

TECHNICAL REPORT

Council Public Hearing – 04/17/2019



LUMO TEXT AMENDMENT AND ZONING ATLAS AMENDMENT FOR HISTORIC ROGERS ROAD NEIGHBORHOOD ZONING

The following Technical Report describes proposed modifications to the Land Use Management Ordinance including four new zoning Subdistricts for the Historic Rogers Road Neighborhood, along with proposed zoning atlas changes that would apply the new Subdistricts to specific parcels of land.

BACKGROUND

2009	Rogers Road Small Area Plan Task Force Final Report
2013	Historic Rogers Road Neighborhood Task Force Final Report
2013	Closure of Orange County Regional Landfill, adjacent to community
2015	Historic and Vibrant Rogers Road Report
2016	Rogers Road: Mapping Our Community's Future
2017-2019	Rogers Road Sewer Construction Project
September 2018	Initiation of Rogers Road Zoning Initiative (<i>current project</i>)
October 2018- March 2019	Community and Stakeholder Engagement
February 2019	Draft Zoning Code
March 19, 2019	Advisory Board Review
April 16, 2019	Planning Commission Recommendation

NEXT STEPS

April 17, 2019	Council will open the Public Hearing to hear the proposed amendments and receive public comments
May 22, 2019	Council will meet with the intent to take action on the proposed amendments

SUMMARY OF PROPOSED CHANGES

Based upon the community input received to date, a Text Amendment has been developed to establish zoning standards for the Historic Rogers Road Neighborhood. The standards would then be applied to specific properties through a rezoning (Zoning Atlas Amendment). In combination, the proposed modifications would affect zoning for various portions of the study area as follows:

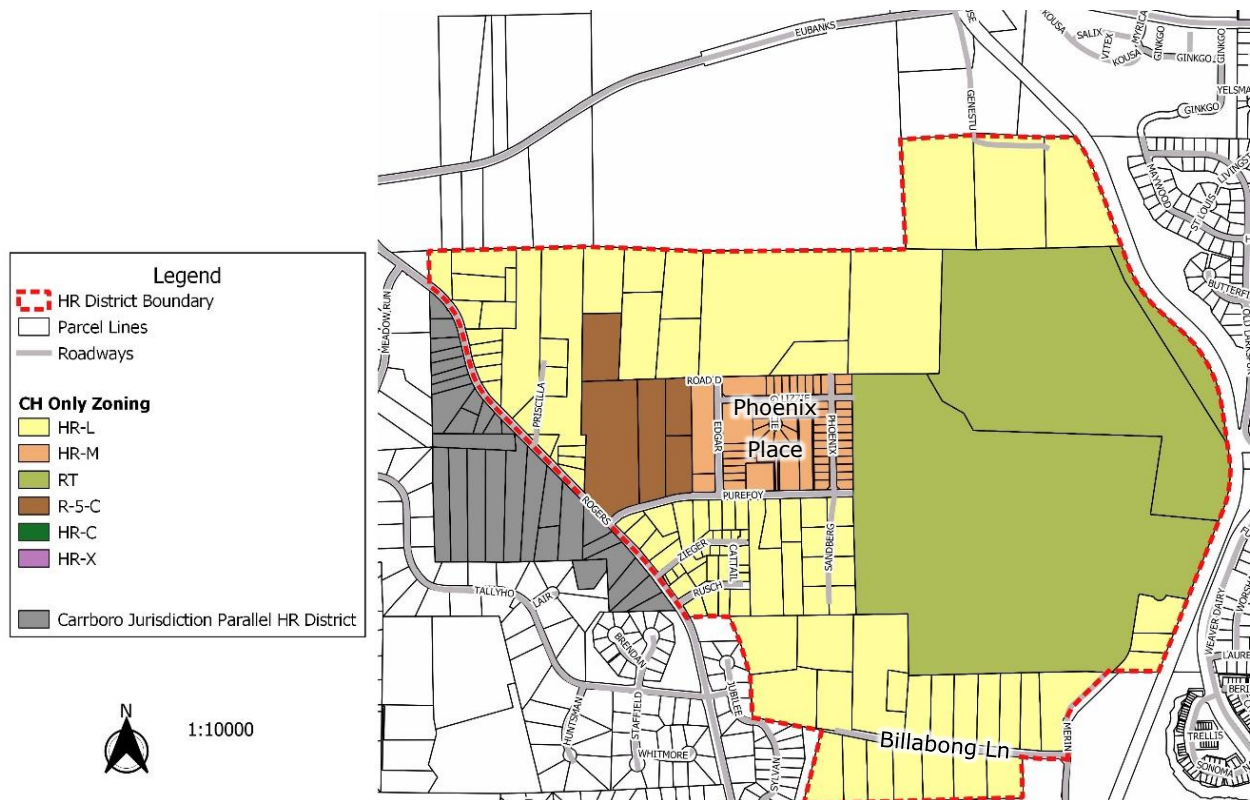
- A. General Neighborhood: How zoning would change for most of the study area, which is currently zoned R-1 (Residential-1) and would be rezoned to HR-L (Historic Rogers Road-Low Density).
- B. Billabong Lane Properties: How zoning would change for properties that are currently zoned R-1A (Residential-1A) and would be rezoned to HR-L. Note that there is ongoing discussion with stakeholders on whether to include these properties in the proposed area for rezoning.

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- C. Properties near Phoenix Place: How zoning would change for a few properties adjoining the Phoenix Place neighborhood, which are currently zoned as R-1 and would be rezoned to HR-M (Historic Rogers Road-Medium Density). This would provide greater continuity with the Phoenix Place neighborhood, which would also be rezoned to HR-M but is a built-out development.
- D. Potential Mixed Use Area: Standards that would be in place for any future nodes of neighborhood-scale mixed use development (mixed housing with neighborhood services and small businesses). No properties are proposed to be rezoned at this time to this Subdistrict. The St. Paul's Village project (approved under a previous rezoning) would also serve as a mixed use node for the neighborhood.
- E. Potential Conservation Area: Standards that would be in place for any future conservation of environmentally sensitive lands. No properties are proposed to be rezoned at this time; however, this zoning could be considered for the Greene Tract as discussions progress on future use of that property.
- F. Other Standards, Applicable throughout Study Area: Special development standards that apply to the Historic Rogers Road zoning as a whole, not specific Subdistricts.

A map of proposed zoning (HR-L and HR-M Subdistricts only) and a series of tables further detailing the comparison of existing and proposed zoning standards are provided below.



Proposed Zoning Map for Historic Rogers Road Neighborhood

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A. General Neighborhood

Zoning Standard	Existing R-1 Zoning	Proposed HR-L Zoning
Permitted Housing Types	Single-family homes Accessory dwellings Manufactured homes (Class A)	Single-family homes Accessory dwellings Manufactured homes (Class A) Duplexes Triplexes
Other Permitted Uses	Daycares, Places of Worship, Schools, Recreation, and Public Facilities. <i>No change proposed</i>	
Maximum Density	3 units/acre	3 units/acre for single-family only 4 units/acre with duplexes and triplexes
Minimum Lot Size	17,000 sq ft Smaller lots may be approved under a Cluster Subdivision	14,500 sq ft Smaller lots may be approved under a Cluster Subdivision
Building Setbacks	<ul style="list-style-type: none"> ▪ 28 ft from street - minimum ▪ 14 ft from other property lines – minimum ▪ 17 ft solar setback - minimum 	<ul style="list-style-type: none"> ▪ 10 ft from street – minimum ▪ 28 ft from street – maximum ▪ 14 ft from other property lines – minimum ▪ 17 ft solar setback - minimum <p>Lots fronting on Rogers Rd:</p> <ul style="list-style-type: none"> ▪ 50 ft from street – minimum (no maximum)
Maximum Height	29 ft at setback line, 40 ft interior to site – <i>No change proposed</i>	
Lot Width and Street Frontage	80 ft minimum lot width, 64 ft minimum street frontage <i>No change proposed</i>	
Maximum Floor Area Ratio	.076 - <i>No change proposed</i>	
Maximum Home Size	Not currently regulated	2,000 sq ft for single-family 1,200 sq ft per unit for duplex/triplex
Home-Based Businesses	Minor home occupations allowed	Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors

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B. Billabong Ln Properties

Note that there is ongoing discussion with stakeholders on whether to include these properties in the proposed area for rezoning.

Zoning Standard	Existing R-1A Zoning	Proposed HR-L Zoning (same as General Neighborhood)
Permitted Housing Types	Single-family homes Accessory dwellings Manufactured homes (Class A)	Single-family homes Accessory dwellings Manufactured homes (Class A) Duplexes Triplexes
Other Permitted Uses	Daycares, Places of Worship, Schools, Recreation, and Public Facilities. <i>No change proposed</i>	
Maximum Density	2 units/acre	3 units/acre for single-family only 4 units/acre with duplexes and triplexes
Minimum Lot Size	25,000 sq ft Smaller lots may be approved under a Cluster Subdivision	14,500 sq ft Smaller lots may be approved under a Cluster Subdivision
Building Setbacks	<ul style="list-style-type: none"> ▪ 29 ft from street - minimum ▪ 15 ft from other property lines – minimum ▪ 18 ft solar setback - minimum 	<ul style="list-style-type: none"> ▪ 10 ft from street – minimum ▪ 28 ft from street – maximum ▪ 14 ft from other property lines – minimum ▪ 17 ft solar setback - minimum
Maximum Height	29 ft at setback line, 38 ft interior to site	29 ft at setback line, 40 ft interior to site
Lot Width and Street Frontage	100 ft minimum lot width, 80 ft minimum street frontage	80 ft minimum lot width, 64 ft minimum street frontage
Maximum Floor Area Ratio	.062	.076
Maximum Home Size	Not currently regulated	2,000 sq ft for single-family 1,200 sq ft per unit for duplex/triplex
Home-Based Businesses	Minor home occupations allowed	Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors

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C. Properties near Phoenix Place

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed HR-M Zoning
Permitted Housing Types	Single-family homes Accessory dwellings Manufactured homes (Class A)	Single-family homes Accessory dwellings Manufactured homes (Class A) Duplexes Triplexes
Other Permitted Uses	Daycares, Places of Worship, Schools, Recreation, and Public Facilities <i>No change proposed</i>	
Maximum Density	3 units/acre	4.5 units/acre for single-family only 6 units/acre with duplexes and triplexes
Minimum Lot Size	17,000 sq ft Smaller lots may be approved under a Cluster Subdivision	9,000 sq ft Smaller lots may be approved under a Cluster Subdivision
Building Setbacks	<ul style="list-style-type: none"> ▪ 28 ft from street - minimum ▪ 14 ft from other property lines – minimum ▪ 17 ft solar setback - minimum 	<ul style="list-style-type: none"> ▪ 10 ft from street – minimum ▪ 20 ft from street – maximum ▪ 14 ft from perimeter property lines – minimum ▪ 17 ft solar setback - minimum
Maximum Height	29 ft at setback line, 40 ft interior to site – <i>No change proposed</i>	
Lot Width and Street Frontage	80 ft minimum lot width, 64 ft minimum street frontage	65 ft minimum lot width, 52 ft minimum street frontage
Maximum Floor Area Ratio	.076	.093 – <i>Equal to R-2 District</i>
Maximum Home Size	Not currently regulated	1,500 sq ft for single-family 1,200 sq ft per unit for duplex/triplex
Home Occupations	Minor home occupations allowed	Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors

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D. Potential Mixed Use Area

Zoning Standard	Existing	Proposed HR-X Zoning
Permitted Housing Types	<p style="text-align: center;">N/A</p> <p style="text-align: center;">No rezoning proposed at this time;</p> <p style="text-align: center;">placeholder standards only</p>	Single-family homes Accessory dwellings Duplexes Triplexes Multifamily, 3-7 units per building Live-Work units Upper-story Dwelling unit
Other Permitted Uses		Daycares Places of Worship Schools Recreation Public Facilities Health Clinics Places of Assembly (up to 2000 seats) Independent Senior Living Office Flex Office
Maximum Density		8 units per acre (regardless of housing type)
Minimum Lot Size		None
Building Setbacks		<ul style="list-style-type: none"> ▪ 20 ft from street – minimum ▪ 40 ft from perimeter property lines – minimum ▪ 17 ft solar setback - minimum
Maximum Height		29 ft at setback line, 40 ft interior to site
Lot Width and Street Frontage		No minimum lot width, 40 ft minimum street frontage
Maximum Floor Area Ratio		.264 – <i>Equal to OI-1 District</i>
Maximum Home Size		1,500 sq ft for single-family 1,200 sq ft per unit for duplex/triplex
Home Occupations		Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors
Buffers		30 ft undisturbed buffer at perimeter of mixed use development, screened to Type D (fully opaque) standards

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E. Potential Conservation Area

Zoning Standard	Existing	Proposed HR-C Zoning
Permitted Housing Types	<p style="text-align: center;">N/A</p> <p style="text-align: center;">No rezoning proposed at this time;</p> <p style="text-align: center;">placeholder standards only</p>	None
Other Permitted Uses		Public Facilities and Recreation
Maximum Density		N/A
Minimum Lot Size		N/A
Building Setbacks		N/A
Maximum Height		N/A
Lot Width and Street Frontage		N/A
Maximum Floor Area Ratio		N/A
Maximum Home Size		N/A
Home Occupations		N/A

F. Other Standards, Applicable throughout Study Area

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed Historic Rogers Road Zoning
Signage for Home-Based Businesses	No signage permitted	<ul style="list-style-type: none"> ▪ Wall-mounted, non-illuminated signs allowed ▪ 4 sq ft for minor home occupations ▪ 8 sq ft for major home occupations
Limitations on Major Home Occupations	Not permitted	<ul style="list-style-type: none"> ▪ Lots must be 1 acre minimum size ▪ No more than 6 non-resident employees ▪ Limited to 50% of principal structure floor area ▪ No on-site sale of goods ▪ Business activities set back at least 40 ft from property lines ▪ Activities producing noxious impacts (noise, vibration, dust, odor, light, or glare) set back at least 60 ft from property lines ▪ Screening of outdoor storage ▪ Employees and visitors park off-street ▪ No more than 3 business vehicles ▪ No more than 50 trips per day generated ▪ From 6pm-8am, no activity resulting in off-site noxious impacts ▪ At all times, noise at property line cannot exceed 65 decibels

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New Streets	Construct streets as necessary so that every new home faces onto a street	In addition to existing requirement- Major Subdivisions: construct new streets based on the conceptual alignments shown in the zoning code, to maximum extent practical Minor Subdivisions: dedicate right-of-way for future streets based on the conceptual alignments shown in the zoning code, to maximum extent practicable
Sidewalks	Generally required on both sides of streets - <i>No change proposed</i>	
Maximum Block Length	Not currently regulated	850 ft
Cul-de-sacs	Design Manual limits length of cul-de-sacs	Permanent dead-end streets not allowed if there is practical alternative (stubs for future extension are allowed)
Stormwater	In addition to existing requirements- <ul style="list-style-type: none"> ▪ Incorporate public amenities (eg paths) and LID methods into stormwater features ▪ Avoid unsightly features (eg chain-link fences) 	
Buffers, Screening	No change to existing standards proposed, except the addition of a perimeter buffer standard for mixed use areas (see Potential Mixed Use Area above)	
Tree Protection, Landscaping	<i>No change to existing standards proposed</i>	
RCDs and Steep Slopes	<i>No change to existing standards proposed</i>	
Lighting	No change to existing standards proposed, except that lighting fixture bulbs for nonresidential development can't be visible from adjacent lots or streets	
Parking	<i>No change to existing standards proposed</i>	
Exemptions	Not currently provided	Existing homes may increase floor area up to 25% or up to a total of 2000 sq ft (whichever is greater) before being subject to new standards
Modification of Standards	For standards not currently applied	Staff may approve minor modifications (up to 10%) for the following standards: <ul style="list-style-type: none"> ▪ Maximum single-family home size; ▪ Maximum block length Provided there is still compatibility with surrounding properties and it meets the intent of the zoning

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ZONING AMENDMENT FINDINGS OF FACT

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment and Zoning Atlas Amendment.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance and Zoning Atlas shall not be amended except:

- A.** To correct a manifest error in the chapter; or
- B.** Because of changed or changing conditions in a particular area or in the jurisdiction generally;
or
- C.** To achieve the purposes of the Comprehensive Plan.

Following is a staff response to the three required considerations:

- A.** To correct a manifest error in the chapter

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: To date no arguments in support have been submitted.

Argument in Opposition: To date no arguments in opposition have been submitted.

- B.** Because of changed or changing conditions in a particular area or in the jurisdiction generally

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: The Town and the community have undertaken multiple planning efforts to consider changing conditions such as the closure of the landfill, along with potential changes noted by community members that would improve the area. These efforts include the Rogers Road Small Area Plan Task Force, the Historic and Vibrant Rogers Road Report, and Rogers Road: Mapping Our Community's Future. The Town has also partnered with Orange County and the Town of Carrboro for construction of sewer infrastructure to serve the area.

Argument in Opposition: To date no arguments in opposition have been submitted.

- C.** To achieve the purposes of the Comprehensive Plan

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: Relevant goals and objectives in the Chapel Hill 2020 Comprehensive Plan include, but are not limited to:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)

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- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill’s character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

Argument in Opposition: To date no arguments in opposition have been submitted.

Staff will provide an evaluation of the findings of fact at future meetings where this item is presented.