

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

Draft Resolution No. 123/2011-12

WHEREAS, an amendment to the map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An ordinance amending the zoning classification for 38.152 acres of property known as 1001 Homestead Road (TMBL /PIN and TMBL/PIN) from R-15 and R-20 (Residential, 15,000 and 20,000 square feet per dwelling unit, respectively) to R-10/B-3 Planned Unit Development (Residential, 10,000 square feet per dwelling unit and B-3, Neighborhood Business Planned Unit Development).

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 Facilitated Small Area Plan for Carrboro's Northern Study Area, particularly, Goals 1, and 8 related to the encouragement of compact residential development with the provision of modest neighborhood-scale commercial and office uses in mixed use areas, and Goals 7 and 8 which speak to the incorporation of pedestrian-scaled communities.

Section 2. The Board concludes that the above amendment is consistent with *Carrboro Vision 2020* , particularly the following section:

2.52 The town should continue to require the construction of a diverse housing stock.

Section 3. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to further its goals related to clustered, neighborhood residential development and the provision of modest community-scale commercial and office uses in mixed use areas, and supporting a pedestrian-scale community.

Section 4. This resolution becomes effective upon adoption.

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

Draft Resolution No.

WHEREAS, an amendment to the map of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: An ordinance amending the zoning classification for 38.152 acres of property known as 1001 Homestead Road (TMBL /PIN and TMBL/PIN) from R-15 and R-20 (Residential, 15,000 and 20,000 square feet per dwelling unit, respectively) to R-10/B-3 Planned Unit Development (Residential, 10,000 square feet per dwelling unit and B-3, Neighborhood Business Planned Unit Development).

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 adopted policies.

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

Section 3. This resolution becomes effective upon adoption.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 38.152 ACRES OF THE PROPERTY KNOWN AS 1001 HOMESTEAD
ROAD FROM R-15 AND R-20 TO R-10/B-3 PLANNED UNIT DEVELOPMENT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

SECTION 1. The Official Zoning Map of the Town of Carrboro is hereby amended as follows:

That property being described on Orange County Tax Maps as:

Block C, Lots 16D and 17, in Chapel Hill Township (PIN 9779-37-0343 and 9779-47-6533, respectively), encompassing approximately 38.152 acres of land shown on the accompanying map titled "Illustrative Plan PUD," is hereby rezoned from R-15 and R-20 (Residential, 15,000 and 20,000 square feet per dwelling unit, respectively) to R-10/B-3 PUD (Residential, 10,000 square feet per dwelling unit and B-3, Neighborhood Business) Planned Unit Development.

SECTION 2. All provisions of any Town ordinance in conflict with this ordinance are repealed.

SECTION 3. This ordinance shall become effective upon adoption.

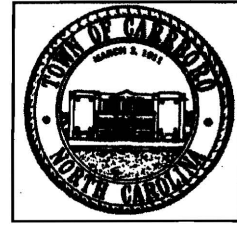
The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this ____ day of _____ 2012:

AYES:

NOES:

ABSENT OR EXCUSED:

TOWN OF CARRBORO



"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

PETITIONER

Parker Louis, LLC

DATE:

February 10, 2012
(rev. March 29, 2012)

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R15; R20 to PUD: R10 & B3 zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Parker Louis, LLC

ADDRESS: 180 Providence Road

TELEPHONE #: (919) 493-0099

2. INTEREST IN PROPERTY(IES): Owner

3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: Rezone 38.152 acres south of the intersection of Claremont Drive and Homestead Road to PUD: R10 and B3

4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:

a. OWNER: Parker Louis, LLC

TAX MAP: 109 BLOCK: LOT: 16D ACREAGE: 38.152 PARCEL:

TAX MAP: 109 BLOCK: LOT: 17

SUBDIVISION NAME: None FRONTAGE: 1,980 FT DEPTH: 1,050 FT

EXISTING STRUCTURES AND USES: One Single Family Dwelling

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES NO **X**

If "YES", WHEN? _____

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN.
MORE SPECIFICALLY:

- (a) How do the potential uses in the new district classification relate to the existing character of the area?

See Attached

- (b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

See Attached

- (c) How will the proposed rezoning affect the value of nearby buildings?

See Attached


(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

See Attached

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 16th DAY OF FEBRUARY, 2012.

PETITIONER'S SIGNATURE:


Manager, Parker Louis, LLC

- 
1. For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.
 2. If a rezoning or master plan is approved, a Certificate of the Adequacy of Public School Facilities (CAPS) will be required from the Chapel Hill Carrboro City School District before the approval of a conditional or special use permit for a residential development shall become effective. The rezoning of property or approval of a master plan provides no indication as to whether the CAPS will be issued.

February 10, 2012
 Revised: March 13, 2012
 Revised: March 15, 2012
 Revised: March 16, 2012
Revised March 20, 2012

Parker Louis, LLC
 Petition for Zoning Change
 Claremont ~ South

ATTACHMENT

7. Please set out and explain those circumstances pertinent to the property and the manner it relates to the Town that demonstrate that the proposed zoning district classification is consistent with the Town's comprehensive plan. More specifically:

In this PUD request, we are asking for a Planned Unit Development of 38.152 acres consisting of R10 and B3 zones, according to the PUD Illustrative Plan Attached.

The PUD plan for Claremont ~ South as a R10/ B3 PUD development is supported by the Carrboro Vision for 2020; specifically:

2.21 and 2.22 ~ Claremont, and specifically the Claremont South PUD, "preserves and maintains open spaces", "restrains clear cutting" and provides "defined dense development with areas of preserved open space".

3.25 ~ Claremont South PUD supports the goal that "Walkability should be encouraged" for vitality.

3.3 ~ Claremont South PUD supports the goal that "Opportunities for new commercial growth exist within new office/assembly conditional use developments". Within this PUD, Claremont will become a true mixed-use, conditional use development, primarily residential, but with a well-defined commercial tract along a major thoroughfare road, all within a highly walkable community that preserves large contiguous areas of vital open space.

The Carrboro Northern Study Area Plan (Section 4) envisions "Neighborhood Mixed Use", where "some commercial uses will be allowed in these (residential) zones, subject to "good neighbor" performance standards related to impact from traffic, noise, hours of operation, lighting and aesthetics."

The applicant believes this PUD plan fully supports the letter and spirit of the goals of the Carrboro 2020 Vision and the Northern Area Study Plan.

- 7(a) How do the potential uses in the new district classification relate to the existing character of the area?

The PUD maintains the same neighborhood character as now exists which is single family dwellings to the south, west and north. The number of proposed dwelling units will fall from 96 to 92. In addition, many of the lot sizes are designed to accommodate smaller single

February 10, 2012

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Revised: March 15, 2012

Revised: March 16, 2012

family homes, which is a trend we are seeing in the housing market. The current LUMO guidelines gives the developer options on making 25 % of the neighborhood size limited or +/- 15% of the neighborhood to fall under the guidelines of selling homes at typically 50% below market value and partnering with the Community Land Trust (CLT). We are requesting the switch to size limited units. The reason for this is as housing conditions have deteriorated we have determined that the CLT model is no longer sustainable. The first phase of Claremont has had the fortune that the homes continue to be absorbed. However, profit margins from the market rate homes have been greatly strained and they no longer can subsidize the CLT product. The CLT product is also taking much longer to sell and are typically sold at a \$20,000-\$25,000 builder loss. This has also caused strained relationships with CLT banking partners, many who are not willing to invest in a product that will hamper a builder with a consistent loss. The size limited product will give our building team an opportunity to build a smaller product and sell it at a market rate price. The 25 units set aside as "size limited" will be priced starting in the low \$200,000's. This is a price that does not currently exist in the Chapel Hill-Carrboro market for new single family homes. As mentioned, all the proposed units will be single family; all the proposed townhomes will be eliminated.

The rezoning of 53,187 SF (less than 1.5 AC) to B3 will create the only commercially zoned parcel from Old 86 to ML King, Jr. Blvd. in Chapel Hill. There will be substantial public benefits to all residents along the Homestead Road corridor to have a modest-sized parcel for commercial development. The feedback we have received from town staff and Alderman is the need for more commercial development in the Northern Area of town. While we feel only baby steps are appropriate for this area currently, the proposed commercial parcel is potentially an important piece for the future.

Uses proposed for B3 are daycare, small professional offices or professional services such as emergency medical, dry cleaner, accountant, UNC medical satellite office, real estate, attorney, hair dresser or a daycare or early school. The applicant does not envision high volume retail, fast food or gasoline sales.

The developers met with the many Wexford (adjoining neighborhood) homeowners on March 3, 2012 to update them on the revisions for Claremont South. The feedback we received was positive as they were happy with the reduction in overall density and felt that the commercial parcel would be non-threatening in terms of location and potential uses.

We believe the proposed uses will comply with the "good neighbor" provisions of the Northern Area Plan.

- 7(b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

This is an ideal location for a modest-sized parcel of commercial zoning (B3) (less than 1.5 AC). It is also a benefit to our neighbors to reduce the number of dwelling units by 4% and

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to have 100% of the units be single family dwellings. Since the majority of adjoining properties feature single family homes, this rezoning will be completely appropriate.

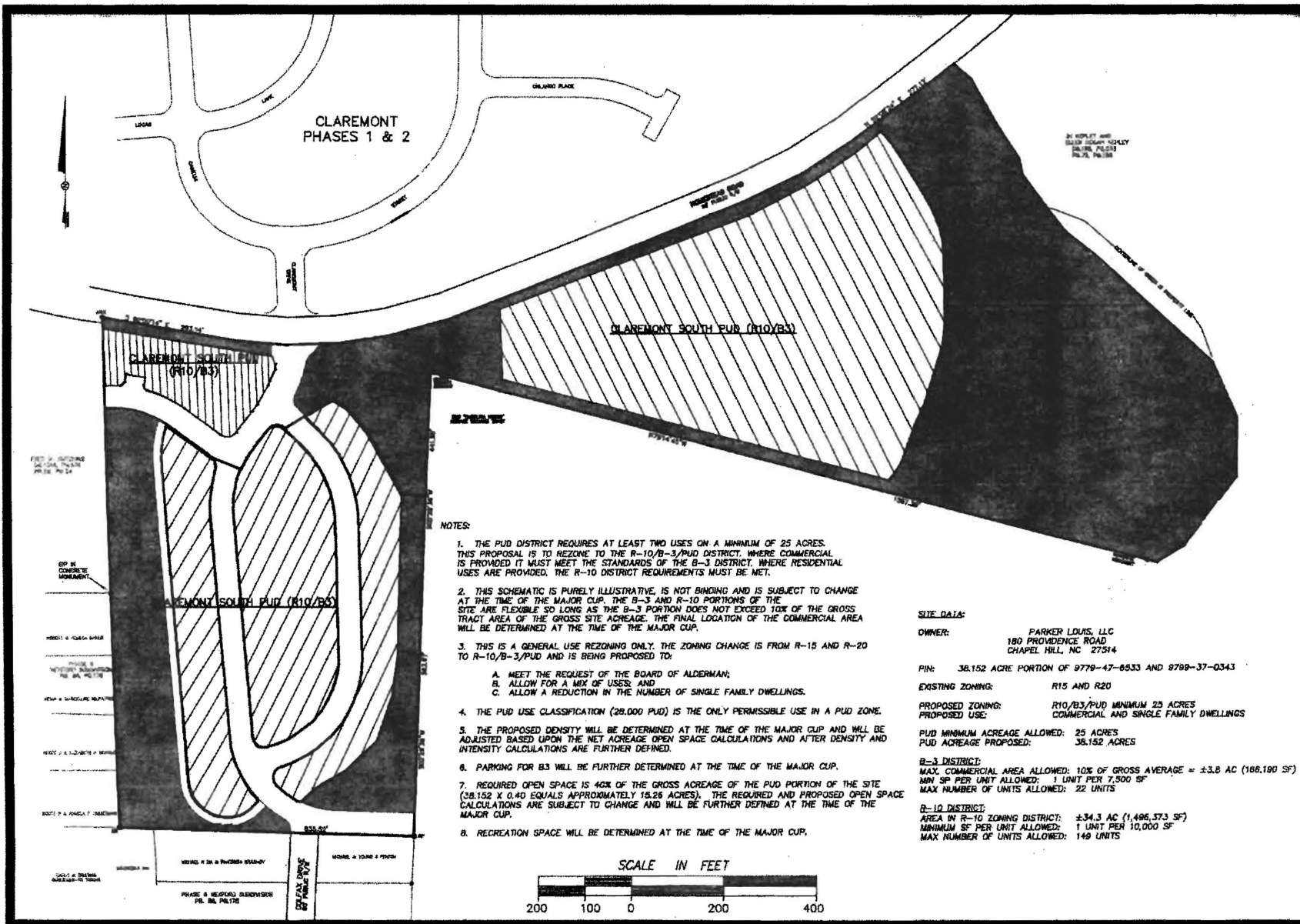
Existing surrounding uses include single family residential, community facilities for Orange County and a Carrboro Fire Station, The Village Center of Winmore and a daycare. A mixed use residential/"good neighbor" commercial PUD will be compatible with these existing uses. As the Northern Area continues to gain population, a commercial parcel will be an important component to mix in with all the residential housing. This parcel, in particular, with its location between two important roadways (Old 86 and MLK Drive) will be suited well for the future.

7(c) How will the proposed rezoning affected the value of nearby buildings?

The value of adjacent single family houses will not be affected, in our opinion, because all of the existing homes will be adjacent to new single family homes in the PUD. The existing homeowners (Wexford) that border Claremont South were told by the developers that they did not believe it would affect the value of their homes. When originally developed with townhomes there was more of a concern of affecting value, but with the revisions to a PUD and the sole use of single family, there should be no concern regarding loss of value for nearby homeowners.

7(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

A modest-sized parcel (less than 1.5 acres) of commercial land is appropriate on Homestead Road in this location. The idea of having commercial land in this vicinity has been long discussed and supported by Carrboro elected and Planning officials, and by many citizens of Carrboro, including being supported by portions of the Carrboro 2020 Plan and the Northern Study Area Plan. In fact, the developer has met with most Alderman to update them on the revisions and received positive feedback.



ENGINEERS PLANNERS SURVEYORS PHILIP POST & ASSOCIATES		ILLUSTRATIVE PLAN PUD CLAREMONT SOUTH	
401 Providence Rd., #200 Chapel Hill, NC 27514 919.929.1173 919.493.2606 Greensboro: 336.590.8168 Firm License C-0347		TOWN OF CARRBORO ORANGE COUNTY, N.C.	
REVISIONS 1, 3/15/2012: SOUTH		DATE: 03/07/2012 SCALE: 1" = 200' PROJECT NO.: 500204.01 DRAWING NO.: B683BP08	
SHEET 1 OF 1		LBL	



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☒ MAIL ☐ FAX ☐ EMAIL

To: David Andrews, Town Manager
Mayor and Board of Aldermen

From: Tina Moon, Planning Administrator

Date: April 11, 2012

Subject: Rezoning Request – Claremont South

BACKGROUND

In November 2005, the Board of Aldermen approved a conditional use permit (CUP) for Claremont, a three phase architecturally integrated subdivision located along the north side of Homestead Road, between the Lake Hogan Farms subdivision and Winmore. In January 2009, the Board approved a major modification to the CUP to incorporate two additional phases (four and five) along the southern side of Homestead Road. The applicants subsequently came before the Board in December of 2010 to discuss the possibility of modifying the project. In a follow up to the 2010 Board meeting, the applicants met with planning staff to discuss the possibility of locating a small commercial component within the southern portion of the Claremont subdivision. The Planned Unit Development (PUD), described in Articles IX and X of the Land Use Ordinance (LUO) was identified as a strategy that could accommodate a commercial use within a primarily residential development. A PUD may contain two or three different land use activities within a single zoning district: a residential component, a commercial component and an optional manufacturing component. (Applicable sections of the LUO are included in *Attachment F*.) In February of 2012, the applicants submitted a petition for change of zoning to rezone the two tracts, formerly known as Claremont Phases 4 and 5 for a proposed Planned Unit Development, Claremont South. (The petition for change of zoning, supplemental narrative and illustrative plan are included as *Attachment C*.)

OVERVIEW

As this petition involves fewer than five parcels of land in single ownership and less than fifty acres overall, the Land Use Ordinance classifies this as a “minor map amendment.”

The petition requests that the zoning of this property be changed from R-15 and R-20 (Residential, one dwelling unit per 15,000 square feet and one dwelling unit per 20,000 square feet), respectively to R-10/B-3 PUD (Residential, 10,000 square feet per dwelling unit and Neighborhood Business) Planned Unit Development. This change would allow incorporation of a commercial component as well as an increased residential density in accordance with the planned unit development zoning district classification.

PETITIONERS/OWNERS

Parker Louis, LLC

DESCRIPTION OF THE AREA

As shown on the location map below the subject property (shaded), is located on the south side of Homestead Road, across from the original three phases of the Claremont AIS subdivision. Wexford Subdivision is located to the west and the south, and the University of North Carolina's future Carolina North property is located to the southeast. Other adjacent land uses include single-family residences and their associated recreation areas and open space and North Carolina's Carolina Forest to the south and east. Two parcels are included in the rezoning request, totaling 38.15 acres.

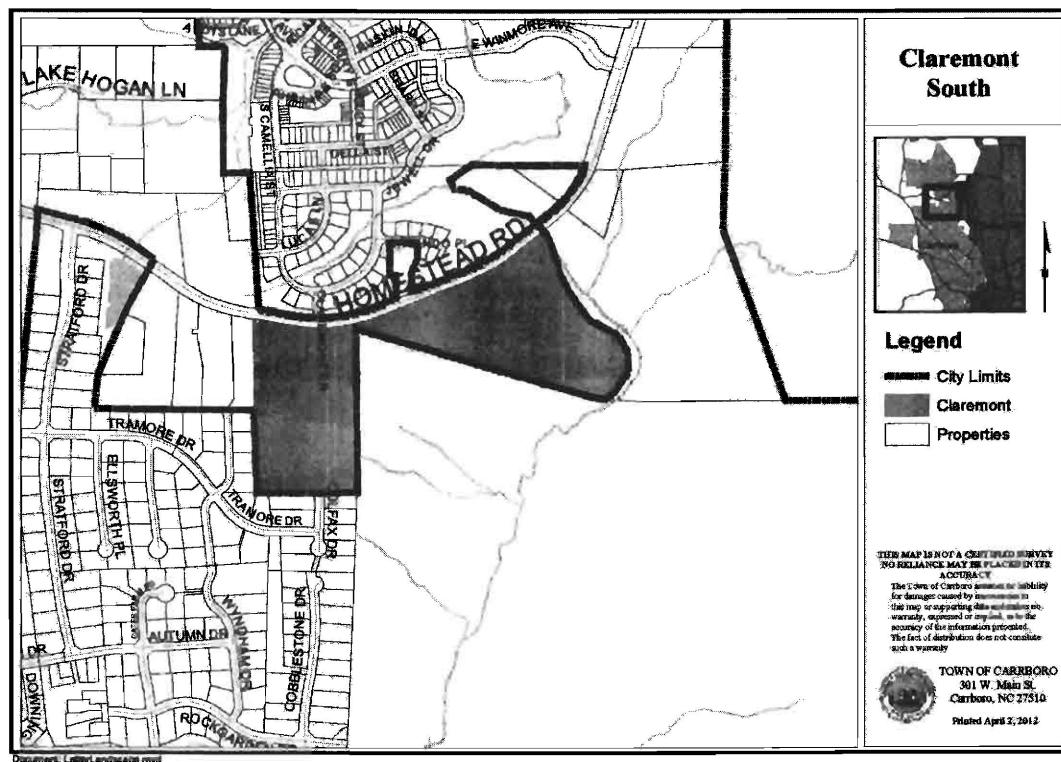


Figure 1. Location of subject property

COMPARISON OF ZONES

Residential Districts. As noted above, the property is currently zoned both R-15 and R-20. The difference between these districts is that the minimum lot size/density requirement is 15,000 square feet per dwelling unit and 20,000 square feet per dwelling unit respectively.

R-10/B-3 Planned Unit Development District. Planned Unit Development (PUD) districts are designed to allow a combination of the characteristics of at least two and possibly three other districts. Residential and commercial districts are required; a manufacturing district may be included, but is not necessary. A 10 percent cap on the total commercial area applies whenever the B-1(g), B-2, or B-3 (as in the current petition) district is included. PUDs are general use districts, so a site specific development plan is not prepared or included and specific plans for development cannot be considered as part of the rezoning request.

If the zoning of the property is changed, an application for a conditional use permit to allow a Planned Unit Development (use classification 28.000) may be considered. The proposed uses for the R-10 and B-3 portions of the site would be shown on the CUP and developed in accordance with the provisions that apply to each of the zoning districts. Such an application has been submitted and will be under consideration subsequent to this request. Since the request is a general rezoning, all of the uses allowed in the R-10 and B-3 zoning categories would be allowed subject to the approval of a conditional use permit for a PUD. Permitted uses for the R-10 and B-3 districts are summarized in Table 2, below, and include a range of residential activities, civic, community, recreational, utility uses, and day cares.

General Use Category	Number of Uses Permitted in R-15/R-20 Districts	Number of Uses Permitted in Business R-10/B-3 PUD	Change in Uses Permitted
Residential (1.000)	25/24	26/21	+2
Sales and Rental of Goods (2.000)	0/0	0/5	+5
Office, Clerical, Research (3.000)	0/0	0/6	+6
Educational, Cultural, Religious, Philanthropic, Social (5.000)	3/4	3/2	-2
Recreation (6.000)	4/4	4/2	-2
Restaurant, Bar, Nightclub (8.000)	0/0	0/0	0
Motor Vehicle-related (9.000)	0/0	0/1	+1
Emergency Services (13.000)	4/4	4/4	0
Agricultural, Silvicultural, Mining, Quarrying (14.000)	3/3	3/0	-3
Public/Semi-public Utility Facilities (15.000)	1/1	1/4	+3
Dry Cleaner, Laundromat (16.000)	0/0	0/2	+2
Utility Facilities (17.000)	2/2	2/3	-1
Towers and Related Structures (18.000)	2/3	2/3	0
Open Air Markets, Horticultural Sales (19.000)	0/0	0/3	+3

General Use Category	Number of Uses Permitted in R-15/R-20 Districts	Number of Uses Permitted in Business R-10/B-3 PUD	Change in Uses Permitted
Cemetery (21.000)	1/1	1/1	0
Day Care (22.000)	4/4	4/4	0
Temporary Structure or Parking (23.000)	1/1	1/1	0
Commercial Greenhouses (25.000)	0/1	1/1	+1
Subdivisions (26.000)	2/2	2/2	0
Combination Uses (27.000)	1	1	0
Planned Unit Developments (28.000)	0/0	1/1 *	+1
Special Events (29.000)	1/1	1/1	0
Temporary Lodging (34.000)	1/1	1/0	1

Table 2. Comparison of the Number of Uses, by General Category, in Existing and Proposed Zoning Districts.

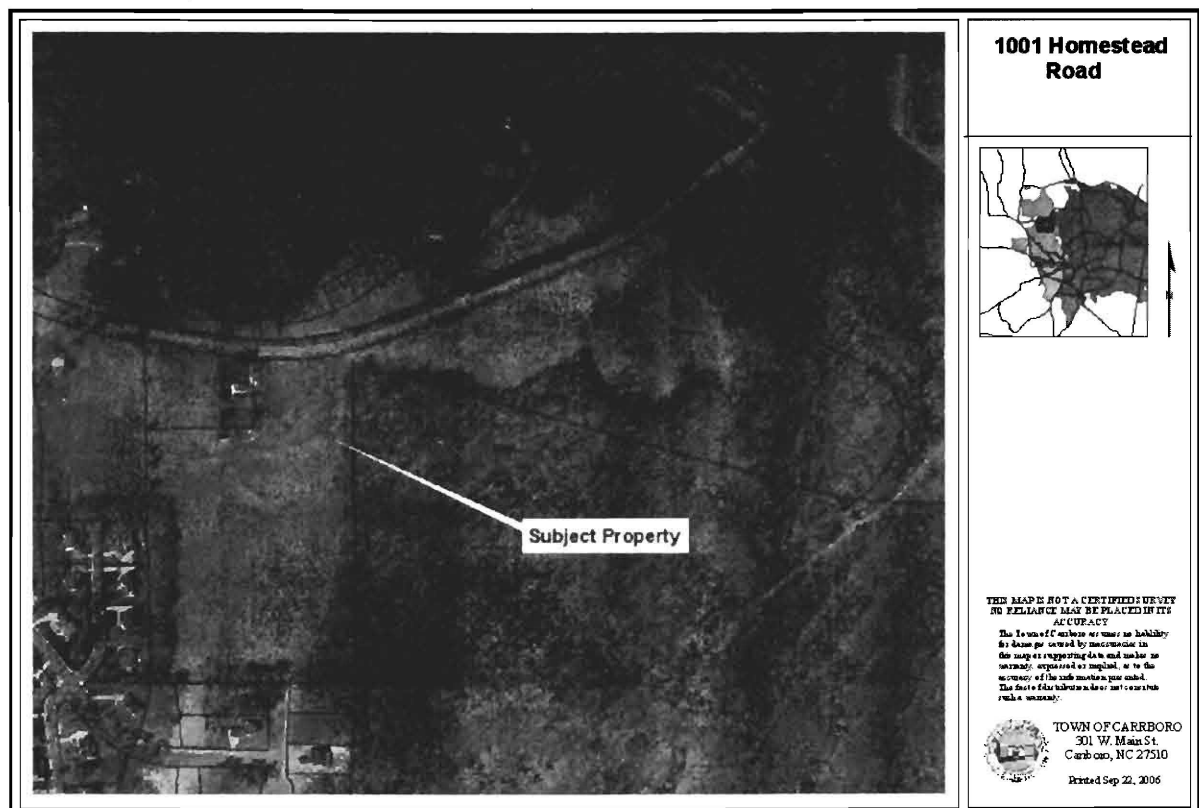


Figure 3. Aerial view of Claremont and proposed Claremont South. Claremont South labeled as the subject property.

Density and Dimensional Regulations. The density and dimensional requirements illustrate the differences between the existing and proposed zoning districts, and the potential impacts of development on adjacent properties. These requirements are presented in Table 4.

	Existing Zoning – R-15/R-20	Requested Zoning – R-10/B-3 PUD
Density	15,000/20,000 per dwelling unit	10,000/7,500 per dwelling unit
Height	35 feet	35/28 feet
Setbacks	35/40 r/w; 20 lot boundary	25/15 r/w; 12.5/7.5 lot boundary

Table 4. Comparison of Density and Dimensional Requirements in Existing and Requested Zoning Districts.



Figure 4. Detail of summary data provided on Illustrative Zoning Plan showing maximum number of residential units allowed.

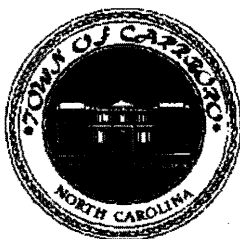
CONSIDERATIONS

The principal question before the Town in considering such a request is whether an amendment advances the public health, safety, or welfare (see attached excerpts from Article XX of the LUO related to advisory board review and Board action on zoning map amendments).

The subject property is located within Carrboro's Northern Study Area and the goals and objectives of the Facilitated Small Area Plan for Carrboro's North Study Area are relevant to the consideration of the request for rezoning. Goals 1 and 8, of the Facilitated Small Area Plan, encourage compact residential development with the provision of modest neighborhood-scale commercial and office uses in mixed use areas and Goals 7 and 8 speak to the incorporation of pedestrian-scaled communities.

Prior to adopting or rejecting any zoning amendment, the Board of Aldermen must adopt a statement describing whether the action is consistent with adopted land use plans and explaining why the action is considered to be reasonable and in the public interest.

Attachments



TOWN OF CARRBORO

NORTH CAROLINA

April 3, 2012

RE: Rezoning of approximately 38.15 acres located at 1001 Homestead Road and adjacent undeveloped tract (PIN 9779-37-0343 and PIN 9779-47-6533)

I, Christina R. Moon, do certify that I did cause to have mailed on April 3, 2012, by first class mail, letters informing the owners and non-owner occupants of properties within 1,000 feet of the proposed rezoning parcels of the schedule and proposal to rezone from R-15 and R-20 (Residential, 15,000 and 20,000 square feet per dwelling unit, respectively) to R-10/B-3 Planned Unit Development (Residential, 10,000 square feet per dwelling unit and B-3 Neighborhood Commercial, Planned Unit Development).

A copy of the mailing labels or mailing list used for this purpose including the person, where applicable, or addresses to whom the notices were sent are attached.

Christina R. Moon

Christina R. Moon
Planning Administrator

4/3/2012

FIN	NAME	ADDRESS	CITY	ST	ZIP
9778388616	GREAT WESTERN BANK	108 N PHILLIPS AVE 4TH FL	SIOUX FALLS	SD	57104
9778261607	JOHN M HUEMMER MELISSA K HUEMMER	180 SUFFOLK PL	CHAPEL HILL	NC	27517
9778400977	JOHN B JARVIS AMBER M JARVIS	1008 CHANCELLORS RIDGE DR	DURHAM	NC	27712
9778100886	MICHAEL DAVIS ROGERS	101 ELLSWORTH PL	CHAPEL HILL	NC	27518
9778267113	STEPHEN S MCCABE MELISSA J MCCABE	101 ORLANDO PL	CHAPEL HILL	NC	27516
9778263601	JODI BEETHAM	101 SUFFOLK PLACE	CHAPEL HILL	NC	27516
9778678604	MILDRED LORETTA NASH	1018 HOMESTEAD RD	CHAPEL HILL	NC	275168797
9778261515	MORTIMER T ALZONA LIZABETH S ALZONA	102 SUFFOLK PL	CHAPEL HILL	NC	27516
9778168574	ALAN NIEDERLAND ALIC NIEDERLAND	103 ELLSWORTH PL	CHAPEL HILL	NC	27516
9778263500	THOMAS F KLESSLER AMY S KLESSLER	103 SUFFOLK PL	CHAPEL HILL	NC	275167780
9778261422	EDWARD R WILSON CAROL E WILSON	104 SUFFOLK PL	CHAPEL HILL	NC	27516
9778274372	BALWINDER BHUPAL JASWINDER BHUPAL	105 BLACK TIE LN	Chapel Hill	NC	27514
9778168476	THOMAS G PRICE CAROL D PRICE	105 ELLSWORTH PL	CHAPEL HILL	NC	27516
9778263328	M M TRUSTEE GRAVES L G GRAVES TRUSTEE	105 SUFFOLK PLACE	CHAPEL HILL	NC	27516
9778261248	HERMAN M GENDERSON MARY M DOBSON-GENDERSON	106 SUFFOLK PL	CHAPEL HILL	NC	27516
9778263318	JONATHAN J HANSEN SUSAN A HANSEN	106 WYNDHAM DR	CHAPEL HILL	NC	27516
9778168267	THOMAS GIDUZ ELIZABETH GIDUZ	107 ELLSWORTH PLACE	CHAPEL HILL	NC	27516
9778263238	DAVID S COHEN LINDA P COHEN	107 SUFFOLK PL	CHAPEL HILL	NC	27516
9778261158	KAREN E BLYTH	108 SUFFOLK PLACE	CHAPEL HILL	NC	27516
9778260123	STEVEN G WALKER JAMIE S WALKER	108 ELLSWORTH PL	CHAPEL HILL	NC	27516
9778386197	CHRISTOPHER A MARTIN MICHELLE MARTIN	109 ORLANDO PL	CHAPEL HILL	NC	27516
9778177388	LEONARD D JR REYNOLDS	109 STRATFORD DR	CHAPEL HILL	NC	275167746
9778261071	LEE ALAN WESTOVER REBEKAH C WESTOVER	110 SUFFOLK PL	CHAPEL HILL	NC	27516
9778263114	STEVEN J HARLEY PAMELA J HARLEY	1109 SUFFOLK PL	CHAPEL HILL	NC	27516
9778268090	STEPHEN P REYNOLDS GINA E REYNOLDS	111 ELLSWORTH PL	CHAPEL HILL	NC	27516
9778386175	JEFFREY LEE ADAMS	111 ORLANDO PL	CHAPEL HILL	NC	27516
9778177254	STEPHEN V GREENE SUSAN C GREENE	111 STRATFORD DR	CHAPEL HILL	NC	275167746
9778263020	JOHN JR DUFFY LYNN S DUFFY	111 SUFFOLK PL	CHAPEL HILL	NC	275167780
9778372807	DAVID PETERSON ANGELA PETERSON	112 DELLA ST	Chapel Hill	NC	27518
9778386032	ALLEN D SAMUELSON TAMARA C SAMUELSON	112 ORLANDO PL	CHAPEL HILL	NC	27516
9778400183	GREGORY S CHRISTIANSON SHARON B CHRISTIANSON	113 ORLANDO PL	Chapel Hill	NC	27516
9778177133	FULIN CHEN LILING LI	113 STRATFORD DR	CHAPEL HILL	NC	27516
9778470808	DANIEL L METZGER DENISE H HONEY METZGER	114 ORLANDO PL	Chapel Hill	NC	27516
9778484360	LATTIE FRANK JR FLOYD RENEE E FLOYD	1200 HOMESTEAD RD	CHAPEL HILL	NC	27516
9778382082	INC WEXFORD GROUP	124 COBBLESTONE DR	CHAPEL HILL	NC	27514
9778178887	CHAPEL HILL INC WEXFORD HOMEOWNERS ASSOCIATION OF	124 COBBLESTONE DR	CARRBORO	NC	27510
9778261431	MICHAEL R DR KRASNOV PATRICIA P KRASNOV	124 COLFAX DRIVE	CHAPEL HILL	NC	27516
9778384442	MICHAEL FENTON YOUNG S FENTON	126 COLFAX DR	CHAPEL HILL	NC	27516
9778268443	INC WEXFORD GROUP	126 COBBLESTONE DR	CHAPEL HILL	NC	27514

9778381331	FRANK G STROHLEN SUSAN G STROHLEN	126 COLFAX DR	CHAPEL HILL	NC	27516
9778364332	RUSSELL W WICKNER MARTHA E SMITH	127 COLFAX DR	CHAPEL HILL	NC	27516
9778364233	FEINBERG ELLEN S FEINBERG THOMAS N FEINBERG	129 COLFAX DR	CHAPEL HILL	NC	27516
9778487440	WILLIAM R PROCTOR KAREN R PROCTOR	1308 HOMESTEAD RD	CHAPEL HILL	NC	275168048
9778267186	UIC HOMESTEAD PARTNERS	1600 E FRANKLIN ST #102	CHAPEL HILL	NC	27514
9778286288	CLAREMONT HOMEOWNERS ASSOCIATION	180 PROVIDENCE RD STE 1-8	CHAPEL HILL	NC	27514
9778381184	PAUL GARDNER RONNI GARDNER	200 COLFAX DR	CHAPEL HILL	NC	27516
9778386908	JAMES J ETAL WRZOSEK JAMES A WRZOSEK	200 SHARP ST	CHAPEL HILL	NC	27516
9778268407	DENNIS P WIPPER TERRILL T PEDERSEN	200 WYNDHAM DR	CHAPEL HILL	NC	27516
9778384142	MICHAEL F FRISCH KAREN E FRISCH	201 COLFAX	CHAPEL HILL	NC	27516
9778384326	ROWELL DANIEL S ELIZABETH EDWARDS	201 LUCAS LN	CHAPEL HILL	NC	27516
9778381083	CHRISTOPHER LUTES TERESA MORGAN-LUTES (W)	202 COLFAX DR	CHAPEL HILL	NC	27516
9778267688	EDWARD C LEWIS PATRICIA H LEWIS	202 WYNDHAM DR	CHAPEL HILL	NC	27516
9778384012	W SCOTT EVANGELISTA	203 COLFAX DR	CHAPEL HILL	NC	27516
9778384236	MARK G JOHNSON TANYA JOHNSON	203 LUCAS LN	CHAPEL HILL	NC	27516
9778264888	JUL HARDEN DALISA CROTTY	203 WYNDHAM DR	CHAPEL HILL	NC	27516
9778382283	CHRISTOPHER MORTON MINDY MORTON	204 LUCAS LN	CHAPEL HILL	NC	27516
9778267741	CLAIRE ROBERT L IN ST KAREN K ST	204 WYNDHAM DR	CHAPEL HILL	NC	275168428
9778384221	BRANT A INMAN MURIELLE T LAFLECHE	205 LUCAS LN	CHAPEL HILL	NC	27516
9778264834	ALJAY K AJMANI POONAM S AJMANI	205 WYNDHAM DR	CHAPEL HILL	NC	275168444
9778267024	DAVID KEITH BREDEMANN ERIN BREDEMANN	205 WYNDHAM DRIVE	CHAPEL HILL	NC	27516
9778384103	MARK ZACHARY ROSENTHAL KRISTEN CRAPPELL	207 LUCAS LN	CHAPEL HILL	NC	27516
9778268022	STEPHEN DEAR JANET DEAR	207 WYNDHAM DR	CHAPEL HILL	NC	275168444
9778268283	RICHARD DESELM TRACY DESELM	208 WYNDHAM DR	CHAPEL HILL	NC	27516
9778364386	RANDY MARTIN DONNA MARTIN	208 COBBLESTONE	CHAPEL HILL	NC	27516
9778286108	WILLIAM S TRUSTEE OLLANAUGH FAIGE H OLLANAUGH TRUSTEE	208 WYNDHAM DR	CHAPEL HILL	NC	27516
9778363330	JEFFREY SONS MARY SONS	210 COBBLESTONE DR	CHAPEL HILL	NC	275168738
9778387882	ROBERT MURPHY DEBORAH TOBIAS MURPHY MURPHY	210 JEWELL DR	CHAPEL HILL	NC	27516
9778364867	MIKEL ETAL SANFILIPPO LISA SANFILIPPO	211 COBBLESTONE DR	CHAPEL HILL	NC	275168738
9778387822	INC WINMORE COMMUNITY ASSOCIATION	211 OLD FOREST GROVE DR	CHAPEL HILL	NC	27514
9778264288	PAUL R HEBERT BECKY A HEBERT	211 WYNDHAM DR	CHAPEL HILL	NC	275168444
9778363332	GARY S BURNS JAMI G BURNS	212 COBBLESTONE DR	CHAPEL HILL	NC	275168738
9778384671	DEVON NUDELMAN KWANG MEE NUDELMAN	212 DELLA ST	CHAPEL HILL	NC	27516
9778384631	NAZMIN ALANI ARZINA ALANI	212 SHARP ST	CHAPEL HILL	NC	27516
9778360887	JOHN G MORACCO CHRISTIN S COAN	213 COBBLESTONE DR	CHAPEL	NC	275168738
9778363633	DANIEL TODD LABROWITZ	214 COBBLESTONE DR	CHAPEL HILL	NC	275168738
9778386876	BRAD D POLLOCK NORY G POLLOCK	214 JEWELL DR	Chapel Hill	NC	27516
9778360887	DARRON MAULDIN JEANNETTE MAULDIN	216 COBBLESTONE DR	CHAPEL HILL	NC	275168738
9778363744	MICHAEL PAPAZOGLU DENA PAPAZOGLU	216 COBBLESTONE DR	CHAPEL HILL	NC	27516
9778363077	JAMES B CARTER GINA M LACAVA	217 COBBLESTONE DR	CHAPEL HILL	NC	27516

9779353945	RAYMOND E H KARNES MARY F KARNES	218 COBBLESTONE DR	CHAPEL HILL	NC	275168730
9779350687	NIEL H OFFEN CAROL OFFEN	218 COBBLESTONE DR	CHAPEL HILL	NC	27516
9779353941	WILLIAM STUART WESTLAND HELEN WESTLAND	220 DELLA ST	CHAPEL HILL	NC	27516
977932159	ANDREW LEE YUKO MIYAMOTO	2480 LAMOND NORWOOD RD	PITTSBORO	NC	27512
9779355681	CHUNJIN LU RONG JIANG	300 DELLA ST	CHAPEL HILL	NC	27516
9779356439	STELA SUSAC PAVIC DAG PAVIC	300 JEWELL DR	CHAPEL HILL	NC	27516
9779252510	MICHAEL JOSEPH CANNON LORI H CANNON	301 AUTUMN DR	CHAPEL HILL	NC	27516
9779356403	RICHARD J PARISE LESLIE V PARISE	301 JEWELL DR	CHAPEL HILL	NC	27516
9779168807	CLAIBORNE BENSON JR AYOCK DEBRA G AYOCK	301 TRAMORE DR	CHAPEL HILL	NC	27516
9779256320	BENJAMIN POPKIN SHERYL STARNES	302 WYNDHAM DR	CHAPEL HILL	NC	275164648
9779256321	RICHARD D COHN NANCY S COHN	303 AUTUMN DR	CHAPEL HILL	NC	275164629
9779256517	SRIVALLIPURANANDAN NAVARATHNAM RAMANI KANDASAMY	303 TRAMORE DR	CHAPEL HILL	NC	27516
9779256528	DENNIS A HAINES CAROL A HAINES	303 WYNDHAM DR	CHAPEL HILL	NC	27516
9779356621	ALBERTA HATTEM	304 DELLA ST	CHAPEL HILL	NC	27516
9779356438	WAYNE B TRUSTEE DAVIS JANET E SOREL TR	304 JEWELL DR	CHAPEL HILL	NC	27516
9779256634	REECE J SCHULER ELIZABETH A SCHULER	304 WYNDHAM DR	CHAPEL HILL	NC	27516
9779254551	WILLIAM HENRY NEWCOMB JOAN M NEWCOMB	305 AUTUMN DR	CHAPEL HILL	NC	27516
9779356323	DENA ARMSTRONG MICHAEL ARMSTRONG	305 JEWELL DR	CHAPEL HILL	NC	27516
9779251837	BROOKS ROBERT BARCOCK NANCY T BARCOCK	305 TRAMORE DR	CHAPEL HILL	NC	27516
9779256628	TERRENCE TAN BICH N TAN	305 WYNDHAM DR	CHAPEL HILL	NC	27516
9779256307	JAMIE CAMPBELL DANA CAMPBELL	306 AUTUMN DR	CHAPEL HILL	NC	27516
9779354488	RITCH BUCKNER TAMMY BUCKNER	306 JEWELL DR	CHAPEL HILL	NC	27516
9779256728	MICHAEL D ROGERS	306 WYNDHAM DR	CHAPEL HILL	NC	27516
9779256682	JAMES H WULFORST LEIGH L WULFORST	307 AUTUMN DR	CHAPEL HILL	NC	27516
9779354438	DAVID L JONES KELLY K JONES	308 JEWELL DR	CHAPEL HILL	NC	27516
9779256829	ROBERT BAKER REBECCA BAKER	308 WYNDHAM DR	CHAPEL HILL	NC	275164648
9779354478	CHRISTOPHER E PETERSON EMILY M PETERSON	310 JEWELL DR	CHAPEL HILL	NC	27516
9779352477	PHILIP VANDERVOUDE REBECCA VANDERVOUDE	400 JEWELL DR	CHAPEL HILL	NC	27516
9779352384	TIMOTHY R GERSHON LORI A RICHMOND-GERSHON	401 JEWELL DR	CHAPEL HILL	NC	27516
9779252847	BRADLEY N GAYNES CAROL A EPLING	401 TRAMORE DR	CHAPEL HILL	NC	275164642
9779254563	ROBERT A CREIGHTON PAT CREIGHTON	402 TRAMORE DR	CHAPEL HILL	NC	27516
9779351393	PATRICK OGGIN SARA PASQUALI	403 JEWELL DR	CHAPEL HILL	NC	27516
9779256378	SCOTT T JOSEPHS LISA M JOSEPHS	403 TRAMORE DR	CHAPEL HILL	NC	275164642
9779256475	WILLIAM JAMES CALHOUN LINH N CALHOUN	404 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779254491	GEORGE A III STOFFER MARGARET E STOFFER	404 TRAMORE DR	CHAPEL HILL	NC	27516
9779254861	JAMES H NEWTON SUSAN C NEWTON	405 TRAMORE DR	CHAPEL HILL	NC	275164642
9779256472	KEVIN A HENKES AMY C HENKES	406 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779256631	KIM EDMISTON WILLIAMS	407 TRAMORE DR	CHAPEL HILL	NC	27516
9779351427	JOHN BULEZA MELINDA BULEZA	412 JEWELL DR	CHAPEL HILL	NC	27516
9779351114	SRINIVAS PYATI PADMAVATI K PYATI	413 SOUTH CAMELLIA ST	CHAPEL HILL	NC	27516

9779350497	RUSSELL J CANNIZZARO MARGARET DIANE CANNIZZARO	414 JEWELL DR	CHAPEL HILL	NC	27516
9779256313	CARLO TOMASI CRISTINA GUGLIEMINI-TOMASI	501 TRAMORE DR	CHAPEL HILL	NC	27516
9779250576	ANTHONY L HOTONG ELIZABETH W HOTONG	502 CATES FARM RD	CHAPEL HILL	NC	27516
9779256933	MINESHKUMAR M PATEL MANISHABEN PATEL	503 TRAMORE DR	CHAPEL HILL	NC	27516
9779253607	ERIC ROEDER LYNN ROEDER	504 CATES FARM RD	CHAPEL HILL	NC	275164630
9779371712	SCOTT ALDEN HESS JULIE L HESS	506 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779168843	JAMIE E HERNANDEZ KELLY R HERNANDEZ	507 CATES FARM RD	CHAPEL HILL	NC	275164632
9779250879	SIMON C C CHU JOANNE W L CHU	509 CATES FARM RD	CHAPEL HILL	NC	27516
9779250884	TRACI S MCALOUGH	511 CATES FARM RD	CHAPEL HILL	NC	27516
9779253824	LILIANA PAREDES GUSTAVO ANGELES	512 CATES FARM RD	CHAPEL HILL	NC	275164632
9779374721	ANDREW R SLACK BETHANY SLACK	5209 MARCELLA CT	DURHAM	NC	27707
9779373523	KEVIN CARNEIRO LIANE CARNEIRO	601 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779371824	BETHANY CUSTON HOMES LLC	602 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779374817	JOHN EUGENE HINKLE SHELLEY L HINKLE	603 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779375901	PETER LEE MCCULLOUGH KELLY J MCCULLOUGH	605 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779355066	DAVID E ROBERTS GILLIAN M ROBERTS	607 SOUTH CAMELLIA ST	CHAPEL HILL	NC	27516
9779375834	STEWART WIGNALL ROSE WIGNALL	608 SOUTH CAMELLIA ST	CHAPEL HILL	NC	27516
9779376972	WILLIAM T BARRY SUSAN L BARRY	610 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779387348	GEORG VANBERG JULIA KRUBE	706 S CAMELLIA ST	CHAPEL HILL	NC	27516
9779686385	EDUCATION CHAPEL HILL BOARD OF	750 S MERRITT MILL RD	CHAPEL HILL	NC	27514
9779270379	JAMES R TRUSTEE JR WILLIAMS DEBORAH W BRYAN TRUSTEE	811 HOMESTEAD RD	CHAPEL HILL	NC	275168794
9779254632	EDGARDO R GARCIA	818 HOMESTEAD RD	CHAPEL HILL	NC	275168793
9779278208	PATRICK O JONES SHANNON M JONES	818 HOMESTEAD ROAD	CHAPEL HILL	NC	27516
9779352071	ROBERT WATSON MANJULA WATSON	8319 LOCHLAVEN LN	CHAPEL HILL	NC	27516
9779276322	FRED WAYNE HUTCHINS PATSY A HUTCHINS	905 HOMESTEAD RD	CHAPEL HILL	NC	275168795
9779257807	ASSOCIATION INC WILLIAMS WOODS HOMEOWNERS	P O BOX 184	CARRBORO	NC	275100184
9779356184	INC CARPOV VENTURES	P O BOX 18816	CHAPEL HILL	NC	27516
9779352101	INC J T LEWIS BUILDERS	P O BOX 4782	CHAPEL HILL	NC	27516
9779350029	CHAPEL HILL INC WEXFORD HOMEOWNERS ASSOCIATION OF	P O BOX 63238	DURHAM	NC	27707
9779685914	CAROLINA STATE OF NORTH	P O BOX 629 PROP CONTROL	RALEIGH	NC	276620629
9779258090	CHAPEL HILL INC WEXFORD HOMEOWNERS ASSOC OF	P O BOX 616 % T HOLLEMAN	CHAPEL HILL	NC	27514
9779485540	INC WINMORE COMMUNITY ASSOCIATION	PO BOX 17237	CHAPEL HILL	NC	27516
9779259477	TRUST ORANGE COMMUNITY HOUSING AND LAND	PO BOX 307	CARRBORO	NC	27510
9779357598	INC J T LEWIS BUILDERS	PO BOX 4782	CHAPEL HILL	NC	27516
9779256465	ASSOCIATION COBBLESTONE HOMEOWNERS	PO BOX 890	CARRBORO	NC	27510
9779686375	C UNIVERSITY OF N	PROPERTY OFFICE C9 1060	CHAPEL HILL	NC	27580
9779374795	INC J T LEWIS BUILDERS	SUITE 202P O BOX 4782	CHAPEL HILL	NC	27516

Additional owner/resident
Within 1000 feet of 1001 Homestead Road

9779380680
 Bryan Williams
 100 Della Street
 Chapel Hill, NC 27516

9779178712
 Joseph, J. Duffy III
 103 Stratford Drive
 Chapel Hill, NC 27516

9779178600
 Salvador and Celia G. Nares
 105 Stratford Drive
 Chapel Hill, NC 27516

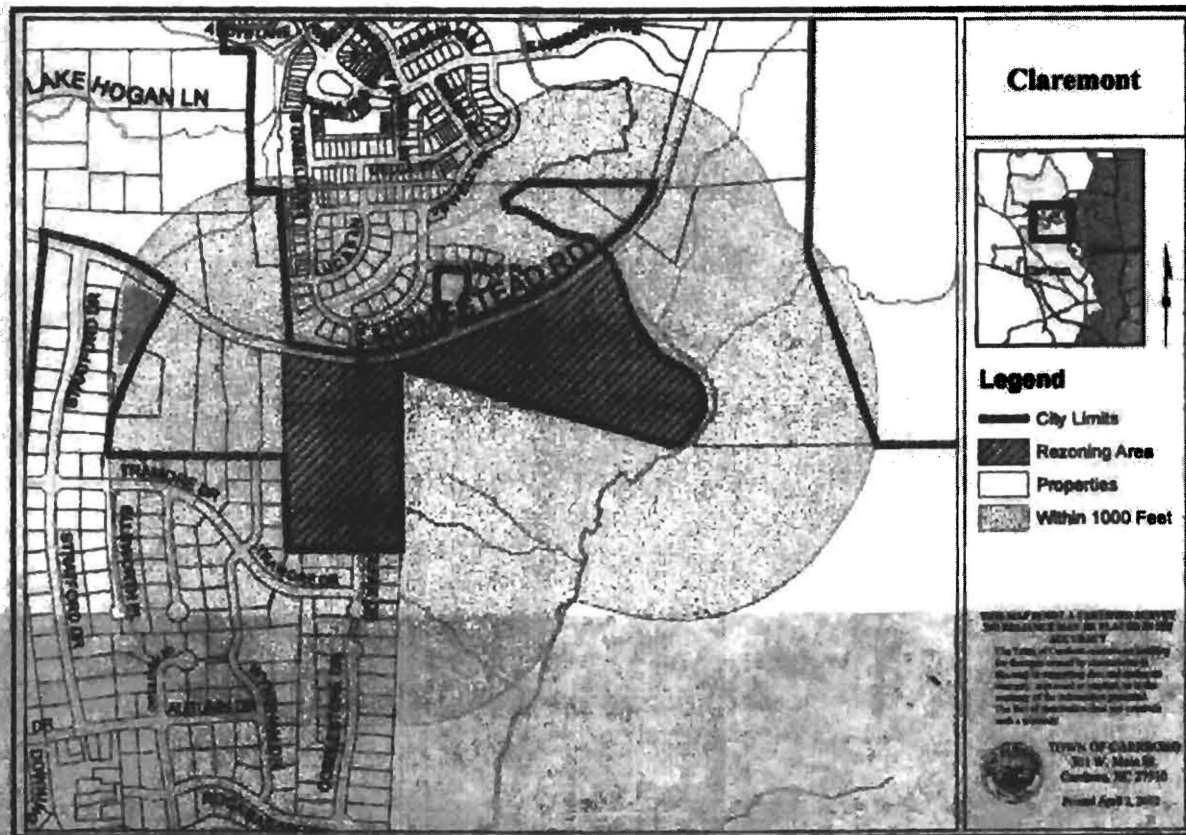
9779381660
 John Burroughs and Carla Halsell
 108 Della Street
 Chapel Hill, NC 27516

9779383046
 Kyne M. Wang and Judy K. Lond
 209 Lucas Lane
 Chapel Hill, NC 27516

9779371924
 Andre Bell and Yolanda D. Keller Bell
 217 Lucas Lane
 Chapel Hill, NC 27516

9779385489
 Colin and Mary C. Boatwright
 302 Jewell Drive
 Chapel Hill, NC 27516

9779289733
 The Landings at Windmore, LLC
 415 First Avenue North Street
 Petersburg, FL 33701



AMENDMENTS

Section 15-320 Amendments in General

(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of nonsubstantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

(b) The term "major map amendment" shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as "minor map amendments."

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. 143-214.5. Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. **(AMENDED 10/15/96)**

Section 15-321 Initiation of Amendments

(a) Whenever a request to amend this chapter is initiated by the Board of Aldermen, the planning board, the board of adjustment, the appearance commission, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Board of Aldermen so that a date for a public hearing may be set.

(b) Any other person may also petition the Board to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.

- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
 - (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
 - (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).
- (d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments (AMENDED 10/24/06)

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues. **(AMENDED 09/19/95)**

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board

of Aldermen is not bound by the recommendations of the planning board. (AMENDED 10/24/06)

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (AMENDED 10/24/06)

Section 15-323 Hearing Required: Notice

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. (AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the

affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Board of Aldermen that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Board of Aldermen that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a city-initiated zoning map amendment. (AMENDED 11/24/09)

Section 15-324 Board Action on Amendments (AMENDED 10/24/06)

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt a statement describing whether its action is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plan officially adopted by the Board and explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

(e) A Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (See also Carrboro Town Code Section 2-35).

Section 15-325 Ultimate Issue Before Board on Amendments

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional use district or conditional zoning 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. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. (AMENDED 05/25/99; 05/27/08)

- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 15-326 Protests to Zoning Map Amendments (AMENDED 10/24/06).

(a) If a petition opposing an amendment to the zoning map is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the Board membership. For the purposes of this subsection, vacant positions on the Board and members who are excused from voting shall not be considered "members of the Board" for calculation of the requisite supermajority.

(b) To trigger the three-fourths vote requirement, the petition must: (AMENDED 11/26/85)

- (1) Be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town may rely on the Orange County tax listing to determine the "owners" of potentially qualifying areas. (AMENDED 10/24/06)
- (2) Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.
- (3) Be received by the town clerk in sufficient time to allow the town at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.
- (4) Be on a form provided by the town clerk and contain all the information requested on this form.

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(c) A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment.

(d) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of this chapter as a result of annexation or otherwise.

AMENDMENTS

Section 15-320 Amendments in General

(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of nonsubstantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. (AMENDED 09/01/87)

(b) The term "major map amendment" shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as "minor map amendments."

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. (AMENDED 10/15/96)

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. 143-214.5. Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. (AMENDED 10/15/96)

Section 15-321 Initiation of Amendments

(a) Whenever a request to amend this chapter is initiated by the Board of Aldermen, the planning board, the board of adjustment, the appearance commission, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Board of Aldermen so that a date for a public hearing may be set.

(b) Any other person may also petition the Board to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.
- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.

- (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
 - (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
 - (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments (AMENDED 10/24/06)

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues. (AMENDED 09/19/95)

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. (AMENDED 10/24/06)

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board

of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. **(AMENDED 10/24/06)**

Section 15-323 Hearing Required: Notice

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the

affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Board of Aldermen that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Board of Aldermen that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a city-initiated zoning map amendment. (AMENDED 11/24/09)

Section 15-324 Board Action on Amendments (AMENDED 10/24/06)

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt a statement describing whether its action is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plan officially adopted by the Board and explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

(e) A Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (See also Carrboro Town Code Section 2-35).

Section 15-325 Ultimate Issue Before Board on Amendments

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional use district or conditional zoning 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. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. (AMENDED 05/25/99; 05/27/08)

- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 15-326 Protests to Zoning Map Amendments (AMENDED 10/24/06).

(a) If a petition opposing an amendment to the zoning map is filed in accordance with the provisions of this section, then the proposed amendment may be adopted only by a favorable vote of three-fourths of the Board membership. For the purposes of this subsection, vacant positions on the Board and members who are excused from voting shall not be considered "members of the Board" for calculation of the requisite supermajority.

(b) To trigger the three-fourths vote requirement, the petition must: (AMENDED 11/26/85)

- (1) Be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Town may rely on the Orange County tax listing to determine the "owners" of potentially qualifying areas. (AMENDED 10/24/06)
- (2) Be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment.
- (3) Be received by the town clerk in sufficient time to allow the town at least two normal working days before the date established for a public hearing on the proposed amendment to determine the sufficiency and accuracy of the petition.
- (4) Be on a form provided by the town clerk and contain all the information requested on this form.

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(c) A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment.

(d) The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of this chapter as a result of annexation or otherwise.

*Art. X PERMISSIBLE USES (con't)***Section 15-155 Planned Unit Developments.**

(a) In a planned unit development the developer may make use of the land for any purpose authorized in the particular PUD zoning district in which the land is located, subject to the provisions of this chapter. Section 15-139 describes the various types of PUD zoning districts.

(b) Within any lot developed as a planned unit development, not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-1(g), B-2, or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the M-1 zoning district (assuming the PUD zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for purposes permissible in a residential district (as applicable), purposes permissible in a business district (as applicable), and purposes permissible only in an M-1 district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, residential, business or M-1 uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided in Article IV to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development procedure 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.

Section 15-156 More Specific Use Controls.

Whenever a development could fall within more than one use classification in the Table of Permissible Uses (Section 15-146), the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130 "Physicians and dentists offices and clinics occupying not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.

Section 15-157 Residential Uses in Conservation Districts.

The Table of Permissible uses indicates that single family residences are permissible in the conservation district. However, this shall be true only if and to the extent a residence is used in conjunction with another permitted use, e.g., a caretaker's house. (AMENDED 12/7/83)

- (3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements: (AMENDED 09/06/88; 06/20/06).
- a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
 - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and
- (4) **B-3 NEIGHBORHOOD BUSINESS.** This district is designed to accommodate commercial needs arising at the neighborhood level, such as grocery stores, branch banks, gas sales, and the like, as well as other commercial and office uses that are of such size and scale that they can compatibly coexist with adjoining residential neighborhoods. To insure compatibility between B-3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction. (AMENDED 3/7/2006)
- (5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.
- (6) **B-5 WATERSHED COMMERCIAL.** This district is designed to accommodate commercial uses within the University Lake Watershed area without adversely affecting the community water supply.

Sustainable Development

The concept of sustainable development borrows from the ecological idea of "carrying capacities." In the field of ecology, a carrying capacity is defined as the amount of disruption an ecological system is able to sustain while continuing to function as a system. Ecological systems are able to absorb certain levels of impacts without breaking down; however, when the system's carrying capacity is reached and exceeded, the system will begin to deteriorate.

Advocates of sustainable development argue that current patterns and forms of development are not environmentally sustainable in the long run because they are based on unsustainable patterns of activity. One example of this is the residential commuter suburb, which is based on the use of the single-occupant automobile. In these types of developments, cars are needed for nearly all transportation needs because workplaces, stores, and even schools are not within walking or bicycling distance and transit cannot effectively function in such low density areas. Automobiles depend on the continued operation of a highly complex, limited-supply, environmentally-damaging petroleum extraction and refining system. Because of this, these types of communities are not as sustainable as types of development which are less dependent on the single-occupancy automobile.

Sustainable development advocates support a variety of measures, such as the use of alternative energy systems, energy efficient building designs, and pedestrian-oriented communities, to further the long-term sustainability of human development. Carrboro should encourage the consideration of long-term sustainability issues in assessing the forms and locations for development in the study area.

GOALS AND OBJECTIVES – CARRBORO'S NORTHERN STUDY AREA

Based on the principles and concepts described above, goals and objectives formulated by the Small Area Work Group and the Facilitated Conference link each of the Work Group's nine goals (given to them by the Board of Aldermen) to methods for attaining those goals.

GOAL 1. PATTERNS OF GROWTH WHICH MINIMIZE NEGATIVE IMPACTS AND MAXIMIZE POSITIVE IMPACTS ON THE COMMUNITY.**OBJECTIVES:**

- 1.A. Require neighborhood residential development which is clustered.
- 1.B. Encourage the concept of a "floating zone" for future residential village developments in the Transition Area.
- 1.C. Endorse the concept of a "Floating Zone" for mixed-use villages with very modest retail components at appropriate locations in the Study Area.
- 1.D. Continue policy of providing Town services to newly developed areas concurrent with the attainment of minimum service level standards.
- 1.E. Pursue objectives listed under transportation, service provision, and environmental quality goals listed below.
- 1.F. Provide for modest community-scale commercial and office uses in mixed-use areas.
- 1.G. Encourage appropriately-scaled economic development in mixed-use areas with very modest retail components at appropriate locations.

- 1.H. Prohibit land uses and activities which would use large quantities of water; include stringent performance standards.

GOAL 2. PATTERNS OF GROWTH WHICH ALLOW FOR THE EFFICIENT PROVISION OF TOWN SERVICES.

OBJECTIVES:

- 2.A. Restructure impact fees to reflect true current and future costs of new development to the community, with the exception of assessing impact fees which conflict with Goal 4.
- 2.B. Investigate and implement various mechanisms for the acquisition of land for the purposes of providing open space, creating trail and bikeway linkages, and preserving environmentally sensitive areas.
- 2.C. Encourage development in patterns described under Goal 1.
- 2.D. Begin the process of land acquisition for a fire substation, a public works service center, and other needed public facilities in the Study Area.

GOAL 3. CONSERVATION OF NATURAL AND ENVIRONMENTALLY SENSITIVE AREAS, AND THE PROTECTION OF ENVIRONMENTAL QUALITY.

OBJECTIVES:

- 3.A. Use conservation overlay zone standards to determine appropriate streamway buffer widths for new development.
- 3.B. Prohibit development of natural and environmentally sensitive areas through the creation of a resource conservation district or open space conservation district.
- 3.C. Identify strategies for various types of acquisition or dedication that would protect important natural areas, including Bolin Creek.
- 3.D. Mitigate potential impacts of development on streams and creeks. (e.g. erosion, sedimentation, pollution)
- 3.E. Identify Primary Conservation Areas (wetlands, floodplains, & Slopes >25 percent) and Secondary Conservation Areas (mature deciduous woodland, prime farmland in fields, meadows, pastures, wildlife habitats/travel corridors, historic/cultural features, scenic viewsheds from public roads across existing fields/meadows/pastures, etc.).

GOAL 4. A VARIETY OF HOUSING TYPES AND PRICE LEVELS.

OBJECTIVES:

- 4.A. Explore options for establishing a legal basis for inclusionary zoning.
- 4.B. Provide strong incentives for new development to dedicate a proportion of new housing units to renters or prospective home buyers in specified income levels.
- 4.C. Explore community land trust options for the provision of affordable housing.
- 4.D. Promote village development patterns as described under Goal 1.
- 4.E. Increase density incentives not only to reduce land cost per dwelling but also to offset additional cost of designing, building, and landscaping new affordable housing so that it looks like a market-rate product rather than a government project. Such housing should be integrated physically into new subdivisions through design standards for building design and for neighborhood layout.

GOAL 5. A VARIETY OF TRANSPORTATION ROUTES, WHICH ALLOW FOR BUS, AUTOMOBILE, BICYCLE, AND PEDESTRIAN MODES OF TRANSPORTATION.

OBJECTIVES:

- 5.A. Plan for the extension of east/west and north/south connector roads without creating undue disturbance to existing residents or areas of high resource value.
- 5.B. Extend the Tripp Farm Road, Pathway Drive, Cates Farm, and East/West Connectors as recommended in the Connector Roads Plan for the Northern Area.
- 5.C. Implement the Carrboro Bikeways Plan.
- 5.D. Follow required sidewalk policy in Land Use Ordinance.
- 5.E. Coordinate transportation planning for the Study Area with Chapel Hill.
- 5.F. Promote coordination between developers for the planning of bicycle, pedestrian, transit, and automobile transportation routes.
- 5.G. Coordinate transportation corridor (rail) planning with Chapel Hill, if commuter rail service is planned for the area.
- 5.H. Incorporate transportation concepts which would support mixed-use development.
- 5.I. Require developers to follow the Connector Roads Plan.
- 5.J. Provide strong incentives for the creation of multi-modal transportation facilities.
- 5.K. Support the creation of mass transit connections to the Research Triangle Park via Interstate 40, along with the provision of a new park-and-ride facility on Eubanks Road or the enhancement of the existing facility.
- 5.L. Re-examine the policy to extend Eubanks Road as a vehicular thoroughfare. Note that this extension might be more appropriate as a rustic trail.
- 5.M. Street connections between Lake Hogan Farm & the High School should not be through existing subdivisions because an alternative route is feasible, linking Lake Hogan Farm with Homestead Road across several largely undeveloped properties on a northwestern/southeastern axis. Bike route connections using existing neighborhood streets are recommended in this area. The Town should proactively contact the owners of properties needed for the above mentioned alternative street connection to explore the possibility of pre-planning such a route, possibly utilizing the approach known as the "landowner compact."
- 5.N. For road widening projects encourage the shifting of rights-of-way to save distinctive features of the landscape (such as a line of shade trees) wherever feasible.

GOAL 6. ADEQUATE PROVISION OF PUBLICLY ACCESSIBLE PARKS AND RECREATION FACILITIES.

OBJECTIVES:

- 6.A. Follow recommendations of Carrboro's Recreation and Parks Comprehensive Master Plan.
- 6.B. Provide or increase incentives for developers to dedicate land or facilities for public park and recreational use.
- 6.C. Provide for neighborhood-scale community centers
- 6.D. Completing the loop - Subject to the purchase of park land by the Town, extend the proposed greenway trail link westwards from the North Community Park generally along the line currently shown in the Draft Plan as a Eubanks Road extension and then southerly to connect ultimately with a tributary of Bolin Creek. This trail and others

- closer to population centers in Carrboro should be considered for accessibility by the physically handicapped.
- 6.E. **CONNECT HOMESTEAD ROAD AT LAKE HOGAN FARMS WITH THE BOLIN CREEK GREENWAY:** Implement this connection along a drainage channel or stream bed running through several existing subdivisions, as a long term goal.
 - 6.F. **SUBSIDIARY GREENWAY TRAILS:** Require developers of new subdivisions to lay out and construct neighborhood trails through their new developments in such a way that they will connect with and extend the Town's more formal greenway network.
 - 6.G. **HORACE WILLIAMS TRACT:** The Town should aim for more than a small 10-acre park on this large tract by proactively encouraging the owner to think more creatively and to plan to accommodate all the permitted density to be situated east of the creek, where the land is actually much more suitable for development. A defacto density bonus could be offered by agreeing to calculate the density to be transferred from west of the creek to the eastern area on the basis of gross acreage on the western bank, rather than on net developable land. (A realistically drawn "Yield Plan" for the western area would probably show that its actual developability is constrained by the numerous drainage ways that dissect it.)
 - 6.H. **EXPERIMENTAL TRAILS:** New trails should be designated as "experimental" with a defined period for evaluation and abandonment, in situations where abutters register concern about litter, vandalism and privacy loss.

GOAL 7. CONTINUATION OF CARRBORO'S SMALL-TOWN CHARACTER AND PRESERVATION OF ITS EXISTING NEIGHBORHOODS.

OBJECTIVES:

- 7.A. Limit potential traffic, noise, lighting, and aesthetic impacts of new development on existing neighborhoods.
- 7.B. Through the encouragement of cluster development and village-scale development, foster the creation of new pedestrian-scaled neighborhoods to enhance the variety and character of Carrboro's neighborhoods.

GOAL 8. A PEDESTRIAN-SCALE COMMUNITY.

OBJECTIVES:

- 8.A. Require cluster and traditional-style village development.
- 8.B. Provide for adequate commercial space such that citizens are able to conduct commercial transactions within walking distance of their homes.
- 8.C. Provide adequate walkways, sidewalks, and pedestrian networks to enable people to walk to nearby residences, parks, schools, and neighborhood commercial centers.

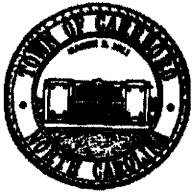
GOAL 9. CONTINUATION OF THE CHARACTER AND NATURAL BEAUTY OF THE STUDY AREA.

OBJECTIVES:

- 9.A. Implement objectives identified under Goal 3.
- 9.B. Preserve important vistas in the Study Area.
- 9.C. Implement town-wide design guidelines to ensure that new development does not degrade the aesthetic character of the Study Area.

GOAL 10. ENCOURAGE ACTIVE FARMLAND PRESERVATION.**OBJECTIVES:**

- 10.A. COUNTY COORDINATION: Work with the County to encourage the preservation of active farmland, and to limit the conversion of farmland to developed uses outside the Study Area, as a trade-off for accommodating new development within the Study Area.
- 10.B. ENCOURAGE "METRO-FARMING": Encourage the conservation of active farmland within new conservation subdivisions and elsewhere in the Study Area, with emphasis on nontraditional crops or uses (high-value vegetables, pick-your-own berries, apples) and community-supported agriculture (community gardening, wholesale nurseries, commercial stables, etc.). Metro-farming should be promoted by a special committee that would look into ways to make Use Value Assessments more common and frequently applied.
- 10.C. ENCOURAGE "LANDOWNER COMPACTS": Actively promote the concept of two or more adjoining landowners combining their properties to increase the possibility of significant conservation set aside on one parcel by shifting part or all the density to the other parcel(s), with pro-rata sharing of proceeds by the various participating landowners.
- 10.D. EXPLORE THE ROLE OF PDR'S: Recognizing the limited availability of public and private funds with which to purchase development rights from farmers, and also the relatively high cost of such purchases where farmland is zoned for densities of one or more dwelling unit(s) per acre, the Town should nevertheless explore this option as one additional way of preserving all or part of a farm within the Study Area.
- 10.E. PROPERTY TAX ASSESSMENTS: Residents who actively engage in the commercial production of livestock, crops, trees, or fruits/vegetables and are concerned that their local property taxes might rise significantly due to surrounding development activity, should consider contacting the Orange County Tax Assessor's Office to see if they can qualify for a tax value based on current use as agriculture, horticulture, or forestlands and not on the potential value according to current zoning. Property owners may also wish to consider reducing the potential use value of their property by perpetually dedicating portions or all of their property as conservation or open space easements.



TOWN OF CARRBORO

Attachment G - 1

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, APRIL 5, 2012

LAND USE MAP AMENDMENT – REZONING 38.15 ACRES OF THE PROPERTY KNOWN AS 1001 HOMESTEAD ROAD FROM R-15 AND R-20 TO R-10/B-3 PLANNED UNIT DEVELOPMENT

Motion was made by Bethany Chaney and seconded by Damon Seils that the Planning Board recommends that the Board of Aldermen approve the draft ordinance amending the zoning classification for approximately 38.15 acres of the property known as 1001 Homestead Road (including TMBL 7.109..17; PIN 9779-37-0343 and TMBL 7.109..16D; PIN 9779-47-6533) from R-15 and R-20 (Residential, 15,000 and 20,000 square feet per dwelling unit, respectively) to R-10/B-3 PUD (Residential, 10,000 square feet per dwelling unit and B-3, Neighborhood Business) Planned Unit Development.

VOTE: AYES (10) Matthew Barton, Bethany Chaney, David Clinton, Jessica Ferrer, Braxton Foushee, John Killeen, Heather Hunt, Susan Poulton, Adam Schaefer, and Damon Seils; NOES (0); ABSENT/EXCUSED (1) Richard Jaimeyfield; 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 amendment is reasonable and in the public interest because it is consistent with the Facilitated Small Area Plan for Carrboro's Northern Study Area, particularly, Goals 1 and 8 related to compact residential development with the provision of modest neighborhood-scale commercial and office uses in mixed use areas, and Goals 7 and 8, related to the incorporation of pedestrian-scaled community.

Motion by Seils and second by Clinton of association finding of consistency with the Facilitated Small Area Plan for Carrboro's Northern Study Area.

VOTE: AYES (Unanimous); NOES (0); ABSTENTIONS (0); ABSENT/EXCUSED (1) Richard Jaimeyfield; ABSTENTIONS (0).

The Planning Board also finds that the amendment is consistent with the Vision 2020 Plan, specifically provision:

2.52 The town should continue to require the construction of a diverse housing stock.

Motion in support of this finding was made by Damon Seils and second by Bethany Chaney.

VOTE: AYES (Unanimous); NOES (0); ABSTENTIONS (0); ABSENT/EXCUSED (1) Richard Jaimeyfield; ABSTENTIONS (0).


John P. Killeen April 9, 2012



TOWN OF CARRBORO

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

April 5, 2012

SUBJECT: Rezoning request for Claremont South property

MOTION: The Transportation Advisory Board recommends that the Board of Aldermen approve the rezoning, although we feel the commercial portion is too small to be significant. The rezoning for this property is leaving Carrboro with a development completely dependent on car travel, which will add approximately 1,000 trips per day to Homestead Road. With that said, the business zoning portion of this development does not make the development any less desirable than it was as a residential-only development, and the addition of businesses may be a start in adding other businesses along this corridor.

Moved: Perry

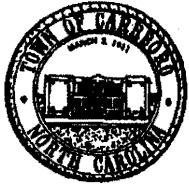
Second: Curtis

VOTE: Ayes (4): LaJeunesse, Perry, Curtis, Sieff. Nays (1): Štolka. Abstain (1): Haac.
Absent (0).

Jeff D. Blum
for

Seth LaJeunesse
TAB Chair

4 / 11 /12
DATE



301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

THURSDAY, APRIL 5, 2012

**LAND USE MAP AMENDMENT –
REZONING 38.15 ACRES OF THE PROPERTY KNOWN AS 1001 HOMESTEAD ROAD
FROM R-15 AND R-20 TO R-10/B-3 PLANNED UNIT DEVELOPMENT**

Motion was made by Geoff Gisler and seconded by Dustin Chicurel-Bayard that the EAB recommends that the Board of Aldermen approve the draft ordinance amending the zoning classification for approximately 38.15 acres of the property known as 1001 Homestead Road (including TMBL 7.109..17; PIN 9779-37-0343 and TMBL 7.109..16D; PIN 9779-47-6533) from R-15 and R-20 (Residential, 15,000 and 20,000 square feet per dwelling unit, respectively) to R-10/B-3 PUD (Residential, 10,000 square feet per dwelling unit and B-3, Neighborhood Business) Planned Unit Development.

VOTE: AYES: Gisler, Chicurel-Bayard, Morse, Sinclair

ABSENT/EXCUSED: Arnsberger, Crook, Butler

NOES: 0

ABSTENTIONS: 0

Associated Findings

By a unanimous show of hands, the EAB 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 EAB of the Town of Carrboro finds that the amendment is reasonable and in the public interest because it is consistent with the Facilitated Small Area Plan for Carrboro's Northern Study Area, particularly, Goals 1 and 8, related to compact residential development with open space and a neighborhood-scale commercial component, and Goals 5 and 6, related to the incorporation of pedestrian trails and dedications toward the Homestead Road multi-use path.

The EAB also finds that the amendment is consistent with the Vision 2020 Plan, specifically provisions:

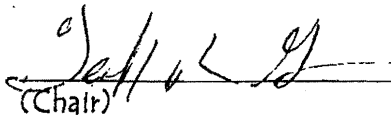
4.31 The town should fully implement its bicycle and pedestrian network plan.

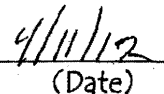
VOTE: AYES: Gisler, Chicurel-Bayard, Morse, Sinclair

ABSENT/EXCUSED: Arnsberger, Crook, Butler

NOES: 0

ABSTENTIONS: 0


(Chair)


(Date)