

**Approximate Time\***

**7:40 - 7:45      B.      CONSENT AGENDA**

**(2) Request to Set Public Hearing/Land Use Ordinance Text Amendment  
Increasing Sidewalk Widths**

**(3) Resolution Endorsing the Recommendations of the Chapel Hill Land Trust Implementation Task Force**

#### D. OTHER MATTERS

8:25 – 8:40  
P/5

(2) **Request to Set Public Hearing/Land Use Ordinance Ordinance to Implement the Facilitated Small Area Plan for the Northern Study Area**

The Board of Aldermen will review the final revisions to the ordinance that has been drafted to implement the Facilitated Small Area Plan for Carrboro's Northern Study Area and consider setting a public hearing on the ordinance for December 15, 1998.

8:40 – 8:50  
P/S

**(3) Adoption of Budget Calendar for Fiscal 1999-2000 and Budget Review Committee Activities**

Board input and approval is requested to approve the 1999-2000 budget calendar; to amend the ordinance that established the Budget Review Committee; and to appoint the Budget Review Committee members.

8:50 – 9:05  
NP

**(4) Discussion of Process for Filling Vacant Seat on the Board of Aldermen**

The Board of Aldermen will discuss the process for filling the vacant seat on the Board of Aldermen.

9:05 – 9:10 E. MATTERS BY TOWN CLERK

9:10 – 9:20 F. MATTERS BY TOWN MANAGER

9:20 – 9:30 G. MATTERS BY TOWN ATTORNEY

9:30 – 10:45 H. MATTERS BY BOARD MEMBERS

- (1) Discussion of First Quarter Financial Statement**
- (2) Closed Session/Evaluation of Town Manager**

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

# BOARD OF ALDERMEN

ITEM NO. B(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: November 17, 1998

**SUBJECT: Request to Set Public Hearing for Land Use Ordinance Text Amendments - Increase in Sidewalk Width**

DEPARTMENT: <b>PLANNING DEPARTMENT</b>	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
ATTACHMENTS: Land Use Ordinance Text Amendment	FOR INFORMATION CONTACT: <b>Kenneth Withrow, 968-7714</b>
THE FOLLOWING INFORMATION IS PROVIDED: (x) Purpose ( ) Action Requested (x) Analysis (x) Summary (x) Recommendation	

### PURPOSE

The purpose of this agenda item is for the Board of Aldermen to set a public hearing date for Tuesday, December 8, 1998 that would amend the Carrboro Land Use Ordinance text to increase public sidewalk widths from four feet to five feet.

### SUMMARY

The Carrboro TAB Chair briefly addressed the Board of Aldermen during the Board's June 2, 1998 meeting. The topic that he addressed was improving pedestrian facilities; which was an element of the Walkable Communities Conference held on May 28 and May 29, 1998 in Raleigh, North Carolina. The TAB also requested that the Board amend the land use ordinance text to expand minimum sidewalk widths from four feet to five feet. The Board of Aldermen responded by directing the Agenda Planning Committee to schedule a discussion for the Land Use Ordinance text amendment request.

### ANALYSIS

The staff compared Carrboro's current standards to other municipalities in the Raleigh-Durham-Chapel Hill Metropolitan Area (i.e. Cary, Chapel Hill, Durham, Garner, and Raleigh). All five of the noted municipalities require minimum sidewalk widths of five feet. Similar requirements are presented within the Federal Highway Administration's Planning Design and Maintenance of Pedestrian Facilities. Their guidelines are presented in the table below.

**PLANNING DESIGN AND MAINTENANCE OF PEDESTRIAN FACILITIES**  
**FHWA GUIDELINES**

LAND USE/ROADWAY FUNCTIONAL CLASSIFICATION/DWELLING UNIT	NEW URBAN AND SUBURBAN STREETS
Commercial & Industrial outside of a central business district	Five feet wide with two-foot planting strip, or six feet wide with no planting strip.
Residential areas outside of central business district	Minimum five feet wide with minimum two-foot planting strip.
Arterial & Collector Streets	Minimum five feet wide with minimum two-foot planting strip.
Residential/Local Streets - more than 4 units per acre	Minimum five feet wide with two-foot planting strip.
1 to 4 Units Per Acre	Minimum four feet wide with two-foot planting strip.

The Federal Highway Administration's publication also states, "Variations in development density, spacial distribution of activity centers, the lack of and problems with forecasting pedestrian volumes and the absence of quantified safety benefits combine to make establishing a strict set of sidewalk installation warrants difficult".

#### RECOMMENDATION

The administration recommends that the Board of Aldermen refer the amendment to the TAB and Planning Board for their review and recommendation, and set a public hearing for Tuesday, December 8, 1998 to amend minimum sidewalk width requirements from four feet to five feet.



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

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE  
TO INCREASE THE WIDTH OF PUBLIC SIDEWALKS  
FROM FOUR FEET TO FIVE FEET**

**THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:**

Section 1. Subsections 15-216(g), 15-221(f) and Appendix C, Section C-12 is amended by rewriting the phrase in the first sentence that reads: "The sidewalks required by this section shall be at least four feet wide..." to read "The sidewalks required by this section shall be at least five feet wide..."

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

Section 3. This ordinance shall become effective upon adoption.

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

Ayes:

Noes:

Absent or Excused:

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

AN ORDINANCE AMENDING THE LAND USE ORDINANCE  
TO INCREASE THE WIDTH OF ~~THE~~ SIDEWALKS  
FROM FOUR FEET TO FIVE FEET

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsections 15-216(g), and ~~15-216(f)~~ <sup>Leave as is</sup> are amended by rewriting the phrase in the first sentence that reads: "The sidewalks required by this section shall be at least four feet wide..." to read "The sidewalks required by this section shall be at least five feet wide..."

Section 2. Appendix C, Section C-12 is amended by rewriting the third sentence that reads: "All sidewalks shall be constructed at least 4 feet in width", to read "The minimum width of sidewalks shall be constructed to standards as addressed in Article XIV".

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

Section 4. This ordinance shall become effective upon adoption.

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

Ayes:

Noes:

Absent or Excused:

# BOARD OF ALDERMEN

ITEM NO. B(3)

## AGENDA ITEM ABSTRACT

MEETING DATE: November 17, 1998

**SUBJECT: Resolution Endorsing the Recommendations of the Chapel Hill Land Trust Implementation Task Force**

<b>DEPARTMENT:</b> n/a	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u>
<b>ATTACHMENTS:</b> Resolution	<b>FOR INFORMATION CONTACT:</b> Alison Weiner

### PURPOSE

The Board of Aldermen will consider adopting a resolution endorsing the recommendations of the Chapel Hill Land Trust Implementation Task Force.

### SUMMARY

The Board of Aldermen at its meeting on November 10, 1998 received a report from the Chapel Hill Land Trust Implementation Task Force regarding the establishment of a land trust for Orange County. The Board requested that the town staff prepare a resolution for the Board's consideration endorsing the recommendations of that Task Force.

### ACTION REQUESTED

To consider adopting the attached resolution.

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

**A RESOLUTION ENDORSING THE RECOMMENDATIONS  
OF THE CHAPEL HILL LAND TRUST IMPLEMENTATION**

**TASK FORCE**

Resolution No. 16/98-99

WHEREAS, on November 10, 1998 the Board of Aldermen received a report from Alison Weiner, Carrboro's representative on the Chapel Hill Land Trust Implementation Task Force, on the formation of a land trust for Orange County; and

WHEREAS, this report contained a list recommendations from the Task Force; and

WHEREAS, the Board of Aldermen expressed its desire to endorse those recommendations.

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

Section 1. The Carrboro Board of Aldermen hereby endorses the following recommendations of the Chapel Hill Land Trust Implementation Task Force:

1. That the establishment of a Community Land Trust (CLT) is a long-term commitment to the community and the residents it serves.

2. A CLT should be established to serve all of Orange County.

3. The CLT will be a non-profit 501 (c)3 membership organization that will have a volunteer Board of Directors. It will not have staff initially but will contract Orange Community Housing Corporation to implement its tasks.

4. The initial Board of Directors for the CLT shall include potential homeowners, community members, and a representative from each of the governments within the County.

5. The initial tasks of the land trust will be implemented as follows:

- Policy: Board of Directors
- Administration: OCHC
- Pre-development and Development of Land and Housing: non-profit housing developers
- Education and Outreach: Board of Directors and OCHC

6. The first project will be Scarlette Drive in Chapel Hill. With the assistance of the Town of Chapel Hill, the pre-development of Scarlette Drive is presently being carried out by Orange Community Housing Corporation. Committing the project to the CLT can be included in this phase, and can provide a great start for the implementation of the CLT.

7. The Board will work closely with the staff of all participating governments and the emerging county housing coalition to develop future land trust projects.

8. The Task Force, having completed its work, will become the Steering Committee for the CLT. This committee will be responsible for developing expertise on the CLT model and for organizing the CLT, developing the Bylaws, Articles of Incorporation, Lease and Resale Formula and educating the private and public sectors.

9. Upon acceptance of the Task Force recommendations, the participating governments shall make staff, facilities, and resources available, as they are able, at the request of the CLT Steering Committee.

10. It is requested that the CLT be included in the revised Chapel Hill Comprehensive Plan and Shaping Orange County's Future proposal.

Section 2. Copies of this resolution shall be forwarded to the Chapel Hill Town Council and Orange County Board of Commissioners.

Section 3. This resolution shall become effective upon adoption.

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

Ayes:

Noes:

Absent or Excused:

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

**A RESOLUTION ENDORSING THE RECOMMENDATIONS  
OF THE CHAPEL HILL LAND TRUST IMPLEMENTATION  
TASK FORCE**

Resolution No. 16/98-99

WHEREAS, on November 10, 1998 the Board of Aldermen received a report from Alison Weiner, Carrboro's representative on the Chapel Hill Land Trust Implementation Task Force, on the formation of a land trust for Orange County; and

WHEREAS, this report contained a list recommendations from the Task Force; and

WHEREAS, the Board of Aldermen expressed its desire to endorse those recommendations.

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

Section 1. The Carrboro Board of Aldermen hereby endorses the following recommendations of the Chapel Hill Land Trust Implementation Task Force:

1. That the establishment of a Community Land Trust (CLT) is a long-term commitment to the community and the residents it serves.

2. A CLT should be established to serve all of Orange County.

3. The CLT will be a non-profit 501 (c)3 membership organization that will have a volunteer Board of Directors. It will not have staff initially but will contract Orange Community Housing Corporation to implement its tasks.

4. The initial Board of Directors for the CLT shall include potential homeowners, community members, and a representative from each of the governments within the County.

5. The initial tasks of the land trust will be implemented as follows:

- Policy: Board of Directors
- Administration: OCHC
- Pre-development and Development of Land and Housing: non-profit housing developers
- Education and Outreach: Board of Directors and OCHC

6. The first project will be Scarlette Drive in Chapel Hill. With the assistance of the Town of Chapel Hill, the pre-development of Scarlette Drive is presently being carried out by Orange Community Housing Corporation. Committing the project to the CLT can be included in this phase, and can provide a great start for the implementation of the CLT.

7. The Board will work closely with the staff of all participating governments and the emerging county housing coalition to develop future land trust projects.

8. The Task Force, having completed its work, will become the Steering Committee for the CLT. This committee will be responsible for developing expertise on the CLT model and for organizing the CLT, developing the Bylaws, Articles of Incorporation, Lease and Resale Formula and educating the private and public sectors.

9. Upon acceptance of the Task Force recommendations, the participating governments shall make staff, facilities, and resources available, as they are able, at the request of the CLT Steering Committee.

10. It is requested that the CLT be included in the revised Chapel Hill Comprehensive Plan and Shaping Orange County's Future proposal.

Section 2. Copies of this resolution shall be forwarded to the Chapel Hill Town Council and Orange County Board of Commissioners.

Section 3. This resolution shall become effective upon adoption.

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 17<sup>th</sup> day of November, 1998:

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

Noes: None

Absent or Excused: None

# BOARD OF ALDERMEN

ITEM NO. D(1)

## AGENDA ITEM ABSTRACT

**MEETING DATE: Tuesday, November 17, 1998**

**SUBJECT: PRESENTATION: Application of proposed plan and ordinance requirements to available parcels in the Northern Study Area**

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: <b>YES</b> __ <b>NO</b> <u><b>X</b></u>
ATTACHMENTS: Memo from Alan Rimer and David Godschalk	FOR INFORMATION CONTACT: Patricia McGuire -- <b>968-7714</b>
THE FOLLOWING INFORMATION IS PROVIDED: ( <b>X</b> ) Purpose ( ) Analysis ( <b>X</b> ) Summary ( ( ) Action Requested ( ) Recommendation	

### PURPOSE

Students from Plan 242 – Site Planning in the Department of City and Regional Planning at the University of North Carolina at Chapel Hill will present plans for four (4) subdivisions. The subdivision layouts were prepared using the provisions of the Facilitated Plan and the draft ordinance for existing, undeveloped parcels of land in the Northern Study Area.

### SUMMARY

In the summer of 1998, Dave Godschalk, Professor of City and Regional Planning, requested information on available, undeveloped parcels of land that might be used in the subdivision layout exercises for a site planning practicum to be offered in the fall of 1998.

Planning Director, Roy Williford, compiled information on natural constraints associated with several parcels known to be presently offered for sale. During the course of the ordinance drafting process, this parcel had been identified as one that contained a number of constrained areas, such that design of any development, would require serious thought and creativity. The parcels are also affected by the proposed location of the Lake Hogan Farm Connector Road.

Upon receipt of the draft ordinance in mid-September, a copy was forwarded to Professor Godschalk. A list of minimum requirements for design of the subdivision was prepared from the draft and existing ordinance. Several possible development scenarios, under which a layout could be prepared, were established. These scenarios included development with full constraints and the connector road, development with no constraints and the connector road, development with full constraints and no connector road, and development with no constraints and connector.

Student presentations on this project were made within the class and four designs, one from each of the four scenarios, were selected for presentations to the Board of Aldermen. A memo from Alan Rimer and David Godschalk describing the site analysis exercise is attached. Reduced copies of the site layouts are also attached. The presentations will be made using color PowerPoint slides for each of the designs.



# Memorandum

**To:** Board of Aldermen  
**From:** Alan Rimer David Godschalk  
Department of City and Regional Planning  
**Date:** 11/11/98  
**Re:** Implications on Project Design of Current and Proposed Ordinance Modifications

---

## Background

During the fall semester the UNC Department of City and Regional Planning offers a course in site design. This year, as one of the design exercises, 12 student teams were asked to develop a site analysis and design a subdivision on property in Carrboro off Homestead Road near the high school. The Town is currently considering modifications to the development ordinance that will impose certain constraints on subdivision design. In discussions with Aldermen and Town staff, it was agreed that it might be instructive for representatives of selected design teams to spend a few minutes describing their findings. This memo has been prepared as background material for that presentation. While the prints attached for the four selected projects are black and white, we will have a color PowerPoint presentation of each of these designs for the Board of Aldermen meeting on November 17, 1998.

The projects include the following:

Project Name	Team Members	Development Constraint
<i>Nature's Retreat</i>	Freedman/Readling	Unconstrained With Collector
<i>Ridgewood Homes</i>	Brown/Tufts	Constrained With Collector
<i>Homestead Place</i>	Knuth/Peebles	Unconstrained Without Collector
<i>Maplecrest</i>	Jennings/Klop/Reichle	Constrained <del>With</del> Collector <i>Without</i>

## Problem Definition

The following are excerpts from the student problem definition to help in understanding how they were asked to approach the design problem.

## General

The purpose of this project is to develop familiarity with design techniques and skills involved in residential subdivision layout. Students will prepare individual plans for a subdivision on a sloping site, for which they have previously completed a site analysis.

Plans will be evaluated in terms of efficiency, feasibility, and creativity in:

1. meeting program specifications
2. use of available space
3. following desirable subdivision standards
4. accommodating site contours and vegetation
5. auto and pedestrian circulation
6. considering water, sewer, and storm drainage conditions
7. clearly and attractively presenting the plan.

## Requirements for Each Student Team

Using the base topo map provided and your site analysis, lay out a subdivision with lots meeting the minimum standards required for your site (as shown in the attached Table 3.1.) Prepare two drawings:

- 1) Presentation layout showing:
  - Street ROW and pavement
  - Sidewalks/pedestrian paths
  - Lot lines and numbers
  - Driveways
  - Housing footprints or buildable areas
  - Recreation/open space areas
  - Vegetation: existing (to be preserved) and proposed
  - Site property lines
  - Adjacent uses, including roads
- 2) Site engineering overlay showing:
  - Water lines
  - Sewer lines and manholes
  - Roads, bridges, and parking areas
  - Storm drainage
  - Proposed and existing contours

## Project 3. Table 1. Subdivision Layout: Minimum Requirements

These requirements are derived from the Town of Carrboro Land Use Ordinance, adopted November 25, 1980, and from the September 21, 1998 draft Ordinance Implementing the Small Area Plan for Carrboro's Northern Study Area.

### Zoning and Density

The property is zoned R-20, which bases density calculations on 20,000 square foot lots. The owners want a subdivision design that achieves the maximum number of lots allowable under the Carrboro regulations. They are also interested in seeing a variety of possible approaches to developing the property, thus individual teams should feel free to propose designs making use of various options allowed under the regulations.

The property contains about 65 acres, but it has been determined by the Carrboro Planning Department under the new Net Density Calculation, which subtracts areas with Primary and Secondary Constraints, that only 40.88 acres (about 63%) can be used for development, resulting in an allowable density of 89 units (a gross density of .73 acres per unit) under the Architecturally Integrated Subdivision option. Under the Cluster option, only 85 lots would be permitted (65 acres less 40% open space time 20,000 sq. ft. per unit). Cluster density is calculated on the basis of the underlying zoning (20,000 sq ft lots), though cluster lot sizes can be smaller (15,000 sq ft).

### **Design Options**

You have 2 basic options:

- 1) prepare a standard Cluster Subdivision with 85 lots at 15,000 square feet;
- 2) prepare an Architecturally Integrated Subdivision with 89 lots of flexible size, only requiring a buildable area on each lot.

You also have the option of increasing the density through the Affordable Housing Bonus, which permits 2 units of density for every affordable housing unit included, up to a maximum of 150% of the density otherwise allowed. It also allows the required open space to be reduced by twice the land area of the affordable lots, up to a maximum reduction of 50%. If you use the Affordable Housing provision of the ordinance, you are permitted to develop some duplex, town house, or apartment lots.

### **Open Space and Recreation**

Carrboro requires that every subdivision set aside 40% of its gross land area for publicly accessible Open Space. That amounts to about 26 acres for this property. Open Space may contain the required Primary (slopes over 25%, hardwood areas, wetlands, floodplains, and stream buffers extending 60 ft. from the floodway or stream centerline where no floodway is designated) and Secondary Conservation Areas (slopes of 15-25%, other wooded areas, entranceway vistas, lakes and ponds, unusual natural features such as major rock formations, and other environmentally, historically or archaeologically significant or unique areas).

Note that Primary Conservation Areas must not be built upon. A residential lot may contain such Areas, but not within its buildable area. Secondary Conservation Areas must only be kept out of building sites to the extent that they are needed to make up the 40% open space requirement. Buffers of 100 feet from the edge of the floodplain are required for Bolin Creek and its tributaries, or if no floodplain has been designated then 100 feet from the center of the stream, plus an additional distance of  $4 \times \% \text{ slope} \times 100$ .

Recreation areas also must be provided. The ordinance contains a complex point system for calculating required recreation facilities. However, for purposes of this assignment, assume that the following recreation areas and facilities are to be provided:

Play fields:

One 20,000 sq. ft. play field (relatively flat and well drained)

Other play fields to provide a total of 400 sq. ft. per lot (including the 20,000 sq. ft. above) [ eg, if you have 90 lots, then you need 36,000 sq. ft. of play fields total.]

Note that 90% of the lots should be within 1500 feet of a play field.

Tennis courts (two)

Club house (one at 1200 sq. ft.)

Hiking\biking trail (connecting the living areas, recreation areas, bus stops, and other key points)

### Cluster Standards

Lot size	15,000 sq. Ft.
Lot width	100 ft.
Setbacks from:	
Street ROW	40 ft.
Street centerline	70 ft.
Lot boundary	20 ft.

### Street Standards

Residential collector	60 ft. ROW	34 ft Pavement (including bike lanes)
(No single family lot driveways permitted on this Collector; multi-family driveways are permitted, as are "eyebrows.")		
Minor	47 ft. ROW	18 ft. Pavement
Local	47 ft. ROW	20 ft. Pavement Sidwalk on one side
Alley (1 way)	20 ft. ROW	12 ft. Pavement
Cul de sac*	60 ft. ROW w/o curb and gutter	
	52 ft. ROW w/ curb and gutter	
(* are not allowed unless severe topographic constraints are present)		
Private roads	allowed in Architecturally Integrated Subdivisions, only if meet frontage ratio of less than 25 linear feet of road per dwelling unit	

The Carrboro Northern Study Area Plan indicates a future proposed Residential Collector street passing through this property from east to west, in order to connect Homestead Road and the Hogan Farms subdivision. Half the design teams will be asked to include this Collector.

# Carrboro Board of Aldermen



A Presentation by  
Site Design Students  
Department of City and Regional Planning  
University of North Carolina  
November 17, 1998  
on

## The Impact of Existing And Proposed Development Ordinance Changes on Site Design

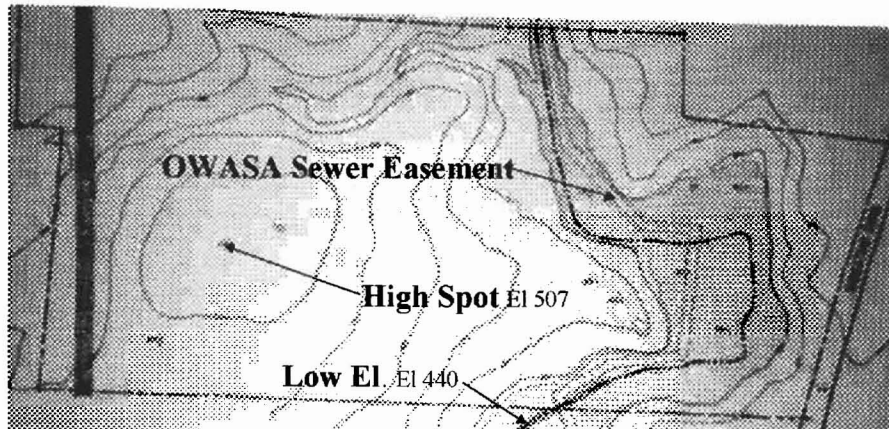
### Teams

Project Name	Team Members	Development Constraint
<i>Ridgewood Homes</i>	Brown/Tufts	Constrained with Collector
<i>Maplecrest</i>	Jennings/Klop/Reichle	Constrained without Collector
<i>Nature's Retreat</i>	Freedman/Readling	Unconstrained With Collector
<i>Homestead Place</i>	Knuth/Peebles	Unconstrained Without Collector

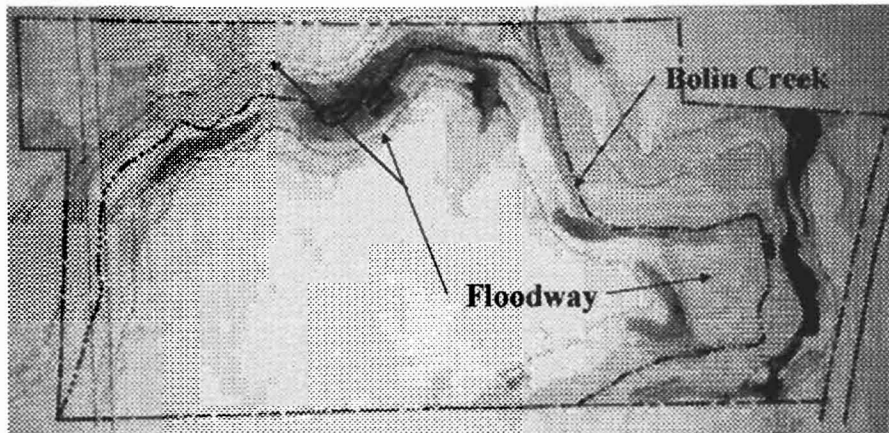
## Development Impact

Project	Constraint	Lots Allowed	Lots Actual	Density
<b>Ridgewood Homes</b>	Constrained with Collector	89	56 lots 28 SF, 29 TH	.86 DU/Ac
<b>Maplecrest</b>	Constrained without Collector	89	78 lots 38 SF, 40 2F	1.2 DU/AC
<b>Nature's Retr</b>	Unconstrained With Collector	89	86 Lots 43 TH, 43 SF	1.32 DU/AC
<b>Homestead Place</b>	Unconstrained Without Collector	89	85 Lots 30 TH, 55 SF	1.31 DU/AC

## Site Contour Map



## Site Slope Analysis

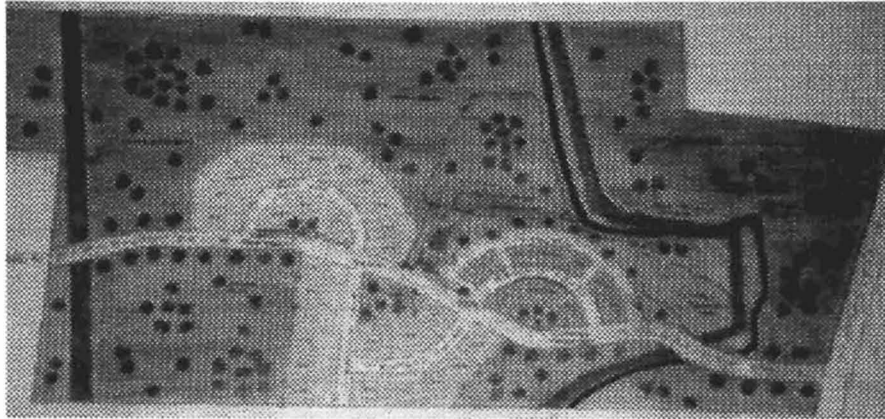


## Tree Constraint

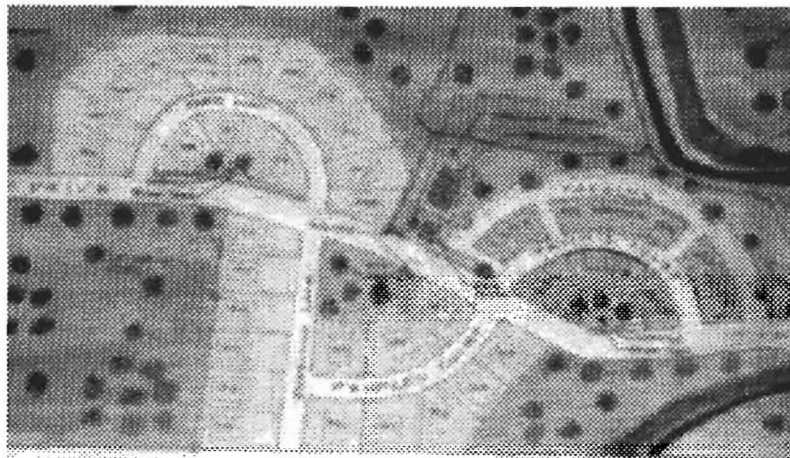


## **Constrained With Collector**

**Ridgewood Homes 56 Lots [28 SF, 29 TH]**



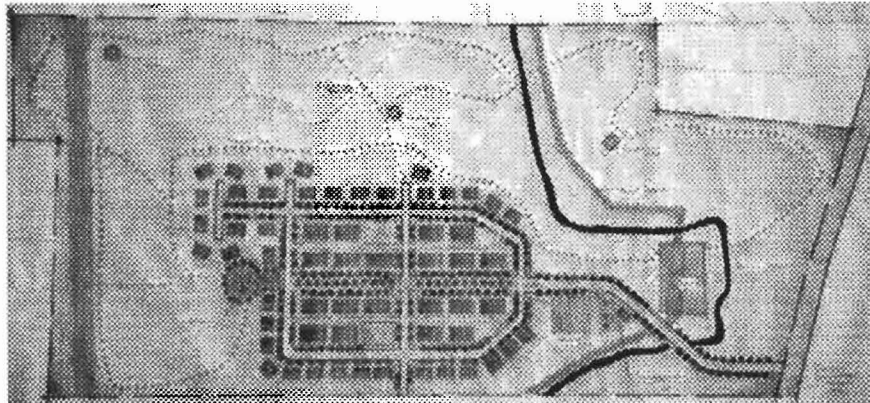
## **Ridgewood Homes**



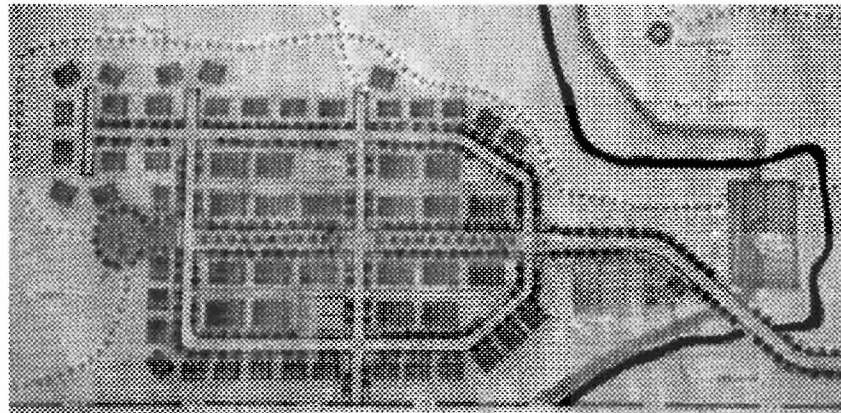


## **Constrained Without Collector**

Maplecrest 78 Lots [38 SF, 40 2F]

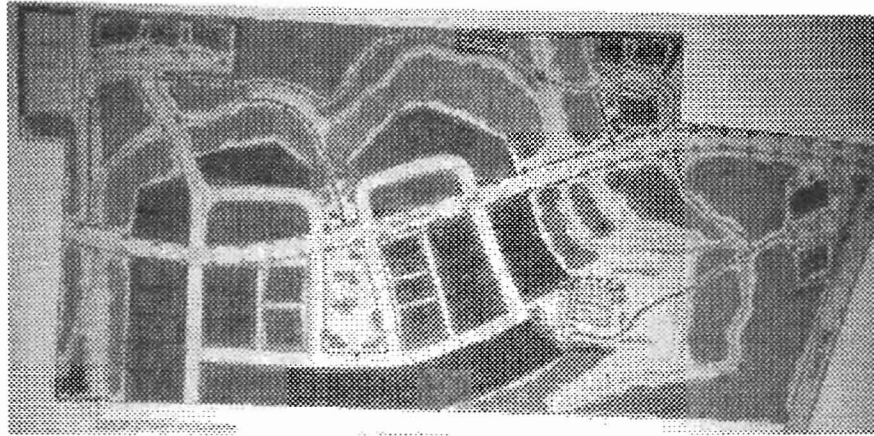


## **Maplecrest**



## **Unconstrained With Collector**

**Nature's Retreat 86 Lots [43 TH, 43SF]**



## **Nature's Retreat**

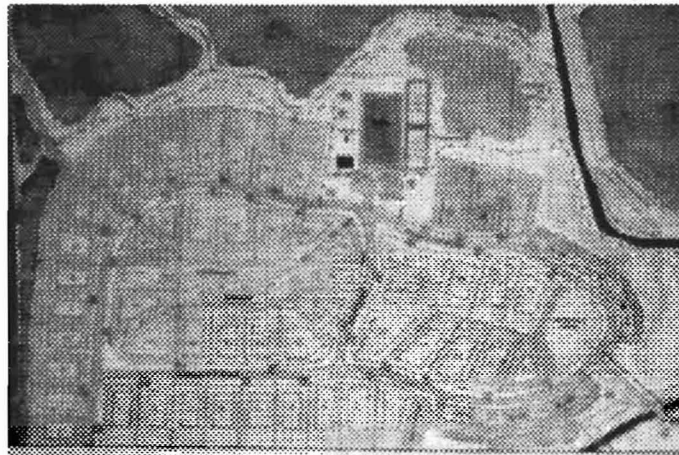


## **Unconstrained without Collector**

**Homestead Place [85 Lots 30 TH, 55 SF]**



## **Homestead Place**



# BOARD OF ALDERMEN

ITEM NO. D(2)

## AGENDA ITEM ABSTRACT

**MEETING DATE: Tuesday, November 17, 1998**

**SUBJECT: REQUEST-TO-SET: Land Use Ordinance Amendment to implement the Facilitated Small Area Plan for the Northern Study Area.**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES __ NO <u>X</u></b>
<b>ATTACHMENTS:</b> Orange County Planning Board recommendations re: JPA amendments (Will be distributed on Monday evening.)	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire -- 968-7714 Mike Brough -- 929-3905

### PURPOSE

To review final revisions to the ordinance that has been drafted to implement the Facilitated Small Area Plan for Carrboro's Northern Study Area and to set a public hearing for December 15, 1998.

### SUMMARY

In September 1998, a first draft of the NSA implementation ordinance was distributed for review. During the month of October, members of the Board of Aldermen received presentations on the components of the ordinance, an analysis of the consistency of the elements with the Facilitated Plan and recommendations from staff. During this same time, members of the Ordinance Drafting Committee reviewed the draft, noting incomplete or missing components. Revisions in accordance with comments from both the Boards of Aldermen and Ordinance Drafting Committee have been made to all but three sections (18, 19, 21) that were referred to subcommittees for further review. Information gathering related to the prohibition of clearcutting in Section 20 is also underway. It is anticipated that most of this additional review will be completed by November 17, 1998. In addition, on November 10, 1998, the Board of Aldermen discussed the revised draft and voted for subsection 15-182.4 to be amended to add a new subsection (F) to state that affordable housing units constructed in accordance with this section shall be placed into a land trust or similar mechanism to ensure affordability.

The Orange County Planning Board finalized its review of the proposed amendments to the Joint Planning Area Land Use Plan and Joint Planning Agreement in a special meeting on November 11, 1998. A copy of the board's recommendation is attached.

Section 15-322 requires that all proposed amendments to the ordinance be formally referred to the Planning Board for its recommendation and Section 15-323 requires that a public hearing be held on all amendments to the Land Use Ordinance. In accordance with Section 2.6.C of the Joint Planning Agreement for a thirty-day review period, the proposed draft ordinance was submitted to the Orange County Planning Department on November 13, 1998.

### RECOMMENDATION

The Administration recommends that the Board of Aldermen set a public hearing date of December 15, 1998 to consider "An ordinance amending the Carrboro Land Use Ordinance to implement the recommendations of the Facilitated Small Area Plan for Carrboro's Northern Study Area." The Administration further recommends that the Board of Aldermen refer this ordinance to the Planning Board, Appearance Commission, and Transportation Advisory Board.

**DRAFT**

**MOTION FROM PLANNING BOARD MEETING 11/11/98**

**AGENDA ITEM 5:      ADDITIONAL CONSIDERATION OF MATTERS HEARD AT  
APRIL 8, 1998 JPA PUBLIC HEARING AND CONSIDERED BY  
PLANNING BOARD ON JULY 15, 1998**

- a.    **JPA-2-98 Facilitated Small Area Plan for Carrboro's  
Northern Study Area**
- b.    **Joint Planning Agreement Amendments - Transition Area I and II  
and Floating Conditional Use District**

**MOTION:**

Woods moved that the Planning Board approve the proposed amendments to the Joint Planning Area Land Use Plan and map to incorporate the Facilitated Small Area Plan for Carrboro's Northern Study Area; and, approve proposed amendments to the Joint Planning Agreement to incorporate the Facilitated Small Area Plan for Carrboro's Northern Study Area provided that the Orange County Commissioners are included in the decision making process on "floating" conditional use zoning districts in the CJDA Transition Area; and, that the County appoint the advisory board, and, more specifically, that Subsection 2.6E of the agreement is amended by rewriting the second sentence and by adding a new third sentence to read as follows: "With respect to property that is located within the CJDA Transition Area, changes in zoning classifications including changes to the "floating" conditional use districts designed to implement the recommendations of the "Facilitated Small Area Plan for Carrboro's Northern Study Area" (i.e. changes to Carrboro's Traditional Neighborhood conditional use district or Office/Assembly conditional use district) may not be made unless and until an ordinance approving such zoning map classifications has been approved both by Orange County and Carrboro following a joint public hearing by the two governing bodies. Seconded by McAdams.

**VOTE:**

6 in favor.

3 opposed (Brooks - felt uncomfortable that the Planning Board was not allowed to make recommendations on specific ordinance amendments; was glad that the question of some representation was addressed but was concerned that some of the other issues such as affordable housing and agricultural use should be addressed and not leave it up to Carrboro. Katz - felt that the future of Carrboro and the Rural Buffer is something that the County should have a hand in. He felt that the decisions that Carrboro will make in the future about that area will be different than what is in the document and noted he was skeptical that it will be something to be proud of. Barrows - noted that she was worried about the fact that we have ignored the Transition Areas I and II and that sort of planning premise feels like it goes out the window if we're going to leap-frog out to areas here, there and yonder coupled with her basic suspicions about villages.

Strayhorn noted that he had some of the same concerns as Barrows until he visited Transition Area I and found that most of the land that could be used is in active farmland and he could not force more pressure on someone willing to farm that expensive land that near a town. He felt that they were to be commended. He did note that he was concerned with how long it could last.



## TOWN OF CARRBORO

NORTH CAROLINA

### MEMORANDUM

**TO:** Board of Aldermen

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

**DATE:** November 12, 1998

**SUBJECT:** NSA Facilitated Plan Implementation – Draft Ordinance

The draft ordinance was updated on November 13, 1998 to incorporate the proposed Appendix J and to revise the definition of the “build-up” line (p. 14). A copy of that version of the ordinance is attached for your use.

The designated small groups have met to discuss sections 18 and 19. The group that is looking at Section 18 will meet again Monday afternoon, November 16, to conclude its discussion. Mike Brough has drafted alternative language for the two sections. The alternative language, included on two pages that are stamped “draft,” is also attached.

Mr. Brough has also drafted a provision per the Board’s discussion of Section 6 (Residential Density Bonus for Affordable Housing) to ensure that the affordable housing units remain affordable. This language is included on the second of the two “draft” pages.

A definition of “clearcutting,” taken from the Planning Advisory Service Report No 421, is noted below for your use in further discussion of section 20.

Clearcutting. The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural purposes.

#### Attachments

DRAFT

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

(a) All developments shall be constructed and maintained so that other properties are not unreasonably burdened with surface waters as a result of such developments. To achieve this objective, the potential impacts on surface water quantity and quality from all proposed developments shall be identified and evaluated to the extent deemed reasonably necessary by the town engineer. The developer shall implement mitigation measures as are determined to be reasonably necessary, based upon the results of this evaluation, to prevent or lessen the predicted impacts to the maximum extent practicable. Potential impacts to be evaluated may include, but are not limited to, backwater effects on upstream properties, increased volumes or rates of stormwater flow, offside sedimentation, erosion and/or ground-cover loss downstream, increased scouring of any downstream streambed, lowered quality of the water due to the pollutants carried in runoff, or any damage that materially injures the value of adjoining or abutting property. The area of the study is *not* limited to the property being developed.

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) The Board finds that:

- (1) Soil and pollutants carried overland, primarily from roads, trails, and land disturbing activities, can be effectively trapped by leaving a relatively undisturbed strip of vegetation parallel and adjacent to the watercourse.
- (2) Properly managed overland water flow can be directed into this buffer area in a manner that will reduce velocity and cause dispersion of the water.
- (3) Sediments and associated pollutants carried by the water will settle out as a result of this slowing and dispersion process.

(b) For purposes of this section, the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement dated November 2, 1987, shall be regarded as an overlay zoning district ("Transition Area Overlay") within which the buffer requirements set forth in this section shall apply.

(c) Development on lots within the Transition Area Overlay 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) as shown on the Northern Transition Area Stream Buffer Map on file in the Carrboro Planning Department, which map is incorporated herein by reference. Measure ...[Take from existing text]



DRAFT

- (2) Intermittent streams flowing into Bolin Creek and its tributaries as shown on the Northern Transition Area Stream Buffer Map. Measure along a line running perpendicular to and sixty (60) feet from the center of the intermittent stream.
- (3) Minor drainage ways as shown on the Northern Transition Area Stream Buffer Map. Measure along a line running perpendicular to and thirty (30) feet from the center of the minor drainage way.

(d) Subject to subsection (e), the existing natural vegetation in a buffer area designated in accordance with this section shall not be disturbed in any way that would reduce the buffer area's effectiveness in achieving the objectives set forth in subsection (a). In addition, buffer areas from which the vegetative cover has been removed shall be planted or otherwise provided with ground cover, devices, or structures sufficient to allow the buffer area to accomplish the objectives set forth in subsection (a).

(e) Notwithstanding the foregoing provisions, the permit issuing authority may authorize the crossing of a designated buffer area by a street, bikeway, sidewalk, water or sewer line or pump station under the circumstances specified in Subsection 15-184(g). In addition, the permit issuing authority may authorize sewer lines to be constructed within buffer areas designated under this section under circumstances where such location is practicably unavoidable if the subject property is to be served under the provisions of Section 15-238(c) and an alternate design would result in greater damage to the environment, so long as such sewer line is located to the extent practicable at least twenty-five feet from the edge of any stream bank.

In Section 6 of the draft ordinance, amend subsection 15-182.4(a) to read:

(a) For purposes of this section, an affordable housing unit means a dwelling unit (i) that 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) with respect to which the developer has entered into an arrangement with a non-profit land trust or other non-profit entity to ensure that such dwelling continues to remain affordable as described herein, and (iii) that conforms to the town's "Design Standards for Affordable Housing."



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

**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 Land Use Ordinance including provisions for reasonable incentives to create an interconnected and continuous greenway system for the benefit of present and future residents;
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 intensive, 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 maintains a close and strong visual reference to the existing architectural vernacular specific to Carrboro and its surroundings.

**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 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:

1 (4) The term "primary conservation areas" shall mean:

- 2
- 3 a. Areas containing slopes greater than 25%
- 4
- 5 b. Hardwood areas identified on the Carrboro Natural Constraints Map
- 6
- 7 c. Wetlands as defined pursuant to Section 404 of the Clean Water Act
- 8
- 9 d. Floodplains
- 10
- 11 e. With respect to streams designated on the adopted Stream Classification Map
- 12 of Carrboro, those areas within an average perpendicular distance of sixty feet
- 13 from the edge of the floodway of the stream, if the floodway is designated on
- 14 the "Flood Boundary and Flood Map" prepared by the U.S. Department of
- 15 Housing and Urban Development, or sixty feet from the centerline of the
- 16 stream where the floodway is not designated on this map.
- 17
- 18 f. Lakes and ponds;
- 19

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

- 21
- 22 a. Areas containing slopes greater than 15% but not more than 25%;
- 23
- 24 b. Wooded areas other than hardwood areas identified on the Carrboro Natural
- 25 Constraints Map;
- 26
- 27 c. Vistas along entranceways to the town;
- 28
- 29 d. Other areas containing unusual natural features (such as major rock
- 30 formations);
- 31
- 32 f. Other environmentally, historically or archaeologically significant or unique
- 33 areas.
- 34

35 (b) The first line of subsection 15-198(d) is amended by changing the phrase "50 lots" to "25

36 lots". Subdivision (3) of this same subsection is also amended by adding thereto the following new

37 sentence: "The play fields required by this subsection shall be located such that 90% of the lots or dwelling

38 units within any development that is required to install such play field are within 1,500 feet of a play field

39 installed to meet the requirements of this subsection, unless the developer demonstrates by clear and

40 convincing evidence that adherence to this requirement would not be feasible."

41

42 (c) Subsections 15-198(e) and (f) are repealed. Subsection 15-198(f) shall be shown as

43 "Reserved," and a new subsection 15-198(e) shall provide as follows:

44

45 (e) Subject to subsection (g), if a tract where a residential development is

46 proposed contains any of the areas defined above as primary conservation areas, then such

1 areas shall be designated as open space.

2  
3 (d) Subsection 15-198(g) is amended to read as follows:

4  
5 (g) A developer shall not be required to set aside as open space under the  
6 provisions of subsections (d) and (e) more than the minimum required percentage of open  
7 space set forth in subsection (c). If the sum total of open space otherwise required under the  
8 provisions of subsections (d) and (e) exceeds forty percent of the development tract (twenty  
9 percent in the R-2 district), then the permit issuing authority shall allow the developer to set  
10 aside a smaller area of open space under subsections (d) and (e), individually or collectively,  
11 so that the developer is not required to preserve as open space more than forty percent of the  
12 development tract (twenty percent in the R-2 district). However, if areas that constitute  
13 primary conservation areas have not been set aside as open space, then the development plans  
14 shall otherwise provide for the preservation of such areas even though they may be located  
15 within privately owned lots (e.g. by specifying buildable areas within individual lots).

16  
17 (e) Subsection 15-198(h) is amended to read:

18  
19 (h) If the area of open space required to be preserved under subsections (d) and  
20 (e) does not exceed forty percent (40%) of the area of the development tract (20% in the R-2  
21 district), then the permit issuing authority may require that the developer set aside from  
22 among the areas that constitute secondary conservation areas as defined above an amount of  
23 open space equal to the difference between the amount of open space preserved under  
24 subsections (d) and (e) and forty percent (40%) of the development tract (20% in the R-2  
25 district).

26  
27 (f) Subsection 15-198(b)(3) is amended by adding a new subsection "c" to read as follows:

28  
29 (c) Areas used for the growing of crops, such as hay, corn, or vegetables, if and to  
30 the extent that such uses occur within an area that is subject to the control of a homeowners  
31 association and such uses are approved by the homeowners association.

32  
33 **SECTION 4.** Article IX, Part I, is amended by adding a new Section 15-141.2 to read as follows:

34  
35 Section 15-141.2 Village Mixed Use District Established

36  
37 (a) There is hereby established a Village Mixed Use (VMU) district. This district is established  
38 to provide for the development of rural new villages at a scale intended to continue Carrboro's small town  
39 character as described in its Year 2000 Task Force Report and to promote a traditional concept of villages.  
40 The applicant for rezoning to this district must demonstrate that its planning, design and development will  
41 achieve, but not necessarily be limited to, all of the following specific objectives:

- 42  
43 1. The preservation of open space, scenic vistas, agricultural lands and natural resources  
44 within the Town of Carrboro and its planning jurisdiction and to minimize the  
45 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, Appearance Commission, Environmental Advisory Board, Transportation Advisory Board (and other advisory boards to which the board of aldermen may refer the application) shall review the proposed master plan or conditional use permit application at the same time it considers the applicant's rezoning request. In response to suggestions made by the planning board (or other advisory boards), the applicant may revise the master

plan or conditional use permit application before it is submitted to the board of aldermen.

(3) If the applicant submits a proposed master plan (rather than a conditional use permit application) with the VMU rezoning application, then:

a. The rezoning application and master plan proposal shall be reviewed concurrently by the board of aldermen according to the same procedures and in accordance with the same standards applicable to other zoning amendments; and

b. The Board may not approve the VMU rezoning application unless it simultaneously approves the master plan for the development of the property, subject to such reasonable modifications and conditions as the Board may impose in the exercise of its legislative discretion.

(4) If the applicant submits a conditional use permit application (rather than a proposed master plan) with the VMU rezoning application, then:

a. The rezoning application and conditional use permit application shall be reviewed concurrently by the board of aldermen according to the same procedures and in accordance with the same standards applicable to other conditional use permit applications; and

b. The Board may not approve the VMU rezoning application unless it simultaneously approves the conditional use permit application for the development of the property, which conditional use permit may be approved subject to reasonable conditions and requirements as set forth in Section 15-59.

(5) If a VMU rezoning application is approved with a master plan (rather than a conditional use permit), approval of the master plan under this section does not obviate the need to obtain a conditional use permit for the village mixed use development in accordance with the provisions of Section 15-176.1 of this chapter.

a. In addition to other grounds for denial of a conditional use permit application under this chapter, a conditional use permit for a village mixed use development may be denied on the basis that the application is inconsistent with the approved master plan. However, if the conditional use permit is approved, the board of aldermen shall be deemed to have amended the master plan to bring it into conformity with the conditional use permit.

b. No conditional use permit for a village neighborhood mixed use development may be denied for reasons set forth in Subsection 15-54(c)(4) if the basis for such denial involves an element or effect of the development that has previously been specifically addressed and approved in the master plan



1 approval process, unless (i) it can be demonstrated that the information  
2 presented to the board of aldermen at the master plan approval stage was  
3 materially false or misleading, (ii) conditions have changed substantially in a  
4 manner that could not reasonably have been anticipated, or (iii) a basis for  
5 denial for reasons set forth in Subsection 15-54(c)(4) is demonstrated by clear  
6 and convincing evidence.

- 7  
8 (6) Subject to Subsection 15-141.2(f)(5), a master plan approved under this section may  
9 only be amended in accordance with the provisions applicable to a rezoning of the  
10 property in question.  
11

12 **SECTION 5.** Article XI, Part II is amended by adding a new Section 15-176.2 to read as follows:  
13

14 Section 15-176.2 Village Mixed Use Developments  
15

16 (a) In a village mixed use development, a maximum of ten percent of the total gross acreage of  
17 the tract, or five acres, whichever is less, may be used for purposes permissible in the B-3T or OA districts,  
18 subject to any conditions or limitations (including limitations on the types of permissible uses) contained in  
19 the remaining provisions of this section, the Master Plan, or the conditional use permit that authorizes the  
20 development in question.  
21

- 22 (1) Within the portion of the tract developed for commercial purposes, the regulations  
23 (other than use regulations, which are governed by the provisions immediately above)  
24 applicable to property zoned B-3T shall apply except as otherwise provided in this  
25 section or as otherwise allowed by the board of aldermen in the approval of the  
26 Master Plan or conditional use permit for the development.  
27  
28 (2) The commercial portions of the village mixed use development shall be contained  
29 within a "storefront use area." This area shall be designed to provide a variety of  
30 retail shops and services to support the day-to-day needs of village residents and other  
31 local residents, complemented by other compatible business, civic and residential  
32 uses in commercial-type buildings in a manner consistent with a small downtown of  
33 or central market place in the community.  
34  
35 (3) Storefront use areas shall be located so they are easily accessible by pedestrians from  
36 as much of the residential areas as possible (preferably within 1,500 feet – a five-  
37 minute walk). Nonresidential uses that are intended or expected to serve an area  
38 beyond the development itself shall be located to the extent practicable to permit  
39 vehicular access from outside the development without passing through residential  
40 streets.  
41  
42 (4) Storefront use areas shall be located at least 200 feet from an arterial street and at least  
43 one-half mile from the nearest edge of another commercial center.  
44  
45 (5) Parking areas that serve commercial facilities shall be screened with a Type A screen  
46 from the view of public streets located outside the development.

- 1
- 2 (6) If and to the extent that dwelling units are constructed above commercial uses in
- 3 commercial areas, the additional vehicle accommodation area required to
- 4 accommodate such residential uses shall not be treated as commercial area for
- 5 purposes of the "cap" on commercial areas established by this section.
- 6
- 7 (7) Commercial areas shall surround or be located adjacent to or across the street from a
- 8 public park, green, or square, which area may be credited as part of the open space
- 9 required of the development.
- 10
- 11 (8) Within the commercial areas authorized under this section, buildings shall be
- 12 designed and constructed so that each individual enterprise occupies (whether as
- 13 tenant or owner occupant) an area of not more than 2,000 square feet per floor.
- 14

15 (b) Portions of the tract not developed in accordance with the provisions of subsection (a) above

16 may be developed in accordance with the provisions of this chapter applicable to property that is zoned R-

17 10, except as those provisions are modified by the provisions of this section or the Master Plan or conditions

18 imposed by the board of aldermen in the issuance of the conditional use permit.

19

- 20 (1) The number of dwelling units permissible within the entire tract shall be determined
- 21 in accordance with the provisions of Section 15-182.3 (as adjusted by density bonuses
- 22 awarded for providing affordable housing under Section 15-182.4), subject to the
- 23 following:
- 24
- 25 a. Areas used for commercial purposes shall *not* be subtracted from the adjusted
- 26 tract acreage before determining permissible density;
- 27
- 28 b. All dwelling units constructed above commercial uses in commercial areas
- 29 (e.g. a second story apartment located above a first floor retail store or office)
- 30 shall be permissible *in addition* to the number of dwelling units otherwise
- 31 authorized under this section.
- 32
- 33 (2) The residential portions of the development shall contain a mixture of housing types
- 34 that are generally reflective of the housing types in Carrboro and ownership/rental
- 35 options so that the development provides housing opportunities for persons within as
- 36 broad a range of income levels as is feasible. Different housing types and price
- 37 ranges shall be intermixed rather than segregated.
- 38
- 39 a. The development shall contain an area known as a "townhouse use area."
- 40 This area shall be designed to provide for a variety of housing opportunities,
- 41 including residential buildings such as townhouses and/or apartments in close
- 42 proximity to the storefront area, and to provide for the flexible use of such
- 43 buildings to accommodate compatible business and civic uses which
- 44 supplement the storefront area. The townhouse use area shall be a designated
- 45 geographic unit generally located along neighborhood streets and adjacent to
- 46 the storefront area. 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. Office
3. Private club
4. Restaurant
5. Artist studio
6. A maximum of 4 guestrooms for lodging
7. Medical clinic or facility
8. Retail sales, if in conjunction and on the same lot as a home occupation

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

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

- c. 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.

(d) 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.

(e) 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.

(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 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 be between one and two and one-half stories in height. A two-story build-up line can range from 20 to 25 feet above average ground level.

(4) Storefront and Townhouse use Area Design Components

- a. New multi-family and commercial buildings in storefront and townhouse use areas shall be subject to a maximum front setback (the "build-to" line) in order to maintain a strong sense of streetscape. Such buildings shall generally be of two-story construction (to the so-called "build-up" line) and shall be designed in accordance with the design standards of this chapter and any other applicable standards. 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 townhouse 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 25 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 (measured along a publicly accessible route) from the lot containing the use to which the parking is accessory, if the lot containing the parking is owned or leased to the owner of the principal use, or if the lot containing the parking is dedicated to parking for as long as the use to which it is accessory shall continue, and it is owned by an entity capable of assuring its maintenance as accessory parking.
- f. All public sidewalks and walkways shall:
    1. Be constructed of brick, or concrete with brick borders.
    2. Be no less than six feet in; and
    3. Create a completely interconnected network of pedestrian walkways throughout the storefront use and townhouse use areas.
  - g. All storefront and townhouse use areas shall contain the following:
    1. At least one trash can of approved design in each block;
    2. Public benches of approved design at bus stops, green spaces, and at intervals of no greater than 50 feet on each block; and
    3. At least one bike rack on each block.
  - h. All new construction shall be of similar scale and massing to small-scale, historic buildings in downtown Carrboro.
  - i. All roofs shall be topped with low-pitched roofs with articulated parapets and cornices, or pitched roofs where fascias are emphasized and any roof dormers are functional.
  - j. Storefront buildings shall:
    1. Include show windows on the ground level. Storefront windows are to be large and traditional in appearance and are to include low sills and high lintels.
    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 of the to the sidewalk. Alternatively, if the principle entrance faces onto an interior courtyard, the entrance to the courtyard must be presented to the 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. 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 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) and 25 feet maximum; 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 15-141.2 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 ADUs 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), natural (meadows, large trees in distance), or a community structure of significance.
  - 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."

(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 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) 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 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 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. There shall be no minimum size for this district and no single, contiguous tract in excess of five (5) acres may be rezoned to a O/A CU district.
- c. 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.
- d. 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 a set forth in Section 15-59.

e. 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. The permit issuing authority may by condition impose additional requirements 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."

1       **SECTION 16.** Section 15-163 (Noise) is amended by adding the following two sentences at the end  
2 of subsection (a): “Noises that exceed the levels set forth below shall be deemed annoying or disruptive.  
3 Low frequency noises shall be considered annoying and disruptive if they exceed the decibel levels set forth  
4 below when measured without using an A-weighted filter, or if such noises generate a perceptible vibration  
5 within structures located beyond the boundaries referenced above.”  
6

7       **SECTION 17.** Section 15-50 is rewritten to read as follows:  
8

9       Section 15-50 Site Planning Procedures for Major Subdivisions  
10

11       (a) Before submitting an application for a conditional or special use permit for a major  
12 subdivision, the applicant shall comply with the requirements of this section.  
13

14       (b) The applicant shall submit a site analysis plan drawn approximately to scale (1 inch = 100  
15 feet) that contains the following information:  
16

- 17               (1) The name and address of the developer;
- 18               (2) The proposed name and location of the subdivision
- 19               (3) The approximate total acreage of the proposed subdivision;
- 20               (4) Topographic lines based on maps published by the U.S. Geological Survey; and
- 21               (5) The location of all primary and secondary conservation areas as defined in  
22 subsections 15-198(b)(4) and (5).  
23  
24  
25  
26  
27

28       (c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually  
29 convenient date to walk the property with the applicant and the applicant’s site designer. Designated  
30 members of the Planning Board, Northern Transition Advisory Committee, Transportation Advisory Board,  
31 and Appearance Commission, shall be notified of the date and time of this “on-site walkabout.” The purpose  
32 of this visit is to familiarize town officials with the property’s special features and to provide an informal  
33 opportunity for an interchange of information as to the developer’s plans and the town’s requirements.  
34

35       (d) Prior to the submission of a conceptual preliminary plan as described in subsection (e), the  
36 staff shall meet with the developer to discuss how the four-step approach to designing subdivisions described  
37 below could be applied to the subject property. This conference may be combined with the on-site  
38 walkabout.  
39

40       (e) Following completion of the steps described in subsections (b), (c), and (d), the developer  
41 shall submit a conceptual preliminary plan of the proposed subdivision, prepared in accordance with the  
42 four-step process described in subsection (f). This plan shall be a preliminarily engineered sketch plan  
43 drawn to illustrate initial thoughts about a conceptual layout for open space, house sites, and street  
44 alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are  
45 incurred in the design of any proposed subdivision layout. The planning staff shall review this plan and  
46 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 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), 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

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

10  
11 **SECTION 18.** Subsection 15-263(a)(2) is amended to read as follows:  
12

- 13 (1) No development may be constructed or maintained so that surface waters from such  
14 development are collected, channeled, or released onto lower adjacent properties at such  
15 locations or at such volumes or peak flows as to cause measurable damage to the lower  
16 properties. Measurable damages include off-site sedimentation, erosion, and/or ground-cover  
17 loss downstream; increased scouring of any downstream streambed; sediment deposits in low  
18 areas of any downstream stream; lowered quality of the water due to the pollutants carried in  
19 runoff; damage to or loss of structures, flower beds, or any other personal property; or any  
20 damage that materially injures the value of adjoining or abutting property.  
21

22 **SECTION 19.** Article XVI is amended by adding a new Section 15-269 to read as follows:  
23

24 Section 15-269 Buffers in Northern Transition Area  
25

26 (a) Development on lots within the Transition Area portion of the Carrboro Joint Development  
27 Area as identified in the Joint Planning Agreement shall, if any of the watercourses identified below are  
28 located in whole or in part within the lots so developed, contain a designated buffer area adjacent to such  
29 watercourses. The buffer area boundaries shall be demarcated by a line connecting the points on either side  
30 of a watercourse located as follows:  
31

- 32 (1) Bolin Creek and Tributaries (permanent streams flowing into Bolin Creek). Measure  
33 along a line running perpendicular to the edges of the floodplain (or if no floodplain  
34 has been demarcated, the center of the stream) one hundred (100) feet from the edge  
35 of the floodplain (or if no floodplain has been demarcated, from the edge of the water)  
36 plus an additional distance equal to  
37

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

38  
39

40 where slope is expressed as a percentage derived from dividing by 100 the rise of  
41 elevation between the floodplain boundary line (or if no floodplain has been  
42 demarcated, the edge of the water) and a point one hundred (100) feet from that point  
43 along the perpendicular line described above.  
44

- 45 (2) Intermittent Streams Flowing into Creek and Tributaries. Measure along a line  
46 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

Notwithstanding the provisions of Section 15-308, an undisturbed protective buffer shall be maintained along Old N.C. 86, Dairyland Road, Union Grove Church Road, Homestead Road, Eubanks Road and Smith Level Road south of Ray Road 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 22.** Appendix E is amended by deleting subsection E-10 (D)(9) ("Wintergreen Barberry") and subsection E-10 (F)(10) ("Japanese Barberry").

**SECTION 23.** 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 prohibited when complying with the shading and landscaping provisions of this chapter.

Akebia quinata  
Acer ginnala  
Acer platanoides

Chocolate vine  
Amur Maple  
Norway Maple

1	All Berberis species including	
	Berberis julianae	Wintergreen Barberry
	Berberis thunbergii	Japanese Barberry
2	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
3	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

4  
5       **SECTION 24.** Article III is amended by adding a new Section 15-27 to read as follows:  
6

7       Section 15-27 Northern Transition Area Advisory Committee  
8

9       (a)     There shall be a Northern Transition Area advisory committee consisting of five members  
10     appointed by the board of aldermen. All members shall be residents of the Northern Transition Area. For  
11     the purposes of this section, the Northern Transition Area shall include those unannexed portions of the  
12     Northern Study Area. The Northern Study Area is defined as follows:  
13

14       The boundaries of this area are Carrboro's joint planning jurisdiction line to the north and  
15       Carrboro's Town limits to the south. The Carrboro/Chapel Hill joint planning jurisdiction  
16       line serves as the boundary to the east. It begins north of Eubanks Road, follows Rogers  
17       Road to Homestead, then proceeds southwest on Homestead road to High School Road  
18       and finally turns south and east to the railroad right-of-way. A primary ridge line serves  
19       as the northwest boundary line just east of Union Grove Church Road down to Dairyland  
20       Road, where the road serves as the boundary heading southeast until it intersects, and Old  
21       NC 86 serves as the boundary then turning southeast and running along Hillsborough



Road to Greensboro Street.

(b) Members of the committee shall be appointed for three year staggered terms, but members may continue to serve 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) Initiate studies related to 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 25.** 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. Land necessary to meet the full, presumptive, parking requirement must be identified during the plan approval process and must be reserved should the need for additional parking arise in the future.”

**SECTION 26.** A new appendix (J) is added to the Land Use Ordinance. This appendix provides examples of noise-generators.

**SECTION 27.** 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 – 3/12 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 should reflect details in the Carrboro Vernacular Architectural Standards (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.

**SECTION 28.** All provisions of any town ordinance in conflict with this ordinance are hereby repeals.

**SECTION 29.** This ordinance shall become effective upon adoption.

**THE FOREGOING ORDINANCE, HAVING BEEN SUBMITTED TO A VOTE, RECEIVED THE FOLLOWING VOTE AND WAS DULY ADOPTED THIS DAY OF , 1998.**

**AYES:**

**NOES:**

**ABSENT/EXCUSED:**



## Appendix J

### Noise Levels (dB (A)) for Common Indoor and Outdoor Sounds

Outdoor Sounds	dB(A)	Indoor Sounds
	110	Rock Band
Large, passenger jet landing 370 feet away		
Large, passenger jet taking off 1000 feet away	100	Inside subway train (NYC)
Gas lawn mower, 3 feet away		
	90	
Diesel truck 50 feet away		Food blender 3 feet away
Noisy urban area (day)	80	Garbage disposal 3 feet away Shouting - 3 feet away
747 taking off 1000 feet away Commercial area	70	Vacuum cleaner 10 feet away Normal speech 3 feet away
	60	
		Large business office
Quiet urban area (day)	50	Dishwasher, next room
Quiet urban area (night) Quiet suburban area (night)	40	Small theatre/Large conference room (background) Library
	30	
Quiet rural area (night)		Bedroom at night Concert hall (background)
	20	Broadcast and Recording Studio
	10	
		Threshold of hearing
	0	

**DRAFT**

**MOTION FROM PLANNING BOARD MEETING 11/11/98**

**AGENDA ITEM 5: ADDITIONAL CONSIDERATION OF MATTERS HEARD AT  
APRIL 8, 1998 JPA PUBLIC HEARING AND CONSIDERED BY  
PLANNING BOARD ON JULY 15, 1998**

- a. JPA-2-98 Facilitated Small Area Plan for Carrboro's Northern Study Area
- b. Joint Planning Agreement Amendments - Transition Area I and II and Floating Conditional Use District

**MOTION:**

Woods moved that the Planning Board approve the proposed amendments to the Joint Planning Area Land Use Plan and map to incorporate the Facilitated Small Area Plan for Carrboro's Northern Study Area; and, approve proposed amendments to the Joint Planning Agreement to incorporate the Facilitated Small Area Plan for Carrboro's Northern Study Area provided that the Orange County Commissioners are included in the decision making process on "floating" conditional use zoning districts in the CJDA Transition Area; and, that the County appoint the advisory board, and, more specifically, that Subsection 2.6E of the agreement is amended by rewriting the second sentence and by adding a new third sentence to read as follows: "With respect to property that is located within the CJDA Transition Area, changes in zoning classifications including changes to the "floating" conditional use districts designed to implement the recommendations of the "Facilitated Small Area Plan for Carrboro's Northern Study Area" (i.e. changes to Carrboro's Traditional Neighborhood conditional use district or Office/Assembly conditional use district) may not be made unless and until an ordinance approving such zoning map classifications has been approved both by Orange County and Carrboro following a joint public hearing by the two governing bodies. Seconded by McAdams.

**VOTE:**

6 in favor.

3 opposed (Brooks - felt uncomfortable that the Planning Board was not allowed to make recommendations on specific ordinance amendments; was glad that the question of some representation was addressed but was concerned that some of the other issues such as affordable housing and agricultural use should be addressed and not leave it up to Carrboro. Katz - felt that the future of Carrboro and the Rural Buffer is something that the County should have a hand in. He felt that the decisions that Carrboro will make in the future about that area will be different than what is in the document and noted he was skeptical that it will be something to be proud of. Barrows - noted that she was worried about the fact that we have ignored the Transition Areas I and II and that sort of planning premise feels like it goes out the window if we're going to leap-frog out to areas here, there and yonder coupled with her basic suspicions about villages.

Strayhorn noted that he had some of the same concerns as Barrows until he visited Transition Area I and found that most of the land that could be used is in active farmland and he could not force more pressure on someone willing to farm that expensive land that near a town. He felt that they were to be commended. He did note that he was concerned with how long it could last.

# TOWN OF CARRBORO

## (Village Mixed Use)(Affordable Housing)Vernacular Architectural Standards

As referenced in the  
Town of Carrboro  
Land Use Ordinance  
Sections 15 - 141.2, 15-177, 15-182.4 (*Draft*)

Draft for Review by the Board of Aldermen

November 17, 1998



**PROPOSED CHANGES TO SECTIONS 18 AND 19, PER REVIEW GROUP DISCUSSION,  
NOVEMBER 16, 1998.**

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

- (a) All developments shall be constructed and maintained so that **they do not cause damage to other properties with their surface waters** ~~are not unreasonably burdened with surface waters as a result of such developments.~~ To achieve this objective, the potential impacts on surface water quantity and quality from all proposed developments shall be identified and evaluated by the town engineer, **staff and the environmental advisory board.** The developer shall implement mitigation measures as are determined to be ~~reasonably~~ necessary, based upon the results of this evaluation, to prevent or lessen the predicted impacts ~~to the maximum extent practicable.~~ Potential impacts to be evaluated may include, but are not limited to, backwater effects on upstream properties, increased volumes or rates of stormwater flow, offsite sedimentation, erosion and/or ground-cover loss downstream, increased scouring of any downstream streambed, lowered quality of water due to the pollutants carried in runoff, or any damage that materially injures the value of adjoining or abutting property. The area of study is *not* limited to the property being developed.

*Please note: The review group requested that the following language also be included in Section 15-263:*

**“The Town will develop general technical criteria for the study of development impacts and the implementation of mitigation measures to be used for the evaluation of proposed development. The criteria will be updated periodically, as deemed appropriate.”**

*The review group also requested that the Town Attorney draft language to establish a requirement for a performance bond to ensure that measures selected for any development comply with the town's stormwater standards.*

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

*Subsections (a), (b), and (c)(1) and (c)(2) are unchanged.*

- (3) Minor **intermittent streams** ~~drainage ways~~ as shown on the Northern Transition Area Stream Buffer Map. Measure along

# BOARD OF ALDERMEN

ITEM NO. D(3)

## AGENDA ITEM ABSTRACT MEETING DATE: November 17, 1998

**SUBJECT: FY 1999-2000 Budget Calendar and Budget Review Committee Activities**

<b>DEPARTMENT:</b> Management Services	<b>PUBLIC HEARING:</b> YES ____ NO <u>x</u> __
<b>ATTACHMENTS:</b> FY99-2000 Budget Calendar; Ordinance Amending the Powers and Duties of the Budget Review Committee	<b>FOR INFORMATION CONTACT:</b> Robert W. Morgan, 968-7708 L. Bing Roenigk, 968-7701

**PURPOSE:** Board input and approval is requested to approve the FY99-2000 budget calendar; amend the ordinance that established the Budget Review Committee; and appoint Budget Review Committee Members.

**SUMMARY:** On November 11, 1997, the Board of Aldermen established a permanent budget review committee with staggered membership and a regular meeting schedule beginning in December of each year. Within the ordinance, the general role of the committee is to: "review the annual operating budget, capital improvements plan, and any other documents submitted to the Board of Aldermen for its deliberation and discussion of the budget and make recommendations to the Board of Aldermen by the second week in June of each calendar year concerning: (1) the budget document and its format; (2) the services and service levels of the operating budget and capital improvements plan; (3) the overall direction of the annual operating budget and capital improvements plan; and (4) any other matter relating to the annual operating budget, the capital improvements plan and the Town's fiscal policies which the Committee wishes to bring to the attention of the Board of Aldermen."

The Town Manager suggests amending the Budget Review Committee Ordinance (Chapter 3, Article II) to incorporate an additional responsibility for the Committee in the upcoming budget process. The Board, at its January 1998 planning retreat, requested the creation of a citizen committee on innovation and efficiency in town government. Rather than create a separate committee, the Town Manager recommends that the study of innovations and productivity improvements be included under the auspices of the Budget Review Committee. Also under this charge, the committee should review the concept of multiple staffing for Town reception areas as proposed by the Board in the 1997 Action Agenda at the 1998 planning retreat.

The Town advertised the vacancies on the Committee in the newspaper on Sunday, November 1<sup>st</sup> and on the Time Warner Channel 4 Bulletin Board. Three of the committee members, Anthony Galigani, Sally Efird, and Stuart Brown, are from the previous year and have committed to serving at least one more year.

**ACTION REQUESTED:** The Town Manager requests that the Board consider adopting the attached FY99-2000 budget calendar of budget activities, making any suggestions for change. The Board is requested to amend Chapter 3, Article II, Section 3-9.3 (a) of the Budget Review Committee Ordinance to include innovations and productivity improvements as a designated task of the Committee. The Board is also requested to appoint members and terms of office. Of the seven members, three members shall be appointed for three-year terms, two members shall be initially appointed for two-year terms, and two members shall be appointed for one-year terms.

**FY1999-2000 BUDGET CALENDAR**

<b>Tuesday, November 10</b>	<b>Management Services Department distributes FY99-2000 informal worksession materials</b>
<b>Wednesday, November 18</b>	<b>Management Services distributes CIP Budget Materials to Departments</b>
<b>Monday, November 30</b>	<b>Town Manager and Assistant Town Manger hold first meeting with Budget Review Committee to begin review of Town Budget</b>
<b>Tuesday, December 1</b>	<b>Agenda Planning Committee develops format for Planning Retreat on January 24 and 25</b>
<b>Friday, December 4</b>	<b>Management Services Department distributes FY99-2000 budget manual</b>
<b>Monday, December 7</b>	<b>Departments submit budget information: five-year assessments; department purpose/activity; goals, objectives, and projects; FY98-99 accomplishments and other materials for informal staff/board work session on Jan. 7</b>
<b>Tuesday, January 5</b>	<b>Board holds public hearing for community needs assessment</b>
<b>Thursday, January 7</b>	<b>Staff and Board hold work session to discuss Town goals</b>
<b>Tuesday, January 12</b>	<b>Board of Aldermen identifies policy goals for staff to develop cost estimates</b>
<b>Sunday, January 24 and Monday, January 25</b>	<b>Board of Aldermen and staff hold annual retreat to discuss priorities for the upcoming fiscal year. The Management Services Department presents revenue estimates for FY99-2000, five-year financial projections, other financial information, and reviews cost estimates for Board policy goals</b>
<b>Tuesday, February 2</b>	<b>Board decides upon policy goals and financial goals for FY99-2000</b>
<b>Wednesday, February 3</b>	<b>Manager gives department heads their allocations based upon Board and Management Team goal decisions</b>
<b>Friday, February 5</b>	<b>Departments submit Capital Improvement Plan information to Management Services Department</b>

<b>Friday, March 5</b>	<b>Departments submit budget requests to the Town Manager based upon the Manager's allocations, providing decision packages and supplemental budget request forms</b>
<b>Monday, March 8</b>	<b>Manager's Proposed 5-year Capital Improvement Plan is completed  Budget Review Committee begins review of CIP</b>
<b>March 30 - April 3</b>	<b>Manager makes final decisions on his proposed budget</b>
<b>March 8- May 3</b>	<b>Budget Review Committee develops CIP recommendation</b>
<b>Tuesday, May 18</b>	<b>Manager submits Proposed Annual Budget and 5-year Capital Improvements Plan to Board</b>
<b>Wednesday, May 19</b>	<b>Manager also meets with employees to discuss budget recommendations</b>
<b>May 19 - June 2</b>	<b>Manager and Assistant Town Manager review proposed budget with budget review committee</b>
<b>Tuesday, May 25</b>	<b>Board holds public hearing on proposed budget</b>
<b>Thursday, May 27</b>	<b>Board hold first budget worksession</b>
<b>Tuesday, June 8</b>	<b>Budget review committee presents recommendations to Board</b>
<b>Thursday, June 10</b>	<b>Board holds second budget worksession</b>
<b>Tuesday, June 15</b>	<b>Board directs Manager to prepare a revised budget</b>
<b>Tuesday, June 22</b>	<b>Board adopts 1999-2000 budget</b>



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

**AN ORDINANCE AMENDING CHAPTER 3 OF THE TOWN CODE  
TO REVISE THE POWERS AND DUTIES OF  
THE BUDGET REVIEW COMMITTEE**

**THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:**

Section 1. Section 3-9.3, Powers and Duties of the Budget Review Committee, is amended to read as follows:

(a) The Budget Review Committee shall review the annual operating budget, capital improvements plan and any other documents submitted to the Board of Aldermen for its deliberation and discussion of the budget and make recommendations to the Board of Aldermen by the second week in June of each calendar year concerning: (1) the budget document and its format; (2) the services and service levels of the operating budget and capital improvements plan; (3) the overall direction of the annual operating budget and capital improvements plan; (4) any other matter relating to the annual operating budget, the capital improvements plan and the Town's fiscal policies which the Committee wishes to bring to the attention of the Board of Aldermen; and (5) productivity improvements and innovations in Town services.

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

Section 3. This ordinance shall become effective upon adoption.

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

Ayes:

Noes:

Absent or Excused:

# BOARD OF ALDERMEN

ITEM NO. D(4)

## AGENDA ITEM ABSTRACT

MEETING DATE: November 17, 1998

**SUBJECT: Process for filling Vacancy on Board of Aldermen**

<b>DEPARTMENT:</b> Town Manager's Office	<b>PUBLIC HEARING:</b> YES ____ NO <input checked="" type="checkbox"/> ____
<b>ATTACHMENTS:</b> Advertisement, Application Form	<b>FOR INFORMATION CONTACT:</b> Robert W. Morgan, Town Manager

### PURPOSE

The purpose of this item is for the Mayor and the Board of Aldermen to discuss the process for filling the vacancy on the Board.

### ANALYSIS

The Board requested that the Administration prepare a timeline for the process of filling the vacancy on the Board of Aldermen. A possible timeline is as follows:

Sunday, November 22nd and Sunday, November 29th <sup>th</sup>	Advertise that the Mayor and Board of Aldermen are accepting applications to fill the vacancy on the Board.
Noon Monday, December 7 <sup>th</sup> 14	Deadline for accepting applications in the Town Clerk's Office
Monday, December 7 <sup>th</sup> 14	Town Clerk to deliver copies of applications to the Mayor and Board of Aldermen
Monday, December 14 <sup>th</sup> Jan 11	Mayor and Board of Aldermen will hold a special meeting to interview applicants.
Tuesday, December 15 <sup>th</sup> Jan 12	Mayor and Board of Aldermen will make the appointment.

Also included for the Board's review and approval is the proposed advertisement scheduled to run on Sunday, November 22nd and 29<sup>th</sup>, and the application to be completed by each candidate.

At its meeting on October 27<sup>th</sup>, the Board decided to submit questions that individual members felt applicants should answer. These questions should be submitted to the Town Clerk by noon on Monday, November 16th, so she can compile them and send them out to the Board on Monday evening.

### ACTION REQUESTED

To adopt the timeline for filling the vacancy on the Board, to approve the proposed advertisement and application and to reach consensus on which questions the candidates should answer, and to schedule a special meeting for Monday, December 14th.

### **NOTICE TO CARRBORO CITIZENS**

The Carrboro Mayor and Board of Aldermen are currently seeking applications from citizens interested in being appointed to an unexpired term on the Board of Aldermen. This term will expire in December, 1999. To qualify, one must be a Carrboro resident, be at least 21 years of age, and be a registered voter in Orange County. Citizens interested in being appointed to this position should complete a questionnaire, which is available in the Town Clerk's Office located in the Carrboro Town Hall at 301 West Main Street. The deadline for applications is noon on Monday, December 7, 1998. All questionnaires submitted will be public documents. (Note: In considering this appointment, the Board of Aldermen is not obligated to limit its selection to those individuals submitting questionnaires.)

Please attach your responses.

**APPLICATION FOR EXPRESSING INTEREST TO BE A CANDIDATE FOR THE  
VACANCY ON THE CARRBORO BOARD OF ALDERMEN.**

[TO QUALIFY FOR THIS APPOINTMENT YOU MUST BE AT LEAST 21 YEARS OF  
AGE, LIVE WITHIN THE CORPORATE LIMITS OF CARRBORO AND BE A  
REGISTERED VOTER IN ORANGE COUNTY]

NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
TELEPHONE: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ RACE: \_\_\_\_\_ SEX: \_\_\_\_\_

OCCUPATION: *7 Educational +  
AL Experience meant to serve in the Board.*

BUILDING

FOUR SQUARE

MASSING

- ◆ One- to One-and-a-half story
- ◆ Two rooms deep with center hall
- ◆ 1,200 – 1,600 square feet

ROOF

- ◆ High hipped
- ◆ Plain, or Triple 'A' with dormer
- ◆ Porch roof –hipped or recessed

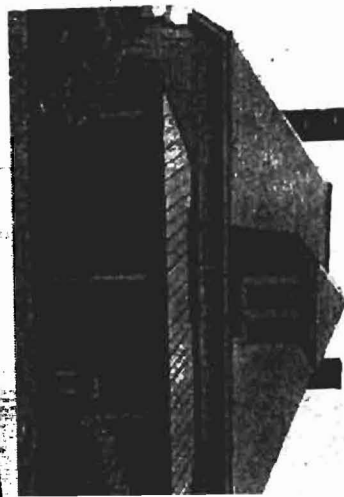
CRAFTSMAN

MASSING

- ◆ One- to One-and-a-half story
- ◆ Two or three rooms deep
- ◆ Center hall or modified L-plan
- ◆ 1,200 – 1,800 square feet

ROOF

- ◆ Front gable
- ◆ Side gable with dormer(s)
- ◆ Porch roof –shed and integrated with main roof or recessed



DRAFT



**LIST OF QUESTIONS SUBMITTED BY MAYOR AND BOARD MEMBERS**  
**FOR BOARD OF ALDERMAN CANDIDATES**

**Hilliard Caldwell**

- ~~1.~~ Why do you want to be a member of the Carrboro Board of Aldermen?
2. ~~How would you control growth, and do you think that growth needs to be controlled?~~ *If so, how would you control it?*
3. We have a large population of senior citizens in our community. What kind of attention should the Board be giving to this segment?
- ~~4.~~ If appointed to the Board of Aldermen, would you run in the next election?
- ~~5.~~ How long have you lived in Carrboro? *what role if any, should the*
6. Should the Carrboro Board of Aldermen be involved with the business of building new schools? Where should they be built? What design? *Board of Ald.*
- ~~7.~~ Should the Board of Aldermen reflect the population of the community (the makeup of the Board)? *have a relation to the C.H.C City schools*
8. Would you support the name change of the Board of Aldermen to Carrboro City Council?
9. Do you support the Northern Small Area Plan?
- ~~10.~~ Should the Board of Aldermen make rules and regulations for areas that are not inside the city limits of our town? (Remember that these citizens cannot vote for members of the Board of Aldermen.)

**Jacquie Gist**

Please explain your understanding of an involvement in community conflict resolution.

**Diana McDuffee**

How do you think the Board of Aldermen can address the issue of housing affordability for low- and middle-income individuals or families?

**Mike Nelson**

~~What do you think are the three most important issues facing Carrboro and how would you address them?~~

**Allen Spalt**

As a member of the Board of Aldermen, what role do you think the environment should play on decisions in Carrboro and how would you approach environmental protection?

**Alex Zaffron**

Please name what you feel are the three greatest challenges and/or opportunities facing Carrboro and how you would address them.