



## Legislation Details (With Text)

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**On agenda:** 6/23/2015      **Final action:** 6/23/2015  
**Title:** Request-to-set a public hearing on Land Use Ordinance Text Amendments that would provide for a Site Specific, Flexible Zoning District

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new site specific, flexible zoning district.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A - Resolution, 2. Attachment B - Draft LUO amendment on FLX district 6-15-15

| Date      | Ver. | Action By         | Action   | Result |
|-----------|------|-------------------|----------|--------|
| 6/23/2015 | 1    | Board of Aldermen | approved | Pass   |

### TITLE:

Request-to-set a public hearing on Land Use Ordinance Text Amendments that would provide for a Site Specific, Flexible Zoning District

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to establish a new site specific, flexible zoning district.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Mike Brough - 919-929-3905; Nick Herman - 919-929-3905; Patricia McGuire - 919-918-7327

**INFORMATION:** Since the presentation of the design workshop concept plans during the winter of 2011-2012, the Board has held three work sessions to begin to formulate a possible new general use zoning district to implement the recommendations of the NSAPIRC for mixed-use development opportunities in the Northern Study Area. At the first discussion on January 14, 2014, the Board considered a staff proposal for a new zoning district, tentatively named Mixed Use Rural-Transition (MURT) following the framework of the existing Office/Residential Mixed Use District (OR-MU). Staff also provided sample language for the MURT district that responded to the existing rural landscape through open space, screening and buffer requirements. At the June 10, 2014 work session, the Board began a more in-depth conversation relating to the appropriateness of specific land uses and building form--massing and height-and their placement on the site. Members of the Northern Transition Area Advisory Committee (NTAAC) were specifically notified of the third meeting, held on November 11, 2014, and invited to participate.

Throughout these meetings two themes have consistently remained at the forefront. The first is consistency with the Northern Study Area Plan; establishing a district that would allow the land uses identified by the design workshop participants and the site owner, while retaining the "design with nature themes" that seem

appropriate for an area under transition. The second is the creation of a new mixed-use district which would allow the property owner some flexibility to adjust with the market within the perimeters of an approved conceptual plan for the site.

Up to this point, staff have been exploring options for a new general use zoning district, which would allow residential and commercial uses, something similar in concept to the existing OR-MU district. The use of a conditional or a conditional use district allow some more flexibility but requires property owners to petition to rezone their property, an extra step which some owners find undesirable. After consideration, staff has prepared a draft ordinance (Attachment B) that would authorize the creation a site specific flexible district tentatively called FLX. To be considered for FLX zoning, a tract must meet four key criteria: (1) be at least twenty-five acres in size, (2) be under single ownership or control, (3) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, and (4) have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract.

The property owner would have to petition for the rezoning, and include as part of the application materials a detailed site plan, and conditions would be linked to the rezoning. Each request for a Site Specific, Flexible Zoning District would be specific to the particulars of the parcels involved. As a legislative decision, the Board of Aldermen would consider the particulars of the petition and the site plan as a policy matter. The Board's decision would be guided by Section 15-324(a-e) which speaks to consistency with adopted plans and policies, and particularly Section 15-325, Ultimate Issue Before Board on Amendments, which outlines the central issue for the Board as whether the rezoning advances the public health, safety or welfare.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed. The Board may wish to refer the draft amendments to other advisory boards such as the Transportation Advisory Board, Appearance Commission and NTAAC; the resolution template provides for those options. Because the approach is new, staff anticipates providing an opportunity for the Board of Aldermen to work through the proposed ordinance in greater detail at a meeting in late August or early September, in advance of the public hearing.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for September 22, 2015 and referring the proposed amendment to Orange County, the Planning Board and others, as appropriate.