of a DJ.

DEPARTMENT: Town Clerk

CONTACT INFORMATION: Cathy Dorando

INFORMATION: Mayor Lavelle is working with the Town of Chapel Hill to plan a joint celebration of Pride month in June. A food truck rodeo at Town Commons is being considered for this and a DJ has been used in the past. The use of these funds would support the cost of the DJ.

FISCAL & STAFF IMPACT: The fiscal impact will result in the appropriation of \$200 from the Town Council Contingency Fund.

RECOMMENDATION: It is recommended that the Mayor and Town Council approve the attached resolution.

A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWN COUNCIL CONTINGENCY LINE ITEM

NOW, THERFORE BE IT RESOLVED BY THE CARRBORO TOWN COUNCIL THAT:

Section 1: That staff may expend up to \$250 to support the cost of a DJ during the Town of Carrboro Pride Food Truck Rodeo at Town Commons in June.

Section 2: That the Town Clerk shall file a copy of this resolution with the Finance Director.

Section 3: This resolution is effective immediately.



Agenda Item Abstract

File Number:21-159

File Type: Agendas

Agenda Date: 5/11/2021 In Control: Board of Aldermen

Version: 1

TITLE:

Update on Bike Share and Consideration of Town Code Amendments Relating to Bike Share, E -Bikes, E-Scooters and other Micromobility Devices, and Bikeways

PURPOSE: The purpose of this agenda item is to provide the Town Council with an update on a proposed bike share pilot and to consider amendments to the Town Code that would add new definitions and establish standards relating to bikeways, shared use systems, e-bikes and other micromobility devices.

DEPARTMENT: Planning Department

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 <mailto:pmcguire@townofcarrboro.org>

INFORMATION: Over the last several years, interest in bike shares and micromobility has increased as popular alternatives to vehicles or options for first/last miles of transit trips. At the October 13, 2020 Town Council meeting, staff provided an overview of a possible bike share pilot using e-bikes in collaboration with the Town of Chapel Hill, UNC and Gotcha (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=>). UNC contracted with Gotcha to operate its pedal bike share program, which extends into the eastern end of Carrboro with a docking station at the end of the Libba Cotten bikeway (Attachment B).

BOLT purchased Gotcha, in 2020 and will continue to operate UNC's bike share until the end of the original contract in May 2022. Staff has met regularly with Chapel Hill, UNC and Gotcha to develop the framework for the e-bike pilot which would provide a larger service area for Carrboro residents. In initial discussions with BOLT, representatives have expressed an interest in pursuing the pilot, but additional conversations will be needed to review the specifics in the proposal and associated draft contract developed with Gotcha. Staff is seeking Council direction on whether to continue these negotiations, with the interest of setting up the pilot this summer to last for about a year. Information from the pilot, such as ridership and hub locations could help inform a potential longer-term program in the future.

Before moving forward with any bike share program, amendments to the Town Code are needed to establish standards for e-bikes, e-scooters and other micromobility devices already being used in Carrboro. A draft ordinance has been prepared (Attachment A). If adopted, new provisions added to Chapter 6 of the Town Code would:

Agenda Date: 5/11/2021 In Control: Board of Aldermen Version: 1

File Type: Agendas

- add new definitions for e-bikes, e-scooters, micromobility and related terms using industry standards *(Attachment C),*
- add the Homestead Road-Chapel Hill High School Multi-Use Path to the list of bikeways,
- establish standards for how and where micromobility devices can be used, and
- provide a framework of bike share programs (shared active transportation systems).

FISCAL & STAFF IMPACT: There are no fiscal impacts associated with this item.

RECOMMENDATION: Staff recommends that the Council : 1) authorize staff to continue negotiations with BOLT regarding a possible pilot program with e-bikes, and 2) adopt the draft ordinance *(Attachment A)* amending the Town Code to add new definitions and establish standards relating to micromobility, shared active transportation systems and bikeways.

AN ORDINANCE TO AMEND THE CARRBORO TOWN CODE TO RELATING ELECTRIC BICYCLES, ELECTRIC SCOOTERS, MICROMOBILITY DEVICES, SHARED ACTIVE TRANSPORTATION SYSTEMS AND BIKEWAYS

DRAFT 04-29-2021

BE IT ORDAINED BY THE CARRBORO TOWN COUNCIL THE FOLLOWING:

Section 1. Article I of Chapter 6 of the Town Code, Definitions and Interpretations is amended by adding six new definitions, "electric bicycle," electric scooter," "micromobility," shared active transportation systems," and "shared device," as listed below, and by renumbering the remaining definitions in alphabetical order.

(7) *Electric Bicycle (E-Bike)*. A bicycle, usually designed for a single rider, with a small electric helper motor with less than 750W and a maximum speed of 28 mph on flat surfaces. Riders must be at least 16 years of age. There are three classes of electric bicycles:

Class 1 –Pedal Assist (pedalec). An electric assist bike that provides power only when pedaled, capable of a maximum operating speed of 20 mph. (Class 1 e-bikes are the most common type of e-bikes used for shared active transportation systems.

Class 2—Throttle Assist. A throttle assist electric bicycle provides power without pedaling and is capable of a maximum operating speed for 20 mph.

Class 3—Pedal assist (pedalec) at higher speeds. An electric assist bike that provides power only when pedaled and can reach an operating speed of 28 mph.

(8) *Electric Scooter (E-scooter)*. A vehicle that is steered by a steering handle, designed to be stood upon by the operator while the vehicle is in operation, and powered by a motor capable of propelling the vehicle at a speed no greater than 20 miles per hour on a level surface; and whose wheels have diameters of ten inches or less. Riders must be at least 16 years of age.

(12) *Micromobility*. Any small, low-speed, human- electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances.

(19) *Shared Active Transportation System (SATS)*. A business or service that provides one or more shared devices, for rent where, by design of the business, the shared devices are intended to be used within a defined service area and stored or parked within a designated area, or hub, or docking station, when not rented by a customer.

(20) *Shared Device*. A bicycle (defined in subdivision (2)), electric bicycle (defined in subdivision (7)), or electric scooter (defined in subdivision (8)), or other micromobility device that is rented by a business or service to customers through a SATS (defined in subdivision (19)).

Section 2. Subsection 6-34(2), Establishment of Bikeways, is amended by adding a new subdivision (h) to read as follows:

h. The Homestead Road-Chapel Hill High School Multi-Use Path beginning at the Claremont neighborhood and extending south east, under Homestead Road, and across Bolin Creek by way of a pedestrian bridge to Chapel Hill High School.

Section 3. Section 6-37, Shared Usage By Bicyclists and Pedestrians is rewritten to read as follows:

Section 6-37 Shared Usage By Bicyclists, Pedestrians and others using Micromobility Devices

While roadways are provided primarily for the safety and convenience of motor vehicles, sidewalks are provided primarily for the safety and convenience of pedestrians, and bikeways are provided primarily for the safety and convenience of bicycles, it is recognized that in many instances such facilities may be shared. Where these facilities are shared, pedestrians and bicyclists shall exercise extreme caution and the following regulations shall apply:

- (1) When using bikepaths where there is no designated pedestrian area, pedestrians shall walk as far to the right as practicable, shall walk no more than two abreast, and shall exercise due care. Bicyclists shall give an audible signal before passing a pedestrian on a bikepath where there is no designated pedestrian area.
- (2) Class 1 and class 2 electric bicycles, electric scooters and other types of micromobility devices may be operated on bikepaths subject to the provisions of subsection (1) above; travel speeds shall not exceed fifteen miles per hour. When the micromobility device is a shared device and the speed limit can be controlled by the shared active transportation system, the speed limit shall be functionally capped to fifteen miles per hours on bikepaths.
- (3) When using those sidewalks where bicycle traffic is permitted, bicyclists shall not exceed seven miles per hour; shall yield the right-of-way to pedestrians; and, when passing pedestrians from the rear, shall pass only on the left and only after giving an audible warning to such pedestrians; and shall not ride on any sidewalk in such a way as to endanger pedestrians.
- (3) Except on a street or portion thereof designated with a shared lane marking, bicyclists using a roadway shall ride as far to the right as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. On a street or portion thereof designated with a shared lane marking, bicyclists must ride in the direction of traffic, upon the right half of the roadway, and may travel in any lateral position within the right half of the roadway. (Amend. 9/21/2010) (Deleted 2/18/14)
- (4) Persons riding bicycles upon a roadway, sidewalk, or bikeway shall ride single file, when to do otherwise would obstruct traffic or create a hazard. In no case should there be more than two bicycles riding abreast. (Deleted 2/18/14)
- (4) The area along the north side of East Poplar Avenue shall be a pedestrian lane, and no person may ride, drive or park any vehicle (including a bicycle) upon such pedestrian lane.

Section 4. Section 6-39, "Bicycles Subject to General Statutes" is renamed "Bicycles, including Electric Bicycles, Electric Scooters and other Micromobility Devices Subject to General Statutes"

Section 5. Subsections 6-39(1) and (2) are amended by adding the words "electric bicycles, electric scooters and other micromobility devices," to the first clause of the first sentence.

Section 6. Article VIII, Bicycles, is amended by adding a new section 6-40.2, Shared Active Transportation Systems for Bicycles, Electric Bicycles, Electric Scooters and other Micromobility Devices, to read as follows:

Section 6-40.2 Shared Active Transportation Systems for Bicycles, Electric Bicycles, Electric Scooters and other Micromobility Devices

The Town may allow, by permit or contractual agreement allow for the establishment of one or more shared active transportation systems subject to the following provisions.

(1) The shared active transportation system shall identify a service area where, subject to the standards in this chapter, shared devices may be operated without penalty and locations where such devices may be stored when not in use. Such storage locations may include formal docking stations or racks, or informal areas or hubs designated by pavement markings, textured pavement treatments, signage or some combination.

(2) Placement of shared devices when not in use by a customer shall be within these designated storage areas.

(3) If a storage area is not available, the operator of the shared device may place the device along the sidewalk or other public right-of-way so long as such placement shall not impede movement to such an extent that a person with a motorized wheelchair (or similar device designed principally to convey a person with limited mobility) cannot safely navigate the sidewalk.

- a. If a shared device is found obstructing the sidewalk, it shall be the responsibility of the shared active transportation system, when notified, to retrieve the device and return it to an allowed parking location.
- b. If a shared device is found outside the public right-of-way it shall be the responsibility of the Shared Active Transportation System to retrieve the device and return it to an allowed parking location.
- c. If a shared device is found in a location where it is inaccessible to customers, it shall be the responsibility of the Shared Active Transportation System to retrieve the device and return it to use.

d. If a shared device is found to be inoperable, it shall be the responsibility of the Shared Active Transportation System to retrieve the device and remove it from use.

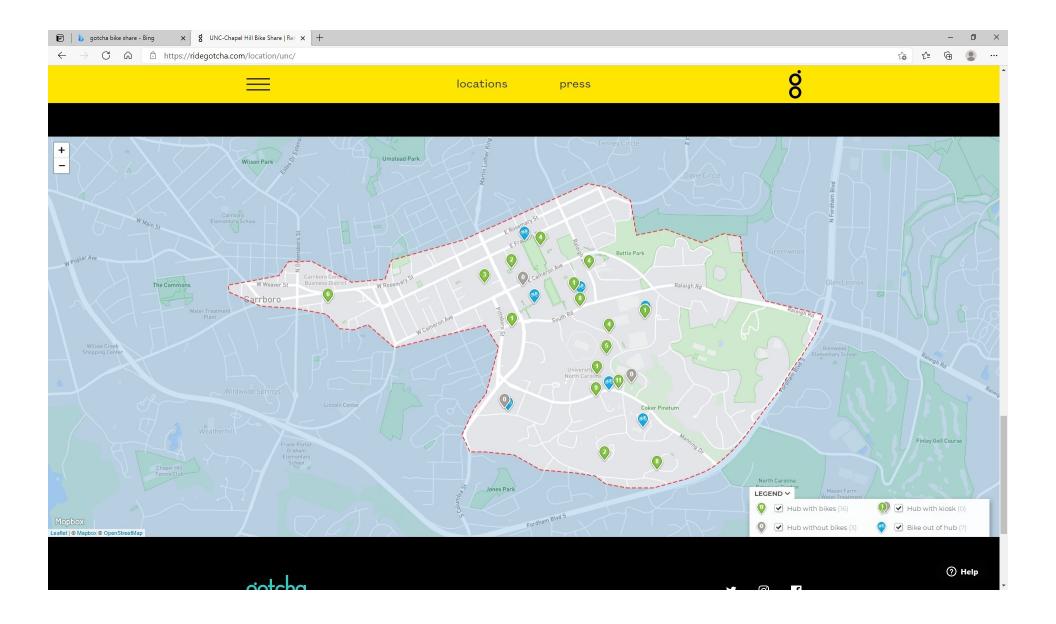
(4) The Shared Active Transportation System shall provide the Town with anonymized data from the usage of the system in the form of the General Bikeshare Specification Feed (GBSF).

(5) The Shared Active Transportation System shall provide a method by which people can access the system without needing a smartphone or bank account in addition to a payment system using a smart phone application.

(6) The Shared Active Transportation System shall provide safety information and inform users of the need to wear helmets while operating their shared devices.

(7) Any other provisions as included in the permit or contractual agreement with Town.

Section 7. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed, and this ordinance is effective upon adoption.



INFO BRIEF

The basics of micromobility and related motorized devices for personal transport





Introduction

With a surge of new personal transportation devices coming to market, some integrated into shared ride systems (such as bikeshare programs), there is a need to establish a common vocabulary for these options, and provide basic information about how these devices are classified and regulated. This info brief provides an overview of powered forms of micromobility and compares features of micromobility with a spectrum of other traditional and emerging forms of transportation. It references and builds <u>upon micromobility</u> <u>definitions created by the Society of Automotive</u> <u>Engineers (SAE)</u>, a standards-developing organization and professional association.

Powered micromobility devices, sometimes called personal e-mobility devices, share three common characteristics:

- Motorized: They can either be fully motorized (capable of movement without human power) or motor-assisted, in which the rider provides some human-powered propulsion (such as by pedaling or kicking). They usually involve a battery-powered electric motor but may also be capable of using another energy source, such as gasoline.
- Low speed: Most micromobility devices are designed to travel at or below 20 miles per hour (MPH), and some devices may operate at or be regulated to even lower speeds, such as 8 MPH or less, to be compatible with sidewalk use. According to SAE definitions, the top travel speed for micromobility devices is 30 MPH or less.
- Small size: The weight, width, height, and length of a device all contribute to defining size. For most micromobility devices, a standard width is three feet or less, fitting within the standard bike lane or sidewalk width, and the weight is typically less than 100 pounds. By SAE's definition, all micromobility devices weigh less than 500 pounds and fall within one of four

weight categories. Cities or other jurisdictions can define the weight and width limitations for different types of roadway facilities.

This info brief specifically focuses on micromobility devices used for personal transportation on paved roads, sidewalks, and paths, and does not cover devices used for vocational purposes and commercial goods/services delivery or for offroad or air-based travel. While pedestrians and bicyclists—including those using nonmotorized bikeshare bikes-might share similar characteristics (such as small size and low travel speed speed) as well as use the same facilities where micromobility devices are operated, they are already well-defined by most regulatory, roadway design, and injury reporting frameworks and are therefore not included in this info brief. Similarly, motorized wheelchairs and personal mobility devices used by people with disabilities already have a standard legal definition and injury reporting mechanism and are therefore not considered "micromobility," though they are shown in Table 2 as a related device.

Related Terms

Dockless

Dockless devices are those that do not require a parking station in order to pick up or return the device.

Shared-use

Shared-use devices are those that are part of a rental system, rather than personally owned.

Electric-assist

This term is often used interchangeably with the terms "power assist," "pedal assist" or "pedelec" to indicate that an electric powered motor is providing power to supplement human propulsion of a device; it can also be used to define throttle-assisted devices (such as Class 2 e-bikes). See Table 1 for more detail.

Categories of Micromobility Devices

The following table provides examples and key characteristics of common micromobility devices.

Table 1: Common micromobility devices

	Electric standing or sitting scooters	Electr	Other ¹		
Device	(e scooters)	Coje			
		Class 1 Pedal assist (pedalec)	Class 2 Throttle assist	Class 3 Pedal assist (pedalec) at higher speed	01
Example brands	Shared: Bird, Lime, and many others Owned: Inboard Glider, Segway 9Bot	Shared: Lime, Mobike, Ofo, Pace, Spin, and many others Owned: Most major bike brands; multiple passenger versions include Organic Transit (ELF) and Yuba	Owned: Several bike brands (less common than Class 1 and 3)	Owned: Several major brands; multiple passenger versions include Better Bike (PEBL), and Podride	Owned: Boosted, Inboard, Mellow Boards, Metroboard
Weight	Typically < 50 lbs	Typically < 100 lbs; multiple passenger versions near 200 lbs	Typically < 100 lbs	Typically < 100 lbs; multiple passenger versions near 200 lbs	< 50 lbs
Occupants	Single rider	Usually a single rider; some cargo e-bikes or bike cars designed for multiple riders	Typically designed for single riders	Usually a single rider; some designed for multiple riders	Single rider
Power supply	Electric motor typically < 750 watts	Electric motor typically < 750 watts	Electric motor typically < 750 watts	Electric motor typically < 750 watts	Electric motor typically < 750 watts
Product speed ²	20 MPH or less; some cities apply additional speed restrictions	20 MPH or less	20 MPH or less	28 MPH or less	Most are 20 MPH or less though some can go up to 30 MPH
Operating space	Varies by place; ³ some cities restrict in crowded places	Varies by place; ³ usually allowed on bike transportation facilities and paths	Varies by place; ³ usually allowed on bike transportation facilities and paths	Varies by place; ³ some States restrict access on bike paths	Varies by place ³
Regulated by	Consumer Product Safety Commission (CPSC), for personally owned devices ⁴	CPSC (only for personally owned devices)	CPSC (only for personally owned devices)	CPSC (only for personally owned devices)	CPSC (only for personally owned devices)

Other Related Transportation Modes

Table 2 shows other forms of travel that may share similar features or operating space with micromobility but do not technically meet the definition of micromobility and may be subject to different regulatory standards.

Table 2: Devices that may be related to, but outside of, the micromobility classification.

	Mobility scooter	Golf cart	Moped / Scooter, < 50 cc ⁵	Motorcycle / Scooter, > 50 cc
Device	0-5	O O		
Example brands	Drive, Pride Medical, Rascal	Polaris, Yamaha	Tomos, Vespa	Harley, Honda, Yamaha
Weight	200-400 lbs	500-1100 lbs	200-250 lbs	250-500 lbs
Occupants	Single rider	Multiple riders	1-2 riders	1-2 riders
Power supply	Battery powered motor	36 or 48-volt batteries or gas powered (2 or 4 stroke engine)	Electric or gas (50cc or less) producing under 2 HP; may require pedal start	Electric or gas powered
Product speed ²	4-12 MPH	20 MPH or less	30 MPH or less	Regulated by posted speed limit only
Operating space	Sidewalks and trails; allowed on recreational trails for nonmotorized use for people who have mobility impairments	Golf courses, and in-street and on trails in some communities; usually not allowed on recreational trails for nonmotorized use	In-street only; usually not allowed on recreational trails for nonmotorized use	In-street only; usually not allowed on recreational trails for nonmotorized use
Regulated by	Food and Drug Administration (as a medical device) and the Americans with Disabilities Act (ADA)	CPSC (considered sports equipment)	DMV; some require license, registration, or insurance	DMV; most require license, registration, and insurance

Additional Resources

PBIC Micromobility Resource Collection contains a curated and regularly updated set of links to key research, resources, case studies, policy briefs, and webinars on the topic of micromobility.

Powered Micromobility Committee of the SAE, Standard J3194, A Taxonomy and Classification of Powered Micromobility Vehicles, provides a set of definitions and a classification that can be used by regulators to standardize descriptions of micromobility devices (for either shared or personal use).

How and Where Should I Ride This Thing? "Rules of The Road" for Personal Transportation Devices summarizes and evaluates existing personal transportation device regulations across hundreds of jurisdictions and provides recommendations for State-level regulations.

Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Walkways

provides guidance for permitting e-bikes on nonmotorized paths. Note: this framework does not apply to trails funded under the Recreational Trails Program (RTP). Under the current RTP, any device with a motor, except for a motorized wheelchair, is defined as motorized. **PeopleForBikes** shares up-to-date information on Federal and local e-bike policies as well as resources for e-bike retailers and people interested in electric mountain bikes.

State Electric Bicycle Laws - A Legislative

<u>Primer</u> offers in-depth discussion of the legal regulations that pertain to e-bikes.

The American Society for Testing and Materials (ASTM) F2641 - 15 Standard Consumer Safety **Specification for Recreational Powered** Scooters and Pocket Bikes and ASTM F2642 -15 Standard Consumer Safety Specification for Safety Instructions and Labeling for **Recreational Powered** provide voluntary standards for micromobility products, including scooters and pocket bikes. Underwriters Laboratory (UL) often develops "Outline of Investigations" prior to the development of a voluntary standard, which typically serve as the initial draft of any subsequent voluntary standard. Please see the **UL 2272 Standard for Electrical** Systems for Personal E-Mobility Devices and the UL 2849 Outline of Investigation for Electric **Bicycles, Electrically Power Assisted Cycles**, Electric Scooters, and Electric Motorcycles.

Notations

¹ This category includes e-skateboards; e-skates; e-boards or other self-balancing devices (sometimes called hoverboards or balance wheels).

- ² Speed intended for usage by manufacturer; this may be regulated by State or local ordinances and may differ from actual operating speeds or modifications made by the device user.
- ³ In some circumstances, paths may have restrictions based on the Federal or State regulations, or the source of funding. These restrictions are often marked at the entrance to the facility, but not always.
- ⁴ CPSC is a regulatory body that identifies if a product is safe to sell in the U.S. under the Consumer Product Safety Act. It does not regulate who can purchase a device or where or when devices can be legally ridden.
- ⁵ Moped/scooter/motorcycle definitions are highly variable by State. For example, in North Carolina, there is no separate category for scooter; "scooters" may be mopeds or motorcycles depending on engine capacity. These devices and motorcycles are often regulated at the Federal level through the Consumer Product Safety Commission, although they are not regulated by the Federal Motor Vehicle Safety Standards (FMVSS). Still, States may define and regulate them at the State level and enforce regulations through the Department of Motor Vehicles (DMV) or other mechanism.

SUGGESTED CITATION: Sandt, L. (October 2019). The basics of micromobility and related motorized devices for personal transport. Pedestrian and Bicycle Information Center: Chapel Hill, NC.

ACKNOWLEDGMENTS: Reviewed by Kristin Blank and Katie Harmon (PBIC); Chris Cherry (University of Tennessee at Knoxville); Darren Buck, Wesley Blount, Christopher Douwes, and Shari Schaftlein (FHWA); and Douglas Lee, Rick McCallion, and Patricia Edwards (CPSC).

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Since its inception in 1999, the Pedestrian and Bicycle Information Center's (<u>http://www.pedbikeinfo.org</u>) mission has been to improve the quality of life in communities through the increase of safe walking and bicycling as a viable means of transportation and physical activity. The Pedestrian and Bicycle Information Center is maintained by the University of North Carolina Highway Safety Research Center with funding from the U.S. Department of Transportation Federal Highway Administration and the National Highway Traffic Safety Administration.



www.pedbikeinfo.org

730 Martin Luther King Jr. Blvd., Suite 300 Chapel Hill, North Carolina 27599-3430 pbic@pedbikeinfo.org 888-823-3977



Agenda Item Abstract

File Number:21-121

Agenda Date: 5/11/2021

File Type: Agendas

In Control: Board of Aldermen

Version: 1

TITLE:

Crisis Diversion Facility Update **PURPOSE:** The Purpose of this agenda item is to update the Council on county-wide plans for a Crisis Diversion Facility to be located in Orange County. **DEPARTMENT:** Police Department

CONTACT INFORMATION: Chief Chris Atack, 919-918-7397

INFORMATION: A process is underway in Orange County to study resource gaps and develop and build a Crisis Diversion Facility. This presentation will share current information on the process.

FISCAL & STAFF IMPACT: Near term there are no financial impacts but future county and municipal funding requests, to include the Town of Carrboro, are likely as the process move forward.

RECOMMENDATION: Staff recommends the Council receive the presentation.

ORANGE COUNTY CRISIS/DIVERSION FACILITY

Findings and Recommendations

REPORT BY THE ORANGE COUNTY BEHAVIORAL HEALTH TASK FORCE

DATE: MAY 11, 2021

TOPICS

- Introduction
- Current Status.
- Recommendation.
- Potential Benefits.
- Related Considerations.
- Next Steps.

INTRODUCTION: BACKGROUND

- 2015. BOCC Resolution: Stepping Up Initiative to Reduce the Number of People with Mental Illness in Jails.
- 2018. Planning for the new Orange County Detention Center.
 - Sheriff Blackwood raised the idea of including diversion unit for law enforcement in the facility.
 - Jail Mental Health Work Group stakeholders toured NC facilities that are providing services that might be a model for an Orange County, but work not completed in time for implementation of diversion unit.
- 2019. On April 25-26, NC DHHS and Orange County held a series of workshops Sequential Intercept Mapping and Taking Action for Change (SIM Workshop); 32 local representatives of organizations. The SIM Workshop identified gaps in current system and put forth recommended actions
- 2019. In November 2019, responsibility for addressing one high priority action item recommended by SIM Workshop participants, a crisis center for Orange County, was assigned to BHTF.
- 2020. In December, the Governor's Task Force for Racial Equity in Criminal Justice reported its findings and recommendations: recommendations relate directly to situations involving BH and criminal justice diversion.

INTRODUCTION: SUBCOMMITTEE'S CHARGE

- The findings presented in this report are based on the work of BHTF subcommittee.
- Mission/Goals: Formulate recommendations for Orange County crisis services that would facilitate diversion of individuals experiencing a BH crisis (MH and SUD) from either:
 - hospital-based emergency department or
 - criminal justice system.

Subcommittee Members				
Tony Marimpietri Chair	NAMI-Orange County			
Caitlin Fenhagen Sponsor	OC Criminal Justice Resource Department (CJRD)			
Barbara-Ann Bybel, Sponsor	UNC Health Care			
Jamezetta Bedford	OC Board of County Commissioner			
Heather Griffin-Dolciney	Freedom House			
Megan Johnson	CHPD Crisis Unit			
Angela Strain	UNC Health Care			
Pamela Weiden	District Court Judge's Office			
Kim Woodward	Orange County EMS			
Allison Zirkel	Orange County CJRD			

CURRENT STATUS: SIM WORKSHOP GAP ANALYSIS

Gaps identified by participants during the SIM Workshop are organized according CJ Intercepts as defined by the Sequential Intercept Mapping framework.

- Intercept 0. Community-Based Crisis Services. Limited access due to exclusionary eligibility criteria, limited hours, and long wait times/waitlists, and/or offer limited discharge planning/support.
- Intercept I: Law Enforcement / Emergency Services. Limited options/support for LEO and EMS/others for diverting individuals from CJ or ED. Issue at this Intercept is: Divert to Where?
- Intercept II: Initial Detention/Initial Court Hearing. Insufficient clinical services in Detention Center to treat someone experiencing BH crisis, screening tools limited, and jail setting can exacerbate mental health symptoms.

- Intercept III: Jails/Courts. There is limited physical space in the Detention Center for additional programming, and no designated housing for persons with BH diagnoses. Note: New Detention Center address many of these gaps.
- Other Considerations. Limited availability of affordable Medication Assisted Treatment (MAT); ensure a cross-systems endeavor; expand peer support to promote recovery; and facilitate transition to appropriate services in the community.
- Exhibit A presents mapping of Orange County services in SIM framework.

CURRENT STATUS: LOCAL STAKEHOLDER (GAPS)

- Working with stakeholder representatives, we examined crisis situations that arise in Orange County and used these to further identify the services and facility attributes that are absent and that if they existed would:
 - Enhance crisis response to better serve individuals by providing quality care in the most appropriate setting
 - Benefit stakeholders who engage individuals in crisis on a daily basis in Orange County by facilitating
 alternative responses that save these stakeholders time and dollars and result in better outcomes for all
 involved.
- This stakeholder input enriches our understanding of the gaps that exist in existing crisis services thus augmenting the findings of the SIM Workshops.

CURRENT STATUS: LOCAL STAKEHOLDER (GAPS)

Stakeholder analysis shows that existing services in Orange County's crisis system are limited by one or more of the following:

- Do not provide a no refusal intake for law enforcement or emergency services.
- Do not integrate well with CJ diversion programs.
- Do not meet all needs due to extensive exclusionary criteria.
- Do not provide an appropriate setting for BH crisis care (not the least restrictive setting).
- Do not have the capacity to provide readily-available clinical services for CJ proceedings.
- Do not serve incarcerated individuals due to billing restrictions.

- Do not always provide peer support or case management follow up.
- Do not offer immediate access to MAT.
- Do not always provide adequate discharge planning (fail to facilitate warm handoff to community treatment and/or social services).
- Do not have the capacity to facilitate holistic support (recognize all determinants of health).
- Only Freedom House and the UNC ED allow access by the public on a 24/7/365 basis, and services are often at or over capacity.
- Limited services for indigent and uninsured.

CURRENT STATUS: BEST PRACTICES

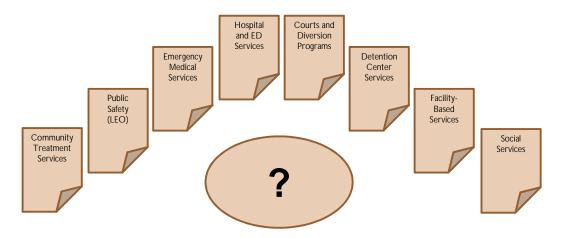
Literature and Existing Facilities Review

- Currently there are no national standards for crisis services such as those existing for medical services (e.g., EMS).
- There is a large body of literature that points to evidence-based practices that can be adopted and tailored to Orange County.
- Two references are key to our work are:
- The Sequential Intercept Model.
- National Guidelines for Crisis Care: A Best Practice Toolkit (SAMHSA 2020).
- There are many existing facilities in the U.S. and they vary widely (Exhibit B)

Elements of Current Best Practices

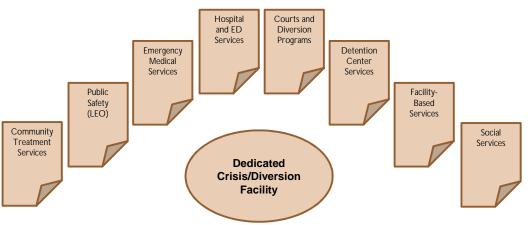
- Embrace Clear Objective.
 - Embrace the objective of diverting individuals in crisis away from traditional ED and jails
 - Support this objective with <u>dedicated facilities</u> and programs.
- Anyone, Anytime, Anywhere.
- Calming Environment.
- Network with Community Treatment Providers.
- Warm Handoffs with support of Case Managers/Peer Support Specialists.
- Community-wide Collaboration.
- Holistic Wrap Around.
- Continuous Improvement.

RECOMMENDATION: FOCUSING ON THE NEED



- Multi-year series of actions from 2015 to 2020.
- SIM Workshop gap assessment: intersection of BH and criminal justice.
- Stakeholder Analysis: local needs identified by those engaged in BH clinical services and criminal justice.
- Best Practices: literature review.
- Best Practices: review of existing U.S. and N.C. programs and facilities.

RECOMMENDATION: DEDICATED CRISIS/DIVERSION FACILITY



We recommend Orange County enhance its crisis system by establishing a <u>dedicated</u> Crisis/Diversion Facility.

- Facility to provide clinical and criminal justice-related services and network with existing programs/services.
- Facility will fill in missing pieces in our existing crisis system, build on current capacity and strengths.
- It will not duplicate or replace existing services and programs.

RECOMMENDATION: SCOPE AND FUNCTION

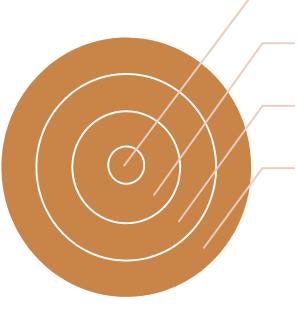
- We detailed some 50 items to define scope/function of the recommended Facility (see Exhibit C). In summary:
 - Provide law enforcement and emergency medical services with a default no wrong door destination. Answer the question: Divert to Where?
 - Offer immediate clinical services for assessment, stabilization, and treatment for patients experiencing BH crisis: mental illness and substance use disorders.
 - Provide BH crisis services to walk-in patients on a 24/7/365 basis: access assistance before crisis escalates to level requiring emergency services.
 - Make referrals to community treatment and social services with warm handoff supported by case manager and/or Peer Specialist. Facilitate transitioning individuals to from crisis care to community-based treatment.
 - Provide criminal justice stakeholders with clinical assessment services and a facility to offer the most appropriate care for justice-involved individuals in the least restrictive setting possible.
 - Provide information about community treatment services available to Orange County residents for a wide variety of BH problems. Cut though the fog of obtaining BH services so often experienced by individuals, families, and friends trying to get help.

POTENTIAL BENEFITS: ADDRESSES CURRENT NEEDS

- Fills Identified Gaps. Fills identified gaps in existing crisis response capabilities.
- Public Safety and Social Justice. Supports current public safety reform and social justice objectives.
- No Wrong Door. Operates with a no wrong door approach: remove restrictive entry or exclusion criteria (e.g., under the influence, IVC, agitated, suicidal) and provides access by general public.
- Aligns with Criminal Justice Diversion and Orange County Stepping Up Milestones. Is fully integrated with criminal justice system stakeholders and aligns with Orange County Detention Center Stepping Up milestones by treating individual outside of jail setting.
- Least Restrictive Setting. Offers the least restrictive setting for crisis care in a calming environment with case managers and peer specialists that can safely engage the individual in crisis.
- Facilitate Collaboration. Is well integrated into the existing network of community treatment services and social services thus multiplying the Facility's impact and avoid a silo effect.
- High Potential for Reducing Costs. Reduces burden and costs for law enforcement, emergency services, hospital-based services (ED and inpatient beds), jail, and effective services for courts and diversion programs. Improves outcomes for all involved.

POTENTIAL BENEFITS

• The recommended Facility will result in an important set of benefits that will accrue to a broad cross-section of Orange County. These benefits fall into four categories.



Consumers and Families.

- Approximately 300 episodes per month could be diverted to the recommended facility.
- Immediate access to appropriate care in appropriate setting 24/7/365.

Law Enforcement and Emergency Medical Services.

- Answers question of divert to where?
- Provides alternative to ED or Jail and reduces burden on LE and EMS.

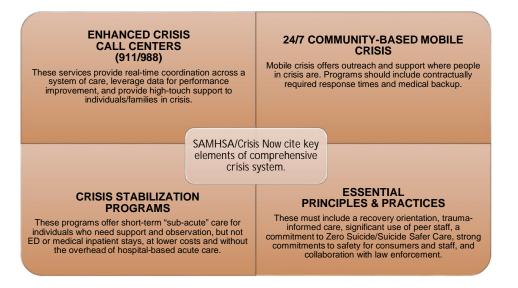
Criminal Justice System Stakeholders.

- Services for CJ proceedings to facilitate diversions.
- Enhanced services and more appropriate facilities for justice-involve individuals.

Hospital-based ED and Inpatient Care.

- Reduced use of ED thus avoiding overcrowding and higher costs.
- Reduced reliance on inpatient beds and associated higher costs.

RELATED CONSIDERATIONS.



There are other elements of a crisis system that deserve consideration in conjunction with creation of a Crisis/Diversion Facility (Re. SAMHSA 2020 and Crisis Now). Subcommittee addresses bottom two.

- Some components of a comprehensive crisis system are outside the scope of the subcommittee; however, they appear in the best practices literature.
 - Enhanced Call Center: Coordinate crisis hot lines including 911/988, provide for an on-line engagement and response, and guide crisis response assets.
 - Enhanced Crisis Response: Create a 24/7/365 community-based mobile crisis response units that operates throughout Orange County and respond in lieu of law enforcement, where appropriate and ensure LE have trained mental health teams or crisis units.

NEXT STEPS.

These findings and recommendations have been presented to the following:

- Behavioral Health Task Force (January 20, 2021).
- Justice Advisory Council (February 12, 2012).
- Municipal Police Chiefs and Sheriff Blackwood (March 24, 2021).
- Board of County Commissioners (April 22, 2012).

Steps Toward Implementation

- Design. Conduct a preliminary design of Facility space to provide a proper basis for a financial assessment. This will include identifying and assessing potential locations for the Facility.
- Other Items include:
 - Licensing and Staff Planning.
 - Governance (ownership and operations).
 - Policy/Procedures.
 - Projected Savings.
 - Sources and Uses of Funds.

Questions and Discussion



EXHIBIT A. SIM WORKSHOP: ORANGE COUNTY SIM MAP

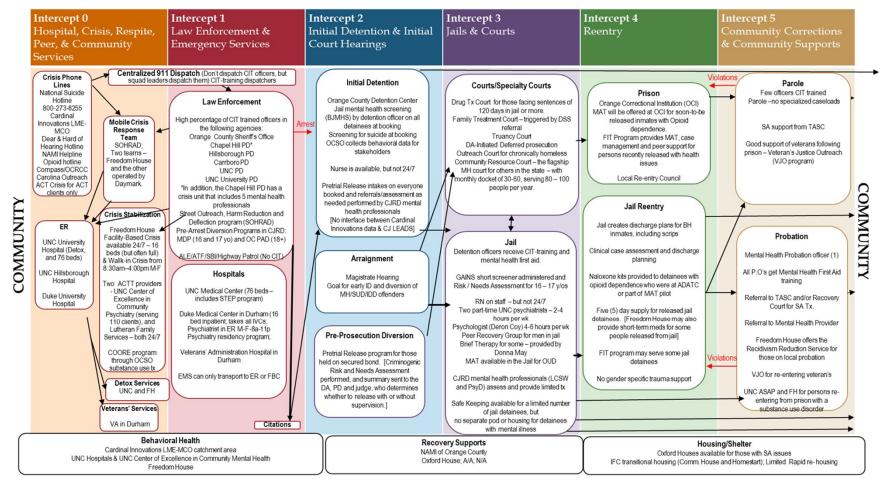


EXHIBIT B. BEST PRACTICES: EXISTING FACILITIES IN U.S.

- We researched existing programs and facilities.
- There are scores of existing programs and facilities across the U.S.
- Subcommittee members interviewed representatives of a dozen operating and planned facilities.
- This review includes two important N.C. facilities:
 - Wakebrook (Wake County, Raleigh).
 - C3 356 Comprehensive Care Center (Buncombe County, Asheville).

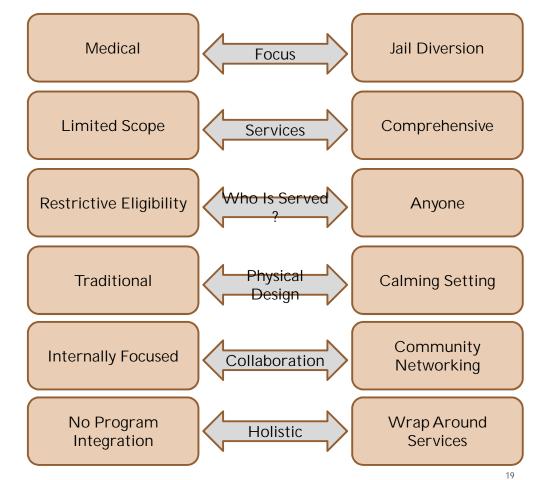


EXHIBIT C. FACILITY SPECIFICATIONS: CLINICAL SERVICES

- BH urgent care (24/7).
- Serve short-term IVC patients.
- Emergency SUD treatment services (24/7).
- Non-hospitalization detoxification services.
- Urgent Medical Care Services (to allow non-lifethreatening conditions to be treated at Facility)
- On-site pharmacy services to support stabilization and initial treatment. Serve patients in Facility.
- Point of Care Testing (quick turnaround laboratory services). Serve patients in Facility.
- Capacity to manage individuals who are agitated, but do not require secured space and restraints.
- Referral and transportation to hospital and other treatment facilities (after dropping off by LE/EMS).
- Serve individuals with special needs (e.g., IDD).

- Peer support specialists.
- Multi-day temporary boarding while waiting for transfers: that is, a bridge between crisis management and community treatment.
- On-site pharmacy services to allow patient to be discharged with medication.
- Third-party laboratory with available, expedited courier service. Serve patients in Facility.
- Services for adolescent patients (16- and 17-year-old).
- Walk-in Services for general public (24/7/365).
- Short-term ambulatory treatment services (e.g., nonmedical detox) to facilitate stabilization prior to discharge.
- Initiate MAT treatment in anticipation of transfer to community treatment provider.

EXHIBIT C. FACILITY SPECIFICATIONS: CRIMINAL JUSTICE

- On-site LE personnel to maintain facility security.
- Locked, secure facility space.
- On-site security personnel to maintain safe environment and provide readily available transportation for patients in custody, act as courier for IVC and other court paperwork to and from Facility.
- On-site presence (or video conference link) for criminal justice stakeholder (e.g., Magistrate, District Attorney, public defender, courts/judges, forensic social worker).
- On-site security to temporarily board patients who are in custody (e.g., transfers from jail).
- FIT (Formally Incarcerated Transitions) program liaison.
- Readily available transportation for IVC patients.
- Forensic assessment services for Magistrate & court processes.
- Clinical services for individuals who are in custody (temporary transfers from detention facility) or awaiting other court processing/hearing.
- No refusal admission for law enforcement and emergency medical services (24/7/365) including individuals who are agitated or under an IVC order.

EXHIBIT C. FACILITY SPECIFICATIONS: NETWORKING

Community Treatment Services Networking

- Serve as community hub with information about all community treatment services (for all conditions) where Facility is well integrated with community providers.
- Referral to out-patient/in-patient BH treatment services.
- Referral to out-patient/in-patient SUD treatment services (e.g., MAT, ADATC).
- UNC Hospital referral liaison (facilitate transfer of patients needing higher level of care without involvement of LE or EMS who may have brought patient to Facility).
- Patient transfer to other treatment facilities (e.g., UNC Hospitals, detox facilities).
- LME/MCO liaison.
- Warm handoff to community treatment services with support from peer specialist and/or case manager.

Social Services Networking

- OC Partnership to End Homelessness Access (via OC Connect).
- Liaison for NAMI programs.
- Health insurance enrollment liaison including legal representation.
- Warm handoff regarding referrals to social services/peer specialist.
- Transportation assistance.

EXHIBIT C. FACILITY SPECIFICATIONS: FACILITY ATTRIBUTES

- Dual entry (dedicated entry) for LE and EMS.
- Calming area or living room setting.
- Rooms/beds for agitated patients.
- Space for law enforcement and emergency medical personnel.
- Video conference facility to provide access to magistrate.
- Video conference room for robust link between Facility and Magistrate, Courts, District Attorney.
- On-site criminal justice space to support criminal justice stakeholders.
- Short-term boarding for patients awaiting transfer to third party community service.
- Dedicated space/rooms for patients housed in Facility in lieu of jail.
- Short-term boarding for patients awaiting IVC or other hearing.
- Adolescent (16- and 17-year-old) clinical space.
- Call center coordination including 911, EMS, LE/Crisis Units, Hospitals.



Agenda Item Abstract

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Agenda Date: 5/11/2021

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In Control: Board of Aldermen

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TITLE:

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

PURPOSE: The purpose of this agenda item is to consider setting a public hearing on a text amendment relating to the use of satellite parking. A draft ordinance has been prepared. Text amendments are legislative decisions; the Town Council must receive public input prior to making a decision.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Christina Moon - 919-918-7325, <u>cmoon@townofcarrboro.org</u> <<u>mailto:cmoon@townofcarrboro.org</u>>; Marty Roupe - 919-918-7333, <u>mroupe@townofcarrboro.org</u> <<u>mailto:mroupe@townofcarrboro.org</u>>; Patricia McGuire - 919-918-7327, <u>pmcguire@townofcarrboro.org</u> <<u>mailto:pmcguire@townofcarrboro.org</u>>; Jon Hartman-Brown, 919-918-7319, <u>jhartman-brown@townofcarrboro.org</u> <<u>mailto:jhartman-brown@townofcarrboro.org</u>>; Nick Herman - 919-929 -3905, <u>gnherman@broughlawfirm.com</u> <<u>mailto:gnherman@broughlawfirm.com</u>>

INFORMATION: Chris Baldwin of 401 East Main Street, has submitted an application for a text amendment to the Land Use Ordinance relating to the use of satellite parking to meet parking requirements *(Attachment C).* The existing provisions in Section 15-298 of the LUO allow for the use of satellite parking to meet parking requirements when the number of spaces cannot be reasonably accommodated on the site. The request is to change the language in this provision such that all required parking can be located off site using the satellite provisions whether or not the parking can be accommodated on site. This would be a relatively small change in the language in the first sentence of 15-298(a) but a rather significant departure from the way the Town has previously required businesses to accommodate parking needs on the same site as the principal use to extent possible based on the existing physical parameters of the property.

A draft ordinance has been prepared for the Council's review and discussion (*Attachment B*). Consideration of a text amendment is a legislative decision; a resolution has been provided for the Council to set a public hearing on the draft ordinance, if desired. Orange County and the Planning Board would also need to review, and the Council may wish to include the Transportation Advisory Board and the Economic Sustainability Commission due to their respective expertise.

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

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RECOMMENDATION: Staff recommends that the Town Council discuss the request and consider adopting the attached resolution *(Attachment A)* setting a public hearing for June 15th and referring the item to Orange County and Town advisory boards for review.

A RESOLUTION SETTING A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO SATELLITE PARKING

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 June 15, 2021 to consider adopting "An Ordinance Amending the Carrboro Land Use Ordinance Relating to Satellite Parking."

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

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

	Appearance Commission	Recreation and Parks Commission
\boxtimes	Transportation Advisory Board	Northern Transition Area Advisory Committee
	Affordable Housing Advisory Commission	
\bowtie	Economic Sustainability Commission	

This is the 11th day of May in the year 2021.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE RELATING TO SATELLITE PARKING

Draft 05-05-21

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-298(a), Satellite Parking is rewritten to read as follows:

(a) Where the number of off-street parking spaces required by this chapter are not provided on the same lot where the principal use associated with these parking spaces is located, the spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces.

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, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Carrboro 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):

15-291(g) requires that this business have 13 parking spaces and 15-298(a) requires parking spaces that are not able to be provided on-site may be provided as satellite parking.

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

Requesting that the language in 15-298(a) be changed to state: "Where the number of off-street parking spaces required by this chapter are not provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as "satellite" parking spaces."

State the reasons for the proposed amendment: 3) Fare have C nours ROMIN porking Carl DAKIANC a crocto ONI reistopher Salderin SIGNATURE: ADDRESS: 27510 . 619. 3608 **TELEPHONE NUMBER:**

ARTICLE XVIII

PARKING

Section 15-290 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

- (1) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- (2) **DRIVEWAY.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (3) **GROSS FLOOR AREA.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- (4) **LOADING AND UNLOADING AREA**. That portion of the vehicle accommodation area used to satisfy the requirements of Section 15-300.
- (5) **PARKING AREA AISLES.** That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces. (AMENDED 2/4/86)
- (6) **PARKING SPACE**. A portion of the vehicle accommodation area set for the parking of one vehicle.
- (7) **VEHICLE ACCOMMODATION AREA.** That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- (8) **VEHICLE STORAGE AREA.** That portion of a vehicle accommodation area used in connection with a 9.200 or 9.400 classification use as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick-up of such vehicles by their owners.

Section 15-291 Number of Parking Spaces Required.

(a) Subject to Section 15-292.1, all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. In addition, all 9.200 and 9.400 classification uses shall provide sufficient vehicle storage area to accommodate the number of vehicles likely to be on the premises awaiting work or pending removal of their owners. (AMENDED 2/4/86; 5/18/04)

(b) The presumptions established by this article are that: (*i*) a development must comply with the parking standards set forth in subsection (g) to satisfy the requirement stated in subsection (a), and (*ii*) any development that does meet these standards is in compliance. However, the Table of Parking Standards is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-292.

(c) Uses in the Table of Parking Requirements [subsection (g)], are indicated by a numerical reference keyed to the Table of Permissible Uses, Section 15-146. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(d) With respect to any parking lot that is required to be paved (see Section 15-296): (AMENDED 9/13/83)

- (1) The number of parking spaces required by this article may be reduced by a total of one space if the developer provides a bikerack or similar device that offers a secure parking area for at least five bicycles.
- (2) In non-residential districts, the number of parking spaces required by this article may be reduced by one space for each motorcycle pad provided, up to a total of five percent of the required number of spaces.

(e) Whenever a building is constructed with the intention that it be used in whole or in part for use classification 2.120, 2.220, 2.320, 3.120, or 3.220, the building shall be constructed on the lot in such a manner that sufficient usable space remains on the lot to add the additional parking spaces that would be required to convert the use of the building entirely to use classification 2.110, 2.210, 2.310, 3.110, or 3.210. In addition, whenever a developer proposes to construct a building to be used for purposes that require a lesser number of parking spaces than other uses to which the building might well be put at some future date, the administrator shall send to the developer a certified letter explaining that sufficient space should be left on the lot to add parking spaces at a later time if required. (AMENDED 2/4/86)

(f) The Board recognizes that the Table of Parking Requirements set forth in subsection (g) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using this table as a guide. In addition, the Board of Aldermen may authorize a reduction of up to 25 percent in the parking requirement when approving a Village Mixed Use Master Plan or Conditional Use Permit or an Office/Assembly development Conditional Use Permit. Land necessary to meet the full, presumptive, parking requirement must be identified during the plan approval process and must be reserved should the need for additional parking arise in the future. (AMENDED 05/25/99)

(g) Table of Parking Requirements (AMENDED 11/28/06)

	Part I.		
<u>Use</u>	PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)		
1.100	2 spaces per dwelling unit plus one space per room rented out in each dwelling unit (see Accessory Uses, Section 15-150). These required spaces shall be in addition to any space provided within an enclosed or partially enclosed garage. (AMENDED 2/24/84; 08/27/96)		

Use	Part I. Parking Requirement (except as noted in Part II of this table)		
1.200	2 spaces for each dwelling unit, except that one bedroom units require only one space.		
1.300	With respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low- or moderate-income or the elderly require only 1 space per unit. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development. (AMENDED 5/10/83)		
1.340 1.350	 1 space per every four dwelling units. (AMENDED 01/11/00) 2 spaces for each dwelling unit, except that one bedroom units require only one space. (AMENDED 10/22/19) 		
1.410 1.420	1 space for each bedroom.		
1.430	1 space for each room to be rented.		
1.510	1 space per room plus additional spaces for restaurant or other facilities. (AMENDED 11/28/06)		
1.61 1.62 1.63	3 spaces for every five beds except for uses exclusively servicing children under 16, in which case 1 space for every 3 beds shall be required.		
1.900 1.910	 4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others. 4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others, plus one space for each non-resident employee. (AMENDED 10/22/19) 		
2.110	1 space per 200 square feet of gross floor area.		
2.120 2.130	1 space per 400 square feet of gross floor area.		
2.140	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. (AMENDED 2/4/86)		
2.150	1 space per 200 square feet in the portion of the building to be used for retail sales plus 1 space for every two employees on the maximum shift. (AMENDED 04/15/97)		
2.210	1 space per 200 square feet of gross floor area. (AMENDED 2/4/86)		
2.220 2.230	1 space per 400 square feet of gross floor area.		

	Part I.
<u>Use</u>	PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
2.240	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.
2.250	(AMENDED 10/23/18)
2.310	1 space per 200 square feet of gross floor area.
2.320	1 space per 400 square feet of gross floor area.
2.330	1 space per 400 square feet of gross floor area.
3.110	1 space per 200 square feet of gross floor area.
3.120	1 space per 400 square feet of gross floor area.
3.130 3.131	1 space per 150 square feet of gross floor area. (AMENDED 10/23/18)
3.150	1 space per 200 square feet of ground floor area. (AMENDED 06/20/95)
3.210	1 space per 200 square feet of gross floor area.
3.220	1 space per 400 square feet of gross floor area.
3.230	1 space per 200 square feet of area within main building plus reservoir lane capacity equal to five spaces per window (10 spaces if window serves two stations).
3.250	3 spaces arranged in close proximity to this use. (AMENDED 09/01/92)
3.260	1 space for every full time employee; 1 space for every 2 part time employees; 1 space for every 3 volunteers; 1 space for every 20 seats in the portion of the building used for dining and 1 space for every 100 square feet of the building dedicated toward meeting or educational space (depending on programming needs, this requirement may apply to the kitchen and dining spaces). (AMENDED 03/22/16)
4.100 4.200	1 space for every two employees on the maximum shift except that in the B-1-G, B-2, B-3, and B-4 zones, such uses may provide 1 space per 200 square feet of gross floor area.
5.110	1.75 spaces per classroom in elementary schools5.0 spaces per classroom in high schools.
5.120	1 space per 100 square feet of gross floor area.
5.130	1 space per 150 square feet of gross floor area.
5.200	1 space per every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.
5.310 5.320	1 space per 300 square feet of gross floor area.

<u>Use</u>	<u>Part I.</u> <u>Parking Requirement (except as noted in Part II of this table)</u>			
5.400	1 space per 300 square feet of gross floor area.			
6.110	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion example tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.			
6.120 6.130	1 space for every four seats.			
6.140	1 space for every 200 square feet of gross floor area within enclosed buildings (AMENDED 2/2/88)			
6.210 6.220	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.			
6.230	Miniature golf course – 1 space per 300 square feet of golf course area plus 1 space per 200 square feet of building gross floor area; Driving range 1 space per tee plus 1 space per 200 square feet in building gross floor area; Par Three Course 2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.			
6.240	1 space per horse that could be kept at the stable when occupied to maximum capacity.			
6.250	1 space for every three seats.			
6.260	1 space per speaker outlet.			
7.100	2 spaces per bed.			
7.200	3 spaces for every 5 beds			
7.300 7.400	1 space for every two employees on maximum shift.			
8.100	1 space per 100 square feet of gross floor area. (AMENDED 2/24/87)			
8.200	1 space for every four outside seats. (AMENDED 2/24/87)			
8.300	1 space for each drive-in service spot. (AMENDED 2/24/87)			
8.400	Reservoir lane capacity equal to five spaces per drive-in window. (AMENDED 2/24/87)			
8.500	Spaces to be determined according to projected level of carry-out service. (AMENDED 2/24/87)			
8.600	1 space per 200 square feet of floor area plus one space per employee engaged in delivery service. (AMENDED 2/24/87)			

l lan	PART I.
<u>Use</u> 8.800	PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE) 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. (AMENDED 11/27/18)
9.100	1 space per 200 square feet of gross floor area plus an extra 810 square foot vehicle storage area per repair bay.
9.200	2 regular spaces per bay plus a 1,540 square foot vehicle storage area per bay. (AMENDED 2/4/86)
9.300	1 space per 200 square feet of gross floor area of building devoted primarily to gas sales operation; plus sufficient parking area to accommodate 2 vehicles per pump without interfering with other parking spaces.
9.400	2 regular spaces per bay and office plus an 810 square foot vehicle storage area per bay. (AMENDED 2/4/86, 10/20/92)
9.500	Conveyer type1 space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.
10.210 10.220	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
11.000	1 space per 200 square feet of gross floor area.
12.100 12.200	1 space per 200 square feet of gross floor area.
13.100 13.200 13.300 13.400	1 space per 200 square feet of gross floor area.
14.100 14.200 14.300 14.400	1 space for every 2 employees on maximum shift.
15.100 15.200	1 space per 200 square feet of gross floor area.
15.300	1 space for every 2 employees on maximum shift.
15.400	1 space per 100 square feet of gross floor area.

	Part I.			
<u>Use</u> 15.500	PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)1 space per 400 square feet of gross floor area of the collection facility plus 1 space			
per employee or attendant. (AMENDED 6/28/83)				
16.100	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.			
16.200	1 space per 200 square feet of gross floor area.			
19.000	1 space per 1,000 square feet of lot area used for storage, display, or sales. (AMENDED 5/12/81)			
20.000 21.000	1 space per 200 square feet of gross floor area.			
22.000	1 space for every employee plus 1 space per 250 square feet of floor area used for day care in addition to spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses.			
23.000	 space per 200 square feet of gross floor area. space per room plus additional space for restaurant or other facilities. 			
34.000 34.100 34.200	 space per room plus additional spaces for restaurant or other facilities. spaces per main dwelling unit plus 1 space per room. (AMENDED 06/22/99; 11/28/06) 			
	Part II. (Applies to properties located within the $B-1(C)$, $B-$			
	<u>1(g), AND B-2 ZONING DISTRICTS</u>			
<u>Use</u>	PARKING REQUIREMENT			
1.100	1 per bedroom and no more than 2			
1.200 1.300	1 per bedroom and no more than 2 1 per bedroom and no more than 2			
1.500	.75 per room (Note: This does not include parking for associated conference and/or			
1.500	restaurant facilities.)			
2.000	1 per 300 square feet of gross floor area			
3.000	1 per 400 square feet of gross floor area			

(AMENDED 02/04/97; 01/11/00; 5/18/04)

(h) Bicycle parking shall be provided in accordance with the provisions of this subsection by all developments that fall within the use classifications shown in the following Table of Bicycle Parking Standards.

When determination of the number of spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less shall be disregarded, while a fraction in excess of one-half shall be counted as one space.

	Table of Bicycle Parking Standards (AMENDED 11/27/18)		
Use	Bicycle Parking Requirement		
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	100 1 space per 5 rooms, up to 50 rooms; 1 space per 10 rooms above 50 rooms		
(AMENI	AMENDED 6/19/12; 3/22/16)		

Section 15-292 Flexibility in Administration Required (AMENDED 10/23/18)

(a) The Board recognizes that due to the particularities of any given development, the inflexible application of the parking standards set forth in Subsection 15-291(g) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section 15-191, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 15-291(g) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in subsection 15-291(a). In addition, that same flexible approach shall be followed with respect to the vehicle storage area requirements set forth in the preceding table.

(a1) The Board also recognizes that due to the particularities of any given development, the inflexible application of bicycle parking standards set forth in Subsection 15-291(h) and 15-295.1 may result in a development either with inadequate parking space or parking space in excess of its needs. Therefore, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 15-291(h) and 15-295.1 may require more or less bicycle parking subject to the criteria in Subsection 15-292(b1).

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in Subsection 15-291(g) when it finds that:

(1) A residential development is irrevocably oriented toward the elderly;

- (2) A residential development is located on a bus line, is located in close proximity to the central business district, and is committed to a policy of placing restrictions on the vehicle ownership of its tenants.
- (3) A business is primarily oriented to walk-in trade.

(b1) The permit-issuing authority may allow deviations from the bicycle parking requirements set forth in Subsection 15-291(h) when it finds at least one of the following:

(1) A residential development is irrevocably oriented toward the elderly, and or persons with disabilities; or

(2) A residential or commercial development is located on a lot, constrained by size or topography, such that the installation of the presumptive number bicycle parking spaces that comply with the Design Standards for Bicycle Parking in Section 15-295.1 is impracticable. In those cases, the development shall instead provide the maximum number of bicycle parking spaces practicable.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in subsections 15-291(g), 15-291(h) and 15-295.1, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by subsections 15-291(g) and 15-291(h) for a particular use classification is erroneous, it shall initiate a request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XX.

Section 15-292.1 Payment of Fee In Lieu of Providing Parking Spaces

(a) With respect to properties within the B-1(C), B-1(G), and B-2 districts that are developed for commercial purposes, the permit issuing authority may authorize the developer to forego the construction of parking spaces otherwise required on the developer's property pursuant to the provisions of Section 15-291 of this Article for commercial uses if (i) the permit issuing authority finds that the parking needs of such development can be met by public parking facilities that are located or expected to be constructed within a reasonable time within reasonable proximity to the proposed development, and (ii) the developer pays to the town for each such space that is not constructed a fee in lieu of providing that space in an amount determined as provided in subsection (b) of this section. This fee shall be paid before an occupancy permit is issued to the development, unless the permit issuing authority by condition establishes another time.

(b) The amount of the fee authorized by this section shall be determined by estimating the cost of providing a paved parking space (including land and improvement costs) that meets

the requirements of this Article. This determination shall be made annually and the fee shall be included in the Miscellaneous Fees and Charges Schedule adopted by the Board of Aldermen.

(c) Any fees collected in accordance with this section shall be reserved and used exclusively to meet the purposes for which they have been obtained as specified above in subsection (a).

Section 15-293 Parking Space Dimensions (AMENDED 9/13/83)

(a) Subject to subsection (b) and (c), parking spaces shall contain a rectangular area at least eight and one-half feet wide and eighteen feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, as long as the parking spaces so created contain within them the rectangular area required by this section. (AMENDED 2/5/08)

(b) In parking areas containing ten or more spaces, up to 40% of the parking spaces may be set aside for the exclusive use of compact cars, provided the compact car area is designated for exclusive use by compact cars, and that adequate signs are provided designating and informing the public of the exclusive use. A compact parking space shall contain a rectangular area eight feet wide and fifteen feet long. (AMENDED 4/24/12)

(c) Wherever parking consists of spaces set aside for parallel parking, one foot shall be added to the minimum required width, and three feet to the minimum required length.

(d) Motorcycle pads shall contain a rectangular area at least four feet wide and eight feet long. Spaces shall be located at either end of parking aisles and shall have, centered, a concrete or metal strip one square foot in area to accommodate the use of kick stands.

Section 15-294 Required Width of Parking Area Aisles (AMENDED 5/18/04)

(a) Subject to subsections (b) and (c) parking area aisles shall have a minimum width between parking spaces as follows: (AMENDED 6/26/84)

	STANDARD, OR NON-SUBCOMPACT AREA PARKING ANGLE				
AISLE TYPE	0°	45 °	60°	90°	
ONE WAY	13	13	18	24	
TWO WAY	19	21	23	24	

Art. XVIII PARKING

(b) In parking areas where subcompact spaces are provided pursuant to 15-293(b) of this ordinance, parking aisle spaces adjoining subcompact spaces shall have a minimum width between such parking spaces as follows:

	STANDARD AREA PARKING ANGLE				
AISLE TYPE	0 °	45°	60°	90°	
ONE WAY	13	13	14	20	
TWO WAY	19	21	23	24	

- (c) The width of a parking aisle serving 90° angle parking may be reduced to eighteen feet if *(i)* not more than ten spaces are to be served by an aisle with such reduced width, and *(ii)* the aisle "dead ends", i.e., is not used as an access way to other areas. (AMENDED 6/26/84)
- (d) Driveways shall be not less than ten feet in width for one way traffic and eighteen feet in width for two way traffic, except that ten foot wide driveways are permissible for two way traffic when (i) the driveway is not longer than fifty feet, (ii) it provides access to not more than ten spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public street. (AMENDED 6/26/84)
- (e) Notwithstanding the other provisions of this section, the permit issuing authority may allow the use of geometric standards other that those specified in this section if the permit issuing authority finds that (i) the plans for the vehicle accommodation area are sealed by a registered engineer with recognized expertise in parking facility design, and (ii) the alternative design will satisfy off-street parking requirements as adequately as would a facility using the specifications set forth in this section and would otherwise be consistent with public safety.

Section 15-295 General Design Requirements (AMENDED 5/18/04)

(a) Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.

(b) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(c) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

- (d) Vehicle storage areas are not required to observe any particular configuration but shall be so located and designed so that the entire amount of required square footage of such areas can be used for the purpose intended without creating any substantial danger of injury to persons or property and without impeding vehicular movement in the adjacent street. (AMENDED 2/4/86)
- (e) To the extent practicable, parking shall not be allowed between a building façade and a street right-of-way in the B-1(c), B-1(g), and B-2 zoning districts.

Section 15-295.1 Design Standards for Bicycle Parking (AMENDED 6/19/12; 11/19/13)

(a) Bicycle parking may be located in any parking area or in other locations that are easily accessible, clearly visible from the entrance it serves, and do not impede pedestrian or motorized vehicle movement into or around the site. At least 50 percent of bicycle parking shall be sheltered. Designating space for bicycle parking within buildings is an option to consider when feasible.

(b) When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless an equivalent number of other accessible covered bicycle parking spaces are located elsewhere on the site.

(c) Where bicycle parking facilities are not clearly visible to approaching cyclists, signs shall be posted to direct cyclists to the facilities.

(d) Facilities shall provide at least a 30 inch clearance from the centerline of each adjacent bicycle rack/support structure and at least 24 inches from walls or other obstructions.

(e) An aisle or other space shall be provided for bicycles to enter and leave the facility. The aisle shall have a width of at least four feet to the front or the rear of a standard six-foot bicycle parked in the facility.

(f) Each bicycle parking space shall be sufficient to accommodate a bicycle at least six feet in length and two feet wide. Overhead clearance shall be at least seven feet.

(g) Bicycle parking spaces shall be clearly marked as such and shall be separated from motorized vehicle parking by some form of physical barrier designed to protect a bicycle from being hit by a motorized vehicle.

(h) Each bicycle parking space shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using either a chain and padlock or a U-lock. The frame shall sup-

port a bicycle in a stable position without damage to the frame, wheels, or components. The rack designs commonly known as "inverted U", "A", and "post-and-loop" are preferred types. The "wave", "toast", and "comb" racks, as described in Chapter 7, Figure 7-60, of the Comprehensive Bicycle Transportation Plan, are discouraged and shall not count toward fulfillment of the requirements in Sec. 15-291(h). (AMENDED 11/19/13)

(i) Bicycle racks should be designed and constructed according to Design Guidelines of the Carrboro Bicycle Plan.

Section 15-296 Vehicle Accommodation Area Surfaces

(a) Subject to subsections (e), (f), (g), and (h) vehicle accommodation areas that (i) include lanes for drive-in windows; (ii) are required to contain more than 1,000 square feet of vehicle storage area; or (iii) contain parking areas that are required to have more than ten parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in Appendix D. (AMENDED 2/4/86; 3/4/86; 6/26/90; 5/6/03)

(b) Vehicle accommodation areas that are not provided with the type of surface specified in subsection (a) shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in subsection (a) for a distance of fifteen feet back from the edge of the paved street. This subsection shall not apply to single-family residences, duplexes, multi-family residences consisting of two dwelling units, homes for the handicapped or infirm, or other uses that are required to have only one or two parking spaces.

(c) Parking spaces in areas surfaced in accordance with subsection (a) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (b) shall be demarcated whenever practicable.

(d) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(e) Vehicle accommodation areas that constitute 10.100 classification uses (independent automobile parking lots or garages) and that contain more than ten parking spaces shall meet the surfacing requirements set forth in subsection (a) unless it clearly appears that the 10.100 classification use is intended to be temporary (not exceeding four years). In no event may the 10.100 use continue for more than four years unless the lot is paved in accordance with this subsection. Notwithstanding the

provisions of Article VIII (Nonconforming Situations), (i) any parking lot made nonconforming by this subsection on its effective date shall be brought into compliance within twelve months after the effective date, and (ii) unpaved temporary 10.100 uses in operation on the effective date of this subsection must be paved or terminated within one year thereafter or four years from the initial use of such lot, whichever comes later. (AMENDED 3/11/86)

(f) The paving requirement of subsection (a) shall not apply to parking areas owned or leased by the town that are used for public parking for a period of time less than four years. If such areas are used for parking for a period in excess of four years, then such areas must be paved if otherwise required under the standards set forth in subsection (a). (AMENDED 3/4/86)

- (g) The paving requirement of subsection (a) shall not apply to any lot within the B-1(c) zoning district. However, lots that would otherwise be required to be paved but for this exception shall be required to comply with the shading provisions set out in Subsection 15-317. (AMENDED 6/26/90)
- (h) When any tract of land is developed under circumstances requiring the issuance of a special or conditional use permit, and paving is required per Section 15-296(a), the vehicle overhang area located behind a parking stop may be unpaved as shown in Appendix D-3. (AMENDED 5/6/03)

Section 15-297 Joint Use of Required Parking Spaces (AMENDED 5/18/04)

(a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

(c) With respect to properties within the B-1(c), B-1(g), and B-2 districts where two or more use classifications on the same site have two or more distinct peak parking usage periods, the number of parking spaces required may be reduced to the amount that results from dividing the total number of spaces otherwise required by the following ratios:

Use Classifications	Reduction Ratio
2.000 and 3.000 uses	1.2
2.000 and 1.500 uses	1.3
2.000 and 1.100/1.200/1.300 uses	1.2
3.000 and 1.500 uses	1.7

Use Classifications	Reduction Ratio
3.000 and 1.100/1.200/1.300	1.4
1.500 and 1.100/1.200/1.300	1.1

(d) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 15-298 are also applicable.

<u>Section 15-297.1</u> Creation of Public Parking Lots from Private Parking Areas (AMEND-MENT 4/15/03)

Notwithstanding any other provision of this chapter, within the B-1(c) and B-1(g) zoning districts:

- (1) The town may acquire through lease or purchase portions of one or more lots and create out of the area so acquired an independent parking lot (use classification 10.100);
- (2) Acquisition by the town and use of portions of lots as provided in this section shall not be regarded as creating a non-conforming situation with respect to parking on such lots or making any existing situation more non-conforming with respect to parking.
- (3) When the town acquires and uses portions of lots as provided in this section, the number of spaces within the public parking lot so created that are attributable to the portion of the parking lot acquired from each "donor" lot shall be regarded as still being located on each "donor" lot for purposes of determining whether each "donor" lot complies with the parking requirements of this article.

Section 15-298 Satellite Parking

(a) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off- site spaces are referred to in this section as "satellite" parking spaces.

(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. (AMENDED 11/27/18)

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number or parking spaces.

(d) Subject to subsection (e), persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this article. (AMENDED 3/11/86)

(e) Satellite parking may be obtained from an independent automobile parking lot or garage [use classification 10.100, see definition subdivision 15-15(32.1)]. However, if a separate lot is owned by an enterprise needing off-site parking and is leased by that enterprise for a period of more than four years (including automatic renewals or renewal options) and is used as a parking lot by that enterprise (and others may lawfully be excluded), then such off-site lot shall be regarded as part of the lot on which the enterprise is located for purposes of the paving and other design requirements of this chapter. (AMENDED 3/11/86)

<u>Section 15-299</u> Special Provisions for Lots With Existing Buildings and Lots within <u>Neighborhood Preservation Districts</u> (AMENDED 9/26/89)

(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. (AMENDED 11/27/18)

(b) Whenever the neighborhood preservation district commission determines that the number of parking spaces otherwise required by this article for a development within the neighborhood preservation district would render such development incongruous with the special character of the district, it may recommend that the permit-issuing authority wholly or partially waive such parking requirements. Upon such recommendation, the permit-issuing authority may authorize a lesser number of parking spaces than that presumptively required under this article if it concludes that such deviation (i) will not create problems due to increased on-street parking and (ii) will not constitute a threat to public safety. (AMENDED 09/26/89)

Section 15-300 Loading and Unloading Areas.

(a) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

GROSS LEASABLE AREA OF BUILDING	NUMBER OF SPACES WITH MINIMUM DIMENSIONS OF 12'x 55' AND OVERHEAD CLEARANCE OF 14' FROM THE STREET GRADE
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,999	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
Plus one (1) for each additional 72,000 square feet or fraction thereof.	

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (*i*) maneuver safely and conveniently to and from a public right-of-way, and (*ii*) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

Section 15-301 No Parking Indicated Near Fire Hydrants.

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved under subsection 15-296(a), the pavement shall be clearly marked to indicate that parking within fifteen feet of such hydrant is prohibited. (AMENDED 4/27/82)

Section 15-302 Limitation on the Total Lot Coverage Devoted to Surface Parking

No development approved after the effective date of this section may construct more than 110 percent of the number of parking spaces determined by the permit issuing authority to be necessary to satisfy the requirements of Section 15-291.

Section 15-303 Reserved.



Agenda Item Abstract

File Number:21-157

File Type: Agendas

Agenda Date: 5/11/2021 In Control: Board of Aldermen

Version: 1

TITLE:

Facilities Rehabilitation - Energy and Sustainability Systems Overview

PURPOSE: The purpose of this agenda item is for the Public Works Department and consulting engineer, Sud Associates, to present an overview of energy and sustainability options and recommendations for Town Hall, Century Center and Public Works that will align with the Town's goal of Net Zero Buildings. **DEPARTMENT:** Public Works

CONTACT INFORMATION: Ben Schmadeke, 919-918-7424, <u>bschmadeke@townofcarrboro.org</u> <<u>mailto:bschmadeke@townofcarrboro.org</u>>; Joe Guckavan, 919-918-7427, jguckavan@townofcarrboro.org <<u>mailto:jguckavan@townofcarrboro.org</u>>

INFORMATION: The Town Council has previously received information on the existing condition of Town Hall, Century Center and the Public Works facility including an energy analysis. Jim Spencer Architects has collaborated with Town Staff to develop architectural concept plans for the Town Hall and Century Center buildings, which were presented to the Town Council at the May 4 th Town Council Meeting. Using these concept plans as a basis of design, Sud Associates has analyzed options for energy and sustainability systems that will work towards achieving the Town's goal of Net Zero Buildings. Information on options and recommendations can be found in Attachment A: Energy and Sustainability Systems Overview.

FISCAL & STAFF IMPACT: Staff have worked with JSA and Sud Associates to develop the concept plans. There is currently no fiscal impact associated with this item.

RECOMMENDATION: It is recommended that the Council receive the report and offer feedback on the information presented.

TOWN OF CARRBORO

Town Hall Building; Century Center Building; Public Works Complex

Net Zero Energy Study

May 6, 2021



Sud Associates, P.A 1813 Chapel Hill Road, Durham, NC 27707 Tel: (919) 493-5277 90 Southside Avenue, Suite 300, Asheville, NC 28801 Tel: (828) 255-4691 www.sudassociates.com

Introduction

Sud Associates has been engaged by Jim Spencer Architects and the Town of Carrboro (TOC) to provide energy analysis and net zero consulting services for three TOC facilities: Town Hall, the Century Center, and the Public Works complex. These services are part of a larger initiative by the TOC to develop a renovation strategy which incorporates the goals of the Town's Strategic Energy and Climate Action plan and addresses the more immediate needs of the Town and the specific buildings.

The Strategic Energy and Climate Action plan calls for Town facilities to work toward net zero energy use. Two initial steps toward that end are to define net zero explicitly and to perform energy analyses on the buildings in question. These were the focus of Sud Associates' efforts.

Energy Analysis

The purpose of the energy analysis is to inform decisions in the renovation planning and design process. Energy and water consumption models were created to help understand how energy is consumed in each building, and where the most substantial opportunities for potential savings lie. They also provide valuable information in assessing the feasibility of modifying the buildings to achieve net zero carbon emissions. Further, the models create a benchmark for each building, establishing existing consumption characteristics and allowing a metric for assessing improvements.

The energy analysis for each building was carried out using the following basic process:

- Study Facility Documents
- Analyze Utility Data
- Perform Site Visits
- Research Building Use and Schedules
- Research Building Equipment
- Create Energy Simulations
- Create Water Usage Spreadsheet Models
- Calibrate Energy Simulations and Water Models

Net Zero Consulting

Sud Associates provided consulting on the net zero process by first providing a framework and information needed to create a specific definition of the metric and boundary to be used in evaluating "net zero". Implications of the various options for defining net zero were discussed, and the Town Council settled on an official Town definition which uses greenhouse gasses (GHG) as the net zero metric and which allows off-site renewable energy to be used in offsetting a building's GHG emissions.

General strategic concepts for how to achieve net zero were also presented. Sud Associates is combining the information learned from the energy analyses with the net zero definitions chosen by the Town to provide basic recommendations for general strategic approaches to moving each building toward net zero. Approaches to renovating the HVAC systems in each building are included in these recommendations.

Contents

This document is a compilation of the various deliverables generated during this effort. These include:

- Exhibit E-1 Report: Energy Modeling for Net Zero Energy Study
- Exhibit E-2 Report: Defining Net Zero Metrics and Boundaries (Draft, 11-13-2020)
- Exhibit E-3 Presentations: Building Energy Analysis and Defining Net Zero
- Exhibit E-4 TOC Resolution: A RESOLUTION FOR ADOPTING A NET ZERO DEFINITION FOR THE TOWN OF CARRBORO BUILDINGS (including the report Defining Net Zero Metrics and Boundaries (Final, 11-23-2020))
- Exhibit E-5 Presentation: HVAC Upgrade Concepts and Recommendations

EXHIBIT E-1

Town of Carrboro Town Hall Building; Century Center Building; Public Works Complex Energy Modeling for Net Zero Energy Study

November 23, 2020

Background

The Town of Carrboro is considering options for renovating the Town Hall, Century Center, and the Public Works complex. The Town is seeking to develop a long-term renovation strategy while at the same time addressing immediate needs which have been identified by Town Staff. As part of the renovation effort, the Town would like to work towards the energy sustainability goals set forth in the Town's adopted Strategic Energy and Climate Action plan, which includes working toward net zero energy use.

Energy and water consumption models have been created for each of these facilities to inform decisions in the renovation planning and design process. These models are used to help understand how energy is consumed in each building, and where the most substantial opportunities for potential savings lie. They also provide valuable information in assessing the feasibility of modifying the buildings to achieve net zero carbon emissions. Further, the models create a benchmark for each building, establishing existing consumption characteristics and allowing a metric for assessing improvements.

Existing Systems

Town Hall

The Town Hall is a three-story building which houses office areas, a chamber room, a town server room, and a connected facilities maintenance shop. The exterior walls are uninsulated brick having mostly clear, double pane, operable windows. Most of the roof area is flat with recently installed rigid foam insulation above the deck.

The building is heated and cooled by 9 independent heat pump systems of varying ages. These systems are zoned to serve the basement offices, the server room, the chamber room, the north offices on the1st floor, the south offices on the 1st floor, the 2nd floor offices, the 1st floor of the west wing, the 2nd floor of the west wing, and the shop. None of these systems supply outdoor air for ventilation.

The lighting in the building is a mix of new LED fixtures, T-8 fluorescent fixtures, and T-12 fluorescent fixtures. The plug loads are mostly typical for office areas other than the facilities shop which sees typical shop usage. Hot water is provided by a tank-type electric water heater.

Century Center

Carrboro's Century Center is a two-story historic structure which houses office areas, community activity areas, a public computer resource area, a kitchen, and a large event hall. Part of the building serves the police department, which operates 24/7. Built in 1924, the Century Center has 18" thick uninsulated masonry walls with clear, double pane, operable windows. The roof is insulated at the attic floor by 9" of blown-in fiberglass insulation.

The building is conditioned by 3 variable air volume AHUs. Two of the AHUs utilize VAV boxes with hot water reheat, while the third AHU is a single-zone VAV unit serving the large event hall. Heating is provided by a 750 MBH natural gas-fired hot water boiler, and cooling is provided by a 70 ton air-cooled packaged chiller. The AHUs and chiller are controlled by a central control system, while the boiler operates on stand-alone controls.

The majority of the lighting throughout the building is T8 tube linear tube fluorescent fixtures. Most of the plugin equipment is typical for an office building, though the computer resource area has a higher density of computers, and the all-electric kitchen contains heavy duty commercial cooking, refrigerating, and ice making equipment. Domestic hot water is provided by two tank-type natural gas-fired hot water heaters (75 gallon and 100 gallon).

Public Works

The public works complex is collection of buildings including office areas, an auto shop, sign shop, vehicle, equipment, and materials storage areas, a fuel station, and a carwash station. The primary energy consuming building is a 6,100 square foot pre-engineered metal building with an additional 2,400 square feet of unconditioned loft storage and mechanical space. This building houses public works administration offices, a small server room, and the fleet maintenance shop.

The office areas are divided into 3 separate HVAC zones, each of which is conditioned by a natural gas furnace with split system A/C. The shop area is conditioned by a 156 MBH natural gas unit heater. The sign shop utilizes a small heat pump window unit.

Lighting is provided by a mix of LED and fluorescent fixtures. The miscellaneous electrical loads in the complex are significant and highly variable in usage. Other than standard office equipment, these include air compressors, auto lifts, car vacuums, fuel pumps, garage doors, and various shop equipment. Domestic hot water is provided by natural gas-fired instantaneous water heaters.

Historical Utility Consumption

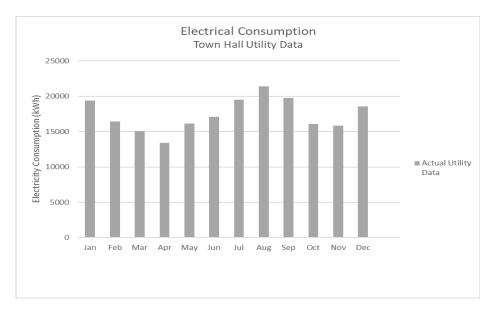
An analysis of the historical utility data was performed as a first step in creating energy and water consumption models of the facilities. 12 months for electricity, natural gas, and water utility data were obtained for the analyses. The data used were from the 2019 calendar year to eliminate any effect from the 2020 COVID-19 pandemic shutdowns. Usage by each facility was analyzed separately.

Town Hall

The town hall does not use natural gas, as all heating, water heating, and cooking use electricity.

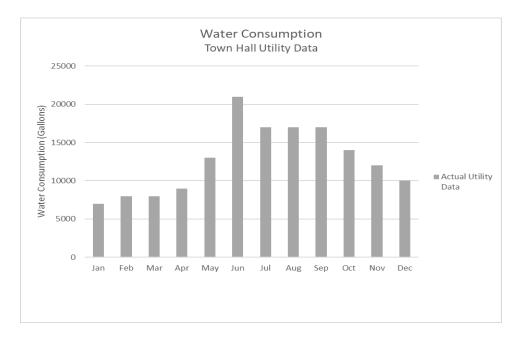
Electricity

The building is served by three separate electric meters. One meter serves the majority of the building, one meter serves the shop, and the server room is served from the meter serving Fire Station 1. Onsite power readings, in conjunction with Fire Station 1 utility data, allowed the annual energy consumption of the server room (servers plus HVAC) to be estimated and extracted from the Fire Station data. This estimate was added to the data from the main building meter and the shop meter to obtain a monthly set of consumption data for the entire building. This combined usage is presented below.



Water

A single water meter serves the building. Data from this meter are presented below.

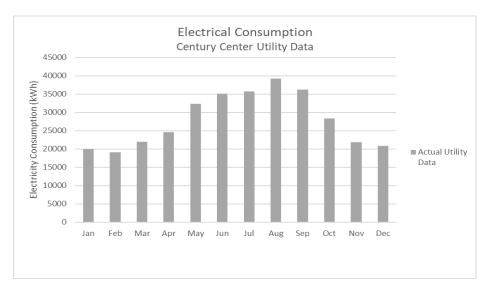


Century Center

The Century Center uses electricity, natural gas, and water.

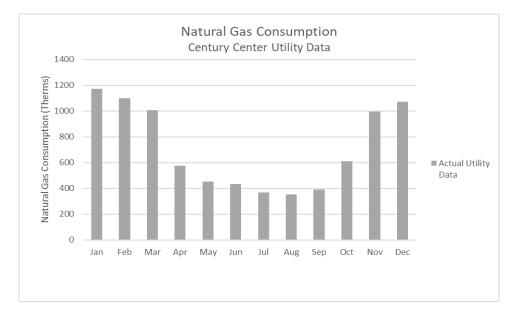
Electricity

A single electric service entrance serves the entire building. Data from this meter are presented below.



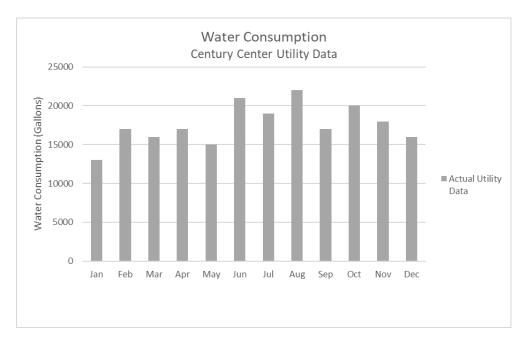
Natural Gas

A single natural gas service entrance serves the entire building. Data from this meter are presented below.



Water

A single water service entrance serves the entire building. Data from this meter are presented below.

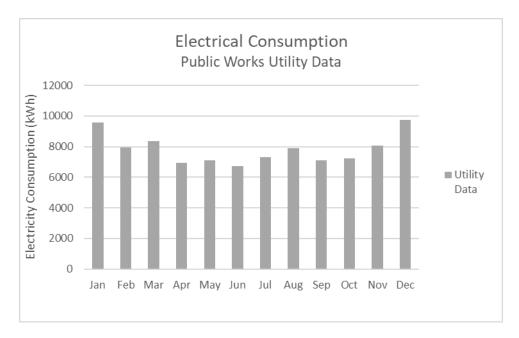


Public Works

The Public Works complex utilizes electricity, natural gas, and water.

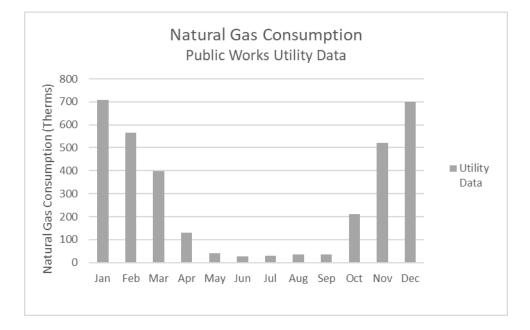
Electricity

Public Works is served by three electric service entrances. One meter currently has no load connected to it, one meter serves the server room and its A/C unit, and one meter serves the rest of the complex. The data presented below show the combined metered usage for the complex.



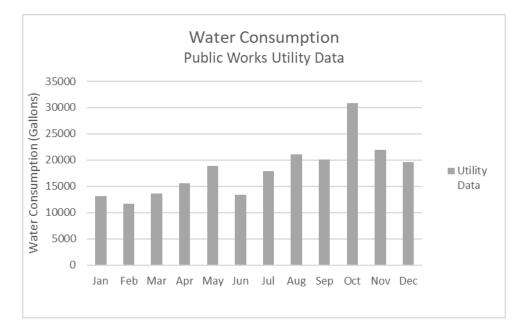
Natural Gas

Two natural gas meters serve the facility. One meter serves the generator and the instantaneous hot water heaters, and one meter serves the rest of the facility. The combined usage is shown below.



Water

A single water service serves the entire complex. Data from this meter are presented below.



Simulation Methodology

Energy and water consumption simulations were created for each building. The energy models for the Century Center and the Town Hall were generated using the Trane TRACE software. TRACE uses a comprehensive set of environmental and building characteristics to simulate the energy consumption

for the entire building each hour of a full typical year. TRACE excels at simulating the complex interactions among various end uses, schedules, and control strategies as are found at the Century Center and Town Hall.

Due to the nature of the Public Works complex, in-house spreadsheet tools were used in lieu of TRACE to simulate annual energy usage. The usage of this facility is highly dependent on inconsistent variables such as the amount of time garage doors are open, frequency of shop equipment use, frequency and duration of car washes, etc. This type of facility is best modeled using versatile, transparent, independent calculations in conjunction with known historical utility data. Through this approach a more reliable and understandable breakdown of how the facility uses energy can be obtained.

Hourly energy simulations require detailed weather data for the specific location of the buildings. TMY3 (Typical Meteorological Year) weather files for the Durham area were utilized for the Carrboro models. Building inputs include the constructions of the walls, windows, roofs, and floor systems, HVAC equipment and control strategies, room-by-room lighting systems, plug-in equipment, and occupancy, domestic hot water systems, and schedules of usage for occupants and each energy end use. The values utilized in the Carrboro models were obtained via building drawings, site visits, measurements, and conversations with Carrboro staff.

Water models are generally much less complex than energy simulations. These are usually analyzed on an annual basis, as hourly calculations would provide little additional value to understanding the facility. In-house spreadsheet tools were used for these models. The primary inputs for these models are occupancy types, general occupancy schedules, and the various water-using fixture data.

Energy and Water Model Results and Calibration

Each energy and water model was calibrated to match the historical utility consumption to within an acceptable error tolerance based on industry standard practice. The Carrboro energy models were calibrated such that the modeled electricity and natural gas consumption is within 10% of the actual consumption for each month of the year, and within 5% of the total annual consumption. The water models were calibrated to within 5% of the annual consumption.

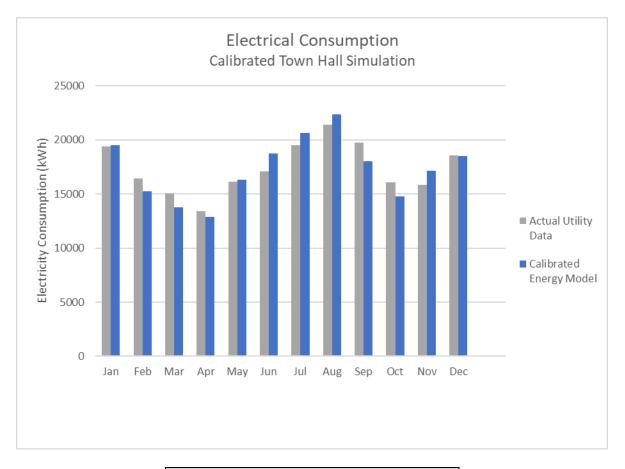
Town Hall

The energy consumption results for the Town Hall are presented below, along with its energy use intensity.

Town Hall Energ	y Consumption P	rofile
End Use	Energy Consumption (kBTU/yr)	Percent of Total
Heating	83,044	11.7%
Cooling	169,247	23.9%
Fans/Pumps	99,651	14.1%
Lighting	119,697	16.9%
DHW	9,687	1.4%
Plug Loads / Other	228,125	32.2%
Total	709,451	100%
Conditioned Area (sf)	12,23	5
Energy Use Intensity (kBTU/sf/yr	57.99)

The calibrated results for the Town Hall building are presented below. A breakdown of the energy model results is provided in Appendix I.

Electricity (Town Hall)



Town H	Town Hall Electricity Consumption (kWh)				
	Actual	Calibrated			
Month	Utility Data	Model	% Error		
Jan	19376	19511	1%		
Feb	16401	15249	-7%		
Mar	15073	13769	-9%		
Apr	13404	12849	-4%		
May	16112	16328	1%		
Jun	17091	18748	10%		
Jul	19536	20641	6%		
Aug	21386	22342	4%		
Sep	19764	18056	-9%		
Oct	16086	14755	-8%		
Nov	15835	17120	8%		
Dec	18583	18499	0%		
Total	208646	207867	0%		

Water (Town Hall)

Town Hall Water Consumption (gal)				
Actual Calibrated				
Period	Utility Data	Model	% Error	
Annual	155734	155731	0%	

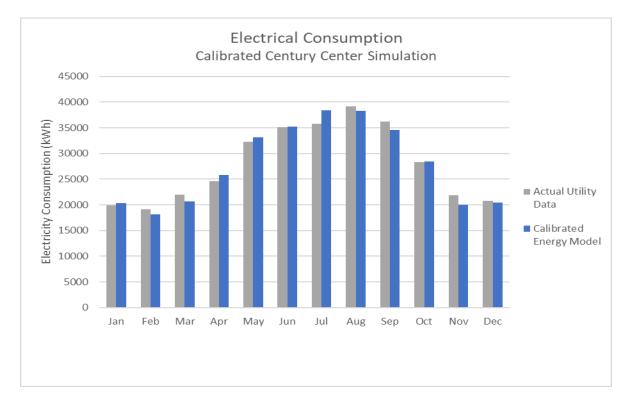
Century Center

The energy consumption results for the Century Center are presented below, along with its energy use intensity.

Century Center E	Century Center Energy Consumption Profile				
End Use	Energy Consumption (kBTU/yr)	Percent of Total			
Heating	848,026	42.7%			
Cooling	224,216	11.3%			
Fans/Pumps	548,968	27.6%			
Lighting	203,910	10.3%			
DHW	13,420	0.7%			
Plug Loads / Other	147,747	7.4%			
Total	1,986,287	100%			
Conditioned Area (sf)	19,9	12			
Energy Use Intensity (kBTU/sf/yr	99.7	75			

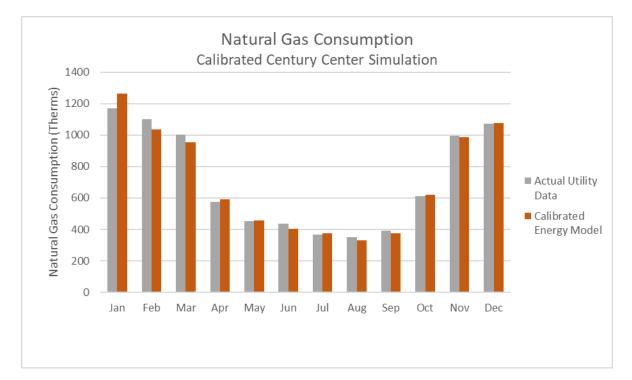
The calibrated results for the Century Center are presented below. A breakdown of the energy model results is provided in Appendix II

Electricity (Century Center)



Century	Century Center Electricity Consumption (kWh)			
	Actual	Calibrated		
Month	Utility Data	Model	% Error	
Jan	19932	20377	2%	
Feb	19082	18203	-5%	
Mar	21936	20665	-6%	
Apr	24586	25760	5%	
May	32315	33172	3%	
Jun	35082	35268	1%	
Jul	35727	38364	7%	
Aug	39209	38241	-2%	
Sep	36198	34531	-5%	
Oct	28286	28423	0%	
Nov	21833	19996	-8%	
Dec	20796	20465	-2%	
Total	334982	333463	0%	

Natural Gas (Century Center)



Cent	Century Center Natural Gas Consumption (therms)				
Month	Actual	Calibrated	0/ Emer		
Month	Utility Data	Model	% Error		
Jan	1170	1263	8%		
Feb	1100	1035	-6%		
Mar	1005	955	-5%		
Apr	574	592	3%		
May	451	458	2%		
Jun	435	406	-7%		
Jul	366	377	3%		
Aug	351	331	-6%		
Sep	390	377	-3%		
Oct	611	622	2%		
Nov	995	987	-1%		
Dec	1073	1078	0%		
Total	8522	8482	0%		

Water (Century Center)

Century Center Water Consumption (gal)				
Period	Actual Utility Data	Calibrated Model	% Error	
Annual	219416	219264	0%	

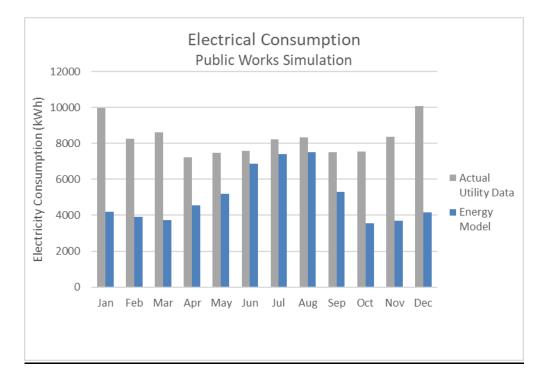
Public Works

The energy consumption results for the Town Hall are presented below, along with its energy use intensity.

Public Works Energy Consumption Profile		
End Use	Energy Consumption (kBTU/yr)	Percent of Total
Heating	306,672	44.3%
Cooling	62,858	9.1%
Fans	36,683	5.3%
Lighting	54,922	7.9%
DHW/Carwash/Generator	30,900	4.5%
Office Equipment	15,861	2.3%
Server	15,040	2.2%
Air Compressor	24,088	3.5%
Shop/Site Equipment	11,495	1.7%
Currently Unaccounted	133,601	19.3%
Total	692,120	100%
Conditioned Area (sf)	6,3	00
Energy Use Intensity (kBTU/sf/yr	109	9.9

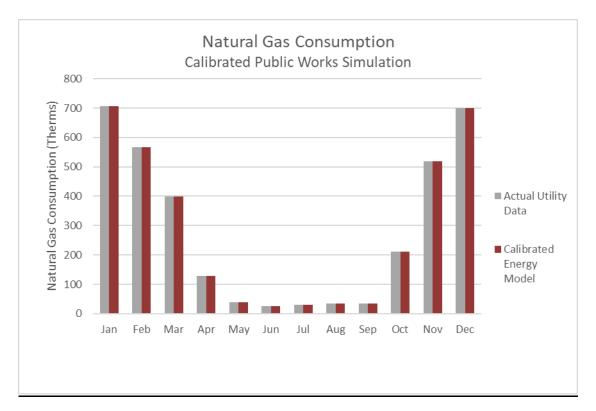
Note that the model is unable to account for a large percentage of the electrical consumption in the facility. This is shown in the table above as "Currently Unaccounted", and in the electricity chart and table below as the percent error between the model and the utility data. The tables below show the energy model results as compared to the utility data. See Appendix III for a breakdown of modeled end uses.

Electricity (Public Works Complex)



Public \	Public Works Electricity Consumption (kWh)			
Month	Actual Utility Data	Calibrated Model	% Error	
Jan	9965	4193	58%	
Feb	8277	3919	53%	
Mar	8606	3726	57%	
Apr	7229	4549	37%	
May	7472	5190	31%	
Jun	7600	6868	10%	
Jul	8231	7419	10%	
Aug	8330	7522	10%	
Sep	7511	5288	30%	
Oct	7553	3535	53%	
Nov	8355	3710	56%	
Dec	10079	4143	59%	
Total	99208	60063	39%	

Natural Gas (Public Works Complex)



Public Wo	Public Works Natural Gas Consumption (therms)			
Month	Actual Utility Data	Calibrated Model	% Error	
Jan	707	707	0%	
Feb	566	566	0%	
Mar	399	399	0%	
Apr	129	129	0%	
May	40	40	0%	
Jun	26	26	0%	
Jul	31	31	0%	
Aug	35	35	0%	
Sep	35	35	0%	
Oct	210	210	0%	
Nov	520	520	0%	
Dec	699	699	0%	
Total	3397	3397	0%	

Water (Public Works Complex)

Public Works Water Consumption (Gallons)				
	Utility	Calibrated		
Period	Data	Model	% Error	
Annual	217948	216000	1%	

Conclusions

The creation of energy models allows a better understanding of how resources are used within a facility, and can offer insight as to what opportunities there may be to save energy and water. These results will be used to guide design decisions moving forward in the process of upgrading these three facilities. The energy and water simulations for the Century Center and the Town Hall reconcile cleanly with the utility data. The natural gas and water models for the Public Works facility also match the utility data. Currently, however, there are unknown factors resulting in discrepancies between simulations and utility data for the electricity consumption at Public Works. This should be further investigated, as the large discrepancy could point to energy saving opportunities.

Appendix I

TRACE Energy Consumption Summary (Town Hall)

ENERGY CONSUMPTION SUMMARY

By Sud Associates, P.A.

	L					
				% of Total	Total Building	Total Source
	Elect Cons.			Building	Energy	Energy*
	(kWh)			Energy	(kBtu/yr)	(kBtu/yr)
Alternative				2.1.0.9)	(((2)(d))))	(1210, 91)
Alternative 1						
Primary heating						
Primary heating	24,332			11.7 %	83,044	249,156
Other Htg Accessories				0.0 %	0	0
Heating Subtotal	24,332			11.7 %	83,044	249,156
Primary cooling						
Cooling Compressor	39,897			19.2 %	136,167	408,541
Tower/Cond Fans	4,758			2.3 %	16,239	48,721
Condenser Pump				0.0 %	0	0
Other Clg Accessories	4,935			2.4 %	16,842	50,530
Cooling Subtotal	49,589			23.9 %	169,247	507,792
Auxiliary						
Supply Fans	29,198			14.1 %	99,651	298,984
Pumps				0.0 %	0	0
Stand-alone Base Utilities	2,838			1.4 %	9,687	29,064
Aux Subtotal	32,036			15.4 %	109,338	328,048
Lighting						
Lighting	35,071			16.9 %	119,697	359,128
Receptacle						
Receptacles	66,840			32.2 %	228,125	684,443
Cogeneration						
Cogeneration				0.0 %	0	0
Totals						
Totals**	207,867			100.0 %	709,451	2,128,567
Totals	207,867					
source Utilization fact	ors are included in the Total Source	æ Energy value .				
** Note: This report can display a	maximum of 7 utilities. If additiona	al utilities are used, they will be included in the total.				
Project Name:			TRA	CE® 700 v6.3.5	5 calculated at 08:28 P	M on 09/28/202

Project Name: Dataset Name: CARBROTWNHLL2.TRC

TRACE® 700 v6.3.5 calculated at 08:28 PM on 09/28/2020 Alternative - 1 Energy Consumption Summary report page ⁴

Appendix II

TRACE Energy Consumption Summary (Century Center)

ENERGY CONSUMPTION SUMMARY

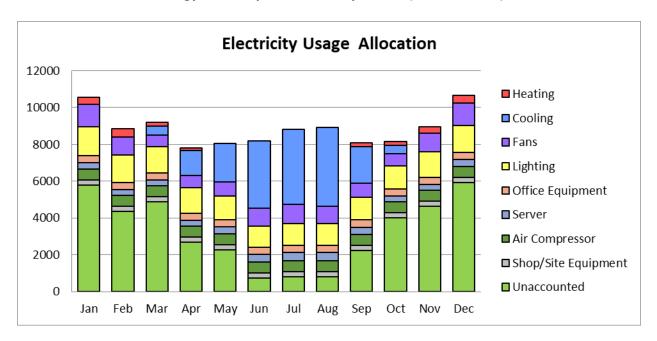
By Sud Associates, P.A.

Gas Cons. (kBtu) 833,181 833,181	Water Cons. (1000 gals) 27 27 27	% of Total Building Energy 42.0 % 0.8 % 42.7 % 10.1 % 10.1 % 1.1 % 0.0 % 0.1 % 11.3 %	Total Building Energy (kBtu/yr) 833,181 14,845 848,026 200,685 21,553 0 1,978 224,216	Total Source Energy* (kBtu/yr) 877,032 44,539 921,571 602,115 64,667 0 5,934
(kBtu) 833,181	(1000 gals) 27	Energy 42.0 % 0.8 % 42.7 % 10.1 % 1.1 % 0.0 % 0.1 %	(kBtu/yr) 833,181 14,845 848,026 200,685 21,553 0 1,978	(kBtu/yr) 877,032 44,539 921,571 602,115 64,667 0
833,181	27	42.0 % 0.8 % 42.7 % 10.1 % 1.1 % 0.0 % 0.1 %	833,181 14,845 848,026 200,685 21,553 0 1,978	877,032 44,539 921,571 602,115 64,667 0
		0.8 % 42.7 % 10.1 % 1.1 % 0.0 % 0.1 %	14,845 848,026 200,685 21,553 0 1,978	44,539 921,571 602,115 64,667 0
		0.8 % 42.7 % 10.1 % 1.1 % 0.0 % 0.1 %	14,845 848,026 200,685 21,553 0 1,978	44,539 921,571 602,115 64,667 0
		0.8 % 42.7 % 10.1 % 1.1 % 0.0 % 0.1 %	14,845 848,026 200,685 21,553 0 1,978	44,539 921,571 602,115 64,667 0
833,181		42.7 % 10.1 % 1.1 % 0.0 % 0.1 %	848,026 200,685 21,553 0 1,978	921,571 602,115 64,667 0
833,181	27	10.1 % 1.1 % 0.0 % 0.1 %	200,685 21,553 0 1,978	602,115 64,667 0
		1.1 % 0.0 % 0.1 %	21,553 0 1,978	64,667 0
		1.1 % 0.0 % 0.1 %	21,553 0 1,978	64,667 0
		0.0 % 0.1 %	0 1,978	0
		0.1 %	1,978	
				5,934
		11.3 %	224,216	
				672,716
		12.4 %	246,990	741,045
		12.6 %	250,463	751,463
14,997		3.3 %	64,935	165,615
14,997		28.3 %	562,388	1,658,123
		10.3 %	203,910	611,791
		7.4 %	147,747	443,287
		0.0 %	0	0
848,178	27	100.0 %	1,986,287	4,307,489
	14,997 848,178		10.3 % 7.4 % 0.0 %	10.3 % 203,910 7.4 % 147,747 0.0 % 0

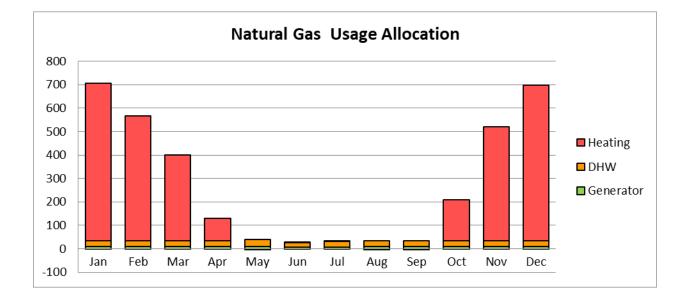
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Appendix III



Energy Consumption Summary Charts (Public Works)



Town of Carrboro Town Hall Building; Century Center Building; Public Works Complex Defining Net Zero Metrics and Boundaries

November 13, 2020

DRAFT REPORT

Background

The Town of Carrboro is considering options for renovating the Town Hall, Century Center, and the Public Works complex. The Town is seeking to develop a long-term renovation strategy while at the same time addressing immediate needs which have been identified by Town Staff. As part of the renovation effort, the Town would like to work towards the energy sustainability goals set forth in the Town's adopted Strategic Energy and Climate Action plan, which includes working toward net zero energy use.

A first step in the process of achieving a net zero energy building is to define the term "net zero" and to establish the criteria for a net zero energy building. This is more than an exercise in semantics, as the definition and criteria chosen can have significant effects on design decisions and project costs.

Defining "Net Zero"

The basic idea of a net zero energy building is that, over the course of a year, it has completely offset its energy usage by renewable energy production. Beyond this general concept, there is no single, universally accepted definition for a net zero energy building. The exact definition used for any given project is a choice made by the building owners and project team based on motivations, priorities, budget, building and site characteristics, and other constraints. The US DOE and the National Renewable Energy Laboratory (NREL) have developed a clear framework and guidance to aid owners and designers in choosing the defining criteria for their specific project.

In short, there are two decisions to be made: what metric will be used to evaluate the building's performance (i.e. net zero what?), and what is the boundary within which renewable energy may be generated? Each of these questions is addressed below.

Defining the Metric

NREL has presented 4 options for defining the metric by which a net zero building can be evaluated: Site energy consumption, source energy consumption, greenhouse gas (GHG) emissions, and energy cost.

<u>Option 1: Net Zero Site Energy</u>: A net zero site energy building will offset the energy it uses on site with renewable energy. The energy consumed is seen directly on the building's utility bills. Some owners see net zero site energy as an attractive metric primarily because it is easy to understand and its calculation does not depend on complex factors outside the boundary of the building. This metric steers designers away from natural gas as a heat or domestic hot water fuel in favor of heat pumps or even electric resistance heating. Solar hot water is often a more attractive renewable energy source than photovoltaics under this metric.

<u>Option 2: Net Zero Source Energy</u>: The source energy metric considers the source of the energy used in the building. For instance, the source energy metric would account not for the electricity used in the building, but for the coal used at the power plant to produce the electricity used in the building. This metric is favored by owners whose primary motivation is to conserve the Earth's fossil-based energy sources and to reduce the environmental damage associated with the extraction of these fuels. Using this approach largely levels the field when comparing natural gas heating versus electric heat pumps.

<u>Option 3: Net Zero GHG Emissions</u>: This metric is based on the GHG emissions associated with the energy used in the building rather than the energy itself. For instance, the GHG emissions metric would account not for the electricity used in the building, but rather for the airborne pollution generated by the power plant as it produces the electricity used in the building. A net zero GHG building might also be called a "carbon neutral" building. Net zero GHG emissions is chosen by owners whose primary motivation is to mitigate climate change. This metric favors the use of natural gas over electricity use, and places high value on producing renewable electricity (e.g. photovoltaic panels).

<u>Option 4: Net Zero Energy Cost</u>: A net zero energy cost building will offset the building's energy cost over the course of a year with renewable energy sold to the grid or other users. This metric is perhaps the simplest to understand, but it may not fit with the Town's Climate Action Plan. The most attractive systems and fuel types under this metric are variable, depending on the comparative market rates of the different fuels.

Defining the Boundary

Any net zero building will require renewable energy either to power the building directly or (more likely) to offset the building's consumption of non-renewable energy. Where this renewable energy can be generated in order to count towards this offset is determined by the building owners and project team. NREL has presented 4 options, in order of decreasing constraint: building footprint generation, building site generation, imported renewables, and purchased generation.

<u>Option A: Building Footprint Generation</u>: This option applies the constraint that all renewable energy must be generated within the footprint of the building itself. A common example of this would be PV panels installed on the building's roof.

<u>Option B: Building Site Generation</u>: Renewable energy may be generated anywhere within the property lines of the net zero building. Under this option, for example, a building may have PV panels on its roof as well as on the ground or on an on-site parking canopy.

<u>Option C: Imported Renewables</u>: Under this option, renewable energy may be imported from off-site and used on-site. A typical example would be biomass or biofuels used for heating. This option simply expands options for renewable generation, it does not exclude the possibility that some energy may still be generated on the building or the building site.

<u>Option D: Purchased Generation</u>: This option allows renewable energy to be generated by others and purchased by the building. This is often done in the form of Renewable Energy Credits (RECs). In this case the renewable energy itself is not necessarily used in the building, but the offsets created by the renewable energy are purchased and claimed by the building owners. Under this option, each of the previous three options may be included in the total mix of generation possibilities.

EXHIBIT E-3

BUILDING ENERGY ANALYSIS TOWN OF CARRBORO

Town Hall Century Center Public Works

Presented to Town Council, 12/1/2020





PROCESS

- Study Facility Documents
- Analyze Utility Data
- Perform Site Visits
- Research Building Use and Schedules
- Research Building Equipment
- Create Energy Simulations
- Create Water Usage Spreadsheet Models
- Calibrate Energy Simulations and Water Models





TOWN HALL





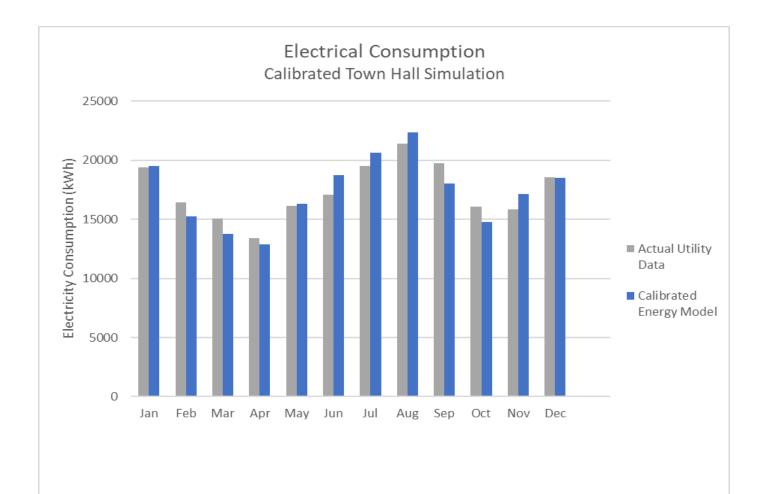
SIMULATED ENERGY SUMMARY

Town Hall Energy Consumption Profile			
End Use	Energy Consumption (kBTU/yr)	Percent of Total	
Heating	83,044	11.7%	
Cooling	169,247	23.9%	
Fans/Pumps	99,651	14.1%	
Lighting	119,697	16.9%	
DHW	9,687	1.4%	
Plug Loads / Other	228,125	32.2%	
Total	709,451	100%	
Conditioned Area (sf)	12,235		
Energy Use Intensity (kBTU/sf/yr	57.99		





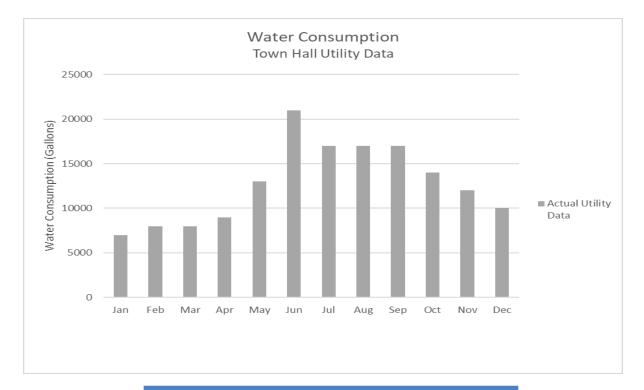
ELECTRICITY







WATER



Town Hall Water Consumption (gal)				
	Actual Utility	Calibrated		
	Data	Model	% Error	
Annual	155734	155731	0%	





CENTURY CENTER





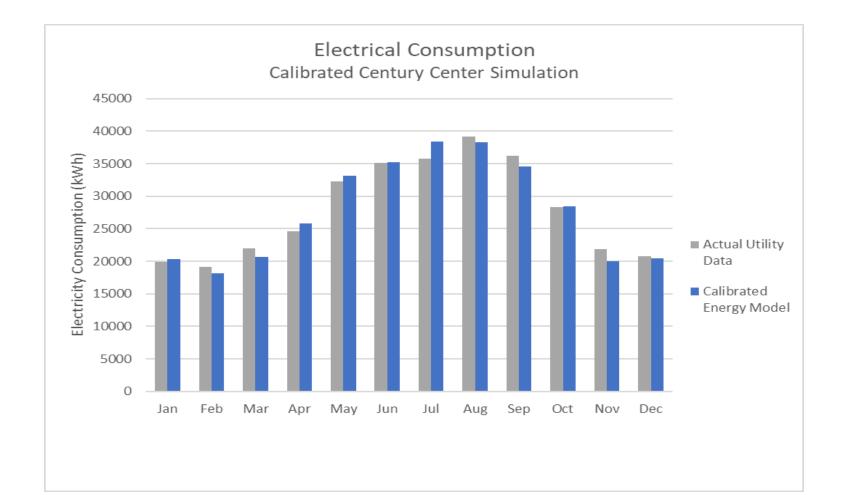
SIMULATED ENERGY SUMMARY

Century Center Energy Consumption Profile			
	Energy Consumption		
End Use	(kBTU/yr)	Percent of Total	
Heating	848,026	42.7%	
Cooling	224,216	11.3%	
Fans/Pumps	548,968	27.6%	
Lighting	203,910	10.3%	
DHW	13,420	0.7%	
Plug Loads / Other	147,747	7.4%	
Total	1,986,287	100%	
Conditioned Area (sf)	19,912		
Energy Use Intensity (kBTU/sf/yr	99.75		





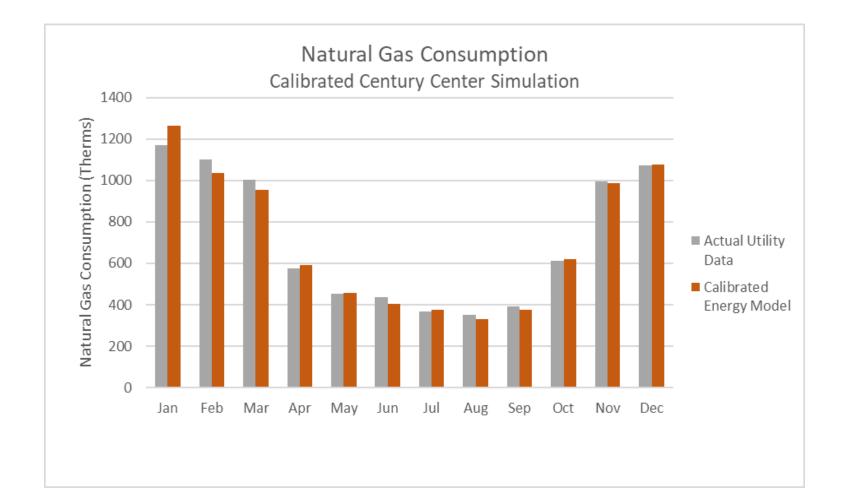
ELECTRICITY







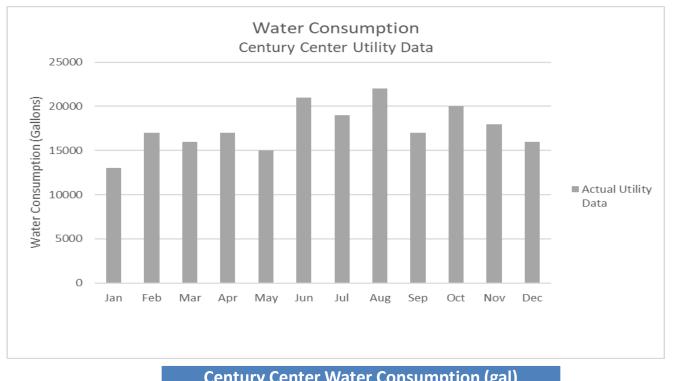
NATURAL GAS







WATER



	Actual	Calibrated		
	Utility Data	Model	% Error	
Annual	219416	219264	0%	





PUBLIC WORKS





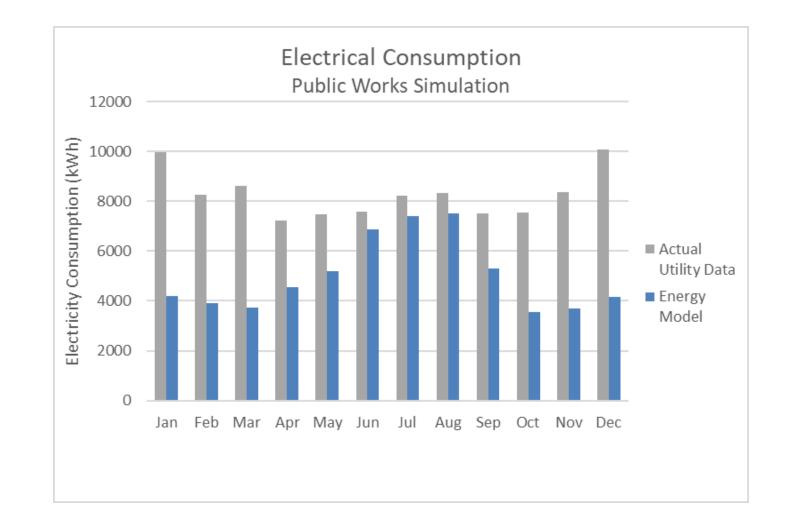
SIMULATED ENERGY SUMMARY

Public Works Energy Consumption Profile			
	Energy Consumption	Percent of	
End Use	(kBTU/yr)	Total	
Heating	306,672	44.3%	
Cooling	62,858	9.1%	
Fans	36,683	5.3%	
Lighting	54,922	7.9%	
DHW/Carwash/Generator	30,900	4.5%	
Office Equipment	15,861	2.3%	
Server	15,040	2.2%	
Air Compressor	24,088	3.5%	
Shop/Site Equipment	11,495	1.7%	
Currently Unaccounted	133,601	19.3%	
Total	692,120	100%	
Conditioned Area (sf)	6,300		
Energy Use Intensity (kBTU/sf/yr	109.9		





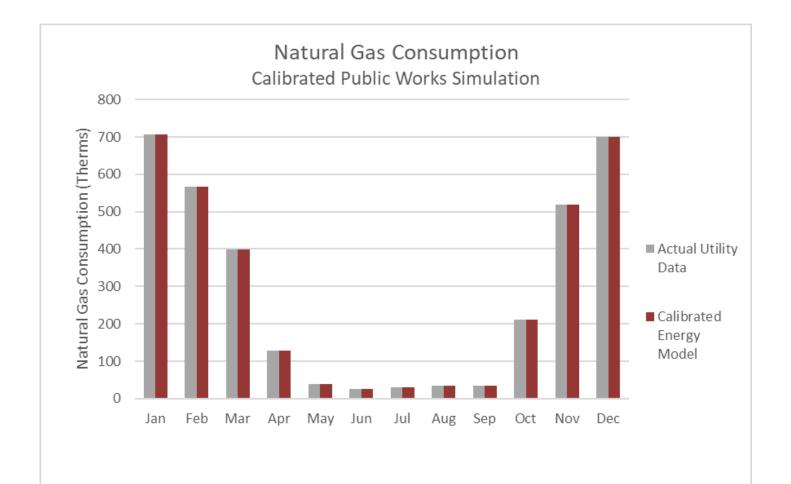
ELECTRICITY







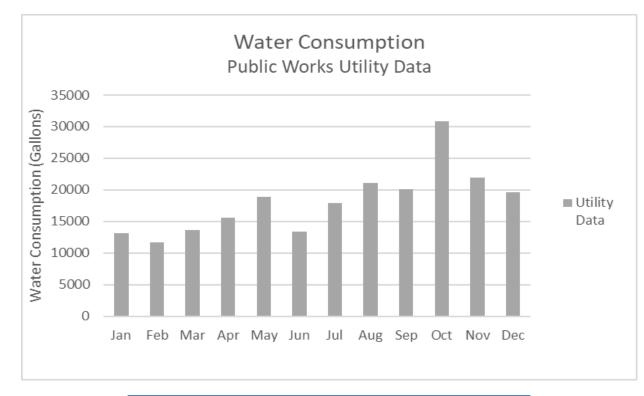
NATURAL GAS







WATER



Public Works Water Consumption (Gallons)			
	Actual		
	Utility	Calibrated	
Period	Data	Model	% Error
Annual	217948	216000	1%





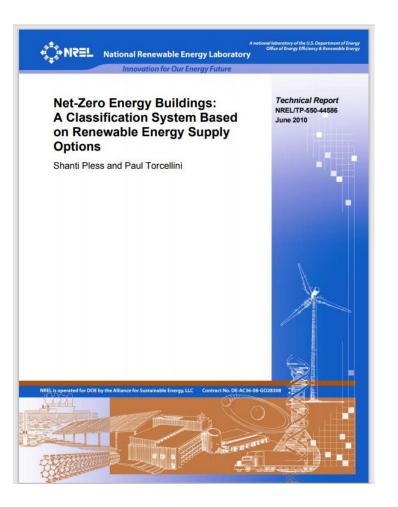
DEFINING NET ZERO TOWN OF CARRBORO

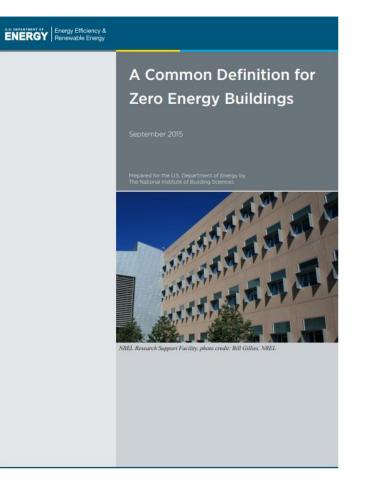
Town Hall Century Center Public Works





DEFINING "NET-ZERO"









DEFINING THE METRIC

• Net-Zero...

- Option 1: Site Energy
 - Energy usage as seen on utility bills offset by renewables
- Option 2: Source Energy
 - Considers inefficiencies introduced by power plants and transmission
- Option 3: Greenhouse Gas Emissions
 - Focuses on atmospheric pollutants rather than fossil fuels themselves
- Option 4: Energy Cost
 - Based on utility costs. May not apply to the Climate Action Plan



DEFINING THE BOUNDARY

- Renewable Energy is Generated...
- Option A: Within the Building Footprint
 - e.g. solar panels on the building's roof
- Option B: Within the Property Boundary
 - e.g. panels on the building's roof and on a separate parking canopy
- Option C: Off Site
 - Imported to site, e.g. wood chips shipped to the site for building heat
 - Generated off site, e.g. PV panels on Town-owned Property
- Option D: By Others (RECs)
 - Carbon offsets can be purchased to supplement other strategies



IMPLICATIONS

- Option 1: Net-Zero Site Energy
 - Favors using electricity over natural gas
- Option 2: Net-Zero Source Energy
 - Natural gas vs electricity comparison requires analysis
- Option 3: Net-Zero GHG Emissions
 - Favors using natural gas over electricity
- Option 4: Net-Zero Energy Cost
 - Natural gas vs electricity comparison requires analysis





NEXT STEPS

- Settle on Net Zero Definition
- Design Building Improvements
 - Must first meet basic safety, health, and comfort needs
 - Incorporate changes in space usage
 - Preserve historic quality
 - Pursue efficiency upgrades toward the Net Zero goal
 - Minimize energy consumption
 - Provide the balance with renewable generation

QUESTIONS?

EXHIBIT E-4

Attachment A

A RESOLUTION FOR ADOPTING A NET ZERO DEFINITION FOR THE TOWN OF CARRBORO BUILDINGS

WHEREAS, the Town Council received a Net Zero Buildings report and presentation at the December 1, 2020 Town Council Meeting by the Town's consultant, Sud Associates, P.A., and subsequently discussed the Net Zero Buildings metric and boundary options presented; and

WHEREAS, the Environmental Advisory Board (EAB) received the same presentation on January 11, 2021 and have submitted the attached hereto comments; and

WHEREAS, the Town Council and the EAB are in agreement with which Net Zero Buildings definition to adopt for the Town of Carrboro; and

WHEREAS, the Town Council and the EAB agree that the approach to any Net Zero Buildings project will be to first conserve as much as possible through energy efficiency measures, then to make up the balance through renewable energy generation; and

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Town Council that the following Net Zero Buildings definition be adopted for the Town of Carrboro:

Net Zero Buildings shall be evaluated using greenhouse gas emissions (GHG) as the accounting metric. Renewable energy can be generated off-site to offset GHG emissions from non-renewable energy consumption.

This definition conforms to Option 3C of the attached report.

This the 19th day of February in 2021.



TOWN OF CARRBORO

Environmental Advisory Board

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

January 11, 2020

Net Zero Discussion

Motion was made by Echart and seconded by Brandon that the EAB recommends:

Defining Net Zero

- Option 3: Greenhouse Gas Emissions
- The Town will need timely and defensible data to back up greenhouse gas emissions calculations
 - Search for more granular data (Duke Energy vs. NREL)
 - Published emissions data can be out-of-date so the Town will need to make some assumptions
 - Need to capture life cycle emissions from the production and transportation of the energy, especially natural gas

Defining the Boundary

- Option C: Off Site
- Develop solar energy anywhere on the grid, provided that it is owned by the Town
- Does not need to be Town property or within Town boundaries
- Look into Town parks, covered parking lots
- At some point the Town may need to examine creative yet feasible opportunities
 - Community solar
 - Buy a stake in a larger operation in another location; invest in solar farms
- The entire Carrboro community is a system, the location of the renewables is not as important
- · However, on-site solar will minimize distribution losses

Additional Comments

Energy Sources

- The EAB recommends not locking the Town into natural gas usage
 - \circ If the Town relies on electrification, it has more control and flexibility
- The makeup of the Town's energy sources is a moving target
 - \circ $\;$ The Town will need to take future trends into account

RECs

• Some EAB members are skeptical of RECs due to the fact that some renewable projects may already be in place and would not represent new emissions reductions

Overall

- The Town needs to work towards a goal of reducing fossil fuel use
- The Town should first pursue maximizing the energy efficiency of its buildings •
- Next, the energy usage of the buildings must be offset completely by renewables in order for the • Town to reach its goals of 80% reduction of 2010 greenhouse gas emissions levels by 2030
- The building analysis is a great first step towards evaluating all municipal energy usage and ultimately, the community's energy usage

VOTE: AYES: (5) Kaufman, Turner, Brandon, Schalkoff, Echart ABSENT/EXCUSED: (1) Blanco

NOES: (0)

ABSTENTIONS: (0)

Jaura fanway For Tim Turner, Chair (Date)

Town of Carrboro Town Hall Building; Century Center Building; Public Works Complex Defining Net Zero Metrics and Boundaries

November 23, 2020

Background

The Town of Carrboro is considering options for renovating the Town Hall, Century Center, and the Public Works complex. The Town is seeking to develop a long-term renovation strategy while at the same time addressing immediate needs which have been identified by Town Staff. As part of the renovation effort, the Town would like to work towards the energy sustainability goals set forth in the Town's adopted Strategic Energy and Climate Action plan, which includes working toward net zero energy use.

A first step in the process of achieving a net zero energy building is to define the term "net zero" and to establish the criteria for a net zero energy building. This is more than an exercise in semantics, as the definition and criteria chosen can have significant effects on design decisions and project costs. Regardless of the definition chosen, the general approach to achieving net zero is to first conserve as much energy as is feasible, then use renewable energy to offset the remaining usage.

Defining "Net Zero"

The basic idea of a net zero energy building is that, over the course of a year, it has completely offset its energy usage by renewable energy production. Beyond this general concept, there is no single, universally accepted definition for a net zero energy building. The exact definition used for any given project is a choice made by the building owners and project team based on motivations, priorities, budget, building and site characteristics, and other constraints. The US DOE and the National Renewable Energy Laboratory (NREL) have developed a clear framework and guidance to aid owners and designers in choosing the defining criteria for their specific project.

In short, there are two decisions to be made: what metric will be used to evaluate the building's performance (i.e. net zero what?), and what is the boundary within which renewable energy may be generated? Each of these questions is addressed below.

Defining the Metric

NREL has presented 4 options for defining the metric by which a net zero building can be evaluated: Site energy consumption, source energy consumption, greenhouse gas (GHG) emissions, and energy cost.

<u>Option 1: Net Zero Site Energy</u>: A net zero site energy building will offset the energy it uses on site with renewable energy. The energy consumed is seen directly on the building's utility bills. Some owners see net zero site energy as an attractive metric primarily because it is easy to understand and its calculation does not depend on complex factors outside the boundary of the building. This metric steers designers away from natural gas as a heat or domestic hot water fuel in favor of heat pumps or even electric resistance heating.

Solar hot water is often a more attractive renewable energy source than photovoltaics under this metric.

<u>Option 2: Net Zero Source Energy</u>: The source energy metric considers the source of the energy used in the building. For instance, the source energy metric would account not for the electricity used in the building, but for the coal used at the power plant to produce the electricity used in the building. This metric is favored by owners whose primary motivation is to conserve the Earth's fossil-based energy sources and to reduce the environmental damage associated with the extraction of these fuels. Using this approach largely levels the field when comparing natural gas heating versus electric heat pumps.

<u>Option 3: Net Zero GHG Emissions</u>: This metric is based on the GHG emissions associated with the energy used in the building rather than the energy itself. For instance, the GHG emissions metric would account not for the electricity used in the building, but rather for the airborne pollution generated by the power plant as it produces the electricity used in the building. A net zero GHG building might also be called a "carbon neutral" building. Net zero GHG emissions is chosen by owners whose primary motivation is to mitigate climate change. This metric favors the use of natural gas over electricity use, and places high value on producing renewable electricity (e.g. photovoltaic panels).

<u>Option 4: Net Zero Energy Cost</u>: A net zero energy cost building will offset the building's energy cost over the course of a year with renewable energy sold to the grid or other users. This metric is perhaps the simplest to understand, but it may not fit with the Town's Climate Action Plan. The most attractive systems and fuel types under this metric are variable, depending on the comparative market rates of the different fuels.

Defining the Boundary

Any net zero building will require renewable energy either to power the building directly or (more likely) to offset the building's consumption of non-renewable energy. Where this renewable energy can be generated in order to count towards this offset is determined by the building owners and project team. NREL has presented 4 options, in order of decreasing constraint: building footprint generation, building site generation, imported renewables, and purchased generation.

<u>Option A: Building Footprint Generation</u>: This option applies the constraint that all renewable energy must be generated within the footprint of the building itself. A common example of this would be PV panels installed on the building's roof.

<u>Option B: Building Site Generation</u>: Renewable energy may be generated anywhere within the property lines of the net zero building. Under this option, for example, a building may have PV panels on its roof as well as on the ground or on an on-site parking canopy.

<u>Option C: Off Site Renewables</u>: Under this option, renewable energy may be imported from off-site and used on-site. A typical example would be biomass or biofuels used for heating. While not explicitly stated by NREL, it is our opinion that renewable energy generated by a system owned by the building owner and located on land which is owned by the building owner (though not on the building site) would qualify under Option C. An example would be PV panels located on a Town-owned park. This option simply expands options for renewable generation, it does not exclude the possibility that some energy may still be generated on the building or the building site.

Option D: Purchased Generation: This option allows renewable energy to be generated by others and

purchased by the building. This is often done in the form of Renewable Energy Credits (RECs). In this case the renewable energy itself is not necessarily used in the building, but the offsets created by the renewable energy are purchased and claimed by the building owners. Under this option, each of the previous three options may be included in the total mix of generation possibilities.

EXHIBIT E-5

HVAC UPGRADE CONCEPTS AND RECOMMENDATIONS TOWN OF CARRBORO

Town Hall Century Center Public Works





STUDY PROCESS

- Energy Analysis
 - Study Facility Documents
 - Analyze Utility Data
 - Perform Site Visits
 - Research Building Use and Schedules
 - Research Building Equipment
 - Create Energy Simulations
 - Create Water Usage Spreadsheet Models
 - Calibrate Energy Simulations and Water Models
- Net Zero Consulting
 - Produce guidance material for Net Zero strategies and definitions
 - Provide general recommendations for moving toward Net Zero at each facility





PRESENTATIONS

- 10-21-2020 TOC Facilities Committee
 - Presented on the energy modeling process and results
- 12-1-2020 TOC Town Council
 - Presented on the energy modeling process and results
 - Presented on Net Zero definitions to aid council in choosing a Net Zero metric and boundary
- 1-11-2021 TOC Environmental Advisory Board
 - Presented on Net Zero definitions to allow EAB to advice Town Council





CENTURY CENTER

- Keep existing system types (HW, CHW)
 - Allows reuse of existing piping and ducting
 - Boiler is new, highly efficient
 - HW and CHW enables flexibility, effectiveness, and efficiency
 - Use of natural gas boiler does not aid goal of electrification
- Improve Operation
 - Apply strategies to save natural gas and electricity
 - Address extended hours areas separately
- Equipment upgrades
 - As chiller is slated for replacement, consider heat recovery chiller as an option
 - Aids goal of electrification by displacing some gas heat with electrical "waste heat"



TOWN HALL

- Complete redesign of systems
 - Electricity based systems
 - Consider new occupancy types and schedules
 - State of the art efficiency in equipment and strategies
 - VRF AHUs w/ VAV boxes one possible option





PUBLIC WORKS

- Focus first on system operation
 - Make the most of existing systems
- Upgrade equipment as appropriate
 - Select system types tailored to space needs
 - Continue goal of electrification
 - State of the art efficiency in equipment for new spaces





MOVING TOWARD NET ZERO

- Conserve first
 - Efficiency upgrades <u>and</u> no-cost/low-cost solutions
- Renewable energy
 - Solar PV the most probable primary solution
 - Some or most generation will likely need to be off-site
 - Century Center has almost no space other than the roof
 - Town Hall has several on-site options, but will likely need to supplement
- Economy of scale
 - Larger, simpler systems more cost effective than small scattered systems
 - Consider TOC as a single entity as opposed to individual buildings

