

AGENDA
CARRBORO BOARD OF ALDERMEN
TUESDAY, OCTOBER 6, 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: September 22, 1998**

(2) **Request to Cancel Board Meetings**

The administration requests that the Board of Aldermen consider canceling its regular meetings scheduled for November 3rd and November 24th. November 3rd is Election Day and November 24th falls during the week of Thanksgiving. The administration would recommend that the Board have a meeting on the third Tuesday of November (November 17th).

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

D. PUBLIC HEARINGS

7:55 - 8:15 (1) **Ordinance Extending the Moratorium on the Processing of Special and
P/5 Conditional Use Permit Applications for Developments on Properties Within
 the Northern Study Area**

The purpose of this agenda item is to receive public comment on an ordinance to extend until either November 30, 1998 or December 31, 1998 the development moratorium that was established for the Northern Study Area on November 11, 1997.

8:15 - 8:35 (2) **Rezoning Request/103 Short Street
P/5**

The purpose of this agenda item is to review and receive public comment concerning a request for a minor map amendment that would change the zoning of property located at 103 Short Street from R-7.5 to B-2.

8:35 - 8:45 **BREAK**

E. OTHER MATTERS

8:45 - 9:30 (1) **Worksession to Discuss Part I of the Northern Study Area Implementation
P/15 Ordinance**

The Board of Aldermen will hold a worksession to discuss the status of the work of the Small Area Plan Ordinance Drafting Committee. The committee has completed the bulk of the tasks necessary to develop materials needed to implement the *Facilitated Small Area Plan for the Northern Study Area*. This meeting will provide an opportunity for staff to present Part I of a four-part presentation on the elements of the ordinance.

9:30 – 9:40
NP

(2) Town Code Amendment/Prohibition of Lawn Mowers on Sidewalks

The purpose of this item is for the Board of Aldermen to consider amending the Town Code to prohibit riding lawn mowers on sidewalks.

9:40 – 9:55
P/5

(3) Report on Development Review Process

The purpose of this item is to describe the development review processes undertaken by the town and to receive recommendations from the Board of Aldermen regarding approaches to streamlining the process.

9:55 – 10:00 F. MATTERS BY TOWN CLERK

10:00 – 10:10 G. MATTERS BY TOWN MANAGER

10:10 – 10:20 H. MATTERS BY TOWN ATTORNEY

10:20 – 10:30 I. 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: October 6, 1998

SUBJECT: Request to Cancel Board Meetings

DEPARTMENT: n/a	PUBLIC HEARING: YES ____ NO <u>x</u>
ATTACHMENTS:	FOR INFORMATION CONTACT: Sarah Williamson, 968-7705

PURPOSE

The administration requests that the Board of Aldermen consider canceling its regular meetings scheduled for November 3rd and November 24th. November 3rd is Election Day and November 24th falls during the week of Thanksgiving. The administration recommends that the Board have a meeting on the third Tuesday of November (November 17th).

ACTION REQUESTED

To consider canceling the November 3rd and November 24th Board meetings and to consider scheduling a Board meeting for November 17th.

BOARD OF ALDERMEN
AGENDA ITEM ABSTRACT

ITEM NO. D(1)

MEETING DATE: Tuesday, October 6, 1998

**SUBJECT: PUBLIC HEARING: "An Ordinance Extending Until [November 30, 1998]
[December 31, 1998] The Moratorium on the Processing of Special and Conditional
Use Permits for Developments on Properties within the Northern Study Area.**

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: Ordinance Map of Northern Study Area Letter from County Manager re: Moratorium Revised Schedule – Implementation of NSA Plan Planning Board Recommendation	FOR INFORMATION CONTACT: Patricia McGuire -- 968-7714 Mike Brough – 929-3905
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Analysis (X) Summary (X) Recommendation	

PURPOSE

To conduct a public hearing on an ordinance to extend until either November 30, 1998 or December 31, 1998 the development moratorium that was established for the Northern Study Area on November 11, 1997.

SUMMARY

On September 19, 1997, the Board of Aldermen requested that the Town Attorney draft an ordinance to establish a development moratorium in the Northern Study Area, those areas of the city limits and planning jurisdiction affected by a recently completed small area plan. That same evening the Board established an Ordinance Drafting Committee to develop regulations that would implement the *Facilitated Small Area Plan for Carrboro's Northern Study Area*. Recognizing that the ordinance drafting activities might create some uncertainty as to the effect of revisions to the land use ordinance on any pending development applications, a six-month moratorium was proposed. This moratorium was to prevent the review of any projects requiring Special or Conditional Use Permits in the Northern Study Area and preserve the status quo of major tracts of land located there.

The ordinance was submitted to Orange County for review, per the terms of the Joint Planning Agreement. The Orange County Board of County Commissioners considered the ordinance at their meeting on November 3, 1997 and took no action objecting to the proposed moratorium.

On November 11, 1997, a public hearing was held on the ordinance to establish a six-month moratorium. The Board of Aldermen adopted the ordinance. The vote on the issue was four affirmatives and two negatives, with Aldermen Shetley and Caldwell casting the dissenting votes.

On January 20, 1998, the Board received a report from the Ordinance Drafting Committee. The report provided information on the status of the committee's work, as well as an overview of the joint planning amendments needed for the plan to be incorporated in the Joint Planning Area Land Use Plan. The Board endorsed the amendments and forwarded them to Orange County for consideration at the Joint Planning Public Hearing scheduled for April 8, 1998.

On March 24, 1998, the Board met with the Ordinance Drafting Committee to review the committee's progress. Additional work on implementing mechanisms was expected to take four or five months.

The Joint Planning Public Hearing was held on April 8, 1998 at Carrboro Elementary School and the review items were forwarded to the Planning Boards of Orange County, Chapel Hill, and Carrboro for their recommendations. Final decisions on the proposed map and text amendments were expected by late June.

Realizing that the moratorium was scheduled to expire on May 11, 1998, staff discussed the need for extending the moratorium to provide adequate time for preparation and adoption of implementing ordinances. The Board of Aldermen discussed this issue, directed staff to prepare an ordinance extending the moratorium until September 30, 1998, and set a public hearing date of May 12, 1998. Copies of the ordinance were submitted to Orange County and the Town's Planning Board for review. The Board of County Commissioners reviewed the ordinance on May 6, 1998 and had no comment. The Planning Board recommended approval of the ordinance.

The ordinance was considered at a public hearing on May 12, 1998, at which time the Board of Aldermen voted to approve an extension for the period May 12, 1998 to September 30, 1998. The vote on the extension was six affirmatives and one negative, with Aldermen Caldwell dissenting.

Final decisions on all Joint Planning items, including the incorporation of the Facilitated Plan, were made by the Carrboro Board of Aldermen and Chapel Hill Town Council by late June, however it was not possible for the Orange County Planning Board to review the items until their meeting on July 15, 1998. At that time, the Planning Board voted unanimously to not recommend the amendments. During their review, there was some interest expressed in reviewing the ordinance drafts in conjunction with the plan, rather than separately. The Orange County board of Commissioners has not yet made a final decision on any of the JPA items.

The Ordinance Drafting Committee has met eleven times since the moratorium was extended on May 12, 1998. Despite this rigorous schedule, additional work remains to be done in order to complete the package of materials needed to implement the recommendations of the Facilitated Plan. This work is expected to be completed by early November. As it now appears that the necessary amendments cannot be adopted until November or December at the earliest, an extension of the development moratorium is warranted.

Per the terms of the Joint Planning Agreement, a copy of the ordinance was sent on September 9, 1998 to Orange County for their review. The Board of County Commissioners determined that they should make a final decision on the JPA item allowing development moratoria prior to commenting on this proposed extension. The Board of County Commissioners adopted the JPA amendment during a special meeting held on September 30, 1998. Per the terms of the amendment, the Commissioners will need to approve the moratorium, following its adoption by the Board of Aldermen. The Board of County Commissioners is scheduled to meet on October 6, and in order to prevent a delay of several weeks between the action of the two Board's actions, is prepared to consider a vote of approval that evening. A member of the Orange County planning staff will attend Carrboro's public hearing and report actions taken by the Board of Aldermen to the Orange County Board of County Commissioners that night.

A copy of the revised schedule of the steps needed to implement the NSA plan is attached.

Per Section 15-322 of the Land use Ordinance, the ordinance was referred to the Planning Board for review. A copy of the Board's recommendation is attached.

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached ordinance to extend the development moratorium until December 31, 1998.

**AN ORDINANCE EXTENDING UNTIL [NOVEMBER 30, 1998] [DECEMBER 31, 1998]
THE MORATORIUM ON THE PROCESSING OF SPECIAL AND CONDITIONAL USE
PERMIT APPLICATIONS FOR DEVELOPMENTS ON PROPERTIES WITHIN THE
NORTHERN STUDY AREA**

WHEREAS, on November 11, 1997 the Carrboro Board of Aldermen adopted (by a vote of 4-2, with Aldermen Caldwell and Shetley dissenting) "An Ordinance Establishing A Moratorium On The Processing Of Special And Conditional Use Permit Applications For Developments On Properties Within The Northern Study Area," a copy of which is attached hereto; and

WHEREAS, the moratorium established by the above referenced ordinance was scheduled to expire on May 11, 1998 (six months after its adoption); and

WHEREAS, on May 12, 1998, the Carrboro Board of Aldermen adopted (by a vote of 6-1, with Aldermen Caldwell dissenting) an ordinance extending the moratorium until September 30, 1998, a copy of which is attached hereto; and

WHEREAS, despite diligent good faith efforts, the Small Area Plan Drafting Committee has been unable to complete its work on the ordinances it plans to recommend in order to implement the recommendations of the Small Area Plan, but this work should be completed by mid-September; and

WHEREAS, Orange County has informed the Town that the County wants the opportunity to review the ordinance drafts before the County decides whether to amend the Joint Planning Area Land Use Plan and the Joint Planning Agreement as requested by the Town; and

WHEREAS, it now appears that the ordinance amendments necessary to implement the Small Area Plan cannot be adopted until November or December at the earliest, and that an extension of the moratorium is warranted;

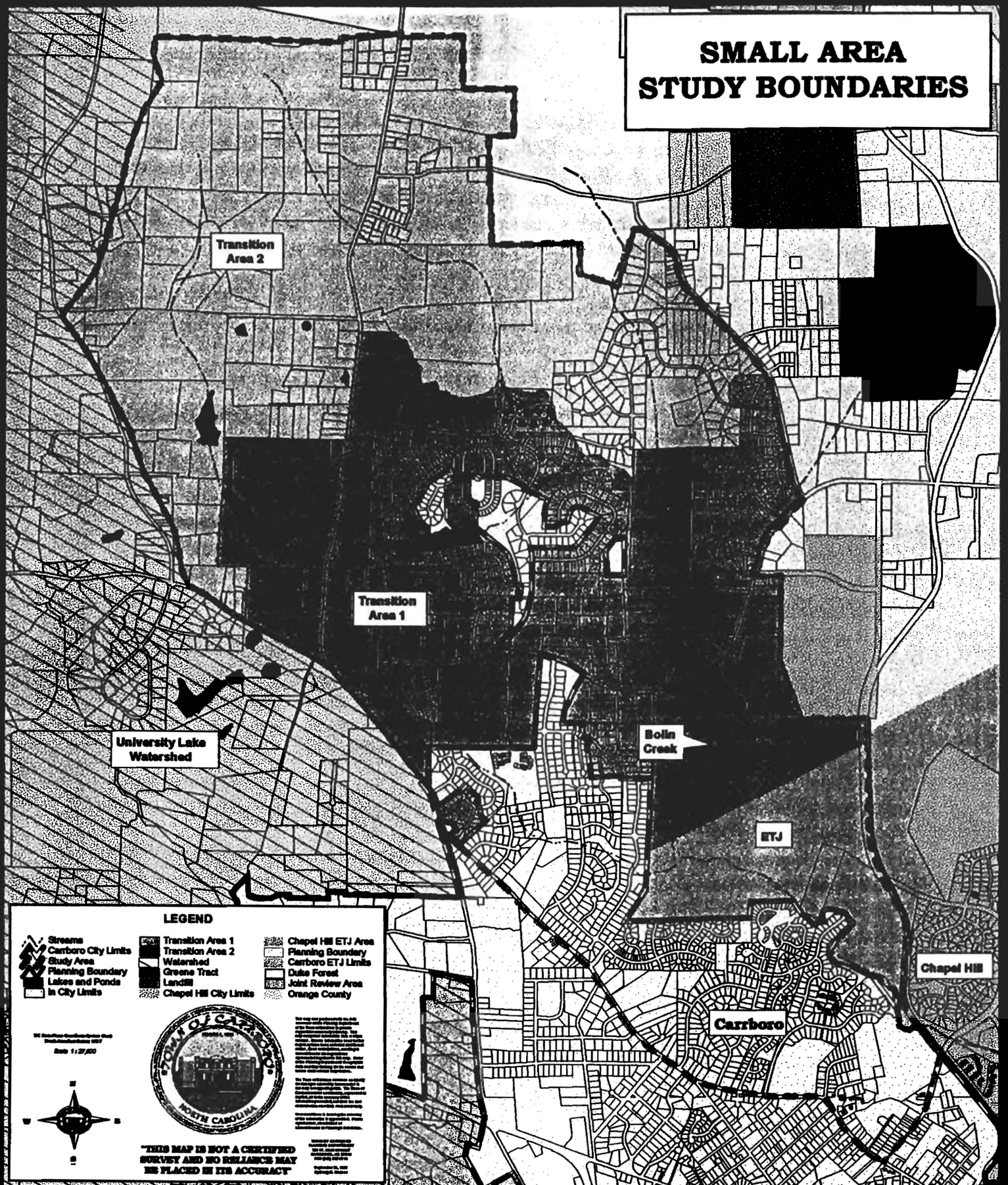
NOW THEREFORE, THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The moratorium on the processing of applications for special use permits and conditional use permits for developments within the Northern Study Area, as established by the above reference ordinance adopted on November 11, 1997, and as extended by the ordinance adopted on May 12, 1998, is further extended until [November 30, 1998] [December 31, 1998]. This moratorium shall apply to any permit applications submitted After September 30, 1998 but before the effective date of this ordinance.

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

Section 3. This ordinance shall become effective upon adoption unless Orange County files an objection pursuant to Section 2.6 of the joint Planning Agreement. If the County objects, then this ordinance shall not become effective unless and until the County adopts this ordinance as provided in Section 2.6c of the Joint Planning Agreement.

SMALL AREA STUDY BOUNDARIES



ORANGE COUNTY**HILLSBOROUGH
NORTH CAROLINA***Manager's Office**Established 1752*

October 1, 1998

Mr. Robert Morgan, Manager
Town of Carrboro
301 W. Main St.
Carrboro, N.C. 27510

Dear Bob:

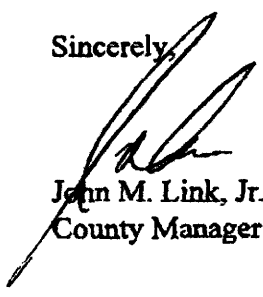
Last night the Board of County Commissioners adopted an amendment to the Joint Planning Agreement that establishes a mechanism for declaring development moratoria in the various portions of the Joint Planning Area, i.e., Carrboro and Chapel Hill Transition Areas and the Rural Buffer. This is the amendment presented at the April 8, 1998 JPA Public Hearing and subsequently adopted by Carrboro on May 26, 1998 and Chapel Hill on June 8, 1998.

The County Commissioners will consider Carrboro's request for extension of the development moratorium under the provisions of the amended Joint Planning Agreement. In that the Town's public hearing on October 6 is scheduled at the same time as the regular County Commissioners' meeting, the Commissioners have asked me to relay the following:

1. At the outset of the hearing, the Commissioners would like it announced that they are to consider a decision on the moratorium later in the evening at their meeting in Hillsborough. Citizens who wish to express their opinion on the moratorium (to the Commissioners) are invited to come to the meeting in Hillsborough and make their comments before the Commissioners render a decision.
2. An Orange County Planning Department staff person (probably Interim Planning Director, Gene Bell) will attend the public hearing.
3. Following the hearing this person will return to the Commissioners' meeting and report on the number of citizens speaking for and against the moratorium, the substance of their comments, and the Board of Aldermen vote on the proposal.

Please call if you have questions of if I can provide additional clarification.

Sincerely,


John M. Link, Jr.
County Manager

cc: Orange County Commissioners

AREA CODE (919) 732-8181 • 968 -4501 • 688-7331 • 227-2031 • FAX (919) 644-3004
Ext. 2300

NORTHERN STUDY AREA FACILITATED PLAN PROPOSED IMPLEMENTATION SCHEDULE

Meeting Dates and Deadlines

September 21, 1998 – Mike Brough completed draft of ordinance changes.

September 22, 1998 – Ordinance is distributed to the Ordinance Drafting Committee (ODC) and Board of Aldermen.

September 30, 1998 – Board of County Commissioners adopts JPA 1-98 to allow development moratoria in order to consider Carrboro's request to extend the moratorium.

Month of October, 1998 – Staff meets with subcommittee(s) of ODC to complete architectural and affordable housing standards and prepares analysis of ordinance

October 6, 1998 – (1) Staff reviews ordinance with Board of Aldermen (Part I).

(2) Board of Aldermen holds public hearing on development moratorium and extends moratorium until December 30, 1998.

(3) Following notice of Board of Aldermen action, either via an emissary or some other means, the Board of County Commissioners approves Carrboro's establishment of a development moratorium. This is considered a new development moratorium under the JPA agreement.

October 13, 1998 – Staff reviews ordinance with Board of Aldermen (Part II).

October 27, 1998 – Staff reviews ordinance with Board of Aldermen (Part III).

October 28, 1998 – The ODC meets to review ordinance.

November 4, 1998 – The ODC completes its review of ordinance.

November 5, 1998 – Ordinance and staff analysis submitted to Orange County Planning Board for their review in association with final decision on Carrboro-related JPA amendments.

November 10, 1998 – Staff reviews ordinance with Board of Aldermen (Part IV).

November 11, 1998 – Orange County Planning Board reviews ordinance and JPA items.

November 17, 1998 – Board of Aldermen worksession and Request-to-set on ordinance.
Recommended date of public hearing is December 15, 1998.

November 30, 1998 – Moratorium expires, if extended for two months.

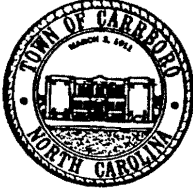
December 1, 1998 – Board of County Commissioners consider proposed ordinance and JPA amendments.

December 3, 1998 – Joint Review – NSA ordinance.

December 15, 1998 – Public hearing on ordinance.

December 31, 1998 – Moratorium expires, if extended for three months.

Planning Department – October 2, 1998/pjm



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

October 01, 1998

DEVELOPMENT MORATORIUM EXTENSION ORDINANCE

MOTION WAS MADE BY ADAM SEARING AND SECONDED BY TOY CHEEK THAT THE PLANNING BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN EXTEND THE DEVELOPMENT MORATORIUM UNTIL DECEMBER 31, 1998.

VOTE: AYES 6 (Marshall, Rodemeir, Cohen, Cheek, Searing, Bateson);
NOES 2 (Russell, Presler); ABSENT/EXCUSED 0.

Andy Cohen, Chairman (date)

Statement for the Carrboro Board of Aldermen
October 6, 1998

Nicholas M. Didow, Chair
Chapel Hill/ Carrboro City Schools Board of Education

At the School Board meeting last Thursday evening we briefly discussed the matter of extending the moratorium on development in the northern portion of Carrboro's planning jurisdiction for an additional two or three months. We have an interest in this issue because a blanket extension of the moratorium could have an adverse impact on the timely completion of the middle school to be constructed off Homestead Road. This middle school is badly needed with McDougale Middle School already substantially over capacity, Phillips Middle School at capacity, and Culbreth Middle School filling up quickly day by day. We are already one year behind in this project due to a protracted search for a suitable site. I hope you share my sense of urgency, and my appreciation for the merits of this middle school project.

Although simply not extending the moratorium would clearly remove this added complication, there are two other options that my board asked be respectfully communicated to you for your consideration. First, you could exempt all public facilities in general, or this proposed project in particular, from the moratorium. Or, second, if you do extend the moratorium, you could do so while allowing the Town Manager to accept and evaluate applications during the moratorium, but not to approve any applications. Either of these would allow us to make timely progress on the middle school project.

Thank you for your consideration of these suggestions. We look forward to working effectively with you on the middle school project and on other matters that are important to this community.

PUBLIC HEARING SIGN-UP SHEET

DEVELOPMENT MORATORIUM

(IF YOU WISH TO SPEAK REGARDING THIS MATTER, PLEASE SIGN BELOW.)

OCTOBER 06, 1998

✓ 1. Nick Didlow - School Bd	16.
2. Heidi Aycock	17.
3. Star Snagg	18.
4. Madeline Mitchell	19.
5. Steve Matson	20.
6. ERWIN GOTZWILLER - storm water run-off	21.
✓ 7. Gloria Faley	22.
8. JEF	23.
✓ 9. Jackie Allen	24.
✓ 10. David Malone	25.
11.	26.
12.	27.
13.	28.
14.	29.
15.	30.

The following ordinance was introduced by Alderman Alex and duly seconded by Alderman Hilliard Caldwell.

**AN ORDINANCE EXTENDING UNTIL DECEMBER 31, 1998 THE MORATORIUM
ON THE PROCESSING OF SPECIAL AND CONDITIONAL USE PERMIT
APPLICATIONS FOR DEVELOPMENTS ON PROPERTIES WITHIN THE
NORTHERN STUDY AREA**

Ordinance No.

WHEREAS, on November 11, 1997 the Carrboro Board of Aldermen adopted (by a vote of 4-2, with Aldermen Caldwell and Shetley dissenting) "An Ordinance Establishing A Moratorium On The Processing Of Special And Conditional Use Permit Applications For Developments On Properties Within The Northern Study Area," a copy of which is attached hereto; and

WHEREAS, the moratorium established by the above referenced ordinance was scheduled to expire on May 11, 1998 (six months after its adoption); and

WHEREAS, on May 12, 1998, the Carrboro Board of Aldermen adopted (by a vote of 6-1, with Aldermen Caldwell dissenting) an ordinance extending the moratorium until September 30, 1998, a copy of which is attached hereto; and

WHEREAS, despite diligent good faith efforts, the Small Area Plan Drafting Committee has been unable to complete its work on the ordinances it plans to recommend in order to implement the recommendations of the Small Area Plan, but this work should be completed by mid-September; and

WHEREAS, Orange County has informed the Town that the County wants the opportunity to review the ordinance drafts before the County decides whether to amend the Joint Planning Area Land Use Plan and the Joint Planning Agreement as requested by the Town; and

WHEREAS, it now appears that the ordinance amendments necessary to implement the Small Area Plan cannot be adopted until November or December at the earliest, and that an extension of the moratorium is warranted;

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

Section 1. Subject to Section 2, the moratorium on the processing of applications for special use permits and conditional use permits for developments within the Northern Study Area, as established by the above reference ordinance adopted on November 11, 1997, and as extended by the ordinance adopted on May 12, 1998, is further extended until December 31, 1998. This moratorium shall apply to any permit applications submitted after September 30, 1998 but before the effective date of this ordinance.

Section 2. The moratorium shall not prevent the Town from processing an application for a conditional use permit submitted by a local governmental unit. However, no conditional use

permit shall be issued by the Board of Aldermen until the moratorium expires.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption unless Orange County files an objection pursuant to Section 2.6 of the joint Planning Agreement. If the County objects, then this ordinance shall not become effective unless and until the County adopts this ordinance as provided in Section 2.6c of the Joint Planning Agreement.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this the 6th day of October, 1998:

AYES: Alex Zaffron, Hilliard Caldwell, Mike Nelson, Diana McDuffee, Jacquelyn Gist, Allen Spalt

NOES: NONE

ABSENT/EXCUSED: Hank Anderson

AN ORDINANCE EXTENDING UNTIL [NOVEMBER 30, 1998] [DECEMBER 31, 1998]
THE MORATORIUM ON THE PROCESSING OF SPECIAL AND CONDITIONAL USE
PERMIT APPLICATIONS FOR DEVELOPMENTS ON PROPERTIES WITHIN THE
NORTHERN STUDY AREA

WHEREAS, on November 11, 1997 the Carrboro Board of Aldermen adopted (by a vote of 4-2, with Aldermen Caldwell and Shetley dissenting) "An Ordinance Establishing A Moratorium On The Processing Of Special And Conditional Use Permit Applications For Developments On Properties Within The Northern Study Area," a copy of which is attached hereto; and

WHEREAS, the moratorium established by the above referenced ordinance was scheduled to expire on May 11, 1998 (six months after its adoption); and

WHEREAS, on May 12, 1998, the Carrboro Board of Aldermen adopted (by a vote of 6-1, with Aldermen Caldwell dissenting) an ordinance extending the moratorium until September 30, 1998, a copy of which is attached hereto; and

WHEREAS, despite diligent good faith efforts, the Small Area Plan Drafting Committee has been unable to complete its work on the ordinances it plans to recommend in order to implement the recommendations of the Small Area Plan, but this work should be completed by mid-September; and

WHEREAS, Orange County has informed the Town that the County wants the opportunity to review the ordinance drafts before the County decides whether to amend the Joint Planning Area Land Use Plan and the Joint Planning Agreement as requested by the Town; and

WHEREAS, it now appears that the ordinance amendments necessary to implement the Small Area Plan cannot be adopted until November or December at the earliest, and that an extension of the moratorium is warranted;

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

Section 1. ^{Amended to Section 2} The moratorium on the processing of applications for special use permits and conditional use permits for developments within the Northern Study Area, as established by the above reference ordinance adopted on November 11, 1997, and as extended by the ordinance adopted on May 12, 1998, is further extended until [November 30, 1998] [December 31, 1998]. This moratorium shall apply to any permit applications submitted After September 30, 1998 but before the effective date of this ordinance.

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

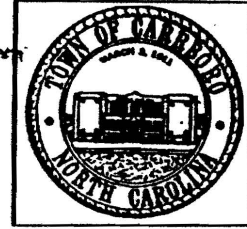
Section 2. The moratorium shall not prevent The Town from processing an application for a conditional use permit submitted by ~~the State or~~ a local governmental unit. However, ~~no such application~~ use permit shall be issued ^{such conditional use} until the Board of Aldermen votes upon by ~~the Board of Aldermen~~ until the moratorium expires.

ITEM NO. D(2)

The Administration recommends that the Board deny the petition for a minor map amendment and direct staff to return all application materials, including one half of the fees that have been submitted.

TOWN OF CARRBORO

PETITION FOR CHANGE OF ZONING



JUN 9 5 REC

PETITIONER

Christopher & Janet Vickers

DATE:

6-8-98

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R75 to B2 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Christopher K. & Janet P. Vickers
ADDRESS: 2209 Damascus Church Rd. Chapel Hill, NC 27516
TELEPHONE #: (919) 968-0204
2. INTEREST IN PROPERTY(IES): We have a contract to buy the house
conditional upon getting zoning chaged to B2 for use as an office
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO
ADJOINING STREETS: 103 Short St., Carrboro, NC 27510
corner of Short St. and Center St.
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
 - a. OWNER: Miles M. Fitch, Jr.
TAX MAP: 98 BLOCK: H LOT: 4 ACREAGE: .13 PARCEL: 9778-86-2724
SUBDIVISION NAME: none FRONTAGE: 76 DEPTH: 78
EXISTING STRUCTURES AND USES: 1 story cinder block house currenting
being used as a residence.
 - b. OWNER: _____
TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____
SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES: _____

c. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES: _____

d. OWNER: _____

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES: _____

5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS
WITHIN 1000 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

1000 ft

NAME

ADDRESS

Please see attached list of property owners within a 1000 feet.

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? Yes ___ NO ☒
If "YES", WHEN? _____

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:

- (a) How do the potential uses in the new district classification relate to the existing character of the area?

This property is located in an area where existing property is being used in a similar way, as office space. The property we have requested for rezoning faces the side of Fitch Lumber Co. and the adjoining lot on Short Street is already zoned commercial.

- (b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

We feel this space is well suited for use as office space. Other properties in the area are being used in the same manner. With other lots already zoned commercial adjoining this property.

- (c) How will the proposed rezoning affect the value of nearby buildings?

We feel that rezoning this lot will not have an effect either negative or positive on nearby buildings.

(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

The rezoning of this property should not encourage any changes in the planning jurisdiction. This is already a mixed use area with residential and business property.

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 9th DAY OF June, 1998.

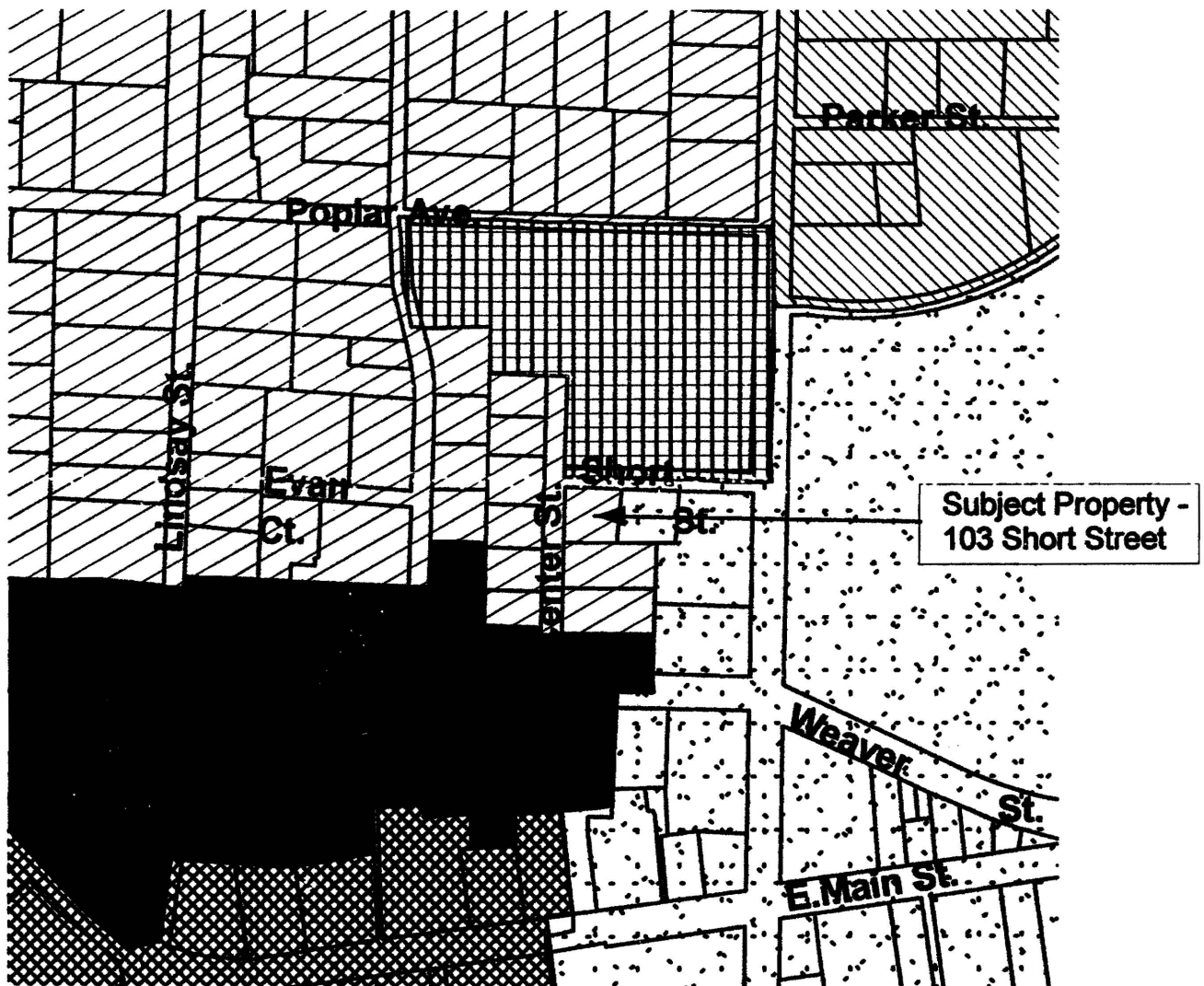
PETITIONER'S SIGNATURE:

Christopher K. Vickers
Janet P. Vickers

PLEASE NOTE

For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.

Property Location Map - Petition for Rezoning for 103 Short Street



Legend

	R - 7.5
	B - 1(C)
	B - 1(G)
	B - 2
	M - 1
	CT



Planning Department - August 14, 1998/pjm

The following ordinance was introduced by Aldermen _____ and
duly seconded by Aldermen _____.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY .13 ACRES OF LAND LOCATED AT THE SOUTHEASTERN
CORNER OF THE CENTER AND SHORT STREETS FROM R-7.5 (RESIDENTIAL,
MINIMUM 7,500 SQUARE FEET PER DWELLING UNIT) TO B-2 (FRINGE
COMMERCIAL

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as
follows:

That property being described on Orange County Tax Maps as:

Lot 4 of Tax Map 98, block H, in the Chapel Hill Township, Deed Reference
558/355

And being the area that is called out on the accompanying map is hereby rezoned
from R-7.5 (Residential, minimum 7,500 square feet per dwelling unit) to B-2
(Fringe Commercial).

SECTION 2. All provisions of the any Town ordinance in conflict with this ordinance
are hereby repealed.

SECTION 3. This ordinance shall become effective upon adoption.

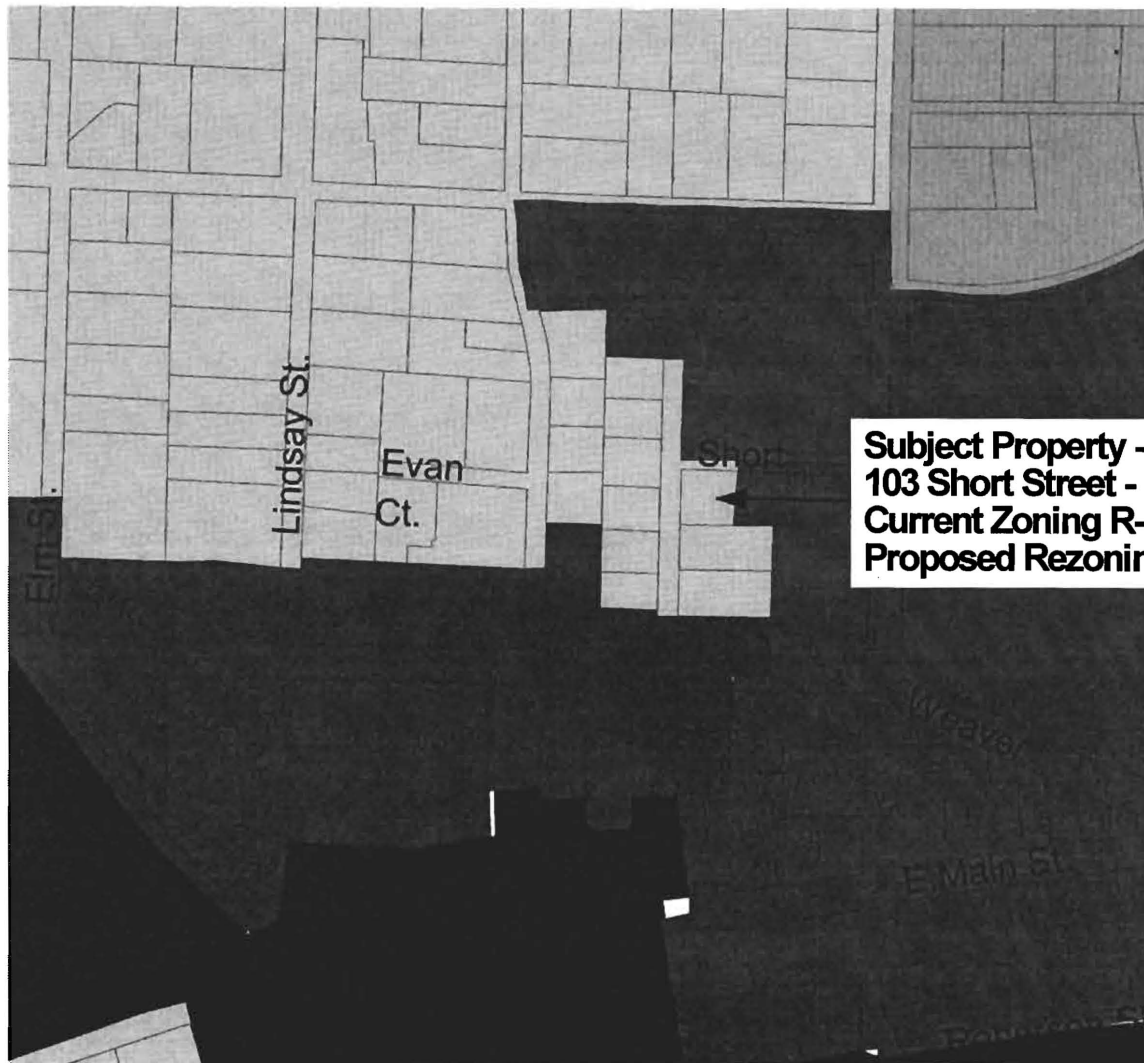
The foregoing ordinance having been submitted to a vote, received the following vote
and was duly adopted, this the _____ day of _____ 1998.

AYES:

NOES:

ABSENT OR EXCUSED:

Minor Map Amendment 103 Short Street



Legend

- R-7.5
- M-1
- B-2
- B-1 (C)
- B-1(G)
- CT



Planning Department - October 1, 1998/pjm



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

October 01, 1998

MINOR MAP AMENDMENT: 103 SHORT STREET

MOTION WAS MADE BY ADAM SEARING AND SECONDED BY JOHN MARSHALL THAT THE PLANNING BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN DENY THE PETITION FOR REZONING OF 103 SHORT STREET. VOTE: AYES 5 (Marshall, Rodemeir, Cohen, Searing, Bateson); NOES 3 (Presler, Cheek, Russell); ABSENT/EXCUSED 0.

Andy Cohen, Chairman (date)



TOWN OF CARRBORO

NORTH CAROLINA

STAFF REPORT

TO: Robert Morgan, Town Manager
Board of Aldermen
Planning Board

FROM: Patricia J. McGuire, Land Use Planner

DATE: September 23, 1998

SUBJECT: Rezoning Request – 103 Short Street

REQUEST

Christopher and Janet Vickers have submitted a petition to have the zoning of property located at 103 Short Street changed from R-7.5, a medium-density residential zoning, to B-2, a fringe commercial area.

Because this request involves only one parcel of land in single ownership, the land use ordinance directs that any amendment to the zoning map for this property shall be referred to as a “minor map amendment.”

PETITIONERS

Christopher K. and Janet P. Vickers (Contract Purchasers)

OWNER

Miles M. Fitch, Jr.

DESCRIPTION OF THE AREA

As shown in the attached figure, the property is located on the southeastern corner of the intersection of Center and Short Streets. The .13-acre parcel is identified as tax map 98, block H, lot 4, and contains a one-story, cinder block house that is currently being used as a residence.

LAND USES AND ZONING ADJACENT TO 103 SHORT STREET

The land uses and zoning adjacent to the subject property are shown in the table below.

<u>Address</u>	<u>Tax map</u>	<u>Zoning</u>	<u>Use</u>
101 Short Street	7.98.H.5	B-1 (C)	Vacant
301 N. Greensboro Street	7.98.G.8	M-1	Retail, 2.210, 2.210
106 Center Street	7.98.H.4	R-7.5	Residential, 1.110
109 Center Street	7.98.G.14	R-7.5	Residential, 1.110

ZONING HISTORY OF 103 SHORT STREET

1973 - 1976	B-1 (General Business)
1976 - present	R-7.5 (Residential)

COMPARISON OF ZONES

R-7.5 District

The R-7.5 is a residential zoning district with a minimum lot size and density requirement of 7,500 square feet per dwelling unit. The district is found in three locations in Carrboro's jurisdiction. The first is located on the south side of Main Street/Jones Ferry Road, between Maple Avenue and NC Highway 54. The second area is found on the south side of West Poplar Avenue from the Golds' Gym/Triangle Bank to Gary Road. The third consists of an irregularly shaped area on the north, east and west sides of the core commercial areas of the downtown that are on the north side of Weaver Street. Each of these areas may be characterized, in part, by their association with the mill industry in town, and were largely developed between 1900 and 1950.

As illustrated in Table 2., permitted uses in the R-7.5 include all residential activities except for hotels and motels, overnight shelters for the homeless, and senior citizen residential complexes. Other permitted uses include elementary and secondary schools, churches, synagogues, and temples, libraries, museums, and art galleries, community centers and private and public recreational facilities, emergency services facilities, neighborhood utility facilities, towers and antennae, child and senior citizen day care centers.

B-2 Zoning District

The B-2 district is commercial district that "is designed to accommodate commercial uses in areas that formerly were residential but that may now be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts." Residential uses are permitted in the B-2 and the minimum lot size is 7,500 square feet per dwelling unit.

Permitted uses in the B-2 zone include all residential uses except for hotels and motels and senior citizen residential complexes. A number of the institutional and

community service uses permitted in the R-7.5 are also permitted, including, churches, synagogues, and temples, libraries, museums, art galleries, emergency services, child and senior citizen day care centers neighborhood utility facilities. The commercial nature of this district allows additional non-residential activities, such as low-volume, traffic-generating retail, all office, clerical, research and service activities when conducted within fully enclosed buildings social, and fraternal clubs and lodges. Other uses include, community centers, restaurants, bars and nightclubs, with or without outside service or consumption, cable television signal distribution centers, towers, open air markets, horticultural sales with outdoor display, and seasonal christmas tree or pumpkin sales.

General Use Category	Number of Uses Permitted in R-7.5 District	Number of Uses Permitted in Business (B-2) District	Change in Uses Permitted
Residential (1.000)	24	23	- 1
Sales and Rental of Goods (2.000)	0	1	+ 1
Office, Clerical, Research (3.000)	0	4	+ 4
Educational, Cultural, Religious, Philanthropic, Social (5.000)	3	4	+ 1
Recreation (6.000)	3	1	-2
Restaurant, Bar, Nightclub (8.000)	0	2	+ 2
Emergency Services (13.000)	4	4	0
Agricultural, Silvicultural, Mining, Quarrying (14.000)	3	0	-3
Cable TV Distribution Center (15.000)	0	1	+ 1
Utility Facilities (17.000)	1	1	0
Towers and Related Structures (18.000)	2	1	-1
Open Air Markets, Horticultural Sales (19.000)	0	3	+3
Day Care (22.000)	3	3	0
Temporary Structure or Parking (23.000)	1	1	0
Subdivisions (26.000)	2	2	0
Combination Uses (27.000)	1	1	0
Special Events (29.000)	1	1	0

Table 2. Comparison of the Number of Uses, by General Category, in Existing and Proposed Zoning Districts.

As illustrated in Table 2, additional non-residential uses are permitted in the B-2 zone. The potential impacts are wide-ranging, and outside of specific permit request, somewhat difficult to enumerate. It is possible; however, to evaluate one of the most significant additional ordinance requirements associated with the expansion of permissible uses - parking.

The 5,662-square foot lot is presently used for residential purposes, a category that, by the presumptive standard in the Table of Parking Requirements, needs two parking spaces of approximately 162 square feet each. The single-story, residential structure on

this lot contains approximately 1,000 square feet of interior space. The parking requirements for most of the uses that are permitted in the B-2 zone and not in the R-7.5 are based upon gross square footage of floor area. Information on the new use classifications and additional parking requirement associated with each use, if any is presented in Table 3, below.

New Use Classification	Parking Requirement
2.000	Up to one additional space (162 square feet)
3.000	Up to three additional spaces (323 square feet)
8.000	Up to nine additional spaces (1,458 square feet)
19.000	No change
24.000	Up to one additional space (162 square feet)

Table 3. Additional Parking Requirements associated with use classifications permitted in the B-2 zone.

The structure and associated parking presently located on the lot at 103 Short Street consume approximately 1,500 of the 5,662 square feet available on the lot. Provisions of the definition of the B-2 zoning district specify that vehicle accommodation areas are to be located in the rear of buildings so that parking areas are not visible from the street. As this lot is located on the corner of Short and Center Streets, an additional 900-square foot area is not available for use as parking. Because Section 15-299 exempts certain lots with existing buildings from meeting parking requirements, if not practicable, it is possible that the new uses on this lot could be exempt from fully complying with the ordinance's parking requirement. Parking is presently prohibited on Short Street, but is allowed on Center Street, a street with a right-of-way of 25 feet.

ANALYSIS

Policy

On February 4, 1986, the Board of Aldermen adopted an ordinance to amend the official Carrboro zoning map. By this action, the Board incorporated map and text changes that reconfigured the mix and location of commercial and residential uses in the center, and the oldest areas of the town. Many of these changes had been identified as part of the Hammer, Siler, George study in 1983. Others were presented in the "Downtown and Commercial Rezoning Plan" in July, 1985, or selected as guiding principles for growth in Carrboro by the Year 2000 Task Force that was convened in March of 1985. The Board of Aldermen adopted the result of that group's effort, "Year 2000 Task Force Policies" in 1989. References found in these documents of specific relevance to this rezoning request are noted below.

Hammer, Siler, George, "Draft II – Downtown Carrboro Potentials and Strategies" (1983). The property at 103 Short Street was included within the area of the CBD study conducted as part of this plan's development. The property was included within an area categorized as "IV – 35" which was described as follows:

attached. The property was included within an area categorized as “IV – 35” which was described as follows:

Map No. 35: Fitch/Northwest/H&B/Curl. This area includes the frontage and adjacent property bounded by North Greensboro, Weaver, Oak, and the CBD project boundary. This subarea is presently occupied by viable Town Center uses including Fitch Lumber, Fitch Creations, the Northwestern Bank, and the H&D and Curl offices.

This is prime Town Center land and if market potential were great we could anticipate redevelopment to higher density in the long range. Without this market pressure and with underutilized land and buildings available elsewhere in the downtown, we believe the property should continue in its present use.

“Downtown and Commercial Rezoning Plan” (1985) The boundary line for the study area that is illustrated on a map included within the plan indicates that 103 Short Street falls outside of the downtown and commercial rezoning.

Policy # 11 included in the plan states that “it is the Town policy to achieve the downtown revitalization outlined in the prior policies with as little an impact on the existing neighborhoods as possible.”

“Year 2000 Task Force Report” (1989) The Task Force recognized that expected population growth would spur commercial development. The Task Force noted that the need for additional commercial development could be met “either in the downtown area or in peripheral areas.”

Policy 3.10, “Nature of Development” specifies four characteristics of commercial and industrial development, including that these activities “must not destroy the integrity of established neighborhoods.”

Ordinance Provisions Regarding Changes to Zoning Map

Section 15-321, “Initiation of Amendments” describes the process by which the Board is to consider text and map amendments to the Carrboro Land Use Ordinance. Subsection (d) specifies that, in the case of petitioners who are other than members of the town staff, administration, or advisory boards, the Board of Aldermen may either deny the petition or set a date for a public hearing on the requested amendment. Should the Board decide to set a date for a public hearing, the Board would direct staff to prepare an appropriate ordinance.

Section 15-322 requires that any proposed amendments shall be referred to the Planning Board. If applicable, the proposed amendment shall also be referred to the Appearance Commission and/or the Transportation Advisory Board.

The Land Use Ordinance specifies that the principle issue before the Board in making this decision is “whether the proposed amendment advances the public health, safety or welfare.” With regard to minor map amendments, as requested here, the ordinance

further notes that the Board “shall not consider any representations made by the petitioner that, if the change is granted, the property will be used for only one of the possible range of permitted uses.

Findings

1. Adopted policies support maintenance of existing boundaries between residential and commercial areas.
2. A larger number of uses, and more intensive uses, are permitted under the requested zoning classification.
3. Uses and associated impacts are incompatible with the residential character of the surrounding properties and the intent of the residential zoning district.
4. Property is not suited for rezoning to B-2. The lot is small and may not be able to meet all associated ordinance requirements, e.g. parking.
5. Additional, non-residential traffic and parking present a threat to residential character of Center Street.

RECOMMENDATION

The staff recommends that the Board of Aldermen deny the petitioners' request to rezone the property located at 103 Short Street from R-7.5 to B-2. The rezoning would result in the increase in type and intensity of uses permitted in that location. This change is inconsistent with adopted policies to maintain the integrity of established neighborhoods as it stands to adversely affect the residential character of Center Street.

ITEM NO. E(1)

MEETING DATE: Tuesday, October 6, 1998

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ NO <u>X</u>
ATTACHMENTS: Draft Ordinance , Sections 2, 3, 19-21 Schedule for Implementation of NSA Plan Memo from Mike Brough	FOR INFORMATION CONTACT: Patricia McGuire -- 968-7714
THE FOLLOWING INFORMATION IS PROVIDED: <div> <div>(X) Purpose</div> <div>(X) Action Requested</div> </div> <div> <div>() Analysis</div> </div> <div> <div>(X) Summary</div> </div>	

A report submitted to the Board of Aldermen on January 20 described thirteen tasks that the committee had undertaken to that date, nine of which were nearly complete. An update on the committee's activities was presented on March 24, 1998. Table 1 below notes the original work items and either the implementation method or committee decision on the issue, whichever is appropriate.

Work Item	Implementation Method/Committee Decision
1. Adjusted Tract Acreage	LUO amendment, Section 15-182.3
2. Yield Plan Approach	LUO amendment, Section 15-182.3(d)
3. Open Space Subdivision Process	LUO amendment, Section 15-182.3, 15-198(g)
4. Traditional Neighborhood	LUO amendment, Section 15-141.2
5. Affordable Housing Density Bonuses	LUO amendment, Section 15-182.4
6. Mixed Use Housing Density Bonus	LUO amendment, Section 15-176.1(b)
7. Office/Assembly Conditional Use District	LUO amendment, Section 15-136(11)
8. "Good Neighbor" Performance Standards	LUO amendment, Sections 15-161, 15-162, 15-165, 15-243,
9. Residential /Village Design Standards	LUO Amendment, Sections 15-141.2, 15-176.2
Village Architectural Standards	"Village Mixed Use Vernacular Architectural Standards:
Affordable Housing Design Standards	"Design Standards for Affordable Housing
10. Advisory Planning Board/Transition Area	LUO amendment, Section 15-27
11. Rogers Road Joint Planning Boundary	Outside scope of committee's work
12. Base Zoning	Maintain existing zoning
13. Joint Planning Amendments	JPA Agreement and Joint Land Use Plan amendments

Table 1. List of Work items and implementation method, if applicable.

A draft of the ordinance incorporating these elements was distributed to the Board of Aldermen, Ordinance Drafting Committee, Randall Arendt, and the Appearance Commission during the week of September 22, 1998 for review and comment. The Ordinance Drafting Committee will be unable to meet in full committee until October 28, 1998. The Appearance Commission will begin discussion of the ordinance at their regular meeting on October 1, 1998.

A report on the draft ordinance will be presented to the Board of Aldermen in four parts between October 6, 1998 and November 10, 1998. The reports will address various components of the implementation strategy, as follows:

October 6	Part 1 -	Sections 2, 3, 19, 20, and 21 of the draft ordinance. These sections cover residential density, open space, and buffer areas
October 13	Part 2 -	Sections 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18 of the ordinance. These sections cover Village Mixed-Use areas, Office/Assembly areas, and good neighbor performance standards.
October 27	Part 3 -	Sections 6, 17, 25 of the ordinance. These sections cover affordable housing, the Transition Area advisory board to the Planning Board, and site planning procedures for major subdivisions.
November 10	Part 4 -	Analysis of ordinance provisions for consistency with the NSA plan.

ACTION REQUESTED

That the Board of Aldermen receives the report and discusses the plan and selected implementation materials.

RECOMMENDATION

That the Board of Aldermen discuss the ordinance and express their support for the revised schedule as it will allow completion of the plan's implementation by December 31, 1998.

NORTHERN STUDY AREA FACILITATED PLAN PROPOSED IMPLEMENTATION SCHEDULE

Meeting Dates and Deadlines

September 21, 1998 – Mike Brough completed draft of ordinance changes.

September 22, 1998 – Ordinance is distributed to the Ordinance Drafting Committee (ODC) and Board of Aldermen.

September 30, 1998 – Board of County Commissioners adopts JPA 1-98 to allow development moratoria in order to consider Carrboro's request to extend the moratorium.

Month of October, 1998 – Staff meets with subcommittee(s) of ODC to complete architectural and affordable housing standards and prepares analysis of ordinance

October 6, 1998 – (1) Staff reviews ordinance with Board of Aldermen (Part I).

(2) Board of Aldermen holds public hearing on development moratorium and extends moratorium until December 30, 1998.

(3) Following notice of Board of Aldermen action, either via an emissary or some other means, the Board of County Commissioners approves Carrboro's establishment of a development moratorium. This is considered a new development moratorium under the JPA agreement.

October 13, 1998 – Staff reviews ordinance with Board of Aldermen (Part II).

October 27, 1998 – Staff reviews ordinance with Board of Aldermen (Part III).

October 28, 1998 – The ODC meets to review ordinance.

November 4, 1998 – The ODC completes its review of ordinance.

November 5, 1998 – Ordinance and staff analysis submitted to Orange County Planning Board for their review in association with final decision on Carrboro-related JPA amendments.

November 10, 1998 – Staff reviews ordinance with Board of Aldermen (Part IV).

November 11, 1998 – Orange County Planning Board reviews ordinance and JPA items.

November 17, 1998 – Board of Aldermen worksession and Request-to-set on ordinance.
Recommended date of public hearing is December 15, 1998.

November 30, 1998 – Moratorium expires, if extended for two months.

December 1, 1998 – Board of County Commissioners consider proposed ordinance and JPA amendments.

December 3, 1998 – Joint Review – NSA ordinance.

December 15, 1998 – Public hearing on ordinance.

December 31, 1998 – Moratorium expires, if extended for three months.

Planning Department – October 2, 1998/pjm

MEMORANDUM

TO: Mayor and Board of Aldermen; Small Area Plan Drafting Committee

FROM: Michael B. Brough *MAB*

DATE: October 2, 1998

RE: Small Area Plan Ordinance Draft, Summary of Provisions

This memorandum attempts to explain what sections 2, 3, 19, and 21 of the small area plan ordinance draft (hereinafter, the "draft") seek to accomplish and how they differ from the existing land use ordinance. These sections deal with density, open space, and buffer areas.

As indicated in my cover memo of September 22, my original intent was to prepare a memorandum explaining the various provisions of the draft only after the committee had reviewed it, made any changes, and endorsed it in its entirety. However, I have now been advised that the Board may wish to begin reviewing the draft at its meeting on October 6. While the committee will not have had an opportunity to meet before that date, the basic content of sections 2 and 3 were reviewed and approved by the committee early in its deliberations, and sections 19 and 21 were incorporated into the draft essentially just as they were referred to me more recently by the committee. Thus, while the committee has not yet met to review the most recent draft, I feel comfortable that the essence of these provisions has been endorsed by the committee.

Section 2. (Draft p. 2). This section constitutes a major departure from the way density is presently calculated in the zoning districts to which this section applies. Under the current ordinance, within any particular residential zoning district, density (i.e. the number of dwelling units permissible on a tract of land) is strictly a function of the size of the property to be developed. Thus, the owner of one ten acre tract in an R-20 district would be entitled to the same density as another owner of a different ten acre tract in the same district, regardless of the physical characteristics of the different properties. This section changes that and makes permissible density dependent not only on the size of the tract to be developed but also on the extent to which the property in question is "constrained" by certain features, such as floodplains or steep slopes. The result is that two tracts of identical size in the same zoning district may have different permissible densities if one tract contains more of the features listed in subsection (c) than does the other tract. A subsection by subsection explanation follows.

15-182.3(a): This subsection identifies the zoning districts within which the new density calculations shall apply, namely the R-10, R-15, R-20, and RR districts. These appear to be the main districts where substantial open land remains. Under this subsection, the new density calculation would only apply when the developer seeks to construct four or more dwelling units (subdivided or unsubdivided).

15-182.3(b): This subsection and subsection (c) describe the "adjusted tract acreage" approach (as opposed to the yield plan approach described in subsection (d)) to calculating density. The adjusted tract acreage approach is to be used only where the development will be served by public water and sewer lines. Under this approach, density is determined by dividing the adjusted tract acreage by the minimum square feet per dwelling unit requirement of the applicable district.

15-182.3(c): This subsection establishes the way in which adjusted tract acreage is calculated. The result of this subsection is that highly constrained tracts will be allowed less density than comparably sized tracts in the same district that are not so constrained. Note that this subsection deals only with density; it says nothing about open space or whether any of the areas described in the subsection are to be preserved.

15-182.3(d): This subsection provides that permissible density in areas not served by public water and sewer lines is to be determined using the "yield plan" approach, which essentially involves an effort to see how many standard size lots (i.e. without using the cluster or architecturally integrated subdivision provisions) could be developed using well and septic tanks on the tract in question, consistent with the basic ordinance provisions regarding such matters as street rights-of-way and open space. Note that this approach only determines the *density*. Once that is established, the developer is not bound to the development plan submitted to yield that figure. In other words, once the number of permissible dwelling units is established, the developer has the full range of development flexibility available under to ordinance to cluster lots, use a package treatment sewage system, or even build townhomes. As a practical matter, however, given predominant soil conditions in the transition area and the 40% open space requirement, the number of dwelling units that will be permissible under this approach is likely to be so minimal as to discourage development of the land until public utility lines can be extended.

Section 3. (Draft p. 4). This section makes several changes to the existing land use provisions regarding open space.

A. The existing ordinance does not use the terms "primary conservation area" or "secondary conservation area." It does, however, require that certain types of areas, such as those shown on the Carrboro Natural Constraints Map, be set aside as part of a development's required 40% open space. It also requires that other environmentally or historically significant areas be included as part of the required open space if the tract to be developed does not contain enough of those areas that must be set aside to satisfy the 40% open space requirement. The draft attempts to reconcile the substance of the existing ordinance with the terminology used in the small area plan by defining "primary" and "secondary" conservation areas essentially in terms of those types of areas that the existing ordinance now requires to be set aside as common open space ("primary"), and those areas that must be set aside only if the tract does not contain enough of the first category to meet the 40% requirement ("secondary").

B. The existing ordinance requires that playfields be established as part of the required open space for all subdivisions containing 50 or more lots. This subsection makes the requirement applicable to subdivisions containing at least 25 lots and establishes a new locational standard for the playfields.

C. This subsection repeals existing subsections 15-198(e) and (f) and substitutes language that accomplishes the same thing as the repealed subsections, given the new definition of the term "primary conservation area."

D. The last sentence of revised subsection 15-198(g) is new. Under the existing ordinance, if more than 40% of a development tract consists of areas such as steep slopes, floodplains, hardwood areas, etc. (the mandatory set-asides), the developer is only required to preserve (as open space) 40% of the tract and is free to include the remainder of such areas in lots without restriction. This sentence requires that such areas be preserved, even though they may be included within private lots. Thus, for example, if primary conservation areas comprised 60% of a development tract, then such areas would have to be set aside as common open space to the extent of 40% of the tract. The remaining 20% could be included within individual building lots, so long as those portions of lots which contained such primary conservation areas remained undisturbed.

E. Under the existing ordinance, if the "mandatory set-aside" areas do not constitute at least 25% of the development tract, then the town can require the developer to include as open space those areas listed in subsection 15-198(h), up to a maximum of 25% of the tract. The developer is then free to select other areas to set aside to meet the 40% requirement. Under the proposed rewrite of this subsection, if the primary conservation areas plus the required playfield do not constitute 40% of the development tract, then the town could require the developer to set aside secondary conservation areas to meet the full 40% requirement.

Section 19. (Draft p. 27). The existing ordinance (§15-256) requires that undisturbed buffers remain adjacent to streams and watercourses within the University Lake Watershed. The size of these buffers depends upon a formula that includes the slope of the land adjacent to the watercourse as one factor. But in all cases where a floodplain has been demarcated, the buffer includes the floodplain, so the buffers can in many cases be quite substantial in size. The ordinance (§15-268) also establishes buffer requirements for streams outside the watershed, but in general these buffers are less extensive than those required within the watershed, typically ranging from 15 to 50 feet on either side of a stream, depending on the size of the area drained by the stream. The apparent intent of section 19 of the draft is to extend the watershed buffer requirements to the Transition Area. If the Board chooses to adopt this recommendation of the committee, this section would have to be amended to incorporate other provisions that specify what is or is not allowed in a buffer area.

Section 21. (Draft p. 28). This section requires that an undisturbed (or, if necessary, newly vegetated) buffer 100 feet in width remain along all properties adjacent to the named roads. If the Board chooses to adopt this committee recommendation, some additional language

will have to be added to clarify how "undisturbed" the buffers must remain and the circumstances under which additional vegetation might be required.

**SELECTED PORTIONS OF DRAFT ORDINANCE FOR
IMPLEMENTATION OF NSA PLAN**

**FOR BOARD OF ALDERMEN REVIEW ASSOCIATED WITH PART I OF
STAFF PRESENTATION ON ORDINANCE**

OCTOBER 6, 1998

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. Section 15-198 is amended by making the following changes:

A. Subsection 15-198(b) is amended by adding two new subsections as follows:

- (4) The term "primary conservation areas" shall mean:
 - a. Areas containing slopes greater than 25%
 - b. Hardwood areas identified on the Carrboro Natural Constraints Map

- c. Wetlands as defined pursuant to Section 404 of the Clean Water Act
- d. Floodplains
- e. With respect to streams designated on the adopted Stream Classification Map of Carrboro, those areas within an average perpendicular distance of sixty feet from the edge of the floodway of the stream, if the floodway is designated on the "Flood Boundary and Flood Map" prepared by the U.S. Department of Housing and Urban Development, or sixty feet from the centerline of the stream where the floodway is not designated on this map.

(5) The term "secondary conservation areas" shall mean:

- a. Areas containing slopes greater than 15% but not more than 25%;
- b. Wooded areas other than hardwood areas identified on the Carrboro Natural Constraints Map;
- c. Vistas along entranceways to the town;
- d. Lakes and ponds;
- e. Other areas containing unusual natural features (such as major rock formations);
- f. Other environmentally, historically or archaeologically significant or unique areas.

B. 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."

C. Subsections 15-198(e) and (f) are repealed. Subsection 15-198(f) shall be shown as "Reserved," and a new subsection 15-198(e) shall provide as follows:

(e) Subject to subsection (g), if a tract where a residential development is proposed contains any of the areas defined above as primary conservation areas, then such areas shall be designated as open space.

D. Subsection 15-198(g) is amended to read as follows:

(g) A developer shall not be required to set aside as open space under the provisions of subsections (d) and (e) more than the minimum required percentage of open space set forth in subsection (c). If the sum total of open space otherwise required under the provisions of subsections (d) and (e) exceeds forty percent of the development tract (twenty percent in the R-2 district), then the permit issuing authority shall allow the developer to set aside a smaller area of open space under subsections (d) and (e), individually or collectively, so that the developer is not required to preserve as open space more than forty percent of the development tract (twenty percent in the R-2 district). However, if areas that constitute primary conservation areas 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).

E. Subsection 15-198(h) is amended to read:

(h) If the area of open space required to be preserved under subsections (d) and (e) 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 areas that constitute secondary conservation areas as defined above an amount of open space equal to the difference between the amount of open space preserved under subsections (d) and (e) and forty percent (40%) of the development tract (20% in the R-2 district).

Section 19. Article XVI is amended by adding a new Section 15-269 to read as follows:

Section 15-269 Buffers In Northern Transition Area

(a) Development on lots within the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement shall, if any of the watercourses identified below are located in whole or in part within the lots so developed, contain a designated buffer area adjacent to such watercourses. The buffer area boundaries shall be demarcated by a line connecting the points on either side of a watercourse located as follows:

- (1) Bolin Creek and Tributaries (permanent streams flowing into Bolin Creek). Measure along a line running perpendicular to the edges of the floodplain) or if no floodplain has been demarcated, the center of the stream) one hundred (100) feet from the edge of the floodplain (or if no floodplain has been demarcated, from the edge of the water) plus an additional distance equal to

$$4 \times \text{slope} \times 100$$

where slope is expressed as a percentage derived from dividing by 100 the rise of elevation between the floodplain boundary line (or if no floodplain has been demarcated, the edge of the water) and a point one hundred (100) feet from that point along the perpendicular line described above.

- (2) Intermittent Streams Flowing into Creek and Tributaries. Measure along a line running perpendicular to the edge of the floodplain (or if no floodplain has been demarcated, the Center of the stream) fifty (50) feet from the edge of the floodplain (or if no floodplain has been demarcated, from the edge of the water) plus an additional distance equal to

$$4 \times \text{slope} \times 100$$

where slope is expressed as a percentage derived from dividing by 100 the rise of elevation between the floodplain boundary line (or if no floodplain has been demarcated, the edge of the water) and a point fifty (50) feet from that point along the perpendicular Line described above.

(b)Sewers and detention ponds shall not be placed in the buffer area, unless an applicant can demonstrate that there are no other options for placement of these structures.

Section 20. Subsection 316(c) is deleted and the following subsection (c) is inserted in lieu thereof:

(c) There shall be no clearcutting in any development within the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement.

Section 21. Article XIX is amended by adding a new Section 15-312 to read as follows:

Section 15-312 Protective Buffer Along Major Roads In Transition Area

Notwithstanding the provisions of Section 15-308, those sections of Old N.C. 86, Dairyland Road, Union Church Road, and Homestead Road that lie within the town's planning jurisdiction or the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement shall have a naturally - or if necessary newly - vegetated, undisturbed protective buffer maintained along them that will help preserve the scenic views and elements of this area. This buffer shall be established by measuring along a line perpendicular to the right-of-way of these roads one hundred (100) feet..

BOARD OF ALDERMEN

ITEM NO. E(2)

AGENDA ITEM ABSTRACT

MEETING DATE: September 22, 1998

SUBJECT: Town Code Amendment – Prohibition of Lawn Mowers on Sidewalks

DEPARTMENT: PLANNING DEPARTMENT	PUBLIC HEARING: YES ____ NO ____ X ____
ATTACHMENTS: Town Code Amendment	FOR INFORMATION CONTACT: Mike Brough, 968-7714 Carolyn Hutchison, 968-7733
THE FOLLOWING INFORMATION IS PROVIDED: (x) Summary () Action Requested (x) Analysis () Alternatives (x) Recommendation	

PURPOSE

The purpose of this item is for the Board of Aldermen to amend the Town Code to prohibit riding lawn mowers on sidewalks.

SUMMARY

The Carrboro Police Department requests that the town code be amended to prohibit riding lawn mowers as traveling devices along sidewalks.

The town attorney reviewed the issue; and drafted the proposed ordinance amendment.

ANALYSIS

The town attorney believes that a riding lawn mower falls within the definition of “vehicle” and “motor vehicle” as addressed under Sections 6-1(11) and 6-1 (20). The attorney also notes that Section 6-36 prohibits motor vehicles on bikeways, but finds no comparable ban with respect to sidewalks.

The town attorney recommends that the town amend Section 6-38 by changing the title to “Bicycles and Motor Vehicles Prohibited on Certain Sidewalks”, making subsection (1) subsection (a), and adding a new subsection (b) to read as follows:

(b) “No person may operate a motor vehicle (including without limitation on any riding lawn mower or other motorized device designed to carry one or more persons but not including a motorized wheelchair) upon any sidewalk”.

RECOMMENDATION

The administration recommends that the Board of Aldermen adopt the town attorney’s proposals for the Town Code as well as the aforementioned ordinance amendment.

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

**AN ORDINANCE AMENDING THE CARRBORO TOWN CODE
TO PROHIBIT THE OPERATION OF MOTOR VEHICLES,
INCLUDING LAWN MOWERS ON CERTAIN SIDEWALKS**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 6-38 of the Carrboro Town Code is amended by changing the section title to:

Bicycles and Motor Vehicles Prohibited on Certain Sidewalks

Section 2. Subsection (1) of Section 6-38 is re-designated as Subsection (a) and a new subsection (b) is added to read as follows:

(b) No person may operate upon any sidewalk a motor vehicle (including without limitation on any riding lawn mower or other motorized device designed to carry one or more persons, but not including a motorized wheelchair or similar device designed principally to convey a person with limited inability).

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following that was duly adopted this ___ day of _____, 1998.

BOARD OF ALDERMEN

ITEM NO. E(3)

AGENDA ITEM ABSTRACT

MEETING DATE: October 6, 1998

SUBJECT: Development Review Process

DEPARTMENT: PLANNING	PUBLIC HEARING: YES ___ NO <u>X</u> ___						
ATTACHMENTS: 1. Development Review Schedule for CUP's 2. Development Review Schedule for SUP's 3. Administrative Procedures: a) CUP &/or SUP Process b) Zoning Permit Process c) Construction Plan Approval Process 4. LUO Appendices: a) Appendix A <i>Information Required with Applications</i> b) Appendix I <i>Storm Drainage Design Manual</i> 5. Hand-outs a) Land Use And Development b) Construction Plan Approval c) Subdivision Checklist d) Commercial Development Checklist	FOR INFORMATION CONTACT: Roy M. Williford, 968-7713						
THE FOLLOWING INFORMATION IS PROVIDED: <table><tr><td><input checked="" type="checkbox"/> Purpose</td><td><input checked="" type="checkbox"/> Action Requested</td><td><input type="checkbox"/> Analysis</td></tr><tr><td><input type="checkbox"/> Summary</td><td><input type="checkbox"/> Recommendation</td><td></td></tr></table>		<input checked="" type="checkbox"/> Purpose	<input checked="" type="checkbox"/> Action Requested	<input type="checkbox"/> Analysis	<input type="checkbox"/> Summary	<input type="checkbox"/> Recommendation	
<input checked="" type="checkbox"/> Purpose	<input checked="" type="checkbox"/> Action Requested	<input type="checkbox"/> Analysis					
<input type="checkbox"/> Summary	<input type="checkbox"/> Recommendation						

The purpose of this item is to describe the development review processes undertaken by the Town of Carrboro and to receive comments from the Board of Aldermen.

Land Use Permit Processes

The Planning Department is responsible for administering numerous processes associated with the regulation of the community's growth and development. Different regulatory mechanisms are employed by the town to address both current and anticipated land use/building activities. The following table outlines the basic activities employed by the Town:

Planning and Development Processes

Category	Type of Power	Process	Authority
Land use Permit	Administrative	Zoning Permit	Land Use Administrator
	Quasi-Judicial	Special Use Permit	Board of Adjustment
	Quasi-Judicial	Conditional Use Permit	Board of Aldermen
	Quasi-Judicial	Certif. of Appropriateness	Historic Dist. Comm.

Planning and Development Processes

Category	Type of Power	Process	Authority
Other Bd. of Adjustment	Quasi-Judicial	Special Exception Permit	Board of Adjustment
	Quasi-Judicial	Interpretations	Board of Adjustment
	Quasi-Judicial	Appeals	Board of Adjustment
	Quasi-Judicial	Variances	Board of Adjustment
Amendment	Legislative	Text Amendment	Board of Aldermen
	Legislative	Zoning Map amendment	Board of Aldermen
	Legislative	Major	Board of Aldermen
	Legislative	Minor	Board of Aldermen
Enforcement	Administrative	Building Code	Building Inspector
	Administrative	Minimum Housing Code	Building Inspector
	Administrative	Land Use Violations	Land Use Administrator
	Administrative	Stop Work Orders	Land Use Administrator & Building Inspector
	Administrative	Final Plat Approval	Town Manager
	Administrative	Construction Plan Approve	Land Use Administrator
Joint Planning	Contract/Agreement	Agreement Amendment	CH, Car., OC
	Contract/Agreement	Plan Amendment	CH, Car., OC
	Contract/Agreement	Map Amendment	CH & OC or Car. & OC
	Contract/Agreement	Ordinance Text Amed.	CH & OC or Car. & OC
	Contract/Agreement	Courtesy Review	Administrative

This report focuses on the three basic land use permits established by the Ordinance which includes the Zoning Permit (ZP), Special Use Permit (SUP), and the Conditional Use Permit (CUP). The type of permit required for a particular activity in the Land Use Ordinance is determined by the Board of Aldermen through the legislative process. As a rule of thumb, the greater the potential impact that a particular use may have on surrounding properties and on the community, the higher the permit level that is required. All permits require the staff to review the application to assure that the Land Use Ordinance requirements are being met. The zoning permit is issued by the Zoning Administrator and can usually be completed within a week or so except for more complicated commercial projects and difficult sites. The SUP and CUP processes usually take from 90 to 120 days to process from the time that an application is determined by the staff to be complete. Both processes require considerable review by the Town's advisory boards and extensive public notification. In November of 1987 the Board of Aldermen adopted the attached development review schedules to provide guidance and structure for both the staff and the public.

The Planning Staff has developed administrative procedures that include descriptions of the steps needed to process each of the three basic types of land use permits. Descriptions of these processes as well as public information and checklist handouts are attached. Also attached are copies of Land Use Ordinance "Appendix A - Information Required with Applications" and "Appendix I - Storm Drainage Design Manual."