

**AGENDA**  
**CARRBORO BOARD OF ALDERMEN**  
**TUESDAY, OCTOBER 13, 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: October 6, 1998**

(2)    **Award of Bid/Purchase of Vehicles**

The purpose of this item is to award a contract for the purchase of four (4) vehicles that are budgeted for the Inspections Division, Building & Trades Division, Public Works Supervision, and Fire Department Supervision.

(3)    **Budget Amendment**

The purpose of this agenda item is to amend the 1998-99 fiscal year budget to transfer funds from Contingency to Governance Support to cover expenses associated with the upcoming visit of the consultant who developed the San Francisco Pesticide Reduction Ordinance.

(4)    **Resolution Supporting Clean Water and Natural Gas Bonds**

The N.C. League of Municipalities is requesting that the Mayor and Board of Aldermen adopt a resolution supporting the November 3<sup>rd</sup> bond issues which would authorize \$800 million in loans and grants for clean water bonds and \$200 million in loans and grants to extend natural gas into under-served areas of the state.

(5)    **Appointments to Planning Board**

The Chair of the Planning Board is recommending that Susan Poulton and Stanley Babiss be appointed to the Planning Board.

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

D.    OTHER MATTERS

7:55 - 8:10    (1)    **Report on Renaming Autumn Drive in Williams Woods**  
P/5

The purpose of this item is to provide the Board of Aldermen with comments received from the residents along Autumn Drive in Williams Woods regarding the possibility of a street renaming.

- 8:10 – 8:25  
P/5
- (2) **Request for Rezoning/610 Jones Ferry Road/O to B-4**
- The purpose of this item is to discuss a rezoning petition for 610 Jones Ferry Road, and if deemed appropriate, set a public hearing for November 10, 1998 to review this request.
- 8:25 – 9:10  
P/20
- (3) **Worksession/Review of Part 2/Ordinance to Implement the Northern Study Area Small Area Plan**
- The town staff will present Part 2 of a four-part presentation on the elements of the ordinance to implement the Northern Study Area Small Area Plan.
- 9:10 – 9:20 BREAK
- 9:20 – 9:30  
NP
- (4) **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.
- 9:30 – 9:45  
P/5
- (5) **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.
- 9:45 – 9:55  
NP
- (6) **Discussion of Jordan Lake as a Regional Water Source**
- Mayor Nelson has requested that the Board of Aldermen discuss the future of OWASA'S water allocation from Jordan Lake and Chatham County's need for Jordan Lake water.
- 9:55 – 10:00 E. MATTERS BY TOWN CLERK
- 10:00 – 10:10 F. MATTERS BY TOWN MANAGER
- 10:10 – 10:20 G. MATTERS BY TOWN ATTORNEY
- 10:20 – 10:30 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: October 13, 1998

**SUBJECT: AWARD OF CONTRACTS FOR PURCHASE OF FOUR VEHICLES.**

<b>DEPARTMENT:</b> Administrative Services	<b>PUBLIC HEARING:</b> YES ____ NO <u>X</u>
<b>ATTACHMENTS:</b>	<b>FOR INFORMATION CONTACT:</b> Katherine Duncan Purchasing Officer

### PURPOSE

The purpose of this item is to award a contract for the purchase of four (4) vehicles that are budgeted for Inspections Division, Building & Trades Division, Public Works Supervision, and Fire Department Supervision..

### SUMMARY

The Capital Improvement Plan calls for purchasing of four (4) vehicles as vehicles come out of service from the above listed departments.

Competitive bids were solicited, advertised and Requests for Proposals sent to eight (8) dealerships, including three minority firms advertised in the "Black Pages". Advertisements were placed in the Durham Herald, The Challenger and The Triangle Tribune. Bids were received on September 15, 1998 from University Ford of Chapel Hill.

<u>The bids were as follows:</u>	<u>Price</u>	<u>Department</u>
UNIVERSITY FORD		
1999 F150 Supercab 4 x 2 Regular bed	\$18,414	Inspections
1999 F150 Supercab 4 x 2 Long bed, no seat	\$18,193	Buildings
1999 Ford Explorer XLT 4 x 4, 4 door	\$26,108	Fire
1999 Ford Explorer XLT 4 x 4, 4 door	<u>\$26,108</u>	PW Supervision
TOTAL	\$88,823	

University Ford has offered acceptable vehicles at bids that meet the budgetary constraints. In addition, University Ford is offering 20% off on list price for parts. Therefore, the bid from University Ford is acceptable to Administration.

### ADMINISTRATION'S RECOMMENDATIONS

Award contracts for purchase of the vehicles listed above to University Ford of Chapel Hill.

**BOARD OF ALDERMEN**  
**AGENDA ITEM ABSTRACT**  
**MEETING DATE: October 13, 1998**

**SUBJECT: Budget Amendment**

<b>DEPARTMENT: Management Services</b>	<b>PUBLIC HEARING: YES ____ NO <u>X</u>__</b>
<b>ATTACHMENTS:</b> <b>Budget ordinance</b>	<b>FOR INFORMATION CONTACT:</b> L. Bingham Roenigk, 968-7701

**PURPOSE:**

The purpose of this agenda item is to amend the 1998-99 fiscal year budget to transfer funds from Contingency to Governance Support to cover expenses associated with the upcoming visit by a consultant who developed the San Francisco Pesticide Reduction Ordinance.

**SUMMARY:**

The Board of Aldermen, at a regular board meeting on September 22, 1998, made a motion to appropriate \$300 to support miscellaneous costs associated with the aforementioned consultant. This motion requires amending the 1998-99 fiscal year budget to transfer funds from contingency to Governance Support. The attached budget amendment provides for the costs associated with the consultant's visit.

**ACTION REQUESTED**

The Manager recommends that the Board approve the budget ordinance transferring funds from Contingency to Governance Support.

The following ordinance was introduced by Alderman \_\_\_\_\_ and duly seconded by Alderman \_\_\_\_\_.

**AN ORDINANCE AMENDING FY'98-99 BUDGET ORDINANCE**

**WHEREAS**, the Town Board of the Town of Carrboro on June 23, 1998 adopted the annual budget for the fiscal year beginning July 1, 1998 and ending June 30, 1999; and

**WHEREAS**, it is appropriate to amend the expense accounts in the funds listed to provide for increased expenses for the reasons stated.

**NOW, THEREFORE, BE IT ORDAINED**, that in accordance with authority contained in G.S. 159-15, the following expense and revenue accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

<b>FUND</b>	<b>ACCOUNT TITLE</b>	<b>ACCOUNT NUMBER</b>	<b>INCREASE (DECREASE)</b>	<b>AMOUNT</b>	<b>FROM</b>	<b>TO</b>
General	Governance Support	10418.4536	INCREASE	\$300	\$ 0	\$ 300
General	Contingency	10999.7000	DECREASE	(\$300)	\$13,051	\$12,751

**REASON:** Appropriate funds associated with upcoming visit by pesticide consultant.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 13th day of October, 1998:

Ayes:

Noes:

Absent or Excused:

The following ordinance was introduced by Alderman Alex Zaffron and duly seconded by Alderman Diana McDuffee.

**AN ORDINANCE AMENDING FY'98-99 BUDGET ORDINANCE**  
**Ordinance No. 4/98-99**

WHEREAS, the Town Board of the Town of Carrboro on June 23, 1998 adopted the annual budget for the fiscal year beginning July 1, 1998 and ending June 30, 1999; and

WHEREAS, it is appropriate to amend the expense accounts in the funds listed to provide for increased expenses for the reasons stated.

NOW, THEREFORE, BE IT ORDAINED, that in accordance with authority contained in G.S. 159-15, the following expense and revenue accounts are amended as shown and that the total amount for the funds are herewith appropriated for the purposes shown:

<b>FUND</b>	<b>ACCOUNT TITLE</b>	<b>ACCOUNT NUMBER</b>	<b>INCREASE (DECREASE)</b>	<b>AMOUNT</b>	<b>FROM</b>	<b>TO</b>
General	Governance Support	10418.4536	INCREASE	\$300	\$ 0	\$ 300
General	Contingency	10999.7000	DECREASE	(\$300)	\$13,051	\$12,751

REASON: Appropriate funds associated with upcoming visit by pesticide consultant.

The foregoing ordinance having been submitted to a vote, received the following vote and was duly adopted this 13th day of October, 1998:

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

Noes: None

Absent or Excused: Hank Anderson

# BOARD OF ALDERMEN

ITEM NO. B(4)

## AGENDA ITEM ABSTRACT

MEETING DATE: October 13, 1998

**SUBJECT:** Resolution Supporting Clean Water and Natural Gas Bonds

<b>DEPARTMENT:</b> Administration	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u>
<b>ATTACHMENTS:</b> Resolution, Information from N.C. League of Municipalities	<b>FOR INFORMATION CONTACT:</b> Robert Morgan, 968-7706

### PURPOSE

The N.C. League of Municipalities is requesting that the Mayor and Board of Aldermen adopt a resolution supporting the November 3<sup>rd</sup> bond issues which would authorize \$800 million in loans and grants for clean water bonds and \$200 million in loans and grants to extend natural gas into under-served areas of the state.

### SUMMARY

[See attached information from N.C. League of Municipalities.]

### ACTION REQUESTED

To consider adopting the attached resolution.

The following resolution was introduced by Alderman \_\_\_\_ and duly seconded by Alderman \_\_\_\_.

**A RESOLUTION SUPPORTING THE  
PROPOSED STATE BOND ISSUES FOR  
WATER, SEWER AND NATURAL GAS  
Resolution No. 12/98-99**

WHEREAS, the North Carolina General Assembly in its 1998 session ratified SB 1354 Bonds/Critical Infrastructure Needs, and Governor James B. Hunt, Jr. signed the bill into law and pledged his active support; and

WHEREAS, SB 1354 provides \$800 million in loans and grants for much needed water and wastewater capital projects; and

WHEREAS, SB 1354 provides \$200 million to extend natural gas service into under-served areas of the state; and

WHEREAS, a recent study has identified more than \$11 billion in water and sewer capital needs, and the bonds are a critical step in meeting these long-range infrastructure needs; and

WHEREAS, the water and sewer bonds will assist local governments in all areas of the state to protect the quality of our surface and drinking waters and promote sound economic development; and

WHEREAS, the water, sewer and natural gas bonds will facilitate smart growth and result in more jobs for North Carolinians; and

WHEREAS, the bond issues will help move North Carolina forward.

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

Section 1. The Mayor and Board of Aldermen strongly support the bond issues proposed by SB 1354 for water, sewer and natural gas and encourage citizens to vote in favor of these bond issues at the polls on November 3<sup>rd</sup>.

Section 2. This resolution shall become effective upon adoption.



# North Carolina League of Municipalities

90 Years of Service to Our Cities, Towns and Villages

## Memorandum

To: Manager, Administrator or Clerk

From: Ellis Hankins, NCLM Executive Director

Subject: Requested Resolution in Support of Clean Water and Natural Gas Bonds

Date: September 21, 1998

In just a few weeks, voters will go to the polls for the Nov. 3 election. On that ballot are two very important bond referenda – one authorizing \$800 million in loans and grants for clean water bonds, and one providing \$200 million in loans and grants to extend natural gas into under-served areas of the state.

The clean water bonds will provide much needed funding assistance for communities all across North Carolina. A recent study revealed more than \$11 billion in water and sewer capital needs for this state over the next 20 years. But you are already keenly aware of this problem, and we hope you are already working at the local level to win voter approval for these bonds.

Enclosed is a sample resolution that we ask that your governing board adopt. You might also contact your County Board of Commissioners and local Chamber of Commerce and ask them also to adopt this resolution. We also enclose a sample news release for you to adapt and distribute when your board adopts the resolution.

Thanks for your consideration and your active support of these proposed bond issues. Please urge your citizens to vote FOR Clean Water and Natural Gas on Nov. 3.

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### Instructions on News Release

The words that are underlined need to be changed to fit your city or town.

Substitute your city or town name in the appropriate places on the news release.

Change the "Contact" to your town's manager, administrator, clerk, mayor or public information officer.

Change the date as appropriate.

Change the mayor's name to that of your mayor.

Change the quote to one from your mayor or other official; mention ***your local*** needs in this sentence.

12

***Resolution***  
***In Support of the Proposed State Bond Issues for***  
***Water, Sewer and Natural Gas***

WHEREAS, the North Carolina General Assembly in its 1998 session ratified SB 1354 Bonds/Critical Infrastructure Needs, and Governor James B. Hunt Jr. signed the bill into law and pledged his active support;

WHEREAS, SB 1354 provides \$800 million in loans and grants for much needed water and wastewater capital projects;

WHEREAS, SB1354 provides \$200 million to extend natural gas service into underserved areas of the state;

WHEREAS, a recent study has identified more than \$11 billion in water and sewer capital needs, and the bonds are a critical step in meeting these long-range infrastructure needs;

WHEREAS, the water and sewer bonds will assist local governments in all areas of the state to protect the quality of our surface and drinking waters and promote sound economic development;

WHEREAS, the water, sewer and natural gas bonds will facilitate smart growth and result in more jobs for North Carolinians; and

WHEREAS, the bond issues will help move North Carolina forward;

NOW, THEREFORE, BE IT RESOLVED that \_\_\_\_\_  
\_\_\_\_\_ strongly supports the bond issues proposed by SB 1354 for water, sewer and natural gas and encourages citizens to vote in favor of these bond issues at the polls on November 3.

Adopted by the \_\_\_\_\_ on the  
\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_

SAMPLE PRESS RELEASE

Attention: City Editor

For Immediate Release

Contact: **Strib Boynton, High Point City Manager (phone number)**

Date: **October 1, 1998**

**High Point City Council endorses statewide  
clean water and natural gas bonds**

*Encourages citizens to vote "For" November 3 ballot measures*

The **High Point City Council** today endorsed two statewide bond measures that would keep rivers and streams clean and bring economic development to areas across the state. Council members adopted a resolution asking voters to vote for the clean water and natural gas ballot questions on November 3.

"North Carolina's towns and cities need to address critical needs now before it's too late," said **High Point Mayor Rebecca R. Smothers**. "These bonds will keep our water safe and clean and help spread economic prosperity to all areas of the state."

The statewide bonds will provide \$800 million in loans and grants to local governments to build new water and sewer treatment facilities, expand capacity to new businesses and homes and upgrade deteriorating facilities. The bonds also will provide \$200 million to connect under-served areas to natural gas lines.

**Mayor Smothers** said **High Point** could qualify for some of the bond funds.

**"When the voters approve the bond issues, that money could be a potential source for High Point's water and sewer projects, including the Eastside Outfall Rehabilitation Projects, which will cost more than \$32 million and for which we so far have identified only \$14 million in funding," said City Manager Strib Boynton.**

According to the N. C. Department of Environment and Natural Resources, many community water and sewer systems were built more than 60 years ago. The state now has almost 100 local governments under moratoriums, preventing them from adding new homes or businesses to their sewer systems until they are upgraded. Fixing the state's water and sewer needs would take more than \$11 billion, according to the N. C. Rural Economic Development Center. New industries considering a location in North Carolina often have natural gas service as a requirement.

"We're pleased that **High Point** passed this resolution and endorsed these bonds that will benefit everyone," said Ellis Hankins, executive director of the N. C. League of Municipalities. "As General Assembly leaders said, we can help meet critical water and sewer needs and enhance our economic development efforts without raising taxes."

# BOARD OF ALDERMEN

ITEM NO. B(5)

## AGENDA ITEM ABSTRACT

MEETING DATE: October 13, 1998

**SUBJECT:** Appointments to Planning Board

<b>DEPARTMENT:</b> N/A	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u>
<b>ATTACHMENTS:</b> Applications from Susan Poulton and Stanley Babiss; Resolution	<b>FOR INFORMATION CONTACT:</b> Andy Cohen, Chair, Planning Board

### PURPOSE

Andy Cohen, Chair of the Planning Board, recommends that Susan Poulton be appointed to the vacant Transition Area seat on the Planning Board, and that Stanley Babiss be appointed to the vacant in-town seat on the Planning Board.

### SUMMARY

There are currently three (3) vacancies on the Planning Board—one in-town seat, one Transition Area seat, and one ETJ seat. These positions have been advertised. Susan Poulton has applied for the Transition Area seat and Stanley Babiss has applied for an in-town seat. The Planning Board chair is recommending that they be appointed.

### ACTION REQUESTED

To consider appointing Susan Poulton and Stanley Babiss to the Planning Board. If the Board chooses to recommend that Ms. Poulton be appointed to the Transition Area seat, it is requested that the attached resolution be adopted recommending that the Orange County Board of Commissioners make this appointment.

# TOWN OF CARRBORO

In-town

## Application for Membership on Advisory Board



NAME: STANLEY K. BABISS DATE: 7/10/97

ADDRESS: 206 CATES FARM ROAD, CHAPEL HILL NC 27516

IS THIS ADDRESS LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF CARRBORO?       

TELEPHONE: [HOME] (919) 967-4170 [BUSINESS] - DATE OF BIRTH: 10/17/26

RACE: WHITE SEX: MALE OCCUPATION: RETIRED

ARE YOU A REGISTERED ORANGE COUNTY VOTER? YES LENGTH OF RESIDENCE IN ORANGE COUNTY 3 yrs TOWN OF CARRBORO 3 yrs

### COMMUNITY ACTIVITIES/ORGANIZATIONAL MEMBERSHIPS:

PRESIDENT (CURRENT) CATES FARM HOMEOWNERS ASSOC. NORTHERN TRANSITION - SMALL AREA STUDY.

*I wish to be considered for appointment to the following advisory board(s):*

<input type="checkbox"/> Board of Adjustments	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Appearance Commission	<input type="checkbox"/> Transportation Advisory Board
<input type="checkbox"/> Cable T.V. Committee	<input type="checkbox"/> Parks & Recreation Commission
<input type="checkbox"/> Human Services Commission	<input type="checkbox"/> Cemetery Commission
<input type="checkbox"/> OWASA Board of Directors	<input checked="" type="checkbox"/> Downtown Development Commission
<input type="checkbox"/> Orange County Econ. Devel. Com.	<input type="checkbox"/> Environmental Advisory Board
<input type="checkbox"/> Budget Review Committee	<input type="checkbox"/> Other

*If you apply for membership on more than one advisory board, please indicate your preference by number, with "1" being your first choice (please limit your selection to two (2) boards). Please note that membership is limited to one advisory board at a time. You shall not be considered for appointment to another board unless you resign before filing an application or you are in the last six months of your current term.*

### EXPERIENCE TO AID YOU IN WORKING ON THESE ADVISORY BOARDS:

DESIGN VP FIELDCREST-CANNON INC. BUDGET DIRECTOR FOR ADVERTISING - PROJECT DIRECTOR FOR TOTAL RENOVATIONS 5TH FLOOR - TIMELIFE BUILDING. CONSULTANT FOR CONSTRUCTION TECH. SERVICES BUILDING. PAST PRESIDENT LONG ISLAND CRAFTSMAN'S GUILD - PAST PRESIDENT THEATRE II OF GLEN COVE.

### REASON(S) YOU WISH TO BE APPOINTED:

TO SERVE THE TOWN OF CARRBORO.

HAVE YOU EVER SERVED ON ANY TOWN OF CARRBORO ADVISORY BOARD? IF "YES", WHICH ONE(S) NO

The following resolution was introduced by Alderman \_\_\_\_\_ and duly seconded by Alderman \_\_\_\_\_.

**A RESOLUTION REQUESTING AN APPOINTMENT TO A  
TRANSITION AREA SEAT ON THE CARRBORO PLANNING BOARD**  
Resolution No. 13/98-99

WHEREAS, as a result of the resignation of Katherine Kaufman, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's Transition Area; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Transition Area members to the town's Planning Board.

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

Section 1. The Orange County Board of Commissioners is respectfully requested to appoint the following individual to a Transition Area seat on the Carrboro Planning Board whose term would expire in February, 2001:

Ms. Susan Poulton  
8720 Union Grove Church Road  
Chapel Hill, N.C. 27516

Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 Diana McDuffee.

**A RESOLUTION REQUESTING AN APPOINTMENT TO A  
TRANSITION AREA SEAT ON THE CARRBORO PLANNING BOARD**  
Resolution No. 13/98-99

WHEREAS, as a result of the resignation of Katherine Kaufman, it is necessary to appoint a person to a seat reserved on the Carrboro Planning Board for persons residing within the town's Transition Area; and

WHEREAS, by state statute and town ordinance, the Orange County Board of Commissioners initially has the authority and responsibility to appoint Transition Area members to the town's Planning Board.

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

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Ms. Susan Poulton  
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Section 2. If the Orange County Board of Commissioners fails to appoint persons willing to serve in the capacity described above within 90 days after receiving this resolution, then the Carrboro Board of Aldermen may make this appointment.

Section 3. The Town Clerk shall send a copy of this resolution to the Orange County Manager.

Section 4. 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 13<sup>th</sup> day of October, 1998:

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

Noes: None

Absent or Excused: Hank Anderson

# TOWN OF CARRBORO



## Application for Membership on Advisory Board

NAME: Susan H.M. Poulton DATE: 27 Feb 1996  
ADDRESS: 8720 Union Shore Ch Rd, Chapel Hill 27576  
IS THIS ADDRESS LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF CARRBORO? no *Transition area II*  
TELEPHONE: [HOME] 929-0769 [BUSINESS] 684-8435 DATE OF BIRTH: 24/5/49  
RACE: \_\_\_\_\_ SEX: F OCCUPATION: research specialist  
ARE YOU A REGISTERED ORANGE COUNTY VOTER? ☒ LENGTH OF RESIDENCE IN ORANGE COUNTY: 7 yrs TOWN OF CARRBORO \_\_\_\_\_  
COMMUNITY ACTIVITIES/ORGANIZATIONAL MEMBERSHIPS: \_\_\_\_\_

*I wish to be considered for appointment to the following advisory board(s):*

<input type="checkbox"/> Board of Adjustments	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Appearance Commission	<input type="checkbox"/> Transportation Advisory Board
<input checked="" type="checkbox"/> Cable T.V. Committee	<input type="checkbox"/> Parks & Recreation Commission
<input type="checkbox"/> Human Services Commission	<input type="checkbox"/> Cemetery Commission
<input type="checkbox"/> OWASA Board of Directors	<input type="checkbox"/> Downtown Development Commission
<input type="checkbox"/> Orange County Econ. Devel. Commission	Other: _____

*If you apply for membership on more than one advisory board, please indicate your preference by number, with "1" being your first choice (please limit your selection to two (2) boards). Please note that membership is limited to one advisory board at a time. You shall not be considered for appointment to another board unless you resign before filing an application or you are in the last six months of your current term.*

EXPERIENCE TO AID YOU IN WORKING ON THESE ADVISORY BOARDS:

none

REASON(S) YOU WISH TO BE APPOINTED:

I wish to be a part of shaping the future of the transition areas - and learn more about Carrboro government

HAVE YOU EVER SERVED ON ANY TOWN OF CARRBORO ADVISORY BOARD? IF "YES", WHICH ONE(S)

no

RECEIVED FEB 27 1996

# BOARD OF ALDERMEN

ITEM NO. D(1)

## AGENDA ITEM ABSTRACT

**MEETING DATE:** October 13, 1998

**SUBJECT:** -Autumn Drive in the Williams Woods Subdivision - Street Renaming

<b>DEPARTMENT:</b> PLANNING	<b>PUBLIC HEARING:</b> YES ___ NO <u>X</u>
<b>ATTACHMENTS:</b> 1) Memos from Craig Harmon, GIS Specialist 2) Section 15-223 Street Names And House Numbers	<b>FOR INFORMATION CONTACT:</b> Roy M. Williford, 968-7713
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b>	
(X) Purpose	(X) Action Requested
() Summary	() Recommendation
	() Analysis

### PURPOSE:

The purpose of this item is to provide the Board of Aldermen with comments received from the residents along Autumn Drive in Williams Woods regarding the possibility of a street renaming. Please refer to the attached materials regarding the extent and summary of comments received.

The Board of Aldermen, after reviewing the attached materials, may wish to identify a new street name and set a public hearing for November 10, 1998 as the next step in this street renaming process.

### RECOMMENDATION:

The administration recommends that if the Board of Aldermen wish to pursue the renaming of Autumn Drive that a new street name needs to be identified and a public hearing should be set for November 10, 1998.

**Section 15-222 Attention to Handicapped in Street and Sidewalk Construction.**

(a) As provided in G.S. 136-44.14, whenever curb and gutter construction is used in public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the N.C. Department of Transportation, Division of Highways.

(b) In unsubdivided developments sidewalk construction for the handicapped shall conform to the requirements of Section (11X) of the North Carolina State Building Code.

**Section 15-223 Street Names and House Numbers.**

(a) Street names shall be assigned by the developer subject to the approval of the permit issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the town's planning jurisdiction, regardless of the use of different suffixes [such as those set forth in subsection (b)].

(b) Street names shall include a suffix such as the following:

- (1) Circle: A short street that returns to itself.
- (2) Court or Place: A cul-de-sac or dead-end street.
- (3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.
- (4) Street: All public streets not designated by another suffix.

(c) Building numbers shall be assigned by the town as provided in Section 7-32 of the Town Code.

**Section 15-224 Bridges.**

All bridges in subdivided and unsubdivided developments shall be constructed in accordance with the standards and specifications of the N.C. Department of Transportation, except that bridges on roads not intended for public dedication in unsubdivided developments may be approved if designed by a licensed architect or engineer.

**Section 15-225 Utilities.**

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Article XV, Utilities.



# TOWN OF CARRBORO

NORTH CAROLINA

## PLANNING DEPARTMENT

### MEMORANDUM

To: Roy Williford  
From: Craig Harmon *[Signature]*  
Date: Tuesday, September 22, 1998  
Re: Renaming of Williams Woods section of Autumn Drive.

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This memo is a progress report and follow up to the memo written on June 19, 1998 about the steps to take in the process of renaming Autumn Drive (attached). Now that step one of this procedure is complete, (notify all residents and receive comments) the following are the results from this mailing. There are twelve lots along the Williams Woods section of Autumn Drive. Of these twelve lots we received comments from the owners of nine of them. All of the residents who responded were very displeased with the Board of Aldermen's decision to rename this street. The residents were also annoyed by the fact that they were never notified by the developer, before or after the purchase of their new home, that the street name would be changed in the future.

The residents of this street have conveyed to me that they would be very unsettled if the Board decides not to have a public hearing on this matter. With this memo is a series of letters and statements sent to me by the residents of Autumn Drive. Please note their dissatisfaction to the Boards decision. Also with this memo is a map showing the location of all of the responders to our notification.



# **TOWN OF CARRBORO**

North Carolina

## **Planning Department**

### **MEMORANDUM**

To: Robert Morgan, Town Manager  
cc: Roy Williford, Planning Director

From: Craig Harmon, GIS Specialist

Subject: Renaming of Williams Woods section of Autumn Dr.

Date: Friday, June 19, 1998

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On April 22, 1997 the Carrboro Board of Aldermen voted to change the name of the Williams Woods section of Autumn Drive when the street is dedicated to the Town. The developer was also informed of this decision and in turn was to notify all present homeowners and future potential homeowners of the Board's intent. On June 9<sup>th</sup> of this year the Town accepted this street. This memo will outline the process recommended by the Planning Department to rename this portion of Autumn Drive.

1. Notify residents on Autumn Drive of our intentions to rename their street. From this notification of the neighbors we will receive comments regarding this matter. The notification will state that if we do not receive any comments we will go ahead and proceed with the renaming.
2. Take comments to the Board of Aldermen. The Planning Department will capsule the comments and results of this notification and forward them to the Board of Aldermen. The Board may at this time decide whether or not to hold a public hearing.
3. Develop a new street name. The Board of Aldermen should decide the process in which the new street name is chosen.
4. Update all sections of the Town Code that reference this section of Autumn Drive. The Town Code must be amended to reflect the new road name.
5. Notify all departments, E-911 and affected utilities of this road name change. In addition we will supply these groups with an updated street address list for the newly named street.
6. Public Works department will change all signs applicable to this project.

Once this process is started it may become apparent that more steps are required to fully satisfy all residents affected by the road name change. Residents will be notified of the potential problems that could arise as a result of this street not being renamed. They will also be assured that this transition will occur with very few complications. Once the renaming is complete it should alleviate all confusion related to the current addresses.

Tariq & Laura Nasir  
207 Autumn Drive  
Chapel Hill, NC 27516

September 3, 1998

Craig Harmon  
Planning Department  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Dear Craig Harmon:

We are writing to you in order to share our disappointment with you regarding your decision to rename Autumn Drive at Williams Woods. We want to be sure you know that we are strongly opposed to this idea, as are others on our street.

It is our understanding that this came about due to a request from the residents of Autumn Drive at the Barrington Hills development. It seems they are concerned about confusion on the part of emergency vehicles should they ever require such assistance. We too would not want EMS to reach our home any slower than necessary. However, a few weeks ago there appeared a story in the Chapel Hill News detailing a new GIS mapping system used by local EMS that should help us all rest much easier. The new system will make it much simpler for EMS to "reduce emergency response time in some of the toughest calls to locate" and that even means "if the call comes from a new subdivision with half built roads". We would be happy to send you a copy of this article if you felt it could prove helpful to our case.

There are many considerations that go into purchasing a new home and the address in this case was one of them. Also, the thought of changing all addresses from checks all the way down to driver's licenses is in no way appealing, not to mention the costs associated with them.

We hope you will take into consideration our feelings on the matter.

Sincerely,  
Tariq & Laura Nasir

300 Autumn Drive  
Chapel Hill, NC 27516  
August 31, 1998

Mr. Craig Harmon  
Town of Carrboro Planning Department  
301 W. Main Street  
Carrboro, NC 27510

Dear Mr. Harmon:

I talked to you last week with respect to the renaming of Autumn Drive in Williams Woods. I would like to clarify our position on the renaming issue. I would appreciate it if you would forward this letter to the Board of Aldermen.

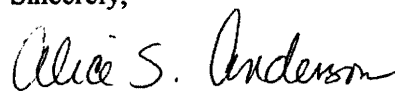
My husband and I were never told that our street name might change. It is extremely irritating that this issue was not resolved before homeowners moved onto the street. Changing our address is basically the same process as moving without the packing. We will have to spend time and money changing our checks, driver's licenses, and notifying our correspondents. It is also confusing to our young children.

On the other hand, we also know that having a "divided" Autumn Drive is an inconvenience and possibly a danger. Pizza delivery can take an hour while the delivery person is driving around Barrington Hills. After several deliveries were late, I considered the possibility that EMS might have problems finding us. Indeed, the Orange County EMS representative that I talked to earlier this year told me that his records showed Autumn Drive as completed. He changed his record after I talked to him, but he also said that when I make a 911 call I should tell the dispatcher that I live off Cates Farm Road. We find it very disconcerting to have to have the wherewithal during an emergency to give directions.

A better solution to our problem would be to connect the divided Autumn Drive. It is my understanding that there are no plans for this connection. In fact, there seems to be a double standard regarding "connector roads" in Carrboro. Some roads and neighborhoods are connected and some are not. Cates Farm, Williams Woods and Wexford are connected to unite neighborhoods and ease traffic congestion in other areas. However, Barrington Hills will not be connected to Williams Woods. Instead of a "real" Cobblestone connection to Wexford, there will be a bike path and walkway. Cobblestone auto traffic, on the other hand, will continue to come through Cates Farm, Williams Woods and Wexford. It thus appears that some neighborhoods have more influence on city traffic policies than others do.

In short, we will accept a name change to our street if it is the only solution that will provide us with the best emergency response. However, we resent that it is happening because only a few neighborhoods are bearing the traffic brunt of "uniting" Carrboro.

Sincerely,



Alice S. Anderson

Barbara and John Kline  
204 Autumn Drive  
Chapel Hill, NC 27516

August 27, 1998

Dear Planning Department and Carrboro Board of Alderman:

We are very disturbed by your idea of renaming our street. We had no idea that our street name was to be changed until your letter arrived. We were never informed of this decision by our developer. You stated that the decision to change the street name was made in April of 1997. You should have made the change then before all of us bought our homes on Autumn Drive.

It would be extremely inconvenient to change our address. As new residents, we have just gone through the lengthy process of having our address changed -We do not want to go through all the hassles we have just experienced.

We do not want to incur any additional expenses which I think you can appreciate. We would have to order new checks, personalized stationary, change numerous legal documents including naming our residence in our Will and Living Trust, changing of our deed, etc. We would have to contact all credit card companies, all utilities, all stock and investment companies, changing of driver license, notifying all friends, etc. - the list is endless.

In addition- we like the name of our street. We can't imagine that you will come up with a name that we would like any better. Autumn Drive has a nice ring to it. The only name that we would consider acceptable would be "Autumn Drive of Cate's Farm."

If you must rename one part of Autumn Drive, we suggest that you rename the Barrington Hills section. which would inconvenience the fewer number of homes. According to our count there are only 4 homes on Autumn Drive in Barrington Hills compared with 11 in Cate's Farm (soon to be 12).

It seems to us that you must have better things to do with your time than to debate a name change for our street. You must know that you will not be able to satisfy everyone on our street. Use the time that would be spent on all the debate in selecting a new name and find something more worthwhile like planning a way to stop all the crime in Carrboro so residents can feel safe going to the local Harris Teeter.

We expect that you will reconsider your decision. Changing our address is totally unacceptable.

Sincerely,

*Barbara Kline*

Barbara and John Kline

A large, stylized handwritten signature, likely of John Kline, written in black ink. The signature is fluid and cursive, with a large loop at the end.

301 Autumn Drive  
Chapel Hill, N.C. 27516  
September 1, 1998

Craig M. Harmon  
Planning Department  
301 W. Main Street  
Carrboro, N.C. 27510

Dear Mr. Harmon,

This is to follow up a telephone conversation which we had on Thursday August 27, 1998. I had received the City's notification that consideration is being given to changing the name of my street (Autumn Drive in Cates Farm). I am certain that the Board of Aldermen would not take such action without serious consideration, however, I am opposed to the change.

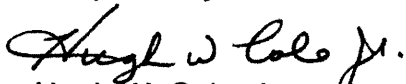
Usually a change of street name is because of a sound alike street in a distant neighborhood. This is not the case here on Autumn Drive, nor is there a permanent barrier separating the other portion of Autumn which is in Barington Hills.

I moved here at the end of May 1998 and promptly notified all of those with whom I correspond of my change of address. Three months later, I still receive mail that is forwarded to me from two old addresses. I operate my office from home and forwarded mail can have a negative impact on business.

I have a wife and five children. Notifications for change of address can be multiplied five times. This is not just an inconvenience. It costs time and money and could cause loss of services.

Please give consideration to my concerns.

Respectively,

  
Hugh W. Cole, Jr.

9/3/98

Dear Mr. Harmon,

Enclosed is some feedback for you concerning some of the views of the residents of Autumn Drive about the renaming of our street. I know that some of the other residents have spoken with or written to you. We really hope that you will present our strong objects to the Board.

Thank you for your attention to this matter.

Sincerely,

*Barbara Kline*

August 31, 1998

We, the residents of Williams Woods of Cates Farm emphatically want our street name to stay as "Autumn Drive.

Resident	Address	Telephone	Date
<u>Mike &amp; Judy Samuel</u>	<u>302 Autumn Dr.</u>	<u>967-9287</u>	<u>9/1/98</u>

August 31, 1998

We, the residents of Williams Woods of Cates Farm emphatically want our street name to stay as "Autumn Drive.

Resident	Address	Telephone	Date
<u>Hugh &amp; Yvonne Cole</u>	<u>301 AUTUMN Dr.</u>	<u>942-8267</u>	<u>9-3-98</u>

August 31, 1998

We, the residents of Williams Woods of Cates Farm emphatically want our street name to stay as "Autumn Drive."

Resident	Address	Telephone	Date
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TARLO NASIR, and LAURA CALAMOS NASIR	207 Autumn Dr.	960-7131	1 Sept 98
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August 31, 1998

We, the residents of Williams Woods of Cates Farm emphatically want our street name to stay as "Autumn Drive."

Resident	Address	Telephone	Date
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Rich + Nancy Cohn	303 Autumn Dr.	968-1601	9-1-98
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August 31, 1998

We, the residents of Williams Woods of Cates Farm emphatically want our street name to stay as "Autumn Drive."

Resident	Address	Telephone	Date
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Jim + Leigh Wulfsberg	307 Autumn Dr.	929 2039	Sept 2, 1998
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August 31, 1998

We, the residents of Williams Woods of Cates Farm emphatically want our street name to stay as "Autumn Drive.

Resident	Address	Telephone	Date
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<u>Clifford B. Hulett</u>	<u>205 Autumn Dr.</u>	<u>(919) 929-6871</u>	<u>9/1/98</u>
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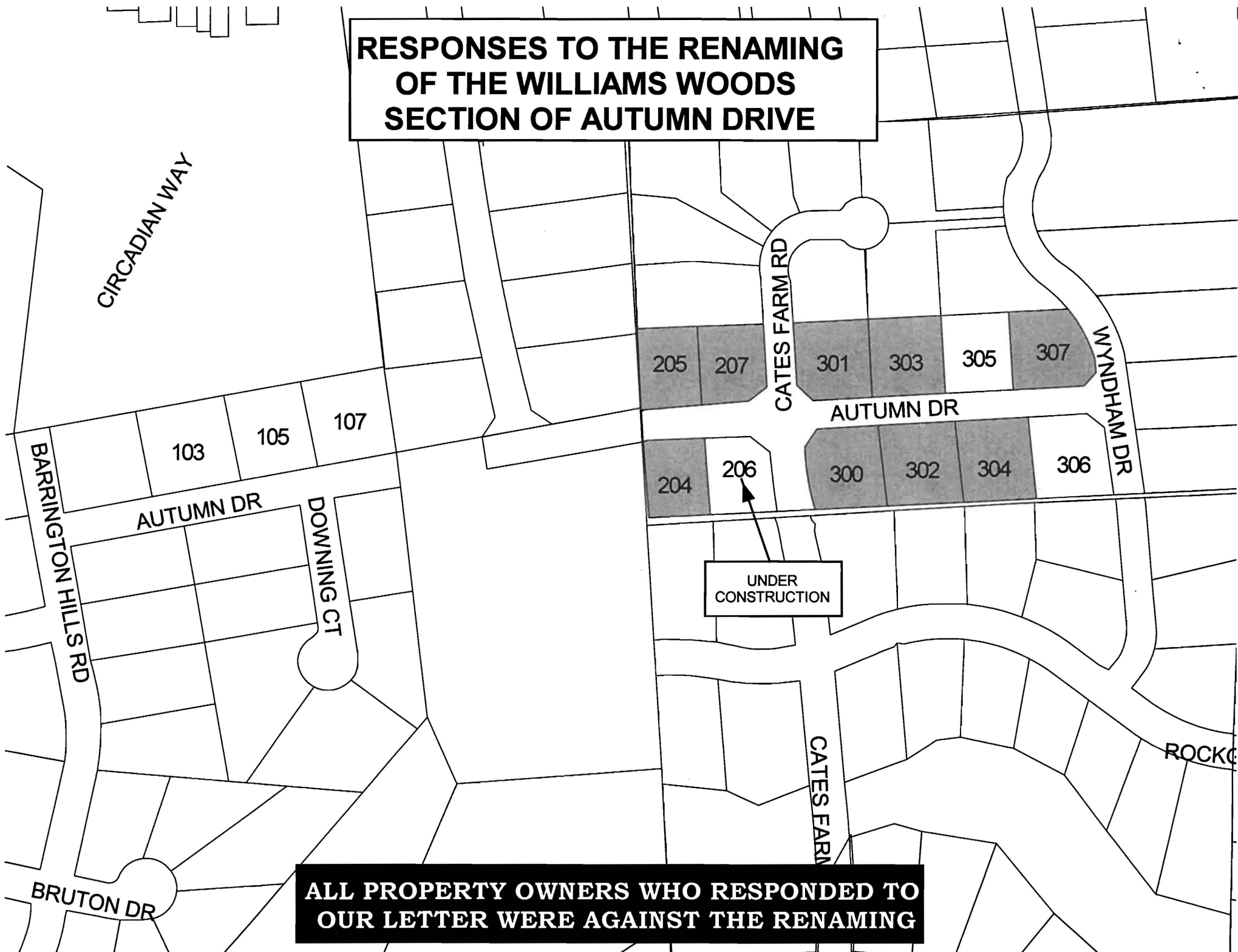
August 31, 1998

We, the residents of Williams Woods of Cates Farm emphatically want our street name to stay as "Autumn Drive.

Resident	Address	Telephone	Date
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<u>Barbara Kline</u>	<u>204 Autumn Drive</u>	<u>933-4718</u>	<u>9-2-98</u>
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**RESPONSES TO THE RENAMING  
OF THE WILLIAMS WOODS  
SECTION OF AUTUMN DRIVE**



**ALL PROPERTY OWNERS WHO RESPONDED TO  
OUR LETTER WERE AGAINST THE RENAMING**

**BOARD OF ALDERMEN**ITEM NO. D(2)**AGENDA ITEM ABSTRACT****MEETING DATE: Tuesday, October 13, 1998****SUBJECT: PRESENTATION OF A REZONING PETITION to consider a minor map amendment for the property located at 610 Jones Ferry Road from O to B-4**

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: <b>YES</b> __ <b>NO</b> <u><b>X</b></u>
ATTACHMENTS: <b>Rezoning Petition</b> <b>Map showing the location of 610 Jones Ferry Road</b>	FOR INFORMATION CONTACT: Patricia McGuire -- <b>968-7714</b>
THE FOLLOWING INFORMATION IS PROVIDED: ( <b>X</b> ) <b>Purpose</b> ( <b>X</b> ) <b>Analysis</b> ( <b>X</b> ) <b>Summary</b> ( <b>X</b> ) <b>Recommendation</b>	

**PURPOSE**

To discuss a rezoning petition for 610 Jones Ferry Road and, if deemed appropriate, set a public hearing to review this request.

**SUMMARY**

Between May 8, and August 12, Albert Allen, III submitted a petition for change of zoning, envelopes and application fee, for the property located at 610 Jones Ferry Road to the staff of the Planning Department. Mr. Allen, manager of the property for Tate Realty and Construction Company, Inc., record owner, is petitioning for the zoning of this property to be changed from O to B-4. As this request involves three parcels of land in single ownership, the ordinance classifies this a "minor map amendment." Mr. Allen is requesting that the zoning of this property be changed from O, Office, a zoning classification designed to accommodate low intensity office and institutional uses, to B-4, Outlying Concentrated Business, in order to more fully utilize the property for commercial purposes.

As shown on the attached location map, the property is located on the north side of Jones Ferry Road, just west the Tom's Creek crossing adjacent between the Willow Creek Shopping Center and the Willow Springs Long Term Care Facility. The zoning and use of the Tate property, for which this request has been submitted, as well as adjacent properties, is summarized in the table below.

Address	Tax map	Zoning	Activity	Use
610 Jones Ferry Rd (Tate Property)	7.114..16A, 16C, 16D	O	Kids 'r' Us Day Care Single-family residence	Child Day Care Facility, 22.200 Residential, 1.111
222 Old Fayetteville Rd	7.114..17	R-3	Autumn Woods Apartments	Residential, 1.330
602 Jones Ferry Rd	7.114..15D	B-4	Willow Creek Shopping Center	Combination, 27.000
601 Jones Ferry Rd	7.116..6B	R-3	Sterling Bridge Apartments	Residential, 1.330
603 Jones Ferry Rd	7.116..6A	O	Vacant	N/A
624 Jones Ferry Rd	7.114..16	R-3	Willow Springs Long Term Care	Residential, 1.610

**Table 1. Summary of zoning and use of the Tate property and adjacent properties.**

## ANALYSIS

The zoning of the Tate property was changed in 1992 from R-3 to O. The analysis conducted at that time stated that due to the tract's size, location, and topography it was well suited for a zoning classification allowing limited commercial activity on the property, but that more intensive commercial uses, or even full use under the existing zoning, would exacerbate traffic problems in the area. It was noted that the office zoning "represent[ed] a good compromise between the residential and commercial zoning choices at this location." Subsequent to the rezoning, the property was subdivided into three lots and a zoning permit was issued for a child day care facility on the lot that also contained an existing single-family residence.

A preliminary analysis of the appropriateness of the requested rezoning has been completed. This analysis evaluated the permitted uses in the existing and proposed zoning districts, the purpose of each district, and density or dimensional regulations associated with each district.

Twenty-nine uses in 12 classifications are permitted under the present zoning of the property at 610 Jones Ferry Road. The requested zoning district would allow 63 uses in 23 classifications. The change would allow a wide range of commercial uses in this location including retail activities, recreation facilities, restaurants, bar and nightclubs, motor vehicle-related uses, and dry cleaners and laundromats. It should also be noted that many of the activities in both columns are not permitted in the adjacent, R-3 zoning district, including retail activities, office, storage, dry cleaners, funeral homes. Although the distance requirement established in Section 15-176.1 would likely curtail the possibility of a drive-through restaurant, all other drive-through uses would be permitted.

### Definitions

Article IX of the Land Use Ordinance presents definitions of each zoning district in Town that include information on the purpose and essential characteristics of each district. The pertinent definitions are summarized below:

O Office. A district designed for low intensity office and institutional uses on relatively small parcels of land, with an emphasis on the retention and conversion, rather than the replacement, of existing residential structures. In order to insure compatibility with residential uses, several performance measures were developed for any office development.

B-4 Outlying Concentrated Business. A district designed to accommodate commercial enterprises that provide goods and services to a larger market area than neighborhood business districts, and that is located both outside the town's central business district and adjacent to major thoroughfares.

### Density and Dimensional Regulations

The density and height requirements associated with each perhaps best illustrate the differences between the O and B-4 zoning districts, and the potential impacts of development on adjacent properties. These requirements are presented in Table 2.

	Existing Zoning - O	Requested Zoning - B-4
Density	7,500 per dwelling unit	3,000 per dwelling unit
Height	35 feet	50 feet

**Table 2. Comparison of Density and Dimensional Requirements in Existing and Requested Zoning Districts.**

As shown, the change from O to B-4 would allow the permissible density on the property to increase 150 percent, and would allow the mass of any building, due to additional height, to increase 43 percent.

### **Findings**

The property has been used for residential purposes for some time, and, in recent years, for institutional purposes. In 1996, the property was subdivided into three lots and a day care center was constructed and has been operating on the lot containing the residence since that time.

The bulk of the property adjacent to 610 Jones Ferry Road is either fully developed and being used for residential purposes, or is zoned for uses similar to those found on the Tate property – residences and low-intensity office or institutional activities.

The change would significantly increase the type and range of commercial enterprises permitted on the property.

The zoning change would allow the intensification of use on the property, including more than doubling the number of permissible dwelling units and nearly doubling the possible building area.

This intensification is considered incompatible with the existing activities in the vicinity and inappropriate in this particular location.

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.

### **RECOMMENDATION**

The Administration recommends that the Board of Aldermen exercise the provisions of Section 15-321 noted above, not accept the petition for a minor map amendment and direct staff to return all application materials, including fees, that have been submitted.

cc. Allen Allen for revision  
8/26/98  
MAY 8 0 AM  
AUG 31 REC'D

# TOWN OF CARRBORO

## PETITION FOR CHANGE OF ZONING



PETITIONER

Albert Allen III

DATE: MAY 8 8 REC'D

5-8-98

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from 0 to B-4 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Albert Allen III  
ADDRESS: 610 Jones Ferry Rd. Carrboro N.C.  
TELEPHONE #: (919) 942-0379
2. INTEREST IN PROPERTY(IES): Owner  
Property Manager
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: 3 1/2 acre, Day-care  
House
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
  - a. OWNER: Albert Allen III Tate const.  
TAX MAP: 114 BLOCK:     LOT: 16A ACREAGE: 2.5 PARCEL:      
SUBDIVISION NAME:     FRONTAGE: 150 ft. DEPTH: 400 ft.  
EXISTING STRUCTURES AND USES: Day care center  
House NONE
  - b. OWNER: Tate Construction  
TAX MAP: 114 BLOCK:     LOT: 16C ACREAGE: 1 PARCEL:      
SUBDIVISION NAME:     FRONTAGE: 116 DEPTH: 392

EXISTING STRUCTURES AND USES: Daycare center  
House

c. OWNER: \_\_\_\_\_

TAX MAP: 114 BLOCK: — LOT: 160 ACREAGE: 1.46 PARCEL: \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_ FRONTAGE: 129 DEPTH: 378

EXISTING STRUCTURES AND USES: NONE

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 200 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

1000 NAME	ADDRESS
C.N.R. Lyons Fund LTD	400 E South St. #500 Orlando FL 32801
<del>400 E</del> Joseph M Harris	3303 Sunnyal. Dunbar N.C. 27107
Birgel Family Partnership	600 August Rd. Chapel Hill NC 27514
Willow Run Partnership	1716 Allard Rd. Chapel Hill, NC 27514
Dorothy Kallan apt. co.	40 E 69th St 4th floor New York, N.Y. 10024
Willow Spring Long Term Care Ctr.	P.O. Box 1330 Fuquay Varina NC 27526
Autism Words Home LLC	1308 E Smith & Smith 700 Charlotte NC 28204
Harris Inc.	P.O. Box 3660, Chapel Hill NC 27514
Marilyn Mowry Kelle	219 Old Fayetteville Rd Chapel Hill NC 27514
An & Son - Chen Lai young	202 Lynn Rd. Durham, NC 27510
Mary Patricia Birch	204 Lynn Rd. Durham, NC 27510

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES \_\_\_ NO \_\_\_  
IF "YES", WHEN? \_\_\_\_\_

**-CONTINUED-**

**5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS WITHIN 200 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.**

[illegible]

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?

Commercial uses are compatible with the shopping center which adjoins the property to the north.

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

This is one of the few locations in Cheshire where commercial use can be easily expanded without a significant impact on neighborhoods.

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

The property is presently being utilized as a resident day care facility with a limited budget for aesthetic improvement. The zone change will allow for redevelopment of the site with a substantial improvement in the quality of structure and landscaping thereby increasing the value of adjoining property.

AUG

REC'D

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

The most appropriate use or the highest and best use is for the commercial development with the accompanying increase in tax base from such development. This can be accomplished without a significant negative impact on any nearby properties.

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 19\_\_\_\_.

PETITIONER'S SIGNATURE: \_\_\_\_\_

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.

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

Because it expands the  
already existing commercial  
uses.

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 8<sup>th</sup> DAY OF May, 1998.

PETITIONER'S SIGNATURE: Albert Allen III












**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.

# Map showing the location of 610 Jones Ferry Road and the zoning of property in the vicinity.



## Legend

-  R-3 (Residential, 3,000 minimum)
-  R-7.5 (Residential, 7,500 minimum)
-  R-10 (Residential, 10,000 minimum)
-  R-15 (Residential, 10,000 minimum)
-  W-R (Watershed Residential)
-  C (Conservation)
-  O (Office)
-  O/A (Office/Assembly)
-  M-1 (Light Manufacturing)
-  B-3 (Neighborhood Business)
-  B-4 (Outlying Concentrated Business)



Planning Department - September 16, 1998/pjm

# BOARD OF ALDERMEN

ITEM NO. D(3)

## AGENDA ITEM ABSTRACT

**MEETING DATE:** Tuesday, October 13, 1998

**SUBJECT:** WORKSESSION to receive Part 2 of a staff presentation on the ordinance to implement the Northern Study Area Small Area Plan.

<b>DEPARTMENT:</b> PLANNING	<b>PUBLIC HEARING:</b> YES __ NO <u>X</u>
<b>ATTACHMENTS:</b> Draft Ordinance , Sections 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire -- 968-7714 Roy Williford -- 968-7713 Mike Brough -- 929-3905
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b> ( X ) Purpose ( ) Analysis ( X ) Summary ( X ) Action Requested ( ) Recommendation	

### PURPOSE

To hold a worksession during which staff will present Part 2 of a four-part presentation on the elements of the ordinance.

### SUMMARY

On September 16, 1997, the Board of Aldermen established the Small Area Plan Ordinance Drafting Committee to implement the *Facilitated Small Area Plan for Carrboro's Northern Transition Area*.

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 Appearance Commission will be reviewing the ordinance on October 19, 1998.

The first of a four-part series of presentations on the components of the ordinance was presented on October 6, 1998. A final presentation on the analysis of the ordinance's consistency with the plan is scheduled for November 10, 1998.

Information on Sections 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18 of the draft ordinance will be provided during a presentation this evening. These sections of the ordinance cover Village Mixed-Use areas, Office/Assembly areas, and good neighbor performance standards.

### ACTION REQUESTED

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

## **NORTHERN STUDY AREA FACILITATED PLAN PROPOSED IMPLEMENTATION SCHEDULE – REVISED**

### **Meeting Dates and Deadlines**

**October 13, 1998** – Staff reviews ordinance with Board of Aldermen (Part 2).

**Week of October 19** – ODC meets to review ordinance, if possible.

**October 27, 1998** – Staff reviews ordinance with Board of Aldermen (Parts 3 and 4).

**Week of October 26, 1998** – The ODC meets to complete its' review of ordinance and make recommendations.

**November 2, 1998** – Board of Aldermen - special meeting to finalize ordinance review.

**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.  
- Planning Board review of ordinance.

**November 10, 1998** – Ordinance review, if needed.

**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 19, 1998** – Mid-month, joint review of ordinance by Carrboro Advisory Boards.

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

**December 3, 1998** – Carrboro Joint Review Advisory Board meeting.

**December 15, 1998** – Public hearing on ordinance.

**December 31, 1998** – Moratorium expires.

*Planning Department – October 13, 1998/pjm*

**NORTHERN STUDY AREA FACILITATED PLAN –  
IMPLEMENTATION  
TENTATIVE SCHEDULE OF NEXT STEPS - REVISED 9/30/98**

**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 considers JPA amendment to allow development moratoria and takes final action 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 amended 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 and discuss schedule.

**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.

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

**December 3, 1998** – Joint Review (if necessary) of ordinance.

**December 15, 1998** – Public hearing on ordinance.

**December 30, 1998** – Moratorium expires.

*Planning Department – September 30, 1998/pjm*

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

**FOR BOARD OF ALDERMEN REVIEW ASSOCIATED WITH PART 2 OF  
STAFF PRESENTATION ON ORDINANCE**

**OCTOBER 13, 1998**

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

**Section 15-141.2 Village Mixed Use District Established**

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

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

8. A recognizable, functionally diverse, but visually unified village focused on a village green or square.
9. Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the village.
10. Compliance with the policies embodied in this chapter for the development of a village mixed use.

(b) The VMU district shall be a conditional 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 VMU district is a village mixed use development, and a village mixed use development is only permissible within a VMU district.

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

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

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

(f) When a VMU 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 village 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 village mixed use development, in accordance with the following provisions.

- (1) The master plan shall show, through a combination of graphic means and text (including without limitation proposed conditions to be included in the 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 village 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 "Village Mixed Use Vernacular Architectural Standards."
- (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 VMU 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 VMU 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 VMU 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 VMU 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 VMU 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 village 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 village 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 village neighborhood mixed use development may be denied for reasons set forth in Subsection 15-54(c)(4) if the basis for such denial involves an element or effect of the development that has previously been specifically addressed and approved in the master plan approval process, unless (i) it can be demonstrated that the information presented to the 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 15-176.2 to read as follows:**

**Section 15-176.2 Village Mixed Use Developments**

(a) In a village 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 Master Plan or conditional use permit for the development.
- (2) The commercial portions of the village mixed use development shall be contained within a "storefront use area." This area shall be designed to provide a variety of retail shops and services to support the day-to-day needs of village residents and other local residents, complemented by other compatible business, civic and residential uses in commercial-type buildings in a manner consistent with a small downtown or central market place in the community.
- (3) Storefront use 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.
- (4) Storefront use areas shall be located at least 200 feet from an arterial street and at least one-half mile from the nearest edge of another commercial center.
- (5) Parking areas that serve commercial facilities shall be screened with a Type A screen from the view of public streets located outside the development.
- (6) 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.

- (7) Commercial areas shall surround or be located adjacent to or across the street from a public park, green, or square, which area may be credited as part of the open space required of the development.
- (8) 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 the Master Plan 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.
  - a. The development shall contain an area known as a "townhouse use area." This area shall be designed to provide for a variety of housing opportunities and residential buildings in close proximity to the storefront area, and to provide for the flexible use of such buildings to accommodate compatible business and civic uses which supplement the storefront area. The townhouse area shall be a designated geographic unit generally located along neighborhood streets and adjacent to the storefront area.

- b. The development shall also contain a “single-family residential use area” designed to provide for single-family detached homes in a residential neighborhood environment.

(c) In approving a conditional use permit for a village 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.

(d) The open space provided within a village mixed use development pursuant to Section 15-198 shall include areas known as “village conservancy use areas ” and “greens, parks, and squares.”

- (1) Conservancy use areas are areas designed to create a visual and physical distinction between the development, the surrounding countryside, and any neighboring developments.
- (2) Greens, parks and squares are spatially defined and distributed open spaces within the village mixed use development designed to serve a variety of outdoor leisure and assembly needs of village residents and to enhance the form and appearance of the development.
- (3) There shall be a main village green, which shall be centrally located in close proximity to the storefront area as described in subsection (a)(2). Other, smaller greens shall be dispersed throughout the remainder of the village center in such a way that no lot is more than a walking distance of 1,320 feet from a green, square or park. The main village green shall be designed to a pedestrian scale and shall be no less than 30,000 square feet in size, while the other, smaller greens, squares and parks shall be no less than 10,000 square feet in size.
- (4) Open space areas set aside in accordance with this section may be used to satisfy the forty percent requirement of subsection 15-198(c). If the areas the developer is required to set aside as open space under Section 15-198 together with the areas required to be set aside under this subsection exceed forty percent of the mixed use development, then the board of aldermen shall allow the developer to set aside less than the one or more of the categories of open space otherwise required under Section

15-198 or this subsection so that the developer is not required to preserve as open space more than forty percent of the development tract.

(e) In addition to other applicable use regulations as provided above, lots within the following areas may be used for the purposes indicated below upon issuance of a zoning permit, so long as such uses are specifically authorized under the master plan or conditional use permit approved for the development:

(1) Townhouse areas:

(2) Storefront areas:

(f) Village Mixed Uses Developments shall meet the following objectives with regard to land use arrangement and design criteria:

(1) Overall Form.

- a. Open space should be designed to follow the natural features whenever possible and to provide for an agricultural, forest and undeveloped character of the land.
- b. The core of the village shall be distinguished from the peripheral, contiguous open space by a well-defined "hard edge" of dwellings in contrast with the open, largely agricultural, forest and undeveloped character of the open space.
- c. The village should be sited so as to best preserve natural vistas and the existing topography.
- d. The village should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways and sidewalks.

(2) Spatial Relationships of Various Use Areas and Open Space.

- a. The common, peripheral open space shall surround the village unless explicitly modified upon a finding that unique topographical or other natural features or preexisting boundary conditions require an alternative arrangement.
- b. Village storefront use and townhouse use areas shall be surrounded by the residential use area or, where applicable, by a combination of residential and civic use areas.

- c. Higher density residential lots should be generally located between the designated commercial area and lower density residential lots.
- d. The transition between uses shall be blended to avoid a distinct visual segregation.

### (3) Block Design

- a. Blocks of a generally rectangular shape should be the main organizing feature of the village. While topography, existing vegetation, hydrology and design intentions should influence block shape and size, the maximum length for a block is to be four hundred and eighty (480) feet with an allowance for blocks up to six hundred (600) feet when mid-block pedestrian paths or ways are provided. No less than one eight-foot pedestrian alley or way must be provided for every two-hundred (200) feet of road frontage in the storefront use area.
- b. The blocks of the village may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions.
- c. Village lots should minimize front and side yards, garage aprons and entrances and blank walls, and should generally have as narrow a width as is practical to encourage pedestrian movement.
- d. Each block which includes storefront and narrow frontage townhouse lots shall be designed to include an alley or small clusters of parking, with service access in the rear. Blocks of wide frontage townhouse lots need not be designed to include an alley and rear parking.
- e. Similar land use types shall generally front one another while dissimilar land use types shall generally abut along alleys or rear parking.
- f. Lot layout, path and sidewalk design shall ensure pedestrian access to each lot.
- g. The build-up line specifies a cornice height that establishes the prominent visual dimension of a building and defines its proportion in relation to the street. It should vary, with no more than sixty (60) feet of the build-up line having a similar cornice or roofline and between one and one-half and two stories in

height. A two-story build-up line can range from 20 to 25 feet above average ground level.

**(4) Storefront and Townhouse Use Area Design Components**

- a. New multi-family and commercial buildings in storefront and townhouse use areas shall be subject to a maximum front setback (the "build-to" line) in order to maintain a strong sense of streetscape. Such buildings shall generally be of two-story construction (to the so-called "build-up" line) and shall be designed in accordance with the design standards of this chapter and any other applicable standards.
- b. Maximum height regulations are 35 feet and two and a half stories.
- c. Minimum street frontage is 50 feet.
- d. Setback regulations are as follows: Front = no minimum required; maximum is 15 feet; Rear = 20 feet minimum; Side = Zero minimum lot lines are allowed, except at block ends or adjacent to alleys or pedestrian walks as required under block design requirements.
- e. Parking within this area shall be subject to the other parking requirements of this chapter as well as the following:
  1. Non-residential off-street parking shall generally be to the side or the rear, or located within internal parking areas not visible from the street.
  2. On-street parking spaces along the front property line of a lot (except where there are driveway curb cuts) shall be counted toward the minimum number of parking spaces required for the use on that lot.
  3. On-street parking space shall be designed as either parallel to the curb on both sides of the street, or diagonal to the street on the storefront side with landscaped breaks serving the pedestrian alleyways.
- f. All public sidewalks and walkways shall:
  1. Be constructed of brick, concrete, or concrete with brick borders.

2. Be no less than six feet in width for on-street, five feet for off-street or alleyways; and
  3. Create a completely interconnected network of pedestrian walkways throughout the storefront use and townhouse use areas.
- g. All storefront and townhouse use areas shall contain the following:
1. At least one trash can of approved design in each block;
  2. Public benches of approved design at bus stops, green spaces, and at intervals of no greater than 50 feet on each block; and
  3. At least one bike rack on each block.
- h. All new construction shall be of similar scale and massing to small-scale, historic buildings in downtown Carrboro.
- i. All roofs shall be topped with low-pitched roofs with articulated parapets and cornices, or pitched roofs where fascias are emphasized and any roof dormers are functional.
- j. Storefront buildings shall:
1. Include show windows on the ground level. Neon is prohibited on the exterior of these buildings.
  2. Articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
  3. Include lighting in show windows which is in conformance with other lighting regulations, herein;
  4. Project lighting on the sidewalk from about eight feet in conformance with other lighting regulations herein;
  5. Present the principal entrance to the front sidewalk.
- k. The façade of storefront buildings may be separated from the sidewalk surface by a landscaped strip of no greater than three

feet, except as necessary to accommodate open-air, food service establishments.

l. The construction of open colonnades over a sidewalk adjoining storefront buildings may be permitted subject to an appropriate easement over the public right-of-way.

m. Dominant construction materials for the exterior of buildings within townhouse and storefront use areas shall be brick, stucco, or wood, or a combination thereof. Commercial grade windows and doors shall be used. with wood encouraged.

n. All signage shall:

1. Be affixed to building façade, canopy, or arcade;
2. Be located within the first story limit;
3. Be visible to both pedestrians and drivers;
4. Contain visual street numbers for each building; and
5. Utilize lighting conforming to applicable regulations.

o. Storefront buildings shall have at least 60 percent of their front facade coincident with their frontage.

p. The principal entrance shall be from the front sidewalk.

q. Storefront buildings fronting on the same street and located on the same block shall be attached, except as necessary to accommodate pedestrian ways.

r. The street treescape shall require:

1. The planting of species which branch above 8 feet to facilitate viewing of storefronts and signage.
2. The planting of trees every 30 feet to 50 feet depending on size so as to create a regular pattern of street trees through the area.

(5) Residential uses within the single-family residential use area shall conform to the following requirements:

lot.

- a. Lots shall generally be located along local streets and around the perimeter of the combined storefront and townhouse areas and between those areas and the village conservancy district.
- b. The minimum lot width at the building line shall be 40 feet;
- c. Variations in the principal building position and orientation shall be encouraged, but the following minimum standards shall be observed: Front yard: 15 feet minimum (but 8 feet to front porches or steps); Rear yard: 30 feet minimum for principal buildings and 5 feet for accessory buildings; Side yard: 20-foot separation for principal buildings, with no side yard less than 5 feet.
- d. The maximum impervious coverage shall be 50 percent on each
- e. The maximum height of buildings shall be 35 feet.
- f. Residential structures shall be designed to reflect Carrboro's vernacular building tradition in accordance with the design standards described in Section 15-\_\_\_ of this chapter.
- g. Accessory dwelling units shall be architecturally integrated as follows:
  - 1. Accessory dwellings or outbuildings shall be designed to harmonize with the Carrboro vernacular architecture described above.
  - 2. There shall be a maximum of one accessory dwelling unit (ADU) per lot of less than ten (10) acres.
  - 3. The gross floor area in the ADU shall not exceed 900 square feet.
  - 4. Exterior fire-exit stairs are prohibited on any side of ADUs except at their rear.
  - 5. All off-street parking for ADU shall be located to the side or rear and shall be visually screened from adjoining properties and from all streets.

#### (6) Roads and Streets.

- a. Street patterns within the village mixed use shall be a rectilinear network of streets, interconnected with clear, direct, understandable patterns, with variations as needed for topographic and environment and other valid design consideration.
- b. Streets shall be designed generally to:
  - 1. Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.
  - 2. Minimize alteration of natural site features.
  - 3. Secure the view to prominent natural vistas.
  - 4. Minimize the area devoted to vehicle travel.
  - 5. Promote pedestrian movement so that it is generally more convenient to walk short distances than to drive.
  - 6. Be aligned so that the "terminal vista" is of open space features, either man-made (greens, commons) or natural (meadows, large trees in distance).
- c. With the exception of loop roads, all neighborhood and local streets shall terminate at other streets within the village proper and shall provide connections to existing or proposed through streets or collectors outside the village proper where practical. Loop roads, as defined in this chapter, are specifically allowed.
- d. Sidewalks shall be provided as required in Article XIV of this chapter.
- e. Sidewalk widths shall be at least six feet in retail/commercial areas, and at least four feet in residential, as well as townhouse, areas.
- f. A plan for sidewalks and footpaths shall be designed to connect all houses with any of the village's greens and parks.

(7) Parking.

- a. Off-street parking lots and areas shall generally be located at the rear of buildings.

- b. No off-street parking shall be permitted in the front yards of buildings located in the storefront townhouse, nor shall off street parking be the principal use of corner lots in these areas.
- c. Any off street parking space or parking lot in a storefront, townhouse, or civic area which abuts a street right-of-way shall be buffered from the right-of-way by a landscaped area no less than 4 feet wide in which is located a continuous row of shrubs no less than 3 1/2 feet high, or by a wall no less than 4 feet and no more than 6 feet high.
- d. Off street parking in the storefront and narrow frontage townhouse areas shall generally be accessible from an alley only.

**(8) Landscaping**

- a. The applicant shall submit a comprehensive landscape master plan for all areas of the village, and village conservancy areas, identifying the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation and planting methods.
- b. Shade trees shall be provided along each side of all streets, public or private, existing or proposed. Shade trees shall also be massed at critical points, such as at focal points along a curve in the roadway. In locations where healthy and mature shade trees currently exist, the requirements for new trees may be waived or modified.
- c. Parking lots larger than 19 spaces and/or 6,000 square feet in size shall have internal landscaping as well as buffering landscaping on the edge of the lot.
- d. Trees and other plants should be chosen with reference to the list set forth in Appendix E.
- e. Trees and other public landscaping shall be protected by means of suitable barriers.
- f. The method and means for providing quality street trees and other community landscaping such as in village greens, parks, and squares shall be addressed.
- g. The developer shall be required to post a suitable performance bond to ensure that any tree that dies within eighteen (18) months of planting shall be replaced with the same species and

size, and that any tree shall be well maintained, i.e., irrigated and fertilized, for a total of thirty-six (36) months from time of planting. If trees are removed, they shall be replaced with trees of similar size and function.

Section 7. Section 15-146 (Table of Permissible Uses) is amended by adding a new classification 32.000 entitled "Village Mixed Use Development" and by adding the following language across the table opposite this use classification: "Permissible only in Village Mixed Use Districts (See Section 15-141.2) pursuant to a conditional use permit)."

Section 8. 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.

d. Buildings within the O/A CU district shall comply with the following standards:

1. Exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood or fabricated residential lap siding made of hardboard or vinyl).
2. The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run.
3. Windows shall be of a type commonly used in single-family residences.

Section 9. 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 10. 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.”

Section 11. The title of Part I of Article XI is amended to read “Non-Residential Performance Standards,” and Section 15-161 is rewritten to read as follows:

Section 15-161 “Good Neighbor” Performance Standards for Non-Residential Uses.

The provisions of this part are designed to provide performance standards by which applications for non-residential development will be evaluated by the town and by which the actual performance of those operations and uses will be monitored by the town for compliance. The purposes of these performance standards are to protect the town in general, and abutting and neighboring landowners in particular, from any potential negative impacts that new nonresidential uses may have on the physical environment and on the quality of life currently enjoyed by the residents of Carrboro’s planning jurisdiction.

Section 12. Section 15-162 is rewritten to read as follows:

Section 15-162 Smoke, Dust, Fumes, Vapors, Gases, and Odors.

(a) Emission of smoke, dust, dirt, fly ash, or other particulate matter, or of noxious, toxic or corrosive fumes, vapors, or gases in such quantities as to be evident or perceptible at the property line of any lot on which a use is conducted, or which could be injurious to human health, animals, or vegetation, or which could be detrimental to the enjoyment of adjoining or nearby properties, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.

(b) No use shall be permitted to produce harmful, offensive, or bothersome odors, scents, or aromas (such as, but not limited to, those produced by manufacturing processes, food preparation, food processing, fish sales, rendering, fermentation processes, decaying organic matter, and incinerators) perceptible beyond the property line of the lot where such use is located either at ground level or any habitable elevation.

(c) The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be shown on the application plans, with a description of the source materials.

Section 13. Section 15-165 (Odors) is repealed and replaced with a new Section 15-165 to read as follows:

Section 15-165 Ground Water Supply.

(a) All outdoor storage facilities for fuel, chemical, or industrial wasters, and potentially harmful raw materials, shall be located on impervious pavement, and shall be

completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm. This requirement is intended to prevent harmful materials from spilling and seeping into the ground, contaminating the groundwater.

(b) Non-corrosive storage tanks for heating oil and diesel fuel, not exceeding two hundred seventy five (275) gallons in size, may be exempted from the requirements of this section provided that there is no seasonal high water table within four (4) feet of the surface, and that rapidly permeable sandy soils are not present.

Section 14. Section 15-243 (Excessive Illumination) is rewritten to read as follows:

Section 15-243 Excessive Illumination.

(a) Outdoor lighting (not including sign lighting) shall be controlled in both height and intensity as provided in this section.

(b) No development shall be permitted to produce a strong light or reflection of that light beyond its lot lines onto neighboring properties, or onto any street so as to impair the vision of the driver of any vehicle upon such street.

(c) Light fixtures may not exceed fifteen (15) feet in height, and luminaries shall be shielded or configured to cast the light downward and to prevent light from shining beyond the lot lines into neighboring properties or public ways.

(d) Under no circumstances may the light level at the lot line exceed 0.2 foot-candles, measured at ground level.

Section 15. Subsection A-6(b)(15) is amended to read as follows: "Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with Sections 15-242 and 15-243."

Section 16. Section 15-163 (Noise) is amended by adding the following two sentences at the end of subsection (a): "Noises that exceed the levels set forth below shall be deemed annoying or disruptive. Low frequency noises shall be considered annoying and disruptive if they exceed the decibel levels set forth below when measured without using an A-weighted filter, or if such noises generate a perceptible vibration within structures located beyond the boundaries referenced above."

Section 18. Subsection 15-263(a)(2) is amended to read as follows:

- (1) No development may be constructed or maintained so that surface waters from such development are collected, channeled, or released onto lower adjacent properties at such locations or at such volumes or peak flows as to cause measurable damage to the lower properties. Measurable damages include off-site sedimentation, erosion, and/or ground-cover

loss downstream; increased scouring of any downstream streambed; sediment deposits in low areas of any downstream stream; lowered quality of the water due to the pollutants carried in runoff; damage to or loss of structures, flower beds, or any other personal property; or any damage that materially injures the value of adjoining or abutting property.

## MEMORANDUM

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

FROM: Michael B. Brough

SUBJECT: Small Area Plan Ordinance Draft, Summary of Provisions Part II

DATE: October 12, 1998

This memorandum provides some brief explanatory comments about sections 4, 5, 7-16, and 18 of the draft.

**Section 4.** This section provides for the establishment of a "floating zone" that will allow commercial development in the context of a larger, primarily residential development. The Village Mixed Use (VMU) district is a conditional use district, which means that the Board of Aldermen can consider the specific plans for the property at the time it considers the rezoning, and the property can be used only in accordance with a conditional use permit. For the most part, the provisions set forth in the draft are self-explanatory. The developer will have the choice of submitting with the rezoning application either a master plan or a conditional use application. The master plan requires less detail, but would require the applicant to come back at a later time and submit a conditional use permit request. The advantage to the developer is that he or she need not submit all of the information required in the conditional use permit process before obtaining the judgment of the Board of Aldermen as to whether the proposed site is appropriate for the traditional neighborhood development.

Note that the applicant for approval of a VMU master plan must demonstrate, among other things, how he or she intends to comply with the town's "Village Mixed Use Vernacular Architectural Standards." These standards, which are currently being completed by the committee, are designed to insure that the architecture of the buildings in the VMU reflects Carrboro's unique architectural heritage.

**Section 5.** This section contains the specific provisions that describe what a traditional neighborhood mixed use development is and how it must be developed. The commercial portion of a VMU is limited to ten percent of the gross acreage of the tract, or five acres, whichever is less. Generally, the uses permissible in this area are those permissible in the B-3T or OA districts, subject to any limitations contained in the master plan or conditional use permit. The residential portions of the development are generally subject to the R-10 standards, except that to encourage this form of development, the ordinance provides for a "density bonus" in two ways. First, the area used for commercial purposes is not subtracted from the adjusted tract acreage before the density calculation is made. Second, residential units constructed above commercial uses do not count against the maximum density.

The draft of this section originally presented to the committee was rather short and succinct, setting forth only a few descriptive standards as to what the VMU was designed to accomplish. This section was initially drafted in this way in recognition that, since a VMU district requires a rezoning, the Board has essentially unlimited discretion in rejecting a VMU rezoning request if the master plan or conditional use permit submitted with the rezoning request does not demonstrate that the developer has fulfilled the town's goals for this district. However, the committee preferred to set forth in much greater detail the design standards applicable to this district, and most of this section was drafted directly by the committee.

**Section 7.** This section adds the VMU classification to the table of permissible uses. This classification is permissible only in a VMU Conditional Use District.

**Section 8.** 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).

**Section 9.** This section adds the Office/Assembly Planned Development classification to the table of permissible uses. This classification is permissible only in an Office/Assembly Conditional Use District.

**Section 10.** This section clarifies that the Board can rely on the representations of a developer concerning proposed development plans in a *conditional use* rezoning request.

**Section 11.** This section rewrites the existing Section 15-161. The current ordinance limits the applicability of performance standards to three use classifications: 4.000 (manufacturing/processing uses), 9.400 (automobile repair shop and body shop), and 2.150 (retail sales with subordinate manufacturing and processing). The revision makes the performance standards generally applicable to all nonresidential uses, although certain of the remaining sections continue to be limited to just the above listed uses because the impacts in question are unlikely to create a problem outside of those use classifications.

**Section 12.** This section replaces Section 15-162 of the existing ordinance, which deals with smoke. The new provisions are taken from the first paragraph of Arendt's standard under "dust, fumes, vapors, gasses and odors." The main difference between the proposed language in subsection (a) and the existing language is that existing Section 15-162 is limited to smoke and

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references a specific standard, whereas the new language covers more than just smoke and is much more general. Subsection (b) replaces Section 15-165 of the existing ordinance, which deals with odors. Subsection (c) is new language prepared by Arendt.

**Section 13.** This section repeals Section 15-165 (odors) of the current ordinance since provisions relating to odors are now contained in proposed new Section 15-162, and substitutes a new Section 15-165 dealing with ground water supply, which provisions are taken directly from Arendt.

**Section 14.** This section rewrites existing Section 15-243 (excessive illumination) so that it is consistent with Arendt's standards relating to glare.

**Section 15.** This section amends the provisions of the existing ordinance dealing with permit application requirements to specify that information must be submitted demonstrating compliance with the standards set forth in Section 15-243 (excessive illumination).

**Section 16.** This section amends the existing ordinance provisions dealing with noise to deal with the particular problem caused by low frequency sounds.

**Section 18.** The existing ordinance provides that: "No development may be constructed or maintained so that surface waters from such development are unreasonably collected and channeled onto lower adjacent properties at such locations or at such volumes as to cause substantial damage to such lower adjacent properties." This general standard is usually enforced by requiring the developer to insure that post-development stormwater runoff rates (for the 10 year storm) do not exceed pre-development runoff rates. The proposed language changes the general standard from "substantial damage" to "measurable damage" and defines this latter term.

# BOARD OF ALDERMEN

ITEM NO. D(4)

## AGENDA ITEM ABSTRACT

MEETING DATE: October 13, 1998

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

<b>DEPARTMENT: PLANNING</b> <b>DEPARTMENT</b>	<b>PUBLIC HEARING: YES</b> ____ <b>NO</b> ____ <b>X</b> ____
<b>ATTACHMENTS:</b> Town Code Amendment	<b>FOR INFORMATION CONTACT:</b> Mike Brough, 968-7714 Carolyn Hutchison, 968-7733
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b> (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 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~~ <sup>mobility</sup>).

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.

The following ordinance was introduced by Alderman Diana McDuffee and duly seconded by Alderman Allen Spalt.

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

Ordinance No. 5/98-99

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 vote and was duly adopted this 13th day of October, 1998:

Ayes: Diana McDuffee, Jacquelyn Gist, Alex Zaffron. Allen Spalt

Noes: Hilliard Caldwell, Michael Nelson

Absent or Excused: Hank Anderson

# BOARD OF ALDERMEN

ITEM NO. D(5)

## AGENDA ITEM ABSTRACT

**MEETING DATE:** October 13, 1998

**SUBJECT:** Development Review Process

<b>DEPARTMENT:</b>	<b>PLANNING</b>	<b>PUBLIC HEARING:</b> YES _____ NO <u>X</u>
<b>ATTACHMENTS:</b> <u>Please bring the attachments that were included with this agenda item last week (10-6-98)</u> 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 Information Required with Applications b) Appendix I Storm Drainage Design Manual 5. Hand-outs a) Land Use And Development b) Construction Plan Approval c) Subdivision Checklist d) Commercial Development Checklist		<b>FOR INFORMATION CONTACT:</b> Roy M. Williford, 968-7713
<b>THE FOLLOWING INFORMATION IS PROVIDED:</b>		
(X) Purpose	(X) Action Requested	( ) Analysis
( ) Summary	( ) 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

## Planning and Development Processes

<b>Category</b>	<b>Type of Power</b>	<b>Process</b>	<b>Authority</b>
Other Bd. of Adjustment	Quasi-Judicial	Conditional Use Permit	Board of Aldermen
	Quasi-Judicial	Certif. of Appropriateness	Historic Dist. Comm.
	Quasi-Judicial	Special Exception Permit	Board of Adjustment
	Quasi-Judicial	Interpretations	Board of Adjustment
	Quasi-Judicial	Appeals	Board of Adjustment
Amendment	Quasi-Judicial	Variances	Board of Adjustment
	Legislative	Text Amendment	Board of Aldermen
	Legislative	Zoning Map amendment	
	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
Joint Planning	Administrative	Final Plat Approval	Town Manager
	Administrative	Construction Plan Approve	Land Use Administrator
	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."

# BOARD OF ALDERMEN

ITEM NO. D(6)

## AGENDA ITEM ABSTRACT

MEETING DATE: October 13, 1998

**SUBJECT:** Discussion of Jordan Lake as a Regional Water Source

<b>DEPARTMENT:</b> n/a	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u>
<b>ATTACHMENTS:</b> Notes from October 1 <sup>st</sup> Joint Meeting	<b>FOR INFORMATION CONTACT:</b> Mayor Michael Nelson

### PURPOSE

Mayor Nelson has requested that the Board of Aldermen discuss the future of OWASA'S water allocation from Jordan Lake and Chatham County's need for Jordan Lake water.

### SUMMARY

On October 1, 1998, the OWASA Board of Directors held a joint meeting with local government officials from Carrboro, Chapel Hill, Chatham County, Hillsborough, and Orange County to discuss Jordan Lake as a regional water source. Notes from that meeting are attached as information.

### ACTION REQUESTED

The Board will discuss this matter.



## ORANGE WATER & SEWER AUTHORITY

*Quality Service Since 1977*

October 8, 1998

Mr. Bob Morgan, Manager  
Town of Carrboro  
301 West Main Street  
Carrboro, NC 27510

Mr. Cal Horton, Manager  
Town of Chapel Hill  
306 North Columbia Street  
Chapel Hill, NC 27516

Mr. Charlie Horne, Manager  
Chatham County  
Courthouse Annex  
Pittsboro, NC 27312

Mr. Eric Peterson, Manager  
Town of Hillsborough  
101 East Orange Street  
Hillsborough, NC 27278

Mr. John Link, Manager  
Orange County  
200 South Cameron  
Hillsborough, NC 27278

SUBJECT: Notes From The October 1, 1998 Joint Meeting Between Carrboro, Chapel Hill, Chatham County, Hillsborough, Orange County, And OWASA Regarding Jordan Lake

Dear Mr. Morgan, Mr. Horton, Mr. Horne, Mr. Peterson, and Mr. Link:

Please distribute to your elected officials the following information regarding the subject meeting:

Attachment #1 - Meeting summary as prepared by meeting facilitator Peg Carlson, Institute of Government

Attachment #2 - Copy of Tom Fransen's presentation

Attachment #3 - Attendance Roster

I thought we had a productive meeting, and I look forward to continuing our dialogue on this very important topic.

Very truly yours,

Ed Kerwin  
Executive Director

c: OWASA Board of Directors; Peg Carlson, Institute of Government; Tom Fransen, NCDENR; Bob Epting, Esq.; Ed Holland; John Greene

**Notes from Joint Meeting between Carrboro, Chapel Hill, Chatham County,  
Hillsborough, Orange County, and OWASA  
Topic: Jordan Lake as a Regional Water Source  
October 1, 1998**

**Ground Rules (Meeting Facilitator Peg Carlson, Institute of Government)**

- ◆ Focus on interests, not positions
- ◆ Stay focused
- ◆ Test assumptions
- ◆ Make statements and invite questions

**Presentation By Tom Fransen, North Carolina Department Of Environmental  
And Natural Resources, Division Of Water Resources**

**What Are Your Short- And Long-Term Interests In Jordan Lake?**

**Chapel Hill**

Interested in protecting water quality and preserving OWASA's access and allocation. No immediate need, but want to keep Jordan Lake as a future resource.

**Hillsborough**

Want OWASA to keep options open in case we need water in the future (long-term, not short-term).

**Chatham County**

We have both immediate and long-term interests to meet our growing needs. We see current intake as a possibility and would like to use the OWASA intake location soon, if possible. We are at maximum capacity some days now, we want to create a partnership around this regional resource.

**Carrboro**

We have no short-term water needs and may not have long-term needs. We are interested in cooperating with Chatham County to meet emergency needs.

**Orange County**

Interested in maintaining high water quality and working with others to accomplish this. We have maintained our allocation and are interested in protecting this allocation and making efficient use of the intake.

**OWASA**

Long-term interest in maintaining 10 MGD allocation and access to the land we own at Jordan Lake. We support the watershed study and are open to collaborating with neighboring utility providers, subject to local policy goals. We are interested in maintaining water quality as well.

**Question Posed By Chatham County**

- ◆ Is there interest in OWASA working with Chatham County to develop an intake, even if Chatham needs it earlier than OWASA would otherwise?

### **Questions Raised By Participants**

- ♦ What is the level of participation needed by the various governmental entities (e.g., amount of capital required, short-term vs. long-term costs of developing intake at this time)?
- ♦ What is driving Chatham County's need (e.g., amount of development)?
- ♦ Under what conditions might Chatham share/use OWASA's intake location? What are the options?
- ♦ Does Chatham have an interest in working with Orange County governments to maintain a rural buffer in southern Orange/northern Chatham area?
- ♦ Is Jordan Lake indeed considered a regional water supply? Is Chatham included in the region?
- ♦ Who should be involved in this discussion (i.e., governing boards' role vs. OWASA's role)?
- ♦ Can we develop a clear sense of each jurisdiction's direct interests in Chatham's use of Jordan lake?
- ♦ In the long term, will Orange County entities need to take water from Jordan Lake?
- ♦ What will OWASA's master plan indicate about its timing for the need of Jordan Lake's water?
- ♦ What forum should this issue come back to? Are participating entities willing to have a conversation with their entire boards and then come back together to discuss?
- ♦ If Chatham County can act on its own, what is its incentive to cooperate on land use, etc.?

### **The Participating Orange County Entities Agreed To Have A Conversation With Their Entire Boards And Then Come Back Together To Discuss Chatham County's Use Of The OWASA Intake Site On Jordan Lake. They Identified Several Pieces Of Information That They Needed Before They Would Have This Board Discussion:**

1. Information from OWASA on projected water use, options for (and cost of) developing intake site
2. Information from Chatham County regarding water needs
3. Exchange of land use plans and utility line plans between Orange and Chatham counties
4. Engineering information on the possibility of building an intake site that could be expanded later
5. (Possibly) Chatham's estimate of the value of the property lost to Jordan Lake

Target date for boards to meet again to discuss interest in participating in cooperative dialogue with Chatham County: first week in March 1999 (specific date to be determined).

Prepared by Peg Carlson.

10/01/98 — Joint Meeting Carrboro, Chapel Hill, Chatham County, Hillsborough, Orange County, & OWASA

## Jordan Lake As A Regional Water Supply Resource



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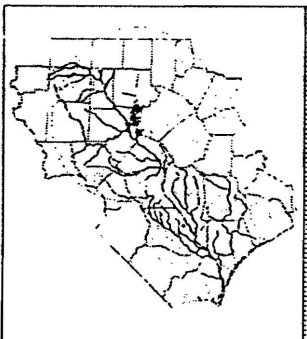
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## Mailing Area Used June, 1996



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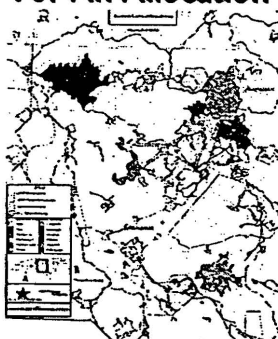
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## Public Water System With Or Applied For An Allocation



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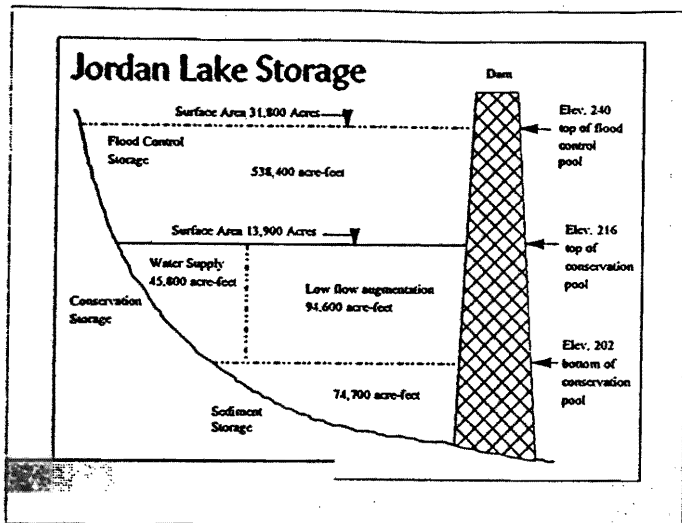
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### Water Supply Allocations

	Current Allocations (MGD)	1996 Applicant Requests (MGD)	Division of Water Resources Recommendation (MGD)
Chatham County	6.0	1.0	0.0
City of Durham		25.0	0.0
Fayetteville		30.0	0.0
Greensboro		25.0	0.0
Holly Springs	0.5	4.5	0.5
Apex & Cary	2.0	39.0	2.0
Morrisville		4.5	2.5
Wake County/ETP		1.5	1.5
OWASA	10.0		
Orange County	1.0		
<b>Totals</b>	<b>35.5</b>	<b>119.5</b>	<b>25.5</b>

### Allocation Process

I	Request a new or increased allocation	
II	Hold public information meeting	
III	Water Systems submit applications	
IV	Publish notice and 30 day comment period	
V	Applications Processed	
	No Interbasin Transfer	Requires An Interbasin Transfer Certification
VI	Public Hearing	Provide information on reasonableness to EMC and 30 day comment period
VII	EMC makes allocation decision	Scoping meeting(s) for Transfer EA/EIS
VIII	Prepare contract	Conduct Studies
IX		Public Hearing
X		EMC decides on both allocation and transfer certification
XI		Prepare contract

## Watershed Diversions & Interbasin Transfer

### ■ Watershed Diversions

- ▲ A limit on diversions out of Jordan Lake's watershed to 50 MGD (50% rule).
- ▲ Diversions based on average daily demand.

### ■ Interbasin Transfers

- ▲ The regulation of transferring 2 MGD or more from 1 of 38 basins to another.
- ▲ Transfers based on maximum daily demands

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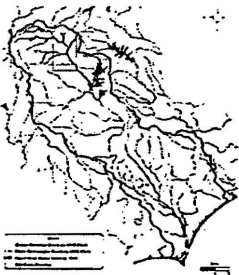
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## Jordan Lake Watershed



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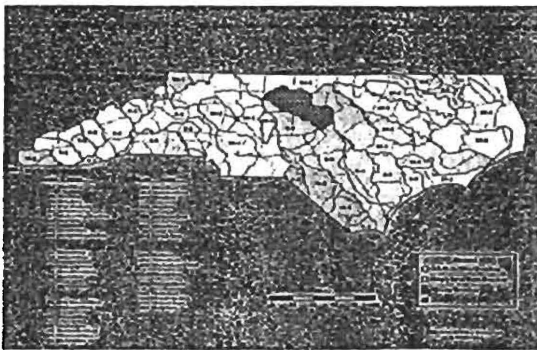
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## Major River Basins & Sub-Basins



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## Cape Fear River Basin Model

### How is it going to be used?

#### ■ Direct Uses

- ▲ water supply needs
- ▲ hydroelectric power generation
- ▲ recreation

#### ■ Indirect Uses

- ▲ water quality
- ▲ fish and wildlife habitat
- ▲ navigation

## Water Supply Intakes on Lake Jordan

Are there more than 2 sites?

What is the State's role?

## Questions?

October 1, 1998 Joint Meeting

Town of Carrboro, Town of Chapel Hill, Chatham County, Town of Hillsborough,  
Orange County, and OWASA

ATTENDANCE

Town of Carrboro

Michael Nelson  
Alex Zaffron  
Robert Morgan

Town of Chapel Hill

Rosemary Waldorf  
Flicka Bateman  
Joyce Brown  
Joseph Capowski  
Kevin Foy  
Julianne McClintock  
Cal Horton  
Ruffin Hall

Chatham County

Margaret Pollard  
Henry Dunlap  
John Grimes  
Uva Holland  
Betty Wilson  
Charlie Horne  
Jeff Hughes

Town of Hillsborough

Horace M. Johnson

Orange County

Margaret Brown  
Moses Carey  
Alice Gordon  
Stephen Halkiotis  
John Link  
Paul Thames

OWASA

Joal Broun  
Pat Davis  
Frank de Monchaux  
Peter Gordon  
Barry Jacobs  
Alan Rimer  
Bill Strom  
Dan VanderMeer  
Ed Kerwin  
John Greene  
Ed Holland  
Vic Simpson

Institute of Government

Peg Carlson

Division of Water Resources

Tom Fransen

Media

Jay Price (News & Observer)  
Ray Gronberg (Chapel Hill Herald)  
David Schulman (Chapel Hill News)

Others

Tommy Esqueda, CH<sub>2</sub>M HILL  
Everett Billingsley  
Merrilie Brown  
John Smith