

A RESOLUTION SETTING A PUBLIC HEARING TO MODIFY  
OUTSIDE DISPLAY PROVISIONS IN THE WM-3 ZONING DISTRICT  
Resolution No. 17/2008-09

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen:

Section 1. Sets a public hearing on “AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW OUTSIDE DISPLAY WITH RETAIL USES IN THE WM-3 ZONING DISTRICT” for October 28, 2008; and

Section 3. Refers the draft ordinance to the Planning Board and Orange County for review.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- |   |  |
|---|--|
| <input type="checkbox"/> Appearance Commission              | <input type="checkbox"/> Recreation and Parks Commission             |
| <input type="checkbox"/> Transportation Advisory Board      | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Environmental Advisory Board       | <input type="checkbox"/> _____                                       |
| <input type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____                                       |

This is the 9<sup>th</sup> day of September in the year 2008.

**REVIEW OF OUTDOOR DISPLAY IN WM-3 ZONING DISTRICT**

On November 27, 2007, the Board of Aldermen adopted an amendment to the Land Use Ordinance that expanded the uses available in the WM-3 zoning district and requested that staff evaluate an additional request to allow outdoor display in this zone.

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

The following resolution was introduced by Alderman Dan Coleman and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION SPECIFYING FOLLOW-UP ACTIONS TO A REQUEST  
TO ALLOW OUTDOOR DISPLAY IN THE WM-3 ZONING DISTRICT  
Resolution No. 180/2007-08**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen

- To direct staff to prepare a draft land use ordinance text amendment to allow outdoor display in the WM-3 zoning district with a zoning permit.

The foregoing resolution having been submitted to a vote received the following vote and was duly adopted this 17th day of June 2008:

Ayes: Joal Hall Broun, Mark Chilton, Dan Coleman, Randee Haven-O’Donnell, John Herrera, Lydia Lavelle

Noes: None

Absent or Excused: Jacquelyn Gist

\*\*\*\*\*



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA:  HAND  MAIL  FAX  EMAIL

**To:** Steve Stewart, Town Manager  
Mayor and Board of Aldermen

**From:** Patricia J. McGuire, Planning Administrator

**Date:** September 4, 2008

**Subject:** Regulations pertaining to outside display

Basic retail uses are categorized into three broad use classifications in Carrboro’s LUO;

- 1) No storage or display of goods or merchandise outside fully enclosed building.
- 2) Display of goods outside fully enclosed buildings
- 3) Storage of goods outside fully enclosed buildings

Section 15-15 of the LUO provides the following definition for outside display:

OUTSIDE DISPLAY OF GOODS FOR SALE OR RENT. Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent.

Sub-categories of these three use classifications include ABC Stores, low- and high-volume traffic generating retail, wholesale sales and drive-in windows, such that uses with outdoor display display and/or storage are allowed as follows:

DESCRIPTION	B-1 (C)	B-1 (G)	B-3	B-3- T	M-1	M-2	CT	B-5	O/ A
Sales and Rental of Goods, Merchandise and Equipment									
2.200 Display of Goods Outside Fully Enclosed Building									

DESCRIPTION	B-1 (C)	B-1 (G)	B-3	B-3- T	M-1	M-2	CT	B-5	O/ A
2.210 High-Volume Traffic Generation	ZS	ZS			ZC	ZC	ZC	C	ZC
2.220 Low-Volume Traffic Generation	ZS	ZS			ZC	ZC	ZC	C	ZC
2.230 Wholesale Sales		C			ZC	ZC	ZC	C	ZC
2.240 Drive-In Windows			C	C	C				
2.300 Storage of goods outside fully enclosed building									
2.310 High-volume traffic generation					ZC				
2.320 Low-volume traffic					ZC				
2.330 Wholesale Sales					ZC				
2.340 Drive-in Windows									

Per Section 15-160 of the LUO, specific standards for outdoor display are provided for the B-1(c) and B-1(g) districts; outdoor display is allowed only if the display is in furtherance of the principal business operating on a lot, is located on the same lot and by the person operating the business, and as long as it's area does not exceed 25 percent of the gross floor area of the building housing the principle business on the lot.

Business	Address	Zoning district	Surface/Cover
Surplus Sid's	309 E. Main Street	B-1(g)	Concrete/partial
Weaver Street Market	200 N. Greensboro Street	B-1(c)	Mulch/Concrete/partial
Harris Teeter	" "	" "	Concrete/full
Southern States	300 N. Greensboro Street	CT	Concrete, gravel/partial
Johnny's Sporting Goods	901 W. Main Street	R-10	Mulch /partial

Section 15-272 Signs Excluded from Regulation, includes the following provision:

Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this exemption.

Any merchandise displayed must comply with the miscellaneous requirements of Section 15-182, summarized here:

- 1) No off-premises signs, except in M-2;
- 2) No substantial interference with motorists' view when navigating through intersections or entering and exiting public streets or private roads.
- 3) No moving, waving, or revolving signs, or apparent movement designed to attract attention, except for signs that change to indicate time, weather conditions, or date.
- 4) No signs that by location, shape, color, size, type of message, obstruct views or be confused with official (traffic management or otherwise) signs.

- 5) No insecure, weak, or dangerous fastenings of freestanding signs, such that there is virtually no danger of a sign or its structure being moved by the wind otherwise and result in personal injury or property damage.

Discussion

*Benefits of allowing outdoor display in the WM-3:* Additional notice of commercial enterprise, consistency with B-5 zoning district on opposite side of Highway 54, diversity of commercial enterprise in town.

*Limitations of allowing outdoor display in WM-3:* Proliferation of goods for display or rent, distraction to drivers/traffic safety, impervious surface, administrative/enforcement requirements to ensure compliance.

*Types of additional standards needed to support allowance of outdoor display in WM-3:* Inclusion of impervious surface areas for display of durable goods to overall site impervious allocation; limitation on total outdoor display in proportion to gross floor area of business; lighting; screening; removal requirements.

Attachments

Ec:

\*\*DRAFT 09-04-08\*\*

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO  
ALLOW OUTSIDE DISPLAY WITH RETAIL USES IN THE WM-3 ZONING  
DISTRICT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-146 (Table of Permissible Uses) of the Carrboro Land Use Ordinance is amended by adding the letter "C" opposite use classifications 2.210, 2.220, 2.230 under the WM-3 district column to indicate that these uses are permissible with a Conditional Use Permit in that district.

Section 2. Section 15-147 (Use of the Designations Z, S, C in Table of Permissible Uses) is amended by adding a new subsection L, that reads as follows:

- L) Notwithstanding the foregoing, if a use within use classifications 2.112, 2.120, 2.150, 2.220, 2.230, 3.120, or 3.220 is proposed for an existing building within the WM-3 zoning district, and no other changes to the site are proposed that would require the issuance of a new permit under Section 15-46, then such use shall be permissible with a zoning permit.

Section 3. Section 15-160 (Outside Display of Goods in B-1(c) and B-1(g) Districts) of the Carrboro Land Use Ordinance is amended by to read as follows:

**Section 15-160 Outside Display of Goods in B-1(c), B-1(g), and WM-3 Districts.**

(a) As indicated in the Table of Permissible Uses, outside display of goods for sale or rent, but not outside storage, is permitted in the B-1(c), B-1(g), and WM-3 zoning districts. However, such outside display shall only be allowed if and to the extent that:

- (1) Such display is conducted in furtherance of a business operated on such the lot where the display is located, by the person operating such business; and
- (2) Such display is conducted on a lot on which is located a principal building that houses the businesses referenced in subdivision (1); and
- (3) For lots located within the B-1(c) and B-1(g) districts, the area of such display does not exceed 25% of the gross floor area of the principal building referenced as subdivision (2) that is occupied by the business referenced in subdivision (1). For lots located within the WM-3 district the total area of such display does not exceed 5 % of the gross floor area of the principal building, the display must

be located outside of all required setbacks and areas landscaped to meet screening and shading requirements, and the display must be removed or adequately secured when the business operating on the lot is closed.

(b) For purposes of this section, the term "lot" shall include all contiguous land as well as land immediately on the opposite side of a bisecting street that is in the possession or under the control of the person operating the business referenced in subdivision (a)(1)

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

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