

TECHNICAL REPORT

Council Business Meeting – 05/22/2019



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- April 2019	Community and Stakeholder Engagement
February 2019	Draft Zoning Code
March 19, 2019	Advisory Board Review
April 16, 2019	Planning Commission Recommendation
April 17, 2019	Council Public Hearing

NEXT STEPS

May 22, 2019	Consider action on proposed text amendment and zoning atlas amendment
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CONNECTIONS TO OTHER DOCUMENTS

Town staff has reviewed the text amendment for compliance with the themes from the [2020 Comprehensive Plan](#)¹ and the standards of the [Land Use Management Ordinance](#)², and offers the following evaluation:

Comprehensive Plan Themes: The following are themes from the 2020 Comprehensive Plan, adopted June 25, 2012:

<input checked="" type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input checked="" type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAU5MA

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Staff believes the amendments to the Land use Management Ordinance comply with the above themes of the 2020 Comprehensive Plan.

UPDATES TO DRAFT ORDINANCE SINCE APRIL 17 COUNCIL PUBLIC HEARING

In consideration of feedback provided by Town Council at the April 17 Public Hearing, by Advisory Boards, and by residents in and near the Rogers Road community, staff have updated the proposed Text Amendments to reflect the following:

- The conceptual map showing **New Street Locations** has been removed. Street locations will be determined for new subdivisions in accordance with text-based standards, which have been reviewed to encourage interconnectivity and walkability as much as possible.
- **Triplexes** would only be permitted in HR-L and HR-M when the units are developed by nonprofit organizations and dedicated in perpetuity for low-moderate income households (80% AMI or less).
- Updated standards for **Major Home Occupations**: no minimum lot size; nuisance activities not meeting the minimum setback must be fully indoors; no prohibited business types; product sales allowed if incidental to services; small freestanding signs allowed at the road, in addition to wall signs.
- Clarification of how LUMO Article 5 standards such as **Recreation Area, Buffers, and Signage** will apply to the HR- Subdistricts.
- **Conditional Districts** enabled for the HR- Subdistricts, allowing zoning conditions and Special Use Permit conditions to be recorded for future development.

Also in consideration of Town Council and public feedback, staff have updated the proposed Zoning Atlas as follows:

- Lots fronting on **Billabong Lane** and **Merin Road** have been removed from the area proposed for rezoning. (Please refer to the accompanying Zoning Atlas Amendment for an updated map).
 - Lots along Billabong Lane were platted and built upon after the closure of the landfill. Based on this criteria and discussion with residents, this area is not considered part of the Historic Neighborhood.
 - Lots at the north end of Merin Road are considered part of the Historic Neighborhood, however they are separated from the area currently proposed for rezoning by the Greene Tract. These lots could be considered for a future rezoning.

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:

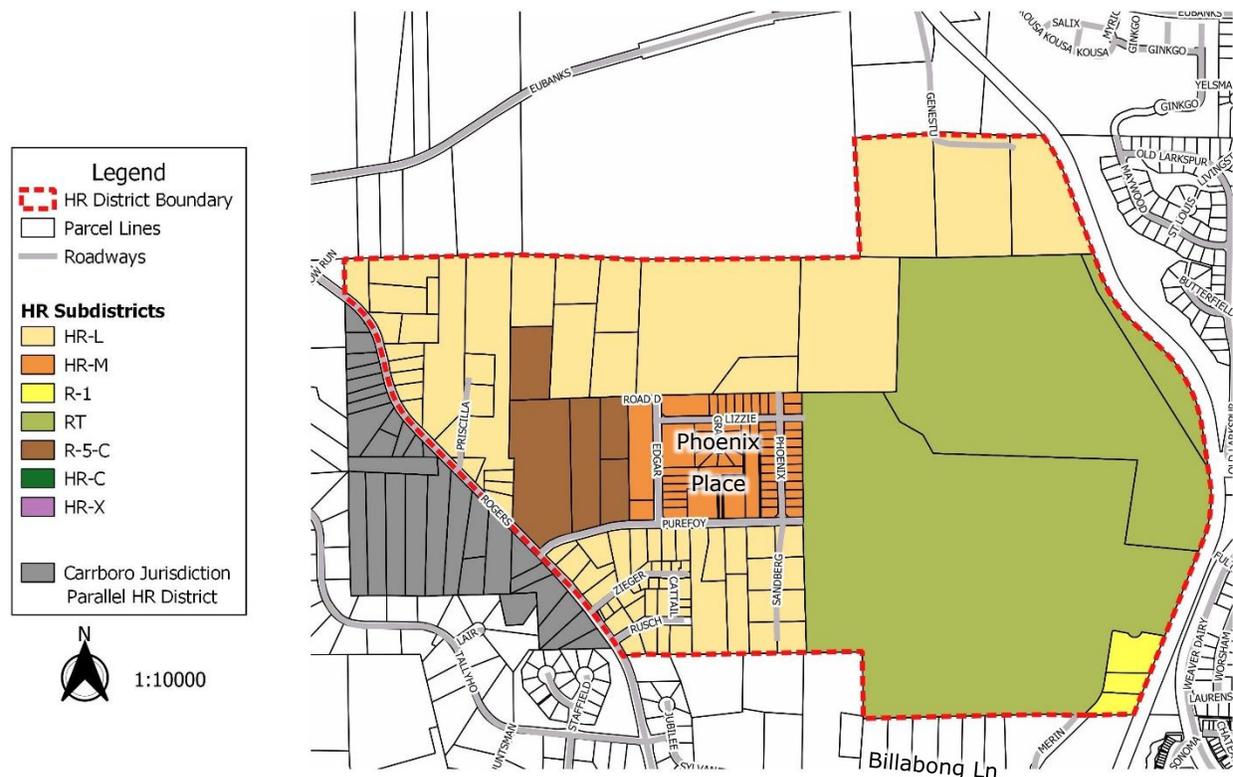
- A. General Neighborhood: How zoning would change for most of the study area, which is currently zoned R-1 (Residential-1) or R-SS-C (Residential-Special Standards-Conditional) and would be rezoned to HR-L (Historic Rogers Road-Low Density).

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- B. Properties near Phoenix Place: How zoning would change for a few properties adjoining the Phoenix Place neighborhood, which are currently zoned 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.
- C. 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.
- D. 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.
- E. Other Standards, Applicable to all Rezoned Properties: 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.



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A. General Neighborhood

Zoning Standard	Existing R-1 Zoning	Proposed HR-L Zoning
Permitted Housing Types	<ul style="list-style-type: none"> ▪ Single-family homes ▪ Accessory dwellings ▪ Manufactured homes (Class A) 	<ul style="list-style-type: none"> ▪ Single-family homes ▪ Accessory dwellings ▪ Manufactured homes (Class A) ▪ Duplexes ▪ Triplexes, low-moderate income occupancy only
Other Permitted Uses	Daycares, Places of Worship, Schools, Recreation, and Public Facilities. <i>No change proposed</i>	
Maximum Density	3 units/acre	<ul style="list-style-type: none"> ▪ 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	<ul style="list-style-type: none"> ▪ 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. Properties near Phoenix Place

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed HR-M Zoning
Permitted Housing Types	<ul style="list-style-type: none"> ▪ Single-family homes ▪ Accessory dwellings ▪ Manufactured homes (Class A) 	<ul style="list-style-type: none"> ▪ Single-family homes ▪ Accessory dwellings ▪ Manufactured homes (Class A) ▪ Duplexes ▪ Triplexes, low-moderate income occupancy only
Other Permitted Uses	Daycares, Places of Worship, Schools, Recreation, and Public Facilities <i>No change proposed</i>	
Maximum Density	3 units/acre	<ul style="list-style-type: none"> ▪ 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 other 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	<ul style="list-style-type: none"> ▪ 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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C. Potential Mixed Use Area

Zoning Standard	Existing	Proposed HR-X Zoning
Permitted Housing Types	<p>N/A</p> <p>No rezoning proposed at this time;</p> <p>placeholder standards only</p>	<ul style="list-style-type: none"> ▪ Single-family homes ▪ Accessory dwellings ▪ Duplexes ▪ Triplexes ▪ Multifamily, 3-7 units per building ▪ Live-Work units ▪ Upper-story Dwelling unit
Other Permitted Uses		<ul style="list-style-type: none"> ▪ 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		<ul style="list-style-type: none"> ▪ 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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D. Potential Conservation Area

Zoning Standard	Existing	Proposed HR-C Zoning
Permitted Housing Types	N/A No rezoning proposed at this time; placeholder standards only	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

E. Other Standards, Applicable to All Properties Zoned HR-L, HR-M, HR-X, or HR-C

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed Historic Rogers Road Zoning
Signage for Home-Based Businesses	No signage permitted	Wall-mounted signs allowed: <ul style="list-style-type: none"> ▪ 4 sq ft for minor home occupations ▪ 8 sq ft for major home occupations Cantilevered ground signs allowed: <ul style="list-style-type: none"> ▪ 4 sq ft for major home occupations only Non-illuminated signs only
Limitations on Major Home Occupations	Not permitted	<ul style="list-style-type: none"> ▪ No more than 6 non-resident employees ▪ Limited to 50% of principal structure floor area ▪ Sale of goods allowed only when incidental to services provided ▪ 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 or fully enclosed ▪ 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 in Subdivisions	Construct streets as necessary so that every new home faces onto a street	In addition to existing Subdivision requirements, configure new streets to: <ul style="list-style-type: none"> ▪ Connect with existing roadways ▪ Follow straight lines ▪ Intersect at right angles ▪ Follow property lines to serve future adjacent developments ▪ Avoid the use of cul-de-sacs ▪ Support lot access on both sides <p>Meet the above to the maximum extent practicable (e.g. in cases of environmental constraints)</p> <p>Minor subdivisions may dedicate right-of-way to support configuration standards, in lieu of street construction</p>
Sidewalks	Generally required on both sides of streets - <i>No change proposed</i>	
Maximum Block Length	Not currently regulated	850 ft
Cul-de-sacs	Engineering 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>	
Recreation Area in Subdivisions	<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 2,000 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 ▪ Lot access on both sides of streets <p>Provided there is still compatibility with surrounding properties and it meets the intent of the zoning</p>

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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.