

**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. 54/2009-10

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 THE TABLE OF PERMISSIBLE USES TO ALLOW 5.110 USES IN THE B-4 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 Carrboro Vision2020 Policy 1.35, which states:

The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

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, including those that support human service needs not provided in other ways.

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 THE TABLE OF PERMISSIBLE USES TO ALLOW 5.110 USES IN THE B-4 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 regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

****DRAFT****

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY
THE TABLE OF PERMISSIBLE USES TO ALLOW 5.110 USES IN THE B-4 ZONING
DISTRICT**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-146 of the Carrboro Land Use Ordinance is amended by the addition of a "C" opposite the 5.110 use classification in the columns for the B-4 zoning district to indicate that these uses are permissible with a Conditional Use Permit in that district.

Section 2. Section 15-147 of the Carrboro Land Use Ordinance is amended by the modifying subsection (l) to read as follows:

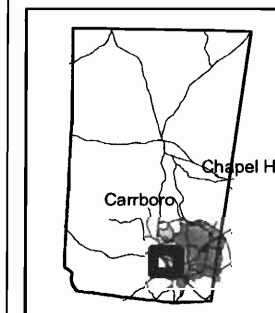
Notwithstanding the foregoing, if a use within use classifications 2.112, 2.120, 2.150, 2.220, 2.230, 3.120, or 3.220 is proposed for an existing building within the WM-3 zoning district, or a use within the 5.110 use classification is proposed within an existing building within the B-4 zoning district, 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. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.



Location of B-4 Zoning



- Properties
- CarrboroGDB.DBO.AllZone selection
- City Limits
- Planning Jurisdiction
- Streets

**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

Printed Sep 22, 2006

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):**

Please see the attached printout from the Town's website of the requirements of the B-4 zoning district.

- 2) **The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):**

. Our request is the addition of 5.110, elementary and secondary schools as a permitted use in Section 15-146, the Table of Permissible Uses in the B-4 district. As the landowner, I am requesting the use be made allowable with a zoning permit where it occurs, as it is planned on my property, to occupy an existing building and site without the need for any substantial changes. This change would not adversely impact property values. It would allow the building to be occupied rather than sit empty for an unknown period of time. The operational hours of PACE would be the same as previous users. There would be no exterior changes needed. There would be no additional impact on traffic than we currently have. They would make use of the existing transportation service located on the edge of my property. There would be no environmental issues to be concerned with. This user would operate in similar conditions that have been on this site in the past.

- 3) **State the reasons for the proposed amendment:**

For two years PACE Academy has been looking for a larger building to accommodate additional students. They are overcrowded now with 120 students. They have a waitlist of 41 students. PACE Academy has been unable to find a building that fits its needs of additional space, proper zoning, located within Orange County, and close to public transportation. We know of no other existing building in Orange County that meets these requirements. Approximately 75% of their students use public transportation.

PACE Academy has been in operation since 2004 at a small site on Legion Road in Chapel Hill. They serve students with learning disabilities, mental health diagnoses, autism, social skills deficits, and emotional issues that affect their academic progress. By using the proposed site,

PACE Academy can provide more students with a sustainable program of vocational training. The proposed site would provide: a two-year certification program for future cosmetologists; an agri-science program with offerings in landscape design, sustainable farming methods, and horticulture; early childhood education programming leading to a North Carolina Early Childhood Credential; information technology training in network maintenance and security, graphic design, website design; medical coding and transcription; and coursework in welding; carpentry; and auto mechanics. The vocational program offerings of PACE Academy provide both valuable and necessary services to the community at-large. The sites proximity to near by medical buildings and shopping centers offer greater opportunities for student internships.

SIGNATURE:

Sara H Marko Sara H Marko
applicant (print)

ADDRESS:

10534 Arnold Palmer Dr
Raleigh, NC 27617

TELEPHONE NUMBER:

919-768-1581

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

November 9, 2009

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 October 23, 2009 and proposed for town public hearing on November 24, 2009:

- Actual notice to the owners of the affected parcels
- Adjustments in income levels and other requirements associated with affordable housing units
- Allow 5.110 uses in B-4 zoning district

We find no inconsistency with the adopted *Joint Planning Area Land Use Plan* on these proposed amendments but we offer the following comments:

1. Regarding the amendments on noticing the owner of affected parcels: We presume Town staff has analyzed this issue and has reasons for suggesting the language as proposed, but we offer the idea that requiring the property owner's signature on a rezoning application could be a more simple way to address this issue. Also, in Section 5.(j), the last sentence refers to a "city-initiated" amendment; should this be "town-initiated"?
2. Regarding the changes to affordable units: We applaud that although the Town is reducing the percentage of affordable homes required by 2.5%, the income limits for which the home will be considered affordable is considerably lower than the existing 80% of median income. This should have a positive effect on affordability issues in

the Town. In the draft Ordinance, the Section numbers appear to be incorrect as there are two sections labeled "Section 3." In the first Section 3, it appears that "12 percent" should actually be "12.5 percent."

If you have any questions, please let me know.

Sincerely,



Perdita Holtz, AICP
Planning Systems Coordinator

cc: Frank Clifton, Orange County Manager
Craig Benedict, AICP, Orange County Planning Director



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

THURSDAY, NOVEMBER 19, 2009

LUO Text Amendment – Allow 5.110 uses in B-4 zoning district

Motion was made by Damon Seils and seconded by Heidi Paulsen that the Planning Board recommend the Board of Aldermen adopt the draft ordinance allowing 5.110 uses in the B-4 zoning district.

VOTE: Ayes: (10) Barton, Bell, Carnahan, Clinton, Cook, Fritz, Paulsen, Poulton, Seils and Warner; NOES: (0); Abstentions (0); Absent/Excused (1) Shoup.

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 proposed text amendment is consistent with the following adopted or accepted planning documents:

The noted sections of Carrboro Vision 2020, Part I, Section 1.32 and 1.35:

- 1.32** The town should continue to support human service needs that are above and beyond those met by the County.
- 1.35** The town should consider the impact of its ordinances and policies on the wellbeing of its most vulnerable citizens, including the elderly, children, those with disabilities and those living on low-, middle-, or fixed incomes.

Motion in support of these findings was made by James Carnahan that the Planning Board finds the text amendment is consistent with Section 1.32 and 1.35 of Vision 2020.

VOTE: Ayes: (10) Barton, Bell, Carnahan, Clinton, Cook, Fritz, Paulsen, Poulton, Seils and Warner; NOES: (0); Abstentions (0); Absent/Excused (1) Shoup.

Matthew Barton/sep Nov. 20, 2009
(Chair) (Date)