

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

DRAFT 5-12-16 *Revisions NTAAC 6-12-2016*

Please note it's the NTAAC's understanding that the town attorney is making additional revisions to FLX. As of 6/12/2016 the NTAAC has not seen or been notified of these changes. Amy Jeroloman, Chair NTAAC

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. The Carrboro Land Use Ordinance is amended by adding a new Section 15-141.5 to read as follows:

Section 15-141.5 Site Specific, Flexible Zoning District

- a) (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.: *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 community.*
 - 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 communities 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.*
 - 7. Provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community.*
 - 8. A recognizable, functionally diverse, but visually unified development focused on a community building green or square.*

9. Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the community.

10. Compliance with the policies embodied in this chapter for the development of a community mixed use.

- (b) To be considered for FLX zoning, a tract must (i) be at least twenty-five acres in size, (ii) be under single ownership or control (i.e., the entire tract is owned or under contract or option to be purchased by a single individual or entity), (iii) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, and (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 *specific 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, *all regulations in the Land Use Ordinance* and *any other* applicable conditions.

(1) If the Town receives a request for FLX zoning for 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 Board of Aldermen a proposal for undertaking such a study before accepting a formal application for the rezoning. If the Board of Aldermen accepts the proposal, the site specific planning study shall proceed as described in the following subsections, or as otherwise as directed by the Board.

- 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 Board.
- b. The Town shall contract a design profession, with no ties to the applicant, *or the town* to conduct the charrette. The Town ~~shall 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, *within sixty days of the planned charrette.*

(2) The site specific planning study report, narrative and *conceptual master* site plan(s) shall be presented *to and reviewed by* the Board of Aldermen *at a public hearing allowing input from those participating in the charrette and the general public. These above-referenced items shall be presented to and reviewed by town advisory boards, including the Northern Transition Area Advisory Committee (NTAAC). Said Advisory Boards and Committee shall advise the Board of Aldermen and comment on whether the proposed amendment is consistent with the Land Use Ordinance, Thoroughfare Plan, Northern Study/Transition Area Plan or other applicable plans*

officially adopted by the Board of Aldermen. Any Subsequent requests for FLX zoning shall address and reflect the programmatic design and building elements from the site specific planning study report, narrative and conceptual master site plan(s) produced by the charrette.

- (3) If more than five years have elapsed since the site specific planning study was presented to the Board and the circumstances relating to the study have substantially changed, the Board town staff shall provide an update to the study to the Board of Aldermen 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 tract 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, Parts *I (Flood Damage Prevention)*, *II (Drainage, Erosion Control, Storm Water Management, and III (Water Quality Buffers)*. 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 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) The manner in which the development of the property will comply with the

requirements in Article VIII as to the location and design of parking lots and facilities.

(9) The manner in which the development of the property will comply with the requirements regarding Non-Residential Performance Standards in Article XI. ~~Any limitations on the location or design of parking lots and facilities.~~

(10) The manner in which the development of the property will comply with the requirements regarding Water and Waste Water as well as Outdoor Lighting in Article XV.

(11) The manner in which the development of the property will comply with the requirements of Article XIII for Recreational Facilities and Open Space.

(12) The manner in which the development of the property will comply with the requirements in Article XIV for Streets and Sidewalks.

(13) The manner in which the development of the property will comply with the requirements in Article XIX Screening and Trees.

(14) The manner in which the development of the property will comply with the requirements in Article X Permissible Uses.

(15) The manner in which the development will comply with the requirements regarding Architectural Standards in Section 15-177 in Article XI.

(16) 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.

(17) 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.

(18) A traffic impact analysis of the FLX zone, including a phase plan or schedule of improvements along with a description of thresholds to requirement improvements; and the manner in which the zoning will mitigate any traffic impacts in the area to be zoned, including but not limited to how any development in the zone will connect with adjacent neighborhoods.

(19) 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). The Board of Aldermen shall retain the right in its discretion to require a special or conditional use permit for development of any lot within a FLX zoning district but not a special or conditional use permit.

(e) All ~~relevant~~ other provisions of the Land Use Ordinance not herein described 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) Any text amendment or map amendment shall conform to and be processed in accordance with the requirements of Article XX of the Land Use Ordinance, including but not limited to review of any such requests by the Planning Board, Appearance Commission, Transportation Committee, Environmental Advisory Board and the Northern Transition Area Advisory Committee prior to any public hearing.

(24) The owner of property who wishes to have such property zoned FLX shall submit a written request to the Board of Aldermen, 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 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 *Transition*/Study Area Plan, *if the property is located within the NT/SA, or if the property is not located within the NSA, and the town's Land Use Ordinance, or if the property is not located in the NT/SA, is consistent with the town's Land Use Ordinance, and whether located in or outside the NT/SA,* *is* consistent with such other plans or policies as may ~~be~~ applicable. The Board may, in its 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.

(32) 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 site specific plan concept plan* shall be presented to the advisory boards, *including but not limited to the NTAAC and Environmental Advisory Board,* prior to the ordinance being referred to the Board of Aldermen to establish a date for the legally required public hearing on the ordinance; (ii) at the time the Board of Aldermen directs that an ordinance be drafted in accordance with subsection (f)(1) above, the Board 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.

(43) 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 Board as provided in subsection 15-321(c)(2). In such case, the Board 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 ~~shall may~~ be subdivided according to the provisions of *Article IV of the Land Use Ordinance this chapter* applicable to *major minor* subdivisions *where the subdivision involves the creation of more than a total of four lots or the creation of a new public street. The Board of Aldermen shall have final plat approval before a plat is recorded. even if such subdivision involves the creation of more than a total of four lots or the creation of a new public street.*

(h) Any development proposed for an approved FLX district shall be required to apply for and obtain a zoning permit required by Article IV subject to a public hearing before the Board of Aldermen for approval. Applications for a zoning permit and requirements of the applicant shall be regulated by and be in compliance with the Land Use Ordinance, and with all sections of Article IV applying to zoning permits including but not limited to Section 15-49, as well as the Land Use Ordinance's requirements listed in Appendices A through H. Prior to issuance of any rezoning permit, the town staff shall present a report to the Board of Aldermen that describes specifically how the applicant's development meets each of the requirements of the applicable FLEX zone, Article IV and the Land Use Ordinance .

Section 2. ~~All provisions of any town ordinance in conflict with this ordinance are repealed.~~ Section 3. This ordinance shall become effective upon adoption.