

BOARD OF ALDERMEN

ITEM NO. D(2)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, February 4, 2003

TITLE: Public Hearing: Downtown Building Heights Ordinance

DEPARTMENT: PLANNING	PUBLIC HEARING: YES X NO
ATTACHMENTS: A. Draft Ordinance – Building Height B. Table of Building Height Subcommittee Participants C. Appendix to Downtown Carrboro: New Vision – Ranked Priorities D. LUO Sections 15-182, 185, 196, 221 E. Map of Downtown Building Height and R/W Width F. Advisory Board recommendations	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

An ordinance amending the provisions related to building heights, active recreational facilities and sidewalk widths in the downtown has been prepared and amended in accordance with the Board of Aldermen's requests on October 8, 2002. The Board of Aldermen must receive public comment prior to taking action on these changes. The Administration recommends that the Board of Aldermen direct staff to 1) prepare additional ordinance provisions that specify permit type requirements for buildings over three stories in relation to potential impacts and design consideration, and 2) to schedule final action on the draft ordinance in conjunction with additional ordinance provisions and the receipt of recommendations of the Recreation Points Review subcommittee.

INFORMATION

This abstract presents background information related to the development of the draft ordinance, a response to the requests from members of the Board of Aldermen for specific information related to the draft ordinance, a description of the affect of the proposed ordinance provisions, and a review of the consistency of the proposed changes with adopted policies.

Background

Since receipt of the concept plan for the downtown in early 2002, the Board of Aldermen identified "fast track" downtown visioning items and has directed those items to staff and citizen advisory boards for review and comment. Among the fast-track items are changes to land use regulations related to building heights, active recreational facilities and sidewalk widths in the downtown. An ordinance addressing these changes was prepared and submitted to the Board of Aldermen in late spring. At the request of the Downtown Development Commission, consideration of the ordinance

was continued, allowing time for DDC members and other citizens, using a subcommittee format, to review the draft ordinance in greater detail. DDC subcommittee recommendations were presented to the Board of Aldermen in early October. In follow-up, revisions to the draft ordinance were prepared and presented to the Board of Aldermen in early December.

Follow-up to Specific Information Requests

In preparation for the public hearing, specific information requests from members of the Board of Aldermen were as follows:

- 1) **Names and professional affiliation of building height subcommittee members.** *Attachment B* presents this information.
- 2) **Charrette notes showing the number attending, which ones were residents, and the number who voted for which heights.** On the evening of Friday, September 14, 2001, charrette participants were asked to create a list of priorities and then vote for their top concerns. Following a brainstorming session, during which the priorities were listed, each person present was provided 10 “dots” that were used in voting for their top concerns. It was during this exercise that specific, desired building heights for downtown buildings were noted. The table below presents this information, which is excerpted from the first Appendix included in *Downtown Carrboro: New Vision*. A copy of the full appendix is attached (*Attachment C*). The number of votes for “some 4-5 story” was greater than for any other priority, with the second largest number of votes for “variety of heights.”

Participants in 9/14/2001 evening session	# of Carrboro residents (percent)	Some 4-5 Story	Variety of heights	3-story maximum	2-story maximum
241	157 (65 percent)	45	33	23	2

3) **Information on how the height requirements will be determined for lots that are split by different zoning districts.** It is recommended that building heights will be determined based on the underlying zoning district. The effect of this will be for the portion of a lot in the B-2 district to be restricted to the B-2 maximum; and the portion of a lot in the B-1(c) or B-1(g) to be restricted to the maximum in those zones.

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. Changes are proposed to Sections 15-182.2, 185, 15-196, and 15-221 of the LUO, copies of which are attached (*Attachment D*).

The structure of these proposed changes has been developed to mesh, to the extent possible, with the existing zoning district definitions and associated dimensional regulations.

The draft ordinance includes seven sections, as follows:

- Section 1. Rewrites the section that establishes maximum building heights, removing the B-2, B-1(c) and B-1(g) from the table, and setting a maximum height for these zones that can be achieved in relation to right-of-way width and dimensional or design considerations. This section also removes the language in Section 15-185(a)(3) that grants additional height in relation to design considerations, pedestrian access, and exterior decoration.
- Section 2. References “story” and “floor” definitions in Section 15-15. It must be noted that levels devoted entirely to parking do not meet the definition of a story, thereby allowing the maximum number of stories to be provided above any number of parking levels.
- Section 3. Establishes a 10-foot wide requirement for sidewalks in downtown zoning districts.
- Section 4. Allows recreational facilities requirements in downtown districts to be met by alternative amenities, such as art, fountains, et cetera.
- Section 5. Allows a property owner to dedicate the additional right-of-way needed to achieve maximum building height as specified in Section 15-185 (a).

Sections 6 and 7. Standard provisions related to ordinance adoption.

The height changes are summarized in the table below. A map showing the base building height in relation to right-of-way width, as presented in the draft ordinance is attached as is a map illustrating where additional height would be possible, in conjunction with either a stepback, setback, or specified roof treatment (*Attachment E*). It must be noted that the maps are for illustrative purposes only as the right-of-way widths have been captured from GIS data. Where lots front on rights-of-way of differing widths, the greater building height has been applied.

DOWNTOWN ZONE	CURRENT MAXIMUM HEIGHT	PROPOSED MAXIMUM HEIGHT
B-1(c)	Two Stories	Five Stories
B-1(g)	Three Stories	Five Stories
CT	Three Stories	
B-2	Two Stories	Three Stories
R-2	50'	
M-1	Three Stories	

Changes to height provisions are shown in shaded cells.

Should the change to the recreational facilities requirement 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-March.

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.

Policy Review: Consistency of Proposed Changes

Ordinance Revision	Vision2020 Policies	Downtown Visioning	Downtown Design Guidelines	Hammer, Siler, George Report
<i>Increase maximum height to 5 stories in B-1(g)</i>	Policy 2.41 calls for “mid-rise buildings.” Policy 2.42 directs the Town to “preserve historic areas, buildings.” Policy 3.21 directs the doubling of commercial square footage, building up, not out, and increasing density of commercial property in downtown area.	Report proposes ratio of space between building facades (across a street) and building height to ensure “human scale.” Report states that the Town could allow up to 60 feet (using stories this would translate to approximately 4-5 stories) in many areas of downtown.	Guidelines recommend more than 3 stories only in area around Harris Teeter site; otherwise 1-3 stories are encouraged based on nature of various subdistricts. Encourages stories to “match” at street front.	Encourages a mix of uses and increased intensity, in keeping with scale of downtown.
<i>Increase maximum height to 5 stories in B-1(c)</i>				
<i>Increase maximum height to 3 stories in B-2</i>				
<i>Increase sidewalk width to 10 feet in downtown zoning districts</i>	Policy 3.25 addresses walkability and encourages pedestrian safety and comfort and that some pedestrian-only spaces be developed.	Report proposes 10-foot sidewalk based on accommodating pedestrian activity and particularly and ensuring handicapped accessibility.	Proposes extensive pedestrian network between buildings and streets.	Encourages pedestrian improvements to support vibrancy of downtown.
<i>Allow alternative amenities to meet active recreational facilities requirements</i>	Policy 1.2 addresses arts and culture and includes a series of statements supporting the arts, particularly as the basis for community interaction and recreation.	Report recommends architectural and artistic features within public space to provide a “tranquil ambience.”	Report recommends that the Town provide incentives for developers to incorporate art into new construction.	Report emphasizes artistic endeavors as an important downtown activity and an opportunity for increasing economic success of downtown.

Discussion

Currently, commercial areas in the Town are developed at fairly low intensity. Most commercial buildings are only one-story in height, and all parking is provided in surface lots. While existing regulations allow greater intensity of use (larger and taller buildings) in nearly all parts of the commercial districts, the amount of additional intensity is fairly limited. Due to the costs of land, the cost and complexity of development and building construction and the uncertainties of development approval, the limited opportunity for change has not provided sufficient incentive for many landowners to consider or propose large-scale changes.

These constraints are not necessarily problematic, particularly in light of other Town goals related to protecting neighborhoods, preventing the expansion of the commercial areas, and preserving historic properties. Yet they are constraints and consequently any loosening of these measures, such that additional intensity of use in Carrboro's commercial areas could occur, would likely facilitate the goal of doubling square footage of commercial space.

This goal to double commercial square footage was a principal theme of the downtown Visioning charrette and Dan Burden and other Walkable Communities, Inc representatives provided many illustrations, ideas, and mechanisms of the manner in which Carrboro's downtown might change to allow greater intensity of use without compromising other important community objectives (e.g. pedestrian safety and diversity of economic opportunity).

The charrette also provided an opportunity for participants to identify priorities and to rank them. In this exercise, the issue of building heights was expressed as four different priorities and of the 679 votes that were cast for all priorities, 103 were cast for building height issues. Of those, 45 were cast for 4-5 stories, which made this priority the highest vote getter. Fifty-eight votes were cast for other height-related priorities. While this method was unscientific, it was systematic. Citizens who cast these votes had spent the evening considering various Town goals, seeing images of areas of improvement and hearing ideas about how changes could be made. None of the priorities identified address the proposed ordinance changes related to increased sidewalk widths and art serving as recreational amenities.

The policy overview provides an additional method for evaluating the appropriateness of the proposed changes at this time. Various policy documents, including the report prepared by WCI on Carrboro's charrette, *Downtown Carrboro: New Vision*, include comments and recommendations that largely address building height, sidewalks and art. On the whole, previously adopted policies support the concept of greater building height in some parts of Carrboro's downtown and also broadly support expanded infrastructure for pedestrians and incentives for art to be provided.

As has been noted in earlier discussions, the draft ordinance responded fairly specifically responded to a request for a change to the regulatory context that would allow 4 to 5 story buildings. And the ordinance does accomplish this. In its review, the subcommittee of the DDC discussed alternative approaches, including rezoning and conditional use districting. In the interest of time, the subcommittee chose to propose modifications to the draft ordinance, and those modifications are included in the draft. The subcommittee also recommended that until new design guidelines were developed, that the Board of Aldermen direct staff to continue to use all but the height provisions of the DDG document as a guide for downtown development. An expectation of the subcommittee, based in part on the recommendations included within *New Vision*, was that new design requirements, rather than guidelines, are needed in association with the changes to building height.

Staff is in agreement with this expectation and notes that a consulting engineer, with community input, developed the current guidelines.

The overview of policies related to the building height change, consideration of the nature of the downtown, and the past history of decision making in Carrboro, suggest that a higher level of sensitivity is needed in at least some parts of the downtown. Carrboro's downtown includes two National Register Historic Districts, the Commercial area bounded roughly by Broad Street, the 100 block of E. Main and the Carr Mill complex and the Thomas Lloyd Mill Village along Maple Avenue and Carr Streets.

The limited opportunity for added intensity (height, et cetera) has likely constrained landowners' decisions to significantly change the development of many downtown properties. This factor and the community support for and familiarity with the downtown streetscape have created something of a balance in the core area of the downtown and major changes have not occurred. The regulatory changes under consideration at present have the potential to shift this balance. Approaches that could mitigate these effects include conservation area overlay zoning, conditional use district zoning, and modifications to the permit requirements (e.g. zoning, special or conditional use) where maximum building height is requested. Additional standards should be linked to the determination of the required permit and should address

- 1) Presence of National Register properties and status of the property in relation to the National Register Historic Districts
- 2) Extent to which the proposed change involves changes to existing structure, i.e. demolition, addition, and renovation.
- 3) Scale and ordinance provisions modeled on the parameters included within Section 15-185 (a) (3).
- 4) Number and location of any parking levels proposed within a building.

These measures are noted as they provide a means to support the Town goals to intensify commercial activities without expanding the commercial areas, and to protect existing neighborhoods and the character of the community through appropriate scale and design that is complementary with the surrounding, existing buildings.

The review of recreation points requirements by a subcommittee of the Planning Board and Recreation and Parks Commission is scheduled to conclude in March. It is recommended that the Board of Aldermen take action on Section 4 of the draft ordinance following receipt of the Recreation Points Review committee report.

Advisory Board and Outside Agency Review

The draft ordinance was referred to the Planning Board and Orange County for review. The Board of Aldermen included other advisory boards in this review, including the Appearance Commission, Transportation Advisory Board, Downtown Development Commission, Environmental Advisory Board, and Recreation and Parks Commission. Advisory Board recommendations are attached (Attachment F).

FISCAL IMPACT

Draft ordinance changes associated with building height could result in greater intensity of use in downtown Carrboro and associated increases in tax value. Sidewalk construction costs will be greater with the increase from five to ten feet. The opportunity to provide art or other amenities to meet active recreational facilities requirements may reduce payments-in-lieu and necessitate other Town expenditures to provide active facilities.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution that directs staff to 1) prepare additional ordinance provisions that specify permit type requirements for buildings over three stories in relation to potential impacts and design consideration, and 2 to schedule final action on the draft ordinance in conjunction with additional ordinance provisions and the receipt of recommendations of the Recreation Points Review subcommittee.