

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

****DRAFT 09-17-2020****

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 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 an 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 15-147 (Uses of the Designations Z,S,C in Table of Permissible Uses) is amended by adding a new subsection (v) to read as follows:

(v) Per Section 15-176.9, Special Standards for Historic Rogers Road Districts, triplexes are only permissible in the HR-R and HR-MU districts if they meet the definition of an affordable housing unit as described in Subsection 15-182.4.

Section 6. 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) Any triplex dwelling unit constructed after the effective date of this section in both the HR-R and HR-MU districts shall be an affordable housing unit pursuant to Subsection 15-182.4(b) of this chapter.
- (d) In the HR-MU district the maximum size of the building footprint for any building containing any nonresidential uses shall not exceed 3,000 square feet.
- (e) 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 15. This ordinance shall become effective upon adoption

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Exhibit 'A' - TABLE OF PERMISSIBLE USES**Historic Rogers Road Zoning District Additions - 9/17/2020**

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

Exhibit 'A' - TABLE OF PERMISSIBLE USES**Historic Rogers Road Zoning District Additions - 9/17/2020**

DESCRIPTION	HR MU
1.480 Nursing Care Home	C
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	
1.620 Overnight Shelters for Homeless	
1.630 Senior Citizen Residential Complex	
1.700	
1.800	
1.900 Home Occupation	Z
1.910 Major Home Occupation	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	

Exhibit 'A' - TABLE OF PERMISSIBLE USES**Historic Rogers Road Zoning District Additions - 9/17/2020**

DESCRIPTION	HR MU
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.	C
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	C
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	C
3.140 Watershed research	
3.150 Copy Centers/Printing Operations	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	
4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods,	

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DESCRIPTION	HR MU
Merchandise and Equipment	
4.100 All operations conducted entirely within fully enclosed buildings	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
5.120 Trade or vocational school	
5.130 College	
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	C
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	
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	

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DESCRIPTION	HR MU
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	
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.	
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.	
6.222 Facilities owned and operated by public entities other than the Town of Carrboro	
6.230 Golf driving ranges not accessory to golf course, par 3 golf courses, miniature golf course, skateboard parks,	

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DESCRIPTION	HR MU
water slides, and similar uses.	
6.240 Horseback riding stables (not constructed pursuant to permit authorizing residential development)	
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	
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	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	

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DESCRIPTION	HR MU
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	
12.200 Kennel	
13.000 Emergency Services	
13.100 Police Stations	
13.200 Fire Stations	
13.300 Rescue Squad, Ambulance Service	
13.400 Civil Defense Operation	
14.000 Agricultural, Silvicultural, Mining, Quarrying Operations	
14.100 Agricultural operations, farming	
14.110 Excluding livestock	
14.120 Including livestock	
14.200 Silvicultural operations	
14.300 Mining or quarrying operations, including on-site sales of products	
14.400 Reclamation landfill	
15.000 Miscellaneous Public and Semi-Public Facilities	
15.100 Post Office	
15.200 Airport	
15.300 Sanitary landfill	
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	

Exhibit 'A' - TABLE OF PERMISSIBLE USES**Historic Rogers Road Zoning District Additions - 9/17/2020**

DESCRIPTION	HR MU
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	
16.000 Dry Cleaner, Laundromat	
16.100 With drive-in windows	
16.200 Without drive-in windows	
17.000 Utility Facilities	
17.100 Neighborhood	
17.200 Community or regional	
17.300 Cable Television Satellite Station	
17.400 Underground Utility Lines	
17.410 Electric Power Lines & Gas Lines	
17.420 Other Underground Lines	
17.500 Solar Array	
17.501 Solar Array Facility, Level 1	
17.502 Solar Array Facility, Level 2	
17.503 Solar Array Facility, Level 3	
18.000 Towers and Related Structures	
18.100 Towers and antennas fifty feet tall or less	C
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)	
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]	
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	

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DESCRIPTION	HR MU
21.000 Cemetery and Crematorium	
21.100 Town-owned cemetery	
21.200 All other cemeteries	
21.300 Crematorium	
22.000 Day Care	
22.100 Child Day Care Home	C
22.200 Child Day Care Facility	C
22.300 Senior Citizens Day Care, Class A	C
22.400 Senior Citizens Day Care, Class B	C
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	C
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	
25.200 On-premises sales permitted	
26.000 Subdivisions	
26.100 Major	C
26.200 Minor	C
27.000 Combination Uses	C
28.000 Planned Unit Developments	
29.000 Special Events	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	C