



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL**PLANNING DEPARTMENT**

DELIVERED VIA: ☒ *HAND* ☐ *MAIL* ☒ *FAX* ☐ *EMAIL*

To: **David Andrews, Town Manager
Mayor and Town Council**

From: **Tina Moon, Planning Administrator**

Date: **February 7, 2020**

Subject: **Revisions to Draft Ordinance Establishing Historic Rogers Road-Mixed Use
Zoning District**

At the June 18, 2019 Board of Aldermen meeting, the Board considered text amendments to the Land Use Ordinance to establish two new zoning districts for the Historic Rogers Road neighborhood, a residential district, Historic Rogers Road-Residential (HR-R) and a mixed-use district Historic Rogers Road-Mixed Use (HR-MU). After deliberation, the Board adopted the amendments associated with the residential district only, and subsequently adopted the map amendment to rezone the thirty properties in the Historic Rogers Road neighborhood to the new residential district. During the discussion, Board members identified five potential changes to the mixed-use district and directed staff to incorporate the changes into a revised draft ordinance for consideration at a future meeting. These are as follows:

1. Change the HR-MU district from a general zoning district to a conditional district HR-MU-CZ.
2. Add language that would require eight properties identified for the mixed use district to be developed as part of one project.
3. Reduce the maximum size of a nonresidential building footprint in the mixed use district to less than a 6,000 square feet.
4. Increase the size of the undistributed buffer along the perimeter of the eight properties identifies for the mixed use district from 30 feet to 50 feet.
5. Require a conditional use permit for all uses.

Board members also asked for more information relating to environmental concerns.

Staff have prepared a revised draft ordinance with the requested changes shown in tracking (*Attachment B*). To facilitate the Council's discussion, numbered text boxes have been placed in the left margin of the draft ordinance that correspond to the numbered sections below. Each section includes a description of a requested change, how it is incorporated into the revised draft ordinance, and notes where additional information may be helpful. Information relating to the environmental questions are provided at the end of the memo.

1. Change the HR-MU district from a general zoning district to a conditional district HR-MU-CZ. In the June 18th draft ordinance, the description and purpose statement for the two Historic Rogers Road districts (HR-R and HR-MU) were incorporated into Article IX, of the Land Use Ordinance (LUO), Zoning Districts and Zoning Map as a new Section 15-136.1, positioned directly after Section 15-136, Commercial Districts Established. As currently proposed the HR-MU-CZ has been added to the purpose statement of this section by reference. A new subsection (a1) has been added to Section 15-141.4, Conditional Zoning Districts, with a description of the new district and an explanation of the process by which a conditional district is established. If adopted, the HR-MU-CZ, would be the sole example of a district established only as a conditional district.

Notes: Per subsection 141.4(b) conditional districts may only be applied to property in response to a petition signed by all of the owners. The establishment of the HR-MU-CZ district allows a property owner to apply for a change of zoning to the new district but does not guarantee that an owner would come forward with such a request. If the rezoning process is perceived as burdensome, the use of a conditional district mechanism may limit its effectiveness as a planning tool to help implement the goals and recommendations of the *Mappings Our Community's Future* vision

2. Add language that would require eight properties identified for the mixed use district to be developed as part of one project.

The language in subsection 141.4(a1)(1) creates a minimum size requirement for any HR-MU-CZ district of five acres. The eight parcels identified for a possible mixed-use district vary in size from less than half an acre to more than three acres. The five-acre minimum would require any rezoning request to include at least two parcels; the density standards would regulate the maximum number of dwelling units within the district.

Notes: As currently written, the draft ordinance prevents each parcel from being rezoned as its own mixed-use district. It would not require all eight parcels to be developed as a single proposal, but there are other regulations that restrict the development potential of the district. For example, only three parcels have direct access to Rogers Road, and one of those properties is only touching the right-of-way in one corner. Natural constraints, particularly the existing drainways and associated stream buffers would also limit the extent of the developable area. The existing requirement in subsection 15-176.9(h) that developments in the HR-MU-CZ District include at least fifteen percent of residential and fifteen percent of nonresidential uses further restricts the design of potential projects and may lead to need to combine parcels to create a project that will meet the LUO.

3. Reduce the maximum size of a nonresidential building footprint in the mixed use district to less than a 6,000 square feet.

A minor revision to the language in the performance standards to the HR-MU-CZ changes the maximum size of any nonresidential building from a 6,000 square footprint to 6,000 gross square feet. This modification would allow a future nonresidential structure to be a one-story building with a 6000 footprint or a multi-story building with a smaller footprint. As a point of reference the Faith Tabernacle, Oasis of Love is has a building footprint of about 6,000 square feet.

4. Increase the size of the undistributed buffer along the perimeter of the eight properties identifies for the mixed use district from 30 feet to 50 feet.

The undistributed buffer, described in the supplementary regulations for the Historic Rogers Road MU-CZ district, Section 15-176.9(d) has been increased to 50 feet. Since this requirement

is intended to retain existing vegetative buffers, the minimum building setback requirement from the boundary line has been increased from 30 feet to 50 feet, in Section 15-184(a).

Notes: This increase was requested from residents in the Fox Meadows Subdivision to establish a greater separation from buildings and associated activities in the HR-MU-CZ District and the back of their properties. Currently, the greatest setback requirement from a boundary line is 20 feet. This requirement applies to the C, WR, RR, R-20, R-15, B-5 and WM-3 districts.

5. Require a conditional use permit for all uses.

The proposed uses for the new HR-MU-CZ district are shown in a new column in the Table of Permissible Uses, Section 15-146. If there is interest in having every use, including single-family homes, home occupations and major home occupations subject to a CUP, subsection 15-141.4(f) could be amended to read, "Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district and HR-MU-CZ district shall require the issuance of a conditional use permit.

Notes: The Council may wish to consider allowing of some of less intensive uses, such as home occupations, with a zoning permit rather than a CUP. The original provisions from the district, struck from Section 15-147, used a methodology where the permit requirement was based on building size. There may be interest in considering a similar provision for the HR-MU-CZ district.

The proposed permissible use table provided as Exhibit A at the end of the draft ordinance lists the proposed uses for the HR-MU-CZ district. To facilitate a Council's consideration of permitting requirements in comparison with other districts, another version of the permissible use table is attached to this memo including four columns: the proposed uses and permitting requirements identified in the June 18th draft ordinance for the HR-R district and the HR-MU district, the HR-MU-CZ as currently proposed (in red font), and the RR district, the zoning classification for adjacent properties in Fox Meadow and Meadow Run subdivisions. The public hearing materials for rezonings typically include an analysis of the effect of the change in zoning with regard to an increase or decrease of uses. Please see the staff report from the June 18th agenda materials for more information (<https://carrboro.legistar.com/LegislationDetail.aspx?ID=3985247&GUID=0D716EA5-CFF5-455C-9A6F-72DA40A48F42&Options=&Search=>).

Other discussion topics.

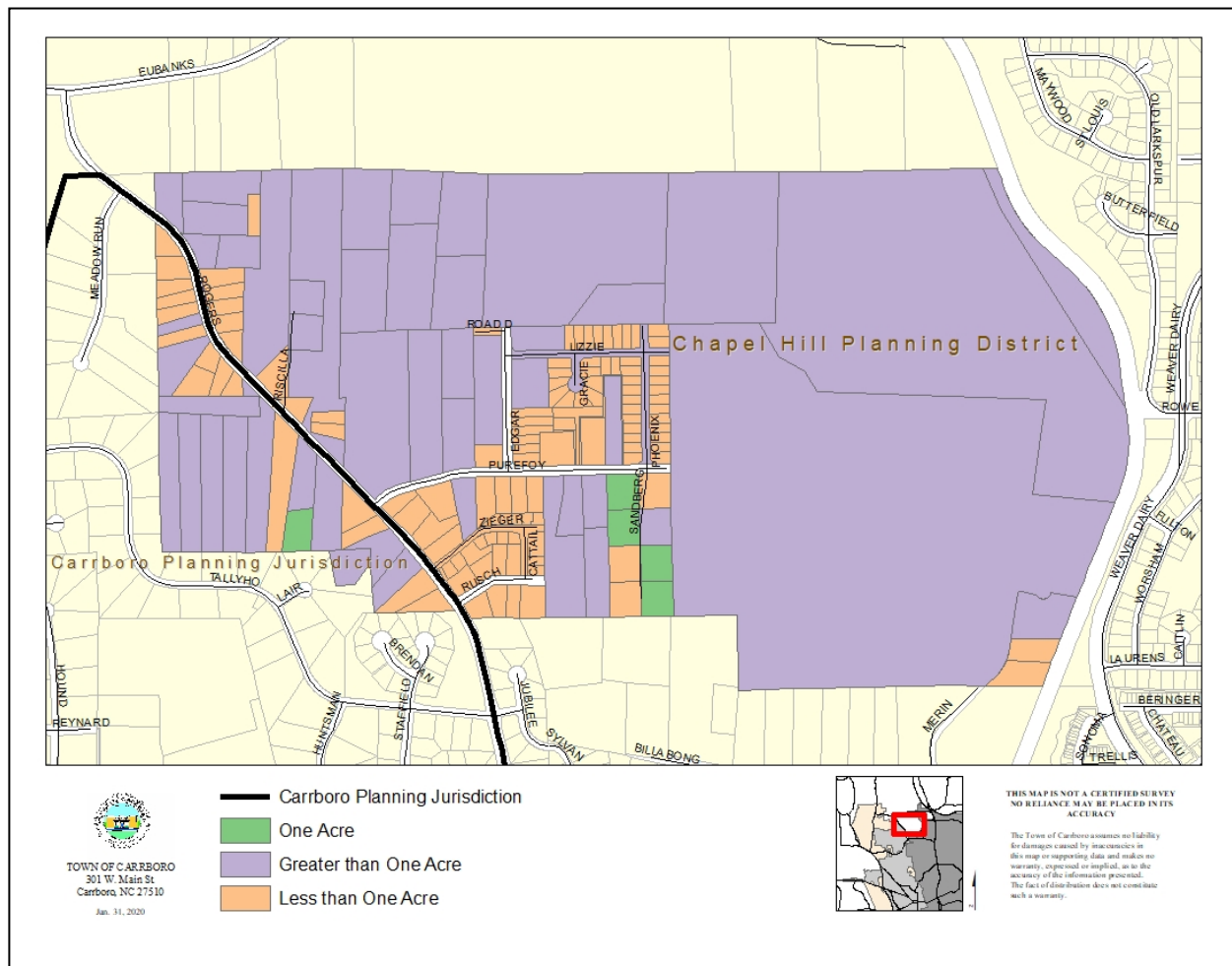
From time to time, during the public meetings to consider planning concepts for the Historic Rogers Road neighborhood, there was interest in a possible restaurant or coffee house. As currently written in the LUO, the use classification for restaurants, use 8.100, has a broad definition and includes bars and nightclubs. Since alcohol permits are handled by the ABC Board, a state agency, it is difficult to separate the bars and nightclubs from other types of eateries by ordinance. At the June 18th public hearing, staff had crafted language intended to target a small-scale café by limiting the hours of operation and hours of operation. Based on public input at the June meeting, staff has increased the size of an 8.100 use from 1,000 square feet to 2,000 square feet and the hours of operation from 6 am to 2 pm, to 6 am to 9 pm. The building dimensions are derived from the similar dimensions for buildings throughout the district.

Other topics that were discussed during the June 18th public hearing related to lot sizes and stormwater management. Existing requirements outlined in Article XVI, Flood Damage Prevention,

Stormwater Management, and Watershed Protection, Part II, Storm Water Management would apply, including Section 15-263, Management of Stormwater. Staff is researching possible language that could be included in the draft ordinance to address soil removal or mitigation for environmental contamination. The following table lists the number of lots in the Historic Rogers Road neighborhood by size. A map showing the location of the properties is provided below.

Number of Historic Rogers Road Properties – Categorized by Size and Jurisdiction

Jurisdiction	Less than one acre	One acre	Greater than one acre	~1 acre (.95-1.08)
Carrboro	16	0	13	4
Chapel Hill	107	3	39	5
Total	113	3	25	9



Map of Historic Rogers Road Neighborhood

Map of Proposed Rezoning from the June 18th Public Hearing, showing the eight lots identified as a possible mixed-use district in purple.

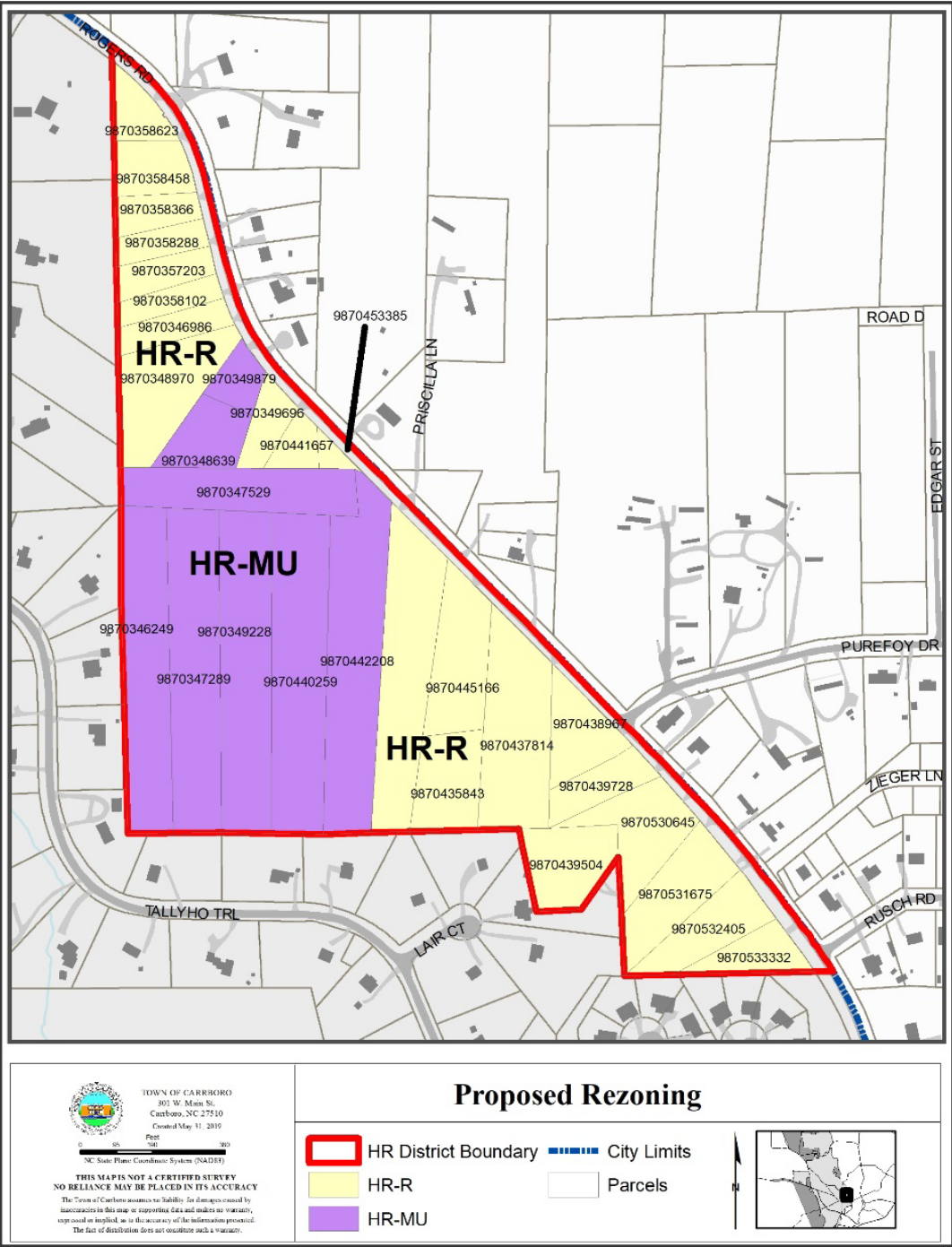


TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
1.000 Residential				
1.100 Single Family Residences				
1.110 Single Family Detached One Dwelling Unit Per Lot				
1.111 Site Built/Modular	Z	Z	Z	Z
1.112 Class A Mobile Home	Z	Z	Z	Z
1.113 Class B Mobile Home				
1.120 Single Family Detached More Than One Dwelling Unit Per Lot				
1.121 Site Built/Modular	*	*	*	*
1.122 Class A Mobile Home	*	*	*	*
1.123 Class B Mobile Home				
1.200 Two-Family Residences				
1.210 Two-Family Conversion	*	*	C	*
1.220 Primary Residence with Accessory Apartment	*	*	C	*
1.230 Duplex				*
1.231 Maximum 20% units > 3 bedrms/du	*	*	C	*
1.232 No bedroom limit				
1.240 Two Family Apartment				*
1.241 Maximum 20% units > 3 bedrms/du	*	*	C	*
1.242 No bedroom limit				
1.300 Multi-Family Residences				
1.310 Multi-Family Conversion				SC
1.320 Multi-Family Townhomes				SC
1.321 Maximum 20% units > 3 bedrms/du		*	C	SC
1.322 No bedroom limit				
1.330 Multi-Family Apartments				SC
1.331 Maximum 20% units > 3 bedrms/du				SC
1.332 No bedroom limit				
1.340 Single-Room Occupancy				
1.350 Triplex	Z	Z	C	
1.400 Group Homes				
1.410 Fraternities, Sororities, Dormitories and Similar Housing				C
1.420 Boarding Houses, Rooming Houses				S
1.430 Adult Care Home, Class A	Z	Z	C	Z
1.440 Adult Care Home, Class B	S	S	C	S
1.450 Child Care Home, Class A	Z	Z	C	Z
1.460 Child Care Home, Class B	S	S	C	S
1.470 Maternity Home	Z	Z	C	Z

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
1.480 Nursing Care Home	Z	Z	C	Z
1.500 Temporary Residences				
1.510 Tourist Homes and other Temporary Residences Renting Rooms for Relatively Short Periods of Time				
1.600 Homes Emphasizing Services, Treatment or Supervision				
1.610 Temporary Homes for the Homeless				S
1.620 Overnight Shelters for Homeless				
1.630 Senior Citizen Residential Complex				
1.700				
1.800				
1.900 Home Occupation	Z	Z	Z	Z
1.910 Major Home Occupation	Z	Z	Z	
2.000 Sales and Rental of Goods, Merchandise and Equipment				
2.100 No Storage or Display of Goods Outside Fully Enclosed Building				
2.110 High-Volume Traffic Generation				
2.111 ABC Stores				
2.112 Specialty High Volume Retail				
2.120 Low-Volume Traffic Generation				
2.130 Wholesale Sales				
2.140 Drive-In Windows				
2.150 Retail Sales with Subordinate Manufacturing and Processing				
2.200 Display of Goods Outside Fully Enclosed Building				
2.210 High-Volume Traffic Generation				
2.220 Low-Volume Traffic Generation				
2.230 Wholesale Sales				
2.240 Drive-In Windows				
2.300 Storage of goods outside fully enclosed building				
2.310 High-volume traffic generation				
2.320 Low-volume traffic				
2.330 Wholesale Sales				

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
2.340 Drive-in Windows				
3.000 Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise				
3.100 All operations conducted entirely Within Fully Enclosed Building				
3.110 Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.		ZC	C	
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use		ZC	C	
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area		ZC	C	
3.140 Watershed research				
3.150 Copy Centers/Printing Operations		ZC	C	
3.200 Operations conducted within or outside fully enclosed buildings				
3.210 Operations designed to affect and serve customers or clients on the premises				
3.220 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use				
3.230 Banks with drive-in window				
3.240 Watershed research				
3.250 Automatic Teller Machine, Freestanding				
3.260 Social Service Provider with Dining				Z
4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods,				

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
Merchandise and Equipment				
4.100 All operations conducted entirely within fully enclosed buildings		C	C	
4.200 Operations conducted within or outside fully enclosed buildings				
5.000 Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses				
5.100 Schools				
5.110 Elementary and secondary (including associated grounds and athletic and other facilities)	C	C	C	C
5.120 Trade or vocational school				
5.130 College				C
5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school buildings) school or secondary	ZS	ZS	C	ZS
5.300 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)				
5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet				S
5.320 Located within any permissible structures				
5.400 Social, fraternal clubs and lodges, union halls, and similar uses				
6.000 Recreation, Amusement, Entertainment				
6.100 Activity conducted entirely within building or substantial structure				
6.110 Bowling alley, skating rinks, indoor tennis and squash courts, billiards and pool halls, indoor athletic and exercise facilities and similar uses.				
6.120 Movie Theaters				
6.121 Seating capacity of				

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR- R	HR- MU	HR MU CZ	RR
not more than 300				
6.122 Unlimited Seating Capacity				
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1000 people				
6.140 Community Center--a Town sponsored, non-profit indoor facility providing for one or several of various type of recreational uses. Facilities in a Community Center may include, but are not limited to gymnasias, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses				Z
6.150 Electronic Gaming Operations				
6.200 Activity conducted primarily outside enclosed buildings or structures.				
6.210 Outdoor recreational facilities developed on private lands, without Town sponsorship or investment, such as golf and country clubs, swimming or tennis clubs, etc. and not constructed pursuant to a permit authorizing the construction of a residential development.				S
6.220 Outdoor recreational facilities developed on public lands, or on private lands with swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school				
6.221 Town of Carrboro owned and operated facilities.				Z
6.222 Facilities owned and operated by public entities other than the Town of Carrboro				C
6.230 Golf driving ranges not accessory to golf course, par 3 golf courses, miniature golf course, skateboard parks,				

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
water slides, and similar uses.				
6.240 Horseback riding stables (not constructed pursuant to permit authorizing residential development)				S
6.250 Automobile and motorcycle racing tracks				
6.260 Drive-in Movie Theaters				
7.000 Institutional Residence or Care of Confinement Facilities				
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area				
7.200 Nursing care institutions, intermediate care institutions, handicapped, aged or infirm institutions,				
child care institutions				C
7.300 Institutions (other than halfway houses) where mentally ill persons are confined				
7.400 Penal and Correctional Facilities				
8.000 Restaurants (including food delivery services), Bars, Night Clubs				
8.100 Restaurant with none of the features listed in use classification below as its primary activity		Z	C	
8.200 Outside Service or Consumption				
8.300 Drive-in (service to and consumption in vehicle on premises)				
8.400 Drive Through Windows (service directly to vehicles primarily for off-premises consumption)				
8.500 Carry Out Service (food picked up inside of off-premises consumption)				
8.600 Food Delivery				
8.700 Mobile prepared food vendors				
9.000 Motor Vehicle-Related Sales and Service Operations				
9.100 Motor vehicle sales or rental of sales and service				
9.200 Automobile service stations				
9.300 Gas sales operations				
9.400 Automobile repair shop or body shop				
9.500 Car wash				
10.000 Storage and Parking				
10.100 Independent automobile parking lots or garages				

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
10.200 Storage of goods not related to sale or uses of those goods on the same lot where they are stored				
10.210 All storage within completely enclosed structures				
10.220 Storage inside or outside completely enclosed structures				
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot				
11.000 Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards				
12.000 Services and Enterprises Related to Animals				
12.100 Veterinarian				S
12.200 Kennel				S
13.000 Emergency Services				
13.100 Police Stations				Z
13.200 Fire Stations				Z
13.300 Rescue Squad, Ambulance Service				Z
13.400 Civil Defense Operation				Z
14.000 Agricultural, Silvicultural, Mining, Quarrying Operations				
14.100 Agricultural operations, farming				
14.110 Excluding livestock				Z
14.120 Including livestock				Z
14.200 Silvicultural operations				Z
14.300 Mining or quarrying operations, including on-site sales of products				
14.400 Reclamation landfill				Z
15.000 Miscellaneous Public and Semi-Public Facilities				
15.100 Post Office				
15.200 Airport				C
15.300 Sanitary landfill				C
15.400 Military reserve, National Guard centers				
15.500 Recycling materials collection operations				
15.510 Using collection facilities other than motor vehicles				
15.520 Aluminum recycling using motor vehicles				

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
15.600 Public utility service complex				
15.700 Cable Television Signal Distribution Center				
15.750 Data Service Provider Facility				
15.800 Town-owned and/or Operated Facilities and Services				
15.810 Town-owned and/or Operated Public Parking Lot				
15.820 All other town-owned and/or operated facilities and services				Z
16.000 Dry Cleaner, Laundromat				
16.100 With drive-in windows				
16.200 Without drive-in windows				
17.000 Utility Facilities				
17.100 Neighborhood				S
17.200 Community or regional				
17.300 Cable Television Satellite Station				S
17.400 Underground Utility Lines				
17.410 Electric Power Lines & Gas Lines				S
17.420 Other Underground Lines				Z
17.500 Solar Array				
17.501 Solar Array Facility, Level 1				Z
17.502 Solar Array Facility, Level 2				S
17.503 Solar Array Facility, Level 3				C
18.000 Towers and Related Structures				
18.100 Towers and antennas fifty feet tall or less	Z	Z	C	Z
18.200 Towers and antennas attached thereto that exceed 50 feet in height, and that are not regarded as accessory to residential users under 15-150(c)(5)				C
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]				S
18.400 Publicly-owned towers and antennas of all sizes that are used in the provision of public safety services				
19.000 Open Air Markets and Horticultural Sales				
19.100 Open air markets (farm and craft markets, flea markets, produce markets)				
19.200 Horticultural sales with outdoor display				
19.300 Seasonal Christmas or pumpkin sales				
20.000 Funeral Homes				

TABLE OF PERMISSIBLE USES

Last Amended: 2/5/2020

DESCRIPTION	HR-R	HR-MU	HR-MU-CZ	RR
21.000 Cemetery and Crematorium				
21.100 Town-owned cemetery				Z
21.200 All other cemeteries				S
21.300 Crematorium				
22.000 Day Care				
22.100 Child Day Care Home	Z	Z	C	Z
22.200 Child Day Care Facility	S	S	C	S
22.300 Senior Citizens Day Care, Class A	S	S	C	S
22.400 Senior Citizens Day Care, Class B	S	S	C	S
23.000 Temporary structure or parking lots used in connection with the construction of a permanent building or for some non-recurring purpose				
23.100 Temporary structures located on same lot as activity generating need for structure	Z	Z	C	Z
23.200 Temporary parking facilities located on or off-site of activity generating need for parking				
24.000 Bus Station				
25.000 Commercial Greenhouse Operations				
25.100 No on-premises sales				S
25.200 On-premises sales permitted				S
26.000 Subdivisions				
26.100 Major	SC	SC	C	SC
26.200 Minor	Z	Z	C	Z
27.000 Combination Uses	*	*	C	*
28.000 Planned Unit Developments				
29.000 Special Events	C	C	C	C
30.000 Planned Industrial Development				
31.000 Off-Premises Signs				
32.000 Village Mixed Use Development				
33.000 Office/Assembly Planned Development				
34.000 Temporary Lodging				
34.100 Hotels and Motels				
34.200 Bed and Breakfast	S	S	C	S