

AN ORDINANCE CREATING A SPECIAL MANUFACTURING CONDITIONAL USE (M-3-CU) ZONING DISTRICT AND MAKING CORRESPONDING CHANGES TO SECTION 15-141.3 (CONDITIONAL USE ZONING DISTRICTS)

\*DRAFT 2-13-2015\*

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Section 15-141.3 of the Carrboro Land Use Ordinance is revised as follows:

**Section 15-141.3 Conditional Use Zoning Districts**

(a) The following conditional use zoning districts are hereby established: RR-CU, R-20-CU, R-15-CU, R-10-CU, R-7.5-CU, R-3-CU, R-2-CU, R-S.I.R.-CU, R-S.I.R.-2-CU, B-1(c)-CU, B-1(g)-CU, B-2-CU, B-3-CU, B-4-CU, CT-CU, B-3-T-CU, O-CU, M-1-CU, and M-2-CU. A Special Manufacturing Conditional Use (M-3-CU) zoning district is also established. The provisions of this section applicable to these conditional use-zoning districts do not affect or apply to ~~other conditional use zoning districts established under this chapter, including~~ the Office/Assembly Conditional Use District, or the Village Mixed Use Conditional Use District.

(b) The conditional use zoning districts established in 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 subsection (c1) and other provisions of of this section, the uses permissible within a conditional use 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 use district corresponds. ~~except as otherwise provided in this section.~~ 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 section.

(c1) Except as otherwise provided in this subsection, the uses that are permissible within an M-3-CU 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 zoned M-1-CU (i.e. excluding specific conditions made applicable to specific property zoned M-1-CU) with the addition of uses 3.250 and 16.000.

(1) If the Board concludes that a proposed development of property zoned M-3-CU will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Board may approve a conditional use permit that allows up to a specified maximum percentage of the gross floor area of the development to be devoted to any combination of uses 3.250, 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 3.250, 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 Board 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**

<b>Site and Building Element Categories</b>	<b>Examples of Performance Measures</b>
Stormwater management and Water conservation	1) Substantial stormwater retrofits 2) Reduction in nitrogen loading from the site by at least 8% 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% of south-facing and west-facing building elevations

	<p>10) Use of low emissivity (low-e<sup>2</sup>) windows along south-facing and west-facing building elevations</p> <p>11) Installation of attic insulation that exceeds the current building code R-value rating by 35% or greater</p> <p>12) Use of geothermal heat system to serve the entire complex</p> <p>13) Use of LED fixtures for parking and street lights</p> <p>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</p>
Creation of new and innovative light manufacturing operations	<p>15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers</p> <p>16) Incorporates technologies to reduce production waste by 50 percent or more</p>
The provision of public art and/or provision of outdoor amenities for public use	<p>17) Outdoor amenities such as major public art</p> <p>18) Amphitheatre or outdoor theater, outdoor congregating/gathering area</p> <p>19) Outdoor eating facilities</p> <p>20) Outdoor tables with game surfaces, etc.</p>

- (3) In approving a conditional use permit for a development of infill property zoned M-3-CU, the Board may allow deviations from the otherwise applicable standards relating to public streets as follows:
- a. The Board 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 Board 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 Board 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 15-315.

(d) Subject to subsection (f), 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.

(e) When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), the applicant shall simultaneously submit a conditional use permit application showing how the applicant proposes to develop the entirety of the property covered in the rezoning petition.

1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
2. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications.
3. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.

~~4. If the Board approves the rezoning request, it shall then vote on whether to issue the conditional use permit. Such permit may be issued subject to reasonable conditions and requirements as set forth in Section 15-59.~~

When a rezoning petition for a conditional use 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 conditional use permit issued in conjunction with the rezoning to the requested conditional use zoning district. The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional use permit. Conditions and site-specific standards imposed in this process shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

5. If the conditional use permit is allowed to expire (under Section 15-62), the Board may initiate action to rezone the property to any appropriate general use district classification. In addition, notwithstanding any other provision of this ordinance, the Board shall be under no obligation to consider any major modification of a conditional use permit issued in connection with a conditional use rezoning or any new conditional use permit for property that has been the subject of a conditional use rezoning.

(f) If a conditional use permit issued in connection with a conditional use rezoning authorizes the creation of a residential subdivision containing lots intended for development with not more than four dwelling units each, and the conditional use permit application does not provide sufficient information to authorize a development permit for such lots, then such lots may be developed

pursuant to the issuance of a zoning permit (i.e. each lot will not require an amendment to the conditional use permit issued for the overall development).

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

Section 3. This ordinance shall become effective upon adoption.