

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE  
BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT  
TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE  
Resolution No. 02/2008-09

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE DEVELOPMENTS

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020, particularly Human Services policies 1.31 through 1.35 dealing with unmet human services needs and the well being of residents of all ages, and policies 5.22 and 5.23 dealing with protection of water quality and proactive management of stormwater.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest.

Section 3. This resolution becomes effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE  
BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO  
THE TEXT OF THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE DEVELOPMENTS

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing policies are sufficient.

Section 3. This resolution becomes effective upon adoption.

\*\*DRAFT 8-22-08\*\*

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO  
MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN  
SINGLE FAMILY RESIDENTIAL USE AREAS WITHIN VILLAGE MIXED USE  
DEVELOPMENTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-176.2 (f) (5) d., Village Mixed Use Developments, of the Carrboro Land Use Ordinance is amended to read as follows:

- d. The total impervious coverage shall be 50 percent for all of the lots in this use area except for those approved to include 22.000 uses. Allocation to each lot shall be indicated on the conditional use permit plans and must be finalized at the time a final plat is recorded. For multi-phase projects, the final allocation shall be by phase. No further reallocation of impervious surface coverage for lots in this use area shall be allowed after the final plat has been recorded, unless a conditional use permit is modified to allow 22.000 uses. Any such 22.000 uses shall be subject to stormwater management requirements as specified in Section 15-263 (c) (3).

Section 2. Subsection 15-263 (c), Stormwater Management, of the Land Use Ordinance is amended by the addition of a new subdivision (3) that reads as follows:

(3) Notwithstanding the foregoing, all 22.000 uses that are included within the single family residential use areas of a village mixed use development shall install and maintain site development and/or building features to ensure that the environmental impact, including but not limited to storm water volume, nutrient loading, water use or greenhouse gas emissions, contributed by the development activity is managed and/or reduced through a combination of additional storm water management features or Low Impact Development/green building features that result in an overall reduction in environmental impact from that which otherwise could reasonably be expected to occur in association with development of the 22.000 use. Specific performance measures that will be evaluated to determine whether the intent of this subsection has been met are as follows:

- (a) open space, if practicable, is dedicated to either the homeowners' association or the town, and
- (b) storm water best management practices (BMPs) and associated grading and stabilization occur outside any primary conservation areas and that all runoff from the BMPs be discharged in a diffuse manner before it enters the conservation areas, or
- (b1) storm water best management practices (BMPs) and associated grading and stabilization occur outside any primary conservation areas and that all runoff from the BMPs be discharged in a diffuse manner that insures that

- erosional rills will not be created as runoff enters and flows through conservation areas, and
- (c) roof drainage is captured in sufficient quantity and in appropriately sized and sited devices to, at a minimum, provide for the landscaping irrigation needs of the daycare use, or
  - (c1) roof drainage is captured in sufficient quantity and in appropriately sized and sited devices to, at a minimum, provide for all on-site plantings to include but not be limited to screenings, vehicle accommodation areas, foundation plantings, garden beds, trees, shrubs, flowers, groundcover, and turf, and
  - (d) nutrient loads contributed by the daycare development are limited to 2.2 pounds per acre per year of nitrogen loading, and .82 pounds per acre per year of phosphorous loading. Such loads may be met either 1) by storm water management structures or devices on the development site itself and/or 2) the retrofitting of existing or construction of new BMPs elsewhere in the VMU development, and
  - (e) educational materials including, but not limited to on-site signage, brochures, and web postings on stormwater management practices are prepared and/or installed.
  - (f) that the post-development hydrograph match the pre-development conditions unless it is a demonstrated that a less adverse option is viable in consideration of runoff velocity, peak flow, and volume.

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

Section 4. This ordinance shall become effective upon adoption.

**\*\*DRAFT\*\***

CARRBORO DEVELOPMENT GUIDE  
APPENDIX A

## TOWN OF CARRBORO

## LAND USE ORDINANCE AMENDMENT REQUEST



To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

- 1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):  
15-176.2(5) Village Mixed-Use Developments; Total impervious coverage shall be 50%  
for all of the lots in this use area.
- 2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):  
The proposed text amendment would allow childcare facilities to be constructed  
on residentially zoned sites within Village Mixed-Use Communities without being  
subject to impervious surface limitations. In addition, as an incentive to  
developers to provide childcare sites within future Village Mixed-Use Developments,  
the text amendment would allow 50% of the gross land area to be distributed as  
additional impervious surface to the remaining residentially zoned lots within the village
- 3) State the reasons for the proposed amendment:  
See attached letter.

SIGNATURE:

Capkov Ventures, Inc.

applicant

(print)

ADDRESS:

PO Box 16815, Chapel Hill, NC 27516

TELEPHONE NUMBER:

919-260-7262

# Capkov Ventures

Developing Homes And Communities Since 1954, In Chapel Hill Since 1972.

a Kovens Company

February 11, 2008

To: Trish McGuire  
Long Range Planner  
Town of Carrboro

From: Eric B. Chupp  
Director of Development  
Capkov Ventures, Inc.

WE: Child Care Incentives  
Text Amendment

Dear Trish,

Capkov Ventures, Inc., the developers of the Village Mixed-Use Community, Winmore, would like to propose a text amendment to Carrboro's Land Use Ordinance. The purpose of the text amendment would be to address the concerns raised by the "Report of the Carrboro Childcare Committee" that was reviewed by the Board of Alderman last year by providing incentives to developers to allocate adequate space within Village Mixed-Use developments for childcare facilities. In addition, the text amendment would allow Capkov Ventures, Inc. to convey a (3) acre parcel of land to the Goddard Group a childcare provider, for the immediate construction of a quality childcare facility in Winmore which lies in an area of town virtually devoid of childcare facilities.

The Carrboro Childcare Committee was composed of 12 members who sat out to investigate the apparent shortage of childcare facilities in Carrboro and recommend solutions to the problem if necessary. The report found what those of us who have young children are aware, that there is a significant shortage of childcare seats within the Town of Carrboro.

According to the report that was compiled between 2004 and 2005 there were 579 families in Carrboro with preschool age children and only 273 licensed seats available. Those families that are able to find a quality childcare center for their children could expect to pay upwards of \$11,500 a year for a two year old child.

This is twice as much as in-state tuition at University of North Carolina. The report goes on to outline the numerous benefits of having quality childcare facilities within the community. Not only do the children see significant benefits but the parents, the workforce as a whole and the economy benefit as well. The report paints out that if Carrboro is successful in doubling its commercial tax base, it will have created an additional 5,000 local jobs. This anticipated growth compels us to recognize the shortage of childcare facilities and address the problem now.

Part four of the report's conclusions finds that the "high cost of construction and the limited availability of land for development in our community make it difficult for childcare programs to find locations from which to operate" At the January 23<sup>rd</sup> public hearing where the report was discussed several Alderman suggested that incentives be developed to encourage developers to provide sites for childcare centers within their developments. We believe the following amendment would provide a voluntary incentive to developers to make room at the table for childcare sites within the more profitable uses in a new Village Mixed-Use Community

According to the Land Use Ordinance, Section 15-176.2(5) Village Mixed-Use Developments;

D. "The total impervious coverage shall be 50 percent for all of the lots in this use area. Allocation to each lot shall be indicated on the conditional use permit plans and must be finalized at the time a final plat is recorded. For multi-phase projects the final allocation shall be by phase. No further reallocation of impervious surface coverage for lots in this use area shall be allowed after the final plat has been recorded."

We believe that the above section could be modified to waive the limitation on impervious surface typically imposed on single-family residential lots within village mixed-use zoning districts, and allow developers to distribute the 50% of the lot area impervious surface to the remaining single-family lots in the community. Allowing a developer to increase the impervious surface even a small amount on the remaining single family lots within a Village Mixed-Use Community beyond 50% would provide the necessary incentive to persuade developers to allocate space for a childcare facility.

The proposed text amendment would allow for a childcare facility to be constructed in Carrboro's first Village Mixed-Use Community, Winmore, where without the amendment, one lot would be allowed. Within Winmore, there is currently a residential lot of approximately 3 acres that would provide an ideal location for a childcare facility, however, because of the impervious surface limitations imposed in Section 15-176.2 (5)(D) the only use allowed now would be a residential dwelling unit. If the proposed text amendment were passed we would immediately pursue the construction of a childcare facility with the

assistance of the Goddard Group. A child care facility in Winmore would be a large step in the right direction to addressing Carrboro's childcare shortage. Not only would it provide the needed seats, it provides then? in the area they are needed and in a great setting for a childcare sits. The communities of Wexford and Hogans Farm are built, Winmore and Claremont are being built, and Barrington the Cotton Property, Carolina Commons, and Claremont II currently being reviewed. A childcare facility in Winmore would be convenient for all of these communities that have no childcare facilities. For those families living in Winmore it would make it feasible for their children to avoid commuting by school bus entirely. The elementary school, middle school and high school are all within walking distance. a childcare facility in Winmore would make it complete. Please support our proposed text amendment and we can together help to solve the shortage in quality childcare seats in our community.

Sincerely,



Eric B. Chupp  
Director of Development  
Capkov Ventures, Inc.



**PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN VILLAGE MIXED USE DEVELOPMENTS**

A draft ordinance which would, if adopted, amend the text of the Land Use Ordinance to modify impervious surface limitations for day care uses in village mixed use developments was presented. The Board of Aldermen must receive public comment before deciding on the amendment.

Eric Chupp, on behalf of Capkov Ventures, Inc., asked that this matter be delayed for one month.

Alena Callimanis presented slides of the Goddard School in Morrisville. She stated that the façade of the facility is changeable, that it is a high end daycare and is not considered affordable. She also stated that she had no objections to placing such a facility in the Winmore Village Mixed Use development.

MOTION WAS MADE BY JOAL HALL BROUN AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING TO JUNE 24, 2008. VOTE: AFFIRMATIVE ALL

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**CONTINUATION OF A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT  
TO MODIFY IMPERVIOUS SURFACE LIMITATIONS FOR DAY CARE USES IN VILLAGE  
MIXED USE DEVELOPMENTS**

[Mayor Chilton arrived at the meeting.]

A draft ordinance which would, if adopted, amend the text of the Land Use Ordinance to modify impervious surface limitations for day care uses in Village Mixed-Use developments has been prepared. The Board of Aldermen must receive public comment before deciding on the amendment.

Trish McGuire, the town's Planning Administrator, made the presentation.

Eric Chupp stated that this text amendment would only apply to VMU developments. He stated that the 2006 child care study report indicated a need for additional daycares and that available land has gone to residential and office space with no daycares approved since 2000. An independent study indicates the need for 685 daycare seats needed by the end of this year. This text amendment will provide an incentive for developers of mixed use communities to include them in their plans from the concept stage. It will allow the Goddard group to submit a conditional use permit application for a 130-seat daycare center in Winmore.

Brandon Finch, with The John R. McAdams Co., addressed the stormwater impacts on the site and presented a PowerPoint presentation describing the impervious surface issues for the site.

Donald McDonald, a resident of 1002 Gloucester Lane, stated that the developer of Winmore has been very cooperative during construction of this development, but the proposed daycare will be placed between two residential homes. He stated that he feels this text amendment will allow this school to encroach in their neighborhood, something which cannot be tolerated by the neighbors. He expressed concern about the access that follows the creek.

Steve Bergey, a resident of 1003 Gloucester Lane, stated that he feels the proposed text amendment will set a dangerous precedent, that this amendment is inconsistent with the Vision 2020 document (Section 5.23), and that the water from this site will drain into the creek.

Rose Warner, a resident of 1006 Camden Lane, suggested that other sites be looked at for this daycare, suggested that the daycare might be located in the Winmore community building, and encouraged incentives to open daycare in other areas in the community. This could be done by offering and providing technical assistance to encourage daycare providers, offering below market rents, and offering tax breaks.

Walter Plunkett, a resident of 1005 Camden Lane, showed slides indicating the location of the proposed daycare in relation to his neighbors' homes, and slides of the Goddard School in Morrisville. He stated that the Morrisville school is not located in a residential neighborhood. He stated that the creek near the proposed site in Carrboro floods quite often and the water often turns muddy quickly.

James Scargill, representing Goddard, stated that this daycare would serve children five and under, that the Goddard School proposed for this location would not look like the Morrisville facility, and that the typical fence surrounding their schools is four feet in height and is see through.

Rose Finley, representing Goddard, stated that they have been looking for a site in the Chapel Hill-Carrboro area since 2006. The Goddard school likes to be located at the front entrance to developments. She stated that they are willing to meet Carrboro's architectural requirements. She stated that The Heritage in Wake Forest is

a prototype of the Goddard school that is closer to what is being proposed for the Winmore site.

Dave Otto, a Carrboro resident, and representing the Friends of Bolin Creek, read a statement encouraging the Board to disapprove this amendment.

Linda Chapel, representing Child Care Services, stated there is a lack of high quality, affordable daycare in Orange County. There are many ways to support the development of childcare facilities. The town should require that the facility be the highest childcare rating. She stated that there are options for indoor playground facilities.

Alice Mine, a resident of 2002 Camden Lane, stated concern about amending the Land Use Ordinance for the benefit of one developer, and that the Goddard School is not affordable daycare.

Jim Rabinowitz asked if we really want to change the Land Use Ordinance to give a license to degrade the environment to get a daycare center.

Alderman Coleman proposed that Section 2 of the draft ordinance be amended to require the installation of site development and/or building features that mitigate environmental impacts, and suggested more specific standards such as those proposed by the EAB in their recommendation dated June 19, 2008.

Mike Brough explained that if the Land Use Ordinance text amendment is approved, a major modification of Winmore's conditional use permit would be required before the day care could be approved.

Alderman Broun asked for a copy of the notes on the transfer of impervious surface allocation when the VMU was created.

Alderman Herrera asked if there is a way to minimize the environmental impact on this site so that a day care can be built on this site.

Alderman Haven-O'Donnell and asked for more information on the pre-development hydrograph and the potential post-development hydrograph.

MOTION WAS MADE BY JOHN HERRERA AND SECONDED BY RANDEE HAVEN-O'DONNELL TO CONTINUE THIS PUBLIC HEARING TO AUGUST 26, 2008, WITH THE REQUEST THAT THE ENVIRONMENTAL ADVISORY BOARD AND STAFF REVIEW ALDERMAN COLEMAN'S SUGGESTION FOR REVISING SECTION 2 OF THE DRAFT ORDINANCE. VOTE: AFFIRMATIVE ALL

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ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

Administration  
(919) 245-2575  
(919) 644-3002 (FAX)  
www.co.orange.nc.us



306F Revere Road  
P. O. Box 8181  
Hillsborough, NC 27278



TRANSMITTAL DELIVERED VIA EMAIL

April 11, 2008

Patricia J. McGuire, AICP  
Planning Administrator  
Town of Carrboro  
301 W. Main St.  
Carrboro, NC 27510

Dear Trish:

Thank you for the opportunity to review the following ordinance amendment received by us on March 24, 2008 and proposed for town public hearing on April 22, 2008:

- **Modifying impervious surface limitations for day care uses.**

We find no inconsistency with the adopted *Joint Planning Area Land Use Plan* on these proposed amendments and have no additional comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Altieri".

Tom Altieri, AICP  
Comprehensive Planning Supervisor

cc: Laura Blackmon, ICMA-CM, Orange County Manager  
Craig Benedict, AICP, Orange County Planning Director  
Donna Davenport, Administrative Assistant II



# PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

APRIL 17, 2008

### Land Use Ordinance Text Amendment – Impervious surface limitations and daycare uses in village mixed use developments

David Clinton moved and Seth Chadbourne seconded a motion that the Planning Board recommends that the Board of Aldermen adopt the draft ordinance amending Section 15-176.2(f)(5)(d) to exempt daycare uses from the impervious surface limitations that apply within single family residential use areas of village mixed use developments, with the additional recommendation that subsequent permit applicants making use of this provision, undergo advisory board review of their applications.

#### Associated Findings

Furthermore, the Planning Board of the Town of Carrboro finds that the amendment is reasonable and in the public interest because it is consistent with Carrboro Vision 2020, particularly policies (see Human Services policies 1.31 through 1.35).

VOTE: AYES (6) Paulsen, Barton, Seils, Chadbourne, Clinton, Bell; NOES (3) Carnahan, Cook, Warner; ABSENT/EXCUSED (2) Fritz, Poulton; ABSTENTIONS (0).

(Signed)

  
April 22, 2008

Town of Carrboro  
Planning Department

ATTACHMENT D-3



**MEMORANDUM**

Date: June 19, 2008  
To: Carrboro Board of Alderman  
From: Environmental Advisory Board (EAB)  
Through: Randy Dodd, Environmental Planner  
Copy: Patricia McGuire, Planning Administrator  
Subject: Impervious Surface Limitations and Daycare Uses for Village Mixed Uses Developments

***Recommendation***

This amendment is requested by an applicant with a project in the impaired Bolin Creek watershed and has brought to light that the Town of Carrboro land use ordinances (LUOs) must be updated such that impervious surface limitations are set according to research-based criteria aimed at watershed protection. Therefore, the EAB asks the Board to charge staff with updating those standards in the LUO. Given that Bolin Creek is designated as impaired, the Town needs to be working with developers to restore rather than further impair Bolin Creek. This proposed amendment counters these long term goals.

The EAB could abide by this amendment provided the applicant agree to the following:

1. As per the applicant's offer at the EAB meeting June 19<sup>th</sup>, dedicate 2.45 acres of open space in perpetuity on the proposed site
2. As per the applicant's offer on stormwater mitigation, that all stormwater best management practices (BMPs) and their associated grading be placed outside of primary conservation areas and that water discharged from these practices be discharged in a diffuse flow before it reaches these conservation areas.
3. That the post-development hydrograph match the pre-development conditions.
4. Consideration of the Jordan Lake rules in regards to nitrogen and phosphorus reductions in the development of this site.
5. This is the opportunity to create an educational demonstration site on stormwater mitigation practices. Such a site would serve to help meet the Town's NPDES Phase 2 permit requirements, collaborate with the Bolin Creek Watershed Restoration Team, and give the town credit towards the Jordan Lake rules.

VOTE: AYES (4) ) Buckner, Weller, Taylor, Everett; NOES (0); ABSENT (2)

B. Taylor 19 June 2008  
Bob Taylor, Chair Date

## Chronology - Land Use Ordinance Text Amendments for VMU and O/A Developments

December 14, 2000	Notice of Winmore Walkabout distributed to advisory boards, Orange County, Town staff.
January 4, 2001	Walkabout held. Advisory board representatives and staff joined applicants and property owner on tour of the property and review of a constraint map.
	(Feedback to applicant and review of concept plan occurred during this time)
July 25, 2001	Discussion of Roadway requirements and Building Heights at Development Review.
August 1, 2001	Development Review discussion of Winmore project.
August 8, 2001	Development Review discussion of Winmore project.
October 31, 2001	Orange County staff met with Phil Szostak to review project plans
December 5, 2001	Development Review discussion of Winmore project.
December 13, 2001	Land Use Ordinance Text Amendment Request and Fee submitted
March 15, 2002	Agenda for RTS published in newspaper and distributed via Listserve
March 19, 2002	Request-to-set for Public Hearing on VMU amendments
March 28, 2002	Draft ordinance submitted to Orange County, distributed to advisory boards for April Joint Review
April 4, 2002	Joint Review meeting – review of amendment request. All advisory boards continued review due to number of items on joint review agenda.
April 10, 2002	Telephone with Bob Chapman re: draft ordinance
April 27, 2002	Ad #1 for public hearing on text amendments
May 3, 2002	Telephone call to Craig B. re: status of OC review of amendments. Craig reported that no conflicts identified and that he would ask Gene Bell would follow-up on these comments in writing.
May 4, 2002	Ad # 2 for public hearing on text amendments
May 7, 2002	Board of Aldermen held public hearing, continued to May 28 to receive comments from Carrboro Planning Board.
May 20, 2002	Tina Moon phoned to obtain a copy of email from March 28 in follow-up to request from Alice Gordon to Craig B. Emails sent
May 20, 2002	Email to Craig requesting written “no conflict” info.
May 20, 2002	Received May 14 letter from Craig B. re: review of VMU projects. Roy W. responded with letter.
May 21, 2002	Email from Craig B. – amendments have been directly tied to Winmore and have “taken a new context that has the attention of the commissioners” – requested meeting to review
May 24, 2002	Meeting – Craig B., Roy W., Gene B., Tina M., PJM to discuss VMU process and amendments. Craig noted impervious surface and building heights as concerns. Provided OC staff with materials for May 28 continued public hearing.
May 28, 2002	Staff reviewed Orange County agenda. No review materials/comments on VMU text amendments.
May 28, 2002	Continued public hearing. Bob M., reported to Board of Aldermen that OC staff had noted some areas on which they might like to comment.

Status of Requested Amendments – Development in Village Mixed-Use and O/A Districts

June 4, 2002

Requested Amendment	Response to Request	Draft LUO #	Staff Comment ( <i>Recommendation</i> ) Board of Aldermen action on May 28, 2002 *
1 Section 15-176.2: Change to (a) so that it is specified that the approved Master Plan may include more or less strict standards/provisions for the VMU design sections for B-3-T and O/A uses. Change to (b) as in (a) above, pertaining to R-10 uses.	Ordinance language drafted that allows Board's decision on Master Plan to include more or less restrictive regulations/development standards than those otherwise specified for VMU developments.	2, 3, 4	Amendments would allow the Board of Aldermen to approve projects whose development standards did not specifically meet all the provisions spelled out in the Land Use Ordinance. ( <i>Adopt revised text</i> ) <u>Text changes not adopted</u>
2 Section 15-15 (92): Addition of a second example of Residence, Primary with Accessory Apartment – a detached ADU that may be located over a garage and include up to 900 square feet of heated space.	Ordinance language drafted that creates new accessory dwelling (ADD) definition, with a limit of 750 square feet. Additional provision included to make it clear that density for ADD units outside of VMUs is calculated in the same manner as that used for primary residences with accessory apartments.	5, 6	Amendments reduce the size of accessory units in VMU developments. The amendments would also allow accessory detached dwellings on lots throughout town where accessory apartments are currently allowed. ( <i>Adopt</i> ) <u>Text changes adopted</u>
3 Section 15-176.2: Change to specify that ADUs do not count towards the density allocation for a property.	Ordinance language drafted that provides Board of Aldermen with two alternatives. First alternative allows accessory units in addition to total number of permissible dwelling units. Second alternative allows units to be counted as a half dwelling unit.	7	Accessory dwellings are permitted in the residential use areas of a VMU. A village development plan currently under review proposes a development density of approximately four units per acre. If all single-family lots included an accessory dwelling, the density would increase to approximately 5 units per acre if counted as a half unit, approximately 6 units per acre if counted as a whole unit. ( <i>Adopt 2<sup>nd</sup> alternative</i> ) <u>Alternative 1 adopted</u> ( <i>Adopt</i> ) <u>Text changes adopted</u>
4 Section 15-176.2: Change to block design requirements in (f) so that buildings up to 3.5 stories are permitted and that the build-up line for these buildings can range from 30-35 feet above average ground level.	Ordinance language drafted to increase the building height (in stories) from 2.5 to 3.5 and to add a three-story build-up line of between 30 and 35 feet.	8	
5 Section 15-176.2: Changes storefront and townhouse use area design components so that the maximum vertical design is 3.5 stories and 49 feet.	Ordinance language drafted to increase building height in feet and stories in the storefront and townhouse use areas from 2.5 stories and 35 feet to requested maximums.	9	Land Use Ordinance provisions for downtown districts, which may be seen as comparable to the downtown B-1 (c) and B-1(G) districts where up to 49 feet and three stories, are permitted. Buildings may include an attic story, as well ( <i>Adopt</i> ) <u>Text changes adopted</u>
6 Change to storefront and townhouse use design area components so that sidewalks and	Ordinance language drafted per this request.	10	A sidewalk with brick borders is the standard that has been used in the downtown. The change would



Requested Amendment		Response to Request	Draft LUO #	Staff Comment ( <i>Recommendation</i> )
walkways may be brick or concrete. Brick borders would no longer be required.				Board of Aldermen action on May 28, 2002 * continue to require either concrete or brick sidewalks. Brick borders would not be prohibited, but would not be required. ( <i>Adopt</i> ) <u>Text changes not adopted</u>
7	Section 15-176.2: Change to (f) so that the spacing requirement for public benches is 200 feet rather than 50 feet.	“	11	The current spacing of public benches along E. Weaver Street in downtown Carboro is approximately 400 feet. Change would allow greater flexibility in determining the spacing. ( <i>Adopt revised text</i> ) <u>Text changes adopted</u>
8	Section 15-176.2: Change to (f) so that the exterior materials requirements as specified apply to at least one half of all the buildings surrounding the greens.	“	12	Particular features of property and project design warrant consideration of flexibility from the current provisions. ( <i>Adopt</i> ) <u>Text changes as recommended by Northern Transition Area Advisory Committee adopted</u>
9	Section 15-176.2: Change to (f) that allows deviation from the prescribed minimum lot widths, yard requirements, and separation requirements so long as the Board of Aldermen has also approved the project as an AIS.	“	13	Particular features of property and project design warrant consideration of flexibility from the current provisions. ( <i>Adopt</i> ) <u>Text changes adopted</u>
10	Section 15-176.2: Change to (f) to increase the maximum impervious coverage to 65 percent on each lot.	Ordinance provision has been drafted that allows an allocation of the total impervious surface to residential use area lots during permit review and final plat preparation.	14	Impervious surface allocations do provide an additional means of managing stormwater quantity and quality by limiting developed area so that stormwater infiltration/groundwater recharge may occur. ( <i>Adopt with explanatory text allowing additional impervious surface area so long as there is no increase in the volume of stormwater discharge and allowing the sharing/transfer of impervious surface</i> ) <u>Text changes to maintain 50 percent impervious surface coverage and allows allocation of impervious surface area among lots during permit review, to be finalized with approval of final plats.</u>
11	Section 15-176.2: Change to (f) to specify that the 150 percent requirements for accessory dwelling units do not apply.	Ordinance language drafted per this request.	--	No additional change needed as this is covered in Sections 5, 6 and 7 of draft LUO amendment.
12	Section 15-176.2: Change to (f) so that fire-exit stairs may be located on a side other than the rear of a	“		Particular features of property and project design (e.g. use of alleys) warrant consideration of

Requested Amendment	Response to Request	Draft LUO #	Staff Comment ( <i>Recommendation</i> )
garage/ADU (since garages will face the alley). Change to specify that off-street parking for ADUs shall be located to the side or rear. Screening is not necessary.		15	Board of Aldermen action on May 28, 2002 * <u>flexibility from the current provisions (<i>Adopt</i>)</u> <u>Text changes adopted</u>
13 Section 15-176.2: Change to street tree placement requirements.	“	16	Change clarifies street tree provision, consistent with requirement specified in Section 15-176.2 (f) (4) (r ) (1) regarding street tree placement. ( <i>Adopt</i> ) <u>Text changes adopted</u>
14 Section 15-177: Change to (a) to reduce applicability of VAS to 50 percent of dwelling units, to revise the roof pitch, siding reveal, and chimney placement and garage door provisions.	“	17	Amendments would allow greater diversity/choice of architectural elements, some of which are not as appropriate for all housing types. Greater percentage of dwelling units meeting the standards might result in a more uniform, less architecturally interesting development. ( <i>Adopt</i> ) <u>Text changes adopted</u>
15 Section 15-291: Change to include a parking requirement for VMU developments and to more efficiently manage parking in a VMU.	“	Alternative 18, new 19	( <i>Adopt revised text</i> ) <u>Text changes adopted as recommended by staff</u>
16. Section 15-220: Adds a new section that specifies that VMU developments may use NCDOT TND standards	“		
17 Section 15-146 *	Adds retail uses to those permitted in O/A developments	20	See attachment D1 for comparison of current Town and NCDOT standards. ( <i>Adopt revised text</i> ) <u>Text changes adopted as recommended by staff</u> Addition of limited retail uses would provide opportunity for employees or nearby residents of O/A developments to obtain basic retail goods. ( <i>Adopt</i> ) <u>Text changes adopted</u>
18 Section 15-136 (10)*	Limits permitted retail uses to no more than 25 percent of the developed gross square footage of any development	21	Twenty-five percent cap selected so that retail use could not dominate an O/A development. ( <i>Adopt</i> ) <u>Text changes adopted</u>
19 Section 15-176.2 (f) (5) (g)**	Replaces the term “Accessory Dwelling Unit (ADU)” with Accessory Detached Dwelling (ADD) and replaces 900 with 750 square feet	22, 23	Change made for purposes of consistency. ( <i>Adopt</i> ) <u>Text changes adopted</u>

\*\* Staff-generated

F-4

**Town of Carrboro  
Planning Department**




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**MEMORANDUM**

Date: August 21, 2008  
 To: Carrboro Board of Alderman  
 From: Environmental Advisory Board (EAB)  
 Through: Randy Dodd, Environmental Planner  
 Copy: Patricia McGuire, Planning Administrator  
 Subject: Impervious Surface Limitations and Daycare Uses for Village Mixed Uses Developments

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***Recommendation***

This amendment is requested by an applicant with a project in the impaired Bolin Creek watershed and has brought to light that the Town of Carrboro land use ordinances (LUOs) must be updated such that impervious surface limitations are set according to research-based criteria aimed at watershed protection. Therefore, the EAB asks the Board to charge staff with updating those standards in the LUO. Given that Bolin Creek is designated as impaired, the Town intends to work with developers to restore rather than further impair Bolin Creek. This proposed amendment counters these long term goals.

The EAB could abide by this amendment with the following provisions:

- (a) open space, if practicable, is dedicated to either the homeowners' association or the town, and
- (b) storm water best management practices (BMPs) and associated grading and stabilization occur outside any primary conservation areas and that all water discharged from the BMPs be discharged in a diffuse manner that insures that erosional rills will not be created as runoff enters and flows through conservation areas, and
- (c) roof drainage is captured in sufficient quantity and in appropriately sized and sited devices to, at a minimum, provide for all on-site plantings to include but not be limited to screenings, vehicle accommodation areas, foundation plantings, garden beds, trees, shrubs, flowers, groundcover, and turf, and
- (d) nutrient loads contributed by the daycare development are limited to 2.2 pounds per acre per year of nitrogen loading, and .82 pounds per acre per year of phosphorous loading. Such loads may be met either 1) by storm water management structures or devices on the development site itself and/or 2) the retrofitting of existing or construction of new BMPs elsewhere in the VMU development, and
- (e) educational materials including, but not limited to, on-site signage, brochures, and web postings on stormwater management practices are prepared and/or installed.
- (f) that the post-development hydrograph match the pre-development conditions unless it is a demonstrated that a less adverse option is viable in consideration of runoff velocity, peak flow, and volume.

VOTE: AYES (3) Mullen, Hay, Everett; NOES (0); ABSENT (2)

21 August 2008

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Jennifer Everett, Vice-Chair      Date

# PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

MAY 16, 2002

### LVO Text Amendment: Village Mixed-Use and Office/Assembly Developments

MOTION WAS MADE BY ANDE WEST AND SECONDED BY ROB HOGAN THAT THE PLANNING BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN ADOPT "AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS RELATING TO VILLAGE MIXED-USE AND OFFICE/ASSEMBLY DEVELOPMENTS" AS NOTED BELOW:

✓ SECTION 1	DEFINES REFERENCES CONTAINED IN ORDINANCE	SUPPORT
SECTION 2,3,4	TEXT CHANGES	OPPOSE
✓SECTION 5	DEFINES ACCESSORY DETACHED DWELLING	SUPPORT
✓SECTION 6	LIMITATION ON SQUARE FOOTAGE	SUPPORT
SECTION 7	DEFINES DENSITY REQUIREMENTS ON DETACHED DWELLING	SUPPORT
SECTION 8	INCREASE BUILDING HEIGHTS	SUPPORT
SECTION 9	MAXIMUM HEIGHT REGULATIONS	SUPPORT
SECTION 10	BRICK BORDERS AND SIDEWALKS	OPPOSE
SECTION 11	PUBLIC BENCH INTERVALS	SUPPORT STAFF RECOMMENDATION
SECTION 12	BRICK FAÇADE (SUBJECT TO APPROVAL BY APPEARANCE COMM.)	50% / 50%
SECTION 13	MINIMUM LOT WIDTH	SUPPORT
SECTION 14	IMPERVIOUS SURFACE AREA CHANGES	SUPPORT STAFF RECOMMENDATION
SECTION 15	FIRE STAIR AND PARKING FOR ADU	SUPPORT
SECTION 16	STREET TREE PLACEMENT	SUPPORT
SECTION 17	VERNACULAR ARCHITECTURAL STANDARDS	SUPPORT
SECTION 18	PARKING REQUIREMENTS	SUPPORT STAFF RECOMMENDATION
SECTION 19	NCDOT TND STANDARDS	SUPPORT STAFF RECOMMENDATION
SECTION 20	PERCENT RETAIL IN O/A	SUPPORT STAFF RECOMMENDATION
SECTION 21	LIMIT O/A RETAIL TO 25 PERCENT	SUPPORT STAFF RECOMMENDATION
SECTION 22	"ADU" TO "ADD"	SUPPORT
SECTION 23	CLARIFY 750 SQUARE FOOT LIMIT IN VMU	SUPPORT

VOTE: AYES (5) (Babiss, Haven-O'Donnell, Hogan, Searing, West); NOES (0); ABSENT/EXCUSED (Marshall, Poulton, Treat).

Adam Searing, Chair

(date)

TRANSPORTATION ADVISORY BOARD  
RECOMMENDATION  
April 18, 2002

SUBJECT: Proposed Land Use Ordinance Text Amendments for the Village Mixed Use District

MOTION: The Transportation Advisory Board (TAB) recommend that the Board of Aldermen approve Sections 2, 3, and 4 as written.

MOTION: Marshall SECOND: Hay VOTE: Ayes (All); Noes (None).

MOTION: The Transportation Advisory Board (TAB) recommend that the Board of Aldermen approve Section 10 as written.

MOTION: Hay SECOND: Marshall VOTE: Ayes (All); Noes (None).

MOTION: The Transportation Advisory Board (TAB) recommend that the Board of Aldermen approve Section 11 as written.

MOTION: Marshall SECOND: Hay VOTE: Ayes (All); Noes (None).

VOTE: Ayes (All); Noes (None).

MOTION: The Transportation Advisory Board (TAB) recommend that the Board of Aldermen approve Section 15 as written.

MOTION: Marshall SECOND: Hay VOTE: Ayes (All); Noes (None).

MOTION: The Transportation Advisory Board (TAB) recommend that the Board of Aldermen approve Section 18 as written, with the additional recommendation that the word "may" be changed to "will" in the sentence: "On-street parking and space provided within enclosed or partially enclosed garages *may* be counted toward fulfillment of parking requirements beyond the off-street minimum."

MOTION: Hay SECOND: Marshall VOTE: Ayes (All); Noes (None).

MOTION: The Transportation Advisory Board (TAB) recommend that the Board of Aldermen approve Section 19 as written, but, with reference to the last paragraph of the NCDOT Traditional Neighborhood Development (TND) Guidelines (page 9), asked for clarification as to whether the Carrboro ordinance or NCDOT guidelines would take precedence.

MOTION: Marshall SECOND: Hay VOTE: Ayes (All); Noes (None).

Ellen Perry  
TAB Vice-Chair

4 / 19 / 02  
DATE

Town of Carrboro / Carrboro Appearance Commission / Carrboro, North Carolina 27510



THURSDAY, MAY 2, 2002

**PROPOSED TEXT AMENDMENTS TO THE LAND USE ORDINANCE FOR VILLAGE  
MIXED USE PROJECTS AND OFFICE/ASSEMBLY DISTRICTS**

The Appearance Commission has examined the above-referenced proposal by Winmore Land Management, LLC, in terms of its philosophical and practical implications. Our recommendations reflect much careful discussion:

- We support allowing one Accessory Dwelling Unit (ADU) per lot, not to exceed 750 heated square feet per staff recommendation.
- We support the increased density allowance recommended by staff (1/2 unit per ADU) that comes with ADU's.
- We support allowing building heights up to 49 feet in VMU and Office/Assembly districts, potentially accommodating 3.5 stories.
- We do not recommend that any of the other proposed text changes pertaining to VMUs be incorporated into the Land Use Ordinance at this time. The Appearance Commission did not consider the proposed text amendments for the Office/Assembly district to be within its purview.

The Appearance Commission voted unanimously on each of the above points, and wishes to make a strong statement with this last one:

- By agreeing to consider any number of changes to the LUO at the behest of one developer, the Town sets a dangerous precedent – treating developers like customers and the LUO like a product for sale. The Appearance Commission thinks this looks bad.

## VOTING:

AYES: 5 (Chuck Morton, Wendy Wenck, Catherine Devine, Leslie Rountree, and Doug Kopec)

NOES: 0

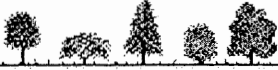
**Members Present (5):**Chuck Morton, Wendy Wenck, Leslie Rountree, Doug Kopec,  
and Catherine Devine**Members Absent or Excused (2):**

Ruben Hayes and Richard Taylor

Mary Kay (on behalf of Chair)  
Appearance Commission Chair

5-3-2  
Date

TOWN OF CARRBORO  
ENVIRONMENTAL ADVISORY BOARD



Meeting on May 2, 2002  
at the Carrboro Town Hall  
Carrboro, North Carolina

## RECOMMENDATION

### Proposed Village Mixed Use Text Amendments

- I. Motion was made by Keith Burwell, and seconded by John Gallagher that the Environmental Advisory Board recommend denial of proposed text amendment sections numbered 2, 3, and 4 to the Village Mixed Use Ordinance.

VOTE: AYES (3-Burwell, Pohlman, Gore); NOES (1-Brown) ; ABSTAIN (1 - Gallagher)  
ABSENT/EXCUSED (1) (Mathews).

- II. Motion was made by Keith Burwell, and seconded by Scott Pohlman, that the Environmental Advisory Board recommends approval of Administration's provisional recommendations for adopting the proposed text amendment sections numbered 14 and 16 (as numbered on the staff summary dated April 25, 2002) to the Village Mixed Use Ordinance.

Specifically, with number 14 - change to impervious surface - the Environmental Advisory Board recommends that the limit remain at 50 percent with provision for increase if linked to demonstrable, commensurate reduction in stormwater runoff volume through on-site infiltration or other approved controls.

The Environmental Advisory Board further supports the Administration recommendation to include a requirement for recycling stations in conjunction with trash cans in the storefront and townhouse use areas.

The Environmental Advisory Board chose not to comment on any remaining proposed text amendments.

VOTE: AYES (5) ( Brown, Pohlman, Gallagher, Burwell, Gore); NOES (0); ABSENT/EXCUSED (1)  
(Mathews).

*Glynis M. Gore, Chair*

*(date)*