



## Legislation Text

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**File #:** 16-093, **Version:** 1

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### **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; Nick Herman - 919-929-3905; Patricia McGuire - 919-918-7327

**INFORMATION:** On October 13, 2015, the Board of Aldermen held a public hearing on proposed text amendments to the Land Use Ordinance to authorize the Board to consider petitions to rezone property to a site specific, flexible zoning district (FLX). The FLX district was designed to respond to goals set out in the Facilitated Small Area Plan for Carrboro's Northern Study Area (FSAP) for floating zones that would provide opportunities for commercial uses at a neighborhood scale and, potentially, office/assembly uses that would allow some light manufacturing and flex space subject to performance standards. The FSAP goals also spoke to the importance of an integrated site plan review process whereby the applicant, the Town and members of the public would be involved early in the process. The final report from the Durham Area Designers (DAD) group who lead the design workshops in 2011 included recommendations for public input as part of a site specific design for a potential development, modifying the existing Village Mixed Use (VMU) district provisions to become more form-based and using a master plan approach. In addition, the recommendations spoke to the relationship between lot sizes (scale) and financial viability and the importance of working with market specialists to determine viable lot sizes and configurations. The proposed FLX district appears to be consistent with both of these documents.

At the close of the October public hearing, the Board directed staff to develop graphics that would make it easier to understand the proposed process, particularly the opportunities for public input, but also the relationship between the required site specific planning study and the application materials, and what would information would be required from the applicant at key points during the process. Staff was also asked to meet with the NTAAC for input on the draft ordinance.

Staff met with the NTAAC for a special meeting on January 11, 2016, and reported back to the Board on February 16<sup>th</sup> as a follow up to the October public hearing. Staff met with the NTAAC again on March 14<sup>th</sup> to discuss further revisions to the draft ordinance with the intent of providing more clarity, particularly with regard to the site specific planning study. At the close of the March NTAAC meeting, members shared information about a draft ordinance, still considered a work in progress, which the NTAAC was preparing as an alternative to the proposed FLX district. The alternative amendment is an attempt to combine elements from the FLX district with the Village Mixed Use (VMU) district-a FLXVMU. Omar Zinn attended and participated in the January NTAAC meeting but not the March meeting and has not seen the draft FLXVMU; staff received the

initial draft but has not had a chance to review it.

To date, the overall concept behind the FLX district has remained consistent. The proposal outlines a process in keeping with conditional zoning with additional opportunities for public input at the very beginning of the process and at key intervals throughout. The submittal materials would include a petition for change of zoning which addresses four questions. How do the potential uses in the new district classification relate to the existing character of the area? In what way is the property proposed for rezoning particularly suited for the potential uses of the new district? How will the proposed rezoning affect the value of nearby buildings? In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction? The applicant of a FLX rezoning petition would also have to submit a site plan of sufficient detail to convey the location of proposed infrastructure, circulation patterns, potential land uses, and in the case of residential uses, density limitations, stormwater features, building height and massing as well as information relating to architectural themes and the overall character of the development. The applicant would also submit conditions which would be reviewed and refined during the review process.

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 also wish to refer the draft amendments to other advisory boards such as the Transportation Advisory Board, Appearance Commission, Environmental Advisory Board and NTAAC; the resolution template provides for those options.

**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 April 26, 2016 and referring the proposed amendment to Orange County, the Planning Board and others, as appropriate.