

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH HISTORIC ROGERS ROAD MIXED USE DISTRICT AND ASSOCIATED
DEVELOPMENT STANDARDS

****DRAFT 02-21-2020****

THE CARRBORO TOWN COUNCIL ORDAINS:

Section 1. The Carrboro Land Use Ordinance is amended by modifying Section, 15-136.1 Historic Rogers Road District Established, to read as follows:

Section 15-136.1 Historic Rogers Road Districts Established

- (a) The Historic Rogers Road districts, HR-R (residential) and HR-MU (mixed use), are established to implement the goals and recommendations of the *Mapping Our Community's Future* community planning effort, completed in May 2016. The intent of *Mapping Our Community's Future* and the HR Districts is to:
- 1) Create opportunities for long-term residents to continue living in the community and to age in place;
 - 2) Preserve the socioeconomic and cultural diversity of the neighborhood;
 - 3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;
 - 4) Respect and protect the natural character of the neighborhood;
 - 5) Ensure that new development is consistent with neighborhood character and the vision that residents have developed for its future;
 - 6) Provide greater residential housing choice, affordability, and diversity;
 - 7) Increase economic opportunities within the neighborhood;
 - 8) Increase recreational resources within the neighborhood; and
 - 9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.
- (b) The HR-R zoning district is designed to protect and preserve the character of existing lower-density areas (minimum lot size 14,520 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.
- (c) The HR-MU district is designed to provide for a broader range of housing and employment options by concentrating new development into nodes, as identified in *Mapping Our Community's Future*, which will balance providing areas for desired new uses while protecting the overall neighborhood character. Uses appropriate in the HR-MU district include live-work units, flex space, and low-intensity neighborhood-serving establishments such as healthcare, assisted living, elder care, child care, and recreation facilities. Property

proposed for rezoning to HR-MU district shall include no less than sixteen contiguous acres. The development of an HR-MU district may include the recombination of existing lots and/or the subdivision of new lots that meet the density and dimensional standards outlined in Article XII.

Section 2. Section 15-141.4(a) of the Carrboro Land Use Ordinance is amended to read as follows:

- (a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ, and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, OACZ, M-1-CZ, M-2-CZ (AMENDED 4/27/10; 06/23/15; 10/23/18)

There may also be established a HR-MU-CZ zoning district, pursuant to the purpose statement and criteria described in Section 15-136.1.

Section 3. Article II Section 15-15 Definitions of Basic Terms is amended by modifying the existing definition of Home Occupation, Major to add a reference the HR-MU district as follows:

Home Occupation, Major. A Major Home Occupation is an accessory business use of a residentially-zoned property, that meets one or more of the following criteria: (i) employs up to four non-resident employees, who may work on site; (ii) utilizes outdoor storage of materials, supplies, products, or machinery; or (iii) generates noise, vibration, dust, odor, light, or glare that is visible from neighboring properties or the public right-of-way at any hour of the day. Examples of Major Home Occupations include: lawncare or landscaping services, woodworking shops, small engine repair, appliance repair, metalworking, and any home business with more than one non-resident employee. Major home occupation uses are only permissible with a zoning permit in the HR-R and HR-MU districts, and are subject to the performance standards specified in Section 15-176.9.

Section 4. Section 15-146 (Table of Permissible Uses) is amended by adding one new column labelled HR-MU with permissible use classifications as shown in the attached Exhibit 'A.' The letters "Z," "S," "C," "SC," and "ZS," and the symbol "*" have the meanings described for all uses as provided in applicable subsections of Section 15-147.

Section 5. Section 15-176.9 Special Standards for Historic Rogers Road District, is amended to include the HR-MU District as follows:

Section 15-176.9 Special Standards for Historic Rogers Road Districts.

- (a) All applicable provisions of the Carrboro Land Use Ordinance not specifically exempted or modified by this section shall apply to the HR-R and HR-MU districts.
- (b) In both the HR-R and HR-MU districts, the maximum size of any single-family dwelling constructed after the effective date of this section shall be 2,000 square feet of heated floor area; the maximum size of any duplex or triplex dwelling unit constructed after the effective date of this section shall be 1,200 square feet of heated floor area. Any dwelling unit in existence on the effective date of this subsection containing 2,000 square feet or greater of heated floor area may be increased by a maximum of 25% of the existing heated floor area or 500 square feet whichever is greater, but with a maximum size of 2,500 square feet at any time. Any dwelling unit in existence on the effective date of this subsection containing less than 2,000 square feet of heated floor area may be expanded up to a maximum size of 2,000 square feet of heated floor area or 25% whichever is greater.
- (c) In the HR-MU district the maximum size of the building footprint for any building containing any nonresidential uses shall not exceed 6,000 square feet.
- (d) An undisturbed buffer, of no less than 50 feet, shall be maintained along the perimeter of the entire HR-MU district.
 - 1. The buffer shall consist of existing vegetation and/or new plantings to meet the requirements in Section 15-307(1) for an Opaque Type A screen.
 - 2. This area shall remain undisturbed except for the removal of noxious weeds and trees determined to be diseased by a Certified Arborist, and the installation of new plantings as required by the standards for a Type A screen described in subsection (c)(1) above.
- (e) Development within the HR-MU district shall be subject to the screening requirements of Section 15-306, to provide sufficient screening between uses, so long as a Type A screen is retained at the boundary line of any parcel in the HR-MU district where that parcel adjoins an adjacent property outside of the district.
- (f) As set forth in the Table of Permissible Uses, Major Home Occupations are permissible only in the HR-R and HR-MU districts, subject to the following standards:
 - 1. Must be conducted by a person who resides on the same lot.
 - 2. Major Home Occupations shall only be located on lots a minimum of one acre in size.
 - 3. No more than 50% of the heated square footage of the home shall be used for business purposes. This calculation does not include accessory structures in the total square footage calculation for the home; such structures shall be limited to a maximum size of 150% of the home, but in no case shall exceed 2,000 gross square feet.
 - 4. The maximum number of trips per day to or from the business shall not exceed 50.
 - 5. The on-premises sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.
 - 6. No more than three business-associated vehicles shall be parked on-site.
 - 7. Business-associated vehicles shall be limited to vehicles allowed under a Class C license.

8. Parking for vehicles associated with the business, including employee and visitor vehicles shall be provided on-site, pursuant to the requirements in Section 15-291.
 9. If more than three parking spaces are provided for business-associated vehicles and / or employees and visitors, then the additional spaces above three must be screened by a Type A buffer.
 10. All business activities shall be a minimum of 60 feet from all lot lines or within a fully enclosed building.
 11. All noise, dust, vibration, odor, light, and glare-producing activities shall be located a minimum of 60 feet from all lot lines, and any activity that results in noise, vibration, dust, odor, light, or glare shall only occur between the hours of 8 AM and 6 PM.
 12. Any outdoor storage of materials, supplies, products, or machinery (excluding functional vehicles associated with the business) shall be screened with a Type A screen as described in LUO Section 15-307.
- (g) Any Land Use Category 8.100 use located in the HR-MU district is limited to 2,000 square feet heated floor area and may only conduct business between the hours of 6 am and 9 pm.
- (h) For proposed developments within the HR-MU District, a phasing plan must be incorporated into the project which mandates that at least fifteen percent (15%) of the uses must be nonresidential and at least fifteen percent (15%) of the uses must be residential. The phasing plan must ensure that the nonresidential portions are completed prior to or in conjunction with the residential portions of each phase.

Section 6. Section 15-181 Minimum Lot Size Requirements, subsection (a) is revised with the addition of minimum lot size requirements for the HR-MU zoning district as follows:

<u>ZONE</u>	<u>MINIMUM SQUARE FEET</u>
HR-MU	7,500

Section 7. Section 15-182 Residential Density, subsection (a) is revised with the addition of residential density requirements for the HR-MU zoning district, as follows:

<u>ZONE</u>	<u>Minimum Square Feet Per Dwelling Unit, Multi-Family, Triplex and Duplex</u>
HR-MU	7,500

Section 8. Section 15-182.3 Residential Density of Major Developments in Certain Districts, subsection (a) is amended to read as follows:

- (a) Notwithstanding the provisions of Section 15-182, when any tract of land within the R-10, R-15, R-20, RR, HR-R and HR-MU districts is developed under circumstances requiring the issuance of a special or any tract within the R-10, R-15, R-20, RR, HR-R or HR-MU requiring the issuance of conditional use permit, the maximum number of dwelling units that may be placed on that tract shall be determined in accordance with the provisions of this section.

Section 9. Section 15-183 Minimum Lot Widths, subsection (b) is revised with the addition of minimum lot width requirements for the HR-MU zoning district, as follows:

<u>ZONE</u>	<u>Lot Width</u>
HR-MU	50

Section 10. Subsection 15-184 Building Setback Requirements, subsection (a) is revised with the addition of setback requirements for the HR-MU zoning district, as follows:

<u>ZONE</u>	<u>Minimum Distance from Street Right of Way Line</u>		<u>Minimum Distance from Street Centerline</u>		<u>Minimum Distance from Lot Boundary Line</u>
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign
HR-MU	50	20	70	50	50

Section 11. The table included in Subsection 15-185 (a) (2) is amended by the addition of information on the maximum building height for the HR-MU zoning district, as follows:

<u>ZONE</u>	<u>Maximum Height</u>
HR-MU	40'

Section 12. Article XVII Signs, Section 15-271(e) is amended to read as follows:

- (e) Signs for home occupations and major home occupations shall be permitted subject to the following provisions:
1. A lot that houses a legally-established home-based occupation as an accessory use may have up to one wall-mounted sign with a maximum area of 4 square feet. In the HR-R and HR-MU districts, legally-established major home occupations may have up to one wall-mounted sign with a maximum area of 8 square feet.
 2. Signs must be non-illuminated.
 3. Signs shall comply with the standards of Sections 15-271, Permit Required for Signs, 15-275, Computation of Sign Area, and 15-282, Miscellaneous Requirements.

Section 13. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 14. This ordinance shall become effective upon adoption