

**AGENDA
SPECIAL MEETING
CARRBORO BOARD OF ALDERMEN
MONDAY, NOVEMBER 2, 1998
7:30 P.M., TOWN HALL BOARD ROOM**

Approximate Time*

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

 B. OTHER MATTERS

7:40 – 9:40 (1) **Worksession/Review of Ordinance to Implement the Northern Study Area**
P/15 **Small Area Plan**

The Board of Aldermen will hold a worksession to review revisions to the draft plan, recommendations of staff and the Ordinance Drafting Committee, and to discuss the next steps that are needed to complete ordinance changes associated with implementation of the Facilitated Plan.

9:40 – 9:45 C. MATTERS BY TOWN CLERK

9:45 – 9:55 D. MATTERS BY TOWN MANAGER

9:55 – 10:05 E. MATTERS BY TOWN ATTORNEY

10:05 – 10:15 F. MATTERS BY BOARD MEMBERS

Note: The Board of Aldermen will not be holding a regular meeting on Tuesday, November 3rd. The next regular meeting is scheduled for Tuesday, November 10th.

*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. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: Monday, November 2, 1998

SUBJECT: WORKSESSION to review the ordinance drafted to implement the Northern Study Area Small Area Plan.

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
ATTACHMENTS: Revised Draft Ordinance with List of Revisions OWASA Comments Henry Wells' Comments Randall Arendt's Comments Board of Aldermen comments from October 13, 1998 Staff Report	FOR INFORMATION CONTACT: Patricia McGuire -- 968-7714 Roy Williford -- 968-7713 Mike Brough -- 929-3905
THE FOLLOWING INFORMATION IS PROVIDED: (X) Purpose (X) Analysis (X) Summary () Action Requested (X) Recommendation	

PURPOSE

To hold a worksession to review revisions to the draft plan, recommendations of staff and the Ordinance Drafting Committee, and to discuss the next steps that are needed to complete ordinance changes associated with implementation of the Facilitated Plan.

SUMMARY

On August 19, 1997, the Board of Aldermen accepted the *Facilitated Small Area Plan for Carrboro's Northern Transition Area*. One month later, the Board of Aldermen established the Small Area Plan Ordinance Drafting Committee to develop amendments to the town's Land Use Ordinance that would be needed to implement the plan. The committee completed the bulk of those activities in late July 1998. 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.

Worksessions on the draft ordinance were held on October 6, 13 and 27. The Ordinance Drafting Committee met on October 24 and 28 and identified ordinance elements that did not completely reflect the materials they had developed and decisions that had been made during their ten months of work. Revisions to the ordinance based on their review have been made and are both incorporated into the revised draft (attached) and specified on the attached List of Revisions to the NSA Draft Ordinance.

Copies of pertinent sections of the ordinance were distributed to OWASA, and the Town Engineer. A complete copy of the ordinance was submitted to Randall Arendt for his review. Copies of the comments from these reviewers are attached, as is a copy of the Board's remarks from October 13, 1998. Staff has

completed an analysis of the ordinance elements for their compatibility with the principles of the Facilitated Plan and consistency with the principles of land use regulation in Carrboro.

ANALYSIS

See attached staff report.

RECOMMENDATION

The Administration recommends that the Board of Aldermen direct staff to revise the draft ordinance in accordance with recommendations specified in the attached staff report.

Draft 10-29-98

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

WHEREAS, on August 19, 1997, the Board of Aldermen unanimously accepted the modified plan for the Northern Study Area produced by a facilitated planning conference held on April 19 and May 31, 1997; and

WHEREAS, the Small Area Plan Ordinance Drafting Committee appointed by the Board of Aldermen has recommended a series of ordinance amendments to implement the recommendations of the plan; and

WHEREAS, the amendments proposed by the committee are intended to achieve the following objectives:

1. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development;
2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development;
3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes;
4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be restored and enhanced;
5. To implement adopted policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the Town's Comprehensive Plan including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
interconnected & continuous
6. To implement adopted land use, transportation, and community policies, as identified in the Town's Land Use Ordinance;
7. To protect areas with productive agricultural soils for continued or future agricultural use for specialty crops or other incentive, small-scale operations;
8. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity;

9. To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents;
10. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines);
11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties;
12. To conserve scenic views and elements of the area's character, and to minimize perceived density, by minimizing views of new development from existing roads; and
13. **To preserve Carrboro's unique architectural sense of place and in new construction maintain a close and strong visual reference to the existing architectural vernacular specific to Carrboro and its surrounds.**

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

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

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

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

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

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

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

- (1) Floodways: multiply the area within a floodway by a factor of 1.0.
- (2) Wetlands: multiply the area of designated wetlands by a factor of 0.95.
- (3) Major Rock Formations: multiply the area of major rock formations by a factor of 0.90.
- (4) Steep Slopes: multiply the area of land with natural ground slopes exceeding 25 percent by a factor of 0.80.
- (5) Land traversed by high-tension electrical transmission lines (69kv or higher): multiply the area within the power easement by a factor of 0.75.
- (6) Floodplains: multiply the 100-year floodplain by a factor of 0.5.
- (7) Moderately steep slopes: multiply the area with natural ground slopes of between 15 and 25 percent by a factor of 0.4.
- (8) Land traversed by underground utility lines (not within a street right of way): multiply the area within the easement (or if no easement exists, the area within ten feet on either side of the line) by a factor of 0.3.

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

County or comparable information from a qualified source) that there appears to be sufficient suitable soil within each of the proposed lots to support a septic tank system serving at least a three-bedroom house. When a yield plan meeting the requirements of this subsection has been submitted, the zoning administrator shall confirm this in a letter to the developer, which letter shall indicate the maximum number of dwelling units that can be developed on the tract in accordance with this subsection.

Section 3. Section 15-198 is amended by making the following changes:

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

(4) The term “primary conservation areas” shall mean:

- a. Areas containing slopes greater than 25%
- b. Hardwood areas identified on the Carrboro Natural Constraints Map
- c. Wetlands as defined pursuant to Section 404 of the Clean Water Act
- d. Floodplains
- e. With respect to streams designated on the adopted Stream Classification Map of Carrboro, those areas within an average perpendicular distance of sixty feet from the edge of the floodway of the stream, if the floodway is designated on the “Flood Boundary and Flood Map” prepared by the U.S. Department of Housing and Urban Development, or sixty feet from the centerline of the stream where the floodway is not designated on this map.

(5) The term “secondary conservation areas” shall mean:

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

- f. Other environmentally, historically or archaeologically significant or unique areas.

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

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

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

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

(g) A developer shall not be required to set aside as open space under the provisions of subsections (d) and (e) more than the minimum required percentage of open space set forth in subsection (c). If the sum total of open space otherwise required under the provisions of subsections (d) and (e) exceeds forty percent of the development tract (twenty percent in the R-2 district), then the permit issuing authority shall allow the developer to set aside a smaller area of open space under subsections (d) and (e), individually or collectively, so that the developer is not required to preserve as open space more than forty percent of the development tract (twenty percent in the R-2 district). However, if areas that constitute primary conservation areas have not been set aside as open space, then the development plans shall otherwise provide for the preservation of such areas even though they may be located within privately owned lots (e.g. by specifying buildable areas within individual lots).

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

(h) If the area of open space required to be preserved under subsections (d) and (e) does not exceed forty percent (40%) of the area of the development tract (20% in the R-2 district), then the permit issuing authority may require that the developer set aside from among the areas that constitute secondary conservation areas as defined above an amount of open space equal to the difference between the amount of open space preserved under subsections (d) and (e) and forty percent (40%) of the development tract (20% in the R-2 district).

F. **Subsection 15-198(b)(3) is amended by adding a new subsection “c” to read as follows:**

(c) Areas used for the growing of crops, such as hay, corn, or vegetables, if and to the extent that such uses occur within an area that is subject to the control of a homeowners association and such uses are approved by the homeowners association.

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, **Northern Transition Advisory Committee** ^{A.C. TAB} ~~(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~~ **townhome** 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~~ **townhome** use area shall be a designated geographic unit generally located along neighborhood streets and adjacent to the storefront area. **In approving a conditional use permit for a Village Mixed Use Development, the**

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 That area
 reflecting
 density
 can be
 also apartments
 and other
 housing types

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 including apartments
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Board may approve the following uses not generally authorized in an area zoned R-10, subject to such restrictions and conditions relating to locations, use classifications, and other matters as the Board may provide:

- 1. Personal or business services**
 - 2. Private clubs**
 - 3. Restaurants**
 - 4. Bed and breakfast or other guest lodging**
 - 5. Medical clinics**
 - 6. Retail sales**
- b. The development shall also contain a “single-family **detached** 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 village 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~~ **home use** areas:

-
- a. Personal or business services
 - b. Office
 - c. Private club
 - d. Restaruant
 - e. Artist studio
 - f. A maximum of 4 guestrooms for lodging
 - g. Medical clinic or facility
 - h. Retail sales, if in conjunction and on the same lot as a home occupation

(2) ~~Storefront~~ **Single family detached residential use** areas:

a. **Office, as an accessory use, or for not more than 2 full-time employee equivalents**

f) In addition to other applicable use regulations as provided above, lots within the following areas may not be used for the purposes indicated below:

(1) **Storefront use** areas:

- a. **auto related uses**
- b. **drive-in or through windows**
- c. **uses requiring loading or unloading during non-daylight hours**

(f) Village Mixed Use 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~~ **townhome** 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) **consecutive** 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~~ **Townhome** use Area Design Components

- a. New multi-family and commercial buildings in storefront and townhome 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. **To create a defined edge to the village's public space, new multi-family or commercial buildings should conform to a consistent setback from the street. Porches for multi-family or townhome construction can extend beyond the**

build-to line. In addition, building faces, as well as a majority of the roof ridgelines should be parallel to the street.

- 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.
 - 4. Off-street parking may be located within 60 feet.
- 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 townhome use areas.
- g. All storefront and ~~townhouse~~ **townhome** 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.~~ **Materials in the exterior of buildings surrounding the greens shall be limited to a diversity of brick textures and colors, with wood being subject to the approval of the Appearance Commission. Awnings are encouraged. Commercial grade windows and doors shall be used. with wood encouraged, and other materials being subject to the approval of the Appearance Commission.**

- 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~~ **parallel to the street.**
 - 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 detached residential use area shall conform to the following requirements:
- 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 lot.
- 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 or 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 6. Article XII is amended by adding a new Section 15-182.4 to read as follows:

Section 15-182.4 Residential Density Bonuses for Affordable Housing

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

Require that affordable units be placed in a land trust to ensure that the units remain affordable

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

(c) Within any development that provides affordable housing units, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units, subject to a maximum reduction of ~~50%~~ **10 percent** in the amount of open space otherwise required.

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

(e) **In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that building permits or occupancy permits for particularly identified "bonus units" may not be issued until the corresponding affordable housing units are constructed and offered for sale for an amount that is consistent with definition set forth in subsection (a).**

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.
 3. **Uses within the O/A CU district shall be limited to those where loading and unloading occurs during daylight hours only.**
- 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. Outdoor illumination may be subject to additional regulation as necessary to prevent adverse impacts to adjoining properties and residents.

(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 17. Section 15-50 is rewritten to read as follows:

Section 15-50 Site Planning Procedures for Major Subdivisions

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

(b) The applicant shall submit a site analysis plan drawn approximately to scale (1inch

= 100 feet) that contains the following information:

- (1) The name and address of the developer;
- (2) The proposed name and location of the subdivision
- (3) The approximate total acreage of the proposed subdivision;
- (4) Topographic lines based on maps published by the U.S. Geological Survey; and
- (5) The location of all primary and secondary conservation areas as defined in subsections 15-198(b)(4) and (5).

*Proposed
Walkabout*

(c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. Members of the planning board shall be notified of the date and time of this "on-site walkabout." The purpose of this visit is to familiarize town officials with the property's special features and to provide an informal opportunity for an interchange of information as to the developer's plans and the town's requirements.

(d) Prior to the submission of a conceptual preliminary plan as described in subsection (e), the staff shall meet with the developer to discuss how the four-step approach to designing subdivisions described below could be applied to the subject property. This conference may be combined with the on-site walkabout.

(e) Following completion of the steps described in subsections (b), (c), and (d), the developer shall submit a conceptual preliminary plan of the proposed subdivision, prepared in accordance with the four-step process described in subsection (f). This plan shall be a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for open space, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The planning staff shall review this plan and provide comment to the developer on the overall pattern of streets, houselots, open space, and the treatment of primary and secondary conservation areas in light of the applicable requirements of this chapter.

(f) Each conceptual preliminary plan shall be prepared using the following four-step design process:

- (1) During the first step, all primary and secondary conservation areas are identified (and shown on the site analysis plan described in subsection (b)).
- (2) During the second step, potential sites are tentatively located. House sites should generally be located not closer than 100 feet from primary conservation

areas and 50 feet from secondary conservation areas.

- (3) The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way. When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall comply with the provisions of Section 15-214.
- (4) The fourth step is to draw in the lot lines.
- (g) **The conceptual preliminary plan shall demonstrate that the proposed development will satisfy the following objectives, as more particularly described in the remaining provisions of this chapter:**
 - 1. **Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).**
 - 2. **Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating houselots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in # 5 and # 8 below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.**
 - 3. **If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species, found in a typical nearby roadside verge or hedgerow).**
 - 4. **Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.**
 - 5. **Designs around existing hedgerows and treelines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those**

not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10 percent should be avoided. However, woodlands in poor condition with limited management potential can provide suitable location for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal field, etc) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep, "no-build, no-plant" buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be respected, to preserve existing vegetation.
7. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
8. Protects wildlife habitat areas of special species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the North Carolina _____.
9. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.
10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
11. Landscapes common areas (such as community greens), ~~cut-to-see islands~~, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.
12. Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby houselots.
13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
14. Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the *Design and Management Handbook for Preservation Areas*, produced by the Natural Lands Trust. For example, fragmentation of open space should be minimized so that these

resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger, contiguous, and integrated greenway systems, as per the policies in the Open Space and Recreation section of the Town's Ordinance.

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.

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

Section 15-269 Buffers in Northern Transition Area

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

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

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

where slope is expressed as a percentage derived from dividing by 100 the rise of elevation between the floodplain boundary line (or if no floodplain has been demarcated, the edge

of the water) and a point one hundred (100) feet from that point along the perpendicular line described above.

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

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

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

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

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

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

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

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

Notwithstanding the provisions of Section 15-308, those sections of Old N.C. 86, Dairyland Road, Union Church Road, and Homestead Road, **and Eubanks Road** that lie within the town's planning jurisdiction or the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement, **as well as Smith Level Road south of Ray Road** shall have a ~~naturally or if necessary newly vegetated~~, an undisturbed protective buffer maintained along ~~them~~ **these roads** that will help preserve the scenic views and elements of this area. This buffer shall be established by measuring along a line perpendicular to the right-of-way of these roads one hundred (100) feet. **If the buffer area does not provide the equivalent of a Type 'A' screen, the developer shall provide a Type 'A' screen on the development's side of the buffer (one hundred (100) feet from the right-of-way).**

Section 23. Appendix E is amended by deleting subsection E-10 (D)(9) ("Wintergreen Barberry") and subsection E-10 (F)(10) ("Japanese Barberry").

Section 24. Appendix E is amended by adding a new Section E-17 to read as follows:

E-17 List of Invasive Plant Species

The following plant species shall be avoided when complying with the shading and landscaping provisions of this chapter.

Akebia quinata	Chocolate vine
Acer ginnala	Amur Maple
Acer platanoides	Norway Maple
All Berberis species including	
Berberis julianae	Wintergreen Barberry
Berberis thunbergii	Japanese Barberry
All Cotoneaster species including	
Cotoneaster microphyllus	Littleleaf Cotoneaster
Cotoneaster horizontalis	Rockspray Cotoneaster
Crataegus monogyna	Singleseed Hawthorn
Crataegus laevigata	English Hawthorn
All Cytisus scoparius	Scotch Broom
Eleagnus angustifolia	Russian Olive
Eleagnus umbellata	Autumn Olive
Euonymus alatus	Winged Euonymus, Burning Bush
Euonymus japonicus	Japanese Euonymus
Hedera helix	English Ivy
All Ligustrum species including	
Ligustrum japonicum	Japanese Privet
Ligustrum lucidum	Waxleaf Privet
Ligustrum vulgare	European Privet
Ligustrum sinense	Chinese Privet
Ligustrum x vicari	Golden Vicary Privet
Lonicera maackii	Bush Honeysuckle
Lonicera nitida	Boxleaf Honeysuckle
Lonicera tatarica	Tatarian Honeysuckle
Miscanthus sinensis	Eulalia, Maiden Grass
Taxus cuspidata	Japanese Yew
Viburnum opulus	European Cranberrybush Viburnum
Vinca major	Large Periwinkle
Vinca minor	Common Periwinkle

Section 25. Article III is amended by adding a new Section 15-27 to read as follows:

Section 15-27 Northern Transition Advisory Committee

(a) There shall be a Northern Transition Area advisory committee consisting of five members appointed by the board of aldermen. All members shall be residents of the Northern Transition Area.

(b) Members of the committee shall be appointed for three year staggered terms, but members may continue to server until their successors have been appointed. Initially, the terms of all membership seats on the committee shall expire on January 31, 1999. Thereafter, two members shall be appointed for three-year terms, two members shall be appointed for terms of two years, and one member shall be appointed for a term of one year. All members shall thereafter be appointed for terms of three years.

(c) The same provisions that govern the removal of planning board members (Subsection 15-21(e)) shall apply to committee members.

(d) The committee shall establish a regular meeting schedule. Minutes shall be kept of all meetings.

(e) A quorum for the committee shall consist of three members. A quorum is necessary for the committee to take official action.

(f) All actions of the committee shall be taken by majority vote, a quorum being present.

(g) The committee shall designate one of its members to serve as chair and one member to serve as vice-chair. These officers shall be selected annually at the committee's first regular meeting in February and shall serve for terms of one year unless their terms of appointment to the committee sooner expire. Vacancies shall be filled for the unexpired terms only. The chair and vice-chair may take part in all deliberations and vote on all issues.

(h) The committee shall have the following powers and duties:

(1) Review zoning amendment requests and special and conditional use permit applications for developments within the Northern Transition Area and make recommendations on the same to the board of adjustment or board of aldermen, respectively.

(2) ~~Perform any other duties assigned by the board of aldermen~~ **Initiate studies to demonstrate the special character of the Northern Study Area.**

a) **Inventory of areas of cultural, archaeological, or historical significance.**

- b) **Inventory of open space character and scenic qualities.**
- c) **Inventory of agricultural uses**
 - 1. **Land in Use Value**
 - a. **Horticultural**
 - b. **Agricultural**
 - c. **Timber**
 - 2. **Farming as business**
 - a. **Large field crops**
 - b. **Metro farms, specialty crops**
- d) **Inventory of biological value**
 - 1. **Tree species diversity, exceptional tracts of forest land**
 - 2. **Rare occurrences (i.e. Upland Depression Swamp)**
 - 3. **Wildlife**
 - a. **Audubon annual bird count**
 - b. **Deer population**
- (3) **Use the studies above as the basis of its development of, and recommendations for, additional policies, objectives, goals, plans, ordinances, and administrative actions that will preserve and enhance that special character, and relate to its growth.**
- (4) **Develop and recommend to the Board of Aldermen policies, ordinances, administrative procedures and other means for carrying out plans in an efficient and coordinated manner.**
- (5) **Track and review other studies and plans that will have an impact on the Northern Study Area – including those of the Chapel Hill Town Council, The Orange County Board of County Commissioners and their appointed committees – and give feedback to the originating governing body.**
- (6) **Meet annually with the Carrboro Planning Board for a joint planning session.**
- (7) **Perform other duties as assigned by the Board of Aldermen.**

Section 26. Article XVIII is amended by adding a sentence to Section 15-291(f) as follows:

In addition, the Board of Aldermen may authorize a reduction of up to 25 percent in the parking requirement when approving a Village Mixed Use Master Plan or Conditional Use Permit or an Office/Assembly development Conditional Use Permit.

Section 27. A new appendix (J) is added to the Land Use Ordinance. This appendix provides examples of noise-generators.

Section 28. A new section is added to Article XI, Supplementary Use Regulations, as follows:

Section 15-177 Architectural Standards for Major Subdivisions

- a) The following standards shall apply to all subdivisions of 5 or more units and shall pertain to 90% of the dwelling units in the subdivision.**
- (1) Porches shall span 80% of the front façade.**
 - (2) Roofs shall be as follows:**
 - a. Main roof pitch – 10/12 to 12/12**
 - b. Lower roof pitches – 2/12 to 4/12** *- Change*
 - c. Roofs shall have a minimum overhang of sixteen (16) inches on all eaves and gables.**
 - (3) Clapboard or shingle siding shall have a four and a half to five and a half inch exposure**
 - (4) Windows shall have a vertical to horizontal proportion of not less than two to one.**
 - (5) Trim details – Columns, vents, gables, and other details ^{should} ~~shall~~ reflect details in the Carrboro Vernacular Architectural Standards (Section ____)**
 - (6) Any chimney must be located within the body of the house.**
 - (7) Garage doors shall be nine (9) feet wide or under. Door shall not face the street.**

Sungate Design Group, P.A.

ENGINEERING • LANDSCAPE ARCHITECTURE • ENVIRONMENTAL

915 A Jones Franklin Road Raleigh, N.C. 27606

919-859-2243

MEMORANDUM

TO: Roy Williford
FROM: Henry Wells
DATE: October 30, 1998
RE: Proposed Small Area Plan Ordinance Review Comments

Proposed Small Area Plan Ordinance

Section 18: All development presently allowed in Carrboro can (and most always does) cause "measurable damages" as defined by this section.

- Sedimentation: Despite having the states best S & E program experts all agree that the state of the art sediment controls will not eliminate off-site sedimentation, especially as evidenced by sediment deposits in downstream low areas and ponds/lakes. And even if they did, the present funded level of enforcement personnel and available enforcement penalties do not assure proper implementation and maintenance of the devices.
- Downstream Scour: Floodplains are only alluvial sinks for upland sediment. They are in a constant state of flux and any change in upland condition can bring about a response downstream. The most common one is scour, or shifting of the stream bed and bank in response to a change in energy inputs from upstream. Detention cannot reliably prevent this, and has been shown to worsen problems in some cases.
- Lowered Water Quality: Changes in land use cause reductions in water quality. The use of BMPs for water quality protection (such as used in Chapel Hill) do not prevent the change in quality but can only reduce its effect. These measures are also subject to the same limitations discussed earlier for sediment controls.
- Damage: Property damage is probably the only aspect of this ordinance that could be controlled with presently accepted techniques. Even so, the data gathering and analysis required would be far more extensive than that commonly used in the area at present (see Charlottes 10% rule).

I don't believe we would be able to recommend approval of any project if we were required to certify that no measurable damage would result.

Section 19:

- Floodplain Demarcated: I assume that what is intended here is to refer to FEMA flood limits. Clearly other floodplains could be demarcated. This needs to be defined somewhere.

SDG 

- **Permanent vs. Intermittent Streams:** The state DWQ is responsible for regulating work that impacts the states waters. They have different criteria for channels that are permanent, intermittent or for stormwater. At present they are still trying to develop quantitative criteria for determining which of the 3 categories a channel fits in. What definitions and criteria does this ordinance propose?
- **Buffers:** Are buffers and uses within them clearly defined relative to this section?
- **Sewers and Detention Ponds:** What would be the process and criteria for demonstrating that there were no options for the placement of these structures in buffers? What about retention ponds? By limiting the location of proposed detention ponds the effectiveness of detention as a stormwater management tool would be seriously compromised. Small, scattered detention devices have been shown to be ineffective in addressing watershed level stormwater responses to the increase in land development.



ORANGE WATER & SEWER AUTHORITY

Quality Service Since 1977

October 27, 1998

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

Dear Mr. Morgan:

Orange Water and Sewer Authority (OWASA) staff has reviewed Section 19, Buffers in the Transition Area, of the proposed *Facilitated Small Area Plan for Carrboro's Northern Study Area* and offers the enclosed comments for your consideration. Of particular concern is the impact of the Ordinance on the design, construction, and maintenance of gravity sewer lines and wastewater pumping stations, which by necessity, are generally located in low-lying areas.

Thank you for considering OWASA's comments on this Ordinance. Please feel free to contact me if you need additional information or would like to discuss this further.

Very truly yours,

Ed Kerwin
Executive Director

EK/jr

Enclosure

cc: Board of Directors
John Greene
Ed Holland
Thurman Green
Mary Darr

**Comments on Section 19 (Buffers in the Transition Area) of A Draft Ordinance to
Implement the Town of Carrboro's
Facilitated Small Area Plan for the Northern Study Area
October 26, 1998**

Orange Water and Sewer Authority (OWASA) staff has reviewed Section 19, Buffers in the Transition Area, of the draft ordinance to implement the Facilitated Small Area Plan for Carrboro's Northern Study Area. Of particular concern is the impact of the proposed ordinance on the design, construction, and maintenance of gravity sewer lines and wastewater pumping stations, which by necessity, are generally located in low-lying areas.

OWASA recognizes and supports important objectives of riparian buffers in the Northern Transition Area, but the prohibition of sewers in buffer areas will have severe and costly effects on OWASA's ability to provide sewer service to the study area.

Rather than installing a single gravity sewer line along the lowest portion of a stream corridor, the proposed restrictions will require the construction of *two* parallel lines one on each side of the stream – located farther up the embankments and requiring deeper excavation. Rather than minimizing disturbance, the unintended consequence of this ordinance would be to increase the amount of clearing, grading, and excavation needed to install sewer lines in a given area.

The proposed ordinance will generally have the following effects on the provision of public sewer to the study area:

- Increased clearing and land disturbance for sewer lines and easements on two sides, rather than one side of the buffer;
- Increased long-term operation and maintenance costs to OWASA customers due to the placement of deeper sewer lines and parallel facilities on each side of the buffer;
- Increased cost of providing public sewer service for new housing;
- Increased cost to property owners who will be required to rely on privately owned and maintained sewer pumps due to limitations on gravity service;
- Increased potential for stormwater inflow and infiltration into parallel sewer lines;
- Increased difficulty and much higher cost to extend sewer lines due to limited suitable locations for the collection system.

The proposed ordinance has the potential to severely constrain the orderly and economical extension and development of the public sewer system. We respectfully suggest that the Town consider the requirements of Chapel Hill's Resource Conservation District (RCD), which provides much of the same environmental benefits that Carrboro is trying to achieve in the study area, but without such severe and costly restrictions on the sewer system.



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DEVELOPMENT AND
COMMUNICATIONS

PETER J. SMYRL
LANDOWNER STEWARDSHIP

Memo

To: Roy Williford

From: Randall Arendt

Date: October 5, 1998

RE: Review Comments on Draft Ordinance Language

CONSERVATION PLANNING

D. ANDREW FITZ, R.L.A.
DIRECTOR

PROJECT MANAGERS

HOLLY M. HARPER, R.L.A.

ANN E. HUTCHINSON, A.I.C.T.

STEPHEN KUTER

PETER R. WILLIAMSON, R.L.A.

PLANNING ASSISTANT

DIANE C. ROSENCRANCE

As requested, I have read the draft ordinances intended to implement the Northern Study Area Plan and my preliminary comments are given below. The sequence generally follows the order of the points as they appear in the text.

1. Objectives: In the introductory resolution, on page one, item #5 speaks of providing incentives to create a greenway system. As greenways must be continuous in order to be effective, I would strongly recommend that the greenway standards be incorporated as minimum requirements which applicants must meet to obtain plan approval. I believe that this is the approach Cary took many years ago, and that community has more than 30 miles of greenway as a result, interconnected to the extent that new subdivisions have been contiguous. I also believe that the minimum required greenway in Cary is a small percentage (5-10%) of the total land area. Carrboro might adopt a similar approach, requiring greenways in new subdivisions (of any size) which offer interconnection potential as shown on a Town-wide Map of Potential Greenway Lands, with incentives provided for applicants who exceed the minimum required percentage (which might be in the range that Cary has required).

2. CU or SP Circumstances: Section 15-182.3 (a) appears to limit the greenway idea to developments that fall under the Conditional Use or Special Permit provisions of the ordinance. If that is correct, such a provision would seem to exclude a number of new developments from the greenway approach, specifically, and from the conservation design approach in general. I would need to know more about the situation to comment further, but again the thrust of my comments is that greenways specifically (and conservation design generally) are such superior ways to lay out new residential developments that I would favor the broadest application of these ideas as possible.

3. Adjusted Tract Acreage: The percentages are in line with what I would recommend, although I would be inclined not to exclude 30% of the land with underground utility lines (especially if they are proposed to be used as greenway trails, as many have been in Cary). However it is not clear to me whether land used for street rights-of-way and stormwater retention basins are included in the acreage that is counted before dividing by the minimum land requirement per dwelling. This is not a large point, but I generally recommend that at least the street rights-of-way be excluded, as they cannot be utilized either as building lots or as open space. I would also suggest that "waterbodies and watercourses" be included in the land area to be discounted when calculating density, because houses could not possibly be located in or on them.



4. **Utility Ownership:** In section (d) on page 3, the Yield Plan approach is reserved for developments with OWASA-owned water and sewer infrastructure. I would be inclined to broaden this slightly to allow the Yield Plan approach for developments proposing to construct private community water supply and sewage disposal systems. Unless Carboro wishes to discourage such private systems (which might be one of its policies), the essential point is that *central* systems -- whether OWASA-owned or not -- eliminate individual water and septic systems that are rarely monitored or well maintained.

5. **Reserve Areas:** Later in that same paragraph, when dealing with Yield Plans, I would expand the phrase "every lot will be served with an individual septic tank" to include "plus locations for both a primary septic drainage field and a reserve area for use should the primary area fail".

6. **Primary Conservation Areas:** On page 4, I would suggest the following refinements to the definition of Primary Conservation Areas:

- Hardwood areas are good to include here as long as they are not "netted out" in the "Adjusted Tract Acreage" formulas (which they are not, in your draft)
- Regarding wetlands, I would rely on sources other than Section 404 of the Clean Water Act (which might be more difficult to interpret), such as the "very poorly soils" category mapped on the medium-intensity county soils maps published by the USDA NRCS, and/or the National Wetland Inventory Maps published by the US Fish and Wildlife Service.
- Floodplains should be defined as the "100-year" variety, and the FEMA maps might be referenced here as well

7. **Secondary Conservation Areas:**

- I would move the "lakes and ponds" category from the "Secondary Conservation Areas" category to the "Primary Conservation Areas" category, as they are under water not only seasonally (as are wetlands) or once in a century (as are floodplains) but all the time. I cannot see any objection to this, as they must be "designed around" in any case.

8. **"50 Lots" to "25 Lots":** I cannot comment on this change as I do not understand the context in which it is proposed to be made. If it is with respect to a minimum threshold number of lots for the conservation design principles to apply, I would say that 25 is way too high. I have seen excellent conservation subdivisions with as few as a half-dozen lots, and could send information on them if desired. Certainly in situations where greenway corridor linkages are critical, subdivisions with as few as two or three lots should be required to follow these design standards.

9. **1500-Foot Distance:** On page 5, I would clarify that the 1500-foot distance is "walking distance" rather than simple distance as the crow flies. Due to natural obstacles (such as deep ravines, creeks, or wetlands), walking distance could be twice the straight-line distance.

10. **Open Space Requirement:** Again on page 5, in paragraph C.(e), I would specify that the open space must be undivided, so it is clear that this requirement cannot be met simply by designating portions of private houselots as "open space". When open space is contained within private houselots, neighborhood



trail access is not the only loss. Another problem is enforcement of the conservation restrictions on how the open space is managed. I am not sure if Carrboro is considering allowing some or all the open space within some or all conservation subdivisions to be included within individual houselots, but if it is, my very strong recommendation is that the idea be dropped, based on long and painful experience in our area in a community that experimented with that approach as an option for developers. (Many developers selected that option and the result has been that the conservation areas are such in name only. The letter of the law has been met in terms of preventing further development on those lands, but the spirit has been totally lost.)

11. Open Space Percentage: I have long advocated that the minimum required percentage of open space be over and above that land that is so severely constrained that it is totally unfit for development in the first place. That category would include wetlands, floodplains, steep slopes, and watercourses and waterbodies. I would therefore recommend that the 20% and 40% requirements be applied to the buildable land that does not fall under the above categories of constraints. To be fair to applicants I typically allow up to half of floodplains to be counted toward the minimum open space requirement, provided the floodplain is neither wet nor within the floodway. You might wish to broaden this to include all the lands within "Primary Conservation Areas", but the essential ones are described above. If you do follow this approach, the simplest way of achieving it would be to insert the words "Adjusted Tract Acreage" after the words "development tract" wherever that phrase is followed by the 20% and 40% figures. Unless this is done, a situation might arise in which a large percentage of the required open space consists of totally unusable land, such as was the case with the original University Station proposal (where the applicant had counted wetlands, floodplains, steep slopes, stormwater basins, land under high-tension wires, and even the unpaved land within the street rights-of-way as "open space").

12. Village Scale: On the top of page 6 the phrase "new rural villages at a scale intended to continue Carrboro's small-town character as described in the Year 2000 Task Force Report" seems to be quite vague. I do not have a copy of that report at hand, but unless it provides some guidance in terms of numbers of dwelling units, this provision could lead to some lengthy debates later on. Some communities I work with have set a maximum "village" size of 100 for the time being, to see how the idea works out the first or second time a village is proposed. That way they reduce the potential for big mistakes, should the first one or two go badly. Another vague phrase needing some refinement is the phrase "modestly-sized buildings", in #4. I presume the Town would like to exclude buildings greater than a certain height, massing, or square footage. Some numbers should be included here, at least as a reference point for general guidance. Similarly, I am not sure what the wording in #9 really means. If "pedestrian travel" is equated with a walking distance of 1500 feet, then the area of a circle with that radius would be the ideal size for a village meeting that criterion. My calculations indicate that circle would encompass 162 acres. If built at densities of three to five dwellings per acre (which many people might consider to be the range in a rural village), the "village" size might be between 500 and 800 dwellings, or from 1,100 to 1,700 residents. If that size is not what the Town had in mind, it should revisit the wording in item #9.

The above range might not be outside the parameters of what the Town envisions, based on the 50-200 acre VMU size mentioned in (d)(1) on page 7.



However, I encourage Carrboro to run the numbers for total build-out population to make sure that this is the route you wish to take. Another point here is that the prohibition against the acreage being divided by any public street effectively screens out the possibility of two or more corners of an existing intersection being designed and redeveloped as a village center. Depending on the nature of such intersections as they exist in Carrboro today, that might or might not be a good idea. With my limited familiarity with the NSA, I cannot say, but I bring this up for discussion purposes.

13. OWASA Sewer for the VMU Development: If the OWASA sewer system does not include the possibility or likelihood of a "spray irrigation / land treatment" approach, I would broaden the language on page 3 -- in paragraph (d)(3) -- to allow or even encourage that form of wastewater reclamation and reuse. It is far superior to conventional treatment works which fail to recharge local aquifers and which release huge amounts of nitrogen and phosphorus into receiving streams. The approach I favor is also an excellent fit for village design where a significant amount of conservation land is to result, because some of it could be used as spray fields. (Please note that the wastewater is purified almost to drinking-water standards before it is applied to the land.)

14. VMU Commercial Design Standards: I would question the 200-foot minimum front setback for storefronts from arterial streets. My recommendation would be to bring those buildings (with their storefront windows and signage) as close to the arterial as possible, with parking required to be located behind. Those business owners will depend absolutely on passing traffic for their survival, even if the village itself contains upwards of 1000 residents.

15. Affordable Housing: I agree with allowing second-story dwellings to be built in addition to the normal density, and in the next paragraph -- (2) on page 11 -- I would follow the phrase "shall be intermixed" with the words "within blocks not exceeding 600 feet in length, and shall be designed to harmonize closely with each other" to ensure a more finely-grained and successful intermixture. This would work particularly well for combining single-family, semi-detached, and three-family dwellings. With regard to four- and possibly six-family dwellings, the language could require that townhouses and single-family detached dwellings shall be located on adjacent blocks, as they are at Southern Village.

16. Townhouse Use Areas: If I have read it correctly, this section -- (2) a: on page 11 -- might result in a large solid block of townhouses, poorly integrated into the village. Another concern is that there appears to be no maximum percentage that townhouses may comprise, compared with other housing types.

17. Village Form and Open Space Uses: On page 13, in paragraph (f)(1)a., a developer might argue that golf courses would qualify as meeting the standard for "undeveloped character". If it is not the intent to allow golf courses to fill all or part of the open space, that point should be clarified. If golf courses are allowed, I recommend they comprise no more than 50% of the unconstrained land, that is, the open space minus the Primary Conservation Areas. Later on, in item (c), the phrase "natural vistas" should be clarified as "from existing public roads", if that is the intent. In (d), I would state that cul-de-sacs are strongly discouraged, but that an acceptable alternative to them is the loop street.

18. The "Build-To" Line: On page 15, at the top of the page, I would be inclined to replace the more rigid "build-to" line approach with a slightly more

flexible one, involving a modest range of front setbacks (between a minimum and maximum distance). I would also reduce the 50-foot minimum street frontage requirement to 25 feet for storefronts and townhouse units.

19. **Storefront Design:** On page 16, paragraph j.1. I might include the idea of low sills and high lintels for storefront windows, to keep them large and traditional in appearance. In the same section I would allow principal entrances to open onto courtyards that front onto sidewalks. The same principle would apply on the next page in item "o.", where the 60% requirement would seem to prohibit courtyard design with recessed facades (or facades perpendicular to the street line) along the sidewalk.

20. **Residential Setbacks:** On page 18, in item (c) at the top of the page, the 15-foot front setback minimum might be supplemented with a maximum front setback as well.

21. **Parking:** On page 19, Section (7)a. would seem to prohibit parking provision in driveways in front of single-family homes, or in front of the wide-frontage townhouse units without alleys mentioned on page 14 (which I presume would have front-facing garages -- hopefully not protruding toward the street but flush with the townhouses themselves or even recessed a bit).

22. **Affordable Units and Open Space:** On page 21, in paragraph (c), I would delete the word "twice" in the third line. The proposed wording seems to be too generous and could have very negative implications for total open space provision. This is particularly so if the open space is not subject to some maximum percentage of constrained lands (or golf courses) that may be included within the minimum open space land requirement.

23. **Exterior Lighting:** On page 25, in (c) at the top of the page, I would insert some specific language pertaining to gas station canopies, perhaps limiting their clear height to 12 feet above the ground, and also requiring that their luminaires be either recessed or hooded/shielded so that they do not cast any direct light onto the public way or neighboring properties.

24. **Noises:** On page 25 the phrase "low frequency noises" needed to be clarified in terms of frequencies.

25. **Site Analysis Plans:** On page 25 at the bottom of the page, I would add "vegetative patterns" to the list of items to be shown. That would delineate fields versus woodlands. You might also wish to ask for the location of all trees over a certain diameter, say 12". With modern GPS equipment that is not a burdensome requirement.

26. **The Four-Step Design Process:** On page 26, in (f), items (2) and (3) should be reversed for village design, as opposed to lower density rural clustering.

27. **Stormwater:** At the bottom of page 26, more up-to-date stormwater management standards are recommended. With the percentage of open space in these development, the goal of zero increase in stormwater runoff volume is almost attainable, as so much land remains available for on-site infiltration.

List of Revisions to Draft NSA Plan /10-29-98

1. Objective added to opening remarks of ordinance, p.2:

“14. To preserve Carrboro’s unique architectural sense of place and in new construction maintain a close and strong visual reference to the existing architectural vernacular specific to Carrboro and its surrounds”

2. Provision to allow farming in open space areas, p. 6:

“G. Subsection 15-198(b)(3) is amended by adding a new subsection “c” to read as follows:

Areas used for the growing of crops, such as hay, corn, or vegetables, if and to the extent that such uses occur within an area that is subject to the control of a homeowners association and such uses are approved by the homeowners association.”

3. New advisory board added (for referral of village mixed use development/rezoning application), p. 8:

“Northern Transition Advisory Committee”

4. Replaced all “townhouse use” with “townhome use” – begins on page 11.

5. Added list of permitted, nonresidential uses in townhome area – not generally allowed in R-10, p.11:

- a. In approving a conditional use permit for a Village Mixed Use Development, the Board may approve the following uses not generally authorized in an area zoned R-10, subject to such restrictions and conditions relating to locations, use classifications, and other matters as the Board may provide:

- 1. Personal or business services
- 2. Private clubs
- 3. Restaurants
- 4. Bed and breakfast or other guest lodging
- 5. Medical clinics
- 6. Retail sales

6. Added “detached” to “single family residential use area, p. 13.

7. Added list of permitted, non-residential uses townhome area, p. 13:

- a. "Personal or business services
- b. Office
- c. Private club
- d. Restaurant
- e. Artist studio
- f. A maximum of 4 guestrooms for lodging
- g. Medical clinic or facility
- h. Retail sales, if in conjunction and on the same lot as a home occupation"

8. New section added noting uses not permitted in storefront use area, p. 13:

"f)In addition to other applicable use regulations as provided above, lots within the following areas may not be used for the purposes indicated below:

- (1) Storefront use areas:
 - a. auto related uses
 - b. drive-in or through windows
 - c. uses requiring loading or unloading during non-daylight hours "

9. Additional language describing "build-to" line, p. 15:

New multi-family and commercial buildings in storefront and townhome 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. **To create a defined edge to the village's public space, new multi-family or commercial buildings should conform to a consistent setback from the street. Porches for multi-family or townhome construction can extend beyond the build-to line. In addition, building faces, as well as a majority of the roof ridgelines should be parallel to the street.**

9. Edited sidewalk specifications, p.16:

~~"Concrete"~~ removed from subsection 1

~~"for on street, five feet for off street or alleyways;"~~ removed from subsection 2

10. Edited materials information for storefront/townhome area, p. 17:

~~"Dominant construction materials for the exterior of buildings within townhouse and storefront use areas shall be brick, stucco, or wood, or a combination thereof. Materials in the exterior of buildings surrounding the greens shall be limited to a diversity of brick textures and colors, with wood~~

being subject to the approval of the Appearance Commission. Awnings are encouraged. Commercial grade windows and doors shall be used, with wood encouraged, and other materials being subject to the approval of the Appearance Commission.”

11. Edit to requirements for storefront use area design components, p. 18:

“Storefront buildings shall have at least 60 percent of their front facade ~~coincident with their frontage~~ **parallel to the street.**”

12. Open space bonus as part of Affordable Housing Density Bonus reduced, p.22:

~~“50%”~~ 10 percent”

13. Subsection added to affordable housing section, regarding open space, p.22:

- (e) In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that building permits or occupancy permits for particularly identified “bonus units” may not be issued until the corresponding affordable housing units are constructed and offered for sale for an amount that is consistent with definition set forth in subsection (a).

14. Added provision that loading/unloading is prohibited during evening and nighttime, p.23:

Uses within the O/A CU district shall be limited to those where loading and unloading occurs during daylight hours only.

15. Sentence added to 15-243 (c), p. 26:

“Outdoor illumination may be subject to additional regulation as necessary to prevent adverse impacts to adjoining properties and residents.”

16. Evaluation Criteria added to Site Planning Procedures for Major Subdivisions, p. 28:

- “(g) The conceptual preliminary plan shall demonstrate that the proposed development will satisfy the following objectives, as more particularly described in the remaining provisions of this chapter:
1. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).
 2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating houselots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, as described in # 5 and # 8 below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.
 3. If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species, found in a typical nearby roadside verge or hedgerow).
 4. Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.
 5. Designs around existing hedgerows and treelines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10 percent should be avoided. However, woodlands in poor condition with limited management potential can provide suitable location for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal field, etc) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.
 6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep, “no-build, no-plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be

maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

7. Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
8. Protects wildlife habitat areas of special species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the state or federal government.
9. Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.
10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.
11. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.
12. Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby houselots.
13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).
14. Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the *Design and Management Handbook for Preservation Areas*, produced by the Natural Lands Trust. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger, contiguous, and integrated greenway systems, as per the policies in the Open Space and Recreation section of the Town’s Ordinance.”

Section 18- Edits to protective buffers along major roads, p. 31:

Section 15-312 Protective Buffer along Major Roads in Transition Area

Notwithstanding the provisions of Section 15-308, those sections of Old N.C. 86, Dairyland Road, Union Church Road, and Homestead Road, **and Eubanks Road** that lie within the town's planning jurisdiction or the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement, **as well as Smith Level Road south of Ray Road** shall have a ~~naturally or if necessary newly vegetated~~, an undisturbed protective buffer maintained along ~~them~~ **these roads** that will help preserve the scenic views and elements of this area. This buffer shall be established by measuring along a line perpendicular to the right-of-way of these roads one hundred (100) feet. **If the buffer area does not provide the equivalent of a Type 'A' screen, the developer shall provide a Type 'A' screen on the development's side of the buffer (one hundred (100) feet from the right-of-way).**

18. Additional powers and duties specified for Northern Transition Advisory Committee, p. 33:

- (2) ~~"Perform any other duties assigned by the board of aldermen"~~ Initiate studies to demonstrate the special character of the Northern Study Area.
 - a) Inventory of areas of cultural, archaeological, or historical significance.
 - b) Inventory of open space character and scenic qualities.
 - c) Inventory of agricultural uses
 - 1. Land in Use Value
 - a. Horticultural
 - b. Agricultural
 - c. Timber
 - 2. Farming as business
 - a. Large field crops
 - b. Metro farms, specialty crops
 - d) Inventory of biological value
 - 1. Tree species diversity, exceptional tracts of forest land
 - 2. Rare occurrences (i.e. Upland Depression Swamp)
 - 3. Wildlife
 - a. Audubon annual bird count
 - b. Deer population
- (2) Use the studies above as the basis of its development of, and recommendations for, additional policies, objectives, goals, plans,

- ordinances, and administrative actions that will preserve and enhance that special character, and relate to its growth.
- (3) Develop and recommend to the Board of Aldermen policies, ordinances, administrative procedures and other means for carrying out plans in an efficient and coordinated manner.
 - (4) Track and review other studies and plans that will have an impact on the Northern Study Area – including those of the Chapel Hill Town Council, The Orange County Board of County Commissioners and their appointed committees – and give feedback to the originating governing body.
 - (5) Meet annually with the Carrboro Planning Board for a joint planning session.
 - (6) Perform other duties as assigned by the Board of Aldermen.

19. Amendment to parking requirements to reduce parking needed for VMU or O/A CU developments, P. 35:

Section 26. Article XVIII is amended by adding a sentence to Section 15-291(f) as follows:

In addition, the Board of Aldermen may authorize a reduction of up to 25 percent in the parking requirement when approving a Village Mixed Use Master Plan or Conditional Use Permit or an Office/Assembly Conditional Use Conditional Use Permit.”

20. Section 27 added to ordinance, p. 35:

“Section 27. A new appendix (J) is added to the Land Use Ordinance. This appendix provides examples of noise-generators.”

22. Section 28 added to specify architectural standards for major subdivisions, p. 35:

“Section 15-177 Architectural Standards for Major Subdivisions

- a) The following standards shall apply to all subdivisions of 5 or more units and shall pertain to 90% of the dwelling units in the subdivision.
 - (1) Porches shall span 80% of the front façade.
 - (2) Roofs shall be as follows:
 - a. Main roof pitch – 10/12 to 12/12
 - b. Lower roof pitches – 2/12 to 4/12
 - c. Roofs shall have a minimum overhang of sixteen (16) inches on all eaves and gables.
 - (3) Clapboard or shingle siding shall have a four and a half to five and a half inch exposure

- (4) Windows shall have a vertical to horizontal proportion of not less than two to one.
- (5) Trim details – Columns, vents, gables, and other details shall reflect details in the Carrboro Vernacular Architectural Standards (referenced in Section 15-141.2).
- (6) Any chimney must be located within the body of the house.
- (7) Garage doors shall be nine (9) feet wide or under. Door shall not face the street.”

Board of Aldermen Comment – 10/13/98	ODC's response – 10/24/98 and 10/28/98
1. Clarification of contiguous property.	Referred to Mike Brough
2. Clarification of service by OWASA	Agreed to change statement to "it will be served <u>only</u> by OWASA..."
3. Need for flexibility in 100-foot buffer requirement	Did not agree to any change because it considered 100 feet a fairly narrow buffer
4. Clarification of 200-foot distance requirement for storefront use areas.	Requirement reflects a compromise amount those members who did not want any storefront areas on arterials and those who did. Does not agree to any change
5. Add language to specify the parking space requirement.	Requested ordinance language to allow 25 percent reduction for O/A and VMU (Section 26). ✓
6. Questioned ownership options.	Requested ordinance language to link C.O. to offer of purchase (Section 6). ✓
7. Diverse housing styles are to be encouraged	Ordinance does encourage different housing "types" and therefore meets this concern.
8. Suggested language to allow townhomes in freestanding homes area and vice versa.	Suggests that "townhouse" be changed to "townhome," that smaller, zero-lot lines be required, and that "detached" be added to describe "single family residential use area." ✓
9. Requested that "green areas" are to be usable space.	No comment.
10. Requested that prohibition of neon be deleted.	Prohibition is necessary to protect those many people who will be living in or close to the commercial areas from being exposed to such lighting. The use of neon in Carrboro's downtown is restricted to areas that are generally not visible to the surrounding neighborhoods.
11. Requested clarification of requirement for location of storefront buildings.	Agreed to change "coincident with their front" to "parallel to the street." ✓
12. The appearance and design standards are very prohibitive and prescriptive.	Architect and planner, Giles Blunden, a member of the committee, will address these concerns with the Board.
13. The architectural standards are very prescriptive; thus modification to the standards is needed to allow flexibility.	Same as 12.
14. Clarification is needed regarding "odors."	Stands by the language as drafted.
15. Clarification re: noise levels.	An appendix with information on typical noise generators and their noise levels is to be developed by staff and included in the ordinance. ✓
16. Input is needed from Henry Wells regarding the proposed changes to stormwater management provisions.	Took into consideration the questions and issues previously addressed to it by Henry Wells when formulating this language.

Randall Arendt's Comments	ODC's Response
1. Greenway standards should be adopted similar to Cary's.	Agreed that the issue is to be referred to Northern Area Advisory Board for recommendations.
2. Threshold for site planning procedures/greenway requirements.	Refer to the new advisory board. Clarification from Mike Brough that requirement applies to all subdivisions over five units.
3. Do not exclude underground utility lines. Recommend rights-of-way and waterbodies and watercourses are included in reduced land area.	Referred to Mike Brough
4. Utility ownership to allow private systems where yield plan is used	Not applicable.
5. Reserve areas for septic fields.	Not applicable.
6. Clarifications to primary conservation areas	Suggest use of NWI maps for delineations. Clarification re: definition of floodplains.
7. Lakes and ponds should be added to secondary conservation areas.	Agreed to this change.
8. Playing field requirement for 25-lot subdivisions	Ensure that ordinance applies in all districts to all subdivisions over four or five lots.
9. 1,500 foot walking distance.	No action.
10. Open space – clarification of primary conservation areas where more than 40 percent.	Requested clarification from Mike Brough re validity of comments.
11. Open Space Percentage	No change (staff-considerable debate when 40% established, considered community standard)
12. Village scale – village scale	No changes
13. OWASA sewer for VMU development	OWASA required – if spray irrigation, OWASA would have to be provider
14. 200-foot requirement for storefront area	No change
15. Affordable housing – mix of housing types	No change
16. Segregation of townhouse areas	Changed to "townhome," so not requiring/implying attached.
17. If golf courses serve as open space, limit to 50 percent of unconstrained land	Golf courses not allowable use in open space
18. Range of setbacks proposed, rather than build-to line	No change
19. Add low sills and high lintels to storefront buildings	No change
20. Suggest maximum front setback for residential area	Agreed to setting 25-foot maximum
21. Apparent prohibition of parking in front of townhouse and detached houses.	No change
22. Open space reduction for affordable housing linked to area for affordable housing, not twice that area.	Committee changed to a 10% reduction
23. Exterior lighting for gas stations – standards to shield public ways and neighboring properties.	Gas stations not to be permitted use in village
24. Clarify that low-frequency noise is being added.	Appendix on noise generators
25. Changes to site analysis plans.	No change
26. Reverse steps 2 and 3 for villages.	Agreed to switch steps for villages
27. Update stormwater management standards in accordance with no increase in volume.	No change



TOWN OF CARRBORO

NORTH CAROLINA

STAFF REPORT

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

FROM: Roy M. Williford, Planning Director
Patricia J. McGuire, Land Use Planner

DATE: October 30, 1998

SUBJECT: NSA Facilitated Plan Implementation – Analysis of Draft Ordinance

On September 22, 1998, a copy of the draft ordinance was distributed to members of the Board of Aldermen for review. That same week, copies of the ordinance were distributed to members of the Ordinance Drafting Committee and other reviewers. A schedule for review, discussion, and edits to the document, as well as advisory and governing boards' formal review and public hearing, was proposed and planning staff prepared to introduce the elements of the ordinance to the Board of Aldermen.

The draft ordinance is a comprehensive document that addresses many aspects of land use and development from a land conservation perspective. The ordinance establishes measures to reduce the intensity of development in direct proportion to the amount of sensitive, natural areas on a parcel of land and further proposes a process to minimize development impact on other landscape features of cultural or historical significance. These elements are clearly reflected in policies found in the Facilitated Plan and expressed by participants throughout the planning process for the Northern Study Area.

There are two overarching areas of the ordinance that will require special consideration in the selection of provisions that are to be included in a final draft. The first of these is density. A basic element of the plan is that the overall target density for the entire study area is to be approximately the same as the current density of Carrboro: 2.1 dwelling units per acre. The study area is comprised of 2141 acres of "undeveloped" land and presently includes 1531 dwelling units. Additional 5537 units would be needed to accommodate the target density, only 3565 of which could be achieved under the present land use regulations. Two approaches, to be implemented separately or in combination, were considered; village developments with increased density, and rezoning, or a combination

of the two. The committee chose to focus on allowing increased density in villages and recommended that the zoning of the study area remain as it is presently.

The plan calls for the adjustment of residential density in accordance with the extent to which any piece of property is constrained by natural or sensitive areas. Simply put, a property with more areas that are suitable for development would be allowed more residential density than a parcel of the same size that was constrained by steep slopes, floodways, or floodplains. The “adjusted tract acreage” method reduces the number of dwelling units possible in the study area to 2,605. A minimum of 350 acres of land will need to be developed at a density of approximately five units per acre in order to accommodate the density discussed in the plan. Overall density is also a defining feature of the Urban Transition Area – including Transition Areas One and Two specified in the Joint Planning Area Land Use

The second issue is that of selecting particular areas for the application of new land use regulations. With a few exceptions, the majority of the policies, procedures and regulations in the existing ordinance are applied throughout the planning jurisdiction. The plan itself covered areas within the city limits, extraterritorial jurisdiction and joint planning area. At least three provisions of the draft ordinance have been developed for an area described as the “Northern Transition Area.” As a definition for this area did not exist, ordinance language was drafted indicating that this area is the one defined by the Joint Planning Agreement. A further interpretation of this is that this is the JPA area at the time these ordinance provisions are adopted and does not encompass all the areas originally included in the Transition Areas. From the regulatory perspective presently, the “JPA area” is regularly redefined. If these provisions are selected, it will be necessary to create an overlay district for those portions of the study area that are to be included in the “Northern Transition Area” or consider reevaluating the buffers and advisory committee representation each time property is annexed.

An analysis of the plan has been carried out in order to determine whether the ordinance reflects the policies of the draft Facilitated Plan and is consistent with principles of land use regulation in Carrboro. This analysis has revealed that the ordinance addresses the bulk of the work items drawn from the plan at the start of the Ordinance Drafting Committee’s work last fall. The analysis has also revealed that the provisions of several sections do not reflect the policies of the plan. Following are a list of comments, presented by section, if applicable. Where it is considered necessary, recommendations for the removal or addition of ordinance language are specified. Otherwise, issues or optional approaches are noted for the Board’s consideration.

Section #	Comments
2	The adjusted tract acreage and yield plan approaches to determining density are clearly included as important policies in the plan. The effect of this, of course, is a reduction in permitted density. The Board may wish to consider eliminating the 15% density reduction applicable to architecturally integrated

subdivision for situations where the density has been reduced due to the adjusted tract acreage calculation. The elimination of this may also encourage AIS developments over other forms of development and assist in achieving the target density stated in the NSA plan of 2.1 units per acre.

- 3 The designation of primary and secondary conservation areas builds on the open space criteria already included in the Land Use Ordinance. These provisions are, for the most part, in accordance with the plan and consultant's reports. Hardwood areas, however, were listed as a secondary conservation area by the NSA plan and the consultant's report.

The Board may wish to consider recategorizing "hardwood areas" as secondary conservation areas to prevent property owners from removing this constraint from the property (i.e. timbering) prior to the initiation of any dialogue with the town about development on a parcel constrained in this manner. The Board may also wish to consider establishing a density or height incentive for the retention of mature hardwood areas in a natural undisturbed state as a means of encouraging preservation of these areas.

- 4 Staff is concerned that the requirement to comply with the proposed architectural standards will inordinately limit flexibility and creativity in village developments.

The Board may wish to consider requiring that developers submit a highly detailed program as to how the architectural elements of their proposed village development would harmonize with existing development, minimize the negative impacts, and maximize the positive impact of the new village.

- 5 The design standards for village mixed use developments are fairly detailed and the use area concept an interesting one. However, the inclusion of these standards appears to reduce the flexibility and broad discretion that are significant components of the conditional use rezoning process.

The proposed village requirements would be difficult to administer both in the level of detail and in the amount of subjectivity that will be required. Examples of this can be found in Sections 15-176.2 (f)(4)(h) and (f)(6)(b) where a determination of comparability to architecture in Carrboro's downtown must be made, and street design is to minimize alteration to natural site features.

Portions of the ordinance are not internally consistent. For example,

These provisions create distinct "townhouse areas" and "single family residential use areas"; whereas, the lead paragraph calls for different housing types and prices to be intermixed rather than segregated. This creates a conflict in the regulation that needs to be clarified, i.e. should the housing types and price ranges be segregated or mixed (Section 15-176.2(b) 2 a & b)?

The common, peripheral open space surrounding the village may unintentionally produce exclusive developments segregated from the overall fabric of the town. The Small Area Plan seems to emphasize the use of open space to protect primary and secondary conservation areas and to produce an interconnected network of open space and or greenways (Section 15-176.2(f) 2(a)).

This provision encourages the use of higher density residential developments as a buffer between commercial and lower density residential lots which in effect promotes the segregation of housing types (Section 15-176.2(f) 2(c)).

The requirement to have the principal entrance from the sidewalk will remove the possibility of having courtyard entrances and perhaps alleyway entrances. This may or may not have been intended (Section 15-176.2(f) 4(p)).

The degree to which residential structures must reflect Carrboro's vernacular needs to be defined or explained. Also this section number needs to be inserted (Section 15-176.2(f) 5(f)).

The requirement for walls greater than 4 but less than 6 feet high to screen off street parking spaces may need language exempting them from build to setback requirements since section 15-184 regards walls running along rights-of-way as buildings (Section 15-176.2(f) 6(c)).

The Board may wish to consider requiring that the developer address various design elements included in the present draft in the Master Plan or CUP, but not limiting all developers to a specific design.

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| 6 | The method proposed to maintain a diverse housing stock in Carrboro's jurisdiction by providing an incentive for "Affordable Housing" appears to be in accordance with the NSA plan. The 10 percent reduction of open space may not provide enough of an incentive, particularly on a heavily constrained parcel, as was illustrated on October 27. |
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The Board may wish to consider allowing a variable reduction, based on the degree of constraint of a particular parcel of land.

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| 11-16 | The Board may wish to consider the following alternative be included as the final sentence in Section 15-243 (c):
"The permit-issuing authority may by condition impose additional requirements as necessary to prevent adverse impacts to adjoining properties and residents." |
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| 18 | In accordance with the comments of the Town Engineer (attached), staff is concerned that the proposed standard would effectively preclude any development. Please reference those comments regarding Section 18. |
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- 19 The proposed stream buffer requirements will essentially implement the same buffer requirements in the Northern Transition Area that are currently in place for the University Lake Watershed. It appears that this section intends that the existing limitations on the use of buffer areas outside of the watershed would apply, but additional ordinance language will be needed to specify this. The buffer can be calculated along the major streams, however, along a majority of the smaller, intermittent streams the topographic lines run almost perpendicular to the stream and produce little or no slope. The calculated distance is of no practical value along the intermittent streams, and as a result, only the 50-foot buffer should be required along intermittent streams.

Please reference comments from OWASA regarding the prohibition of placing sewers in the buffers and Henry Wells' regarding the placement of detention facilities in the buffer. The Board may also wish to consider this proposal in light of the introductory comments of this report on the "Northern Transition Area."

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- 20 Depending on the specific site conditions, how will it be possible to develop a village with greens, storefront areas, townhomes, sidewalks and streets without removing significant amounts of vegetation? This seems to be in conflict with the provision to allow the O/A and VMU. The Land Use Ordinance contains other measures to protect tree protection, shading, screening, and street trees.

The Board may wish to add an Urban Forester, as is used in Chapel Hill, to the staff who would work with developers to leave stands of trees, where possible.

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- 21 The NSA plan states under the *CONSERVATION LANDS* section that specific areas identified as viewsheds from public roads will be preserved as secondary conservation lands and not 100 foot buffers along the entire length of the road. The requirement that the proposed buffers must be undisturbed places these areas in the same category as "primary conservation areas." Should the buffers be adopted, it will be necessary to specify that they are then part of the mandatory open space areas and subject to the 40 percent requirement. It will also be necessary to provide flexibility for any pre-existing lots, if any, that are so shallow that the buffer would effectively render them unusable.

The plan locates specific viewshed areas on map #A-6 "Natural Areas" and section 9.1 on page 66 identifies purchase of development rights and tax incentives as possible protective measures.

The Board may wish to consider protective measures for those viewsheds identified in the plan. It should be noted that Smith Level Road, located

outside of the study area has been added to the list of roads requiring 100-foot buffers.

23-24 Available information on these plant “invaders” is compelling with regard to the need to not include these plant materials in our yards, gardens, and streetscapes. Many of these plants are old favorites and widely used. The Board may wish to request that the Appearance Commission develop a list of specific alternatives to the listed plants that are to be avoided.

25 The establishment of another advisory board or committee, especially one with a requirement for regular meetings and an extensive list of powers and duties will place significant additional demands on Town staff, and potentially the Town’s budget.

Should this committee be established, the Board will need to consider the additional resources that will be necessary to meet the anticipated needs and demands of this committee and the need to commit to providing funding as a part of the budget process.

The Board may wish to carefully consider the establishment of an advisory board whose duties and powers so closely reflect those of an existing board, with the exception that this board effectively covers the entire town’s planning jurisdiction.

26 The Board may wish to consider requiring that land necessary to meet the full, presumptive, parking requirement, be identified during the plan approval process and that this area be reserved should the need for additional parking arise in the future.

28 The plan references the 1993 Draft Townwide Design Guidelines in its discussion of architectural character. Those guidelines were not as specific as the proposed standards, but instead called for designs to be in harmony with surrounding buildings and to take into consideration the existing good architectural character when blending new buildings with old.

The Board may wish to consider adopting a general set of architectural principles from which developers of major subdivisions would have the option of selecting, rather than the prescriptive standards proposed in the draft ordinance.
