

BOARD OF ALDERMEN

ITEM NO. D(5)

AGENDA ITEM ABSTRACT

MEETING DATE: January 10, 2006

TITLE: Report on Rezoning Proposal for R-2 District

DEPARTMENT: Planning	PUBLIC HEARING: YES or NO x
ATTACHMENTS: A. Resolution B. Draft Ordinance and Map C. Summary Sheet – Background and Permissible Uses D. Zoning in Vicinity of R-2 District	FOR INFORMATION CONTACT: Patricia McGuire -- 918-7327 Mike Brough – 929-3905

PURPOSE

The Board of Aldermen enacted a 180-day moratorium on land use permit review of certain developments in the R-2 zoning district on August 23, 2005 and subsequently directed staff to prepare a rezoning proposal for that district. An ordinance that establishes an alternative zoning district has been prepared.

INFORMATION

On June 21, 2005, the Board of Aldermen discussed rezoning options in the Brewer Lane area and identified several strategies that would benefit from further consideration. The Board of Aldermen also indicated their interest in establishing a moratorium for the R-2 zoning district to provide time to consider alternatives and enacted a six-month moratorium on August 23, 2005. The moratorium is scheduled to expire on February 23, 2006.

On September 20th, the Board of Aldermen considered zoning alternatives for the R-2 district. As included in the minutes of the meeting:

It was the consensus of the Board to request that town staff prepare an R-2 rezoning proposal based on the RHDC overlay zone with some modifications, specifically requiring mixed use by establishing a minimum amount of nonresidential development, especially office/service type uses not retail/restaurants/bars/nightclubs.

A draft ordinance that responds to this request has been prepared. A description of the draft ordinance follows, as does a discussion of the process involved with putting the changes in place.

Description of Draft Ordinance

The draft ordinance includes three sections. The first section changes Article IX of the Land Use Ordinance by adding a new standard zoning district, the Office - Residential Mixed Use District (OR-MU). A number of conditions and criteria apply to development that occurs within the new district as described below.

- 1) All zoning districts must allow some uses by right and in this case the B-2 zoning district is used as a model. Any 3.000 uses that are permissible within the B-2 zoning district, subject to

the same permitting requirements and other applicable regulations of the ordinance, may be permitted in the new OR-MU district. Those uses and permit requirements are as follows:

DESCRIPTION		B- 2
3.000	Office, Clerical, Research and Services	
	Not Primarily Related to Goods or Merchandise	
3.100	All operations conducted entirely Within Fully Enclosed Building	
3.110	Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.	ZC
3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	ZC
3.130	Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area	ZC
3.140	Watershed research	
3.150	Copy Centers/Printing Operations	ZC
3.200	Operations conducted within or outside fully enclosed buildings	
3.210	Operations designed to attract and serve customers or clients on the premises	
3.220	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use	
3.230	Banks with drive-in window	
3.240	Watershed research	
3.250	Automatic Teller Machine, Freestanding	

Note: Use of the designation “ZC” means that a zoning permit must be obtained if the development is located on a lot of one acre or less in the B-2, and for purposes of this draft ordinance, the OR-MU, while a conditional use permit must be obtained for all developments on lots in excess of that limit.

- 2) For property owners seeking to develop something other than one of the four 3.000 uses specified above, a mixed-use project may be proposed so long as
- a) The project has both a residential and a non-residential component
 - b) At least one-half, but not more than two-thirds of the gross floor area of the mixed use development shall consist of residential uses 1.100, 1.200, 1.300, or 1.400 (single-family detached, two-family, multi-family, and group homes). The Board of Aldermen may wish to consider also allowing 1.500 uses which include hotels, motels, and bed and breakfast establishments.
 - c) The permissible density shall be calculated as if the property were zoned R-3 (3,000 square feet per dwelling unit).
 - d) The dimensional and other requirements of the R-3 district shall also apply, except that the maximum height of the buildings shall be 50 feet, but any portion of the building over 35 feet in height shall be set back from the otherwise applicable building setback line an additional two feet for every additional foot the building exceeds 35 feet in height.
 - e) Permissible uses shall be those listed for use classification 3.000, except that, to allow flexibility, not more than 15 percent of the gross floor area of the commercial component of the mixed use may consist of uses within use classifications 2.000. The Board of Aldermen may wish to consider allowing some limited 8.000 uses (restaurants and associated uses).
 - f) Phasing and plat recordation requirements are also specified.

Section 2 of the draft ordinance amends the zoning map to rezone selected properties from R-2 to OR-MU. Section 3 amends the zoning map to rezone the remaining properties currently zoned R-2 to R-7.5. Due to the size, location and configuration of these lots, the R-7.5 zoning classification is more appropriate than R-2. R-2 will remain as a zoning district in the Land Use Ordinance, although there will be no districts delineated on the zoning map. The density and permissible use provisions of the R-2 are used for the Residential High Density Commercial overlay, however, and should remain available in the Land Use Ordinance.

Process

Background information on the R-2 zoning district and its permissible uses is attached for reference (*Attachment C*). A map showing the zoning in the vicinity of the R-2 district is also attached (*Attachment D*). The draft ordinance involves both map and text amendments to the Land Use Ordinance. It is therefore necessary for the Board of Aldermen to hold a public hearing before taking action on the proposed changes. At present, the earliest possible date for a regular public hearing is March 23, 2006; approximately one month after the moratorium is scheduled to expire. Should the Board of Aldermen wish to act on the draft ordinance provided in this report, it is not anticipated that any projects will reach completion and/or receive approval between the expiration of the permit and the public hearing date of March 23rd. A resolution that sets a public hearing for consideration of the text and map amendments specified in the draft ordinance has been provided, should the Board of Aldermen wish to proceed (*Attachment A*). The Board of Aldermen may wish to consider the desirability of modifying downtown development parameters any further, particularly while the economic development consultant’s evaluation is underway.

FISCAL IMPACT

If the Board decides to pursue rezoning of properties within the R-2 zoning district a public hearing is needed; administrative and notice costs would accrue.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider the draft ordinance that creates the new OR – MU zoning district, and determine whether it wishes to pursue this zoning change.