

BOARD OF ALDERMEN

ITEM NO. D(4)

AGENDA ITEM ABSTRACT

MEETING DATE: October 28, 2003

TITLE: Report: Follow-up Items to Adoption of Building Heights Ordinance

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Adopted Ordinance – Building Height C. Section 15-136 (3) D. Map of Residential/Commercial Interface E. Planning Board Recommendation and Minutes of 10/2/03	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

Land Use Ordinance text amendments related to building heights, active recreational facilities and sidewalk widths in the downtown were adopted on April 8, 2003. Follow-up action on related issues was specified, The Administration recommends that the Board of Aldermen adopt the attached resolution receiving this report.

INFORMATION

On April 8, 2003, the Board of Aldermen adopted an ordinance that amended the land use ordinance provisions related to building heights, sidewalk widths, and active recreational facilities (*Attachment B*). The ordinance provides the following:

1. Establishes maximum building heights, removing the B-1(c) and B-1(g) zoning districts 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.
2. Where lots abut more than one street, height will be determined based on the narrowest right-of-way.
3. Limits the height of buildings to two stories on any lots within the town’s National Register Commercial District upon which there existed at the time of adoption of this provision a building that was considered contributing or upon which there existed a contributing building if, after the effective date of the ordinance subsection, the building was demolished or altered so as to diminish its integrity.
4. Requires conditional use permits for all buildings that exceed two stories within the B-1 (c) or three stories within the B-1(g) zoning districts.
5. Establishes an additional burden of proof for the applicant in requesting a conditional use permit for additional height and establishes parameters for the findings.
6. Allows enclosed or variable roof styles to be incorporated into a building without counting them towards the total number of stories, so long as the total number does not exceed five stories.
7. Allows parking structures to be incorporated into a building without counting them towards the total number of stories, so long as the parking structure is substantially concealed from adjacent

rights-of-way and the total number does not exceed five stories, and therefore not requiring additional setbacks.

8. Removes the references to the “floor” of a parking garage from the definition in Section 15-15.
9. Adds a statement to the definition of a “story” so that floor levels that are substantially enclosed below the finished grade at the front of the building are not counted, so long as the finished grade does not substantially differ from the pre-construction, natural grade.
10. Repeals the provision that required setbacks from residential dwelling units that existed on July 1, 1985.
11. Removes the roof height/fire apparatus access provision for non-residential and multi-family (four or more) buildings.
12. Establishes a “to-the-extent-practicable” 10-foot wide standard for sidewalk widths in the B-1(c), B-1(g), B-2, and CT districts.
13. Establishes the opportunity for active recreational requirements for developments in the B-1(c), B-1(g), B-2, and CT districts to be satisfied by alternative amenities such as sculpture, fountains, benches, and mini-parks.
14. Establishes an opportunity for property owners to dedicate additional right-of-way along an existing street to achieve additional building height, with some limitations.

It should be noted that the Town staff continues to recommend that applicants for special use or conditional use permits review the *Carrboro Downtown Business District Guidelines for Design* (1993). At the conclusion of the development approval process staff requests that applicants provide information on the manner in which they have complied with the guidelines. The subcommittee of the Downtown Development Commission that reviewed the building height ordinance provisions during the summer of 2002 supported the continued use of the guidelines, and noted that some revisions to the document would likely be needed to reflect the additional building height.

Board of Aldermen Action – Requested Follow-up

At the conclusion of the hearing on adoption of the ordinance changes, the Board of Aldermen had requested staff follow-up in three areas:

- ❖ That staff review the B-1(c) and B-1(g) zoning districts and provide a recommendation as to whether some properties located in these districts should be rezoned to B-2;
- ❖ That staff consider the EAB’s parking recommendation, which are:
 1. The building heights should not be amended without first addressing the related issue of parking. The Board of Alderman should direct Town Staff to analyze the traffic flow and parking situation and include changes to the ordinance relating to the regulation of parking in the downtown area simultaneously with their analysis and drafting of the Building Heights ordinance changes to ensure coherence, workability, and consistency in implementing these proposed changes. Of special significance are the following recommendations that were part of the Parking Task Force Report with which the EAB concurs:

- a. Change the calculation of parking load from use-based to gross floor area.
 - b. Develop a parking fund that could receive payment in lieu of parking development and other sources, with funds used to address future parking needs.
 - c. Switch to standard sized spaces.
 - d. Remove requirement to pave lots.
2. That the permit issuing authority give preference to proposed building projects that can demonstrate low parking requirements; that propose structured, multi-level, or under-building parking; or that include design features to mitigate the storm-water and heat island impacts of parking spaces in excess of what a three story building in the same space would require by using reflective and/or pervious pavement, additional parking lot shading, and other designs.
 3. That the permit issuing authority give preference to proposed building projects that include design features to mitigate the heat island effect and increased emissions from additional building mass by using heat island abatement designs (including green roofs); by using green building materials and techniques; and by using energy efficient and solar energy designs.
 4. That pervious pavement surfaces be used to construct widened sidewalks and parking lots

❖ That staff report on the possible establishment of a historic district in the downtown
The Board provided some clarifying comments when these items were described and noted that it would be helpful to review some preliminary criteria for selection of areas that might be considered for rezoning to B-2. On August 26th, the Board of Aldermen requested that staff provide a schedule on the follow-up to the question of rezoning of some properties to B2 in order to buffer residential areas from height increases that could be permitted nearby.

A discussion of the B-2 zoning question is provided here. Recommendations of the Environmental Advisory Board will be incorporated into ordinance drafting that is to occur in follow-up to the parking task force report. A report on the establishment of local historic district in the downtown has not yet been scheduled.

What does rezoning to B-2 entail?

The B-2 zoning district was created with the adoption of Carrboro's first independent zoning ordinance in 1973. The district was defined as a "specialized" commercial district that was expected to generate limited traffic and that would retain its residential character. In the earliest iteration of the application of this district, all of the area between West Main Street and West Weaver Streets were included. The name of the district was modified from specialized commercial to fringe commercial and the definition was altered somewhat to focus on the renovation of existing

residences and to discuss the “transition aspects of the B-2 district in 1986 during the Downtown Commercial rezoning. The total area of the B-2 was reduced by shifting properties on both sides of West Main Street to B-1(g), removing a number of second tier properties on the north side of West Weaver Street. During the course of the public hearing on the rezoning, the southern end of the Old Farmers’ Market parking lot was rezoned from B-1 to B-2.

It is of note that the B-1 district formerly included three sub-categories, the (h) for historical, the (f) for fringe, and the (g) for general and there were use parameters associated with each. With the commercial rezoning in 1986 the (h) was replaced by the (c), and the (f) was combined with the (g). Despite the name change that added “fringe” to the B-2’s title, the areas that were removed from the B-2 along West Main Street were included in the combined B-1(g) and (f). As defined in Section 15-136 (3), the B-2

“is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged.”

The definition of the B-2 district continues with criteria that state that existing buildings should be converted and adapted to commercial use rather than new buildings constructed. To encourage this, the regulations for the B-2 district were devised to allow development at a lower density than is permitted in the B-1 districts and permit uses that generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Developments in the B-2 are to comply with the following:

- To the extent practicable, convert residential buildings
- To the extent practicable, parking is to be located at the rear of buildings so it is not visible from the street.
- New buildings are to be constructed with exterior materials, roof pitch, and windows that are commonly used on single-family residences, with an exception for lots on a street where, as of fall 1988, 75 percent of the existing buildings did not have roof pitches that met the standard.

A copy of the district definition described above is attached (*Attachment C*). A map showing the boundaries of the downtown commercial zoning districts with the areas where the B-1(c) and the B-1(g) face residential zones across a street right-of-way outlined is attached. (*Attachment D*). This map also depicts the locations where two other commercial zoning districts, the CT and the M-1 face residential zones across a street right-of-way. As in the B-1 districts, there are no street right-of-way setback requirements in the CT and M-1.

Planning Board Review

The Planning Board has given particular consideration to downtown development in recent years. Staff consulted with the Planning Board regarding the requested follow-up to the adoption of the downtown amendments. At its meetings on October 2 and October 16, the Planning Board discussed the changes to height and other regulations in downtown zoning districts and the possible

effects of rezoning some properties to B-2. The Planning Board has recommended that the B-1(c) and B-1(g) districts remain as they are with measures added to mitigate the height differential that may occur where residential and non-residential areas face one another across a street right-of-way. A discussion of possible approaches to mitigating the height differential were noted by the Planning Board on October 2nd. The recommendation and the minutes of the Planning Board's October 2nd meeting are attached (*Attachment E*).

Findings for rezoning to B-2

1. A reduction in the potential intensity of commercially developed areas does not appear to be in keeping with goals of Vision 2020 or the Downtown Vision: New Carrboro, excerpted here (three of the five bulleted items within Vision2020, Section 3.21 are included):
 - 3.21** The town should develop a plan to govern the continuing development of downtown. Toward this end, the town should adopt the following goals:
 - To double commercial square footage in the downtown from that existing in the year 2000.
 - To accommodate additional square footage by building up, not out.
 - To increase the density of commercial property in the downtown area
2. The B-2 zoning district is defined to allow the conversion of residential properties to commercial uses, with design standards that would minimize the impact of the changes in use to adjacent residential areas. This could suggest that portions of the R-7.5 districts be rezoned to B-2, rather than the reverse of this action.
3. The ordinance provisions that were adopted are complicated and extensive in their scope. In particular, the requirements for a conditional use permit for any buildings over two stories in height in the B-1(c) and over three stories in height in the B-1(g) override the use-based permit provisions found in the permissible use table and will result in the highest level of review for projects involving any increases in height over that permitted prior to April of this year. The new requirement that the applicant be responsible for the burden of proof in support of the additional height provides a greater level of assurance that permit requests for taller buildings will be intensely scrutinized.
4. The adopted provisions appear to provide sufficient protection and have been devised to balance the competing interests that have marked the Town's action in relation to downtown development for many years – maximizing the opportunities for commercial activity within a defined geographical area without negatively impacting nearby residential neighborhoods.
5. If the Board of Aldermen were to conclude that further protection is needed, the Administration would recommend that the Board direct the staff to develop an overlay zoning district for portions of the B-1(c) and B-1(g) zoning districts that face residential zoning districts across street rights-of-way. Street right-of-way setbacks consistent with those found in the residential districts would be established for the commercial zones and these would take precedence over the setback provisions contained within the building height provisions adopted in April 2003.

ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution accepting this report (*Attachment A*).