

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. 32/2008-09

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 ALLOW OUTSIDE DISPLAY WITH RETAIL USES IN THE WM-3 ZONING DISTRICT.

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 the specified purpose of the WM-3 zoning district as outlined in the Carrboro Land Use Ordinance.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to provide for a range of non-residential development.

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 ALLOW OUTSIDE DISPLAY WITH RETAIL USES IN THE WM-3 ZONING DISTRICT.

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 Town of Carrboro Land Use Ordinance.

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 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****

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: October 22, 2008

Subject: Regulations pertaining to outside display

Staff prepared a summary of the existing regulations related to outside display for review by the Board of Aldermen in June 2008 as is it considered Mr. Hill's request for this use to be allowed in the WM-3 zoning district. The Board of Aldermen considered this information and directed staff to proceed with preparation of a draft ordinance to allow outside display with a zoning permit in the WM-3. A draft ordinance was prepared and presented to the Board of Aldermen on September 16th and a public hearing was set for October 25th. Background information on existing regulations is as follows:

Within Section 15-146 of the Carrboro Land Use Ordinance, Table of Permissible Uses, basic retail activities are categorized into three broad use classifications,

- 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.

ATTACHMENT D-2

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									
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.

The purpose of the WM-3 district is provided in Section 15-137(b), as follows:

There is also established a watershed light industrial (WM-3) zoning district. The purpose of this district is to allow areas within the University Lake Watershed that have been zoned M-1 prior to the effective date of this subdivision to continue to be used and developed for light industrial and related purposes, subject to certain restrictions designed to protect the watershed. Consistent with the purpose of this zone, this district shall be confined to that area zoned M-1 on the effective date of this subsection; this area shall not be expanded and no new WM-3 areas shall be designated. **(AMENDED 12/7/83)**

Light industrial zoning districts are intended to support smaller-scale industrial activities. Development within these districts is often subject to performance standards intended to limit the intensity of the industrial activity. This amendment expands the mix of related uses available within the WM-3 and appears therefore to be compatible with the district's stated purpose.

Draft ordinance

The draft ordinance (*Attachment D*) includes the following revisions/additions the Carrboro Land Use Ordinance:

1. Makes two types of outside display permissible as a new use, Low-volume traffic generation (2.120) and Wholesale sales (2.230) with a conditional use permit. A zoning permit is required when these uses are proposed within existing buildings where no site changes are occurring.
2. Makes Section 15-160 (Outside Display of Goods in the B-1(c) and B-1(g) Districts) apply also to the WM-3 district.
3. Adds three performance measures for outside display in the WM-3 districts:
 - a. total area of such display does not exceed 5 % of the gross floor area of the principal building,
 - b. display must be located outside of all required setbacks and areas landscaped to meet screening and shading requirements,
 - c. display must be removed or adequately secured when the business operating on the lot is closed.

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.

Permit requirement varies for new or existing development: Staff has responded to the Board's direction and prepared an ordinance that allows outside display with a zoning permit in the WM-3 district whenever the use is proposed for an existing building and no other changes to the site are proposed. Similar to the basic permit structure for nearly all other uses in the University Lake watershed districts, a newly developed site seeking to have outside display in conjunction with either retail or office/service uses would need to obtain a conditional use permit.

Attachments



TOWN OF CARRBORO PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

OCTOBER 2, 2008

Land Use Ordinance Text Amendment – Outside display in the WM-3 district

David Clinton moved and seconded by Susan Poulton that the Planning Board recommends approval of the draft ordinance as written.

VOTE: (8) AYES: Matthew Barton, James Carnahan, David Clinton, Sharon Cook, Heidi Paulsen, Susan Poulton, Damon Seils, and Rose Warner NOES: (0); ABSENT/EXCUSED: (2) Rich Bell and Debra Fritz; ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the Planning Board of the Town of Carrboro finds that the land use regulations and procedures should be consistent with Carrboro Vision 2020, particularly policies 2.12 and 3.61.

Motion in support of this finding was made by Susan Poulton and seconded by Damon Seils.

VOTE: (8) AYES: Matthew Barton, James Carnahan, David Clinton, Sharon Cook, Heidi Paulsen, Susan Poulton, Damon Seils, and Rose Warner NOES: (0); ABSENT/EXCUSED: (2) Rich Bell and Debra Fritz; ABSTENTIONS: (0)

(signed)

(10/16/08)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT**Craig N. Benedict, AICP, Director**

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**TRANSMITTAL DELIVERED VIA EMAIL**

September 30, 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 amendments received by us on September 26, 2008 and proposed for town public hearing on October 28, 2008:

- **Modifications to affordable housing provisions.**
- **Outside display with retail uses in the WM-3 zoning district.**

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 cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator

cc: Laura Blackmon, ICMA-CM, Orange County Manager
Craig Benedict, AICP, Orange County Planning Director