

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH A SITE SPECIFIC, FLEXIBLE ZONING DISTRICT

\*\*DRAFT 2-22-2019\*\*

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. The Carrboro Land Use Ordinance is amended by adding a new Article XXII, “Site Specific Flexible Zoning Districts,” as provided below.

**ARTICLE XXII**

**SITE SPECIFIC FLEXIBLE ZONING DISTRICTS**

The purpose of this 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.

**PART I. SITE SPECIFIC FLEXIBLE ZONING DISTRICT AT NC 86 AND EUBANKS ROAD**

**Section 15-350 Site Specific Flexible Zoning District Established**

(a) Pursuant to Section 15-141.5 of this Chapter, there is hereby established a Site Specific Flexible Zoning District for property located at the northeast corner of Old NC 86 and Eubanks Road.

(b) The district shall encompass the five tracts or parcels of land that were the subject of the 2011 Northern Study Area—Eubanks Road Site Facilitated Workshop, a site specific planning study initiated by the Town of Carrboro. The district may be expanded to include additional parcels of land as long as such parcels: (i) are contiguous to the district, and (ii) become an integral part of the design for the district.

(c) All development in the district shall be governed by the provisions of this article.

(d) Any applicable provisions of the Carrboro Land Use Ordinance not specifically exempted or modified by this section shall apply; and, for each of the land uses developed in the district, all provisions of the Land Use Ordinance pertaining to the use classifications for such land uses shall apply except as specifically exempted or modified by this section.

(e) Development in the district shall be consistent with the 2011 site specific planning study in that the district shall include: (i) commercial uses at a neighborhood or community scale, (ii) diversity of housing types and sizes, (iii) shared green spaces, (iv) bicycle and pedestrian connectivity, (v) designated locations for transit service serving the district, (vi) central parking

areas that can be shared among uses, and (vii) opportunities for uses intended to provide services for senior or elderly populations. Furthermore, development in the district shall be designed to retain a rural setting through the use of undisturbed buffers, building setbacks, landscaping, including, to the extent practicable, existing trees and the natural topography.

(f) The district shall contain four flexible use areas. Two of these areas shall be used for residential purposes, one for low-to- medium density residential and the other for high-density residential such as multifamily units. For the remaining two use areas, one may be used for a mixture of commercial and residential uses and the other for commercial uses. For the purpose of this section, the use areas shall be described with the prefix, “EU,” for example: EU-R1, EU-R2, EU-MU, and EU-C. Residential dwelling units may be located in all use areas, but the maximum density for the district shall be limited to \_\_\_\_\_; for the purpose of this calculation, accessory dwelling units shall be counted as a half dwelling unit. Specific requirements and performance standards for each use area are described in Subsection (h) below.

- (g) Development in the district shall be subject to the following requirements:
- (1) The more intensive uses of the district (i.e., EU-R2, EU-MU, and EU-C shall be oriented toward Eubanks Road.
    - a. Buildings that are visible from Eubanks Road shall be designed and constructed with two primary elevations or facades, one facing Eubanks and the other facing the corresponding internal street.
    - b. A combination of a Type “B” semi-opaque screen and Type “C” broken screen shall be used along Eubanks Road to soften the visual impact of the building massing while retaining sufficient sight-lines for viewing signage and street intersections.
  - (2) Development in proximity to Old NC 86 and the northern district boundaries shall: (i) consist of uses that are less intensive (i.e., EU-R1), or (ii) be constructed to bear a resemblance to residential buildings in terms of design or scale and massing. A Type ”C” broken screen shall be used along NC Old 86.
  - (3) The district shall contain a minimum of 20-percent open space as defined by Section 15-198(b)(1) of this chapter, except that the requirement for a minimum width of 50 feet, described in subsection 15-198(b)(2), shall be reduced to a minimum width of 25 feet.
    - a. At least 5 percent of the open space shall be maintained and centrally located for outdoor activities or visual enjoyment.
    - b. Open space shall be connected to the bicycle and pedestrian networks within the district.
    - c. Up to 25 percent of the recreation facilities required for the residential uses pursuant to Section 15-196 of this chapter, may be located within the common open space described in subsection 15-350(g)(4)(a) above

so long as such facilities are within a quarter mile of the residential use area they are intended to serve.

- (4) A traffic impact analysis shall be conducted pursuant to Section 15-141.5(c)(10A) of this chapter as part of the establishment of the district.
- a. Access points to the district shall be provided off of Eubanks Road.
  - b. Future road improvements to Eubanks Road and Old NC 86 shall be determined in consultation with NCDOT as part of the transportation impact analysis.
    1. Improvements shall include the construction of bicycle lanes and sidewalks along the road frontage for Eubanks Road.
    2. Pursuant to Section 15-316 of this chapter, street trees shall be planted along Eubanks Road.
  - c. All streets shall connect to existing streets or anticipated or proposed surrounding streets pursuant to Sections 15-214 and 15-217.
  - d. Internal streets shall be constructed to the design standards in Article XIV as public streets including, where required, bicycle and pedestrian infrastructure. Street trees shall be required in accordance with Section 15-316.
  - e. Streets shall be designed to accommodate refuse and recycling collection in an efficient manner.
- (5) The design for the district shall meet or, to the extent practicable, exceed the minimum tree canopy coverage standards described in Section 15-319.
- (6) A master parking plan shall be established for the district based on (i) the presumptive standards in Section 15-291 for the anticipated land uses in the four use areas, and (ii) an additional number of parking spaces equal to 20 percent of the total and located on the master conceptual plan for the district as “over flow parking area.” This additional number of parking spaces is intended to allow for flexibility in the overall development while assuring sufficient parking at any time. Applicant shall provide a table to account for scenarios relating to different use ratios for commercial and mixed-use use areas that have been used to generate the totals in (i) and (ii) above as well as any anticipated use of satellite parking.
- a. All other standards applicable to parking (i.e., the dimensions for parking spaces, aisle width, percentage of compact and ADA spaces and shading requirements in Article XVIII and XIX) shall apply.
  - b. The number of bicycle parking spaces and design standards in Sections 15-291 and 15-291.5 shall govern.
- (7) A bicycle and pedestrian network shall extend throughout the district, connecting the residential use areas to destinations within and outside of the

district, including transit stops. The approximate location of this network shall be shown on the master plan. Infrastructure shall extend to the boundaries of the district to provide connections to existing and anticipated bicycle and pedestrian facilities outside of the district.

- (8) The district shall include infrastructure for transit service, including pull-offs and/or bus shelters alongside and/or within the district. The approximate locations of transit facilities shall be shown on the master plan.
- (9) The master plan for the district shall include a stormwater analysis sufficient to determine compliance with requirements of Article XVI, Part II, Storm Water Management for the overall district as well as each use area or phase of development.
  - a. The master plan shall include a timeline for the installation of stormwater features as well as the schedule for converting erosion control features into permanently maintained SCMs.
  - b. Erosion control features shall be designed and installed to provide sufficient stabilization during each phase of development.
  - c. Stream buffers and Town drainage easements located within the district shall be identified and delineated.
- (10) Graphic illustrations adopted as part of the establishment of the district shall include examples of buildings and architectural standards for the district overall and for the use areas.
  - a. Buildings and architectural standards shall be generally consistent with the conceptual plans and narrative report prepared during the site specific planning study.
  - b. Examples of architectural standards shall include representations of typical buildings and building elements by use in each use area, such as building massing, roof design, the inclusion of porches or not, exterior cladding, fenestration patterns, etc.
  - c. The adopted standards shall be used for the purposes of approving subsequent zoning and building permits.
- (11) A master sign plan shall be provided as part of the establishment of the district subject to the standards in Article XVII of this chapter. The total number of freestanding signs shall be limited to entrance signs at each point of access to the district and identification signs for the use areas.

(h) For the purposes of this Section, the residential, mixed use and commercial uses areas may consist of the permissible uses identified in the Table of Permissible Uses adopted as part of the establishment of the district (Table 1 attached). All uses shall be subject to a zoning permit in accordance to Subsection 15-141.5(11)(d) and Subsection 15-350(o) of this chapter.

- (i) Dimensional regulations for the use areas are shown in the following tables.
  - a. Minimum Lot Size Requirements:

Table 2 Minimum Lot Size Requirements - Square Feet

<b>ZONE</b>	<b>Minimum Square Feet</b>
EU-R1	4,000 except that the size may be reduced to 2,000 square feet in an architecturally integrated subdivision on a tract of at least 40,000 square feet.
EU-R2	1,500 square feet
EU-MU	7,500 square feet if used for residential purposes, but no minimum lot size for other permitted uses.
EU-C	7,500 square feet if used for residential purposes, but no minimum lot size for other permitted uses.

- b. Residential density shall be subject to the provisions of this section and for use area EU-R1 the provisions of Section 15-187, (Architecturally Integrated Subdivisions); every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the following table.

Table 3 Residential Density\*

<b>ZONE</b>	<b>Minimum Square Feet per Dwelling Unit, Multi-family and Duplex</b>
EU-R1	2,000
EU-R2	1,500
EU-MU	7,500
EU-C	7,500

- c. Minimum lot width requirements are shown in Table 4 below.

Table 4 Lot Width

<b>ZONE</b>	<b>LOT WIDTH</b>
EU-R1	100
EU-R2	50
EU-MU	75
EU-C	75

- d. Setback requirements by use area are shown in the table below.

Table 5 Setbacks

ZONE	Minimum Distance from Street Right of Way line		Minimum Distance from Street Center line		Minimum Distance from Lot Boundary line
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign
EU-R1	15	7.5	45	37.5	0
EU-R2	15	7.5	45	37.5	5
EU-MU	15	7.5	45	37.5	15
EU-C	15	7.5	45	37.5	15

- e. The maximum number of stories or maximum building height as measured in feet is listed in Table 6 below. Height is determined by the calculation defined in subsections 15-185(g)(1) through 15-185(g)(3) of this chapter.

Table 6 Building Height Limitations

ZONE	MAXIMUM HEIGHT
EU-R1	35'
EU-R2	Three stories or 50'
EU-MU	Two stories or 28'
EU-C	28'

(j) In accordance with the standards described in Section 15-188 of this chapter, the district shall contain at least 25 percent size-limited dwelling units, consisting of at least 15 percent of the total dwelling units constructed with not more than 1,350 square feet in heated floor area, and 10 percent with not more than 1,100 square feet in heated floor area. The determination of square footage shall be made at the time such units are initially conveyed.

The location of the size limited dwelling units shall not be limited to the residential use areas and may be located throughout the district so long as at least 25 percent of the total number of dwelling units meet the size limited criteria at any time.

The inclusion of affordable housing units, as defined in Section 15-182.4 is encouraged. The maximum density for the district shall take into account the possible density bonuses permissible by the inclusion of affordable units, in subsection 15-350(f) above.

(k) Pursuant to the Section 15-196 of this chapter, active recreational areas and facilities shall be provided for the residential use areas (EU-R1 and EU-R2) in the district as determined by the calculations in subsections 15-196(b), 15-196(c), and Appendix G. The provisions outlined in subsections 15-196(e) through 15-196(g) shall also apply to the district. The urban amenities provisions, described in subsection 15-204, exclusive of 15-205, shall be applicable to residential units located in the commercial use areas (EU-MU and EU-C).

(l) The number of parking spaces in the district for the residential use areas shall conform to the vehicular and bicycle space calculations in Section 15-291, except that parking for restaurant uses (8.000) shall be reduced from 1 space per 100 square feet of gross floor area to 1

space per 200 square feet of gross floor area. Requirements for shading in parking areas described in Section 15-318 shall apply to the district.

- (m) Provisions for utilities shall be in compliance with Article XV of this chapter.
  - (1) The petitioner seeking to rezone to a FLX district shall provide evidence of approval for water and sewer service by OWASA prior to the establishment of the district. The developer of any use area shall provide evidence of construction plan approval for the installation of water and sewer by OWASA prior to receiving permit approval of each use area.
  - (2) Outdoor lighting in the district shall comply with the requirements of Article XV, Part II.
- (o) Development in the district shall be approved with a zoning permit, subject to the requirements in Article IV of this chapter.
  - (1) Notwithstanding the foregoing, for the purposes of determining whether the development will have or may have a substantial impact on surroundings properties pursuant to Section 15-52(d), the administrator shall evaluate whether the development is consistent with the requirements of Section 15-350 and any graphic illustrations, such as a master plan, adopted as part of the establishment of the district.
  - (2) The phasing or sequencing of development shall be determined as part of the establishment of the district.
  - (3) Amendments to the provisions of this Section may be made after a new public hearing based on substantial changes in (i) market forces, or (ii) circumstances regarding the use or development of properties within or in the vicinity of the district, or (iii) a request to increase the maximum density for the district.
  - (4) Property within the district may be subdivided following the provisions applicable to minor subdivisions pursuant to Section 15-141.5(g).
- (p) Pursuant to subsections 15-350(d) and 15-350(e) above, development in the district shall be governed by regulations in this article where articulated; standards are not specifically enumerated in this chapter are subject to the applicable regulations in this chapter.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.