

# BOARD OF ALDERMEN

ITEM NO. D(4)

## AGENDA ITEM ABSTRACT

**MEETING DATE: Tuesday, October 8, 2002**

**TITLE: Report: DDC Review of Building Heights Ordinance**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES _ NO <u>X</u></b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. April 2, 2002 minutes - Board of Aldermen</b> <b>C. Illustration of building height/street width ratios from Downtown Vision report</b> <b>D. Map of R-O-W widths</b> <b>E. Draft Ordinance – Building Height</b> <b>F. LUO Sections 15-185, 15-196, and 15-221</b> <b>G. Map of Possible Building Heights</b> <b>H. Memo from DDC subcommittee</b>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b> Mike Brough – <b>929-3905</b>

### PURPOSE

A public hearing on text amendments related to building heights, active recreational facilities and sidewalk widths in the downtown was scheduled for August 20<sup>th</sup>. At the request of the Downtown Development Commission and other interested parties, the hearing was delayed in order to allow additional time to review the draft ordinance. The Administration recommends that the Board of Aldermen receive the memorandum presenting review comments and specify any revisions to the draft ordinance.

### INFORMATION

#### *Overview*

The Board of Aldermen reviewed a progress report on “fast track” downtown visioning items on June 4, 2002 that included a draft ordinance on text amendments relating to development standards in the downtown. The Board of Aldermen set a public hearing for August 20<sup>th</sup>. On June 25<sup>th</sup>, Robert Morgan, Town Manager, stated that the Downtown Development Commission (DDC) had requested additional time to review the text amendment relating to building heights, active recreational facilities and sidewalk widths in the downtown zoning districts. The hearing was rescheduled to September 10, 2002.

On July 23rd, Alderman Zaffron requested that the Board consider postponing the September 10th public hearing on land use ordinance text amendments relating to downtown building heights, active recreational facilities, and sidewalk widths until after the Downtown Development Commission had completed its review and discussion of this amendment. The hearing was postponed until after the Downtown Development Commission completes its review.

#### *Fast-track Items*

On April 2, 2001, the Board of Aldermen reviewed the Walkable Communities Inc. (WCI) report on the charrette and specified follow-up action, as noted in the minutes of that meeting (*Attachment B*). Fast-track items were noted in bold, and are presented below. Further information, if applicable, follows.

- 1) Develop an ordinance that reflects charrette participants’ desire to have buildings four to five stories high with some variety and develop a process to sort this out.
- 2) Amenities constitute recreation.
- 3) Draft an ordinance on sidewalk width to determine where wide widths are practical and ensure that they are stroller and wheelchair-friendly; apply recommendations to what exists and determine what fits and the costs; include sidewalk design (brick trim).

**Building Height.** Right-of-way widths in the downtown have been evaluated using the parcel database maintained by Orange County. This information is included for the purpose of illustration only. In the course of development it will be necessary to survey the actual right-of-way width should there be a linkage created between this measurement and maximum building height. Right-of-way widths on streets in non-residential zoning districts range from approximately 28 feet to 105 street. The table below presents a summary of this information.

<b>R-O-W Width (Range in Feet)</b>	<b>Streets</b>	<b>Possible Building Height Range - 1:1/1:3 Ratios (Feet)</b>
< 30	Brewer Lane West Carr	< 30/< 10
40-49	West Rosemary (700) Roberson Street South Greensboro (200 – 400) East Carr; West Main (200 Block) West Weaver West Main (400 Block)	40 - 49/ 13 - 16
50-59	East Main (100 - 300 Block) East Weaver North Greensboro (100-200 Block) South Greensboro (100 Block) West Main (100, 300, and 500 Blocks)	50 – 59/16 - 19
60 +	East Main (400 Block) West Main (600 Block)	60 +/ 20 +

“Downtown Carrboro: New Vision” recommends for communities like Carrboro “maintaining a ratio of 1:1 to 1:3 between the height of the buildings and the width of the public space. An illustration of this principle is included in that report and attached here (*Attachment C*).

In Carrboro’s downtown, where the right-of-way is typically defined by the back edge of the sidewalk/front wall of the building, the width of the right-of-way provides some insight into the maximum heights that could be developed. The table above includes possible building height ranges that might be achieved with the available rights-of-way, based on the WCI ratios. It must be noted that additional building height would be possible if additional right-of-way could be acquired or if buildings were set back from the right-of-way. Zero setbacks are permitted from the right-of-way in the B-1(c), B-1(g), and CT zoning districts. A map showing the right-of-way widths in the downtown is attached (*Attachment D*).

Both rights-of-way and depth of lots in the downtown commercial zones are fairly limited. The distance between the northernmost edge of the B2 and the southernmost edge of the B-1(g) averages about 750 feet. The distance from the northern edge of the CT to the southern edge of the B-1(g) is about 2,000 feet – less than half a mile. From east to west, Carrboro’s downtown is just under a mile in length. Since the total area of the downtown is constrained in this way, the maximum building height will need to be determined based on what is known to exist, or what may be reasonably expected to occur, rather than what property owners could be requested or encouraged to provide (e.g. extensive dedication of additional right-of-way). In light of other public investments that may be expected in the downtown, e.g. sidewalks, lighting, street furniture, landscaping, it is also critical that a clear plan for the streetscape of the downtown be established and be used as a guide for decision-making in the years to come.

**Amenities Constitute Recreation.** The Board has requested that alternative improvements, such as public art, small green spaces and benches, et cetera, be allowed to meet the active recreation facilities requirement that applies to residential development. An amendment to the Land Use Ordinance that specifies this as an option in downtown zoning districts is included in the draft ordinance that is discussed below in further detail.

**Sidewalk Width and Construction Standards.** The charrette report includes recommendations on sidewalk widths throughout Carrboro and highlights minimums for commercial areas. The report recommends that sidewalks in commercial areas be 8.0 feet or more in width. Sidewalks need to be free of obstacles, including signs, planters, landings and door openings, so that a minimum clear passage of 3 feet is provided. This standard is considered to be the minimum needed for passage. In conjunction with recommended planting or buffer areas and/or bike lanes, such sidewalk widths can only be accommodated where a right-of-way of approximately 65 feet is available (for a two-lane street section).

WCI encourages establishing a street cross section that provides low-speed access to commercial areas. The proposal for Carrboro includes roundabouts, which are often paired with two travel lanes and on-street parking. As is shown above, most of Carrboro’s downtown currently includes rights-of-way of less than 60 feet in width. There are a few locations in the downtown where additional right-of-way might be obtained in the short term to facilitate the construction of wider sidewalks.

### ***Draft Ordinance Related to Downtown Development: Overview and Discussion***

The ordinance that was drafted in follow-up to the Board’s “fast-track” items includes four substantive changes to the Land Use Ordinance (*Attachment E*). Changes are proposed to Sections 15-185, 15-196, and 15-221 of the LUO, copies of which are attached (*Attachment F*). The first change has been drafted to allow additional height, based on the charrette participants’ desire to have some 4-5-story buildings. The structure of these proposed changes have been developed to mesh, to the extent possible, with the existing zoning district definitions and associated dimensional regulations. A map showing possible building height in accordance with the draft ordinance is attached (*Attachment G*).

It must be noted that there is not a perfect fit between the existing framework, the Visioning report and the proposed changes. First, the WCI report proposes ratios that are most logically expressed as “building height (in feet) to r-w width (in feet).” The Town decided in 2001 to shift to stories as

a determinant of maximum building height. Second, based on a “rule of thumb” for height of approximately 12 feet per story, the maximum number of stories proposed in the draft ordinance will likely result in some buildings that will exceed the maximum (1:1) ratio recommended by WCI. Should the Board decide to proceed with changes, in preparation for a public hearing an analysis of the consistency of these changes with the existing downtown zoning classifications will be conducted.

The ordinance includes a new recreational facilities provision. This change will allow the recreational requirements in downtown zoning districts to be satisfied by alternative amenities, such as, but not limited to, sculpture, fountains, benches, and mini-parks. Point values are not proposed for these amenities. Should this change be adopted, an applicant considering such alternatives will be directed to the methodology set forth in Appendix G of the LUO that relates cost of any improvement or amenity to the point requirements. It should be noted that the Recreation and Parks Commission and the Planning Board are currently reviewing the recreational point requirements and are scheduled to make a report to the Board of Aldermen in mid-February.

The Board of Aldermen has expressed its desire to make the downtown more pedestrian-friendly. In consideration of the possible changes in infrastructure or development that might support the construction of wider sidewalks, an amendment to the Land Use Ordinance that specifies a ten-foot sidewalk width requirement, where practicable, in downtown zoning districts has been included in the draft ordinance.

#### *Downtown Development Commission Subcommittee Review*

A subcommittee of the DDC that included property owners and business owners was formed in late June. The June 28, 2002 version of the draft ordinance on building heights, as it included the Board of Aldermen’s change from the June 4<sup>th</sup> meeting, served as the beginning point for discussion. This group met four times through the summer as it analyzed the June 2002 draft of the ordinance. The group concluded its review in late August and requested that staff prepare a memorandum presenting their recommendations (see *Attachment H*) that three provisions be included in the draft ordinance. The three additional provisions are intended to accomplish the following:

- 1) Allow an additional story of height so long as the additional story is enclosed within a roof structure (e.g. mansard or similar roof structure) as a third option. The two existing options include stepping back the additional story ten feet or setting back the entire structure ten feet.
- 2) Clarify which height restriction applies in situations where lots front on more than one street and the rights-of-way are of different dimensions.
- 3) Allow an additional story of height (subject to stepback, setback, or roof story requirement) in conjunction with the dedication of sufficient right-of-way to meet the threshold, so long as the overall right-of-way width is consistent with the Town’s desire for uniform rights-of-way. Since the right-of-way width is not consistent in all locations, basing the maximum height strictly on existing circumstances may prevent the development of a more uniform streetscape.

#### **ADMINISTRATION’S RECOMMENDATION**

The Administration recommends that the Board of Aldermen adopt the resolution receiving the DDC comments and specifying any draft ordinance revisions (*Attachment A*).