

TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

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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.

 <u>Change the HR-MU district from a general zoning district to a conditional district HR-MU-CZ</u>. 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. <u>Add language that would require eight properties identified for the mixed use district to be developed as part of one project</u>.

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. <u>Reduce the maximum size of a nonresidential building footprint in the mixed use district to less</u> 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.

 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. <u>Require a conditional use permit for all uses</u>.

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 <u>and HR-MU-CZ district</u> 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 Councils 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.

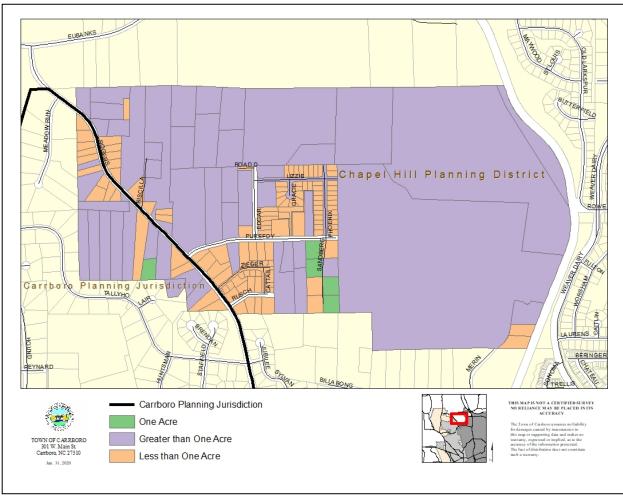
From time to time, during the public meetings to consider planning concepts for the Historic Rogers Road neighborhood, there was interest in a possible restaurant or coffee house. As currently written in the LUO, the use classification for restaurants, use 8.100, has a broad definition and includes bars 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,

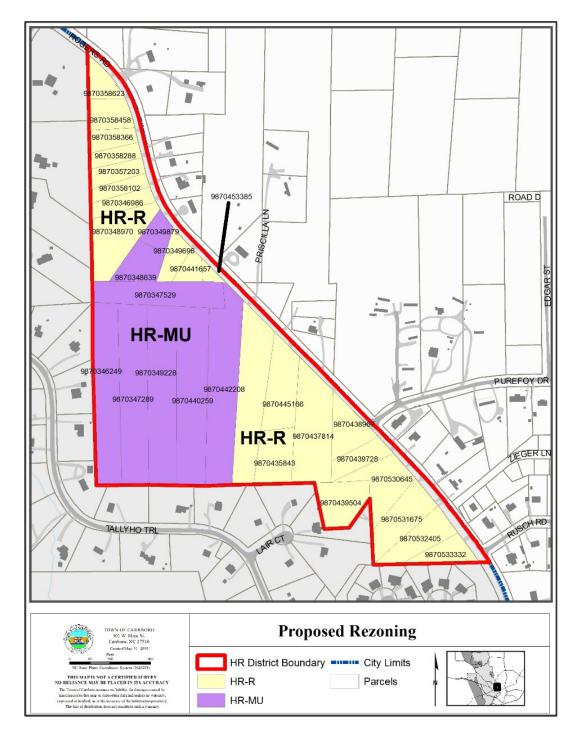
Stormwater Management, and Watershed Protection, Part II, Storm Water Management would apply, including Section 15-263, Management of Stormwater. Staff is researching possible language that could be included in the draft ordinance to address soil removal or mitigation for environmental contamination. 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.

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

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



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.

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Dormitories and SimilarCHousingC1.420 Boarding Houses, Rooming HousesS	1 410 Fraternities Sororities	il I
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1.420 Boarding Houses, Rooming Houses S	Dormitories and Similar	
1.420 Boarding Houses, Rooming Houses S	Housing	С
Rooming Houses S		
		S
1.450 Child Care Home, Class A Z Z C Z		
T 460 Unito Care Home Class B II S II S II C II S I	1.460 Child Care Home, Class B S S C	S
	1.4/U Maternity Home Z Z C	Z
	1.470 Maternity Home Z Z C	Z

DESCRIPTION	TID	TID		RR
DESCRIPTION	HR-		HR	ĸĸ
	R	MU	MU	
			CZ	
1.480 Nursing Care Home	Z	Z	С	Ζ
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
	Z			L
1.910 Major Home Occupation	и — —	Z	Ζ	
2.000 Sales and Rental of Goods, Merchand	ise			
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		\vdash		
Enclosed Building				
2.210 High-Volume Traffic				
Generation				
2.220 Low-Volume Traffic		-		
Generation				
2.230 Wholesale Sales		\vdash		
2.240 Drive-In Windows				
2.300 Storage of goods outside fully		\vdash		
onclosed building				
enclosed building			l	
2.310 High-volume traffic				
2.310 High-volume traffic generation				
2.310 High-volume traffic				

DESCRIPTION	HR- R		HR MU CZ	RR
2.340 Drive-in Windows				
3.000 Office, Clerical, Research and Service	S			
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		ZC	С	
office buildings, etc.		ZC	Č	
3.120 Operations designed to				
attract little or no				
customer or client traffic				
other than employees of				
the entity operating the		ZC	С	
principal use		ZC	Č	
3.130 Office or clinics of				
physicians or dentists				
with not more than 10,000		ZC	С	
square feet of gross floor		ZC		
area				
3.140 Watershed research				
3.150 Copy Centers/Printing Operatio	ne	ZC	С	
3.200 Operations conducted within or	13	ZC		
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,			\vdash	
Freestanding				
3.260 Social Service Provider with Dir	nina		\vdash	Ζ
	y		\vdash	
4.000 Manufacturing, Processing, Creating, Denoising Denovating Deinting	ı			
Repairing, Renovating, Painting,				
Cleaning, Assembling of Goods,	I			

			-	
DESCRIPTION	HR- R	HR- MU	HR MU CZ	RR
Merchandise and Equipment 4.100 All operations conducted entirely within fully enclosed buildings		С	С	
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)	С	С	С	С
5.120 <u>Trade or vocational school</u> 5.130 College				С
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	С	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 5.320 Located within any permissible structures 				S
5.400 Social, fraternal clubs and lodges, union halls, and similar uses				
 6.000 Recreation, Amusement, Entertainme 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 				

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 6.10				
classification designed to seat				
or accommodate simultaneous	y			
more than 1000 people				
6.140 Community Centera Town				
sponsored, non-profit indoor				
facility providing for one or				
several of various type of				
recreational uses. Facilities in				
a Community Center may in-				
clude, but are not limited to				
gymnasia, swimming pools,				
indoor court areas, meeting/				
activity rooms, and other similar uses				Z
6.150 Electronic Gaming Operations				Z
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 perm	it			
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 con-				
structed pursuant to a permit				
authorizing the construction of				
another use such as a school				
6.221 Town of Carrboro own				
and operated facilities				Ζ
6.222 Facilities owned and				
operated by public				
entities other than the				
Town of <u>Carrboro</u>		\vdash	\square	С
6.230 Golf driving ranges not				
accessory to golf course, par 3				
golf courses, miniature golf				
course, skateboard parks,	II I		I	

		DESCRIPTION	HR- R	HR- MU		RR
					CZ	
		water slides, and similar uses.				
		6.240 Horseback riding stables (not				
		constructed pursuant to permit				
		authorizing residential developn	nent)			S
		6.250 Automobile and motorcycle				
		racing tracks				
	= 000	6.260 Drive-in Movie Theaters	<i>.</i>			
	7.000	Institutional Residence or Care of Con	ifinei	nent		
	7 400	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, inter-				
	7.200	mediate care institutions, handi-				
		capped, aged or infirm institutions,				
		child care institutions				С
	7 300	Institutions (other than halfway houses)				C
	1.000	where mentally ill persons are				
		confined				
	7.400	Penal and Correctional Facilities				
	8.000	Restaurants (including food delivery s	ervic	es).		
		Bars, Night Clubs		,,,,		
	8.100	Restaurant with none of the features				
		listed in use classification below				
		as its primary activity		Z	С	
		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				
	0 000	of off-premises consumption)				
		Food Delivery Mobile prepared food vendors				
I		Motor Vehicle-Related Sales and Serv				
	9.000		ice			
	0 400	Operations				
	9.100	Motor vehicle sales or rental of sales and service				
	a 200	Automobile service stations				
		Gas sales operations				
		Automobile repair shop or body shop				
		Car wash				
L		Storage and Parking				
		Independent automobile parking lots				
		or garages				
		<u> </u>				

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		DES	CRIPTION	HR- R	HR- MU	HR MU CZ	RR
	10 200	Storage	of goods not related to sale or				
	10.200	•	those goods on the same lot				
			•				
			ney 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 equip-				
			Itside enclosed structures where:	•			
			les or equipment are owned				
			d by the person making use				
			t, and (ii) parking or storage is				
			an a minor and incidental				
			he overall use made of the lot				
	11.000	Scrap N	Aaterials Salvage Yards, Junky	ards	,		
		Automo	obile Graveyards				
	12.000	Service	s and Enterprises Related to A	nima	ls		
•		Veterina		1 1			S
		Kennel					S
1			nov Convisos				0
			ency Services				-
		Police S					Z
		Fire Sta					Z
	13.300	Rescue	Squad, Ambulance Service				Z
	13.400	Civil De	fense Operation				Z
	14.000	Agricul	tural, Silvicultural, Mining,				
		-	ing Operations				
•	14 100		ural operations, farming				
	14.100		Excluding livestock				Z
			Including livestock				Z
I	44.000						
			ural operations				Z
	14.300	_	or quarrying operations, in-				
		cluding	on-site sales of products				
_	14.400	Reclam	ation landfill				Z
	15.000	Miscella	aneous Public and Semi-Public	;			
		Facilitie	s				
•	15 100	Post Of	fice				
		Airport					С
		Sanitary	(landfill				C
							C
			reserve, National Guard centers			\vdash	
	15.500	кесусш	ng materials collection				
1			operations				
1		15.510	Using collection				
1			facilities other than				
1			motor vehicles				
1		15.520	Aluminum recycling using				
1			motor vehicles				
-							

DESCRIPTION	UD	TID	TTD	RR
DESCRIPTION	HR-	HR-		КК
	R	MU	MU CZ	
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 Line	es			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				С
18.000 Towers and Related Structures				
18.100 Towers and antennas fifty feet tall or less	7	7	C	7
18.200 Towers and antennas attached thereto	Ζ	Z	С	Ζ
that exceed 50 feet in height, and that				
are not regarded as accessory to				
residential users under 15-150(c)(5)				С
18.300 Antennas exceeding 50 feet in height				C
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				
		\vdash		
20.000 Funeral Homes				

	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	Ζ	С	Ζ
	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
L	23.000 Temporary structure or parking lots		~	Ŭ	Ŭ
	connection with the construction of a				
	permanent building or for some non	-			
I	recurring purpose				
	23.100 Temporary structures located on same				
	lot as activity generating need	_	-		-
	for structure	Z	Ζ	С	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	5			
	25.100 No on-premises sales				S
	25.200 On-premises sales permitted				S
	26.000 Subdivisions				
•	26.100 Major	SC	SC	С	SC
	26.200 Minor	Z	Ζ	С	Ζ
	27.000 Combination Uses	*	*	С	*
	27.000 Combination Uses				
	29 000 Diama di Unite Diama ante	II			
	28.000 Planned Unit Developments				6
	29.000 Special Events	C	C	С	С
	20 000 Planned Industrial Development	I			
1	30.000 Planned Industrial Development	Π			
	31.000 Off-Premises Signs				
	32.000 Village Mixed Use Development	I]
	33.000 Office/Assembly Planned Developme	ent			
	34.000 Temporary Lodging				
	34.100 Hotels and Motels				
	34.200 Bed and Breakfast	S	S	С	S
_			5		5