



AGENDA

Environmental Advisory Board

February 1, 2024; 7:30 pm Zoom Virtual Meeting*

Time	Item	Presenter
7:30 pm	Joint Review	Applicant, Staff
8:30 pm	<u>Call to Order, Announcements</u> Approve 02/21/22 Minutes	All
8:35 pm	<u>Action Items</u> Elect Chair for EAB	All
8:40 pm	Approval of 2024 Meetings Calendar	Chair, All
8:45 pm	Proposed Conditional Rezoning to R-2-CZ & Associated Text Amendments for 1307 West Main Street	Chair, All
9:30 pm	Announcements, Adjourn	Chair, All

*The Environmental Advisory Board will attend Joint Review Meeting and meet separately afterwards.

To join the EAB meeting following the Joint Review, use the following link and meeting information:

EAB Meeting

Join Zoom Meeting

<https://townofcarrboro.zoom.us/j/88230501594?pwd=98mU1wnKbXYobvcGWjAtrFWAwKm54q.1>

Meeting ID: 882 3050 1594

Passcode: 001853

One tap mobile
+13017158592,,88230501594# US (Washington DC)
+13052241968,,88230501594# US

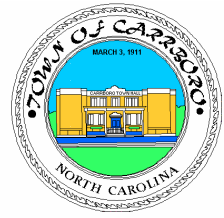
Meeting ID: 882 3050 1594

Find your local number: <https://townofcarrboro.zoom.us/j/kck8z5LXgQ>

If you have any questions, please email Chukwuemeka Kanu-Oji at ckanu-oji@carrboronc.gov. If you wish to make public comment during Joint Review, at the time of the public comment, the staff person will be able to allow speakers to remotely enter the meeting one-by-one to comment. Please send any written statement or materials to the same email provided above. All written statements and materials will be forwarded to the advisory board members

TOWN HALL IS ACCESSIBLE FOR PERSONS WITH DISABILITIES. For more information, contact Chukwuemeka Kanu-Oji at (919) 918-7330.

TOWN OF CARRBORO
ENVIRONMENTAL ADVISORY BOARD – SUMMARY



Meeting on February 21, 2022, 7:00 pm

Board Members	Town Council Liaison	Staff
María Julia Echart		Laura Janway
Namdi Brandon		
Alfonso Blanco		

Note: Absent/Excused:

Call to Order, Announcements

Meeting convened via videoconference at 7:05 pm.

Approve 1/6/22 Minutes

The motion to approve the 1/6/22 minutes was made by Blanco and seconded by Brandon, with all members voting in favor. AYES: (3) Blanco, Brandon, Echart.

Action Items

Prepare Comments for Concept plan review for ArtsCenter at 400 Roberson Street

Recommendations included the following:

- Transportation
 - Ensure adequate bike parking
 - Provide charging stations for electric bicycles
 - If EV charging stations are not required by the LUO, we recommend that you include them and meet the ordinance requirements.
- Solar
 - Recommend installing solar panels on the roof
- Waste/Recycling
 - Ensure you have a good system in place for recycling and composting
 - We recommend reducing single-use plastics used in any food preparation or storage areas
- Water
 - Consider reducing water usage by installing automatic water sensors on faucets and toilets
 - Consider installing a grey water system where water is reused on-site
 - Consider installing rain barrels for landscaping
- Please use native plants for landscaping
- Ensure building meets ADA accessibility standards
- Minimize light pollution on-site
- Consider updating the air conditioning system with one that would purify and filter air

-
- Consider improving the energy efficiency of the building by increasing the thermal lag and improving the insulation

Motion was made by Echart and seconded by Brandon to approve the recommendations. All members voted in favor. AYES: (3) Echart, Blanco, Brandon.

Adjourn

The motion to adjourn was made by Brandon and seconded by Blanco, with all members voting in favor. AYES: (3) Blanco, Echart, Brandon. The meeting was adjourned at 7:55 pm.

DRAFT

Draft EAB 2024 Meetings Calendar

2024

January

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
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28	29	30	31			

February

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March

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Advisory Boards

ITEM NO. _____

AGENDA ITEM ABSTRACT

MEETING DATE: February 1, 2024

TITLE: Proposed Rezoning for Property at 1307 West Main Street and Associated Text Amendments

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO _X_
ATTACHMENTS: A-1 Recommendation Template for Text Amendment A-2 Recommendation Template for Rezoning B-1 Draft Text Amendment B-2 Draft Ordinance for Rezoning C. Vicinity Map D. Staff Report E. Text Amendment Application F. Petition for Change in Zoning& Project Narrative G. Rezoning Exhibit - Illustrative Site Plan & Building Elevations H. LUO Excerpts	Tina Moon – 918-7325 Patricia McGuire – 918-7327

PURPOSE

The Town has received a petition to rezone property at 1307 West Main Street from B-3 to R-2-CZ, the existing B-3 district at 1307 West Main Street. The application includes a request to a text amendment to allow the building height in the R-2-CZ district to be increased to a maximum height of 65 feet. The Town Council has set two public hearings for Tuesday, February 27, 2024, to consider these requests. Advisory board review has been requested prior to the public hearing.

INFORMATION

Tempo Investco, LLC, has submitted a petition to rezone the 1.16-acre property at 1307 West Main Street from B-3 (Neighborhood Business, 7,500 square feet per dwelling unit) to R-2-CZ (Residential, 2,000 square feet per dwelling unit) for the purpose of constructing a multifamily residential development. The proposal is for 34 residential units including a combination of 1-bedroom, 2-bedroom units and 3-bedroom units along with shared common space on the upper story. The site is currently undeveloped. A vicinity map has been provided (*Attachment C*).

Materials submitted by the applicant (*Attachments E, F and G*) include the application for the text amendment, the formal petition for change of zoning, illustrative site plan and building plans. The Board of Adjustment approved a variance to allow encroachment into and placement of fill within the Special Flood Hazard Area (SFHA) along the eastern portion of the property, as noted on the site plan. (Agenda materials relating to the variance may be found here: <https://www.carrboronc.gov/AgendaCenter/ViewFile/Agenda/09132023-4322>).

The applicants have also submitted a text amendment request to allow an increase in the maximum building height in the district from 50 feet to 65 feet to accommodate a five-story building. A draft text amendment has been prepared, that if approved, would allow the height increase subject to certain criteria (Attachment B-1). A draft rezoning ordinance has also been prepared (Attachment B-2). Draft rezoning ordinance has also been prepared and includes draft conditions; it is anticipated that these may be further refined during advisory board review and the public hearing process.

Public hearings have been set for February 27th. The consideration of an amendment (text and map) is a legislative decision. The Town Council must receive public comments before taking action on the requests. Planning Board review is also needed, and the Affordable Housing Advisory Commission, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board and Stormwater Advisory Commission have been asked to review the item based on their expertise.

STAFF RECOMMENDATION

Staff recommends that advisory boards review the draft ordinances and adopt recommendations for inclusion in the public hearing materials for February 27, 2024. Recommendations templates have been provided for the boards to use:

- Attachment A-1 for the text amendment.
- Attachment A-2 for the rezoning. Staff also recommends that advisory boards review the draft ordinance amending the zoning map (Attachment B-2). Suggestions for additional or modified conditions, may be added to the recommendation template.

TOWN OF CARRBORO



301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, FEBRUARY 1, 2024

Land Use Ordinance Text Amendment to Increase the Building Height Limit for Multi-family Buildings in the R-2-C-Z District

Motion was made by _____ and seconded by _____ that the _____ recommends that the Town Council _____ the draft ordinance.

VOTE:

AYES: ()

NOES: ()

ABSTENTIONS: ()

ABSENT/EXCUSED: ()

Associated Findings

By a unanimous show of hands, the _____ membership indicated that no members have any direct, substantial and/or readily identifiable financial impact relating to the development regulation under consideration that would pose a conflict of interest.

Motion was made by _____ and seconded by _____ that the _____ of the Town of Carrboro finds the proposed text amendment _____ consistent with the Town of Carrboro 2022-2042 Comprehensive Plan, particularly strategies relating to:

- Affordable Housing – adding multifamily residential to either increase the number of affordable homes for purchase and/or to provide affordable rental housing stock in high-transit areas (1.1 and 2.3).
- Climate Action – increasing the use of renewable energy, energy efficiency (1.1 and 4.2)
- Transportation & Mobility – expanding opportunities for transportation options (3.1)

Furthermore, the _____ of the Town of Carrboro finds the proposed text amendment, is reasonable and in the public interest because of the relationship between the additional building height and the site and building elements deemed to satisfy the standard.

VOTE:

AYES: ()

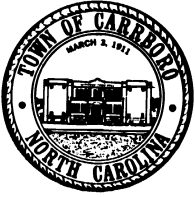
ABSENT/EXCUSED: ()

NOES: ()

ABSTENTIONS: ()

 (Chair)

 (Date)



TOWN OF CARRBORO

301 West Main Street, Carrboro, North Carolina 27510

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

FEBRUARY 1, 2024

1307 West Main Street Conditional Rezoning to R-2-CZ

Motion was made by _____ and seconded by _____ that the _____ recommends that the Town Council _____ the draft ordinance.

VOTE:

AYES: ()

NOES: ()

ABSTENTIONS: ()

ABSENT/EXCUSED: ()

Associated Findings

By a unanimous show of hands, the _____ membership indicated that no members have any financial interests, nor any close familial, business or other associational relationship to the landowner of the property subject to a rezoning petition that would pose a conflict of interest.

Motion was made by _____ and seconded by _____ that the _____ of the Town of Carrboro finds the proposed map amendment _____ consistent with the Town of Carrboro 2022-2042 Comprehensive Plan, particularly:

- Affordable Housing Strategies to either increase the number of affordable homes for purchase and/or to provide affordable rental housing stock in high-transit areas (1.1 and 2.3).
- Transportation & Mobility Strategies to encourage non-automobile use and expand opportunities for transportation options that do not rely on fossil fuel/SOVs under strategies 2.1, 3.1, & 4.2.
- Green Stormwater Infrastructure, Water & Energy, Energy strategy 1.1, to reduce greenhouse gas emissions from motor vehicle use; and .
- Land Use Strategies – to develop fifteen-minute neighborhoods and make efficient use of land, 4.1.

The _____ furthermore finds that the above-described amendment is reasonable and in the public interest because it uses a mechanism that allows rezonings to occur under very specific conditions so as to ensure compatibility with surrounding and proposed uses.

VOTE:

AYES: ()

NOES: ()

ABSTENTIONS: ()

ABSENT/EXCUSED: ()

(Chair)

(Date)

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE
R-2-CZ DISTRICT.

DRAFT 1-12-2024

THE TOWN COUNCIL OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The first sentence of Subsection 15-141.4(c) of the Carrboro Land Use Ordinance ("LUO") is amended to read:

Subject to the provisions of subsections (k), (l), (n) and (o), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the conventional use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (f) of this section.

Section 2. Section 15-141.4 is amended to add a new subsection (o) to read as follows:

(o) The Town Council, in approving a special use permit-A for a multi-family apartment building in the R-2-CZ zoning district, may allow the maximum building height to be increased to 65 feet, and/or up to 20% of the building's gross floor area to be designated for non-residential uses not otherwise permissible in the R-2-CZ district if it concludes that the development contains the following site and building elements that will create a more vibrant and successful community and provide essential public infrastructure.

- 1) At least 20% of the residential units approved in an R-2-CZ development shall meet the affordable criteria specified in Sections 15-54.1 and 15-182.4.
- 2) At least two of the following five site and building elements: enhanced stormwater management; water conservation; energy conservation; on-site energy production; and substantial transportation improvement and alternative transportation enhancement.
- 3) The increase in building height will not cast a shadow on existing buildings on adjoining or adjacent property as determined by Appendix A-6(26).

Section 3. Appendix A-6(26) is amended to read as follows:

(26) Plans showing the maximum extent to which all buildings taller than 40 feet will cast a shadow at 12 noon, on June 21st and December 21st.

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

Section 5. This ordinance shall become effective upon adoption.

AN ORDINANCE AMENDING THE CARRBORO ZONING MAP TO REZONE
APPROXIMATELY 1.16 ACRES OF PROPERTY KNOWN AS 1307 WEST MAIN
STREET FROM B-3 (RESIDENTIAL, 7,500 SQUARE FEET PER DWELLING UNIT) TO
R-2-CZ (RESIDENTIAL, 2,000 SQUARE FEET PER DWELLING UNIT, CONDITIONAL)

Draft 1-16-2024

THE TOWN COUNCIL 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 by parcel identification numbers shown below shall be rezoned as noted and subject to the following conditions:

PIN	Existing Zoning	Acreage	Proposed Zoning
9778-28-6664	B-3	1.16	R-2-CZ

1. The Concept Plan labeled “_____,” dated _____ is approved and incorporated herein to indicate all potential land uses, the general location of buildings and parking areas, vehicular and bicycle-pedestrian access points, circulation patterns, stream buffers, stormwater control areas, areas of preserved trees and other landscaped areas, and the location of proposed recreational facilities. Other features and issues remain to be decided at the time a special use permit-A is requested for the development. Those features and issues include, but are not necessarily limited to, the location of EV charging stations, bicycle parking, including covered bicycle parking, open space and recreation facilities, landscaping and tree planting plan, and stormwater management devices, and all other elements necessary to determine compliance with the Land Use Ordinance.
2. The residential density of the project shall be capped at a maximum of 40 dwelling units of a combination of use classifications, 1.331 (multi-family apartments, max 20% units > 3 bedrooms), 1.332 (multi-family apartments, no bedroom limit).
3. Construction of the building shall allow for future conversion to commercial use on the entire ground floor.
4. The development shall include alternate transportation amenities including but not limited to bike lockers and infrastructure for E-bicycle charging. The specific number and location of E-bicycle charging to be determined as part of the special use permit-A.
5. The location of stormwater management features shall comply with the variance approved by the Board of Adjustment on September 13, 2023.
6. As part of the special use permit-A, the applicant shall analyze the project’s compliance with the provisions of Article XVI, Part II, of the LUO, Stormwater Management.
7. The applicant shall replace the existing junction box and all sections of the existing 36-inch CMP pipe on the site.
8. Maintenance of stormwater facilities on the proposed site will be managed by the Homeowners’

Association in accordance with homeowners documents provided at the time that the special use permit-A is requested.

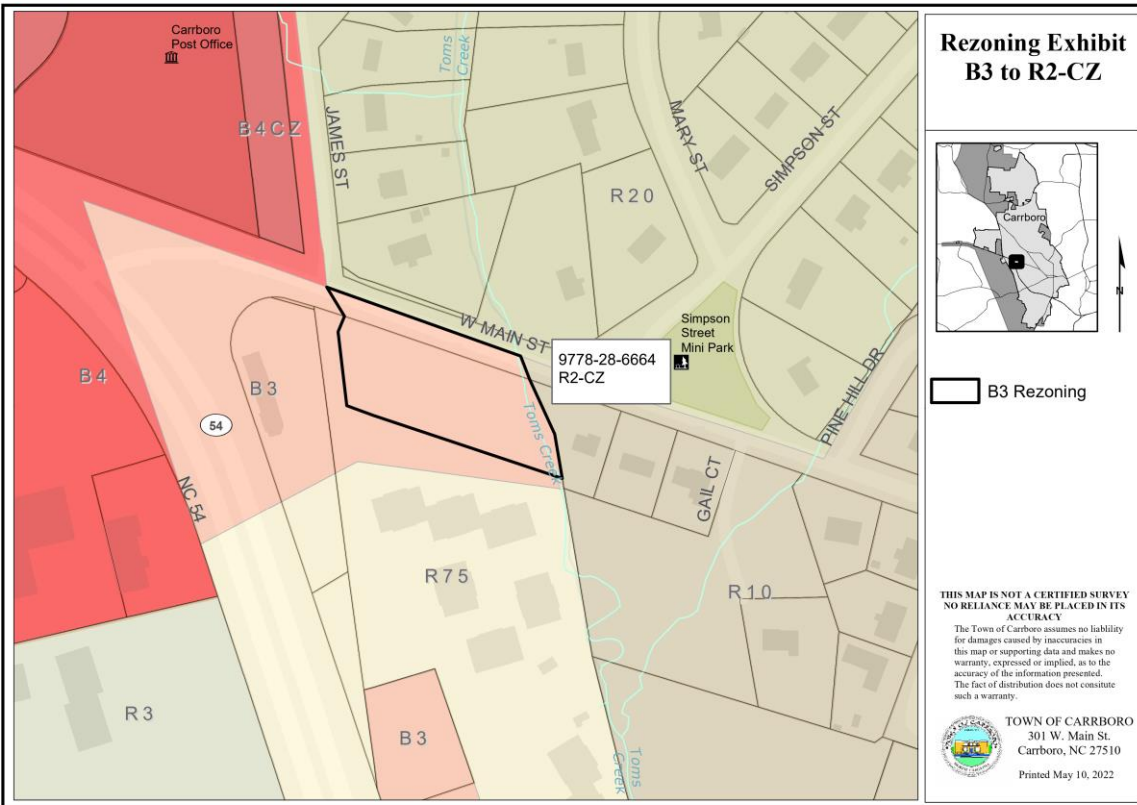
SECTION 2. This ordinance shall become effective upon adoption.

The foregoing ordinance having been submitted to a vote received the following vote and was duly adopted this ____ day of _____ 2024:

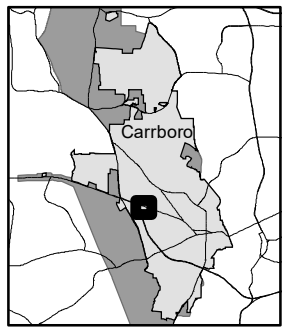
AYES:

NOTES:

ABSENT OR EXCUSED:



**Proposed
R2-CZ
Rezoning**



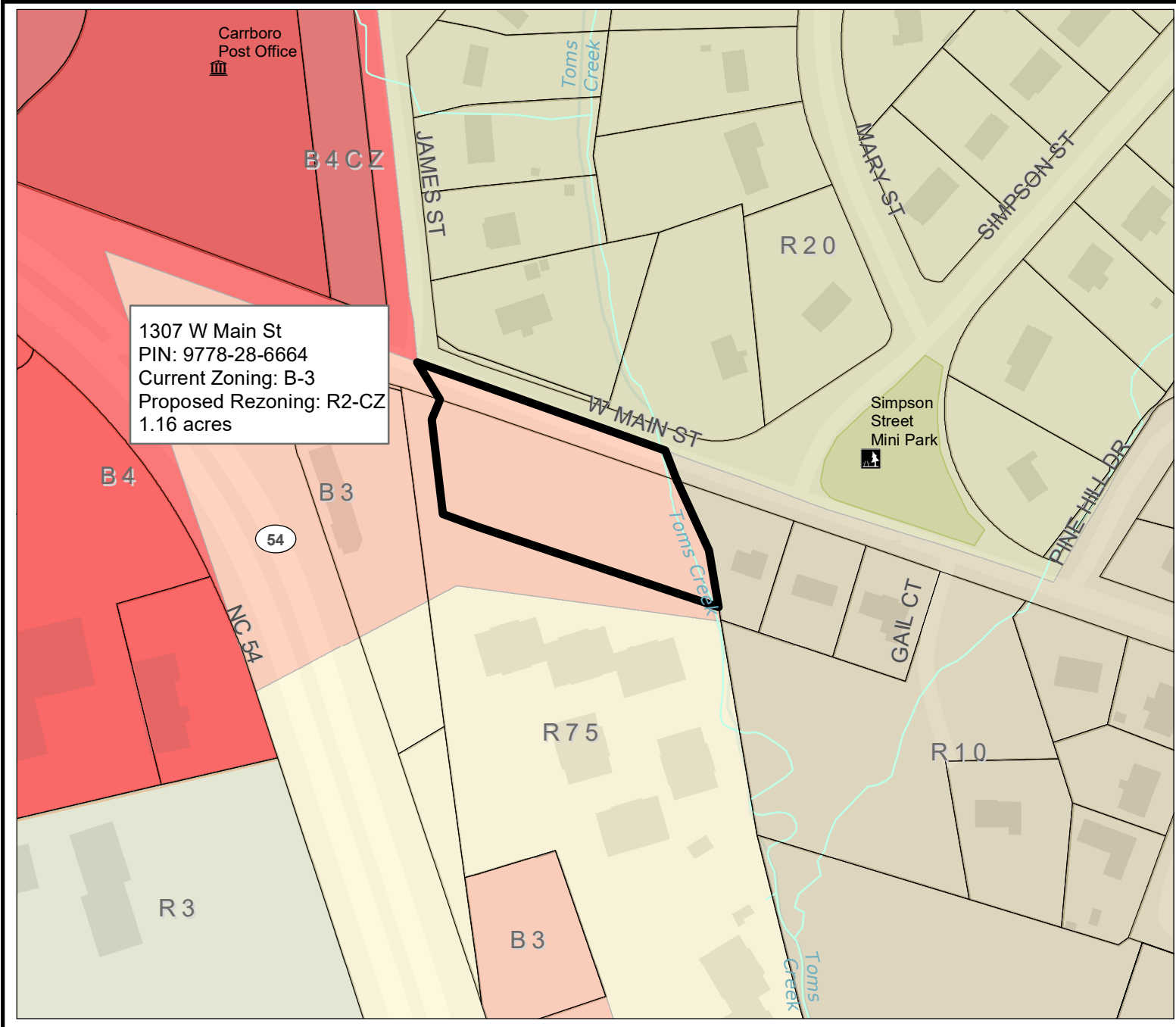
 R2CZ Rezoning

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

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



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510
Printed May 10, 2022



1307 W Main St
PIN: 9778-28-6664
Current Zoning: B-3
Proposed Rezoning: R2-CZ
1.16 acres



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☒ *HAND* ☐ *MAIL* ☒ *FAX* ☐ *EMAIL*

To: **Advisory Boards**

From: **Tina Moon, Planning Administrator**

Date: **January 26, 2024**

Subject: **Request for Map Amendment to R-2-CZ for 1307 West Main Street and Associated Text Amendment**

PROJECT DESCRIPTION/BACKGROUND

J. Allen Knight and Erik M. Lensch, owners of Tempo Investco, LLC, have submitted a petition to rezone the property at 1307 West Main Street from B-3 (Neighborhood Business, 7,500 square feet per dwelling unit) to R-2-CZ (Residential, Conditional, 2,000 square feet per dwelling unit) for the purpose of developing a multi-family residential project. The proposal involves the construction of a five-story building, approximately 48,000 sq.ft. in size, containing of a combination of 1-bedroom, 2-bedroom and 3-bedroom units along with common areas.

Advisory boards received a presentation on the proposal as part of a courtesy concept plan review in June 2021, and at that time, the project included a commercial component on the ground floor. The design program has since been revised and the commercial component removed. During the Town Council agenda item to set the public hearing, however, there was a request from the Council to include a condition as part of the rezoning that the ground level be constructed such that it could be converted to commercial use at some time in the future.

As noted in the abstract, the applicants received a variance from the Board of Adjustment on September 13, 2023, to allow for encroachment into and placement of fill within the Special Flood Hazard Area (SFHA) along the eastern portion of the property, along the edge of the parking area. The terms of the variance are referenced on the site plan and by condition in the draft rezoning ordinance.

The applicants have also requested a text amendment to allow the maximum building height in the R-2-CZ district to be increased from 50 feet to 65 feet, to accommodate the fifth story. A draft text amendment has been prepared that would provide for the Town Council to approve the additional height as part of the special use permit-A if it finds that the development includes certain site and

building elements that will create a more vibrant and successful community and provide essential public infrastructure.

A draft ordinance for the requested text amendment and a draft ordinance for the map amendment (rezoning) have been provided (*Attachments B-1 & B-2*). The rezoning ordinance includes a list of draft conditions; it is anticipated that the conditions will be further modified during the joint review and public hearing process. The final list of conditions must be mutually agreed upon by the Town and the applicant. Should the Town Council approve the text amendment and the rezoning, the applicants would follow with an application for a special use permit-A. The special use permit involves a separate public hearing process; however, the main elements of the development proposal will be determined as part of the consideration of the rezoning.

REZONING OVERVIEW

The process for amending the official Carrboro Zoning Map is described in Article XX of the Land Use Ordinance. The request would be considered a minor map amendment, in that it involves fewer than five parcels and less than fifty acres. The petition form includes four key questions for the applicant to answer: A) how is the proposed rezoning consistent with Town plans and policies, B) in what way is the subject property particularly suited for the potential uses of the new district, C) how will the purposed rezoning affect the value of nearby buildings, and D) in what way does the rezoning encourage the most appropriate use of the land?

More specific information relating to conditional zoning is discussed in Section 15-141.4, of Article IX. As part of the application to rezone property to a conditional district (Section 15-141.4(d)) the applicant must submit a list of proposed conditions which may be in the form of written statements, graphic illustrations, or any combinations thereof, to be incorporated into the ordinance that rezones the property.

PETITIONERS/OWNERS

The petitioners for the rezoning request are J. Allen Knight and Erik M. Lensch of Tempo Investco, LLC. Mr. Knight has also applied for the text amendments on behalf of Investco.

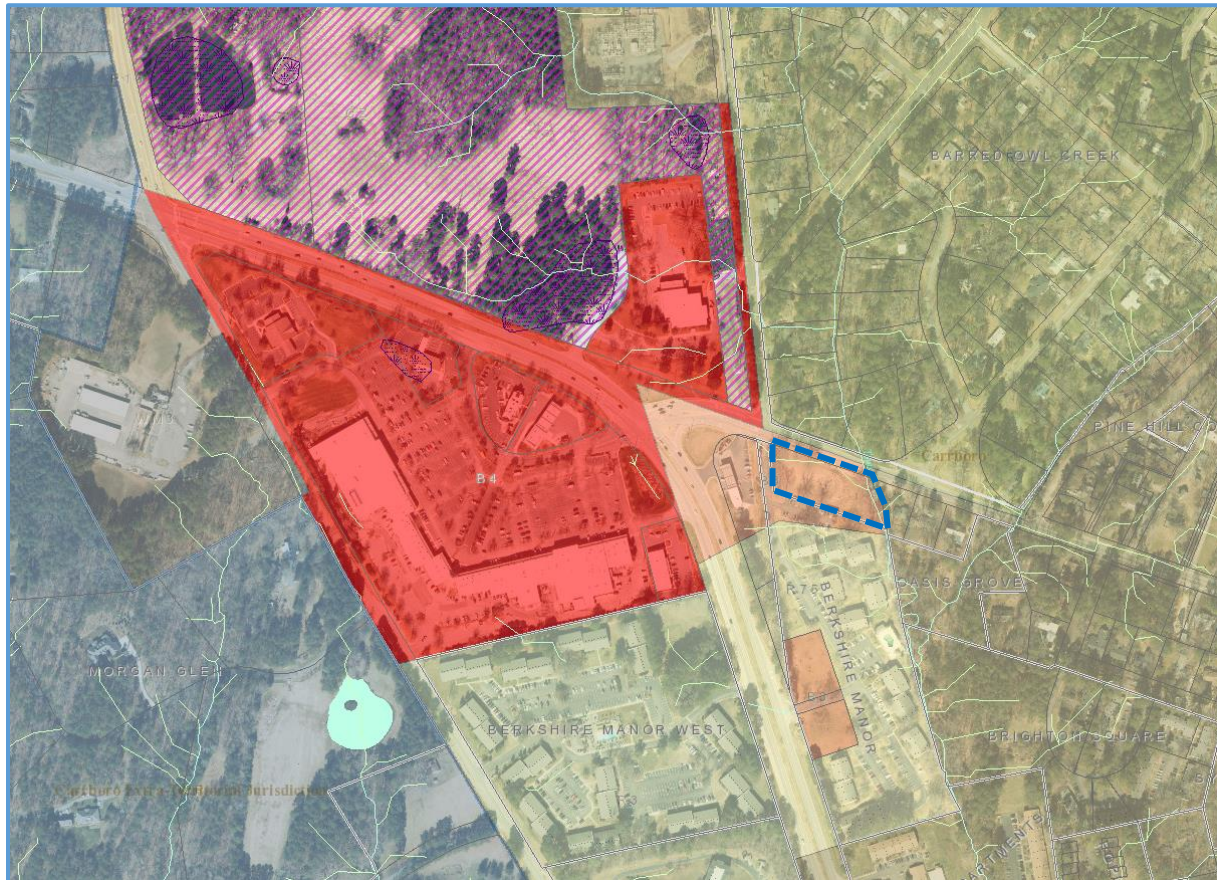
DESCRIPTION OF THE AREA

The subject property is the undeveloped parcel located along the south side of West Main Street in front of the garden-style Berkshire Manor apartments. The surrounding area includes mainly single-family one-story ranch style homes along West Main Street, James Street, and Simpson Street. The area becomes more commercial to the west, with the gas station/convenience store along the same side of the street, the Post Office at the corner of West Main and James streets and Carrboro Plaza on the south side of NC 54 West. The property may be more specifically identified by the table below.

Address	PIN	Existing Zoning	Proposed Zoning	Acres
1307 West Main	9778-28-6664	B-3	R-2-CZ	1.16

ADJACENT ZONING & LAND USES

The map below shows the site (outlined in blue) and adjacent properties with the zoning classifications. The subject property is shaded in pink to indicate the B-3 Zoning District. The Berkshire Manor site is zoned R-7.5 (Residential, 7,500 square feet per dwelling unit), the other surrounding residential areas heading north, and east are zoned R-10 (Residential, 10,000 square feet per dwelling unit). The Post Office and Carrboro Plaza complete are zoned B-4 (Outlying Concentrated Business). The future Shoppes at Lloyd Farm development is zoned B-4, conditional, and the property along the southwest side of Old Fayetteville Road, Watershed Residential).



Density and Dimensional Regulations

More specific information relating to the dimensional standards for the subject property and the surrounding residential districts is provided in the table below. A comparison of the density and dimensional requirements between the existing (B-3) and proposed zoning district (R-2-CZ) is also provided in the table and offers a sense of the potential development impact on adjacent properties, should the zoning change occur. It should be noted that the draft text amendment includes a requirement to evaluate the potential for developments in the R-2-CZ districts seeking to increase the building height to 65 foot to show the potential for the new building to throw shade on existing buildings adjacent lots.

	Existing Zoning B-3	Surrounding Zoning R-7.5	Surrounding Zoning R-10	Proposed Zoning – R-2-CZ
Density	7,500 per dwelling unit	7,500 per dwelling unit	10,000 per dwelling unit	2,000 per dwelling unit
Height	28 feet	35 feet	35 feet	50 feet*
Setbacks	15/20 r/w; 15 lot boundary	25/12.5 r/w; 10 lot boundary	25/12.5 r/w; 12 lot boundary	15/7.5 r/w; 8 + 2 per additional ft above 35 ft for lot boundary

As currently zoned, the property at 1307 West Main would yield a residential density of 6.75 units, with a possible increase to 10 units using the affordable density bonus (adding 2 affordable units and 2 market rate units). The proposed rezoning from B-3 to R-2, conditional, would increase the residential density to base yield of 25.26 units with a maximum of about 38 units utilizing the density bonus of 12 additional units (6 affordable and 6 market rate).

COMPARISON OF ZONES

Zoning provides the planning mechanism that allows certain land uses to occur in defined areas or districts. Article IX of the LUO provides descriptions of the different zoning districts in the Town. Descriptions of the existing and proposed districts are provided below.

Existing Residential District. The B-3 Neighborhood Business 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.

Proposed Residential District. The purpose of the 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. The R-2 district provides for a higher density residential zone.

The Table of Permissible Uses, found in Article X, Section 15-146 of the Town of Carrboro Land Use Ordinance (LUO) lists the land uses that are allowed in each zoning district along with permitting requirements (i.e. special use permit-A, special use permit-B, zoning permit). <http://www.townofcarrboro.org/DocumentCenter/View/691/Article-X-Permissible-Uses-PDF-with-table>

A comparison of permitted uses in the zoning districts is summarized in the table below.

General Use Category	Number of Uses Permitted in B-3 District	Number of Uses Permitted in R-2 District	Change in Uses Permitted B-3 to R-2
Residential (1.000)	21	28	+7
Sales and Rental of Goods (2.000)	5	0	-5
Office, Clerical, Research (3.000)	6	0	-6

General Use Category	Number of Uses Permitted in B-3 District	Number of Uses Permitted in R-2 District	Change in Uses Permitted B-3 to R-2
Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment (4.000)	0	0	0
Educational, Cultural, Religious, Philanthropic, Social (5.000)	3	3	0
Recreation (6.000)	4	4	0
Institutional Residence or Care of Confinement Facilities (7.000)	0	1	+1
Restaurant, Bar, Nightclub (8.000)		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
Services and Enterprises Related to Animals (12.000)		0	0
Emergency Services (13.000)	4	4	0
Agricultural, Silvicultural, Mining, Quarrying (14.000)	0	0	0
Public/Semi-public Utility Facilities (15.000)	4	1	-3
Dry Cleaner, Laundromat (16.000)	2	0	-2
Utility Facilities (17.000)	7	3	-4
Towers and Related Structures (18.000)	4	3	-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	2	+1
Bus Station (24.000)	0	0	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)	0	0	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	2	+2

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.

ANALYSIS

The conditional zoning mechanism allows for the approval of a site-specific development plan and conditions tailored to the individual project. The conditions, including the site plan, become binding to the rezoning and subsequent permit, in this case a special use permit-A. If approved, the existing neighborhood business classification would be removed, and the new residential classification applied. The specific project design and number of residential units would be approved as part of the rezoning. The proposal is currently designed with 34 residential units; a proposed condition would allow a

maximum of 40 units. The use of a range provides the applicant with flexibility during the development process to make minor adjustments in the development program without having to go back and amend the conditional district.

The provisions set out in the draft text amendment would allow the maximum building height to be increased from 50 to 65 feet, the approximate equivalent of a full story. The text amendment links the increase in building height to the inclusion of certain site and building elements in the development that will create a more vibrant and successful community and provide essential public infrastructure. This structure follows the same framework established as part of the B-1G, conditional district and M-3, conditional district, whereby an applicant can seek additional uses and/or density for developments that further Town interests.

The proposed list of conditions is still being refined; advisory boards may suggest additional conditions as part of their review comments. Previous projects have included conditions related to provisions for providing affordable units—physical units or payments to the Town’s affordable housing fund equal or above the Town’s 15 percent policy goal. Discussions with the applicant have included the possibility of exceeding the stormwater management requirement, such as designing to a higher storm year, and may be considered during permit application. The permit application will require a greater level of detail than the rezoning exhibit and another public hearing, but the overall design must remain consistent with the illustrative site plan approved as part of the rezoning.

Consistency with Adopted Plans/Policies

Carrboro Connects 2022-2042 Comprehensive Plan provides goals, strategies, and projects that are expected to guide the Town’s growth and development. In the Petition for Change of Zoning the petitioners have provided responses in support of their assertion that the proposed zoning district classification is consistent with the Town’s adopted plans and policies. Staff has identified the following relevant sections of Carrboro Connects Comprehensive Plan.

Chapter	Staff Comments	Applicable Strategies
Affordable Housing	The applicant has identified a commitment to provide at least 15% affordable units; the mechanism, number of units, and availability of rental units versus sold units has not yet been determined. Additional information on which units (1-, 2-, or 3-bedroom units) will be affordable would be required as part of the SUP-A. Of note, rents at Berkshire Manor currently meet the ordinance’s definition of appropriately sized affordable housing unit for both one- and two-bedroom units. (under \$1574 for 1br; \$1799 for 2br)	Consistent with: Supports Town policy for 15%, details needed. Inconsistent with: - Inconclusive: 1.1, 2.1, 2.3, 4.4, 7.2
Climate Action & Environment	(CLIMATE 1.1) More information is needed as to whether residents will be able to access weatherization and/or energy efficiency programs; the current proposal does not increase use of renewables. (ENV 1.1 & 1.2) The development commits to providing additional flood storage within the water quality buffer on-site and further vegetate the buffer. The Land Use Ordinance includes a recommended plant list and encourages the use of native plants.	Consistent with: ENV 1.2 Inconsistent with: Inconclusive: ENV1.1, ENV 2.1, CLIMATE 1.1

	(ENV 2.1) The site falls within the restriction that development is only allowed to increase the annual volume leaving the property by double the current amount. All runoff in the bio-retention basin will drain down through installed media and infiltrate, or discharge through the underdrains. Strategy 2.1 notes a need to evaluate individual permits within a broader context to ensure that stormwater impacts do not burden flood-prone neighborhood or low-income residents. The site is located in a QCT (107.7), and a census block group identified as a “REINVEST” area by the DCHC MPO (more than 28% of the population is below 150% of the poverty level). The project will be required to meet the stormwater management provisions in the LUO. There may be an opportunity design to a higher storm year, during the permit review process, when the applicant is required to complete the stormwater analysis.	
Transportation & Mobility	(2.1) The development meets the “close-to-transit” definition in Carrboro Connects and will provide new density near an existing commercial hub. The closer the bus stop to the front façade of the project, the more the project meets goals outlined in strategy 2.1. (3.1) The development is adding bicycle parking and is located on Main Street where existing bike and pedestrian infrastructure may incentivize residents to use alternative transportation. (4.2) The project is designed to provide one vehicular parking space per unit, which meets new residential parking maximum standards. If the number of residential units is increased, the applicant may need to consider if additional parking spaces are needed.	Consistent with: 2.1, 3.1, 4.2 Inconsistent with: - Inconclusive: -
Green Stormwater Infrastructure, Water, & Energy	(GSI 2.2) Construction would involve removing street trees along West Main Street but includes planting new street trees on the site. The project does not encroach on the water quality buffer for Toms Creek and the 100-year floodplain. (WATER 2.1 & 2.2) The project utilizes retaining walls, an underground stormwater storage system, and a stormwater retention basin to prevent water runoff toward Berkshire Manor residential areas south of the project. The development commits to providing additional flood storage within the water quality buffer on-site and further vegetate the buffer. More detail on SCMs and treatment is necessary to determine if the proposed stormwater designs are consistent with other goals in this chapter. (ENERGY 1.1, 1.2 & 1.3) The project’s limitation on parking provided, and proximity to existing transit and bike/ped facilities aim to limit additional GHG emissions from automobile use by new residents. The project will meet	Consistent with: GSI 2.2, WATER 2.1, ENERGY 1.1 Inconsistent with: - Inconclusive: WATER 2.2, ENERGY 1.2, ENERGY 1.3

	state energy codes, and notes higher density offers higher efficiency of systems—more detail is needed on weatherization efforts or and renewable energy opportunities (either in construction of the project, or for residents that live there)	
Economic Sustainability	(2.2) Proximity to an existing commercial node (Carrboro Plaza) will provide residents nearby access to a variety of businesses. While the development is not mixed-use, the applicant notes that the development could in the future convert the first floor to commercial use (though that is not a requested use for this rezoning).	Consistent with: 2.2 Inconsistent with: - Inconclusive: -
RPCR	Not applicable	N/A
Land Use	(8.1) NC54 Corridor future land use map identifies this parcel as open space. Adjacent future land uses include residential to the east and denser multifamily residential to the south. The NC 54 Corridor section of the plan prioritizes the addition of multi-modal amenities to enhance walkability and bikeability, pedestrian improvements to existing development, and creation of new public or private open spaces. (8.1) This project's location does not improve or worsen safety cyclists and pedestrians at NC54 and West Main Street. (8.1) The project does commit to a mulched/pervious trail along Toms Creek, which touches on the plan's vision of a bike/ped connection from West Main Street to Poplar Avenue—the Comprehensive Plan identifies a desire to explore easements for such a facility. (2.1, 2.2, 2.5) Strategies 2.1 and 2.2 may be relevant—the development is located along a key corridor, is transit-accessible, and near businesses—however without further details about the provision of affordable housing, consistency cannot fully be evaluated. (3.1) More detail is needed to determine consistency with strategy 3.1—"pursue development provisions that preserve and maintain natural areas by incorporating environmentally sensitive development and building practices." It is anticipated that the strategy will be addressed as part of the site and building elements identified in the text amendment. (4.1) The development's proximity to transit, connection to existing bike and pedestrian facilities, and reduced parking does meet the plans goals of promoting development that reduces GHG emissions by reducing auto-dependence.	Consistent with: 4.1 Inconsistent with: 8.1 *see summary comments Inconclusive: 1.2, 2.1, 2.2, 2.5, 3.1

RELEVANT ORDINANCE PROVISIONS

Section 15-322 of the LUO describes advisory board review of rezoning requests. The Planning Board is required to:

- 1) comment on whether the proposed amendment is consistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans, or other applicable plans officially adopted by the Town Council.
- 2) provide a written recommendation to the Town Council 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 Town Council may proceed in its consideration of the amendment without the planning board report. A recommendation template has been provided to facilitate the advisory boards in their preparation of formal comments (Attachment A).

In addition, per Section 15-322(d), advisory board members 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. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

Section 15-325 of the LUO specifies that when considering a rezoning, the central issue before the Council is “whether the proposed amendment advances the public health, safety or welfare.” The Council is obligated to disregard advantages or disadvantages to the individual requesting the change and must consider the impact of the proposed change on the public at large. Summary comments are offered below. Staff will continue to consider the policy issues surrounding this rezoning request and may update these comments in the final report prepared for public hearing.

CONSIDERATIONS/SUMMARY COMMENTS

- Adopted policies support the establishment of conditional districts.
- The conditional district process (legislative action for the rezoning) is expected to mitigate the associated impacts of the additional density requested as part of this development.
- Town policies acknowledge an interest and need for increased residential density along priority corridors, with diverse housing options.
- The site’s location provides connections to surrounding neighborhoods within reasonable distances for walking, biking.
- The applicant identified policy provisions appear to be consistent with the request.
- *As noted above, the Future Land Use Map in Carrboro Connects, identifies the subject property as a park. This is a clerical error. Per Section 15-6(b)(1), the Town Council’s action to amend the Official Zoning Map will also amend the Future Land Use Map.

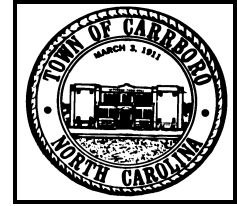
ACTION REQUESTED

The agenda item includes the review and consideration of two amendments: the text amendment relating to maximum building height in the R-2-CZ district and a map amendment to change the zoning for 1307 from B-3 to R-2-CZ. In preparing recommendations, advisory boards should state whether the board recommends that the Council approve the rezoning and provide a statement of consistency to support its recommendation, noting specific town policies that support the request. A recommendation template that identifies policies relevant to the application has been provided for the boards to use. Boards may choose to add (or remove) policies and/or to include any additional statement to support their recommendation. Advisory board recommendations and comments will be included in the public hearing materials provided to the Town Council on February 27th.

Relevant excerpts from the Land Use Ordinance, articles IX and XX are provided in Attachment H.

TOWN OF CARRBORO

LAND USE ORDINANCE AMENDMENT REQUEST



"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.'"

To the Town Council, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

- 1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):**

Article XII, Section 15-185 Building Height Limitations

For Zone R-2, maximum height = 50'

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

Maximum height in R-2-CZ of 65'

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

Building multi-family residential with the density encouraged by the Town of Carrboro's new Comprehensive Plan (Carrboro Connects) would allow for five (5) stories. This building height and size (already allowed in B-1-C and B-1-G) maximizes efficiency and minimizes building footprint, impervious surface, and dependence on new infrastructure.

SIGNATURE:

J. Allen Knight
applicant

J. ALLEN KNIGHT
{print}

ADDRESS:

Tempo Investco, LLC PO Box 786, Carrboro, NC 27510

TELEPHONE NUMBER:

919-524-2074

APPENDIX A – 2

PETITION FOR CHANGE OF ZONING FORM

TOWN OF CARRBORO

PETITION FOR CHANGE OF ZONING



PETITIONER:

Tempo Investco, LLC (J. Allen Knight)

DATE:

April 12, 2022

The Petitioner named above respectfully requests the Town Council of the Town of Carrboro to rezone the below-described property from B-3 to R-2-CZ zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME J. Allen Knight/ Erik M. Lensch c/o Tempo Investco, LLC
 ADDRESS: 8591 Pickards Meadow Road, Chapel Hill, NC 275216
 TELEPHONE #:(919) 524-2074
2. INTEREST IN PROPERTY(IES): Managing Partner, Tempo Investco, LLC (owner)
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS : 1307 West Main Street, Carrboro Pin # 9778 28 6664, lot directly north of Berkshire 54 Apartments, Northwest corner adjacent to West Main Street, 1 lot east of NC 54 Bypass West
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
 - a. OWNER: Tempo Investco, LLC (J. Allen Knight/Erik M. Lensch)
 TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: 1.16 ac PARCEL: Pin # 9778 28 6664
 SUBDIVISION NAME: Berkshire Manor FRONTAGE: 324.63' DEPTH : ~ 123'
 EXISTING STRUCTURES AND USES:
Vacant lot, previously part of Berkshire Apartments Lot,
Has existing loose fill redevelopment from another project
on western end of lot
 - b. OWNER: n/a
 TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____
 SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH : _____

**CARRBORO DEVELOPMENT GUIDE
APPENDIX A**

EXISTING STRUCTURES AND USES:

c. OWNER: n/a

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES:

d. OWNER: n/a

TAX MAP: _____ BLOCK: _____ LOT: _____ ACREAGE: _____ PARCEL: _____

SUBDIVISION NAME: _____ FRONTAGE: _____ DEPTH: _____

EXISTING STRUCTURES AND USES:

5. NAMES AND ADDRESSES OF ALL PERSONS WHOSE PROPERTY OR ANY PART THEREOF IS WITHIN 1000 FEET IN ANY DIRECTION OF THE PROPERTY SOUGHT TO BE REZONED.

NAME	ADDRESS
see attached list and map	

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES ___ NO X (unverified)
IF "YES", WHEN? _____ We have not discovered another zoning change

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 # 7 narrative for these four findings

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

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

See attached # 7 narrative for these four findings

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

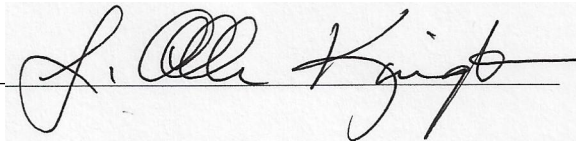
See attached # 7 narrative for these four findings

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

See attached # 7 narrative for these four findings

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 12th DAY OF April, 2022.

PETITIONER'S SIGNATURE:



PLEASE NOTE:

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.



JIM SPENCER ARCHITECTS, PA
109A Brewer Lane | PO Box 385
Carrboro, NC 27510
919.960.6680

April 11, 2022

Petition for Change of Zoning
Tempo – Multi-family building
1307 West Main Street, Carrboro
PIN # 9778 28 6664

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?

Response:

The new district would allow multi-family with higher density on the site. The Carrboro Connects (new comprehensive plan) document specifically describes the Town's need to develop and provide housing opportunities along existing transportation corridors. This site is such an opportunity.

This potential use relates well to the existing character of the area. This site is adjacent to a major intersection at the west entry to Carrboro. The character here is variety. There are multi-family residential buildings to the south, single family dwellings to the east and across Main Street to the north, a busy service station to the east, a post office to the northwest, and a major shopping center/strip center to the west across NC 54. Additionally, the character will be modified extensively by the new Lloyd Farm mixed-use development already approved by the Town. The development contains both grocery, other retail, and senior multi-story residential.

We feel the development would aid the character of the existing area by addressing several goals of the Carrboro Connects document. The new building would add density and diversity to the housing stock in Carrboro. It would preserve existing trees on site and treat and store stormwater on site. It would use far fewer natural resources per habitant than single family or lower density housing. The comprehensive plan states that Carrboro needs to accommodate up to 10,000-15,000 new citizens in the next 30 years. This site is an opportunity to help with that goal, without major infrastructure burden or destruction of existing buildings or natural features.

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

Response:

The property is particularly well suited for a dense multi-family development. The existing access points and utility infrastructure are in place. The relatively lower trip count for vehicles (in relation to the potential number of tenants) will balance the high trip counts and heavy retail uses nearby. The site has good access to alternate transportation means (bus, bike, pedestrian).

Carrboro Connects states in its Plan Goals section regarding Land Use that Carrboro should:

"Plan for the expansion of affordable housing availability through land use tools of planning, zoning and development review". Adding density and height to this site opportunity will aid this goal.

"Expand appropriate development opportunities that meet the goals of the comprehensive plan". This site will add much needed housing stock with little extra infrastructure required.

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

Response:

The rezoning may allow construction of a new owner-occupied residential building of approximately 40,000-50,000 square feet. The current vacant lot's value will increase dramatically with the newly built residential. Preliminary pricing places the constructed value of the building around \$10-13 million. Adding new construction residential will increase property values for both existing uses (residential and retail). It will also place these new town of Carrboro residents within walking distance (and bike and vehicular as well) of the many retail and office uses nearby, adding to the vitality and economic success of the area.

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

Response:

The rezoning will allow a much higher density of use and value than the existing B-3 zone. A low-density business use such as office, retail or lower density residential would create comparable or higher traffic and infrastructure needs, but without nearly the tax revenue and added economic benefits of new residents in the area. The real estate term "highest and best use" seems to apply here. When showing the concept plans for this development to the various Carrboro Boards (planning, economic sustainability, transportation, affordable housing, etc), we were encouraged to add density and height to the extent possible (by rezoning).

The Town's new Carrboro Connects document stresses the need for all kinds of new housing in the near future, with special emphasis on affordable and "missing middle" housing. The rezoning of this lot would allow a higher density, which allows more affordable units and more units with less dependence on cars and energy use (efficiency through density).

Summary statement regarding consistency with Carrboro Connects:

The current draft of Carrboro Connects – the Carrboro Comprehensive Plan, contains plan goals and outlines specific strategies for a variety of subjects to guide development.

Consistent themes in the area of development/redevelopment are: sustainability (both environmental and economic), density, inclusivity, resilience, and transportation connectivity and efficiency. This project would utilize a currently vacant site to aid Carrboro's inevitable growth in many of these ways. More density and less reliance on cars can both be addressed with this project. Sites which can be developed that are on existing transportation corridors lessen the need for new infrastructure and for users to rely on their own transportation. This new construction will be highly energy efficient and use progressive sustainability measures and stormwater control. The proposed plan maintains the maximum area of green space on the property and controls and treats storm water on the site for the first time.

These are specific plan goals from the Carrboro Connects documents which we feel are directly addressed by the project:

"Expand appropriate development opportunities that meet the goals of the comprehensive plan." Please see notes above – the plan adds needed housing, density along existing transit corridors, promotes alternate means or transit, promotes green building and environmental and energy efficiency.

"Plan for the expansion of affordable housing availability through land use tools or planning, zoning, and development review." Adding more dense residential developments like Tempo will also increase opportunities for affordable housing. Building more units on less land simply makes the economics of adding affordable units to the project work.

"Support development patterns that advance climate action goals and environmental protection." Development with more density and less need for new infrastructure advances these goals. The ability for people to walk/bike/bus to needed goods and services is key, along with new construction which is more efficient and environmentally responsible.

No single project can embody all of the goals of Carrboro's ambitious new comprehensive plan. Our project team feels that this is an opportunity to utilize this site with these goals in mind – to create a denser, more sustainable housing stock in Carrboro.



JIM SPENCER ARCHITECTS, PA
109A Brewer Lane | PO Box 385
Carrboro, NC 27510
919.960.6680

DRAFT

April 11, 2022

**Petition for Change of Zoning
Tempo – Multi-family building
1307 West Main Street, Carrboro
PIN # 9778 28 6664**

Proposed List of Conditions – Petition for Change of Zoning:

1. The Concept Plan labeled “_____,” dated _____ is approved and incorporated herein to indicate potential land uses, the general location and size of buildings and parking areas, vehicular and bicycle-pedestrian access points, general circulation patterns, storm-water management features, setbacks, preserved trees and other landscaped areas.
2. If the final landscaping and additional planting plan proposes alternate compliance with Town of Carrboro tree canopy requirement other than as is shown on the Concept Plan, the final planting plan shall be approved by the Town Council.
3. Height of the structure will be applied based on approval of a text amendment allow sufficient height for a five-story structure (proposed as 65' maximum height)
4. Maintenance of storm water facilities on the proposed site will be managed by the home owners' association under a plan approved by the Town of Carrboro staff.
5. Vehicular parking for the site and building is proposed at one parking space per dwelling unit. Alternate transportation amenities will be provided such as bike lockers and racks.



JIM SPENCER ARCHITECTS, PA
109A Brewer Lane | PO Box 385
Carrboro, NC 27510
919.960.6680

October 24, 2022

Christina Moon, Planning Administrator
Town of Carrboro
301 West Main Street
Carrboro, North Carolina 27510

Re: Resubmission of Tempo, 1307 West Main Street development narrative

Dear Tina and Planning staff:

We are supplementing our resubmission package for Tempo (multi-family development) at 1307 West Main Street with this narrative regarding modifications we have made to the application.

We developed our initial plans based on our own site and town observations and experience. We made some revisions to these plans based on our initial interactions and comments from the Town or Carrboro's boards and commissions. We want to point out that the various boards and commissions encouraged dense development on this site and incorporation of affordable housing and sustainable building methods. We were also encouraged to promote alternate means of transportation and access to the existing services and transit options nearby.

The original design attempted to balance the building's footprint and parking with our desire to save the existing oaks on the northwest corner of the site. Through the first round of review, it is clear to our team that the need to keep the building and parking out of the existing 100' stream buffer supersedes the preservation of all of these trees. We have therefore moved the building footprint and parking completely out of the buffer and redesigned the storm water treatment and storage.

Other modifications we have made include changes to the building shape and façade treatments. We have revised the building to have a more pronounced pedestrian and public entry along Main Street. We have also redesigned the westernmost end of the building to provide a more dynamic gateway into Carrboro from the NC 54W corridor.

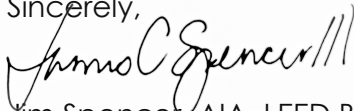
Another key consideration for the project is the affordable housing component. Our team is committing to including affordable units in the project. We will, at minimum, meet the 15% affordable unit threshold in the ordinance. We have potential plans which would increase the percentage of affordable units (and increase the overall number of affordable units). These may depend on the

density we can achieve on the site – which depends on the allowed height and footprint of the building.

Finally, we would like to discuss the scale and density of the proposed project. We believe that the scale (both height and floor area) of the building is appropriate in this area of Carrboro. The new comprehensive plan acknowledges that more density will be required to meet housing demand in Carrboro. The development existing near this major intersection now (both commercial and residential) includes very suburban models of car-based form-making. The multi-family apartments to the south contain moderate density two-story structures surrounded by parking and drives. The shopping mall across 54 west covers nearly its entire site with impervious paving and one-story buildings. The proposed (and approved) Lloyd Farm development contains many multi-story buildings and parking. As Will Rogers famously said about land, “they ain’t making any more of the stuff.” This project is responsible infill – working with the existing natural constraints but building density on a lot which has good infrastructure in place.

Please let us know if you have any additional questions or comments regarding the proposal. We look forward to discussing it with the Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Spencer", with a stylized flourish at the end.

Jim Spencer, AIA, LEED BD+C
Jim Spencer Architects, PA



JIM SPENCER ARCHITECTS, PA
109A Brewer Lane | PO Box 385
Carrboro, NC 27510
919.960.6680

March 8, 2022

Conditional Rezoning Permit Application
Tempo – 1307 West Main Street
Carrboro, North Carolina 27510
PIN # 9778 28 6664

36. Sustainability Checklist for Commercial Development

The partners/owners at 1307 West Main (Tempo) and Jim Spencer Architects, PA and our team are committed to sustainable development. We have listed here a summary of sustainable features of the project.

Sustainable Site Characteristics

Site Selection

The site is a redevelopment site in terms of having previously been graded and recombined from another development site. We will use great care in design of all site elements and storm water systems. The site has been chosen for excellent location and transportation flexibility for its users. It is an opportunity site for higher density housing in Carrboro that is already near denser housing and other retail uses.

Development Density & Community Connectivity

The site development provides density and community connectivity to goods and services.

Public Transportation Access

Site provides access to multiple bus lines as well as bicycle and pedestrian access.

Alternative Transportation- Bikes and Low-Emission & Fuel-Efficient Vehicles

Bike racks will be provided for both residents and visitors to the property, along with bike lockers for residents. We also plan to have the opportunity for EV charging on site.

Storm water Design- Quantity Control

Volume of stormwater will be controlled and treated for the first time on-site, and we will carefully design storm water systems for the site that will assist in not creating detrimental downstream effects from Tom's Creek.

Heat Island Effect- Non-Roof and Roof

Parking spaces are partially under cover, reducing heat island effect of large surface parking areas. We are minimizing impervious surface on the site by designing a more vertical structure with a slender profile. Roofs of structures will be designed to minimize heat gain for the site (white TPOs, etc).

Light Pollution Reduction

Site lighting will be designed to provide dark-sky compliant fixtures and meet town requirements minimizing light spill over at the lot lines.

Water Efficiency**Water Efficient Landscaping**

We are investigating using captured rainwater to irrigate landscaping on the site- goal is to use no potable water for landscape watering.

Energy and Atmosphere**Optimize Energy Performance**

The building will be designed to meet or exceed all energy performance standards required by the state energy codes. Higher density of the development will allow higher efficiency of systems.

Materials and Resources**Construction Waste Management**

Specifications for the project will include directions for managing waste during construction, segregating recyclables and minimizing volume of disposal.

Recycled Content

The building will be designed to specify the maximum practical amount of material with recycled content.

Regional Materials

The building will specify many materials that originate from within 500 miles of project site.

Rapidly Renewable Materials

The building will be designed to specify the maximum practical amount of rapidly renewable construction materials.

Indoor Environmental Quality

Outdoor Air Delivery Monitoring

Monitoring of carbon dioxide concentrations for indoor spaces will ensure well ventilated and healthy spaces.

Increased Ventilation

The building will have spaces designed to have natural ventilation or to surpass ASHRAE standards for mechanical ventilation.

Construction IAQ Management Plan-During Construction and Before Occupancy

Contractors will control air quality and distribution systems before and after construction to ensure minimal dust, moisture and filtration issues.

Low-Emitting Materials- Adhesives, sealants, paints, coatings, and carpet, composite wood & Agrifiber

The building design will specify the maximum practical number of products which reduce air contaminants.

Indoor Chemical & Pollutant Source Control

The building will be designed to minimize exposure of building occupants to hazardous particulates and chemical pollutants.

Controllability of Systems- Lighting and Thermal Comfort

The building is planned to have a high level of controllability by individual users to minimize wasted energy in occupied spaces.

Thermal Comfort- Design and Verification

Consultants will design building HVAC systems that will meet or exceed ASHRAE standards for quality performance over time.

Daylighting & Views

The building will be designed to provide daylighting and views to occupants, increasing quality of the user experience.

Innovation in Design

Innovation in Design

The building will be designed to stress communal spaces and interaction, while maintaining a slender profile on site. The building is meant to provide a striking gateway building into Carrboro's western entry.

LEED Accredited Professional

Building design will be by LEED accredited professionals.

TEMPO

1307 WEST MAIN STREET
CARRBORO, NC 27510
PIN: 9778286664



SHEET LIST

CVR	COVER
EC	EXISTING SURVEY
C1.3	SITE UTILITY
C1.4	GRADING & DRAINAGE
C1.5	LANDSCAPE & OPEN SPACE PLAN
A1.0	FLOOR PLANS
A2.0	ELEVATIONS
A3.0	PERSPECITVES
A4.0	SITE CONTEXT
S	STRUCTURAL (RESERVED)
E	ELECTRICAL (RESERVED)
M	MECHANICAL (RESERVED)
P	PLUMBING (RESERVED)
FA	FIRE ALARM (RESERVED)

SECTION		EXISTING B-3 (VACANT)	PROPOSED UNDER R-2CZ (1.300)
#	REGULATION		
15-146	PERMISSABLE USES	SPECIAL USE OR CONDITIONAL R-2 W/1.300	CONDITIONAL FOR R-2, 1.321,1.331; 1.332
15-182	RESIDENTIAL DENSITY	-	34 UNITS (MAXIMUM 40)
15-183	LOT SIZE	7,500 SF - 5 ACRE 75' MIN WIDTH	1.16 ACRE
15-184	SETBACKS	15' ROW, 45' CENTER, 68' BOUND	13.92' ROW, 72.86' BOUND
15-185	BUILDING HEIGHT	50'	65'
15-291	PARKING	1.5/BED AND 2/2BED OR MORE	1 PER UNIT = 34
	BICYCLE PARKING	-	52 (42 LOCKERS+10 RACK)
15-250	SCREENING OF DUMPSTERS	-	PROVIDED
15-308	SCREENING & TREES	-	PROVIDED
15-196	RECREATIONAL AREA POINTS	-	320.67
15-198	OPEN SPACE	20%	41.20%
		GROUND LEVEL TO BE CONSTRUCTED SUCH THAT COMMERICAL USES NOT CURRENTLY PERMITTED COULD BE CONVERTED PENDING REVISIONS TO CARRBORO LAND USE ORDINANCE. POSSIBLE USES INCLUDE: 2.120, 3.110, 3.120, 3.220, 8.100, 8.200	

NOTE: SEE SHEET C1.4 FOR NOTES REGARDING STORM WATER & ASSOCIATED VARIANCE



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OWNER

TEMPO INVESTCO LLC
C/O Erik M. Lensch
8591 Pickards Meadow Rd.
Chapel Hill, NC 27516

SITE & CIVIL ENGINEER

C3 Design & Engineering, PLLC
Chad E. Abbot, PE
2537 East Lyon Station Rd.
Suite 102
Creedmoor, NC 27522-0361

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919.625.7368

STRUCTURAL ENGINEER

Summit Design & Engineering Services
Chris Berg, PE
320 Executive Ct.
Hillsborough, NC 27278

919.322.0115

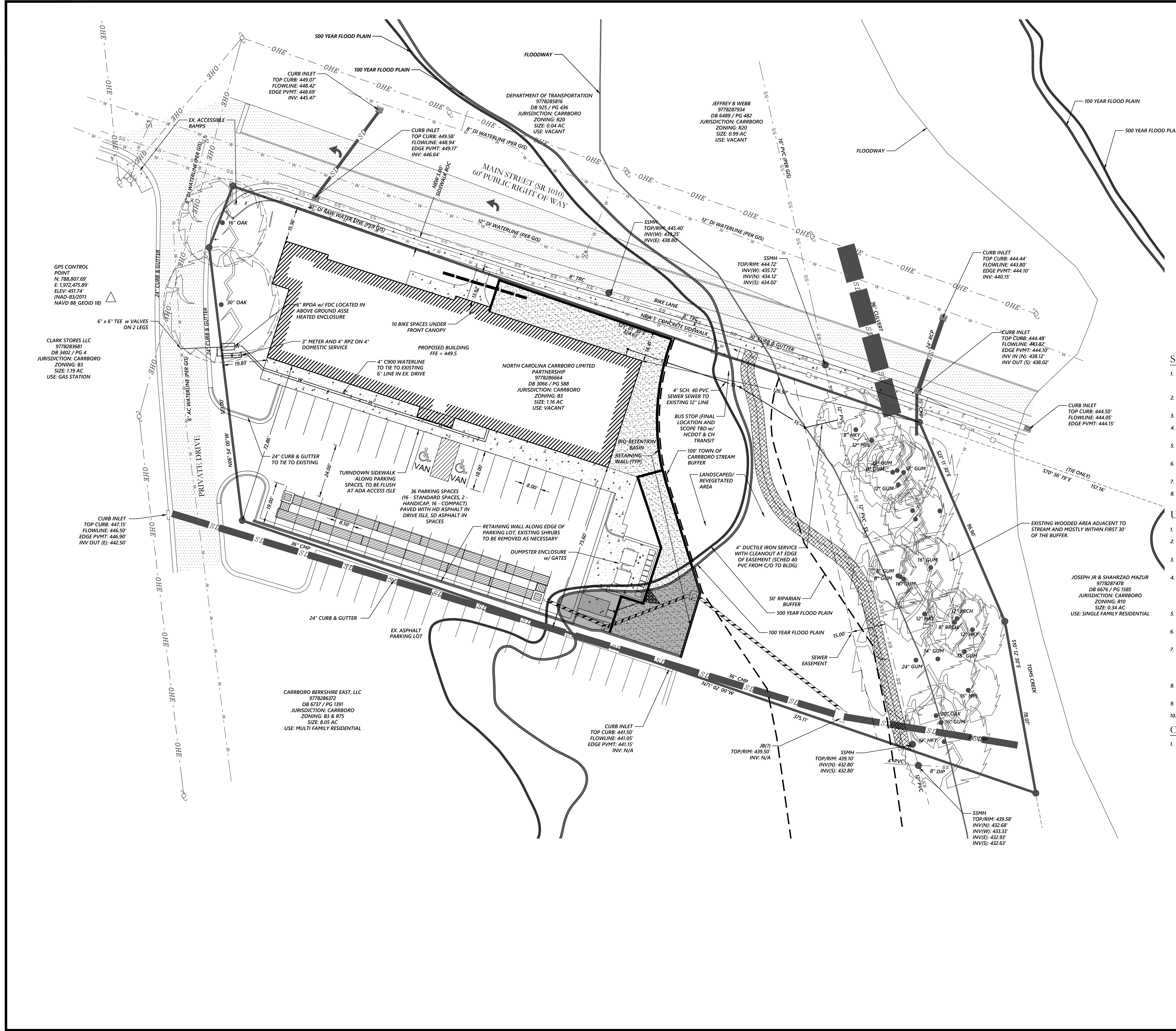
PME ENGINEER

GENERAL CONTRACTOR

Allen Knight
Housewright Building Co.
PO Box 786
Carrboro, NC 27510

allen@housewrightbuilding.com
919.524.2074

CONDITIONAL
REZONING
APPLICATION



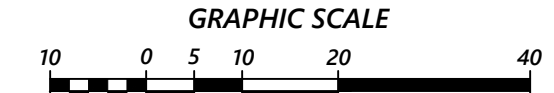
SITE INFORMATION	
CURRENT OWNER:	NORTH CAROLINA CARRBORO LIMITED PARTNERSHIP
OWNER ADDRESS:	380 UNION ST, WEST SPRINGFIELD, MA 01089
PIN:	9778286664
PROPERTY ADDRESS:	1307 WEST MAIN ST, CARRBORO, NC 27510
JURISDICTION:	TOWN OF CARRBORO
COUNTY:	ORANGE
STATE:	NORTH CAROLINA
REFERENCE:	DB 3066 / PG 588
PARCEL SIZE:	50,680 SF / 1.16 AC
EXISTING ZONING/USE:	R-3 / VACANT
PROPOSED ZONING/USE:	R-2 CZ / MULTI FAMILY
SETBACKS:	REQUIRED: 15' (ROW); 4' (CENTERLINE) 13.92' (TROW) PROPOSED: 8' + 2' PER 1' ABOVE 35' + 68' 72.86'
MAXIMUM BUILDING HEIGHT:	ALLOWED: 50' PROPOSED: 65' - SEE ARCH PLANS
EXISTING IMPERVIOUS:	0 SF
AREAS DEMOLISHED:	0 SF
PROPOSED IMPERVIOUS AREAS:	BUILDING: 8,216 SF (0.19 AC) DRIVES & PADS: 10,743 SF (0.25 AC) SIDEWALKS: 2,155 SF (0.05 AC) TOTAL: 21,114 SF (0.48 AC) - 41.66%
PARKING REQUIREMENTS:	1.5 / 1 BEDROOM & 2 / 2 OR MORE BEDROOMS
PROPOSED PARKING:	34 SPACES (2/UNIT)
BICYCLE PARKING:	10 SPACES + BICYCLE LOCKERS ON REAR OF BUILDING FOR RESIDENTS
OPEN SPACE:	REQUIRED: 20% (10,136 SF) PROPOSED: 41.2% (+/- 20,892 SF)
WATERSHED:	N/A
RIVER BASIN:	CAPE FEAR
OVERLAY:	JORDAN LAKE UNPROTECTED
WATER PROVIDER:	OWASA
SEWER PROVIDER:	OWASA

- SITE NOTES:**
- SURVEY DATA AND LOCATIONS PROVIDED BY HANWEYE GEOMATICS, DATED JUNE 1, 2021. FIELD VERIFY EXISTING CONDITIONS BY DETAILED SITE INSPECTION PRIOR TO SUBMITTING BID AND BEGINNING CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES.
 - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE TOWN OF CARRBORO AND/OR NCDOT STANDARDS AND SPECIFICATIONS.
 - ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL MAINTAIN ANY EXISTING ACCESS TO ADJACENT RESIDENCES, BUSINESSES AND PROPERTIES AT ALL TIMES.
 - CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY PERMITS NECESSARY FOR CONSTRUCTION.
 - ALL STRIPING WITHIN THE ROW SHALL BE THERMOPLASTIC PER DOT STANDARDS UNLESS OTHERWISE NOTED.
 - CONTACT 811 PRIOR TO ANY SUBSURFACE WORK.
 - OBTAIN FINAL ZONING INSPECTION APPROVAL PRIOR TO USE/OCCUPANCY.
- UTILITY NOTES:**
- ALL NEW UTILITIES SHALL BE LOCATED UNDERGROUND UNLESS OTHERWISE NOTED.
 - ALL PUBLIC UTILITIES AND CONNECTIONS TO PUBLIC UTILITIES SHALL CONFORM TO OWASA STANDARDS AND SPECIFICATIONS.
 - THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ANY PERMITS NECESSARY FOR CONSTRUCTION.
 - IF REQUIRED, PRIOR TO THE CONSTRUCTION OF ANY WATER MAIN EXTENSIONS, TAPS OR RELOCATIONS, THE ENGINEER OF RECORD SHALL BE CONTACTED BY THE GENERAL CONTRACTOR TO DISCUSS CERTIFICATION REQUIREMENTS. FAILURE TO CONTACT THE ENGINEER OF RECORD OR PROVIDE ANY OF THE REQUESTED DOCUMENTATION DISCUSSED MAY RESULT IN THE INABILITY OF THE ENGINEER TO CERTIFY THE LINE AND POSSIBLE REPLACEMENT.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATION OF THE LOCATION AND/OR RELOCATION OF ALL EXISTING UTILITIES WITH THE APPROPRIATE UTILITY, AGENCY OR COMPANY.
 - THE CONTRACTOR SHALL COORDINATE ALL UTILITY CONNECTIONS AND DISTURBANCES WITH EXISTING USERS AND OWASA SO THAT ANY SERVICE INTERRUPTIONS ARE MINIMAL.
 - ALL PIPE INVERTS, TAP LOCATIONS & AVAILABLE CLEARANCES TO BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTING STORM & UTILITY SYSTEMS AND SHALL BE ADJUSTED BY THE ENGINEER IF NECESSARY. IF THESE ITEMS ARE NOT VERIFIED AT THIS TIME, THE CONTRACTOR WILL BE WHOLLY RESPONSIBLE FOR THE FIELD REVISIONS AND ASSOCIATED DESIGN COSTS OF THE SOLUTIONS PROPOSED.
 - ALL WATER LINE JOINTS/CONNECTIONS SHALL BE RESTRAINED WITH MECHANICAL JOINT FITTINGS OR PROVIDED WITH APPROPRIATE THRUST BLOCKING.
 - NO IRRIGATION SYSTEM WILL BE INSTALLED ON STATE ROW.
 - CONTACT 811 PRIOR TO ANY SUBSURFACE WORK.

- ORANGE COUNTY SOLID WASTE NOTES:**
- CONSTRUCTION WASTE:
 - ALL EXISTING STRUCTURES 500 SQUARE FEET & LARGER IN SIZE SHALL BE ASSESSED PRIOR TO DEMOLITION TO ENSURE COMPLIANCE WITH THE COUNTY'S REGULATED RECYCLABLE MATERIALS ORDINANCE (RRMO) & TO ASSESS THE POTENTIAL FOR DE-CONSTRUCTION &/OR THE RE-USE OF SALVAGEABLE MATERIALS.
 - BY ORANGE COUNTY ORDINANCE, CLEAN WOOD WASTE, SCRAP METAL, & CORRUGATED CARDBOARD PRESENT IN CONSTRUCTION OR DEMOLITION WASTE MUST BE RECYCLED.
 - BY ORANGE COUNTY ORDINANCE, ALL HAULERS OF MIXED CONSTRUCTION & DEMOLITION WASTE THAT INCLUDES ANY REGULATED RECYCLABLE MATERIALS SHALL BE LICENSED BY ORANGE COUNTY.
 - PRIOR TO ANY DEMOLITION OR CONSTRUCTION ACTIVITY ON THE SITE THE APPLICANT SHALL HOLD A PRE-DEMOLITION/PRE-CONSTRUCTION CONFERENCE WITH THE SOLID WASTE STAFF. THIS MAY BE THE SAME PRE-CONSTRUCTION MEETING HELD WITH OTHER DEVELOPMENT/ENFORCEMENT OFFICIALS.
 - THE PRESENCE OF ANY ASBESTOS CONTAINING MATERIALS ('ACM') &/OR OTHER HAZARDOUS MATERIALS IN CONSTRUCTION & DEMOLITION WASTE SHALL BE HANDLED IN ACCORDANCE WITH ANY & ALL LOCAL, STATE, & FEDERAL REGULATIONS AND GUIDELINES.



Know what's below.
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GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 20 ft.

HOUSEWRIGHT BUILDING COMPANY
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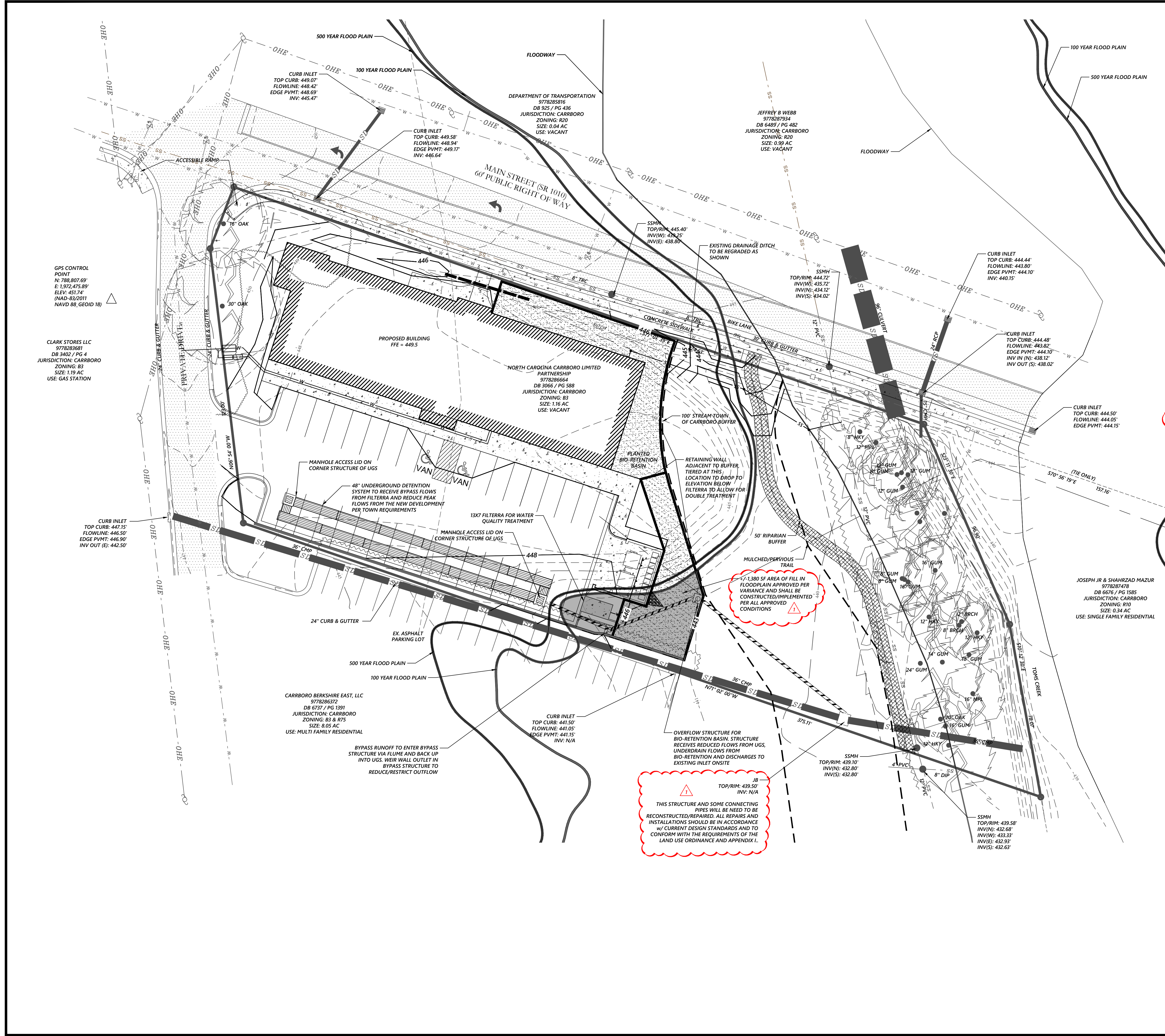
CONDITIONAL USE PERMIT
TEMPO
1307 WEST MAIN ST, CARRBORO, NC 27510
ORANGE COUNTY

SITE & UTILITY PLAN

C3 PROJECT #:
21-040

REVIEW PROJECT #:
XX-XXX

SHEET #:
C-1.3



- ### GRADING AND STORM DRAINAGE NOTES:
- EXISTING TOPOGRAPHY & SITE CONDITIONS SURVEYED BY HAWKEYE GEOMATICS, DATED JUNE 1, 2021.
 - ALL PIPE TO BE INSTALLED ON-SITE AND IN THE RIGHTS OF WAY SHALL MEET OR EXCEED THE NCDOT ASTM AND AASHTO SPECIFICATION REQUIREMENTS FOR SUCH PIPE MATERIAL.
 - ROOF DRAIN CONNECTIONS AND INLINE CATCH BASINS IN NON-TRAFFIC BEARING LOCATIONS MAY BE HDPE SYSTEMS SUCH AS "NYLOPLAST" BY ADS OR APPROVED EQUAL. (SEE DETAILS FOR USE AS STORM DRAINAGE SYSTEM)
 - ALL ON-SITE PIPE SHALL BE INSTALLED MEETING COVER, BACKFILL AND BEDDING REQUIREMENTS PER NCDOT OR THE MANUFACTURER'S RECOMMENDATIONS, WHICHEVER IS MOST STRINGENT.
 - SUBGRADE PREPARATION FOR BUILDING PAD AND PARKING AREAS SHALL BE CONSTRUCTED PER THE RECOMMENDATION OF THE GEOTECHNICAL REPORT BY MODULUS, PLLC ON JULY 19th, 2021 OR AS DIRECTED BY A NON-ON-SITE GEOTECHNICAL TESTING FIRM HIRED BY THE OWNER. TESTING AND INSPECTIONS SHALL BE REQUIRED FOR ALL AREAS OF BACKFILL, INCLUDING PIPE BACKFILL, PER THE GEOTECHNICAL REPORT. ONSITE TESTING FIRM'S DIRECTION OR MANUFACTURER'S REQUIREMENTS. CONTACT ENGINEER OF RECORD WITH ANY QUESTIONS ABOUT THESE REQUIREMENTS PRIOR TO SUBMITTING BIDS AND STARTING CONSTRUCTION.
 - NCDOT PRE-CAST DRAINAGE STRUCTURES / MANHOLES CAN BE USED IN LIEU OF NCDOT STANDARD BRICK OR CONCRETE CATCH BASINS. ANY DEVIATION FROM THE SPECIFIED STRUCTURES SHALL BE APPROVED BY ENGINEER PRIOR TO INSTALLATION AND SHALL MAINTAIN COMPLIANCE WITH ALL CORRESPONDING NCDOT MATERIAL, DRAWING & DETAILED SPECIFICATIONS.
 - CONTRACTOR SHALL FIELD VERIFY THAT PROPOSED GRADES MATCH EXISTING PAVEMENT AT ALL CONNECTIONS/TIE-INS. CONTRACTOR SHALL NOTIFY ENGINEER IF DISCREPANCY OCCURS.
 - ALL WORK WITHIN NCDOT ROW SHALL COMPLY WITH MOST RECENT NCDOT STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES, NCDOT STANDARD DRAWINGS, AND THE MUTCD STANDARDS.
 - ALL ONSITE STORM DRAINAGE CONSTRUCTION SHALL COMPLY WITH MOST RECENT NCDOT STANDARD SPECIFICATIONS FOR ROADS AND STRUCTURES, AND NCDOT STANDARD DRAWINGS.
 - ADDITIONAL SPECIFICATIONS AND REQUIREMENTS FOR FOOTER AND BUILDING PAD PREPARATION AND COMPACTION MAY EXIST IN ARCHITECTURAL AND STRUCTURAL DRAWINGS AND SHALL BE EXECUTED/IMPLEMENTED AS REQUIRED.
 - THE GRADE LINES DENOTE THE FINISHED ELEVATIONS OF THE PROPOSED SURFACE. GRADE LINES MAY BE ADJUSTED AT THEIR BEGINNING, ENDING AND AT STRUCTURES AS DIRECTED BY THE ENGINEER IN ORDER TO PROVIDE A PROPER TIE-IN. CONTRACTOR SHALL FIELD VERIFY ALL PROPOSED INVERTS, FFS & FINISHED SURFACES TO ENSURE THAT MINIMUM SLOPE & COVER REQUIREMENTS ARE PROVIDED PRIOR TO INSTALLATION OF REFERENCED ITEMS. CONTACT ENGINEER WITH DISCREPANCIES.
 - THE EARTHWORK ON THIS PLAN DOES NOT NECESSARILY BALANCE. OFFSITE BORROW OR WASTE MAY BE REQUIRED AND SHALL BE INCLUDED IN CONTRACT PRICE/BID. OFFSITE BORROW/WASTE AREAS SHALL BE PERMITTED.
 - ALL PIPE INVERTS TO BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTING GRAVITY SYSTEMS AND SHALL BE ADJUSTED BY THE ENGINEER IF NECESSARY.
 - UNLESS OTHERWISE NOTED, SPILL CURB LOCATIONS SHALL BE FIELD DETERMINED BY THE CONTRACTOR TO ENSURE POSITIVE DRAINAGE THROUGHOUT THE PARKING LOTS AND DRIVE AISLES. NO "BIRD BATHS" OR LOW AREAS THAT WILL HOLD WATER SHALL BE ALLOWED WITHIN THE CURB AND GUTTER OR PAVED AREAS.
 - OUTLET STRUCTURES AND OUTFALLS SHALL CONSIST OF FLARED END STRUCTURES (FES) UNLESS OTHERWISE NOTED. END OF OUTLET STRUCTURES SHALL BE THE END OF THE FES.

STORM DRAINAGE NARRATIVE & SUMMARY:

THE PROPOSED SITE FALLS UNDER THE REQUIREMENTS FOR BOTH WATER QUALITY AND QUANTITY TREATMENT PER THE TOWN OF CARRBORO STANDARDS. THE DRAINAGE FOR THE ROOF AREA ON THE BUILDING WILL BE RELEASED TO THE PARKING SURFACE VIA DOWNSPOUTS ALONG THE REAR OF THE BUILDING. ALL DRAINAGE FROM BOTH THE ROOF AND THE PARKING AREA WILL THEN SHEET FLOW OVER TO THE FILTERRA FROM THE FIRST STAGE OF WATER QUALITY TREATMENT. ALL WATER THAT ENTERS THE FILTERRA WILL DRAIN THROUGH THE PROPRIETARY MEDIA BLEND AND THEN EXIT VIA A 6" UNDERDRAIN THAT DISCHARGES TO THE BIO-RETENTION BASIN. THE BIO-RETENTION BASIN WILL THEN ADDITIONALLY REMOVE REMAINING NUTRIENTS, TSS, AND PROVIDE FOR THE VOLUME REDUCTION REQUIRED FOR THIS PROJECT. THE SITE FALLS WITHIN THE CATEGORY FOR THE 200% VOLUME REDUCTION REQUIREMENT WHEREBY THE SITE IS ONLY ALLOWED TO INCREASE THE ANNUAL VOLUME LEAVING THE PROPERTY BY DOUBLE WHAT IS CURRENTLY LEAVING THE PROPERTY. ALL RUNOFF IN THE BIO-RETENTION BASIN WILL DRAIN DOWN THROUGH THE MEDIA AND INFILTRATE OR DISCHARGE THROUGH THE UNDERDRAINS.

ALL WATER EXCEEDING THE FIRST 1" OF RUNOFF WILL BYPASS THE FILTERRA AND BIO-RETENTION BASIN WHERE IT WILL BE REDIRECTED TO UNDERGROUND STORAGE SYSTEM. THIS SYSTEM WILL DETAIN THE WATER TO MEET THE PEAK FLOW DISCHARGE REQUIREMENTS FOR THE VARIOUS STORMS AS REQUIRED BY THE TOWN ORDINANCE.

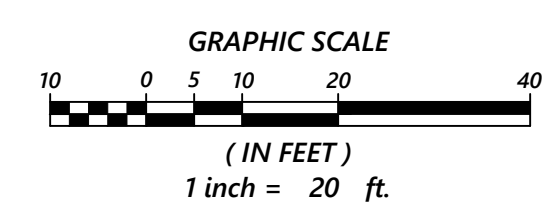
ADDITIONALLY, THERE IS A STREAM BUFFER LOCATED ON THE PROPERTY THAT CURRENTLY IS NOT WOODED AND DOES LITTLE TO ADDRESS THE MITIGATION FACTORS AND PROVIDE FOR THE ENVIRONMENTAL BENEFITS THAT RIPARIAN BUFFERS ARE INTENDED TO ADDRESS. IT WILL BE PART OF THE DEVELOPMENT PLAN TO VEGETATE THIS BUFFER SUCH THAT IT MEETS THE INTENT OF THE STREAM BUFFER REGULATIONS. THE CURRENT CONDITIONS OF THIS BUFFER FALL WELL SHORT OF MEETING THE INTENT AND GOALS OF STREAM BUFFER RULES AND IT IS THE DESIRE OF THIS DEVELOPMENT TO PROVIDE A MODEL AS TO HOW DEVELOPMENT AND ENVIRONMENTAL STEWARDSHIP CAN CO-EXIST ON THE SAME SITE WITH THE PROPER PLANNING AND INITIATIVE.

Pre-Development				
DA-A				
Land Description	Area (sf)	Area (ac)	CN	C
Pervious / Landscape (HSG-B)	23,161	0.53	61	0.30
Wooded (HSG-B)	12,821	0.29	60	0.35
Pervious / Landscape (HSG-D)	14,698	0.34	80	0.30
Total DA-A	50,680	1.16	66	0.31

Post-Development				
DA-A1: SCM				
Land Description	Area (sf)	Area (ac)	CN	C
Roof	8,216	0.19	98	0.95
Parking/concrete	12,898	0.30	98	0.95
Wooded (HSG-B)	21,832	0.50	55	0.35
Pervious / Landscape (HSG-B)	0	0.00	61	0.30
Pervious / Landscape (HSG-D)	3,934	0.09	80	0.30
SCM	3,800	0.09	61	0.30
Total DA-A1	50,680	1.16	75	0.44



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GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

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919.524.2074

C3 PROJECT #:
21-040

REVIEW PROJECT #:
XX-XXX

SHEET #:
C-1.4

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TOWN OF CARRBORO - CLIP PLANS #2 COMMENTS
FIRST ISSUED

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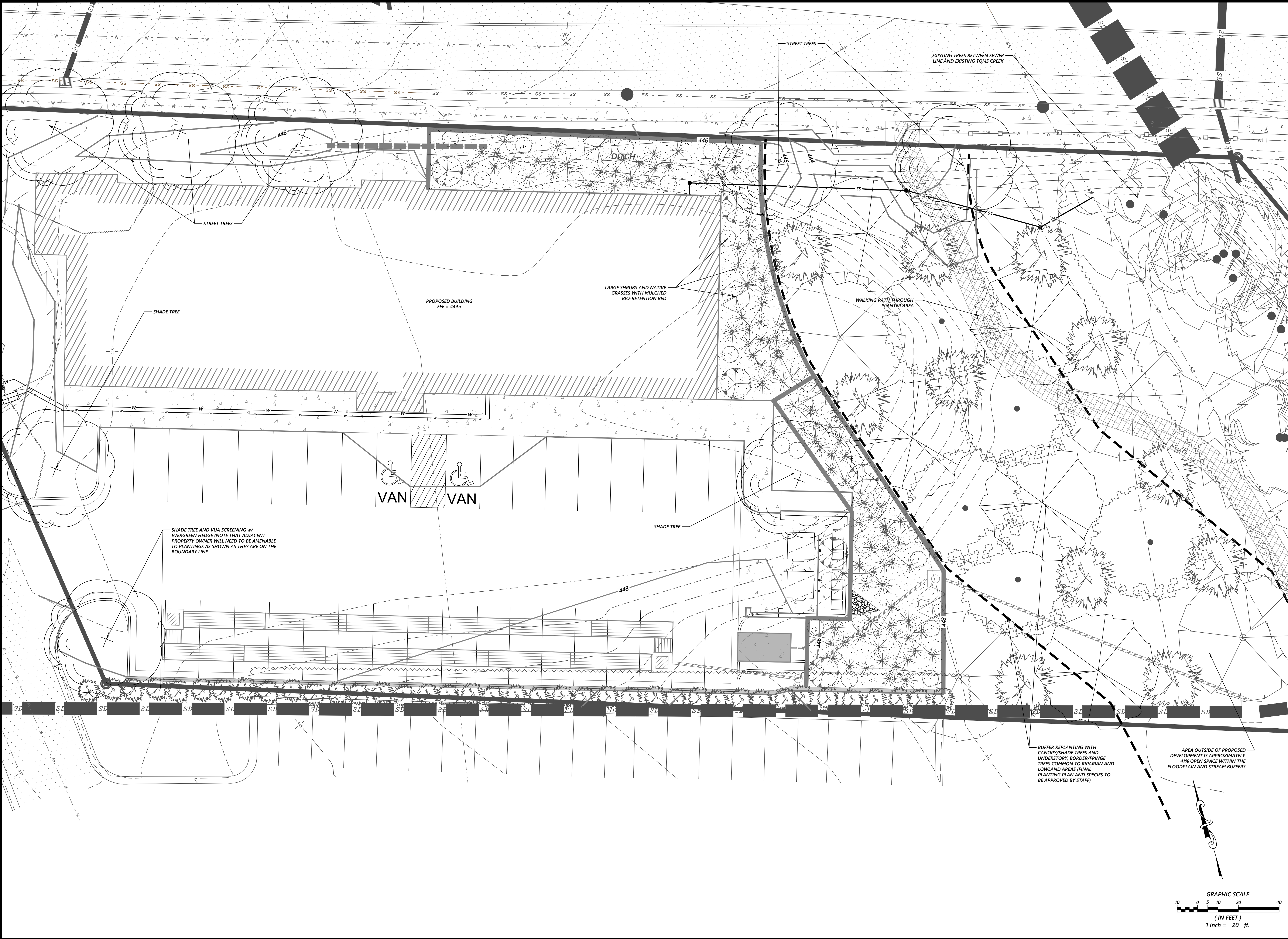
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10/20/23

1

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1307 WEST MAIN ST. CARRBORO, NC 27510
ORANGE COUNTY

GRADING & DRAINAGE PLAN



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NORTH CAROLINA PROFESSIONAL ENGINEER
JAMES E. ABBOT
00442

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TEMPO
1307 WEST MAIN ST. CARRBORO, NC 27510
ORANGE COUNTY

LANDSCAPING & OPEN SPACE PLAN

C3 PROJECT #:
21-040
REVIEW PROJECT #:
XX-XXX
SHEET #:
C-1.5



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TEMPO

1307 WEST MAIN STREET
CARRBORO, NC 27510

CONDITIONAL
REZONING
APPLICATION

No.	Description	Date

DATE: 2022.10.24
DRAWN BY: JSA
CHECKED BY: JSA

FLOOR PLANS

A1.0

UNIT COUNT NOTES:

PROPOSED AFFORDABLE UNIT COUNT WILL BE AT LEAST 15% OF TOTAL UNIT COUNT. FINAL AFFORDABLE UNIT COUNT T.B.D. BASED ON OVERALL DENSITY PERMITTED AND MAY INCLUDE ADDITIONAL UNITS ABOVE 15%.

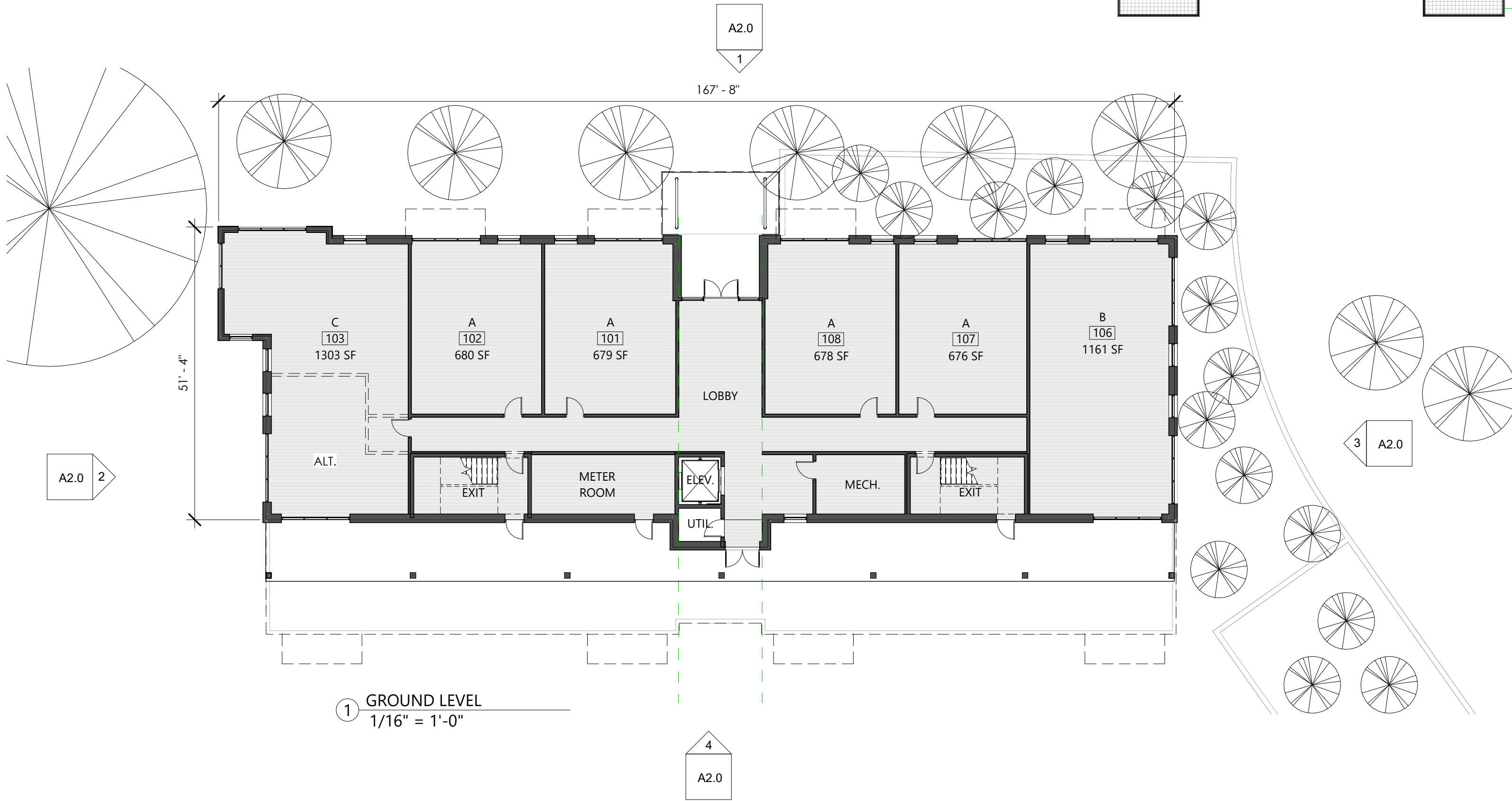
UNIT TYPES AND COUNTS BASED ON PROPOSED FLOOR PLATES:

A = 1-BEDROOM 7 UNITS, 7 BEDS
B = 2-BEDROOM 17 UNITS, 34 BEDS
C = 3-BEDROOM 10 UNITS, 30 BEDS

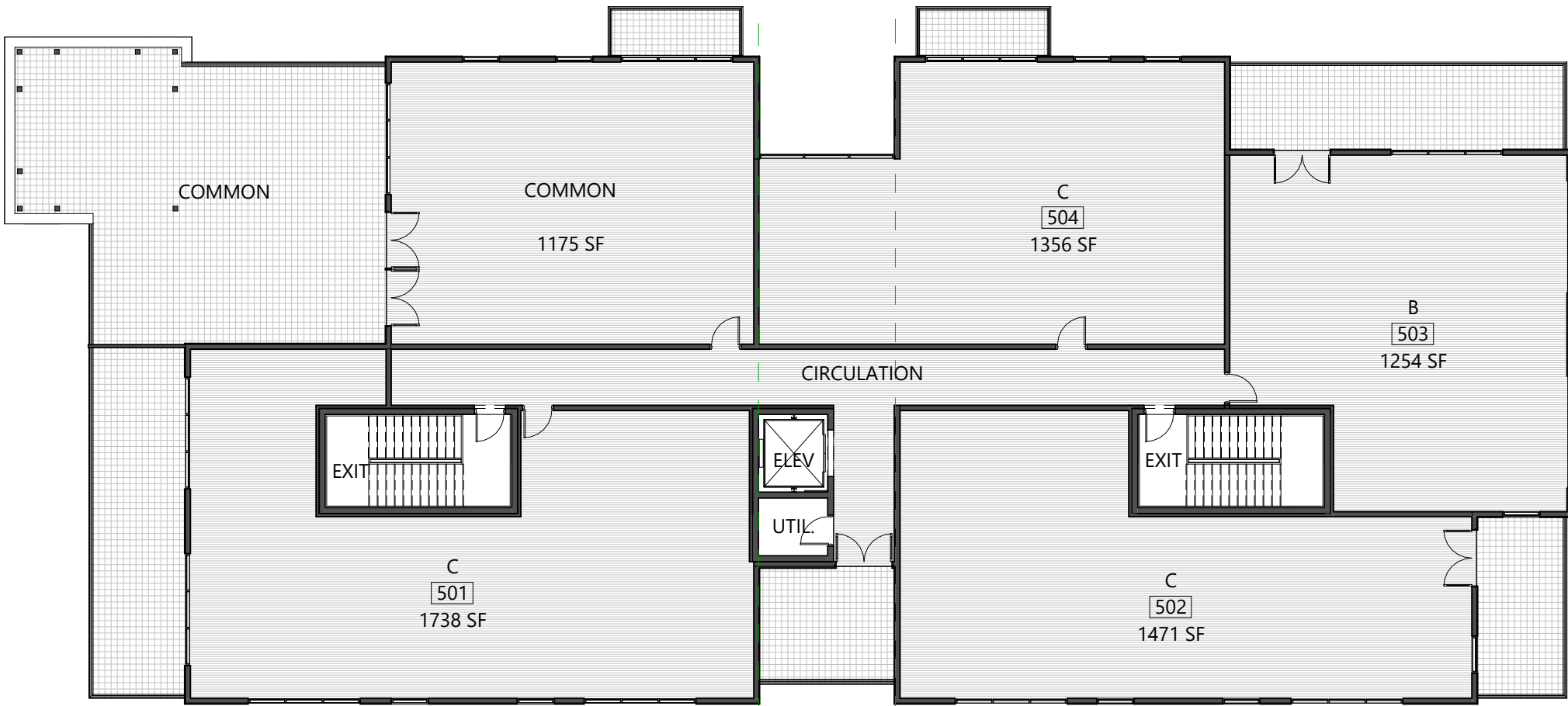
RQD RECREATION POINTS: 320.67
1-BED: 5.94 x 7 = 41.58
2-BED: 9.47 x 17 = 160.99
3-BED: 11.81 x 10 = 118.10

UNIT COUNT TABLE		
UNIT TYPE	UNIT COUNT	BED COUNT
GROUND LEVEL		
A	4	4
B	1	2
C	1	3
LEVEL 2		
A	1	1
B	5	10
C	2	6
LEVEL 3		
A	1	1
B	5	10
C	2	6
LEVEL 4		
A	1	1
B	5	10
C	2	6
LEVEL 5		
B	1	2
C	3	9

Grand total: 34



1 GROUND LEVEL
1/16" = 1'-0"



3 LEVEL 5
1/16" = 1'-0"



2 LEVEL 2-4
1/16" = 1'-0"
*THIS PLAN REPRESENTS 3-STORIES



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TEMPO

1307 WEST MAIN STREET
CARRBORO, NC 27510

CONDITIONAL
REZONING
APPLICATION

No.	Description	Date

DATE: 2022.10.24
DRAWN BY: 3_JSA
CHECKED BY: JSA

ELEVATIONS

A2.0



① NORTH ELEVATION
1/16" = 1'-0"



③ EAST ELEVATION
1/16" = 1'-0"



② WEST ELEVATION
1/16" = 1'-0"



④ SOUTH ELEVATION
1/16" = 1'-0"

EXTERIOR FINISHES	
KEYNOTE	DESCRIPTION
A	GRAY MASONRY
B	FIBER-CEMENT SHIPLAP SIDING, PAINTED
C	WOOD OR ENGINEERED WOOD VERTICAL SIDING
D	CLAD OR ALUMINUM WINDOWS
E	METAL GUARDRAIL



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CONDITIONAL
REZONING
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DATE: 2022.10.24
DRAWN BY: JSA
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PERSPECTIVES

A3.0



1 PRELIMINARY PERSPECTIVE



2 SOUTHWEST



3 NORTHWEST



4 SOUTHEAST



5 NORTHEAST

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TEMPO

1307 WEST MAIN STREET
CARRBORO, NC 27510

CONDITIONAL
REZONING
APPLICATION

No.	Description	Date

DATE: 2022.10.24
DRAWN BY: JSA
CHECKED BY: JSA

SITE CONTEXT

A4.0

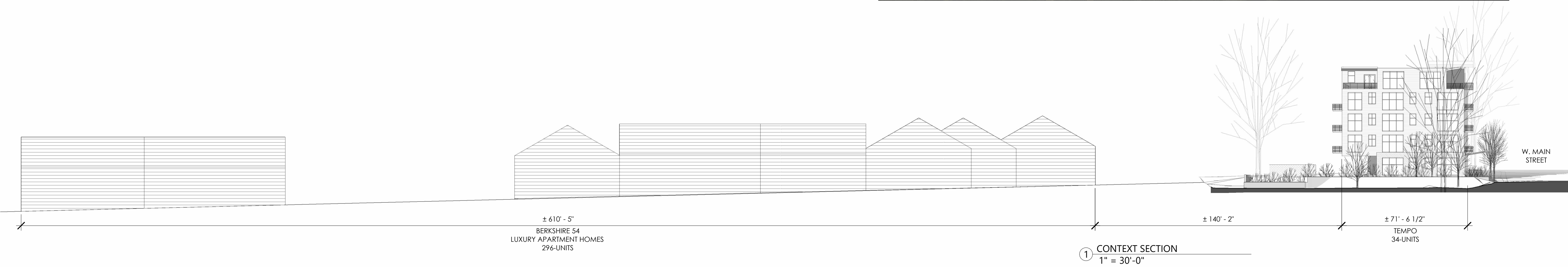


PROPOSED SITE

SEE CONTEXT SECTION BELOW

SOUTH

NORTH



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 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 2/4/86; 5/28/02)

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 6/09/98)
- (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; 6/09/98; 6/20/06)
- (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 special use permit-A. (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

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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 9/06/88; 6/20/06).**

- 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

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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 6/20/06)**

- (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 in question, at least 75% of the buildings (in place on April 16, 1991) that front along the same side of the street do not have roofs that comply with this pitched roof standard; and (iii) windows shall be of a type commonly used in single-family residences;

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- d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 4/16/91)**
- (10) **O/A OFFICE/ASSEMBLY.** This district is intended to provide for office, administrative, professional, research, and specialized manufacturing (such as light assembly and processing) activities in close proximity to an arterial street. This district is intended to provide employment near residential areas; therefore, the required development standards are intended to be compatible to adjacent residential uses and provide a park-like setting for employment. It is strongly encouraged that development in the Office/Assembly zoning district be designed so that employees may easily utilize alternative forms of transportation (such riding buses, cycling or walking) to commute to their place of employment. Any development within the Office/Assembly (O/A) district shall comply with the following requirements: **(AMENDED 5/25/99; 5/28/02)**
- a. No area less than five contiguous acres may be zoned as an Office/Assembly district;
 - b. The performance standards (Article XI, Part I) applicable to 4.000 classification uses in business zones shall govern uses in an Office/Assembly zone;
 - c. As shown in Section 15-308, Table of Screening Requirements, screening will be required between non-residential uses in the Office/Assembly district and adjacent residential properties;
 - d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 4/16/91)**
 - e. Not more than 25 percent of the total building gross floor constructed within the proposed district may be used for uses permissible within this district that fall within the 2.000 classification.

- (11) **O/A CU OFFICE/ASSEMBLY CONDITIONAL USE.** **(REPEALED 6/22/21)**

Section 15-136.1 Historic Rogers Road Districts Established. **(AMENDED 6/18/2019; 2/9/21)**

- (a) The Historic Rogers Road districts, HR-R (residential) and HR-CC (community commercial), are established to implement the goals and recommendations of the *Mapping Our*

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Community's Future community planning effort, completed in May 2016. The intent of *Mapping Our Community's Future* and the HR districts is to:

- (1) Create opportunities for long-term residents to continue living in the community and to age in place;
- (2) Preserve the socioeconomic and cultural diversity of the neighborhood;
- (3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;
- (4) Respect and protect the natural character of the neighborhood;
- (5) Ensure that new development is consistent with neighborhood character and the vision that residents have developed for its future;
- (6) Provide greater residential housing choice, affordability, and diversity;
- (7) Increase economic opportunities within the neighborhood;
- (8) Increase recreational resources within the neighborhood; and
- (9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.

(b) The HR-R zoning district is designed to protect and preserve the character of existing lower-density areas (minimum lot size 14,520 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.

(c) The HR-CC district is designed to provide for a broader range of housing and employment options by concentrating new development into nodes which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-CC district include live-work units, flex space, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities. Property proposed for rezoning to an HR-CC district shall include no less than 5 contiguous acres. The district may be expanded to include additional parcels of land so long as such parcels: (i) are contiguous to the district, and (ii) are the same, or part of the same, tracts or parcels of land that were identified in *Mapping Our Community's Future* for more intensive uses. The development of an HR-CC district may include the recombination of existing lots and/or the subdivision of new lots that meet the density and dimensional standards outlined in Article XII.

Section 15-137 Manufacturing Districts Established. (AMENDED 6/22/82; 2/4/86)

(1) The M-1 and M-2 districts are hereby created to accomplish the purposes and serve the objectives set forth in this subsection. Part of Article XI contains performance standards that place limitations on the characteristics of uses located in the districts created by this section.

- (a) **M-1 LIGHT MANUFACTURING.** This zone is designed to accommodate a limited range of industrial activities and a wide range of commercial uses including wholesaling, storage, mail-order, auto related, and office and retail in conjunction with industrial or wholesaling uses. Permitted industrial uses include enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembly where all operations are contained inside a fully enclosed building. The performance standards for the M-1 zone located in Part I of Article XI are more restrictive than those in the M-2 district.
- (b) **M-2 GENERAL MANUFACTURING.** This district is designed to accommodate the widest range of industrial uses. Business operations may be conducted within and outside a fully enclosed building. The performance standards for this zone are less restrictive than those in the M-1 district.

(2) There is also established a watershed light industrial (WM-3) zoning district. The purpose of this district is to allow areas within the University Lake Watershed that have been zoned M-1 prior to the effective date of this subdivision to continue to be used and developed for light industrial and related purposes, subject to certain restrictions designed to protect the watershed. Consistent with the purpose of this zone, this district shall be confined to that area zoned M-1 on the effective date of this subsection (12/7/1983); this area shall not be expanded and no new WM-3 areas shall be designated. For the purposes of this section, changes to make WM-3 zoning uniform on lots that were depicted as entirely within the M-1 zoning at the time of its establishment, but that were later depicted as being bisected by the zoning boundary, will not be considered an expansion of the district or the creation of new WM-3 areas. **(AMENDED 12/7/83; 06/27/17)**

(3) There is also established a Planned Industrial Development (PID) zoning district. The purpose of this district is to provide for the possibility of well-planned and tightly controlled industrial development in areas that are suitable for such development but that are not deemed appropriate for M-1 or M-2 zoning because of the less restricted types of development that may occur in such zones. **(AMENDED 6/22/82; 12/7/83)**

- (a) No area less than twenty contiguous acres may be zoned as a Planned Industrial Development district, and then only upon a request submitted by or on behalf of the owner or owners of all the property intended to be covered by such zone.

- (b) As indicated in the Table of Permissible Uses (Section 15-146) a planned industrial development (use classification 30.000) is the only permissible use in a PID zone.
- (c) Subject to subdivision (2) of this subsection, and consistent with the restrictions contained in the definition of a planned industrial development [see Subdivision 15-15], land within a PID zone may be used in a manner that would be permissible if the land were zoned M-1, except that (i) the only permissible uses are those described in the 2.130 and 4.100 classifications and (ii) the performance standards (Article XI, Part I) applicable to 4.100 uses in business zones shall govern uses in a planned industrial development.

Section 15-138 Public Facilities District Established.

There is hereby created a Public Facilities (P-F) zoning district. Within this district, those uses indicated as permissible in the Table of Permissible Uses may be developed, but only if such developments are owned and operated by the United States, the State of North Carolina, Orange County, the Town of Carrboro, or any agency, department, or subdivision of the foregoing governments.

Section 15-139 Planned Unit Development District Established.

(1) There are hereby established sixty different Planned Unit Development (PUD) zoning districts as described in this section. Each PUD zoning district is designed to combine the characteristics of at least two and possibly three zoning districts. **(AMENDED 2/24/87)**

- (a) One element of each PUD district shall be the residential element. Here there are six possibilities, each one corresponding to one of the following residential districts identified in Section 15-135: R-20, R-15, R-10, R-7.5, R-3, or R- S.I.R. Within that portion of the PUD zone that is developed for purposes permissible in a residential district, all development must be in accordance with the regulations applicable to the residential zoning district to which the particular PUD zoning district corresponds.
- (b) A second element of each PUD district shall be the commercial element. Here there are five possibilities, each one corresponding to either the B-1(g), B-2, B-3, O, or O/A zoning districts established by Section 15-136. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds. **(AMENDED 2/04/97)**
- (c) A manufacturing/processing element may be a third element of any PUD district. Here there are two alternatives. The first is that uses permitted within the M-1 district would be permitted within the PUD district. The second alternative is that uses permitted only within the M-1 or M-2 zoning districts

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would not be permitted. If an M-1 element is included, then within that portion of the PUD district that is developed for purposes permissible in an M-1 district, all development must be in accordance with the regulations applicable to the M-1 district.

The sixty different PUD zoning districts are derived from the various combinations of possible alternatives within each of the three elements -- residential, commercial, manufacturing/processing. For example, there is an R-20/B-1(g)/M-1 district, an R-20/B-2/M-1 district, an R-20/B-2 district, an R-15/B-1(g)/M-1 district, etc. **(AMENDED 2/04/97)**

(2) No area of less than twenty-five contiguous acres may be zoned as a Planned Unit Development district, and then only upon the request of the owner or owners of all of the property intended to be covered by such zone.

(3) As indicated in the Table of Permissible Uses (Section 15-146), a planned unit development (use classification 28.000) is the only permissible use in a PUD zone, and planned unit developments are permissible only in such zones.

Section 15-140 Residential High Density and Commercial Overlay District. **(AMENDED 2/4/86)**

There is hereby created a Residential High Density and Commercial Overlay (RHDC) zoning district. The purpose of this district is to provide for the redevelopment of deteriorating commercial and manufacturing areas in a manner that is consistent with commercial development goals of the town, namely, for compact, compressed town center growth, for a substantial increase in residential opportunities near the town center, and for mixed use development in the downtown. Property that lies within this overlay district may be developed in accordance with either the regulations applicable to the underlying district or the following regulations:

- (1) To take advantage of provisions applicable to the RHDC overlay district, lots must contain at least one and one half acres of contiguous land under single ownership.
- (2) Uses permissible shall be those permissible within either the R-2 district or the B-1(c) district, or both, except that subdivisions other than architecturally integrated subdivisions shall not be allowed.
- (3) Residential density shall be determined as if the property were zoned R-2.
- (4) Twenty percent of the lot area shall remain as usable open space (see Section 15-198), except that where the development seeks to provide interior open space or indoor hard court, pool, or other active recreation facilities in excess of the basic requirement set forth in Article XIII, the permit-issuing authority may reduce the open space requirement to reflect the quality and amount of such facilities. The developer may substitute grassed areas, lawn, gardens, and shrubbed space for wooded space in meeting the requirements of 15-198(b)(3).

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- (5) Subject to subdivision (6), the amount of floor area set aside or used for purposes not permissible within the R-2 district (i.e., commercial uses) may not exceed ten percent of the floor area used for residential purposes.
- (6) Where at least one-third of the total number of parking spaces for the development are provided on a tier or level other than ground level (as with underground parking or a two tier parking garage) and where the open space is increased to 40% of the development tract, the development may either (i) increase the commercial floor area over that allowed in subdivision (5) to 25% of the floor area in residential use, or (ii) increase the density for residential use to 1,500 square feet per dwelling unit.
- (7) The maximum building height for the district shall be 50 feet. A building that is over 35 feet shall be set-in and setback 2 additional feet for every additional foot above 35 feet in height.
- (8) Commercial space shall be located at ground level or on the top level of a building.
- (9) Except as otherwise provided herein, the regulations applicable to land within an R-2 district shall apply to property within a RHDC district.

Section 15-140.1 Office-Residential Mixed Use District. (AMENDED 6/20/06)

(a) There is hereby created an Office-Residential Mixed Use (OR-MU) zoning district. The purpose of this district is to provide for mixed use developments, i.e. developments that contain both residential and non-residential elements, within areas that are near the downtown commercial districts.

(b) Any lot within the OR-MU district that exists on the effective date of this section or that is hereafter created may be developed and used for those purposes within the 3.000 classification that are permissible within the B-2 zoning district, subject to the same permitting requirements and other applicable regulations of this chapter, just as if the property were zoned B-2.

(c) Any lot or tract within the OR-MU district may be developed as a mixed use project in accordance with the provisions of this subsection.

- (1) Development of property under this subsection requires the issuance of a special use permit-A by the Town Council in accordance with the applicable provisions of this chapter.
- (2) A mixed use project approved under this subsection must have both a residential and a nonresidential component.
- (3) At least one-half but not more than two-thirds of the gross floor area of the mixed use development shall consist of residential uses listed in use classifications 1.100, 1.200, 1.300, or 1.400, 1.510 (hotels and motels) and

1.520 (tourist homes and other temporary residences), provided that use classifications 1.510 and 1.520 shall not comprise more than one-third of the residential component. However, the residential component of the mixed use development may be increased to ninety percent of the floor area of the mixed use development if the developer donates to a non-profit agency engaged in providing affordable housing at least ten percent of the total acreage within the development and enters into an enforceable agreement with such agency to construct on such land and convey to the agency, at not more than the developer's cost, the number of housing units for which the agency obtains a permit. For purposes of this subsection, the phrase "within the development" means within the area covered by the special use permit-A issued for the mixed use development as well as any adjacent property that is or was owned by the developer of the mixed use project and that is conveyed to a non-profit agency and developed for affordable housing as described herein, even if such other area is not located with the Town of Carrboro.

- (4) The permissible residential density within the mixed use development shall be calculated as if the development were zoned R-3, except that the density shall be calculated as if the property were zoned R-2 if the developer conveys at least ten percent of the land within the development to a non-profit agency and constructs on that land affordable housing as described in subsection (c)(3) above. For purposes of this subsection, if land that is not located within the Town of Carrboro is regarded as "within the development" as that phrase is defined in subsection (c)(3) above, then such area shall be considered part of the development for purposes of calculating the permissible residential density under this subsection.
- (5) Subject to the other provisions of this subsection, the dimensional and other requirements of this chapter applicable to the R-3 district shall apply to a mixed use development permitted under this section. However, the maximum height of buildings within the mixed use development, shall be four stories, except that a fifth story shall be permitted if the developer conveys at least ten percent of the land within the development to a non-profit agency and constructs on that land of affordable housing as described in subsection (c)(3) above. Notwithstanding other provisions of this chapter, any parking levels that are constructed underneath a building within a mixed use development and that are at least in substantial part constructed below the ground service levels shall not be regarded as "stories" for purposes of the height limitations established herein.
- (6) Permissible uses within the commercial component of the mixed use shall be those listed in the following use classifications within the Table of Permissible Uses: (i) use classification 3.100; (ii) use classifications 2.110, 2.112, 2.120, 2.130, 2.150, 2.210, 2.220, provided that such uses do not comprise more than fifty percent of the total commercial space within the

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mixed use development; and (iii) restaurant uses 8.100, 8.200, and 8.500, so long as any one restaurant business does not occupy more than 1,500 square feet of gross floor area and so long as such restaurant uses do not operate during the hours of 2:00 a.m. to 6:00 a.m.

- (7) A mixed use development may be constructed in phases as provided in Section 15-61. However, the phasing plan shall ensure that, as buildings are constructed and occupied, the relative mix of residential and commercial floor space remains substantially consistent with the percentages approved in the plans.
- (8) If portions of the mixed use development are subdivided, the final plat shall contain notations indicating any limitations on uses or the sequencing of development created as a result of approval of the development as a mixed use under this section.

Section 15-141 Neighborhood Preservation District Established. (AMENDED 9/26/89; 11/21/95; 5/27/08)

(a) There are hereby established an Historic District (HD) and a Neighborhood Preservation District (NPD).

- (1) **HD HISTORIC DISTRICT.** This district is designed to apply to areas which are deemed to be of special significance in terms of their history, architecture and/or culture, and to possess integrity of design, setting, materials, feeling and association. The historic district is one of Carrboro's most valued and important assets and is established for the following purposes: to protect and conserve the heritage of Carrboro, Orange County and the State of North Carolina; to preserve the social, economic, cultural, political, and architectural history of the district and its individual properties; to promote the education, pleasure and enrichment of residents in the district and Carrboro and Orange County and the State as a whole; to encourage tourism and increased commercial activity; to foster civic beauty; and to stabilize and enhance property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of Carrboro and any residents of the district.
- (2) **NPD NEIGHBORHOOD PRESERVATION DISTRICT.** This district is designed to apply to areas which are deemed to possess form, character, and visual qualities from arrangements or combinations of architectural or appurtenant features or places of historical or cultural significance that create an image of stability, local identity, and livable atmosphere. This district is established to achieve the same objectives and purposes as those set forth above with respect to the historic district.

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(b) The HD and NPD districts are overlay districts, and properties within these districts are subject to the regulations applicable to the underlying district as well as the requirements set forth in Article XXI of this chapter.

Section 15-141.1 Jordan Lake Watershed District Established. (AMENDED 10/15/96)

(a) There is hereby established an overlay district to be known as the Jordan Lake Watershed Protection District (JLWP). The purpose of this overlay district is to provide for the imposition of regulations applicable to areas within the town's planning jurisdiction that are part of the Jordan Lake WS-IV Watershed in order to comply with the provisions of Article 21, Chapter 143 of the North Carolina General Statutes.

(b) Because the JLWP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district as well as the requirements of the JLWP district.

Section 15-141.2 Village Mixed Use District Established. (AMENDED 5/25/99)

(a) There is hereby established a Village Mixed Use (VMU) district. This district is established to provide for the development of rural new villages at a scale intended to continue Carrboro's small town character as described in its Year 2000 Task Force Report and to promote a traditional concept of villages. The applicant for rezoning to this district must demonstrate that its planning, design and development will achieve, but not necessarily be limited to, all of the following specific objectives:

- (1) The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses;
- (2) The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes.
- (3) Dwellings, shops, and workplaces generally located in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the village.
- (4) Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner.
- (5) A generally rectilinear pattern of streets, alleys and blocks reflecting the street network in existing small villages which provides for a balanced mix of pedestrians and automobiles.
- (6) Squares greens, landscaped streets and parks woven into street and block patterns to provide space for social activity, parks and visual enjoyment.

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- (7) Provision of buildings or structures, open to all residents of the VMU development, for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community. **(AMENDED 5/28/2019)**
- (8) A recognizable, functionally diverse, but visually unified village focused on a village green or square.
- (9) Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the village.
- (10) Compliance with the policies embodied in this chapter for the development of a village mixed use.

(b) The VMU district shall be a conditional district authorized under G.S. 160D-703(b). As such, property may be placed within this district only in response to a petition by the owners of all the property to be included. **(AMENDED 6/22/21)**

(b1) Pursuant to G.S. sections 160D-705(c) and 160D-102(30), any VMU district adopted as a conditional use district, in accordance with this section and Article XX of this chapter, prior to June 22, 2021 shall be deemed a conditional district and the conditional use permit issued concurrently with the establishment of the district shall be deemed a valid special use permit-A. **(AMENDED 6/22/21)**

(c) As indicated in the Table of Permissible Uses, the only permissible use within a VMU district is a village mixed use development, and a village mixed use development is only permissible within a VMU district.

(d) Property may be rezoned to the VMU district only when the property proposed for such rezoning:

- (1) Comprises at least fifty, but not more than two hundred, contiguous acres. For purposes of this subsection, acreage is not “contiguous” to other acreage if separated by a public street or connected only at a point less than one hundred feet in width; and
- (2) Is so located in relationship to existing or proposed public streets that traffic generated by the development of the tract proposed for rezoning can be accommodated without endangering the public health, safety, or welfare; and
- (3) Will be served by OWASA water and sewer lines when developed.

(e) No more than 350 gross acres may be rezoned to the VMU district and no more than three villages may be approved.

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(f) Nothing in this section is intended to limit the discretion of the Town Council to deny an application to rezone property to a VMU district if it determines that the proposed rezoning is not in the public interest.

(g) When a VMU rezoning application is submitted (in accordance with Article XX of this ordinance), the applicant shall simultaneously submit a master plan for the proposed village mixed use development, in accordance with the following provisions. **(AMENDED 6/22/21)**

- (1) The master plan shall show, through a combination of graphic means and text (including without limitation proposed conditions to be included in the rezoning for the proposed development):
 - a. The location, types, and densities of residential uses;
 - b. The location, types, and maximum floor areas and impervious surface areas for non-residential uses;
 - c. The location and orientation of buildings, parking areas, recreational facilities, and open spaces;
 - d. Access and circulation systems for vehicles and pedestrians;
 - e. How the development proposes to satisfy the objectives of and comply with the regulations applicable to a village mixed use development as set forth in Section 15-176.2 of this chapter;
 - f. How the development proposes to minimize or mitigate any adverse impacts on neighboring properties and the environment, including without limitation impacts from traffic and stormwater runoff; and
 - g. How the development proposes to substantially comply with the town's recommended "Village Mixed Use Vernacular Architectural Standards." **(AMENDED 8/22/06).**
- (2) The planning board, Northern Transition Advisory Committee, Appearance Commission, Environmental Advisory Board, Transportation Advisory Board (and other advisory boards to which the Town Council may refer the application) shall review the proposed master plan as part of the applicant's rezoning request. In response to suggestions made by the planning board (or other advisory boards), the applicant may revise the master plan before it is submitted to the Town Council. **(AMENDED 6/22/21)**
- (3) Applicants for VMU districts that are located within the Transition Area portion of the Carrboro Joint Development Area as defined within the Joint Planning Agreement should meet with Carrboro Town and Orange County Planning staff prior to the formal submittal of an application to informally

discuss the preliminary rezoning development plan. **(REWRITTEN 6/22/21)**

- (4) Approval of a VMU rezoning application with a master plan under this section does not obviate the need to obtain a special use permit-A for the village mixed use development in accordance with the provisions of Section 15-176.2 of this chapter. **(REWRITTEN 6/22/21)**
 - a. In addition to other grounds for denial of a special use permit-A application under this chapter, a special use permit-A for a village mixed use development shall be denied if the application is inconsistent with the approved master plan in any substantial way. Without limiting the generality of the foregoing, an application for a special use permit-A is inconsistent in a substantial way with a previously approved master plan if the plan of development proposed under the special use permit-A application increases the residential density or commercial floor area permissible on the property or decreases or alters the location of open space areas.
 - b. No special use permit-A for a village neighborhood mixed use development may be denied for reasons set forth in Subsection 15-54(c)(4) if the basis for such denial involves an element or effect of the development that has previously been specifically addressed and approved in the master plan approval process, unless (i) it can be demonstrated that the information presented to the Town Council at the master plan approval stage was materially false or misleading, (ii) conditions have changed substantially in a manner that could not reasonably have been anticipated, or (iii) a basis for denial for reasons set forth in Subsection 15-54(c)(4) is demonstrated by clear and convincing evidence.
- (5) Subject to Subsection 15-141.2(g)(4)b, a master plan approved under this section as a condition of the conditional rezoning may only be amended in accordance with the provisions applicable to a rezoning of the property in question. Notwithstanding the foregoing, the Council may consider as a condition to the rezoning, parameters for future minor modifications to the master plan. All other requests for modifications shall be considered in accordance with the standards in subsection 15-141.4(g). [See also sections 15-128.2 and 15-128.3 for modifying or extending site specific vesting plans and vested rights.] **(REWRITTEN 6/22/21)**

Section 15-141.3 Conditional Use Zoning Districts. (REPEALED 6/22/21)

Pursuant to G.S. sections 160D-705(c) and 160D-102(30), any 'conditional use zoning district,' adopted in accordance with section 15-141.3 and Article XX of this chapter prior to July 1, 2021, shall automatically be converted to a 'conditional zoning district' and the 'conditional use permit'

issued concurrently with the establishment of the district shall be deemed a valid 'special use permit-A.' **(AMENDED 5/25/04; 4/28/15; 10/23/18 AMENDED)**

Section 15-141.4 Conditional Zoning Districts. (AMENDED 5/27/08; REWRITTEN 6/22/21)

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the conventional use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ, and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, O/A-CZ, M-1-CZ, M-2-CZ, M-3-CZ **(AMENDED 4/27/10; 6/23/15; 10/23/18)**

There may also be established a HR-CC-CZ zoning district, pursuant to the purpose statement and criteria described in Section 15-136.1.

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Subject to the provisions of subsections (k), (l), and (n), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the conventional use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (f) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d). **(AMENDED 10/23/18)**

- (1) Property that is zoned B-4-CZ may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321 (multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) 1 in addition to other uses permissible in the B-4 district, subject to a special use permit-A, and the following: (i) not more than 25% of the total land area covered in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

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- (2) Except as otherwise provided in this section, the uses that are permissible within a M-3-CZ district, and the regulations applicable to property within such a district shall be those uses and those regulations that would be applicable to any property zone M-1-CZ (i.e. excluding specific conditions made applicable to any property zoned M-1-CZ) with the addition of use 3.230.
- (3) Property that is zoned O/A-CZ shall be subject to all regulations applicable to the O/A district (including but not limited to the performance standards set forth in part I of Article XI), except as follows:
 - a. No area less than four contiguous acres and no more than a total of twenty-five (25) acres may be rezoned to the O/A-CZ.
 - b. Uses within the O/A-CZ district shall be limited to those where loading and unloading occurs during daylight hours only.
 - c. Buildings within the O/A-CZ district shall comply with the following standards:
 - 1. 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 or vinyl).
 - 2. The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run.
 - 3. Windows shall be of a scale and proportion typically of single-family residences.

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. The rezoning petition for a VMU district, described in subsection 15-141.2(g)(1), shall include a master plan as a condition of the approval.
(AMENDED 10/25/16)

(e) A rezoning petition may be submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height.
(AMENDED 10/25/16)

- (1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:

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- a. Will not substantially injure the value of adjoining or abutting property; and
- b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
- c. Will be in general conformity with the Comprehensive Plan, Land Use Plan, long range transportation plans, and other plans officially adopted by the Council. **(AMENDED 3/22/16, 10/25/16)**

- (2) All relative provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d) and (f). **(AMENDED 10/25/16)**

(f) The specific conditions proposed by the petitioner or the Town may be modified by the planning staff, advisory boards or Town Council as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the Town and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, the town may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to the requirements of this chapter, or the impacts reasonably expected to be generated by the development or use of the site.

(g) Except as allowed under minor modifications below, all changes to conditional zoning districts are major amendments and shall follow the same process as for the original approval as described in this section and in Article XX. Changes to conditional zoning districts may also require amendments or modifications to associated special use permits, zoning permits or sign permits for the development as pursuant to Section 15-64.

- (1) Minor modifications in conditional zoning districts may be reviewed and approved administratively subject to the following limitations:

The minor modification:

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- a. Does not involve a change in uses permitted or the density overall of the development permitted;
- b. Is a limited minor change that does not have a substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development, such as, without limitation, a minor adjustment to internal road or parking configuration, a minor adjustment to building location, or a minor adjustment to internal tree screening or other landscaping, or a minor adjustment to utility location;
- c. Does not increase the impacts generated by the development on traffic, stormwater runoff, or similar impacts beyond what was projected for the original development approval;
- d. Meets all other applicable conditions of the rezoning; and
- e. Meets all other ordinance requirements.

- (2) For a conditional zoning district applicable to multiple parcels, the owners of individual parcels may apply for a minor modification or major amendment so long as the change would not result in other properties failing to meet the terms of the conditions. Any approved changes shall only be applicable to those properties who owners petition for the change.

(h) A decision on a minor modification may be appealed to the Board of Adjustment as an administrative determination as provided for in subsection 15-93.1. An application for a minor modification does not preclude an applicant from seeking a variance from the Board of Adjustment.

(i) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding conventional use district would ordinarily require (according to the Table of Permissible Uses), i.e. a special use permit-A, special use permit-B, or zoning permit.

(j) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district and M-3-CZ zoning district shall require the issuance of a special use permit-A. **(AMENDED 10/23/18)**

(k) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Town Council may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation,

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energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: **(AMENDED 11/9/11)**

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the North Carolina Stormwater Nitrogen and Phosphorus (SNAP) Tool.
- (2) Energy performance in building requirements to meet one or more of the following.
 - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
 - b. “Designed to Earn the Energy Star” rating.
 - c. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard measured from the regional (or country) average for that building type.
 - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
 - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
 - f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
 - g. Specific energy saving features, including but not limited to the following, are encouraged.
 - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
 - ii. Insulation beyond minimum standards;
 - iii. Use of energy efficient motors/HVAC;
 - iv. Use of energy efficient lighting;
 - v. Use of energy efficient appliances
 - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
 - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a “green” parking lot, per the EPA document Green “Parking Lot Resource Guide.”

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- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips.
- (9) Inclusion of at least one (1) parking space for car sharing vehicles.
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.
- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

(l) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (k) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1). **(AMENDED 11/9/11)**

(m) For property that is zoned B-4-CZ, the Town Council may approve a special use permit-A that authorizes the tract to be divided into two or more lots, so long as (i) the application for the special use permit-A contains sufficient information to allow the Town Council to approve (and the Council does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e. The subdivision and development of such lot(s) require no further review by the Council); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Council.(Amended 10/23/18)

- (1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a special use permit-A for the entire tract does not provide sufficient information to allow development approval of such lots by the Council, the Council shall specify (by way

of a condition upon the special use permit-A) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Council shall consider the extent to which the initial special use permit-A imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Council's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Council. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.

- (2) Except as provided in subdivision (1) above, the provisions of Section 15-64 and Subsection 15-141.4 shall apply to proposed changes to a special use permit-A issued in connection with a B-4-CZ rezoning.

(n) For property that is zoned M-3-CZ, pursuant to subsection 15-141.4(c)(2) the following provisions shall apply.

- (1) If the Town Council concludes that a proposed development of property zoned M-3- CZ will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Council may approve a special use permit-A that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700. The specified maximum percentage of the gross floor area of the development that may be devoted to such uses shall be proportional to the extent to which the development provides site and building elements that exceed the basic requirements of this ordinance. Such site and building elements are intended to be selected from the following five areas: stormwater management and water conservation; substantial transportation improvement and alternative transportation enhancement; on-site energy production and energy conservation; creation of new and innovative light manufacturing operations; and the provision of public art and/or provision of outdoor amenities for public use.
- (2) The following relationships between site and building elements and uses are hereby deemed to satisfy the standard set forth in subdivision (1) of this subsection: (i) up to fifteen percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700 if the development includes at least fifteen percent of the examples of performance measures from the five areas of site and building element categories set forth below; (ii) up to thirty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the

development includes at least thirty percent of the examples of performance measures from the five areas of site and building element categories set forth below; and (iii) up to forty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least forty percent of the examples of performance measures from the five areas of site and building element categories set forth below. In addition, the Council may allow up to forty percent of a development approved pursuant to this section to be devoted to any combination of the foregoing uses if it concludes that the development will be making a substantial enough investment in one or more of the performance measures listed below to satisfy the standard set forth in subdivision (1) of this subsection.

Performance Measures

Site and Building Element Categories	Examples of Performance Measures
Stormwater management and Water conservation	1) Substantial stormwater retrofits 2) Reduction in nitrogen loading from the site by at least 8 percent from the existing condition, as determined by the Jordan Lake Accounting Tool
Substantial transportation improvement and Alternative transportation enhancement	3) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips 4) Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit 5) Construction of substantially improved site entrance, intersection
On-site energy production and energy conservation	6) Meets or exceeds standards for LEED Gold certification 7) Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical usage for the property 8) Use of harvested rainwater for toilet flushing 9) Use of devices that shade at least 30 percent of south-facing and west-facing building elevations 10) Use of low emissivity (low-e²) windows along south-facing and west-facing building elevations

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	11) Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater 12) Use of geothermal heat system to serve the entire complex 13) Use of LED fixtures for parking and street lights 14) Meets the Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type or the US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030
Creation of new and innovative light manufacturing operations	15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers 16) Incorporates technologies to reduce production waste by 50 percent or more
The provision of public art and/or provision of outdoor amenities for public use	17) Outdoor amenities such as major public art 18) Amphitheatre or outdoor theater, outdoor congregating/gathering area 19) Outdoor eating facilities 20) Outdoor tables with game surfaces, etc.

- (3) In approving a special use permit-A for a development of infill property zoned M-3-CZ, the Council may allow deviations from the otherwise applicable standards relating to public streets as follows:
- a. The Council may approve a curb and gutter street having a right-of-way of not less than 50 feet, travel lanes of not less than 11 feet, divided by a raised concrete median, with a two foot planting strip and a five foot sidewalk if the development provides a separate ten-foot wide paved bike path or shared-use path that constitutes a satisfactory alternative to a bike lane with the street right-of-way if the applicant can demonstrate that the proposed road will provide the functional equivalent to the required street classification standard for all modes of travel from the point of origin to the terminus at the property boundaries.
 - b. The Council may approve a street lighting system consisting of LED lights on 15 foot poles if satisfactory arrangements are made to ensure that all costs associated with the installation, operation, and maintenance of such poles and lights are borne by the developer or the developer's successor, and not the Town.

- c. The Council may approve a street tree planting plan that provides for the installation of fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-316.

Section 15-141.5 Site Specific, Flexible Zoning District. (AMENDED 6/21/16)

(a) A site specific, flexible zoning district (FLX) may be established in accordance with the provisions of this section. The purpose of such a district is to establish detailed standards for alternative possibilities for the development of a specific tract of land, thereby facilitating the development of that property according to the demands of the market, but in a way that is consistent with sound planning and the promotion of the public health, safety, and welfare.

(b) To be considered for FLX zoning, a tract must (i) be at least twenty-five acres in size, (ii) be, as a whole, owned by or under control or option to be purchased by one or more individuals or entities, (iii) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, (iv) have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract. As used herein, the term "site specific planning study" shall mean a collaborative programmatic and design study for the site performed either by, or with the participation of the Town and input from one or more workshops, which shall result in a narrative report and conceptual master plan describing in general terms how the site might be developed and how the conceptual master plan corresponds to and addresses applicable components of all town plans for the area, and applicable conditions, and (v) be located in an area that is subject to an adopted small area plan.

- (1) If the Town receives a request for FLX zoning for a tract that has not been the subject of a site specific planning study as described in Subsection (b)(iv) above, the Planning Director shall present to the Town Council a proposal for undertaking such a study before accepting a formal application for the rezoning. If the Town Council accepts the proposal, the site specific planning study shall proceed as described in the following subsections, or as otherwise directed by the Council.
 - a. The site specific planning study shall be structured as a charrette of a minimum of one day in duration, or more as determined by the Council.
 - b. The Town shall contract a design professional, with no ties to the applicant, to conduct the charrette. The Town may also contract with a qualified facilitator to oversee the charrette process and final reports prepared from the charrette process.
 - c. Participation shall include representatives from advisory boards, neighbors, and members of the public.
 - d. Notice of the date of the charrette will be mailed to residents and property owners within 1000 feet of the subject property, published in the newspaper as well and any other means the Town deems suitable.
- (2) Findings from the site specific planning study report, or narrative, and site plan(s) shall be presented to the Town Council. Subsequent requests for

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FLX zoning shall demonstrate compliance with the findings from the site specific planning study.

- (3) If more than five years have elapsed since the findings from the site specific planning study were presented to the Council and the circumstances relating to the study have substantially changed, the Council may request an update to the study before accepting a request for FLX zoning. Examples of substantial changes in circumstances include but are not limited to: annexation, some or all of the tracts has been subject to a rezoning, unrelated to the FLX district, that increases residential density or changes the types of uses, (i.e. residential to commercial), development on surrounding properties has changed the character or capacity of existing infrastructure.
- (c) A FLX zoning district shall address the following:
- (1) The types of uses that are permissible within the FLX district, along with a maximum (and if applicable, a minimum) percentage of the gross land area that will be devoted to each such use. The description of uses may be in reference to the use classification numbers set forth in the Table of Permissible Uses, or the uses may otherwise be described. The district regulations may also establish density or intensity limitations (expressed in terms of a maximum and/or, if applicable, a minimum number of dwelling units or square feet of building floor area, and applicable ratios, if any if different types of uses within the district).
 - (2) The dimensional restrictions (building height, minimum lot size, setbacks) that shall apply throughout the district. Different restrictions may apply to different portions of the district, depending on the uses located therein. The dimensional restrictions may be described by reference to those applicable within particular zoning districts, or otherwise.
 - (3) Any limitations on the areas within the district where particular types of uses may be allowed.
 - (4) Any architectural standards that will apply to all or designated portions of the district.
 - (5) Any limitations on the timing or sequence of development of various portions of the district.
 - (6) The location of entrances to and exits from the tract zoned FLX.
 - (7) The manner in which the development of the property will comply with the stormwater requirements set forth in Article XVI, Part II. All developed lots within the district shall be subject to these standards, regardless of the amount of land disturbance, but the FLX district may allow the necessary

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stormwater treatment facilities to be constructed to meet these standards on a lot by lot basis, or some other basis that provides effective and efficient treatment for all new construction.

- (8) Any limitations on the location or design of parking lots and facilities.
- (9) Specifications and standards for the internal circulation system serving vehicular and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town.
- (10) All infrastructure improvements proposed to be constructed in conjunction with the development of the property zoned FLX (including but not limited to improvements to adjoining streets) together with a schedule that links construction of such improvements to the development of the property.
- (10A) A traffic impact analysis of the FLX zone, including a phase plan or schedule of improvements along with a description of thresholds to require improvements.
- (11) The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet the goals of Low Impact Design and or exceed the standards for LEED gold certification.

(d) Development of any lot within a FLX zoning district shall require a zoning permit (and a sign permit if applicable), but not a special use permit.

(e) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any FLX district established pursuant to this section. In the case of conflict, the provisions of this ordinance or of the specific FLX district ordinance for the tract shall apply.

(f) A text amendment establishing a FLX district as well as a map amendment applying such district to a particular tract shall be initiated and processed in accordance with the following provisions:

- (1) The owner of property who wishes to have such property zoned FLX shall submit a written request to the Town Council, identifying the subject property and explaining why the property is a good candidate for FLX zoning. This written request shall include or attach (i) relevant documents (i.e. narrative, and site plan(s) and a list of proposed conditions which may be in the form of written statements, graphic illustrations, or any combination thereof) that describe the results of the site specific planning process referred to in subsection (b)(iv) above, and (ii) an explanation as to why and how the proposed district is consistent with the Northern Study Area Plan, or if the property is not located within the Northern Study Area, such other plans or policies as may be applicable. The Council may, in its

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discretion, summarily deny the request or direct the town attorney and planning staff to work with the property owner to develop an ordinance pursuant to this section that establishes an appropriate FLX district and that applies this district to such property.

- (2) Once an ordinance has been drafted as provided in subdivision (f)(1), such ordinance shall be processed in accordance with the provisions of Article XX of this chapter applicable to ordinance amendments initiated by the town administration, except that (i) a preliminary draft of the ordinance, including a concept plan shall be presented to the planning board, Transportation Advisory Board, Environmental Advisory Board, Appearance Commission, Economic Sustainability Commission, and Northern Transition Area Advisory Committee (and other advisory boards to which the Town Council may refer the draft) prior to the ordinance being referred to the Town Council to establish a date for the legally required public hearing on the ordinance; (ii) at the time the Town Council directs that an ordinance be drafted in accordance with subsection (f)(1) above, the Council may establish such additional processes as deemed necessary to ensure that the public has an adequate opportunity for input into the proposed FLX district, and (iii) no property shall be rezoned FLX without the consent of the property owner (which consent may be withdrawn at any time before the adoption of the ordinance establishing the FLX district). The text and the map amendment may be processed simultaneously.
- (3) Amendments to a FLX district shall be initiated and processed in the same manner as the initial ordinance, except that, if the planning staff determines that a proposed amendment has no substantial impact on neighboring properties, the general public, or those intended to occupy the site zoned FLX, the staff may forward the requested amendment to the Council as provided in subsection 15-321(c)(2). In such case, the Council may (i) decline to call for a public hearing on the proposed amendment, thereby rejecting it; (ii) establish a date for a public hearing on the proposed amendment in accordance with the procedures applicable to any other zoning amendment; or (iii) direct that additional processes be followed to obtain additional public input on the proposal before setting a date for the legally required public hearing.

(g) Property within a FLX district may be subdivided according to the provisions of this chapter applicable to minor subdivisions, even if such subdivision involves the creation of more than a total of four lots or the creation of a new public street.

PART II. ZONING MAP**Section 15-142 Official Zoning Map.**

(a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.

(b) The Official Zoning Map dated April 1973 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 15-143.

(c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further authorization or action is required so long as no district boundaries are changed in this process.

Section 15-143 Amendments to Official Zoning Map. (AMENDED 4/27/10; 10/26/10; 9/24/13)

(a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in Article XX.

(b) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Town Council. Upon entering any such amendments to the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.

(c) No unauthorized person may alter or modify the Official Zoning Map.

(d) The planning department shall keep copies of superseded prints of the zoning map for historical reference.

Section 15-143.4 Downtown Neighborhood Protection Overlay District. (AMENDED 8/23/05)

(a) There is hereby created a Downtown Neighborhood Protection (DNP) Overlay District. The purpose of this district is to establish special height, setback, and design requirements applicable to lots in certain commercially zoned downtown areas where such lots abut or are directly across the street from residentially zoned properties.

(b) Because the DNP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district except as those regulations are modified or superseded by the requirements of the DNP district. The requirements of the DNP district are set forth in Section 15-185.1 of this chapter.

Section 15-143.5 Lloyd/Broad Overlay District. (AMENDED 6/26/2018)

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(a) There is hereby created a Lloyd/Broad Overlay District. The purpose of this district is to protect and preserve the character of the district and to establish special height, setback, mass and parking requirements applicable to lots within the district.

(b) Because the Lloyd/Broad Overlay District is an overlay district, properties within this district are subject to the regulations applicable to the underlying zoning district, except as those regulations are modified or superseded by the requirements of this district which are set forth in Section 15-185.2 of this Chapter.

Section 15-144 through 15-145 Reserved.

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Section 15-320 Amendments in General.

(a) Amendments to the text of this chapter or to the zoning map or to the comprehensive plan may be made in accordance with the provisions of this article, or in the case of non-substantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 9/01/87; 6/22/21)**

(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. section 143-214.5. Copies of all amendments to section 15-266 shall be sent to the Department of Environmental Quality (DEQ), Division of Water Resources and the Environmental Management Commission (EMC). **(AMENDED 10/15/96; 6/22/21)**

Section 15-321 Initiation of Amendments.

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

(b) Any other person may also petition the Council 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. If a change in zoning district classification to a less dense development density is proposed, the name, address, phone number and signature of all property owners consent to the application is required. Applications for down-zoning shall not be considered unless all the property owners consent to the application. **(AMENDED 6/22/21)**

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- (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.

(b1) If a change in zoning district classification is proposed, the petitioner shall hold at least one neighborhood information meeting on the application. A mailing is required in accordance with the standards in 15-323(c). **(AMENDED 6/22/21)**

(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 Council 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 Council 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 Council 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. In accordance with G.S. 160D-601(d), petitions for proposed map changes that would result in a downzoning of property shall only be initiated by the owners of the property or the Town. (See subsection (b)(1) above.) **(AMENDED 6/22/21)**

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments.

(a) If the Council 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, and may refer the amendment to the environmental advisory board if the amendment involves community environment issues, and may refer the amendment to the affordable housing advisory commission if the amendment involves an affordable housing issue, and may refer the amendment to the economic sustainability commission if the amendment

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involves an economic development issue or any other board if the amendment involves an issue of which the board has expertise.(**AMENDED 9/19/95; REWRITTEN 2/25/14; AMENDED 6/25/19; 6/22/21**).

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans, or other applicable plans officially adopted by the Town Council. The planning board shall provide a written recommendation to the Town Council 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 Town Council may proceed in its consideration of the amendment without the planning board report. (**AMENDED 10/24/06; 6/22/21**)

(c) A comment by the planning board that a proposed amendment is inconsistent with the Comprehensive Plan, Land Use Plan, long-range transportation plans or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Town Council, and the Town Council is not bound by the recommendations of the planning board. (**AMENDED 10/24/06; 6/22/21**)

(d) A member of the planning board and any other advisory committee that provides direct advice to the Town Council (i.e. it does not report to the planning board) shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (**AMENDED 10/24/06; 6/22/21**)

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. section 160D-601(a), which provides that the date of publication is not counted but the date of the hearing is. (**AMENDED 6/22/21**)

(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 abutting the property rezoned by the amendment, including property separated by a street right of way, railroad or other transportation corridor and any other property that 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

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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. If the rezoning map amendment is being proposed in conjunction with an expansion of municipal extraterritorial planning and development regulation jurisdiction under G.S. 160D-202, a single hearing on the zoning map amendment and the boundary amendment may be held. In this instance, the initial notice of the zoning map amendment hearing may be combined with the boundary hearing notice and the combined hearing notice mailed at least 30 days prior to the hearing. The staff member mailing such notices shall certify to the council 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; 4/15/97; 3/26/02; 6/22/21)**

(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. section 160D-602(b), 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; 6/22/21)**

(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 at least 10 but not more than 25 days prior to the date of the public hearing. 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. **(AMENDED 6/22/21)**

(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.

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- (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 Council'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 Town Council 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 Town Council 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. section 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. section 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 town-initiated zoning map amendment. **(AMENDED 11/24/09)**

Section 15-324 Council Action on Amendments. **(AMENDED 10/24/06)**

(a) At the conclusion of the public hearing on a proposed amendment, the Council 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 Council 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 2-15 of the Town Code.

(d) When adopting or rejecting any zoning or text amendment, the Council shall adopt a statement describing whether the action is consistent or inconsistent with an adopted comprehensive plan, which shall not be subject to judicial review. **(AMENDED 2/6/2018;**

REWRITTEN 6/22/21)

- (1) If the amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land use map in the approved plan, and no additional request or application for a plan amendment shall be required.
- (2) A plan amendment and zoning amendment may be considered concurrently.
- (3) If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the Council’s statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(d1) When adopting or rejecting any petition for a zoning map amendment the Council shall adopt a statement explaining the reasonableness of the proposed rezoning. The statement of reasonableness may consider, among other factors: (i) the size, physical conditions, and other attributes of any area proposed to be rezoned; (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community; (iii) the relationship between the current actual and permissible development and the development permissible under the proposed amendment, (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a “large-scale rezoning” under G.S. section 160D-602(b), the statement on reasonableness may address the overall rezoning.

(e) A Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. (See also Carrboro Town Code Section 2-35). **(REWRITTEN 6/22/21)**

Section 15-325 Ultimate Issue Before Council on Amendments.

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Council 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 zoning district, the Council 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 Council shall consider whether the entire range of permitted uses in the requested classification is more

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appropriate than the range of uses in the existing classification. **(AMENDED 05/25/99; 05/27/08)**

- (2) The Council 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 Citizen Comments on Zoning Map and Text Amendments. (AMENDED 10/24/06, REWRITTEN 12/6/16; 6/22/21).

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to a zoning regulation including a text or map amendment that has been properly initiated as provided in G.S. 160D-601, to the Clerk of the Town Council at least two (2) business days prior to the proposed vote on such change, the Clerk to the Council shall deliver such written statement to the Council. If the proposed change is the subject of a quasi-judicial proceeding under G.S. section 160D-705 or any other statute, the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Council shall not disqualify any member of the Council from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the Council determines that such statements are admissible under the N.C. Rules of Evidence in the proceeding. (Amended 12-6-16; and enacted pursuant to a Resolution in Opposition to the General Assembly's Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).