

Understanding the Development Review Process for the Town of Carrboro

Overview

The Town of Carrboro Zoning Division is responsible for regulating all land use activity within the Town Limits and within its Planning Jurisdiction. The land use regulations, referred to as the Land Use Ordinance, are found in Chapter 15 of the Carrboro Town Code. The Land Use Ordinance stipulates standards and regulations applicable to all types of land use activities, as well as provides the procedural framework by which permits are obtained and land use decisions are made. The type of permit required and the type of procedure that must be followed varies depending on the proposed type of use, its location and the proposed scale or intensity of the use.

What Uses are Permitted on My Property?

The Town of Carrboro's Planning Jurisdiction has been divided into various zoning districts, which are depicted on the Town's Official Zoning Map. To determine if a particular use is allowed on a certain piece of property, first consult the zoning map to determine what zoning district the property is located in. The different zoning classifications (B-1c, R-7.5, M-1) determine the different type of

residential, business, manufacturing or conservation uses allowed in Town. Detailed descriptions of each of the zoning districts are provided in Section 15-135 through 15-141.2 of the Land Use Ordinance.

Specific uses are regulated according to the various zoning classifications and are outlined by use and zoning district in the "Table of Permissible Uses" found in Section 15-146 of the Land Use Ordinance. Find the description that matches the planned land use along the left-hand side of the table and go across the grid to the zoning classification of the subject property. If a letter ('Z', 'S' or 'C'), a combination of letters ('ZS', 'ZC', 'SC', etc.) or an asterisk (*) appears in the grid for the use and zoning district applicable to your project, then the use is permitted in that zoning district and on the subject property. If no letter appears in the grid for the use and zoning district applicable to your project, then the use is NOT permitted in that zoning district nor on the subject property.

What Type of Permit Will I Need?

The letter(s) in the grid of "Table of Permissible Uses" indicates the type of permit required for the proposed project on the subject property. A 'Z' in the grid indicates that a Zoning Permit is required. An 'S' in the grid indicates that a Special Use Permit is required. A 'C' in the grid indicates that a Conditional Use Permit is required. In some cases, the letters are combined in different configurations for particular uses in particular zoning districts. These cases concern varying lot sizes, proposed densities and/or various combinations of uses. These cases are further explained in Section 15-147 and 15-154 of the Land Use Ordinance.

How do I Obtain a Zoning Permit?

You may obtain a land use permit application from the Zoning Division of the Planning Department. For a simple residential zoning permit for the construction of a new house or duplex, for an addition to an existing house or duplex and/or for the construction of an accessory building on a residential lot, the submittal requirements are as follows:

- A completed Land Use Permit application for a 'Zoning Permit';
- A plot plan drawn to scale showing all existing structures and all proposed structures/structural additions (including steps, overhangs, bay windows, etc.) in relation to the setbacks for the property. The plot plan should also include the following:
 - Location and dimension of driveway and parking;
 - Existing and proposed grading;
 - Location of proposed drainage improvements, including gutters;
 - All easements that encumber the property;
 - Trees 18" in diameter or greater and/or all rare trees;
 - Limits of proposed grading/disturbance;
 - Location of streams, applicable stream buffers, floodplains, etc.;
 - Well and Septic Certification/Recertification from Orange County Environmental Health, if applicable;
 - A completed Residential Building Permit Application;
 - Two sets of Building Plans (contact the Inspections Division at [919] 918-7336 for

specific plan requirements for your project);

- All information should be submitted to the Zoning Division of the Planning Department in Carrboro Town Hall for review.

The proposed plans will be checked for compliance with the above items in relation to the Land Use Ordinance. Please keep in mind that there may be additional information required depending on your particular use.

For commercial or multi-family residential zoning permits, you should comply with the requirements of the applicable checklist for your particular project (i.e., a commercial establishment should comply with all applicable requirements of the "Commercial Checklist").

Commercial or multi-family residential zoning permits are reviewed by the Zoning Division and other applicable internal and external departments/divisions/agencies. The completed submittal package, along with the appropriate fee should be submitted to the Zoning Division of the Planning Department in Carrboro Town Hall. The application and associated materials will then be distributed for review. Once all of the reviewing agencies are 'satisfied' that the project plans meet the requirements of the Land Use Ordinance and other applicable state and federal requirements, the zoning permit may be approved by the Zoning Administrator. Per Sections 15-52(c) and 15-148 of the LUO, the Zoning Administrator can, in cases where the proposed use will have a substantial impact on neighboring properties or the general public, seek public input into the project, up to and including requiring the project to obtain a Special or Conditional Use Permit.

How do I Obtain Special of Conditional Use Permit?

You may obtain a land use permit application from the Zoning Division of the Planning Department. For all projects requiring a special of conditional use permit, you should comply with the requirements of the applicable checklist for your particular project (i.e., a commercial establishment should comply with all of the requirements of the "Commercial Checklist").

The completed submittal package, along with the appropriate fee should be submitted to the Zoning Division of the Planning Department in Carrboro Town Hall. The application and associated materials will then be distributed for review. Once all of the reviewing agencies are 'satisfied' that the project plans meet the requirements of the Land Use Ordinance and other applicable state and federal requirements, a staff report will be generated. The staff report and the project plans will be forwarded to the Joint Review Board (Planning Board, Transportation Advisory Committee, Appearance Commission, Environmental Advisory Board and, in some instances, the Northern Transition Area Advisory Board and the Downtown Development Commission) for a public meeting where they (the Joint Review Board) will make a formal recommendation to the permit issuing authority. Adjacent property owners will be notified of this public meeting, as well as the subsequent public hearing before the permit issuing authority. Please note that public comment may, but is not required to be, received at the Joint Review Board meeting. This is at the discretion of the Board(s) involved.

The next step is the public hearing. This is held by the Board of Adjustment for Special Use Permits and by the Board of

Aldermen for Conditional Use Permits. The applicant, the property owner, other surrounding property owners and the general public will all be given advance notice of the public hearing. The notice requirements for development project public hearings can be found in Section 15-102 of the Land Use Ordinance.

What Happens at the Public Hearing?

At the public hearing, all persons wishing to speak and/or present evidence should place their name on the "Public Hearing Signup Sheet." Each person who speaks or presents evidence must be sworn in. The public hearing, including the discussions and decisions of the permit issuing authority, is recorded and minutes are kept.

Under most circumstances, the permit issuing authority follows the following public hearing procedures:

- First, a Town staff representative presents the application to the permit issuing authority by summarizing the pertinent facts and issues. The Town staff representative provides information on prior decisions, proceedings or recommendations that are related to the application. Additionally, the Town staff representative presents the Town administration's recommendation to the permit issuing authority based on compliance with the Land Use Ordinance. The permit issuing authority may have clarifying or additional questions of the Town staff representative following their presentation;
- Second, the applicant or chosen representative presents the project to the permit issuing authority. The applicant bears the burden of proving that the proposed project does comply

- with the requirements of the Land Use Ordinance, including the findings of fact that must be met under Section 15-59 of the Land Use Ordinance. The permit issuing authority may have clarifying or additional questions of the applicant or chosen representative following their presentation;
- Next, other persons who wish to speak (and who have signed up to do so) are allowed to testify (usually in the order in which your name appears on the “Public Hearing Signup Sheet”). The permit issuing authority may ask questions of each person following their testimony. Such questions are necessary because the decision of the permit issuing authority must be based upon competent evidence presented at the hearing. Since the decision of the permit issuing authority on the issuance of the permit must be in line with the standards of Section 15-59 of the Land Use Ordinance, all testimony should be directed to these standards;
 - Finally, after everyone has spoken, the public comment portion of the public hearing is closed and the permit issuing authority begins its public deliberations of the application and the evidence that was presented by all speakers during the public hearing. The permit issuing authority may seek clarification on an issue from staff, the applicant or any other speaker who gave testimony. At the conclusion of the deliberations, the permit issuing authority will do one of the following items:
 1. The hearing will be continued until a specified date in future when a decision will be made;
 2. The permit is denied based on evidence presented at the hearing;
 3. The permit is approved as presented;
 4. The permit is approved with conditions;
 - If a party (applicant, neighbor, etc.) does not agree with the actions of the permit issuing authority, an appeal may be filed in Orange County Superior Court.