

AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, JANUARY 20, 1998
7:30 P.M., TOWN HALL BOARD ROOM

Approximate Time*

7:30 - 7:40 A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

7:40 - 7:45 B. CONSENT AGENDA

(1) **Approval of Minutes of Previous Meeting:** January 13, 1998

(2) **Request to Set Public Hearing/Voluntary Annexation/Wexford, Phase V**

Timothy Holloman, President of The Wexford Group, Inc., has submitted a petition for annexation of Phase V of the Wexford Subdivision. The petition requests that 12.427 acres located at the intersection of Tramore and Wyndham Drives be annexed into the town. The administration requests adoption of the attached resolution which sets a public hearing date for February 3, 1998.

7:45 - 7:55 C. RESOLUTIONS, PROCLAMATIONS AND CHARGES

D. OTHER MATTERS

7:55 - 8:55 (1) **Report from Small Area Plan Ordinance Drafting Committee**
P/10

The purpose of this item is for the Mayor and Board of Aldermen to receive the recommendations of the Small Area Plan Ordinance Drafting Committee and to request Orange County to process Joint Planning Area agreement, plan, and map amendments, as well as zoning map and text amendments necessary to implement the recommended Facilitated Small Area Plan for Carrboro's Northern Study Area.

8:55 – 9:00 E. MATTERS BY TOWN CLERK

9:00 – 9:10 F. MATTERS BY TOWN MANAGER

9:10 – 9:20 G. MATTERS BY TOWN ATTORNEY

9:20 – 9:30 H. MATTERS BY BOARD MEMBERS

*The times listed on the agenda are intended only as general indications. Citizens are encouraged to arrive at 7:30 p.m. as the Board of Aldermen at times considers items out of the order listed on the agenda.

BOARD OF ALDERMEN

ITEM NO.: B(2)

AGENDA ITEM ABSTRACT

MEETING DATE: JANUARY 20, 1998

SUBJECT: REQUEST TO SET A PUBLIC HEARING: VOLUNTARY ANNEXATION OF WEXFORD SUBDIVISION PHASE V

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	
ATTACHMENTS: PETITION FOR ANNEXATION LEGAL DESCRIPTION LOCATION MAP RESOLUTION	FOR INFORMATION CONTACT: ROY M. WILLIFORD, 968-7713	
THE FOLLOWING INFORMATION IS PROVIDED:		
(X) PURPOSE	(X) ACTION REQUESTED	() ANALYSIS
() SUMMARY	(X) RECOMMENDATION	

PURPOSE:

Timothy Hollerman, President of The Wexford Group, Inc., submitted a **PETITION FOR ANNEXATION** on November 03, 1997. The **PETITION FOR ANNEXATION** requests that 12.427 acres located at the intersection of Tramore and Wyndham Drives be annexed into the Town. The 12.427 acres to be annexed is contiguous to the Town of Carrboro and will have 236 dwelling units.

ACTION REQUESTED:

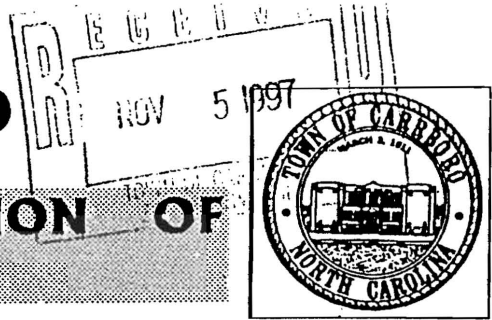
The Board of Aldermen is requested to set a public hearing for February 03, 1998 to consider the **PETITION FOR ANNEXATION** submitted by Timothy Hollerman.

RECOMMENDATION:

The Administration recommends that the Board of Aldermen adopt the attached resolution which sets a public hearing date for February 03, 1998.

TOWN OF CARRBORO

PETITION FOR ANNEXATION OF CONTIGUOUS PROPERTY



TO THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO:

- 1) THE UNDERSIGNED, BEING THE OWNER OF ALL REAL PROPERTY LOCATED WITHIN THE AREA DESCRIBED IN PARAGRAPH #2 BELOW, REQUESTS THAT SUCH AREA BE ANNEXED TO THE TOWN OF CARRBORO, NORTH CAROLINA.
- 2) THE AREA TO BE ANNEXED IS CONTIGUOUS TO THE TOWN OF CARRBORO, AND IS LOCATED AT WEXFORD SUBDIVISION - PHASE FIVE AND TAX MAP REFERENCED 7.109.. 16A. THE BOUNDARIES OF SUCH TERRITORY ARE AS SHOWN ON THE METES AND BOUNDS DESCRIPTION ATTACHED HERETO.
- 3) A MAP (NO LARGER THAN 18" X 24") OF THE FOREGOING PROPERTY, SHOWING ITS RELATIONSHIP TO THE EXISTING CORPORATE LIMITS OF THE TOWN, IS ALSO ATTACHED HERETO.
- 4) THE TOTAL ACREAGE AND DWELLING UNITS LOCATED ON THIS PROPERTY ARE AS FOLLOWS:

12.427 ACRES 18 DWELLING UNITS

RESPECTFULLY SUBMITTED THIS 3rd DAY OF November, 1997.

NAME:	<u>THE WEXFORD GROUP, INC.</u>
ADDRESS:	<u>124 COBBLESTONE DR, CHARL HILL, NC 27516</u>
OWNER/PRESIDENT:	<u>[Signature]</u> PRESIDENT

ATTEST: [Signature] SECRETARY

I, Sarah W. Williamson, Town Clerk of the Town of Carrboro, do hereby certify that the sufficiency of the above-reference petition has been checked and found to be in compliance with G.S. 160A-31.

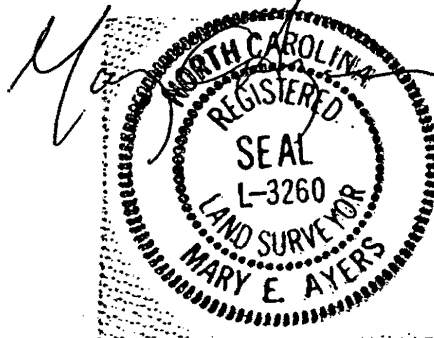
This the 20th day of January, 19 98.

TOWN CLERK: [Signature]

Legal Description: Phase Five, Wexford Subdivision, Chapel Hill Township, Orange County, NC

Beginning at an Existing Iron Pin on the Northern Right-of-Way of Tramore Drive, a 60' Paved Public Right-of-Way, the Southeast corner of Lot 56, Phase Four, Wexford Subdivision, as recorded in the Orange county Registry of Deeds in Plat Book 75, page 159; thence with the eastern boundary of Lot 56 N 22°13'49" E 33.46' to an existing iron pin; continuing thence with the eastern boundary of said Lot 56 N 00°58'17"E 155.79' to an existing iron pin at the Northeast corner of said lot and on the southern boundary of the Clyde Hutchins Heirs Subdivision; thence with the southern boundary of Hutchins S 89°08'14"E 208.27' to an existing iron pin, continuing thence along the boundary with Hutchins S 89°08'15"E 359.70' to an existing iron pin, a mutual corner with the property of Curtis Preston Hogan; thence with the western line of Hogan S 01°38'14" E 509.84' to an existing iron pin, the southwest corner with Hogan; thence with the southern boundary of Hogan S 88°07'08"E 73.12' to a new iron set, said new iron being located on or near the western edge of a 68' Duke Power Transmission Line Easement; thence with the western line of said easement S 04°24'51"E 221.25' to a new iron set on the Northern Right-of-Way of Tramore Drive; thence crossing said Tramore Drive S 18°37'19"W 61.84' to a new iron set on the Southern Right-of-Way of Tramore Drive; thence S 01°22'11"W 169.91' to an existing iron pin, the Northeast Corner of the property of The Williams Woods Group, LLC.; thence with the Northern line of said Williams Woods Group S 86°13'53"W 448.68' to an existing iron pin; thence S 87°15'33"W 70.91' to an existing iron pin, the Southeast corner of Lot 68, Phase Four, Wexford Subdivision; thence along the eastern boundary of Lots 68, 67, 66 and 65, N 06°44'50"W 501.23' to an existing iron pin, the southeast corner of Lot 65; thence N 07°00'05"W 104.51' to an existing iron pin, the southeast corner of Lot 63, Phase Four, Wexford; thence with the eastern boundary of Lot 63 N 40°21'10"E 86.57' to an existing iron pin in the Southern Right-of-Way of Tramore Drive; thence along and with said Right-of-Way, a curve to the left, having a radius of 567.09', an arc distance of 191.26' and a chord and chord bearing of N 59°18'29"W 190.36' to an existing iron pin; thence crossing Tramore Drive N 33°24'15"E 61.29' to the Point and Place of Beginning, being the tract known as Phase Five, Wexford Subdivision, and having an area of 12.427 Acres.

This legal description prepared from an actual field survey and hereby certified this day of January 13, 1998, by Mary E. Ayers, NC RLS #3260.



RLS 3260

LOCATION MAP

Phase Five Wexford Subdivision

Existing
City Limits

12.427 Acres
No Units
TMBL # 7.109..16A

Area to be
annexed

Existing
City Limits

" This map is not a certified survey and no reliance may be placed in its accuracy."

Graig M. Harmon

Graig M. Harmon, GIS Specialist

The following resolution was introduced by Alderman _____ and duly seconded by Alderman _____.

A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
WEXFORD SUBDIVISION, PHASE V
UPON THE REQUEST OF THE PROPERTY OWNERS
Resolution No. 20/97-98

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Phase V of the Wexford Subdivision requesting that their property be annexed to the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on February 3, 1998 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 1998:

Ayes:

Noes:

Absent or Excused:

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Hank Anderson.

**A RESOLUTION SETTING A PUBLIC HEARING TO
CONSIDER THE ANNEXATION OF
WEXFORD SUBDIVISION, PHASE V UPON THE
REQUEST OF THE PROPERTY OWNERS
Resolution No. 20/97-98**

WHEREAS, the Town of Carrboro has received a petition from the owner(s) of Phase V of the Wexford Subdivision requesting that their property be annexed to the Town of Carrboro; and

WHEREAS, the Town Clerk has certified that the petition requesting the annexation of this property is sufficient in all respects under G.S. 160A-31.

NOW, THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO RESOLVES:

Section 1. The Board of Aldermen hereby accepts this petition and shall hold a public hearing on February 3, 1998 to consider the voluntary annexation of this property.

Section 2. The Town Clerk shall cause a notice of this public hearing to be published once in the Chapel Hill News at least ten (10) days prior to the date of the public hearing.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 20th day of January, 1998:

Ayes: Hank Anderson, Hilliard Caldwell, Diana McDuffee, Jacquelyn Gist, Michael Nelson, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: None

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: January 20, 1998

SUBJECT: Report from the Small Area Planning Ordinance Drafting Committee

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u>
ATTACHMENTS: Committee Charge Memo from Mike Brough 1/12/98 Adjusted Acreage Methodology Appearance Commission Recommendations	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713 Mike Brough, 929-3905
THE FOLLOWING INFORMATION IS PROVIDED: (x) Purpose (x) Action Requested (x) Analysis (x) Summary () Recommendation	

PURPOSE:

The first purpose of this item is for the Board of Aldermen to receive a report on the status of the draft ordinance recommendations under review by the Small Area Plan Ordinance Drafting Committee. The second, in keeping with the approved timetable, is to request Orange County to process the Joint Planning Area agreement, plan, and map amendments as well as a zoning map amendment necessary to implement the recommended Facilitated Small Area Plan for Carrboro's Northern Study Area accepted by the Board of Aldermen on August 19, 1997. The committee is currently in the process of finalizing zoning map amendment recommendations and will hopefully provide its recommendation later this month or early next month.

SUMMARY/ANALYSIS:

The Carrboro Board of Aldermen appointed the Small Area Plan Ordinance Drafting Committee on September 16, 1997. The Committee held its first meeting on September 30, 1997 and has accomplished the following tasks(in draft form) since that time:

1. **Adjusted Tract Acreage**-Devised an ordinance amendment that requires density to be computed on a net density basis rather than on the current gross density method. The net density is derived by deducting from the gross acreage of the tract the sum total of weighted primary constraints(floodways, wetlands, major rock formations, steep slopes, utility transmission right-of-ways, floodplains, and moderately steep slopes) from the total area within the tract and dividing the remaining area by the minimum square feet per dwelling unit associated with the zoning of the tract.
2. **Yield Plan Approach**-Proposes that properties not served by OWASA(i.e. uses a septic system) determine the allowable density by submitting a conceptual layout or yield plan of the single family subdivision for approval by the town.
3. **Traditional Neighborhood**-As recommended by the facilitated plan, the committee created a "Village Floating Zone"(TN-Traditional Neighborhood Zone) that encourages the development of mixed use villages for future residential developments in the transition area. The committee

proposes to accomplish this by using the conditional zoning process to link the rezoning of the property with a specific master plan or conditional use permit site plan. The concurrent review of the rezoning application and master plan will be processed according to the same standards applicable to other zoning amendments. The development of the "Traditional Neighborhood" must conform to the town's traditional neighborhood guidelines or standards

4. **Open Space**-Continue to require 40% open space for all residential developments that includes primary and secondary conservation areas.
5. **Affordable Housing Density Bonuses**-The committee formulated density incentives for applicants that provide affordable housing as part of their development at a ratio of 1 additional market rate house for each affordable house not to exceed 150% of the net allowable density for the tract. In order to qualify as "affordable housing" the units must be offered at a price affordable to families with an income at or below 80% of the median income for a family of four for the Raleigh-Durham-Chapel Hill MSA and conform to the towns design guidelines or standards for affordable housing.
6. **Mixed Use Housing Density Bonus**- Residential units provided above mixed use commercial developments can be provided without regard to the density limitations of the tract.
7. **Office/Assembly Conditional Use District**-The O/A CU district provides a floating zone for business/office/component assembly uses. This is a conditional use zone that requires the simultaneous review of the rezoning petition and conditional use permit under the procedures applicable to conditional use permit applications with legislative procedures applicable to the requested rezoning. The Committee is in the process of refining the uses allowed in this zone.
8. **"Good Neighbor" Performance Standards**-The Committee has completed the first round of review on the "Good Neighbor" Performance Standards and the drafting of the ordinance is underway and should be completed by early February. The committee has determined that these standards will apply to the Office/Assembly Conditional Use District and is exploring their applicability to the mixed use commercial areas.
9. **Design Guidelines or Standards**-The Appearance Commission has reviewed the guidelines or standards provided by Randall Arendt under appendices K, L, and M(see attached comments). The Committee anticipates that several meetings will be required in order to complete their review of these guidelines with additional review by the appearance Commission. Hopefully, the guidelines or standards will be ready for the boards review in March of 1998 and processed as a text amendment requiring a 30 day review by Orange County.
10. **Advisory Planning Board to the Planning Board for the Transition Area**-This item still needs to be addressed by the committee but can be processed as a text amendment requiring a 30 day review by Orange County.
11. **Rogers Road Joint Planning Boundary**-The committee has not addressed this issue; however, since this change requires coordination with and a mutual decision by all 3 governing boards, a recommendation to shift the line will require implementation outside the scope of the tasks that are before the committee.
12. **Base Zoning**-The committee has not completed its review of the base zone applicable to the small area study area. This recommendation will hopefully be completed by later this month or early next month. The base zone will require joint approval by Orange County and Carrboro following a joint public hearing conducted by the two entities.
13. **Joint Planning Amendments**-the implementation and/or adoption of the recommended Small Area Plan will require a joint public hearing and action by the relevant governing boards accordingly:
 - i) **Joint Planning Area Agreement Amendments** requiring approval by Carrboro, Chapel Hill, & Orange County. Carrboro should adopt and forward to Orange

County the attached resolution entitled "Joint Planning Agreement Amendment" which requests that:

- a) The 1-unit per acre cap on density within Carrboro's transition area II be eliminated;
 - b) Provide for the approval of floating zones(rezoning procedure) by Carrboro without joint action by Orange County.
- ii) **Joint Planning Area Land Use Plan Amendments** requiring approval by Carrboro, Chapel Hill, & Orange County need to be acted in order to adopt by reference the Small Area Land Use Plan and to delete language that caps density within Carrboro's Transition Area II to I unit per acre. Carrboro should adopt the resolution entitled "A Resolution Amending the Joint Planning Area Land Use Plan" to request these changes to the Joint Planning Area Land Use Plan.
- iii) **A Joint Planning Area Zoning Map Amendment** requiring approval by both Carrboro and Orange County needs action by the respective governing boards before changes can be made to the base zoning in conformity with the amended joint planning area agreement and land use plan. The committee needs to recommend a base zone and the Board of Aldermen should adopt the attached ordinance entitled "An Ordinance Amending the Official Zoning Map Applicable to the Town of Carrboro's Transition Area" following the adoption of the above referenced joint planning agreement and plan amendments. The zoning map amendments preferably could be considered at the joint planning public hearing conducted in the spring.
- iv) **Carrboro Land Use Ordinance Text Amendments** require adoption by Carrboro following a 30 day review period without objection from Orange County. As a practical matter all of the Joint Planning changes should be in place before the text is amended. The text amendments are contained in the attached ordinance entitled "An Ordinance Amending the Carrboro Land Use Ordinance to Implement the Recommendations of the Facilitated Small Area Plan for Carrboro's Northern Study Area". The town is not required to submit these amendments before the Joint Planning Process; however, they do provide an explanation supporting the requested JPA amendments.

Action Requested:

The Small Area Planning Ordinance Drafting Committee requests that the Board of Aldermen adopt the resolutions entitled "Joint Planning Agreement Amendment" and "A Resolution Amending the Joint Planning Area Land Use Plan" and authorize the Town Manager to request Orange County to process the amendments to the Joint Planning Agreement and Land Use Plan as directed by the resolutions for a Joint Public Hearing to be conducted in April of 1998.

The committee further requests that the final recommendations of the Ordinance Drafting Committee as to base zoning amendments, text amendments, and development guidelines/standards be reviewed by the Board of Aldermen as soon as they are complete.

CHARGE FOR AN ORDINANCE DRAFTING COMMITTEE

Description:

The Ordinance Drafting Committee shall be an ad hoc committee of the Board of Aldermen whose work shall begin upon the appointment of its members by the Board of Aldermen. The committee's work shall be completed within one year following its start up with an objective of completing its work within 6 months if at all possible. The Committee is further authorized to request funding from the Board of Aldermen needed to complete its task in a timely manner.

Purpose:

The Ordinance Drafting Committee will:

- a) Study and Review the Recommendations contained in the Draft Facilitated Small Area Plan for Carrboro's Northern Study Area;
- b) Determine and describe the nature of Ordinance Amendments needed;
- c) Propose Zoning Density and associated Zoning Map changes;
- d) Direct the town staff and Town Attorney to draft ordinance amendments that will implement the Draft Facilitated Small Area Plan for Carrboro's Northern Study Area;
- e) Provide the staff with direction on amendments to the Joint Planning Area Land Use Plan needed to implement the Plan and Ordinance Amendments;
- f) Recommend the adoption of land use ordinance and map amendments as well as related Joint Planning Agreement Amendments to the Board of Aldermen.

MEMORANDUM

TO: Roy Williford

FROM: Michael B. Brough

SUBJECT: Documents Necessary to Implement the Recommendations of the Small Area Plan

DATE: January 12, 1998

In order to implement the recommendations of the Small Area Plan, the following will have to be adopted:

1. An amendment to the Joint Planning Agreement that (i) eliminates the 1-unit per acre cap on density within Carrboro's transition area, and (ii) provides that the "floating zones" necessary to establish the traditional neighborhood areas and office/assembly districts recommended in the plan can be established by the Carrboro Board of Aldermen without requiring joint action by the Orange County Board of Commissioners. An amendment to the Joint Planning Agreement that accomplishes these objectives is enclosed.

2. The Joint Planning Area Land Use Plan needs to be amended to adopt by reference the Small Area Plan and to delete the language that caps density within Carrboro's Transition Area II at 1-unit per acre. A resolution amending the Joint Planning Area Land Use Plan is attached.

3. The official zoning map applicable to Carrboro's transition area needs to be amended to reflect the "base zoning" recommended by the drafting committee. Unlike the amendment to the Joint Planning Agreement and Joint Planning Area Land Use Plan, which require action by all three local governments, the amendment to the zoning map requires action only by Orange County and Carrboro. An ordinance accomplishing this amendment is attached. Of course, it cannot be adopted until the Joint Planning Area Land Use Plan is amended.

4. The amendments to the text of Carrboro's Land Use Ordinance recommended by the drafting committee must be adopted by the Carrboro Board of Aldermen without objection by the Orange County Board of Commissioners. The January 12, 1998 draft contains all of the recommendations of the committee, as amended, with the exception of the revisions to the "good neighbor performance standards." The ordinance draft has been provided to you with a separate memorandum to the committee. The remaining provisions will be drafted as soon as possible.

MEMORANDUM

TO: Small Area Plan Drafting Committee

FROM: Michael B. Brough

SUBJECT: Ordinance Draft, 1/12/98

DATE: January 12, 1998

The revised ordinance draft includes the following changes:

1. I have made a number of wording changes in Section 15-141.2(f)(1) to clarify the intent. A new subsection (g) has also been added to require that the developer show how the development will comply with the town's Design Guidelines For Traditional Neighborhood Districts.

2. Subsection 15-141.2(f)(3) was amended and a new subsection (4) added to clarify the procedures and review standards that are applicable, depending upon whether the applicant chooses to submit a master plan or a conditional use permit with the TN rezoning application. In either case, the Board may not approve the rezoning application unless it also approves the master plan or conditional use permit for the property.

3. Subsection 15-141.2(f)(5), which was previously subsection (4), has been modified (i) to clarify that a CUP for a traditional neighborhood mixed use may be denied, not only on the basis that it is inconsistent with the approved master plan, but also on the basis of other grounds specified in the ordinance, and (ii) to provide that a conditional use permit for a TN mixed use development may be denied, despite the fact that it is consistent with previously approved elements of the master plan, if a basis for denial is shown under Section 15-54(c)(4) by "clear and convincing evidence."

4. A new subsection 15-141.2(f)(6) has been added to provide that, with one exception, the master plan approved in conjunction with a TN rezoning may only be amended in accordance with the provisions applicable to a rezoning of the property in question. The exception is that, as provided in subsection 15-141.2(f)(5)(a), if the Board approves a conditional use permit that deviates from the previously approved master plan, that shall be deemed to amend the master plan. Thus, an applicant who wishes to submit an application for a conditional use permit that is not entirely consistent with a previously approved master plan has two choices. First, he can go through the rezoning process and submit a revised master plan. Presumably, that will be the course of action taken if there are substantial changes to the master plan. Second, he can submit a conditional use permit containing the deviations, but the Board of Aldermen is entirely free to deny the conditional use permit on the basis that it does not comply with the previously approved master plan. This route would probably be taken if the deviations were insubstantial.

tract," and by amending subsection (6) to limit the maximum size of commercial spaces to 2,000 square feet per floor.

6. Subsection 15-182.4(a) has been amended to add to the definition of "affordable housing" a requirement that, for purposes of obtaining the density bonus provided in that section, affordable housing must conform to the town's "Design Guidelines for Affordable Housing."

7. Section 10, which establishes an office/assembly conditional use district, has been substantially revised and clarified. Under this section, a property owner who wishes to make use of his or her property for purposes permissible within the O/A district could apply for rezoning to the O/A conditional use district. All the requirements of the O/A district apply, including a 5-acre maximum size limitation on the district. The applicant would be required to submit a conditional use permit so that the Board of Aldermen would be able to determine, before deciding whether to rezone the property, exactly what the applicant intended. The Board would be free to reject the rezoning application just as it could deny any rezoning request, but if it decides to rezone the property, it must simultaneously issue a conditional use permit. Of course, the property owner, like any conditional use permit recipient, could later seek to amend the permit. However, once the property is zoned O/A conditional use, it may not be used for any purpose except in accordance with the originally issued conditional use permit or an amendment to that permit approved in accordance with the procedures set forth in the ordinance (which require Board approval except for insignificant deviations).

8. Section 11 amends the table of permissible uses to specify that the office/assembly planned development is permissible only in office/assembly conditional use districts.

9. A new Section 12 has been added to amend Section 15-325(1) of the ordinance to recognize that, when a request is submitted to rezone property to a conditional use district, the Board may consider the specific use proposed for the property as demonstrated in the conditional use permit application when deciding whether to rezone the property.

ADJUSTED ACREAGE METHODOLOGY Section 15-182.3

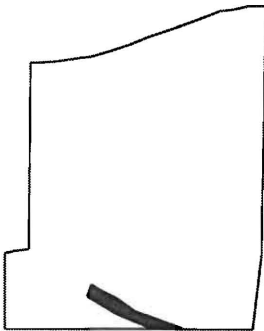
1. Calculate the gross acreage or gross square footage of the property:



**Gross square footage of the property =
2,052,547.2 square feet or 47.12 acres.**

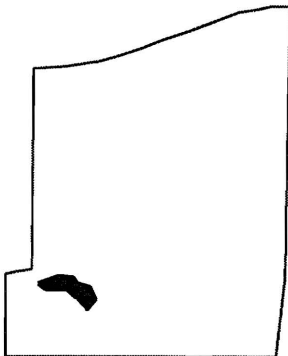
The next steps involve the identification and measurement of primary constraints associated with the property. Each constraint should be calculated separately and should exclude overlaps of previous constraints having the greatest deduction.

2. Identify Floodways(as defined by the Carrboro Land Use Ordinance Section 15-251), measure the total area in square feet and multiply this area by a factor of "1.0".



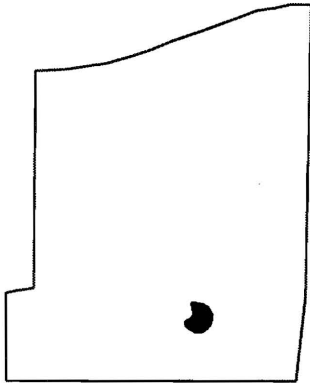
**Floodway \Rightarrow 33,049.79 square feet X 1.0 =
33,049.79 square feet.**

3. Identify Wetlands as defined by the National Wetlands Protection Act excluding areas previously constrained and multiply this area by a factor of "0.95".



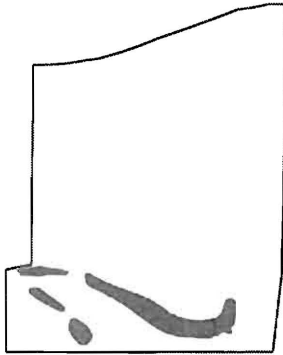
**Wetlands \Rightarrow 28,500.97 square feet X 0.95
= 27,075.92 square feet.**

4. Identify Major Rock Formations greater than 1,000 square feet in area excluding areas previously constrained and multiply this area by a factor of "0.90".



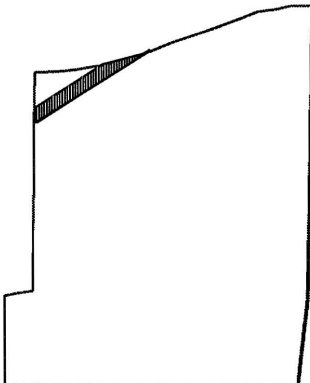
Major Rock Formations \Rightarrow 13,034.98 square feet X 0.90 = 11,731.48 square feet.

5. Identify areas with steep slopes exceeding 25% (1' vertical rise divided by a 4' horizontal run) excluding areas previously constrained and multiply this area by a factor of 0.80.



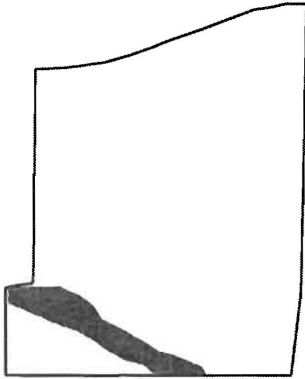
Steep Slopes > 25% \Rightarrow 83,250.88 square feet X 0.80 = 66,600.70 square feet.

6. Identify land traversed by high-tension electrical transmission lines (69 kilovolts or higher); including the area within the associated easement or right of way, excluding areas previously constrained, and multiply this area by a factor of 0.75.



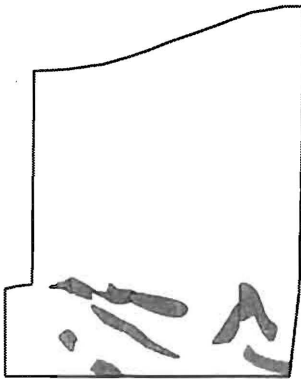
High Tension Electrical Transmission \Rightarrow 21,088.63 square feet X 0.75 = 15,816.47 square feet.

7. Identify land within the flood plain (as defined by the Carrboro Land Use Ordinance Section 15-251) excluding areas previously constrained and multiply this area by a factor of "0.5".



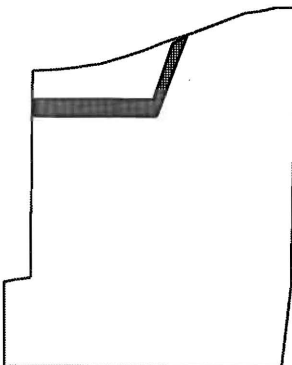
— **Floodplain \Rightarrow 81,887.72 square feet X 0.50 = 40,943.86 square feet**

8. Identify areas with moderate slopes ranging from 15% to 25% excluding areas previously constrained and multiply this area by a factor of 0.40.



— **Moderate Slopes >15% to 25% \Rightarrow 109,141.87 square feet X 0.40 = 43,656.75 square feet.**

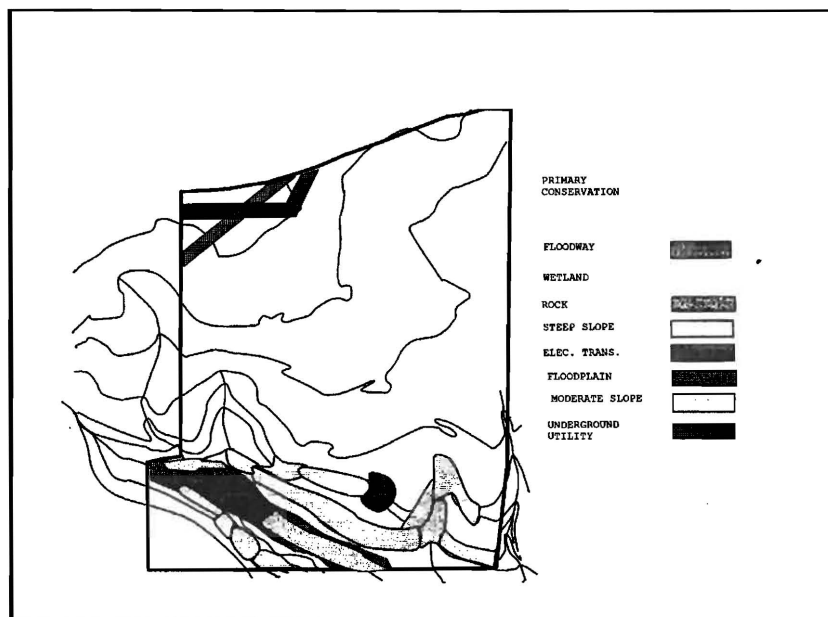
9. Identify areas traversed by underground utility line easements(not within the street right-of-way) excluding areas previously constrained and multiply this area by a factor of 0.30.



— **Underground Utility Line Easements \Rightarrow 29,828.33 square feet X 0.30 = 8,948.50 square feet.**

10. Finally, calculate the Net Density(# of units allowed) by adding the adjusted square feet for each constraint and subtract the total adjusted constraints from the total square footage of the tract; then divide the result by the number of square feet per unit required by the zone. Following is an example of the Net Density calculation:

	Acres	Sq. Ft.	Adjustment Factor	Adjustment
LOT	47.12	2,052,547.20	"15-182.3(c)"	
Primary Conservation Areas				
Floodways	0.76	33,049.79	1	33,049.7
Wetlands	0.65	28,500.97	0.95	27,075.9
Rock	0.30	13,034.98	0.9	11,731.4
Steep Slopes	1.91	83,250.88	0.8	66,600.7
High Tension Electrical Transmission	0.48	21,088.63	0.75	15,816.4
Flood Plains	1.88	81,887.72	0.5	40,943.8
Moderate Slopes	2.51	109,141.87	0.4	43,656.7
Underground Utility	0.68	29,828.33	0.3	8,948.5
Total	9.18	399,783.17		247,823.4
Lot Area-Adjustment Area				
	Net Area	Net Area		
2,052,547.2 Sq. Ft.-247,823.48 Sq. Ft. =	1,804,723.72			
Density				
Net Area /Required Sq. Ft for each Unit				
1,804,723.72 Sq. Ft. divided by 15,000 Sq. Ft./unit				
Total units Allowed = 120				



1/16/98

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
IMPLEMENT THE RECOMMENDATIONS OF THE FACILITATED SMALL AREA PLAN
FOR CARRBORO'S NORTHERN STUDY AREA

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The article and section references contained in this ordinance are to the Carrboro Land Use Ordinance.

Section 2. Article XII is amended by adding a new Section 15-182.3 to read as follows:

Section 15-182.3 Residential Density of Major Developments in Certain Districts.

(a) Notwithstanding the provisions of Section 15-182, when any tract of land within the R-10, R-15, R-20, and RR districts is developed under circumstances requiring the issuance of a special or conditional use permit, the maximum number of dwelling units that may be placed on that tract shall be determined in accordance with the provisions of this section.

(b) If the development is to be served by OWASA owned water and sewer lines, then the maximum number of dwelling units for any type of residential development other than an architecturally integrated subdivision shall be determined by dividing the adjusted tract acreage (calculated in accordance with the provisions of subsection (c) below) by the "minimum square feet per dwelling unit" associated with the zoning district of the property to be developed as set forth in Section 15-182. If the development is an architecturally integrated subdivision, then the maximum density shall be determined by dividing 85% of the adjusted tract acreage by the "minimum square feet per dwelling unit" associated with the zoning district of the property.

(c) The adjusted tract acreage shall be calculated by deducting from the gross acreage of the tract the sum total of each of the following areas that may be located within the tract in question. If an area within the tract qualifies under more than one of the following categories, then that area shall be included only within the one category that involves the most restrictive (i.e. the greatest) deduction.

- (1) Floodways: multiply the area within a floodway by a factor of 1.0.
- (2) Wetlands: multiply the area of designated wetlands by a factor of 0.95.
- (3) Major Rock Formations: multiply the area of major rock formations by a factor of 0.90.
- (4) Steep Slopes: multiply the area of land with natural ground slopes exceeding 25 percent by a factor of 0.80.
- (5) Land traversed by high-tension electrical transmission lines (69kv or higher): multiply the area within the power easement by a factor of 0.75.
- (6) Floodplains: multiply the 100 year floodplain by a factor of 0.5.

- (7) Moderately steep slopes: multiply the area with natural ground slopes of between 15 and 25 percent by a factor of 0.4.
- (8) Land traversed by underground utility lines (not within a street right of way): multiply the area within the easement (or if no easement exists, the area within ten feet on either side of the line) by a factor of 0.3.

(d) If the development is not to be served by OWASA owned water and sewer lines, then the maximum number of dwelling units shall be determined in reference to an actual yield plan prepared by the developer in accordance with the provisions of this subsection. The yield plan shall be a conceptual layout of a single family residential subdivision (containing proposed lots that meet the minimum lot size requirements of the district where the property is located, streets, easements, and other pertinent features) that could be developed within the tract in question in accordance with the provisions of this chapter. Although the yield plan must be drawn to scale, it need not reflect any great degree of site engineering. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the topography of the land and natural constraints, existing easements and encumbrances, and the applicable provisions of this chapter, particularly those relating to open space, recreational facilities, and street rights of way. In addition, the yield plan shall be prepared under the assumption that each lot will be served with an individual septic tank located on the same lot as the house it serves. The applicant shall submit evidence (in the form of a preliminary soils evaluation from Orange County or comparable information from a qualified source) that there appears to be sufficient suitable soil within each of the proposed lots to support a septic tank system serving at least a three bedroom house. When a yield plan meeting the requirements of this subsection has been submitted, the zoning administrator shall confirm this in a letter to the developer, which letter shall indicate the maximum number of dwelling units that can be developed on the tract in accordance with this subsection.

Section 3. Subsection 15-198(g) is amended by adding at the end of this subsection the following sentence: "However, if areas designated on the Carrboro Natural Constraints Map have not been set aside as open space, then the development plans shall otherwise provide for the preservation of such areas even though they may be located within privately owned lots (e.g. by specifying buildable areas within individual lots)."

Section 4. Article IX, Part I, is amended by adding a new Section 15-141.2 to read as follows:

Section 15-141.2 Traditional Neighborhood District Established

(a) There is hereby established a traditional neighborhood (TN) district. The purpose of this district is to provide for the development of a neighborhood containing a diverse mixture of housing types located in close proximity to a mixed use commercial area that serves and is integrated into the neighborhood.

(b) The TN district shall be a conditional use district authorized under N.C.G.S. 160A-382. 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.

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

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

- (1) Comprises at least twenty-five 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) Nothing in this section is intended to limit the discretion of the board of aldermen to deny an application to rezone property to a TN district if it determines that the proposed rezoning is not in the public interest.

(f) When a TN rezoning application is submitted (in accordance with Article XX of this ordinance), the applicant shall simultaneously submit either (i) a conditional use permit application for a traditional neighborhood mixed use development in accordance with the provisions of Section 15-176.1 of this chapter, or (ii) an application for approval of a master plan for the proposed traditional neighborhood 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 conditional use permit 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 traditional neighborhood mixed use development as set forth in Section 15-176.1 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 comply with the town's "Design Standards for Traditional Neighborhood Districts."
- (2) The planning board (and other advisory boards to which the board of aldermen may refer the application) shall review the proposed master plan or conditional use permit application at the same time it considers 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 or conditional use permit application before it is submitted to the board of aldermen.
- (3) If the applicant submits a proposed master plan (rather than a conditional use permit application) with the TN rezoning application, then:
- a. The rezoning application and master plan proposal shall be reviewed concurrently by the board of aldermen according to the same procedures and in accordance with the same standards applicable to other zoning amendments; and
 - b. The Board may not approve the TN rezoning application unless it simultaneously approves the master plan for the development of the property, subject to such reasonable modifications and conditions as the Board may impose in the exercise of its legislative discretion.
- (4) If the applicant submits a conditional use permit application (rather than a proposed master plan) with the TN rezoning application, then:
- a. The rezoning application and conditional use permit application shall be reviewed concurrently by the board of aldermen according to the same procedures and in accordance with the same standards applicable to other conditional use permit applications; and
 - b. The Board may not approve the TN rezoning application unless it simultaneously approves the conditional use permit application for the development of the property, which conditional use permit may be approved subject to reasonable conditions and requirements as set forth in Section 15-59.
- (5) If a TN rezoning application is approved with a master plan (rather than a conditional use permit), approval of the master plan under this section does

not obviate the need to obtain a conditional use permit for the traditional neighborhood mixed use development in accordance with the provisions of Section 15-176.1 of this chapter.

- a. In addition to other grounds for denial of a conditional use permit application under this chapter, a conditional use permit for a traditional neighborhood mixed use development may be denied on the basis that the application is inconsistent with the approved master plan. However, if the conditional use permit is approved, the board of aldermen shall be deemed to have amended the master plan to bring it into conformity with the conditional use permit.
 - b. No conditional use permit for a traditional 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 board of aldermen 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.
- (6) Subject to Subsection 15-141.2(f)(5)a, master plan approved under this section may only be amended in accordance with the provisions applicable to a rezoning of the property in question.

Section 5. Article XI, Part II is amended by adding a new Section 15-176.1 to read as follows:

Section 15-176.1 Traditional Neighborhood Mixed Use Developments

(a) In a traditional neighborhood mixed use development, a maximum of ten percent of the total gross acreage of the tract, or five acres, whichever is less, may be used for purposes permissible in the B-3T or OA districts, subject to any conditions or limitations (including limitations on the types of permissible uses) contained in the remaining provisions of this section, the Master Plan, or the conditional use permit that authorizes the development in question.

- (1) Within the portion of the tract developed for commercial purposes, the regulations (other than use regulations, which are governed by the provisions immediately above) applicable to property zoned B-3T shall apply except as otherwise provided in this section or as otherwise allowed by the board of aldermen in the approval of the conditional use permit for the development.
- (2) Commercial areas shall be located so they are easily accessible by pedestrians from as much of the residential areas as possible (preferably within 1,500 feet – a five minute walk). Nonresidential uses that are intended or expected to serve an area beyond the development itself shall be located to the extent practicable to permit vehicular access from outside the development without passing through residential streets.
- (3) Parking areas that serve commercial facilities shall be screened with a Type A screen from the view of public streets located outside the development.
- (4) If and to the extent that dwelling units are constructed above commercial uses in commercial areas, the additional vehicle accommodation area required to accommodate such residential uses shall not be treated as commercial area for purposes of the “cap” on commercial areas established by this section.
- (5) Commercial areas shall surround or be located adjacent to or across the street from a public park, green, or common, which area may be credited as part of the open space required of the development.
- (6) Within the commercial areas authorized under this section, buildings shall be designed and constructed so that each individual enterprise occupies (whether as tenant or owner occupant) an area of not more than 2,000 square feet per floor.

(b) Portions of the tract not developed in accordance with the provisions of subsection (a) above may be developed in accordance with the provisions of this chapter applicable to property that is zoned R-10, except as those provisions are modified by the provisions of this section or conditions imposed by the board of aldermen in the issuance of the conditional use permit.

- (1) The number of dwelling units permissible within the entire tract shall be determined in accordance with the provisions of Section 15-182.3 (as adjusted

by density bonuses awarded for providing affordable housing under Section 15-182.4), subject to the following:

- a. Areas used for commercial purposes shall *not* be subtracted from the adjusted tract acreage before determining permissible density;
- b. All dwelling units constructed above commercial uses in commercial areas (e.g. a second story apartment located above a first floor retail store or office) shall be permissible *in addition to* the number of dwelling units otherwise authorized under this section.

- (2) The residential portions of the development shall contain a mixture of housing types and ownership options so that the development provides housing opportunities for persons within as broad a range of income levels as is feasible. Different housing types and price ranges shall be intermixed rather than segregated.

(c) In approving a conditional use permit for a traditional neighborhood mixed use development, the board of aldermen shall ensure, by approval of a condition, phasing schedule, or otherwise, that the nonresidential portions of the development are occupied only in accordance with a schedule that relates occupancy of such nonresidential portions of the development to the completion of a specified percentage or specified number of phases or sections of the residential portions of the development. The purpose and intent of this provision is to ensure that the approval process for a traditional neighborhood mixed use development is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned primarily residential development.

Section 6. The first paragraph of subsection 15-198(h) is amended to read:

"If the area of open space required to be preserved under subsections (d), (e), and (f) does not exceed forty percent (40%) of the area of the development tract (20% in the R-2 district), then the permit issuing authority may require that the developer set aside from among the following categories an amount of open space equal to the difference between the amount of open space preserved under subsection (d), (e), and (f) and forty percent (40%) of the area of the development tract (20% in the R-2 district)."

Section 7. The first line of subsection 15-198(d) is amended by changing the phrase "50 lots" to "25 lots". Subdivision (3) of this same subsection is also amended by adding thereto the following new sentence: "The play fields required by this subsection shall be located such that 90% of the lots or dwelling units within any development that is required to install such play field are within 1,500 feet of a play field installed to meet the requirements of this subsection, unless the developer demonstrates by clear and convincing evidence that adherence to this requirement would not be feasible."

Section 8. Article XII is amended by adding a new Section 15-182.4 to read as follows:

Section 15-182.4 Residential Density Bonuses for Affordable Housing

(a) For purposes of this section, an affordable housing unit means a dwelling unit that (i) is offered for sale at a price that does not exceed two and one-half times an amount equal to eighty percent of the annual median income level for a family of four in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area, and (ii) conforms to the town's "Design Standards for Affordable Housing."

(b) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the provisions of subsection 15-182.3(b) shall be increased by two dwelling units for every one affordable housing unit included within the development, up to a maximum of 150% of the density otherwise allowable. To illustrate, if the maximum density of a tract would be 100 dwelling units considering only the provisions of subsection 182.3(b), a developer who chose to construct 10 affordable housing units as part of the development of that tract would be allowed to construct 10 additional dwelling units that did not satisfy the "affordability" criteria set forth in subsection (a), for a total density of 120 dwelling units. In this illustration, the maximum possible density that could be achieved would be 150 dwelling units if the developer constructed at least 25 affordable housing units.

(c) Within any development that provides affordable housing units, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units, subject to a maximum reduction of 50% in the amount of open space otherwise required.

(d) Affordable housing units constructed in accordance with this section shall be interspersed throughout the development rather than isolated in one area and segregated from the other dwellings that do not satisfy the "affordability" criteria set forth in subsection (a).

Section 9. Section 15-146 (Table of Permissible Uses) is amended by adding a new classification 32.000 entitled "Traditional Neighborhood Mixed Use Development" and by adding the following language across the table opposite this use classification: "Permissible only in Traditional Neighborhood Districts (See Section 15-141.2) pursuant to a conditional use permit."

Section 10. Section 15-136 is amended by adding a new subsection (11) to read as follows:

(11) O/A CU Office/Assembly Conditional Use. This district is identical to the O/A district and shall be subject to all regulations applicable to the O/A district (including but not limited to the performance standards set forth in Part 1 of Article XI) except as follows:

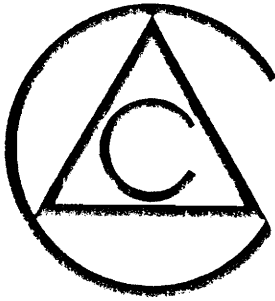
- a. This district shall be a conditional use district authorized under N.C.G.S. 160A-382. As such, property may be placed within this district only in response to a petition by the owners of all the property to be included.

- b. As indicated in the Table of Permissible Uses, the only permissible use within an O/A CU district is an office/assembly planned development, and an office/assembly planned development is permissible only in an O/A CU district.
 1. The applicant for an office/assembly planned development conditional use permit shall specify which of the use classifications generally permissible with an O/A district the applicant wants to make permissible within the proposed O/A CU district.
 2. Once a conditional use permit authorizing an office/assembly planned development has been issued, then individual tenants or occupants of the spaces or properties covered by the permit may occupy or use such individual spaces or properties without need for additional zoning, special use, or conditional use permits, so long as such use or occupancy is consistent with the approved conditional use permit including limitations on permissible use classifications approved pursuant to subsection 1 above or other conditions or limitations imposed as conditions pursuant to Section 15-59.
- c. When an O/A CU rezoning petition is submitted (in accordance with Article XX of this chapter), the applicant shall simultaneously submit a conditional use permit application for an office/assembly planned development.
 1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
 2. The board of aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications.
 3. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.
 4. The Board may not approve the rezoning application unless it simultaneously approves a conditional use permit for an office/assembly planned development, which permit may be issued subject to reasonable conditions and requirements set forth in Section 15-59.

Section 11. Section 15-146 (Table of Permissible Uses) is amended by adding a new classification 33.000 entitled "Office/Assembly Planned Development" and by adding the following language across the table opposite this use classifications: "Permissible only in Office/

Assembly Conditional Use Districts (see Subsection 15-136(11)) pursuant to a conditional use permit).”

Section 12. The first sentence of Subsection 15-325(1) is amended to read as follows: “Except when the request is to rezone property to a conditional use district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification.”




RECOMMENDATION

THURSDAY, JANUARY 8, 1998

The Appearance Commission has reviewed the draft copy of the Small Area Plan and provides the attached recommendations. The Commission requests that they also be given an opportunity to review and comment on the final draft copy of the Small Area Plan.

A motion to approve this recommendation was made by Jack Haggerty, Chairman and seconded by Alison Weiner. The vote was as follows: Ayes – (3) Jack Haggerty, Alison Weiner and Richard Taylor; noes (0). Absent/excused – Debbie Bevin, Mary Tippens, Wendy Wenck, and Ellen O'Brien.

 1/9/98
Approved Date

The Appearance Commission has reviewed the portion of the Northern Study Area report that was part of the memorandum we received dated 11/25/97. We offer the following comments.

Appendix C - In general the ideas advanced in the portion of this appendix titled "Overview" seem sound. The basic thrust is to allow developers to acquire density and intensity bonuses by meeting certain criteria. Our question is how and where would such bonuses be allowed. The commission is unfamiliar with the proposed zoning for the area under consideration. Will the proposed bonuses be available to any development, or must the development meet a certain minimum tract size, or will the number of these kinds of bonuses be limited, i.e.. only developments whose tract size exceed ten acres would qualify to pursue such bonuses and the total number of such developments shall not exceed 10 over the whole area under consideration?

The second and third sections of this appendix outline standards for residential and mixed use developments. The commission is wary of strongly proscriptive ordinances in aesthetic matters. Setbacks are clearly required, and perhaps height limitations. The screening of parking and the use of shared parking are also good ideas. The other criteria reviewed in this section, generally aesthetic, though often sound, are also subjective. Developments have been done differently, and done well. The Appearance Commission believes in allowing room for creativity. Many of the issues touched on in this section are discussed more fully in the "Illustrated Design Guidelines for Traditional Neighborhoods."

Appendix D - delete completely from ordinance and from any guidelines.

"Illustrated Design Guidelines for Traditional Neighborhoods." - The guidelines contain many strong recommendations which the Appearance Commission members support. Rather than go through each titled sheet, the commission supports clustered housing with a variety of housing types and sizes. The site design should respect the natural features of the tracts on which they are located and design around and not through them. Viewsheds should be valued, protected and enhanced. Utilities should be underground. The recommendations about the backs of houses or commercial developments towards main roads should be followed (such practices should be strongly discouraged if not outright eliminated.)

Given the amount of latitude that developers will have in the northern area, how much attention or guidance will be given for how the various developments fit together?

The Appearance Commission spent a fair amount of time discussing whether the provisions should be ordinance requirements or guidelines. It would be nice to say that they need only be guidelines, and that developers, if only presented with the guidelines, would immediately start proposing developments in accord with the appendices. During the last year the Appearance Commission has grown weary of large lot - single family home type developments with no variety of housing types and site designs that view natural features as impediments. We see these things in almost every submission that goes through the town approval process. The Board(s) of Aldermen approve these developments without much hesitation. The Commission can not tell if this happens because such developments meet the current ordinance and the Boards are satisfied with that, or that the Boards recognize that many people want single family homes on large lots (at least the people who can afford such things) and that the Boards accept that situation and haven't the political will or desire to alter the situation.

Given all of that, the commission feels that something stronger than guidelines are needed. Given the apparent disposition of the Board of Aldermen and the demonstrated tendency of most developers to do only what we see all the time, something stronger than guidelines are needed. Again, though the Appearance Commission is wary of proscriptive ordinances for fear they are at the expense of creativity, suggestions and guidelines may not be sufficient to save us from the large lot single family home future we see in every municipality around us.

Finally, the Appearance Commission found it difficult to review this material without context. The idea of floating zones, the option for developers to pursue density and intensity bonuses, the expected rapid expansion of population, etc. combine to make this all seem a grand experiment that could easily be derailed by a combination of n.i.m.b.y.ism and the tendency for developers to do the projects they have always done. The Commission looks forward to seeing the draft ordinance when it is completed and will in all likelihood have more comments after a review of that document.

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP APPLICABLE TO THE
TOWN OF CARRBORO'S TRANSITION AREA

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990; and

WHEREAS, pursuant to the Joint Planning Agreement, Carrboro prepared and Orange County adopted a Zoning Map for the Carrboro Transition Area; and

WHEREAS, under the Joint Planning Agreement, changes in zoning classifications that affect properties within the Carrboro Transition Area must be approved by both Carrboro and Orange County following a joint public hearing held by the two governing bodies; and

WHEREAS, A Small Area Plan that provides a framework for the future use of land within Carrboro's northern growth area was accepted by the Carrboro Board of Aldermen on August 19, 1997; and

WHEREAS, the Small Area Plan was the product of a four year planning process that involved numerous public officials, planners, and residents of the affected area, culminating in a two-day facilitated workshop sponsored by Orange County, Chapel Hill, and Carrboro; and

WHEREAS, the geographic area covered by the Small Area Plan includes Carrboro's Transition Area as identified in the Joint Planning Agreement, which area is also covered by the Joint Planning Area Land Use Plan; and

WHEREAS, The Small Area Plan was incorporated into the Joint Planning Area Land Use Plan by the joint action of Orange County, Chapel Hill, and Carrboro; and

WHEREAS, implementation of the recommendations contained in the Small Area Plan requires certain amendments to the Zoning Map applicable to properties within the Carrboro Transition Area;

NOW THEREFORE, THE [ORANGE COUNTY BOARD OF COMMISSIONERS]
[CARRBORO BOARD OF ALDERMEN] ORDAINS:

Section 1. The Zoning Map applicable to properties within the Carrboro Transition Area, as shown on Exhibit A, is hereby adopted by reference and supersedes the previous Zoning Map applicable to such properties, as shown on Exhibit B. All properties whose zoning classifications are changed by the adoption of Exhibit A are listed on Exhibit C, which identifies such properties and lists the previous and the new zoning classifications.

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

Section 3. This ordinance shall become effective upon adoption.

JOINT PLANNING AGREEMENT AMENDMENT

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990; and

WHEREAS, A Small Area Plan that provides a framework for the future use of land within Carrboro's northern growth area was accepted by the Carrboro Board of Aldermen on August 19, 1997; and

WHEREAS, the Small Area Plan was the product of a four year planning process that involved numerous public officials, planners, and residents of the affected area, culminating in a two-day facilitated workshop sponsored by Orange County, Chapel Hill, and Carrboro; and

WHEREAS, the geographic area covered by the Small Area Plan includes Carrboro's Transition Area as identified in the Joint Planning Agreement; and

WHEREAS, implementation of the recommendations contained in the Small Area Plan requires certain amendments to the Joint Planning Agreement;

NOW, THEREFORE, the Joint Planning Agreement is hereby amended as follows:

1. Section 1.2 (Definitions) of the Agreement is amended by deleting from subsection H ("Transition Area") everything after the first three sentences. (The deleted language divides Carrboro's Transition Area into Transition Area I and Transition Area II and prohibits the density of Transition Area II from exceeding one unit per acre until at least 75% of the area within Transition Area I meets certain developmental thresholds).

2. Section 2.1 (Standards Within the Transition Area) of the Agreement is amended by deleting the last sentence of paragraph B, which provides: "Transition Area II shall have density limited pursuant to Section 1.2H."

3. Subsection 2.6E of the Agreement is amended by rewriting the second sentence and by adding a new third sentence to read as follows: "With respect to property that is located within the CJDA Transition area, changes in zoning classifications, other than changes to the "floating" conditional use districts designed to implement the recommendations of the "Facilitated Small Area Plan for Carrboro's Northern Study Area (i.e. changes to Carrboro's Traditional Neighborhood conditional use district or Office/Assembly conditional use district) may not be made unless and until an ordinance approving such zoning map amendment has been approved both by Orange County and Carrboro following a joint public hearing by the two governing bodies. Changes to the foregoing conditional use districts within the CJDA Transition area may be approved by Carrboro without Orange County's concurrence, but subject to the provisions of Section 2.3 of this Agreement regarding permit administration."

THIS AMENDMENT TO THE JOINT PLANNING AGREEMENT is entered into this _____ day of _____, 1998.

A RESOLUTION AMENDING THE JOINT PLANNING AREA LAND USE PLAN

WHEREAS, Orange County, the Town of Chapel Hill, and the Town of Carrboro entered into a Joint Planning Agreement, dated September 22, 1987, as amended April 2, 1990; and

WHEREAS, pursuant to the Joint Planning Agreement, a Joint Planning Area Land Use Plan was adopted on October 13, 1986 by all parties to the Joint Planning Agreement, and has since been amended on several occasions; and

WHEREAS, A Small Area Plan that provides a framework for the future use of land within Carrboro's northern growth area was accepted by the Carrboro Board of Aldermen on August 19, 1997; and

WHEREAS, the Small Area Plan was the product of a four year planning process that involved numerous public officials, planners, and residents of the affected area, culminating in a two-day facilitated workshop sponsored by Orange County, Chapel Hill, and Carrboro; and

WHEREAS, the geographic area covered by the Small Area Plan includes Carrboro's Transition Area as identified in the Joint Planning Agreement, which area is also covered by the Joint Planning Area Land Use Plan; and

WHEREAS, implementation of the recommendations contained in the Small Area Plan requires certain amendments to the Joint Planning Area Land Use Plan;

NOW THEREFORE, THE [ORANGE COUNTY BOARD OF COMMISSIONERS] [CHAPEL HILL TOWN COUNCIL] [CARRBORO BOARD OF ALDERMEN] HEREBY RESOLVES THAT THE JOINT PLANNING AGREEMENT BE AMENDED AS FOLLOWS:

1. Section VII of the Plan ("Overview of Implementation Strategies") is amended on page 91 by adding under the heading "Coordination with other Plans" a second paragraph to read as follows: "Without limiting the generality of the foregoing, the "Facilitated Small Area Plan for Carrboro's Northern Study Area," accepted by the Carrboro Board of Aldermen on August 19, 1997, is specifically incorporated by reference into this Plan and supersedes any provisions of this Plan that are inconsistent with the Small Area Plan with respect to the CJDA Transition area."

2. Section V of the Plan ("Joint Planning Operating Principles") is amended on page 59 by deleting the entire first paragraph at the top of the page, which begins with "The portion of the Transition Area...." and includes numbered subparagraphs 1 through 5. (The deleted language divides Carrboro's Transition Area into Transition Area I and Transition Area II and prohibits the density of Transition Area II from exceeding one unit per acre until at least 75% of the area within Transition Area I meets certain developmental thresholds).

3. Section VI of the Plan ("Future Land Use - Joint Planning Area") is amended on page 71 by deleting from the first paragraph under the heading "Transition Areas" everything after the first two sentences. (The deleted language references and describes the division of Carrboro's Transition Area into Transition Area I and Transition II as described above).

This resolution shall become effective upon adoption by the governing bodies of Orange County, Chapel Hill, and Carrboro.

SMALL AREA PLANNING ORDINANCE DRAFTING COMMITTEE CALENDAR

September 16	Ordinance Drafting Committee Appointed
September 30	First Meeting(Introduction & Selection of Basic Ordinance Changes such as proposed densities, open space requirements and floating zone concepts)
October 1-15	Staff & Attorney prepare basic ordinance changes
October 16	Mail out agendas
October 27	Second Meeting(Discussion of basic amendments and direction given to staff on adjustments and additional ordinance measures)
Oct 23-Nov. 12	Planning Dept. to generate illustrations of ordinance changes and in concert with the Town Attorney, provide a list of considerations needed to fine tune the ordinance.
Nov. 13	Mail out agendas
Nov. 24	Third Meeting(Committee to review illustrations and list of other considerations and to provide direction on items needed to complete the ordinance)
Nov 20-Dec 10	Attorney prepares draft ordinance
Dec 3	Mail out agendas
Dec 11	Fourth Meeting & deliver agendas at meeting
Dec 17	Fifth Meeting(Committee reviews draft documents and provides direction needed for the final draft)
Dec 18-Jan 7	Staff prepares final documents
Jan 8	Mail out agendas
Jan 14	Final Meeting of Committee(Review & Recommend Ordinance to the Board of Aldermen)
Jan 15-16	Staff prepares agenda
Jan 16	Town Clerk Submits Agenda to Board of Aldermen
Jan 20	Board of Aldermen accept proposed ordinance and refer Plan & Ordinance to the Joint Planning Public Hearing Process
Jan 22	Orange County receives Carrboro's request to amend the Joint Planning Area Land Use Plan, Map, and Ordinance(deadline Jan. 26,1998)
Jan 28	SAP Ordinance Drafting Committee(Zoning Map Review & Recommendations)
Jan. 29	Staff/Committee report on recommended zoning map amendments- AGENDA ITEM DUE TO TOWN CLERK
February 2	Agency Comments Solicited; Application Accepted or Rejected
February 3	Bd of Aldermen receive Zoning Map amendment recommendations & forwards to the county.

Feb. 11	Committee works on design guideline recommendations.
February 17	Board of County Commissioners(BOCC) 3/5/98 abstract due
February 18	BOCC Agenda Review
February 23	Planning Board 3/5/98 Agenda Abstracts Due
February 24	Planning Board draft agenda
February 25	SAP Ordinance Drafting committee finalizes design guideline and ordinance recommendations
February 25	Planning Board Chair agenda review
February 26	Distribute Planning Board Agenda(Carrboro Chapel Hill & Orange County)
March 3	Aldermen set a public hearing on text amendments and refers to county for 30 day comment period.
March 4	Chapel Hill Planning Bd. Recommendation Send Legal Ad to paper regarding Text Amendments
March 5	BOCC(Notice Approval); Orange County Planning Board Review; Carrboro Planning Board Review
March 18	Hearing Notice to Newspapers/?Post Property?/and notify property owners
March 27	Publish Hearing Notice(1st)
April 3	Publish Hearing Notice(2nd)
April 3	Distribute Agendas to County and both towns
April 7	Send Legal Ad to paper regarding Text Amendments
April 8	JOINT PUBLIC HEARING
April 10	First Notice Published on Text amendments
April 17	Second Notice Published on Text amendments
April 21	Aldermen Conduct a Public Hearing on Text Amendments
April 28	Aldermen Adopt Text Amendments
April 30 May 11	Moratorium ends