

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. 9/2012-13

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 Carrboro Zoning Map to rezone approximately 1.66 acres of the property located along Alabama Avenue from B-3 (Neighborhood Business) to R-10 (Residential 10,000 square feet per dwelling unit). The four tracts are more specifically known as: 0.94 acres at 100 Alabama Avenue (PIN 9778-44-9917), 0.44 acres at 101 Alabama Avenue (PIN 9778-44-7789), 0.20 acres at 105 Alabama Avenue (PIN 0778-44-7951), and 0.08 acres of land at the southeast corner of the two streets (PIN 9778-44-9718).

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

Section 1. The Board concludes that the above described amendment is consistent with *Carrboro Vision 2020*, particularly provisions 2.11 and 2.42 which speak to mitigating the adverse impacts of infill development and preserving the character of older neighborhoods.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to further its goals, related to the nature of development, to encourage economic development in a way that is compatible with existing neighborhoods.

Section 3. This resolution becomes effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S
REASONS FOR REJECTING AN AMENDMENT TO THE 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 Carrboro Zoning Map to rezone approximately 1.66 acres of property along Alabama Avenue from B-3 (Neighborhood Business) to R-10 (Residential 10,000 square feet per dwelling unit). The four tracts are more specifically known as: 0.94 acres at 100 Alabama Avenue (PIN 9778-44-9917), 0.44 acres at 101 Alabama Avenue (PIN 9778-44-7789), 0.20 acres at 105 Alabama Avenue (PIN 0778-44-7951), and 0.08 acres of land at the southeast corner of the two streets (PIN 9778-44-9718).

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 1.66 ACRES OF PROPERTY ALONG ALABAMA AVENUE
FROM B-3 TO R-10

****DRAFT****

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:

Chapel Hill Township, 100 Alabama Avenue (PIN 9778-44-9917), 101 Alabama Avenue (PIN 9778-44-7789), 105 Alabama Avenue (PIN 0778-44-7951), and a small tract of land at the southeast corner of the two streets (PIN 9778-44-9718), encompassing approximately 1.66 acres as shown on the accompanying map titled "Rezoning Exhibit B-3 to R-10," is hereby rezoned from B-3 (Neighborhood Business) to R-10 (Residential, 10,000 square feet per dwelling unit).

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

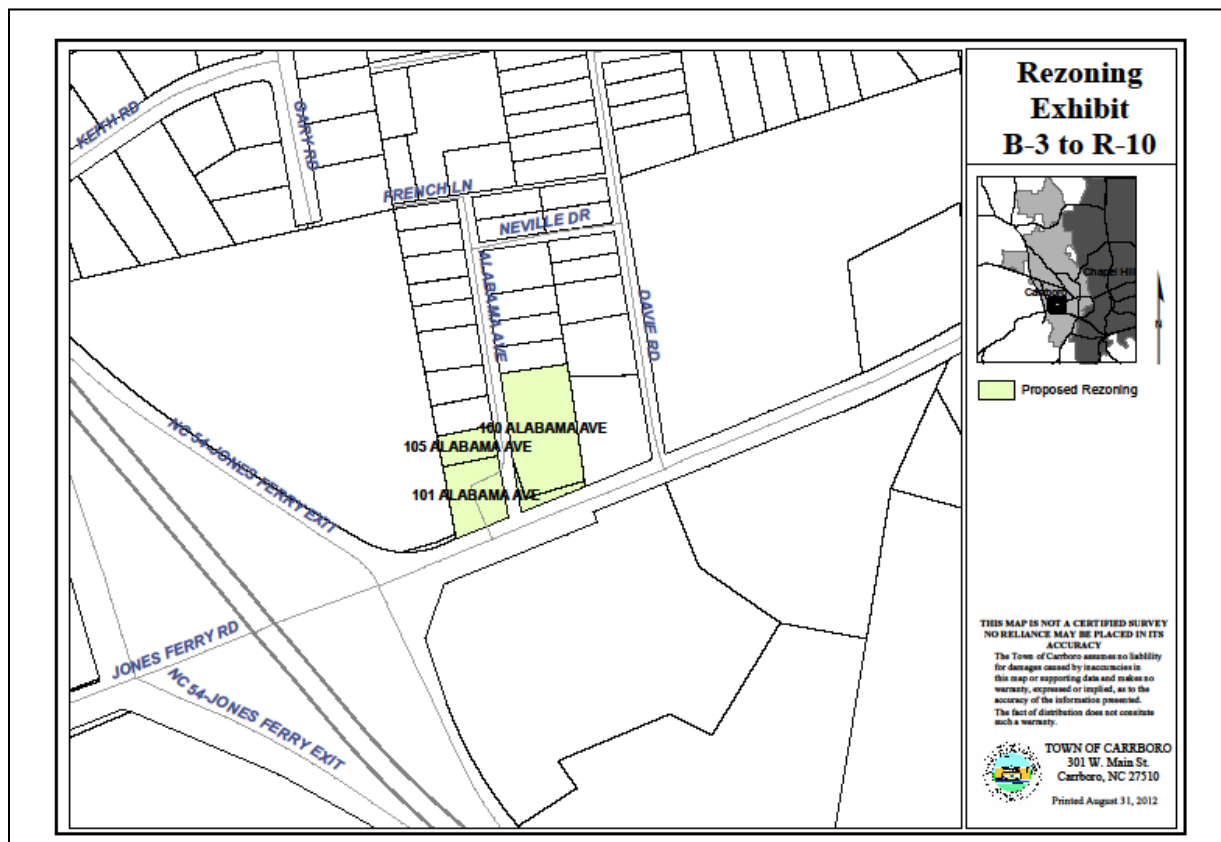
SECTION 3. This ordinance shall become effective upon adoption.

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

AYES:

NOTES:

ABSENT OR EXCUSED:





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: **September 12, 2012**

Subject: **Rezoning Proposal - approximately 1.66 acres along Alabama Avenue**

BACKGROUND

At its June 12, 2012 meeting, the Board of Aldermen set a September public hearing to receive input on a proposed amendment to the Carrboro zoning map to rezone four parcels on Alabama Avenue from B-3 (Neighborhood Business) to R-10 (Residential, 10,000 square feet per dwelling unit). These parcels include 100 Alabama Avenue, 101 Alabama Avenue, 105 Alabama Avenue, and a small L-shaped tract located along the southeast corner of Alabama Avenue and Jones Ferry Road.

On May 16, 2012, the Town of Carrboro Board of Adjustment considered an application from Stronach Properties, Inc. for a special use permit (SUP) to locate a Family Dollar store at 100 Alabama Avenue, an approximately 0.94-acre tract at the northern corner of the intersection of Alabama Avenue and Jones Ferry Road. The public hearing for the SUP and the associated request for a variance continued for three separate meetings due, in part, to the number of interested parties who wished to provide testimony. The Board of Adjustment denied the request for a variance, based on its findings that the applicants did not demonstrate an inability to make any reasonable use of the property, (LUO Section 15-92 (b)(1)). Stronach Properties subsequently withdrew the SUP application.

The Planning Board, in its review of the SUP, and in a separate recommendation, asked the Board of Aldermen to evaluate if the B-3 zoning classification was still appropriate for the site, and cited provisions from Carrboro Vision 2020 to support the inquiry. The Board of Aldermen subsequently initiated the rezoning process for these four parcels, shown in Figure 1, below.

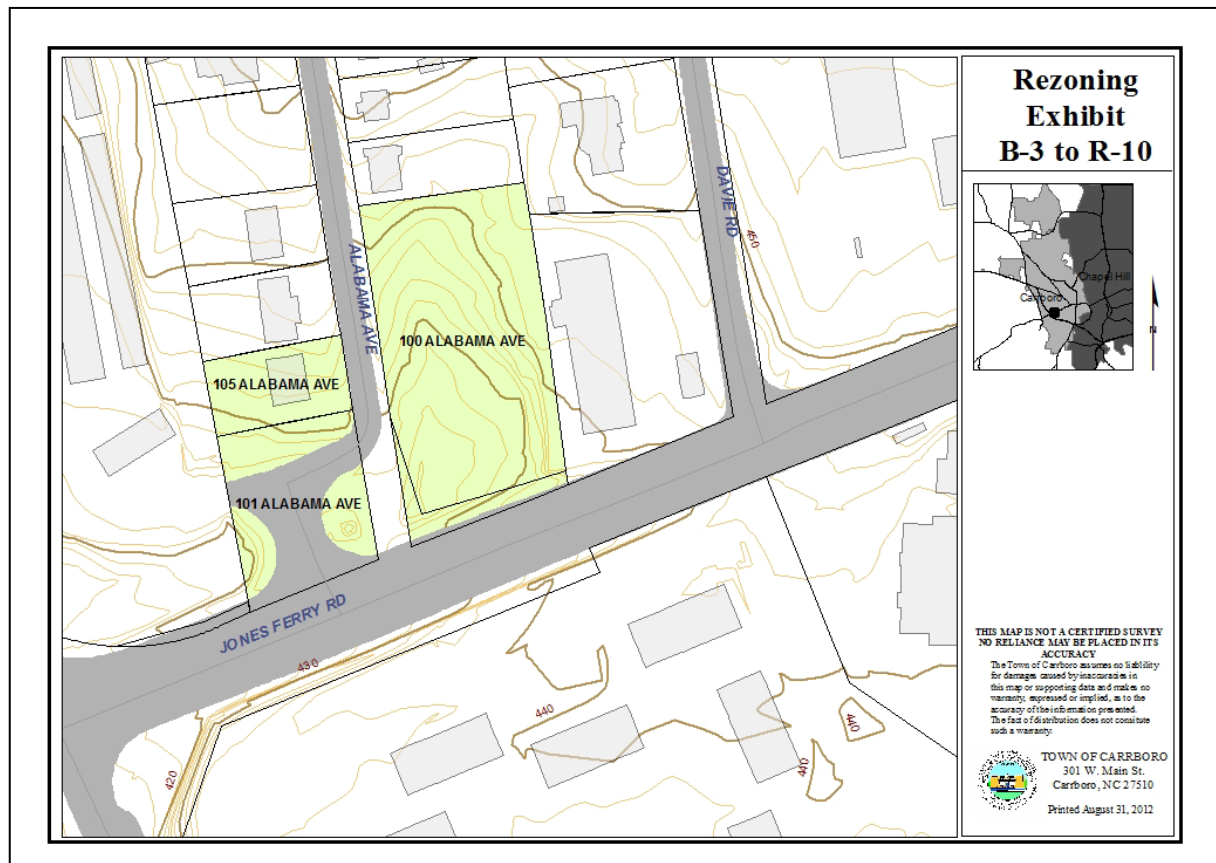


Figure 1. Location map showing subject properties shaded in green.

OVERVIEW

Section 15-320 of the Land Use Ordinance (LUO) separates zoning map amendments into two categories--major and minor. This particular request involves fewer than five parcels of land and less than fifty acres overall. Per subsection 15-320 (b) the rezoning request is classified as a “minor map amendment.”

The proposed amendment would change the current zoning district status of four tracts encompassing approximately 1.66 acres from B-3 (Neighborhood Business) to R-10 (Residential 10,000 square feet per dwelling unit). While some residential use is currently allowed in the B-3 district and some non-residential use is allowed in the R-10 district, the proposed rezoning, if approved, would shift the range of permitted uses for those four lots to land uses that are mostly residential in character. The change to R-10 would also decrease the possible density from 7,500 square feet per dwelling unit, as permitted for B-3, to the 10,000 square feet per dwelling unit limit for R-10.

PETITIONERS/OWNERS

According to the property owner records maintained by Orange County, three landowners would be impacted by the proposed rezoning. The owners of 100 Alabama Avenue are listed as Clyde Neville, III et. al and Jacqueline Roberts. (Four family members have asked to be included on correspondence: Christopher Neville, Linda Anderson, Clyde Neville Jr., and Jaqueline Roberts.) 101 Alabama and the small L-shaped parcel at the corner of Alabama Avenue and Jones Ferry are owned by the North Carolina Department of Transportation (NCDOT). The owner of 105 Alabama Avenue is listed as Phyllis C. Bland.

DESCRIPTION OF THE AREA

The subject properties shown in Figures 2. and 3. (below), are located at intersection of Alabama Avenue and Jones Ferry Road. The two NCDOT parcels 101 Alabama Avenue (PIN 0778-44-7951) and the L-shaped tract (PIN 9778-44-9718) were purchased as part of right of way acquisition in the late 1980s. The surrounding area includes the Kangaroo/Laundromat complex which faces Davie Road but backs up to the 100 Alabama Avenue site, and the residential Alabama Avenue neighborhood to the north, consisting of modest homes dating to the 1950s and 1960s. The Morning Star Storage facility is located to the west of the Alabama Avenue community, and further west Jones Ferry Road intersects with NC 54. The Abby Court condominium/apartment complex is located on the other side (south) side of Jones Ferry Road and the Ridgewood Apartments are located on the other side (east side) of Davie Road, along Jones Ferry Road.

Currently five parcels located along Jones Ferry Road in the vicinity of Davie Road and Alabama Avenue are zoned B-3 (Neighborhood Business). Two of the five parcels (PIN 9778-54-0975) are developed. The property at the corner of Jones Ferry and Davie roads, contains the one-story building with three businesses, 500, 506 and 508 Jones Ferry Road—a gas station with convenience store, a Laundromat and a restaurant. This property is not part of the proposed rezoning. The remaining four parcels, 100, 101 and 105 Alabama and the small L-shaped tract located at the corner of Jones Ferry and Alabama Avenue are included in the rezoning proposal. 105 Alabama Avenue contains a single-family dwelling; the remaining three parcels are undeveloped. NCDOT staff indicated that NCDOT does not consider the two parcels acquired as part of the right of way acquisition developable. 101 Alabama contains the realigned roadway and is, for the most part, covered in asphalt. The small L-shaped parcel, which includes a narrow strip of land along Alabama Avenue and along Jones Ferry contains less than 3,500 square feet.

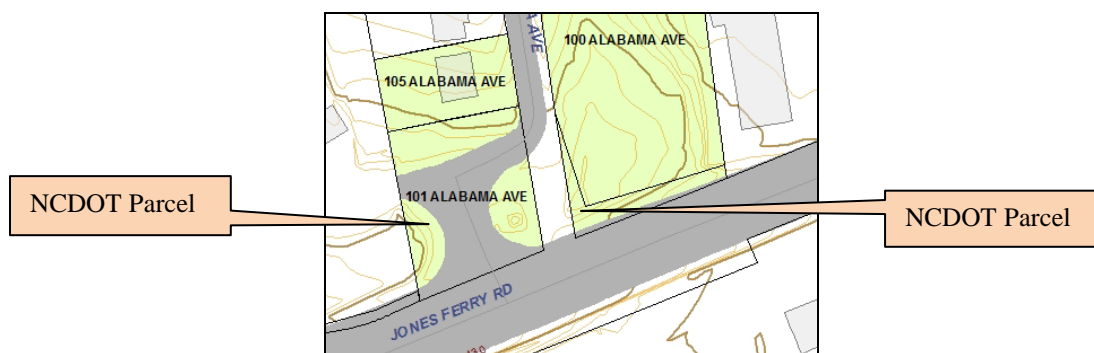


Figure 2. NCDOT Parcels

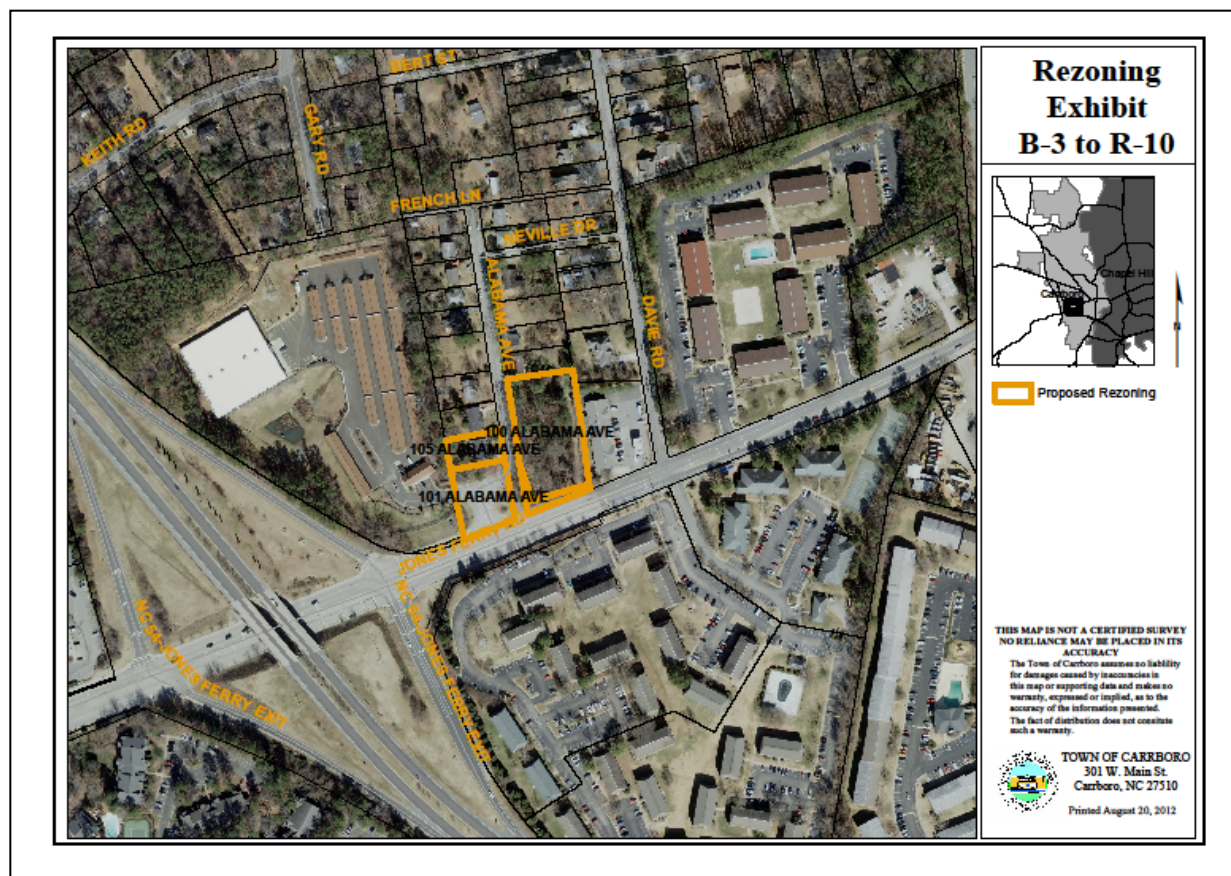


Figure 3. Aerial view of subject area with parceled outlined in orange.

COMPARISON OF ZONES

Business District. The B-3 (Neighborhood Business) zoning district is described in the LUO as “a district designed to accommodate commercial needs arising at the neighborhood level and which are more appropriately dealt with at that level than at the community level. Neighborhood businesses include grocery stores, branch banks, gas sales, and the like. 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 districts lies within one-half mile in any direction.” Residential uses are permitted in the B-3 with a minimum lot size/required density of 7,500 square feet per dwelling unit.

Residential District. R-10 is a residential district with a minimum lot size/density requirement of 10,000 square feet per dwelling unit. The proposed map amendment is for a general rezoning. All of the uses allowed in the R-10 zoning category would be allowed, subject to the appropriate land use permit (zoning permit, special use permit or conditional use permit). Permitted uses in the R-10 district include a range of residential activities, civic, community, recreational, utility uses, and day cares. A comparison of permitted uses in the two zoning districts is summarized in Table 4. below.

General Use Category	Number of Uses Permitted in B-3 District	Number of Uses Permitted in R-10 District	Change in Uses Permitted
Residential (1.000)	21	26	+5
Sales and Rental of Goods (2.000)	5	0	-5
Office, Clerical, Research (3.000)	6	0	-6
Educational, Cultural, Religious, Philanthropic, Social (5.000)	2	3	+1
Recreation (6.000)	2	4	+2
Institutional Residence or Care of Confinement Facilities (7.000)	0	0	0
Restaurant, Bar, Nightclub (8.000)	0	0	0
Motor Vehicle-related (9.000)	1	0	-1
Storage and Parking (10.000)	0	0	0
Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards (11.000)	0	0	0
Services and Enterprises Related to Animals (12.000)	0	0	0
Emergency Services (13.000)	4	4	0
Agricultural, Silvicultural, Mining, Quarrying (14.000)	0	3	+3
Public/Semi-public Utility Facilities (15.000)	4	1	-3
Dry Cleaner, Laundromat (16.000)	2	0	-2
Utility Facilities (17.000)	3	2	+1
Towers and Related Structures (18.000)	3	2	-1
Open Air Markets, Horticultural Sales (19.000)	3	0	-3
Funeral Home (20.000)	0	0	0
Cemetery (21.000)	1	1	0
Day Care (22.000)	4	4	0
Temporary Structure or Parking (23.000)	1	1	0
Commercial Greenhouses (25.000)	0	0	0
Subdivisions (26.000)	2	2	0
Combination Uses (27.000)	1	1	0
Planned Unit Developments (28.000)	1	1	0*
Special Events (29.000)	1	1	0
Planned Industrial Development(30.000)	0	0	0*
Off-Premises Signs (31.000)	0	0	0
Village Mixed Use (32.000)	0	0	0*
Office/Assembly Planned Development (33.000)	0	0	0*
Temporary Lodging (34.000)	0	1	+1

Table 4. Comparison of the Number of Uses, by General Category, in Existing and Proposed Zoning Districts.

* Permissible only in Planned Unit Development District, Planned Industrial Development, Village Mixed Use District, or Office/Assembly Planned Development (respectively) and subject to a conditional use permit.

Density and Dimensional Regulations. A comparison of the density and dimensional requirements between the existing and proposed zoning districts provides a sense of the potential development impact on adjacent properties, should the zoning change occur. The requirements

are presented in Table 5, below. Please note, there is no minimum lot size for non-residential uses in the B-3 zoning category.

	Existing Zoning – B-3	Requested Zoning – R-10
Density	7,500 per dwelling unit	10,000 per dwelling unit
Yield Per Acre	~5 dwelling units	~4 dwelling units
Height	28 feet	35 feet
Setbacks	15/7.5 r/w; 15 lot boundary	25/12.5 r/w; 12 lot boundary

Table 5. Comparison of Density and Dimensional Requirements in Existing and Requested Zoning Districts.

IMPACT OF REZONING & ASSESSED VALUE

If adopted, the rezoning would shift the character of future development from neighborhood business to residential. Some residential uses are currently permitted in the B-3 district. The proposed R-10 zoning classification would decrease the potential residential density from one dwelling house per 7,500 square feet of lot area to one dwelling unit per 10,000 square feet of lot area. The proposed zoning classification change would also increase the required lot setbacks—the distance between any buildings and the property boundary or right-of-way boundary. The maximum building height limit, however, would increase under the R-10 zoning classification from 28 feet to 35 feet. Table 6., below lists the parcels in the vicinity of the subject properties, along with their size in square feet, and their land values as listed on Orange County GIS's records. Developed parcels are shaded.

Zoning District	Address	PIN #	Parcel Size (Square Feet)	Land Value per Square Foot	Total Land Value
B-3	500 Jones Ferry	9778-54-0975	30,492.00	\$9.51	\$290,076
B-3	100 Alabama	9778-44-9917	40,946.40	\$5.73	\$234,484
B-3	101 Alabama	9778-44-7789	19,166.40	\$2.03	\$38,860
B-3	105 Alabama	9778-44-7951	8,712.00	\$7.66	\$66,738
B-3	No address	9778-44-9718	3,484.8	\$0	\$0
R-10	107 Alabama	9778-44-7937	8,712.00	\$7.12	\$62,033
R-10	109 Alabama	9778-45-7026	9,147.60	\$7.47	\$68,303
R-10	110 Alabama	9778-45-9103	8,712.00	\$6.78	\$59,029
R-10	111 Alabama	9778-45-7114	12,196.80	\$5.14	\$62,656
R-10	112 Alabama	9778-45-8198	8,712.00	\$6.77	\$59,000
R-10	113 Alabama	9778-45-6292	7,840.80	\$7.30	\$57,226
R-10	114 Alabama	9778-45-8274	9,147.60	\$6.45	\$59,000
R-10	115 Alabama	9778-45-6287	6,534.00	\$7.70	\$50,317
R-10	116 Alabama	9778-45-8361	14,810.40	\$5.07	\$75,100
R-10	117 Alabama	9778-45-5322	8,276.40	\$7.70	\$63,708
R-10	200 Alabama	9778-45-8452	7,405.20	\$7.06	\$52,264
R-10	201 Alabama	9778-45-5349	8,276.40	\$7.13	\$59,030
R-10	202 Alabama	9778-45-8446	7,840.80	\$6.67	\$52,264
R-10	203 Alabama	9778-45-6454	6,969.60	\$7.34	\$51,136

Table 6. Comparison of the Land Values Based on Zoning and Tract Size.

CONSIDERATIONS

Land Values Comparison

The land values within the community fall within a narrow range, particularly for parcels that are not yet developed, suggesting that property owners can benefit from noncommercial development with a reasonable expectation of return. The average land value per square foot is \$6.35. The L-shaped NCDOT property is listed as having no value, which skews the statistical analysis, but the mean is about \$5.07, the mode is \$7.70.

Assess

As a result of NCDOT's reconfiguration of the intersection, the site no longer has direct driveway access from Jones Ferry Road. Access from Jones Ferry would keep commercial vehicular traffic out of the residential neighborhood further down Alabama Avenue. 101 Alabama was also substantially reconfigured by the NCDOT realignment in that it now contains the roadway into Alabama Avenue from Jones Ferry.

Zoning Map Configuration

Should the Board decide to rezone 100 Alabama Avenue it makes sense to consider rezoning the remaining undeveloped parcels in the B-3 zoning district to R-10 from a zoning map perspective, since 100 Alabama is situated in the middle of the B-3 cluster.

Environmental Constraints

The presence of stormwater drainage ways and stream/stream buffer segments are significant features that may hinder the site from certain development choices.

Consistency with Adopted Policies

Section 15-322 of the LUO outlines the role of advisory boards to comment on proposed zoning map amendments, and directs the boards to provide written recommendations to the Board of Aldermen that addresses plan consistency and other matters deemed appropriate. The Planning Board reviewed the rezoning proposal at its September meetings and found the amendment to be consistent with adopted Town policies, specifically provisions 2.11 and 2.42 in *Carrboro Vision 2020*, which speak to mitigating the adverse impacts of infill development and preserving the character of older neighborhoods. The full text of the referenced policies is included in the Planning Board's recommendations (*Attachment E*).

When considering a map amendment, the principal question before the Town is whether the rezoning advances the public health, safety, or welfare (Section 15-325). The proposed amendment is for a general rezoning; the Board shall consider if the entire range of permitted uses allowed in the new zoning classification is more appropriate than the range of uses in the existing classification. Section 15-324 of the LUO requires that the Board adopt a statement describing the consistency of the amendment with an officially adopted plan and explaining why the action is reasonable and in the public interest. To assist with the Board's deliberations, the following LUO excerpts are attached below: sections from Article IX, Zoning Districts and

Zoning Map, which define the existing and proposed zoning classifications and sections from Article XX, Amendments, which describe the amendment process in more detail.

Action Options

Resolutions for the Board's consideration are included as *Attachment B*. The Board may choose to adopt the zoning map amendment and change the zoning status of the subject area from B-3 to R-10. The Board may choose to reject the zoning map amendment leave the four parcels in their existing zoning district. The Board may also choose some other course of action.

ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-135 Residential Districts Established.

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. **(AMENDED 5/12/81; 12/7/83; 2/4/86)**

(b) The WR (watershed residential) district is also established. All land within this district is located within the University Lake Watershed, and while this district is designed to achieve the objectives identified in subsection (a), it is also intended to protect the community water supply by allowing residential development of the land within the University Lake Watershed only at reduced density levels. **(AMENDED 12/7/83; 05/15/90)**

(c) The R-R (rural residential) district is designed to accommodate the residential and related uses as well as several additional uses that would be appropriate in the more sparsely populated areas of the town's joint planning transition area or extraterritorial planning area, but that would be inappropriate within the more intensively developed residential zones. **(AMENDED 11/14/88)**

(d) The R-S.I.R. (suitable for intensive residential) zone is designed (i) to encourage high density residential development that is compatible with the housing element of the town's Comprehensive Land Use Plan, and (ii) to locate this high density development in areas most suitable for it, thereby reducing pressure for growth in less desirable locations and reducing urban sprawl. Land in this zone is deemed especially suitable for intensive residential development because of (i) the availability of police, fire, and sanitation service at low marginal cost due to existing service patterns, (ii) the availability of public water and sewer service, (iii) the ample road system serving the area, (iv) the compatibility of existing development in the area with high density residential development, and (v) the compatibility of high density residential development with environmental concerns, especially water quality. Developers are encouraged to construct housing that is consistent with the town's housing objectives through density bonuses, as set forth in Section 15-182.1.

(e) The R-S.I.R.-2 zoning district is designed to serve essentially the same purposes as the R-S.I.R. zone, but the maximum density allowed in the R-S.I.R.-2 district is less than that permitted in the R-S.I.R. district (see Section 15-182.1). Except as otherwise specifically provided in this chapter, all regulations and standards applicable to the R-S.I.R. district are also applicable to the R-S.I.R.-2 district. **(AMENDED 11/10/81)**

(f) **REPEALED 12/7/83**

Section 15-135.1 Conservation District (AMENDED 12/7/83).

There is hereby established a conservation (C) district. The purpose of this district is to protect the public health, safety, and welfare by severely restricting development within and adjacent to certain lakes, ponds, watercourses, streams, creeks, drainage areas, floodplains, wetlands, and other flood-prone areas within the University Lake Watershed. The limited development allowed within a conservation district not only minimizes the danger to the community water supply from the more intensive development of this land but also allows this land to act as a natural buffer between more intensively developed areas and the watercourses contained within a conservation district. (AMENDED 12/7/83)

Section 15-136 Commercial Districts Established (AMENDED 02/4/86; 05/28/02).

The districts described below are hereby created to accomplish the purposes and serve the objectives indicated:

- (1) **B-1(C) TOWN CENTER BUSINESS.** This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user. (AMENDED 06/09/98)
- (2) **B-1(G) GENERAL BUSINESS.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. (AMENDED 12/08/92; 06/09/98; 06/20/06)
- (2.1) **(EAT) RESTAURANT DISTRICT OVERLAY.** This overlay district is designed to accommodate on-premises (inside and outside) dining 8.100 and 8.200 restaurant uses in the B-1(g) General Business district. Because of the B-1(g) district's close proximity to established residential single-family neighborhoods, the EAT overlay is restricted to properties a minimum distance of one property width from abutting residential zones and is limited in the types of night uses permitted. In addition, emphasis is given to the existing restrictions in the B-1(g) district and the ability of the permit-issuing authority to limit hours of operation where such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. Use of property within the overlay district for 8.100 and 8.200 purposes shall require the issuance of a conditional use permit. (AMENDED 03/21/95)
- (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.
 - (7) **CT CORPORATE TOWN.** This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. The continued use of existing residential dwelling units along North Greensboro Street is encouraged. **(AMENDED 06/20/06).**
 - (8) **B-3-T TRANSITION AREA BUSINESS.** This district is designed to accommodate commercial needs arising in the town's more rural neighborhoods, especially in the joint planning transition areas, and which are more appropriately dealt with at the neighborhood level than at a community or regional level. To insure compatibility between B-3-T areas

and their associated rural neighborhoods, no B-3-T district shall be greater than five acres, and no areas shall be zoned B-3-T if any portion of a pre-existing business district lies within one-half mile in any direction. (**AMENDED 11/14/88**)

- (9) **O OFFICE.** This district is intended to provide locations for low intensity office and institutional uses. This district is designed for parcels three (3) acres or less in size. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use. In order to assure compatibility of residential conversions or new office construction with existing and future residential development, specific performance measures to mitigate negative impacts of office development will be required. Any development within the Office (O) district shall comply with the following requirements:
- a. Type A screening will be required between any non- residential use and adjacent properties, except for openings necessary to allow pedestrian movement between the office or institutional use and adjacent properties;
 - 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, unless doing so would adversely affect adjoining residential properties;
 - c. Whenever a new building is erected in this district, (i) the exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood, or fabricated residential lap siding made of hardboard, vinyl, or aluminum); (ii) the pitch of the roof shall have a minimum vertical rise of one foot for every five feet of horizontal run; provided that this requirement shall not apply to lots that have frontage on any street where, within the same block as the property.

ARTICLE XX

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.

(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.



TOWN OF CARRBORO

NORTH CAROLINA

September 10, 2012

RE: Rezoning of four tracts containing approximately 1.66 acres located at and adjacent to 100 Alabama Avenue, and more specifically described as: 0.94 acres of land at 100 Alabama Avenue (TMBL 7.102.H.1/PIN 9778-44-9917), 0.44 acres at 101 Alabama Avenue (TMBL 7.102.G.6/PIN 9778-44-7789), 0.20 acres at 105 Alabama Avenue (TMBL 7.102.G.7 /PIN 9778-44-7951), and 0.08 acres of land known as (TMBL 7.102.H.1A/PIN 9778-44-9718).

I, Christina R. Moon, do certify that I did cause to have mailed on September 10, 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 B-3 (Neighborhood Commercial) to R-10 (Residential, 10,000 square feet per dwelling unit).

Copies of the mailing list and mailing labels used for this purpose including the person, where applicable, or addresses to whom the notices are recorded in the Planning Department and available by request.

Christina R. Moon

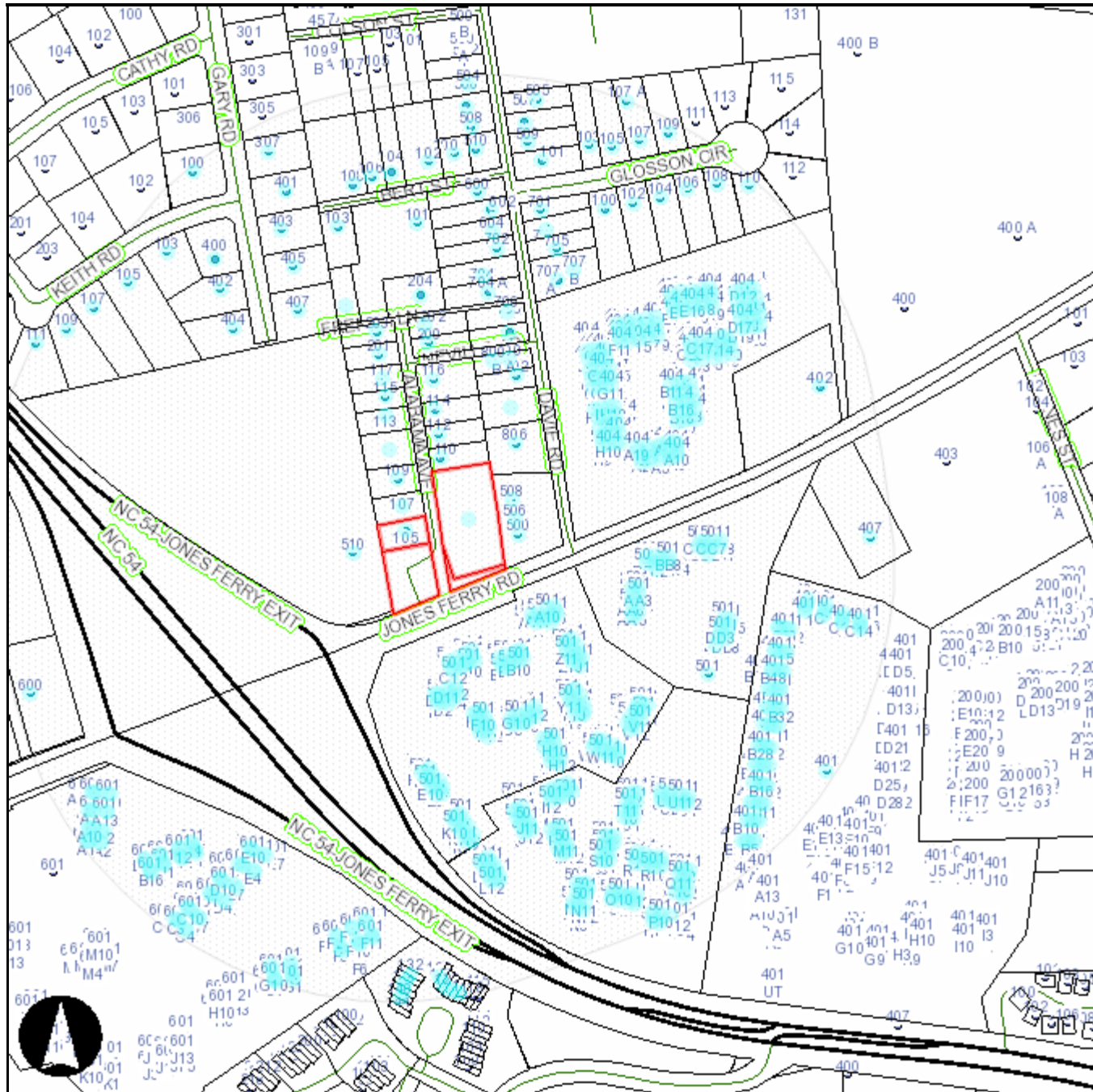
Christina R. Moon
Planning Administrator

9/10/2012



Orange County, NC GIS

Alabama Avenue Rezoning Notice - Resident 1000 feet



1 inch = 400 feet

Buffer selection in Addresses ([Table](#))

Parcel Search - [] - 4 parcels found

Conservation Easements Held By Others

Conservation Easements Held By County

Major Streets

Interstate
TocSymbol 0
NC HWY

Streets

County Boundary

Buffer: 1000 Feet on Search Results
(4)



Addresses



— US HWY
— HWY Ramps
— Main Roads

Municipal Boundary Outline



Created on 9/6/2012. Orange County, North Carolina.



TOWN OF CARRBORO PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, SEPTEMBER 20, 2012

LAND USE MAP AMENDMENT – REZONING FOUR TRACTS CONSISTING OF APPROXIMATELY 1.66 ACRES OF PROPERTY FROM B-3 TO R-10

Motion was made by Seils and seconded by Jaimeyfield that the Planning Board recommends that the Board of Aldermen approve the draft ordinance amending the zoning classification for approximately 1.66 acres of the property located along the southeast corner of Alabama Avenue and Jones Ferry Road. The four tracts are more specifically known as: 0.94 acres at 100 Alabama Avenue (PIN 9778-44-9917), 0.44 acres at 101 Alabama Avenue (PIN 9778-44-7789), 0.20 acres at 105 Alabama Avenue (PIN 0778-44-7951), and 0.08 acres of land at the southeast corner of the two streets (PIN 9778-44-9718).

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 is consistent with the *Carrboro Vision 2020*, specifically provisions:

2.11 Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas. The town should develop policies that mitigate the adverse impact of infill development, with particular consideration given to roads, sidewalks, and aesthetic compatibility. The town should develop a process to mediate disagreements between developers and residents of existing neighborhoods.

2.42 Development throughout Carrboro should be consistent with its distinctive town character. The town should adhere to policies that limit the widening of roads, encourage plantings alongside roads, preserve historic areas, buildings and older neighborhoods, and retain unspoiled green spaces and other natural areas.

Motion in support of this finding was made by Seils and seconded by Ferrer.

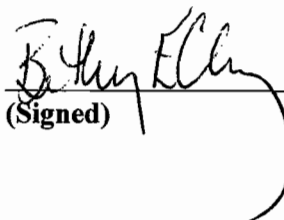
VOTE:

AYES: (9) (Barton, Chaney, Clinton, Ferrer, Foushee, Hunt, Jaimeyfield, Poulton, Seils)

ABSENT/EXCUSED: (1) Schaefer

NOES: None

ABSTENTIONS: None


(Signed)

9/20/2012
(Date)