

ATTACHMENT A

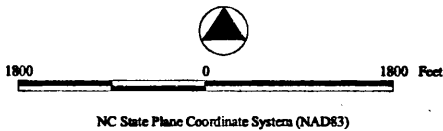
A RESOLUTION ACCEPTING STAFF RECOMMENDATIONS ON REZONING FOR APARTMENTS, CONDOMINIUMS, AND TOWNHOUSES

WHEREAS, the Carrboro Board of Aldermen has requested information on possible areas that may be suitable for rezoning for apartments, condominiums, and townhouses.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen has reviewed materials compiled to address this request and has accepted this report and the staff recommendations included therein.

BE IT FURTHER RESOLVED by the Carrboro Board of Aldermen that the Aldermen direct staff to proceed with the establishment of conditional use zones for residential districts and for modifications to the Planned Unit Development district that will incorporate community objectives such as affordable housing and mixed housing types and styles.

This is the 12th day of November in the year 2002.



Development Opportunity - Carrboro's Northern Area



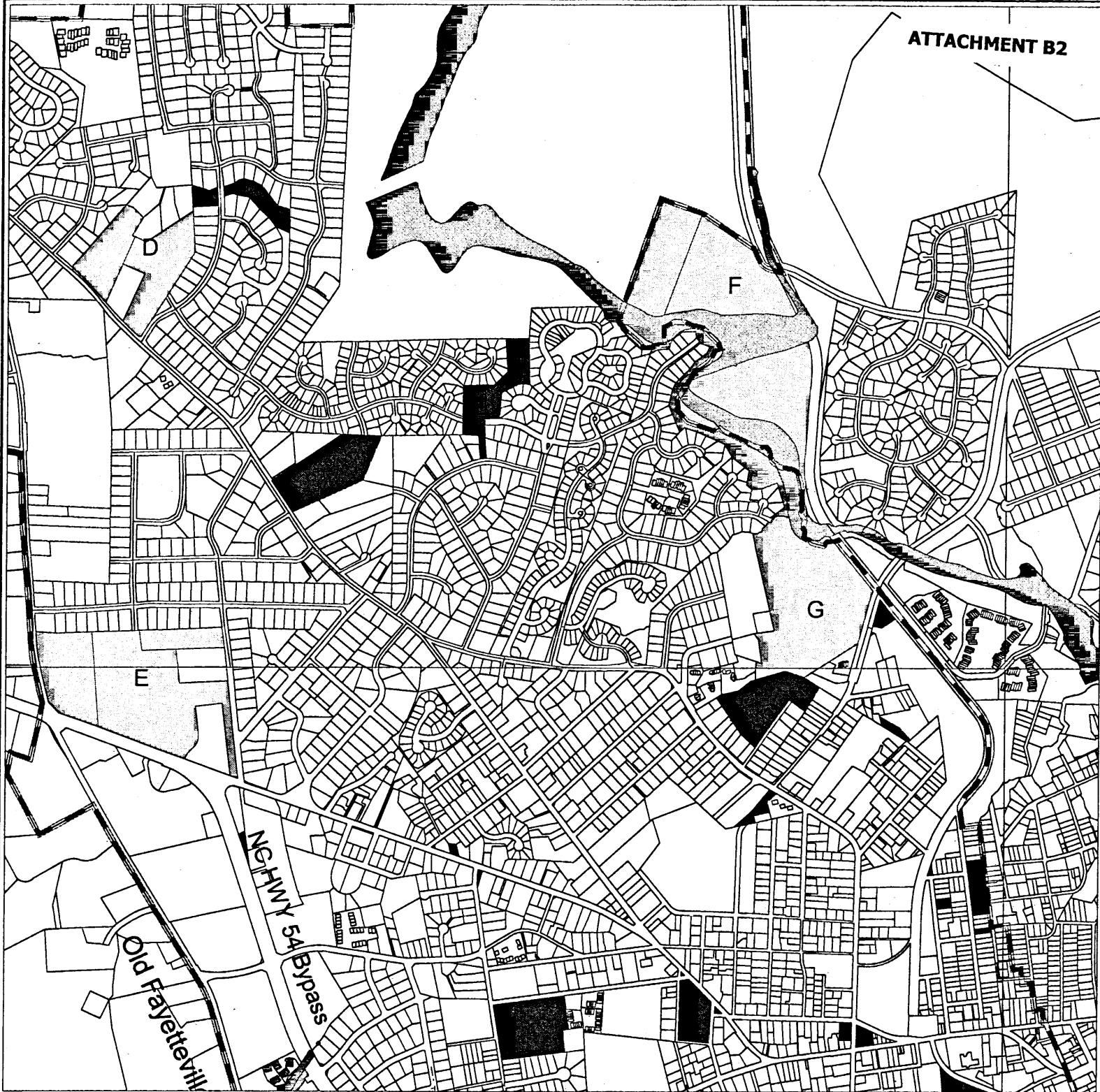
TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

7 November 2002
P. McGuire, Planning Department
968-7714

- Town Boundary
- County-owned for schools and/or recreation
- Femaq3
- 100-year flood with base flood elevation
- Town-owned property
- Dedications for Public Use/Access
- Parcel83
- Text Road Names (Major)
- Streets

THIS MAP IS NOT A CERTIFIED SURVEY AND IS FOR REFERENCE ONLY

The requestor must be aware of data conditions and ultimately bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to the data.



NC State Plane Coordinate System (NAD83)



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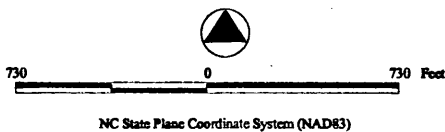
The requestor must be aware of data conditions and ultimately bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to the data.

Development Opportunity - Carrboro's Central Area

- Town Boundary
- County-owned for schools and/or recreation
- FEMA Q3
- 100-year flood with base flood elevation
- Town-owned property
- Dedications for Public Use/Access
- Parcel 83
- Text Road Names (Major)
- Streets



Development Opportunity - Carrboro's Southern Area



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

7 November 2002
P. McGuire, Planning Department
968-7714

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- Town Boundary
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- Streets

INTRODUCTION

The Town of Breckenridge adopted this "Development Code" ("Code") in 1978. The Code is a combination of traditional zoning and performance zoning. Unlike traditional zoning, it reviews a proposed project against its potential impacts, rather than against a strict set of standards and criteria, considering not only the proposed project's physical impacts, but also its social, aesthetic and historic impacts as well. (Ord. 7, Series 1993)

The Code is further distinguished from traditional zoning in its ability to be flexible without relying on the variance procedure. For example, a structure's proper placement or height is determined only after an analysis of its potential impact on neighboring properties and the community as a whole.

Like traditional zoning, however, the Code does set minimum standards that must be met before a development permit is granted.

The Development Code is the core of a three (3) document system used by the Town to review projects and analyze growth. The first document in the series, the Comprehensive Plan, guides growth in a general way. The second, the Land Use Guidance System, establishes forty two (42) districts within the community and sets out general parameters for land uses, desired architectural character, and other Town needs.

The third "document", the Development Code, consists of a set of Town policies covering a range of subjects, from air and water quality to the restoration of historic artifacts to the much debated issue of employee housing. The policies are divided into two (2) types - "absolute policies" (of major importance) and "relative policies" (of lesser importance) - and the Development Code analyzes projects according to how well they meet the criteria set forth in both. A project must be approved by the Town when it implements or has no effect on all of the absolute policies and when it receives a positive score (zero or above) in the point analysis for the relative policies. The point analysis (from -2 to + 2) is the quantitative backbone of the Development Code system. In addition, a multiplier of 1 to 5 is associated with each relative policy, depending on its importance to the Town.

In processing development proposals, Breckenridge separates land-use actions into four (4) categories; Class D includes minor projects like sign permits and limited remodeling; Class C items are more substantial projects such as single-family houses; Class B refers to some major projects; and Class A refers to the most major projects, which may range from small commercial structures in the Historic District to a four hundred (400) room hotel and convention center near the mountain.

Class C and D items are usually decided administratively within two (2) weeks unless appealed or called up; and Class A and Class B applications require a more extensive review and are decided by the Planning Commission. (1984 Code)

Class A and B applications require a preapplication meeting with staff; review by a development committee, which includes representatives of public and private agencies, such as the utility companies; a preliminary review by the Planning Commission; and a final hearing before the Planning Commission. Approval takes a minimum of seven (7) weeks depending upon the project's complexity. (Ord. 7, Series 1993)

9-1-1: TITLE:

This Chapter is entitled, and may be cited as, the *BRECKENRIDGE DEVELOPMENT CODE*.

9-1-2: PURPOSE:

The purpose of this Chapter is to ensure that future growth and development which occurs in Breckenridge is in accord with the wishes of the residents, hereof; to identify and secure, for present and future residents, the beneficial impacts of growth; to identify and avoid the negative impacts of growth; to ensure that future growth is of the proper type, design and location and served by a proper range of public services and facilities; and in other respects to achieve the goals and implement the policies of the Breckenridge Comprehensive Planning Program, as amended from time to time. In addition, to preserve the historic resources and aesthetic qualities necessary to sustain the desirability of Breckenridge as a destination resort and economically viable community.

9-1-3: AUTHORITY AND SEVERABILITY:

Excerpt from:

Performance Zoning Model Ordinance

Bucks County, Pennsylvania

Bucks County Planning Commission, January 1996

Introduction

Performance zoning has a primary objective of protecting natural resources and a secondary objective of providing flexibility in the design of residential developments. The performance zoning approach to residential development addresses the primary objective by limiting the amount of development intrusion that may occur in the various natural resources. In addition to the natural resource protection standards, the zoning technique contains three primary performance criteria: minimum open space, maximum density, and maximum impervious surface. The intensity of development for each residential development is determined through a site evaluation and compliance with the three performance standards.

The protection of natural resource features is accomplished by limiting the extent of development intrusion into each resource. A specific minimum open space standard is assigned to each natural resource. For example, floodplains and wetlands must remain as 100 percent open space--no development may occur on these natural resources. For a slope of 25 percent or greater, 80 percent must remain as open space with no more than 20 percent being altered or developed.

The first step for a developer working under the performance zoning concept is to map the natural resources on the site and determine the buildable area. The determination of the buildable area is accomplished through an analysis known as the site capacity calculations. These calculations make performance zoning

and the application of natural resource protection standards site specific. The bottom line of the site capacity calculations is the required open space and the maximum number of dwelling units for the subject site. The key to calculating those numbers is the net buildable site area, which is the area of the site that is suitable for building. Briefly, the net buildable site area is calculated by subtracting the area within the right-of-way of existing roads and the protection area of each natural resource from the total site acreage. The site capacity calculations produce two open space figures. The first is the protection area for the natural resources on the particular site. The other is a calculated area based on the minimum open space requirement for the zoning district. The larger of the two numbers is used to calculate the net buildable site area, and is the minimum required open space for that tract. Thus, the natural features directly influence the required minimum open space and the net buildable site area for each tract of land proposed for residential development.

The second objective--providing flexibility in the design of residential developments--is accomplished by permitting a full range of dwelling unit types. The list of permitted dwelling unit types ranges from single-family detached to apartments. The flexibility is realized in two ways. First, it gives the applicant's designer flexibility in working with a site that is constrained by natural features. On a tract with a high percentage of natural resources, the maximum density could be achieved with townhouses and garden apartments, whereas the maximum number of dwelling units would not be possible with single-family houses or even twins. Second, a developer has flexibility to respond to market conditions. For example, if a developer determines there is a market for townhouses, he/she can propose them without requesting a zoning change to a district which permits townhouses. While the performance zoning concept advocates that the complete list of housing types be permitted in all residential zoning districts, practice has shown that some municipalities in Bucks County have used an abbreviated list in some districts. Low- to medium-density districts are usually where only a few housing types will be permitted. There are

townships in Bucks County, however, that permit all housing types even in rural and agricultural districts.

In Bucks County the predominant application of performance zoning by municipalities is in development districts. A development district is the area of the community which the municipal comprehensive plan has identified for higher density residential development. The performance zoning concept is implemented in municipal zoning ordinances as a permitted use in various residential districts. This use is generally called performance standard subdivision. Other permitted uses in the district include conventional single-family dwellings, single-family cluster subdivision, and other typical uses permitted in residential districts. A few townships in the county permit performance standard subdivisions in rural and agricultural districts in addition to the development district as the Bucks County Planning Commission publication *Performance Zoning* suggests. In those instances the ordinance will require a high open space ratio and a maximum density that is commensurate with the maximum density for a single-family cluster in that district.

These model regulations replace those in the Technical Appendix of *Performance Zoning*.

ENERGY, DUKE ENERGY, DUKE SOLAR AND THE CHAPEL HILL FORCE FOR INFORMATION ON A VARIETY OF OPTIONS, II APPROACHES. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Item 9 Items Related to Transportation Advisory Board

Mayor Waldorf referred Council Members to her proposed response to Transportation Board memos on external advertising, pedestrian signals at intersections, and traffic calming policy.

COUNCIL MEMBER MCCLINTOCK MOVED, SECONDED BY COUNCIL MEMBER FOY, TO DO WHAT MAYOR WALDORF OUTLINED IN HER PROPOSED RESPONSE. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Item 10 Presentation of Annual Audit Report -1997-98

Mr. Horton introduced Finance Director Jim Baker who then introduced Arnold Thompson, a supervisor with McGladrey and Pullen, LLP. Mr. Thompson passed out copies of the audit to Council Members and reported that it had been an excellent year for Chapel Hill and that there were no reportable conditions or issues of noncompliance. He thanked the Town's Finance Department, including Jim Baker, Kay Johnson, and Clarence Greer.

Mayor Waldorf noted the AAA bond rating and remarked that that helped.

Mr. Horton added that the balance in the General Fund—which is an indicator of the Town's financial health—had moved from \$2.5 million at the beginning of the year to \$3.4 million by the year's end. He added that the Town was grateful to the State legislature, particularly the local delegation, for making a large part of that possible by changing the fire protection funds from \$296,000 to \$850,000, thus contributing more than \$1/2 million to that improvement.

Item 11 Items Related to Scarlett Drive

Robert Dowling, Director of the Orange Community Housing Corporation (OCHC), outlined a plan to build 14 townhomes on Town-owned land at the corner of Legion Road and Scarlett Drive. He asked that a new zoning district be created to accommodate affordable housing development.

Planning Board Chairman John Hawkins, a design consultant to OCHC, reminded the Council that the early concept for this project was for ten small, single-family, detached units. He recalled that that concept was abandoned in favor of more density and a better sewer system. Mr. Hawkins compared two design options and pointed out various features, such as the shallow setback and the location of the parking and recreation areas. He noted that OCHC wanted the land on the interior of the site to be developed in a way that would foster interaction among residents, adding that this could be achieved relatively inexpensively. Mr. Hawkins noted that OCHC was working within a modest budget.

Council Member Bateman asked if that budget allowed for air conditioning of the units, and Mr. Hawkins replied that it did.

Mayor pro tem Capowski asked if the 25 parking spaces for 32 bedrooms in 14 units would be adequate. Mr. Hawkins replied that it was an open question but seemed to be a relatively round figure for the number of units.

Mayor pro tem Capowski asked Mr. Dowling and Mr. Hawkins to be more specific on the parking

question. Mayor pro tem Capowski pointed out that even though the Town does not want more asphalt than is necessary these homes should be responsible for the cars they attract. Mayor pro tem Capowski observed that there was not much room on the site plan for additional parking if it became necessary. Mr. Hawkins replied that three or four more spaces could be added to the present scheme.

Mayor pro tem Capowski asked if there were statistics on anything similar in Town that might be a good model. Mr. Dowling mentioned Magnolia Place and Carr Court, where there are several single head-of-household families with typically only one car. Mr. Dowling added that there typically had been a mix of one or two cars at the 50 or so homes that OCHC had built over the last few years. Mr. Dowling also pointed out that the proposed development would be on a bus line.

Council Member Foy recalled that the Council had suggested on-street parking as a possibility when the developers appeared before the Council in July. Mr. Dowling replied that it had been suggested but that the roads do not accommodate parking.

Council Member Foy asked if these units must be owner occupied. Mr. Dowling replied that there were such restrictions.

Council Member Brown asked the developers if they had considered noise problems when planning the HVAC system. Mr. Hawkins replied that there probably would be air conditioning units in each housing unit, adding that they were aware of noise issues even though it was very early in the process.

Council Member Wiggins suggested "piggy-back" parking as a possibility. Mr. Hawkins replied that it was a good suggestion and something to look into.

Council Member Evans asked why the Council had not been shown rear elevations. Mr. Hawkins stated that the back had not yet been developed, adding that there will be two story elevations with secondary entrances similar in design to the front but simpler.

Council Member Brown asked if the front was the southern exposure. Mr. Hawkins replied that it was, more or less, adding that the developers were aware of these issues and considered alternatives such as solar orientation when deciding on building materials, numbers of windows, and other issues.

Council Member Brown suggested less glass on the back of the houses.

Mayor pro tem Capowski asked if OCHC had calculated a sales price. Mr. Hawkins mentioned \$75 per square foot. Mr. Dowling said the figure would be \$100,000 per unit if they could achieve that sales price.

Mayor Waldorf suggested moving on to the zoning question so that the developers could move forward.

Mr. Waldon then noted that the units could not be built without changes being made in the Development ordinance regarding setbacks and floor area ratios. He explained that the next step would be to draw up a new zoning district with characteristics drawn from OCHC's plan. Mr. Waldon suggested creating an "affordable housing zoning district," based on the plan before them, and recommended that the Council refer the plan to the staff to develop such a zoning district. The next step, Mr. Waldon explained, would be to put that into the zoning ordinance and then to apply it somewhere.

Mayor Waldorf asked Mr. Waldon if his staff could bring the report back to the Council by December 7th. Mr. Waldon answered yes.

Council Member Foy asked if the Council could give the applicants' conditional zoning based on their application. Mr. Waldon replied that since this was not the only piece of land where something like this had been suggested, the new zoning district would be applicable to more than one piece of property.

Council Member Foy pointed out that OCHC's new plan clusters units, increases density, and makes better use of topography. He asked Mr. Waldon to consider incorporating those things into the new ordinance that he develops.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO HAVE THE STAFF BRING BACK A REPORT.

Council Member McClintock stressed that the Council should keep in mind that the new ordinance would apply to other projects as well as the one before the Council tonight. She suggested incorporating buffer requirements into the new zone because that may be an issue in other neighborhoods. Council Member McClintock also stressed that the clustering provision is very important. She added that a ceiling should be applied to the sales price so that the housing really is affordable. Council Member McClintock also recommended changing or increasing the notification requirements for the zoning change if it occurs in an area where there is likely to be interest and concern.

Council Member Brown asked what the time frame for revising the ordinance was and how that would fit in with the Scarlett Drive development project. Mr. Horton replied that the staff would bring back a preliminary report and proposed schedule on December 7th, which would allow OCHC to move ahead with the project during the first quarter of 1999.

Mayor pro tem Capowski expressed doubt that many single mothers could afford to buy a \$100,000 house, and asked Mr. Dowling to describe in a letter to the Council who the target buyer is and how he or she could afford one of these units.

COUNCIL MEMBER PAVÃO MOVED, SECONDED BY COUNCIL MEMBER EVANS, TO DIRECT THE STAFF TO BRING BACK A PROPOSAL FOR A NEW AFFORDABLE HOUSING ZONING DISTRICT. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

**Item 12 Consideration of a Request from Applicant Regarding
Meadowmont Village Center with Related Reports**

Mr. Waldon explained that the Council's approval on July 2, 1997 of the Meadowmont Village Center's Special Use Permit had carried with it several conditions that required the applicant to change the site design that it had presented to the Council. He stated that on September 9th the staff brought back a site plan which the applicant felt had met those conditions. Mr. Waldon went on to explain that the Council then adopted a resolution specifically addressing one of those conditions which had to do with what the Council considered to be the land area equivalent to a 106-space parking lot. He explained that the applicant had come back tonight to present another site plan to the Council.

Mr. Waldon reviewed what the Council had been given in their packet of information from the applicant and from three other sources that they had requested: Mr. Ken Redfoot, the staff, and an independent expert in architecture and urban design.

Bruce Ballentine, of Ballentine Associates, discussed how many square feet are equal to 106 parking spaces in the Meadowmont Village Center. He stated that the Council had required the applicant at the July 2nd meeting to take an area equivalent to 106 parking spaces and place that amount of square

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Chapel Hill and Carrboro and had the support of the citizens in the neighborhood. He felt that there might be a sight problem caused by street trees, but that it could be looked at.

Council Member Brown asked if the planning had been coordinated. Mr. Harris said it had.

Council Member Wiggins asked why the development plans had cost \$10,000. Mr. Harris said that it was very expensive to develop plans.

Council Member Foy asked if the parking would be free. Mr. Harris said that all parking in Carrboro was free. He added that the Towns did not have control over the parking presently, but would if the lot became municipal.

Council Member Evans said that she was in favor of street trees.

Council Member McClintock said that she would like to have another meeting to discuss sidewalks.

Council Member Bateman asked if there would be any way to recoup the Town's investment if, after three years, it was turned into something else. Mr. Horton said that there would be public improvement, lasting over a long period. He said that the lot was private property and that the owner had no interest in any option to pay Chapel Hill.

Council Member Brown pointed out that on page 5 of the memo, the last sentence gave the Town leeway in the broader sense of the use of the land. Mr. Horton said that the Town would be in control of the portion in Chapel Hill. Mr. Harris said that Carrboro had several leased parking lots and they just kept rolling over the leases when they expired. He did not think that leasing would be a problem.

Council Member Wiggins said that she was speaking on behalf of Ms. Jones, who urged the Council not to make the lot too pleasant, as that might attract even more people to congregate there.

COUNCIL MEMBER MCCLINTOCK MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO RECESS THE HEARING. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

COUNCIL MEMBER BROWN MOVED, SECONDED BY COUNCIL MEMBER FOY, THAT CONTIGUOUS PROPERTY BE DEFINED AT 1,000 FEET. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

b. Report on Potential Sources of Funding Town's Cost for Development of the West Rosemary Street/Sunset Drive Municipal Parking Lot

Mr. Horton said that this would be a community development/economic development project and that most of it could be paid through the Community Development Block Grant Funds. He said that a small portion, which Chapel Hill would have to pay for annual property taxes, could be paid out of the General Fund.

Council Member Brown pointed out that the taxpayers would be paying something, so this was not actually "free parking."

Council Member Foy asked what the annual lease rent was. Mr. Harris said that it was just the property tax, which was \$1,800 for both lots.

Regarding a New Zoning District

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Mayor pro tem Capowski reminded the Council that this was not an application for any particular property, but just a probable zoning to be considered.

Mr. Waldon discussed the background of this type of affordable housing, a development that had been discussed by developer Sally Brown before she left the area. He said that the Orange Community Housing Corporation (OCHC) had since adopted the idea. Mr. Waldon said the new district proposal would be called Residential-Special Standards (R-SS) zoning. He said that an ordinance would be needed to create such a district and that the Council could create a parallel Conditional Use Zoning district. Mr. Waldon said that the proposal would include a Special Use Permit (SUP) and ongoing affordability process, which would be at the discretion of the Council to permit or not.

Gay Eddy, a member of the Planning Board, said that the Board had voted 6-1 to support the new zoning category. She said that at a Public Hearing the biggest concern voiced by those attending was affordable housing.

Scott Radway said that this zoning would be a major step forward for creating affordable housing. He advised the Council to put restrictions into the zoning ordinance that would limit it to ownership and tie it to affordability and resale ability. Mr. Radway said that the staff should make sure that the ordinance would work the way the Council wanted it to work. He illustrated how requirements for a recreation area would work in ratio to the size of the plot, and advised the Council to get real clarification on how much affect the required recreation area would have on smaller sites.

John McCormick said that he had worked on "cottage projects" and was concerned about carrying on Sally Brown's proposal for single family affordable housing. He said that requiring the recreation area might add \$3,000-4,000 to each unit on a three-acre parcel. Mr. McCormick recommended that the Council allow flexibility and determine what was appropriate for each proposal. He also said that bufferyards should be clarified as to the perimeter of the area, rather than for each separate unit.

Pam Gibbard, a resident of Scarlette Drive, wanted to know if the Council would be voting on the ordinance this evening. Mayor Waldorf explained that this was just a Public Hearing to discuss the proposed ordinance. Ms. Gibbard said that she did not think increasing density would add to the ambiance of Chapel Hill, and that she spoke for a lot of people who thought it was a bad idea.

Robert Dowling, Executive Director of OCHC, introduced several of its board members, who had come in support of the ordinance. He said that in order to have affordability, higher density was necessary. Mr. Dowling said that the higher the density, the lower the costs per unit.

Ruby Sinreich said that she supported the ordinance and that it would give the Town a tool for affordable housing.

John Tyrrell, of OCHC and Habitat for Humanity, discussed the statistics from the Triangle Multiple Listing Service for Orange County, which covered the two Chapel Hill high school districts, and what the cost of an average home was in each. He offered a summation of what the average working person in the Town earned and could afford for buying a house.

Council Member Foy asked Mr. Tyrrell why the banks' figures and his for mortgage qualifications differed. Mr. Tyrrell said that the banks added other liabilities.

Joel Harper, Director of the Chapel Hill-Carrboro Chamber of Commerce, said that the ordinance should

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be passed, that it was a good way to address affordable housing.

Pete Thorn, a contractor, said that, although he was in favor of affordable housing, high density was not needed. He said that in building affordable housing, his company did not use high density, adding that the solution was in financing. Mr. Thorn urged the Council not to pass the ordinance. He then read a letter from Grainger Barrett, expressing his opposition to the higher density zoning at the Scarlett Drive and Legion Road development, but supporting affordable housing.

Council Member Foy asked Mr. Thorn what he meant by financing as being the solution. Mr. Thorn responded that the Candler Housing was possible through second mortgages, favorable to the owners.

Miles Pressler, of OCHC, said that, since the federal government had cut funding by 77% for affordable housing, the Town had to make density work, and urged the Council to support the ordinance.

Council Member McClintock asked the staff what the standard for affordability was, what kind of a SUP would be needed to spell out that the applicant agreed to some kind of affordability, and why not figure out what standard the Council wished to achieve and just use the standard SUP plus Conditional Use. She asked why bother creating another zone, adding that it would promote conflict. Council Member McClintock asked if the ordinance could be fine-tuned by the Council, which wanted to develop affordability, but wanted the developments to be compatible with the neighborhood and with livability. She asked that the Council be given the opportunity to look at the options.

Mayor Waldorf asked if it would work to have a "cottage zone" that did not set maximums and minimums.

Council Member McClintock felt that would be a good question.

Council Member Evans asked if the zoning would require a 10 foot buffer. Mr. Horton said it would.

Mayor pro tem Capowski asked whether or not the zone could be a conditional zone, and if it could be applied like other zones. He asked if in a zone which would imply "use by right" could the Council say that there would only be one zone but not another. Mr. Waldon said that he would look into this question.

Mayor pro tem Capowski said that that would be a powerful link for the Council to have control over a project. Mr. Horton said that the zone could not be created in the community without the authorization of the Council.

Mayor pro tem Capowski asked Mr. Waldon why the staff had compared the OCHC proposal to R-4, instead of the higher density zoning of R-5 and R-6. Mr. Waldon said that he would be glad to do the other comparisons, but the reason for R-4 was that the proposal was pretty close to R-5. He said that the OCHC proposal could not be done with the R-5 zoning because the existing land area for R-5 required five acres for multiple-family housing.

Mayor pro tem Capowski asked Mr. Waldon what the 10 foot buffer meant. Mr. Waldon said that the buffer was around the perimeter of the site.

Mayor pro tem Capowski asked if the R-SS would require a buffer from an already developed R-2 or other residential zoning development. Mr. Waldon said that he would check that and report back to the Council.

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Council Member Foy asked for an example of what .25 rather than .51 livability space ratio meant. Mr. Waldon said that the livability space was not the building or the parking area, but the green space, sidewalks, and the like. He said that the higher the density the higher the livability space and that in R-4 it was 50%.

Council Member Foy asked what livability ratio category would the Meadowmont development require. Mr. Waldon said that the SUP would be for different zonings.

Council Member Foy asked what the difference was for Meadowmont and the new zoning proposal. Mr. Waldon said that it was because of the size of the development, but he would like to look at the requirements of the Meadowmont development before answering.

Council Member Wiggins asked if she was interpreting the zoning proposal correctly to say that the zoning would have to be requested by an applicant and then approved by the Council. Mr. Horton said that she was correct.

Council Member Evans asked if the staff could report on the density of other projects in Chapel Hill so that the Council could see how they looked.

COUNCIL MEMBER EVANS MOVED, SECONDED BY COUNCIL MEMBER PAVÃO, TO RECEIVE AND REFER TO THE STAFF THE PROPOSED DEVELOPMENT ORDINANCE TEXT AMENDMENT REGARDING A NEW ZONING DISTRICT. THE MOTION WAS ADOPTED UNANIMOUSLY (9-0).

Council Member Brown announced an important conference in Raleigh on Wednesday, March 16, 1999, jointly sponsored by the N.C. Public Transportation Association and the N.C. Coalition for Public Transportation to hear from people involved in both groups and to hear Secretary of Transportation Tolson speak. She said that she hoped to have good attendance from the Council and the public.

Item 3 – Consideration of Adding Item to List of Potential Legislative Requests for 1999

Mr. Horton said that the request to seek authority from the General Assembly to adopt an impact tax in replacement of an impact fee on new development had not been on the agenda for the Public Hearing on legislative requests, so the Council needed to receive citizen's comments and to consider it at the Public Hearing this evening. He said that the tax was basically on a per square foot basis for commercial development for closed areas, and per square foot of floor area for residential areas.

Mayor pro tem Capowski asked whether it was based on the square feet of each dwelling or on the taxable value and why one or the other. Mr. Karpinos said it had been based on the Orange County tax, and that there might not be a determination of what the value was at the time of building.

Mayor pro tem Capowski asked, if the concept was to tax newly constructed space within the city limits of Chapel Hill and to spend the money on municipal improvements within the city limits of Chapel Hill, if it would also include the taxation of planned extraterritorial jurisdiction. Mr. Karpinos said that the impact fee would apply outside the extraterritorial jurisdiction, but that the impact tax would not apply. He said that nexus refers to how the fee was applied rather than the amount of the fee.

Council Member Brown asked if any community had both, and was the Council requesting both by keeping the impact fee for contingency. Mr. Karpinos said that a bill could be drafted that way if the Council desired, but that the deadline for submittal of local bills to the Legislative Bill Drafting was March 24th.

MEMORANDUM

TO: Mayor and Town Council

FROM: W. Calvin Horton, Town Manager

SUBJECT: New Zoning District - Proposed Development Ordinance Text Amendment

DATE: April 12, 1999

INTRODUCTION

Adoption of the attached ordinance would establish a new zoning district in the Development Ordinance called Residential-Special Standards.

BACKGROUND

A Public Hearing was held on March 15, 1999, to consider this proposal for a Development Ordinance Text Amendment to create a new zoning district. The proposal responds to ideas presented to the Council by Orange Community Housing Corporation on November 9, 1998.

On November 9, 1998, the Council received a report from Mr. Robert Dowling and Mr. John Hawkins on behalf of Orange Community Housing Corporation. The report offered several possible designs for development of affordable housing on a Town-owned lot at the corner of Legion Road and Scarlett Drive.

The site design described would help achieve development of affordable housing on the site, but would not meet the standards of most of Chapel Hill's existing zoning districts. (Only the Town Center and OI-3 districts have standards that would permit development as proposed.) The Council referred the material to the Manager with instruction to prepare a follow-up report on how a new zoning district might be created that would allow development of the type illustrated by the Orange Community Housing Corporation's proposal.

The development proposal was recently reviewed by the Community Design Commission as a Concept Plan and has just been submitted to the Town as Special Use Permit/rezoning applications.

On December 7, 1998, the Council called a Public Hearing for March 15, 1999, to consider creation of the new zoning district.

Also proposing development of affordable housing with a new, "cottage" design is Mr. Larry Short, for a parcel of land near Shady Lawn Road.

NEW ZONING DISTRICT PROPOSAL

We recommend creation of a new conditional use zoning district. We suggest that this new district could include the development standards referred to above as the "OCHC Proposal."

Although we have discussed including language that would ensure affordability of the dwelling units to individuals and families at or below the community's median income level, we do not believe we have the legal authority to impose an affordable requirement. Therefore, we have not included mandatory "affordability" provisions in the proposed district.

We note that creation of such a district would not allow use of the new standards until the Council decided to apply the new district to a particular tract of land through the rezoning process. We anticipate that the terms of a conditional use rezoning proposal or the terms of an accompanying Special Use Permit proposal might include a voluntary offer of affordability by the applicant to justify rezoning to this new district. For example, a developer may voluntarily offer a proposal which includes a land-trust, may voluntarily restrict the size of the units, or offer conditions on the future sales of the units to address the question of affordability of the dwelling units over time.

The attached ordinance establishes a new residential zoning district which could be available for the Orange Community Housing Corporation proposal, and other properties subject to Town Council discretion.

KEY ISSUES

A summary of issues and questions raised at the March 15th Public Hearing is attached. We have made two adjustments to our proposed ordinance in response to the March discussion:

Buffers: In our March proposal, we recommended including a 10 foot buffer requirement for this new zoning district. Subsequent to the hearing, we learned that existing constraints on the Scarlett Drive site would make provision of buffers difficult. Specifically, we note that existing utility easements along both the Scarlett Drive and Legion Road frontages would preclude a buffer near the street. We believe that it would be desirable to create a zoning district that could be applied successfully to the Scarlett Drive site, and so have amended our recommendation to delete buffer requirements. The Council, if it decides to create this new zoning district, can choose to leave the proposal with no buffer requirements, or can choose to add back a buffer requirement of 10 feet or some other width.

Conditional Use Only: There was considerable discussion about the question of whether to create two new zoning districts, one general and one conditional use, as we proposed at the hearing, or whether to create just one conditional use district. As we discuss in the attached summary of issues, we believe that creating two districts (a general use district and a mirroring conditional use district) would be a construction that is consistent with the treatment of other types of zoning districts. However, it does not have to be so. Given the discussion of March 15th, we believe that the Council's intent could be best achieved by creating only a conditional use district. We have amended our proposed ordinance accordingly.

DESCRIPTION OF PROPOSED DISTRICT

The new zoning district is proposed to be called Residential-Special Standards-Conditional (R-SS-C) and would have the following characteristics:

Maximum density	12 units per acre
Street setback	10 feet minimum
Buffer Requirement	None
Minimum Lot Size	None
Floor Area Ratio	.40
Livability Space Ratio	.25
Minimum Land Area	None

A draft ordinance is attached. If the Council were to prefer a different set of standards (e.g., require buffers of a specified width), those options are available.

RECOMMENDATIONS

Recommendations are summarized below:

Planning Board Recommendation: The Planning Board reviewed this proposal on March 2, 1999, and voted 6-1 to recommend that the Council adopt the attached ordinance that was presented to the Board that evening. The recommendations of the Planning Board have been incorporated into the proposed Ordinance B. Please see the attached Summary of Planning Board Action. Please also note that, since this recommendation was made prior to the Public Hearing, the Planning Board did not have the changes discussed in this memorandum presented to it.

Manager's Revised Recommendation: We recommend that the Council adopt the attached Ordinance A to amend the Development Ordinance creating a new, high density residential zoning district. The attached ordinance has been modified to eliminate buffer requirements, and to create this new district only as a conditional use zone.

ATTACHMENTS:

1. Summary of Issues Raised at the March 15, 1999 Public Hearing (p. 10)
2. Summary of Planning Board Action (p. 13)
3. March 15, 1999 Memorandum, not including attachments (p. 14)
4. November 9, 1998 Memorandum (p. 17)
5. November 30, 1998 letter from Orange Community Housing Corporation (p. 19)

ORDINANCE A
(Recommended by Town Manager)

**AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE
TO CREATE A NEW RESIDENTIAL ZONING DISTRICT (99-4-12/O-3)**

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendments to the Chapel Hill Development Ordinance creating a new high density residential zoning district, and finds that the amendments are appropriate due to changed or changing conditions in a particular area or in the jurisdiction generally and achieve the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION I

AMEND Subsection 3.1.8 of the Chapel Hill Development Ordinance to read as follows:

3.1.8 Residential Districts (R-SS-C, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD1, R-LD5)

The Residential (R-) districts are intended to provide for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development.

SECTION II

AMEND Subsection 3.1.11 of the Chapel Hill Development Ordinance to read as follows:

3.1.11 Conditional Use Districts

For the TC-2, TC-1, CC, NC, OI-2, OI-1, I, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD1, and R-LD5 districts hereinabove described, there are hereby established parallel conditional use districts designated TC-2-C, TC-1-C, CC-C, NC-C, OI-2-C, OI-1-C, I-C, R-6-C, R-5-C, R-4-C, R-3-C, R-2-C, R-2A-C, R-1-C, R-1A-C, R-LD1-C, and R-LD5-C pursuant to North Carolina General Statutes Section 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by Section 12.3 of this ordinance, Schedule of Use Regulations, for the parallel general use district are permitted only upon issuance of a Special Use Permit by the Council pursuant to Article 18 of this Ordinance.

A Residential-Special Standards-Conditional (R-SS-C) is hereby established, pursuant to North Carolina General Statutes Section 160A-382. Uses allowed in this district shall be those described in Section 12.3 of this

ordinance, Schedule of Use Regulations, and are permitted only upon issuance of a Special Use Permit by the Council pursuant to Article 18 of this Ordinance.

SECTION III

ADD a new column for R-SS-C to Section 12.3, Schedule of Use Regulations, of the Chapel Hill Development Ordinance to include the following special uses and accessory uses:

Use Group A

Accessory Use Customarily Incid. to a Permitted Group A Principal or Special Use "A"

Dwelling, Single Family "S"

Dwelling, Two-Family-Including Accessory Apartment "S"

Dwelling, Two-Family -Duplex "S"

Dwelling, Multi-Family - 3 to 7 Dwelling Units "S"

Dwelling, Multi-Family - over 7 Dwelling Units "S"

Mobile Home, Class A "S"

All remaining uses should include a "—" to indicate that the use is not permitted in the R-SS-C zoning district.

SECTION IV

INSERT a new line in Section 13.8 of the Chapel Hill Development Ordinance establishing the maximum number of dwelling units per acre of gross land area for R-SS-C to read as follows:

R-SS-C 12

SECTION V

ADD new rows to Subsections 13.11.1, Use Group A; Subsection 13.11.2, Use Group B; and Subsection 13.11.3, Use Group C, Schedule of Intensity Regulations to read as follows:

R-SS-C	0	0	50.5	0	.400	.50	.25	.050	10	0	0	39	60
	50.5	1	.400	.50	.25	.050	10	0	0	39	60		
	50.5	2	.400	.50	.25	.050	10	0	0	39	60		

SECTION VI

AMEND the first paragraph of Section 14.12.2, Buffers Required, of the Chapel Hill Development to include the following sentence:

Where the proposed development site is located in the Residential-Special Standards-Conditional zoning district, no buffers shall be required.

SECTION VII

ADD Subsection 17.9.2, Minimum Recreation Area, establishing the minimum recreation area that must be provided or dedicated as part of a subdivision in the R-SS zoning district to read as follows:

R-SS-C .218

SECTION VIII

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

SECTION IX

That these amendments shall become effective upon adoption.

This the 12th day of April, 1999.

ORDINANCE B
(Recommended by Planning Board)

**AN ORDINANCE AMENDING THE CHAPEL HILL DEVELOPMENT ORDINANCE
TO CREATE A NEW RESIDENTIAL ZONING DISTRICT (99-4-12/O-4)**

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed amendments to the Chapel Hill Development Ordinance creating a new high density residential zoning district, and finds that the amendments are appropriate due to changed or changing conditions in a particular area or in the jurisdiction generally and achieve the purposes of the Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION I

AMEND Subsection 3.1.8 of the Chapel Hill Development Ordinance to read as follows:

3.1.8 Residential Districts (R-SS, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD1, R-LD5)

The Residential (R-) districts are intended to provide for residential development of appropriate intensities consonant with the suitability of land, availability of public services, accessibility to major activity centers and transportation systems, and compatibility with surrounding development.

SECTION II

AMEND Subsection 3.1.11 of the Chapel Hill Development Ordinance to read as follows:

3.1.12 Conditional Use Districts

For the TC-2, TC-1, CC, NC, OI-2, OI-1, I, R-SS, R-6, R-5, R-4, R-3, R-2, R-2A, R-1, R-1A, R-LD1, and R-LD5 districts hereinabove described, there are hereby established parallel conditional use districts designated TC-2-C, TC-1-C, CC-C, NC-C, OI-2-C, OI-1-C, I-C, R-SS-C, R-6-C, R-5-C, R-4-C, R-3-C, R-2-C, R-2A-C, R-1-C, R-1A-C, R-LD1-C, and R-LD5-C pursuant to North Carolina General Statutes Section 160A-382. Under each conditional use district, all uses allowed as a permitted use or special use by Section 12.3 of this ordinance, Schedule of Use Regulations, for the parallel general use district are permitted only upon issuance of a Special Use Permit by the Council pursuant to Article 18 of this Ordinance.

SECTION III

ADD a new column for R-SS to Section 12.3, Schedule of Use Regulations, of the Chapel Hill Development Ordinance to include the following special uses and accessory uses:

Use Group A

Accessory Use Customarily Incid. to a Permitted Group A Principal or Special Use "A"

Dwelling, Single Family "S"

Dwelling, Two-Family-Including Accessory Apartment "S"

Dwelling, Two-Family -Duplex "S"

Dwelling, Multi-Family - 3 to 7 Dwelling Units "S"

Dwelling, Multi-Family - over 7 Dwelling Units "S"

Mobile Home, Class A "S"

All remaining uses should include a "—" to indicate that the use is not permitted in the R-SS zoning district.

SECTION IV

INSERT a new line in Section 13.8 of the Chapel Hill Development Ordinance establishing the maximum number of dwelling units per acre of gross land area for R-SS to read as follows:

R-SS 12

SECTION V

ADD new rows to Subsections 13.11.1, Use Group A; Subsection 13.11.2, Use Group B; and Subsection 13.11.3, Use Group C, Schedule of Intensity Regulations to read as follows:

R-SS	0 0 50.5 0 .400 .50 .25 .050 10 0 0 39 60
	50.5 1 .400 .50 .25 .050 10 0 0 39 60
	50.5 2 .400 .50 .25 .050 10 0 0 39 60

SECTION VI

AMEND the first paragraph of Section 14.12.2, Buffers Required, of the Chapel Hill Development to include the following sentence:

Where the proposed development site is located in the Residential-Special Standards zoning district, the required bufferyard shall be a Type "B", 10 foot minimum width.

SECTION VII

ADD Subsection 17.9.2, Minimum Recreation Area, establishing the minimum recreation area that must be provided or dedicated as part of a subdivision in the R-SS zoning district to read as follows:

R-SS .218

SECTION VIII

That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

SECTION IX

That these amendments shall become effective upon adoption.

This the 12th day of April, 1999.

ATTACHMENT 1

Proposed New Zoning District: Residential-Special Standards

ISSUES / QUESTIONS RAISED AT 3/15 HEARING

The following issues were raised at the March 15th Public Hearing. We offer a Staff Comment on each.

Recreation Requirements: The new ordinance would create a Recreation Space Ratio for application to multi-family development, which appears workable. However, the proposed Recreation Area ratio, which would be applied to a subdivision, may be difficult to achieve in the context of a higher density, multifamily development. It would require a 22% land set-aside for possible recreation use.

Staff Comment: A general principle of the Development Ordinance in prescribing ratios for different zones is that as the allowable intensity goes up, so do recreation area requirements. The principle is that, as individual lots become smaller, the need for common area for recreation increases. We acknowledge that the higher the percentage for set-aside for recreation area, the higher will be the costs of each lot created. We believe the 22% proposal is reasonable, and balances these competing needs. The Council could choose to insert a lower or higher ratio for Recreation Area.

Density: Concern was expressed about the proposed density that would be allowed in this new zoning district (12 units per acre). A related question was asked about the densities for other, existing multi-family developments in Chapel Hill. (Specific request: density for The Gables, and for Graham Court).

Staff Comment: Several speakers at the hearing noted that increased density does not guarantee affordable housing, but it creates a regulatory environment in which it becomes more feasible to develop affordable housing. We believe that a density of 12 units per acre would help make an affordable housing project feasible. We also note that this level of density may not be appropriate everywhere; therefore the Conditional Use Zoning aspect of this proposal is important. It allows the Town Council a wide degree of discretion in approving or denying a request for rezoning a specific parcel to this proposed new district.

The Gables is a multi-family development on Airport Road, built at a density of 12 units per acre. Graham Court is on McCauley Street, built at a density of 21 units per acre.

Affordability: Is there any way to assure that dwelling units built under this new district will be affordable to low and moderate-income families? Is there a way to assure that such units can remain affordable over time to future occupants?

Staff Comment: We do not believe that there is a way to build requirements into our zoning regulations that would require initial or ongoing affordability. However, we note that there are

several mechanisms that could achieve this, with the agreement of the initial developer (using a Land Trust, including the Town in the chain of title for a parcel, etc.). If this proposed district is created, and applications are made for conditional use rezoning, we would advise applicants that the Town Council is interested in initial and ongoing affordability, and would encourage applicants to voluntarily offer to build in such mechanisms as conditions of the zoning.

Buffers: The proposal that we presented at the March Public Hearing included a requirement for 10 foot buffers. Comments in support of this proposed requirement and comments calling for wider buffers were made at the hearing. Subsequent to the hearing, it was brought to our attention that the site design for a proposed affordable housing development on Scarlett Drive, a potential candidate for application of this proposed zoning district, is constrained by existing easements that would make it difficult to include any buffer along the street frontages of Scarlett Drive and Legion Road.

Staff Comment: Based on the new information about the Scarlett Drive site, we offer an adjusted recommended ordinance that eliminates buffer requirements. We believe it would be desirable to create a new zoning district that could be applied to the Scarlett Drive site. The Council may choose to not require buffers, to require 10 foot buffers, or require more substantial buffers.

Why Another Zone? Why do we need to create another zoning district to accomplish these objectives? Why can't existing zoning districts be used in the manner proposed here?

Staff Comment: The main regulatory obstacle to use of other residential zones for the kind of affordable housing development proposed here is a land area requirement. For multi-family development over 7 units in size, the minimum land area in other residential districts is 5 acres. With the proposed new district, there would be no minimum size tract. Also, land use intensity ratios are different for the proposed ordinance (floor area ratios higher, livability space ratios lower, street setbacks lower) compared to other residential zoning districts.

Conditional Use Zone Only? This proposed zoning district would likely only be applied as conditional use zoning, to allow a developer to voluntarily offer mechanisms to achieve affordable housing. Why not create this exclusively as a conditional use zone, instead of creating it as both a general use zoning district and a conditional use zoning district?

Staff Comment: We developed this proposal as tandem districts, general and conditional use, to be consistent with the manner in which other general and conditional use districts are written in the Development Ordinance. While this method allows a consistent construction of the districts, it is not necessary. We believe, given the Council's discussion and the March hearing, that it is extremely unlikely that a general use zoning with these new special standards would be approved. Therefore, we have adjusted our recommended ordinance in a manner such that it would create only one new zoning district, a conditional use district, rather than two.

Level of Council Discretion: To what extent may the Town Council exercise discretion in approving or denying a request for rezoning to this special new district, if it is created?

Post-it Fax Note

7571

ATTACHMENT "E"

Guidelines for the Residential-Special Standards Zoning District

October 1, 1999

The Chapel Hill Town Council has a goal of encouraging provision of affordable housing opportunities in this community. One technique that is available is use of a Conditional Use Zoning District called Residential-Special Standards-Conditional (R-SS-C).

It is the intent of the Town Council that this zoning district be available to those who seek to develop affordable housing in Chapel Hill. The design standards of this district allow considerable flexibility. It is the Council's expectation that any applications for rezoning to this new conditional use district would be accompanied by a development program, voluntarily proposing restrictions on use of the subject property in a manner that would assure that housing developed on the property would be affordable to low and moderate income families. It is also expected that this development program would achieve ongoing affordability for this housing over time.

The purpose of this set of guidelines is to suggest the kinds of components of a development program that might address the objective of initial and ongoing affordability.

Definition of Affordability

The Town of Chapel Hill generally uses a definition of housing affordability that routinely is used as a threshold for participation in federally funded housing programs: housing that is affordable to individuals and families who have incomes at or below 80% of the area's median income. This figure changes annually as the area's median income changes.

Achieving Affordability

It is expected that applicants for this R-SS-C zoning designation will propose specific steps that will be taken to achieve the level of housing affordability described above. These steps might include some or all of the following: arranging for supplemental funding from local, state, or federal sources; innovative financing programs; innovative design and/or building techniques; self-help programs; community participation; participation or sponsorship by non-profit agencies.

Design Considerations

The R-SS-C zoning district allows considerable flexibility in terms of minimal requirements for setbacks and buffers, along with density, height, and floor area restrictions that are less restrictive than many other zoning districts. However, the Council expects a high degree of attention to site and building design, with special consideration for impacts on neighboring properties and the surrounding area. For example, the fact that buffers are not required is not intended to communicate that buffers are not desired; rather it is intended to allow the site designer flexibility to propose buffers that make sense for a particular site. Impacts on adjacent properties will always be an important consideration, and applicants are expected to address these issues with creativity and sensitivity.

Ongoing Affordability

Applicants should consider and propose measures that will help achieve ongoing affordability of the housing that is developed under the R-SS-C provisions. One technique is to involve the Orange County Land Trust, such that land remains in the ownership of a non-profit entity that can manage re-sale of individual dwelling units. Another is to propose deed restrictions that contain limitations on future re-sales of property.

Other Considerations

Applicants are encouraged to incorporate design features that take advantage of solar energy technologies. Applicants are also encouraged to take steps early in the development process, to contact nearby neighbors of any proposed development so that development plans can be discussed.

These guidelines are intended to communicate basic expectations for what might be included in an application for rezoning to the Residential-Special Standards Zoning District. Applicants are encouraged to contact the Planning Department (968-2728) to discuss these guidelines further.

ATTACHMENT F

TOWN OF CARRBORO LAND USE ORDINANCE EXCERPT – PROVISIONS APPLICABLE TO PLANNED UNIT DEVELOPMENTS

Section 15-139 Planned Unit Development District Established.

(a) There are hereby established sixty different Planned Unit Development (PUD) zoning districts as described in this section. Each PUD zoning district is designed to combine the characteristics of at least two and possibly three zoning districts. (AMENDED 2/24/87)

- (1) One element of each PUD district shall be the residential element. Here there are six possibilities, each one corresponding to one of the following residential districts identified in Section 15-135: R-20, R-15, R-10, R-7.5, R-3, or R- S.I.R. Within that portion of the PUD zone that is developed for purposes permissible in a residential district, all development must be in accordance with the regulations applicable to the residential zoning district to which the particular PUD zoning district corresponds.
- (2) A second element of each PUD district shall be the commercial element. Here there are five possibilities, each one corresponding to either the B-1(g), B-2, B-3, O, or O/A zoning districts established by Section 15-136. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds. (AMENDED 02/04/97)
- (3) A manufacturing/processing element may be a third element of any PUD district. Here there are two alternatives. The first is that uses permitted within the M-1 district would be permitted within the PUD district. The second alternative is that uses permitted only within the M-1 or M-2 zoning districts would not be permitted. If an M-1 element is included, then within that portion of the PUD district that is developed for purposes permissible in an M-1 district, all development must be in accordance with the regulations applicable to the M-1 district.

The sixty different PUD zoning districts are derived from the various combinations of possible alternatives within each of the three elements -- residential, commercial, manufacturing/processing. For example, there is an R-20/B-1(g)/M-1 district, an R-20/B-2/M-1 district, an R-20/B-2 district, an R-15/B-1(g)/M-1 district, etc. (AMENDED 02/04/97)

(b) No area of less than twenty-five contiguous acres may be zoned as a Planned Unit Development district, and then only upon the request of the owner or owners of all of the property intended to be covered by such zone.

(c) As indicated in the Table of Permissible Uses (Section 15-146), a planned unit development (use classification 28.000) is the only permissible use in a PUD zone, and planned unit developments are permissible only in such zones.

Section 15-155 Planned Unit Developments.

(a) In a planned unit development the developer may make use of the land for any purpose authorized in the particular PUD zoning district in which the land is located, subject to the provisions of this chapter. Section 15-139 describes the various types of PUD zoning districts.

(b) Within any lot developed as a planned unit development, not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-1(g), B-2, or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the M-1 zoning district (assuming the PUD zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for purposes permissible in a residential district (as applicable), purposes permissible in a business district (as applicable), and purposes permissible only in an M-1 district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, residential, business or M-1 uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided in Article IV to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.