

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FLEXIBILITY WITH RESPECT TO STREET DESIGN STANDARDS IN THE B-4-CU AND B-4-CZ DISTRICTS, TO ALLOW MULTI-FAMILY USES IN THE B-4-CU AND B-4-CZ DISTRICTS, TO INCREASE THE BUILDING HEIGHT LIMIT FOR MULTI-FAMILY BUILDINGS IN THE B-4-CU AND B-4-CZ DISTRICTS.

DRAFT 6-22-2016

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. The first sentence of Subsection 15-216(c) of the Carrboro Land Use Ordinance (“LUO”) is amended to read:

“Subject to subsections (d), (d1), (e), and (f), collector streets and other streets not constructed according to the requirements of subsection (b) shall conform to the requirements of this subsection and the specifications referenced in Section 15-219.”

Section 2. Section 15-216 of the LUO is amended by adding the following new Subsection (d1):

(d1) The Board may, for any development approved with a conditional use permit on property zoned B-4-CU or B-4-CZ, authorize a deviation from the standards set forth in subsection (b) and Appendix C relative to streets and sidewalks if the Board concludes that (i) the proposed streets and sidewalks would serve the functions they are designed to serve as well as or better than streets and sidewalks constructed in conformity with subsection (b) and Appendix C; and (ii) such streets and sidewalks will not impose on the town any undue or unreasonable costs or burdens relating to repairs and maintenance.

Section 3. Subsection 15-141.3(c) is amended to read as follows:

(c) Except as otherwise provided in this subsection, the uses permissible within a conditional zoning district established herein, 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 general use zoning district to which the conditional district corresponds. For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this subsection.

(1) Property that is zoned B-4-CU may be developed for use classifications 1.322 (multi-family townhomes, no bedroom limits), 1.332 (multi-family apartments with no bedroom limits), 1.232 (duplex, no bedroom limit) and 1.242 (two family apartment, no bedroom limit) in addition to other uses permissible in the B-4 district, subject to a conditional use permit and the following: (i) not more than 25% of the area covered by the CUP 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).

(2) (Reserved)

Section 4. Subsection 15-141.4(c) is amended to read as follows:

(c) Subject to the provisions of subsections (f) and (g), 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 general use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) 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).

(1) Property that is zoned B-4-CZ may be developed for use classifications 1.322 (multi-family townhomes, no bedroom limits) and 1.332 (multi-family apartments with no bedroom limits) 1.232 (duplex, no bedroom limit) and 1.242 (two family apartment, no bedroom limit) in addition to other uses permissible in the B-4 district, subject to a conditional use permit, and the following: (i) not more than 25% of the 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).

(2) (Reserved)

Section 5. Subsection 15-147 is amended by adding a new subsection (p) to read as follows:

(p) Notwithstanding the foregoing, use classifications 1.322 and 1.332 may only be permitted in the B-4-CU district, subject to subsection 15-141.3(c) and in the B-4-CZ zoning district, subject to a conditional use permit.

Section 6. Section 15-185 of the LUO (Building Height Limitations) is amended by adding a new subsection (h) to read as follows:

(h) Notwithstanding the remaining provisions of this section, the Board of Aldermen in approving a conditional use permit for a multi-family apartment building within the B-4-CU or the B-4-CZ zoning districts, may allow the maximum building height authorized in subsection (a)(2) of this section to be increased by one foot for every ten feet the building is set back from the otherwise applicable setback line, up to a maximum height of 65 feet, if the Board of Aldermen finds that (i) at least one full story of the building is devoted to parking, and (ii) the building is designed and constructed in relation to the contours of the site in such a manner as to minimize the visual impact of the additional height on adjoining properties.

Section 7. Subsection 15-141.3(d) is amended to read:

(d) Subject to subsection(s) (f) and (g), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the corresponding general use district would ordinarily require (according to the Table of

Permissible Uses) a zoning permit, special use permit, or conditional use permit.

Section 8. Subsection 15-141.4 is amended by inserting a new subsection (f) to read as shown below. The existing subsections (f) and (g) to be retained in full and renumbered accordingly as subsections (g) and (h).

(f) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district shall require the issuance of a conditional use permit.

Section 9 Section 15-141.3 is amended by adding a new subsection (g) to read as follows:

(g) If a tract is rezoned to a B-4-CU zoning district, the Board of Aldermen may, in connection with that rezoning, approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to approve (and the Board 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 Board); 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 Board.

(1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) 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 Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board'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 Board. 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-CU.

(2) Except as provided in subsection (1), the provisions of Section 15-64 and Subsection 15-141.3 shall apply to proposed changes to a CUP issued in connection with a B-4-CU rezoning.

Section 10. Section 15-141.4 is amended by adding a new subsection (i) to read as follows:

(i) For property that is zoned B-4-CZ, the Board of Aldermen may approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to

approve (and the Board 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 Board); 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 Board.

(1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) 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 Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board'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 Board. 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 CUP issued in connection with a B-4-CZ rezoning.

Section 11. All provisions any town ordinance in conflict with this ordinance are repealed.

Section 12. This ordinance shall become effective upon adoption.