

ATTACHMENT A

**A RESOLUTION ACCEPTING THE STAFF REPORT ON FOLLOW-UP TO
ADOPTION OF THE BUILDING HEIGHTS ORDINANCE PROVISIONS**

Resolution No. 51/2003-04

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for consideration of existing and proposed policies and regulations; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen receive and accept the staff reports on this matter.

This is the 28th day of October in the year 2003.

ATTACHMENT B

The following ordinance was introduced by Alderman Alex Zaffron and duly seconded by Alderman John Herrera.

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE
RELATING TO BUILDING HEIGHTS, ACTIVE RECREATIONAL FACILITIES
REQUIREMENTS AND SIDEWALK WIDTH REQUIREMENTS IN DOWNTOWN
COMMERCIAL ZONING DISTRICTS**

Ordinance No. 28/2002-03

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-185(a) of the Land Use Ordinance is rewritten by making the existing subsection (a) (3) the new subsection (a) (7) and rewriting and adding subsections (a) (2) through (a) (6):

(a) Subject to the remaining provisions of this chapter:

- (1) No building in any of the following zoning districts may exceed a height of thirty-five feet: R-3, R-7.5, R-10, R-15, R-20, RR, C, B-5, M-2, WM-3, O, and O/A.
- (2) No building in any of the zoning districts listed in the following table may exceed the height indicated.

ZONE	MAXIMUM HEIGHT
R-S.I.R.	100'
R-S.I.R.-II	100'
CT	Three Stories
B-2	Two Stories
B-3	28'
B-3-T	28'
B-4	50'
R-2	50'
M-1	Three Stories
WR	40'

- (3) Buildings in the B-1(c) and the B-1(g) districts may be constructed to a maximum height of three stories where the lot on which the building is located abuts a street right-of-way of fifty feet or less and four stories where the lot on which the building is located abuts a street right-of-way of more than fifty feet or where the lot is located at least fifty feet from the nearest public street right-of-way, except that:
 - a. If a property owner whose property in a B-1(c) or B-1(g) district abuts a street right-of-way of fifty feet or less dedicates additional right-of-way to increase the right-of-way to more than fifty feet, then the developer of a building on such property may take advantage of the additional height authorized under this subsection for buildings on lots that abut street rights-of-way of more than fifty feet, so long as such dedication occurs before a building permit is issued for a building that takes advantage of such additional height.

- b. If a building in a B-1(c) or B-1(g) district is located on a lot that abuts more than one street, then for purposes of determining the height limit under this subsection, the lot shall be treated as if it abutted only the street having the narrowest right-of-way.
- c. The maximum building height authorized in the first sentence of Subsection (a)(3) of this section may be increased by one story, up to a maximum height of five stories, for every ten feet that the additional story is set back from the street right-of way beyond the setback specified in Section 15-184.
- d. Any portion of a building (located on lots within a B-1(c) or B-1(g) district) that exceeds thirty-five feet in height must be set back from the property line of any adjoining residentially zoned lot at least a distance equal to twice the lot boundary line setback requirement applicable to such adjoining lot.
- e. Notwithstanding the other provisions of this section, no building in excess of two stories shall be permitted on (i) any lot within the Town's National Register Commercial District upon which there exists on the effective date of this subsection a contributing building, or (ii) any lot upon which there exists on the effective date of this subsection a building listed on the National Register of Historic Places, if, after the effective date of this subsection, such contributing building or building listed on the National Register of Historic Places is demolished. This limitation shall not apply to the relocation of such building to another lot. For purposes of this subsection, a "contributing building" is a building or structure within the boundaries of the district that adds to the historic associations, historic architectural qualities, or archaeological values for which the historic district is significant. A contributing building must also retain its "integrity." In other words, the property must retain enough of its historic physical features to convey its significance as part of the district. Alterations can damage a property's historic appearance and its integrity
- f. Notwithstanding the permit requirements established in Sections 15-146 and 15-147, if a developer proposes to construct within the B-1(c) zoning district a building that exceeds two stories or within the B-1(g) zoning district a building that exceeds three stories, a conditional use permit must be obtained.
- g. If a conditional use permit for a development is required under Subsection (a)(3)f of this section, then, notwithstanding the provisions of Subsection 15-54 (c) and Section 15-55 of this chapter, the applicant for such conditional use permit shall have the burden of demonstrating that, if completed as proposed, the development:
 - 1. Will not substantially injure the value of adjoining or abutting property; and
 - 2. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural

detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings.

3. Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.

- (4) Regardless of whether a building in a B-1(c), or B-1 (g) district is set back from the street beyond the setback specified in Section 15-184, if a mansard, gable, or gambrel roof substantially conceals the existence of a story (i.e. the height of the space that constitutes the story is provided primarily by the roof of the building rather than vertical exterior walls), that story shall not be counted toward the maximum number of stories otherwise allowed under this section, except that in no case shall the maximum building height (including the story contained within the mansard, gable, or gambrel roof) exceed five stories in the B-1(c) or B-1(g) district.
- (6) If a parking structure is incorporated into a building, the parking level(s) shall not be counted towards the maximum number of stories otherwise allowed under this section, so long as the parking activities are substantially concealed from view from adjacent rights-of-way, except that in no case shall the maximum building height (including the story used for the parking structure) exceed five stories in the B-1(c) or B-1(g) district.

Section 2. Subsections 15-15 (40) and 15-15 (113) are rewritten to read as follows:

- (40) **FLOOR.** The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in a frame construction. See the definition of "Floor" in Subsection 15-251 (5) for all matters pertaining to floodplain and floodway regulations.
- (113) **STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, a distance typically measuring between nine and fourteen feet. The term story does not include any building level(s) that are substantially enclosed below the finished grade at the front of the building, so long as the finished grade does not substantially differ from the pre-construction, natural grade.

Section 3. Subsection 15-185(g)(3) is rewritten to read as follows: "The terms "story" and "floor" are defined in Section 15-15.

Section 4. Subsections 15-184(k) and 15-185(f) are hereby repealed.

Section 5. The opening paragraph of Subsection 15-221 (f) is amended to read as follows:

(f) The sidewalks required by this section shall be at least five feet wide, except that, where practicable, the sidewalks in the B-1I, B-1(g), B-2, and C-T zoning districts shall be at least ten feet wide. Sidewalks are to be constructed according to the specifications set forth in Appendix C, except that the permit issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that:

Section 6. Section 15-196 (Active Recreational Areas and Facilities Required) is amended by adding a new subsection (i) that reads as follows:

(i) The active recreational facilities requirement for developments located in the B-1(c), B-1(g), B-2, and CT zoning districts may be satisfied by alternative amenities, such as, but not limited to, sculpture, fountains, benches, and mini-parks. The point value of any alternative amenities shall be determined using the methodology set forth in Appendix G.

Section 7. The title of Section 15-182.2 is amended to read "Effect of Public Acquisition of Property on Density, Setback, and Height Requirements," and a new subsection (f) is added to that section to read as follows:

(f) Notwithstanding any other provisions of this chapter, if a property owner dedicates or the town or the State otherwise acquires from a property owner additional right-of-way along an existing street, then to the extent that the height of a building is dependent on the distance a building is set back from a street right-of-way, the maximum building height permitted under Section 15-185 shall be calculated as if such dedication or acquisition had not been made, provided that this provision shall not be applicable if right-of-way is dedicated pursuant to subsection 15-185(a)(3)(a).

Section 8. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 9. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 8th day of April, 2003:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Michael Nelson, John Herrera, Alex Zaffron

Noes: Jacquelyn Gist


















Absent or Excused: None

ATTACHMENT C

EXCERPT OF ARTICLE IX, SECTION 15-136 OF THE CARRBORO LAND USE ORDINANCE.

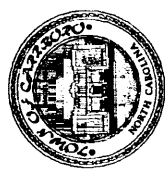
- (3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts. 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. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to 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. Any development within the B-2 district shall comply with the following requirements:
- a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
 - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and
 - c. Whenever a new building is erected in this district, (i) the exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood, or fabricated residential lap siding made of hardboard or aluminum); (ii) the pitch of the roof shall have a minimum vertical rise of one foot for every five feet of horizontal run; provided that this requirement shall not apply to lots that have frontage on any street where, within the same block as the property in question, at least 75% of the buildings (in place on September 6, 1988) within the B-2 district that front along the same side of the street do not have roofs that comply with this pitched roof standard; and (iii) windows shall be of a type commonly used in single-family residences. (AMENDED 09/06/88)

Residential/Commercial Interface in Downtown Carrboro

-  Ct-M-R interface.shp
-  Parcels83.shp
-  Carrboro Planning Boundary
-  Carrboro Town Limits
-  B-1-Rinterface.shp
-  B-1g.shp
-  BIC
-  BIG
-  B2
-  B3
-  CT
-  M1
-  R10
-  R2
-  R3
-  R7.5
-  Text Road Names (Major)



NC State Plane Coordinate System (NAD83)

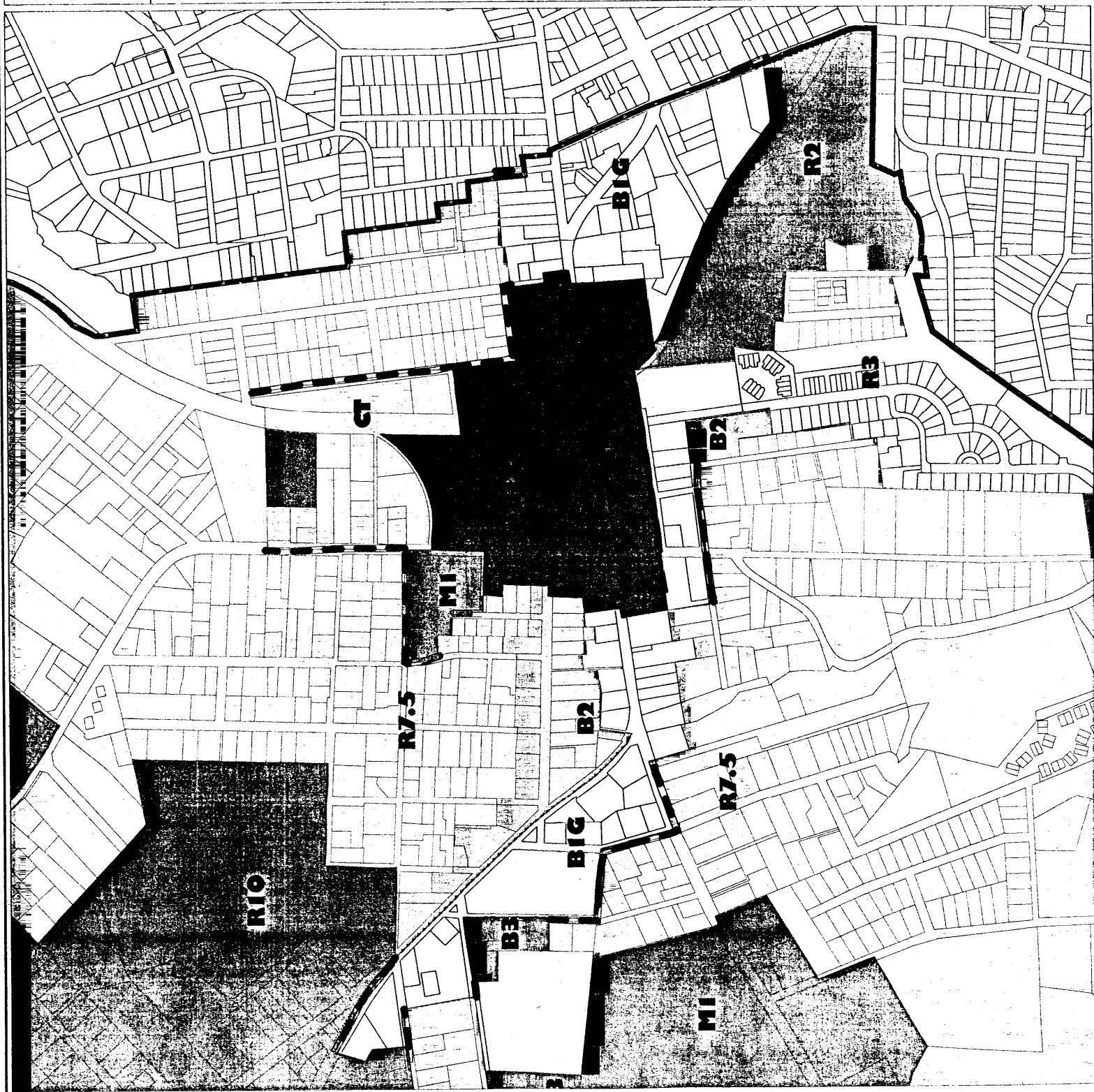


TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

24 October 2003
Patrick McGowan, Planning Director
919-771-7114

ATTACHMENT D

THIS MAP IS NOT A CERTIFIED SURVEY AND IS FOR INFORMATIONAL PURPOSES ONLY. THE REQUESTOR MUST BE AWARE OF DATA CONDITIONS AND UTILIZE THE APPROPRIATE USE OF THE INFORMATION WITH RESPECT TO POSSIBLE COLLECTION METHODOLOGY, CURRENCY OF DATA, AND OTHER CONDITIONS.



TOWN OF CARRBORO
PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

OCTOBER 16, 2003.

REVIEW OF BUILDING HEIGHT ISSUES AT THE INTERFACE OF COMMERCIAL
AND RESIDENTIAL ZONING DISTRICTS IN THE DOWNTOWN

MOTION MADE BY JAMES CARNAHAN AND SECONDED BY BRITT LUDWIG TO INDICATE TO THE BOARD OF ALDERMEN THAT THE PLANNING BOARD IS NOT IN FAVOR OF THE PROPOSAL TO REZONE CERTAIN AREAS TO THE B-2 ZONING DISTRICT BUT DOES SUGGEST THAT THE BOARD OF ALDERMEN LOOK INTO ALTERNATIVE WAYS TO MITIGATE SITUATIONS WHERE DIFFERENTIAL HEIGHT MAXIMUMS FACE EACH OTHER ACROSS THE STREET OR AT PROPERTY LINES.

VOTE: AYES (8) (Marshall, Hammill, Carnahan, Hogan, Poulton, West Ludwig, Babiss); NOES (0); ABSENT/EXCUSED (2) (Haven-O'Donnell, Paulsen).

Planning Board members also discussed whether there were limitations on how far buildings could be setback from the right-of-way and whether parking at the fronts of buildings was regulated. Following a brief discussion, the following motion was entertained:

MOTION WAS MADE BY JOHN MARSHALL AND SECONDED BY ROB HOGAN TO RECOMMEND TO THE BOARD OF ALDERMEN THAT THE VEHICLE AREA ACCOMODATION LIMITATION PROVISION FOR THE B-2 ZONING DISTRICT THAT IS SPECIFIED IN SECTION 15-136(3)(B) ALSO APPLY TO THE B-1(C) AND B-1(G) ZONING DISTRICTS.

VOTE: AYES (8) (Marshall, Hammill, Carnahan, Hogan, Poulton, West Ludwig, Babiss); NOES (0); ABSENT/EXCUSED (2) (Haven-O'Donnell, Paulsen).

John Marshall / pp 10/21/03
John Marshall, Chair (date)



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

M I N U T E S

THURSDAY, OCTOBER 2, 2003

PLANNING BOARD MEMBERS

STAFF

JOHN MARSHALL

STAN BABISS

RANDEE HAVEN-O'DONNELL

TRISH MCGUIRE

FRANK HAMMILL

Heidi Paulsen

JAMES CARNAHAN

ANDE WEST

BRITT LUDWIG

SUSAN POULTON

NOTE: Absent/Excused: ROB HOGAN,

I. WORKSESSION ITEM: REVIEW OF BUILDING HEIGHT ISSUES AT THE INTERFACE OF COMMERCIAL AND RESIDENTIAL ZONING DISTRICTS IN THE DOWNTOWN

TRISH MCGUIRE MADE A PRESENTATION ON THE BUILDING HEIGHT CHANGES THAT WERE ADOPTED FOR THE B-1(C) AND B-1(G) ZONING DISTRICTS IN APRIL 2003 AND NOTED THAT 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;
- ❖ THAT STAFF REPORT ON THE POSSIBLE ESTABLISHMENT OF A HISTORIC DISTRICT IN THE DOWNTOWN

MS. MCGUIRE NOTED THAT THE BOARD HAD PRIORITIZED THE FIRST REQUESTED ITEM AND THAT A REPORT ON THIS MATTER WAS SCHEDULED TO GO BEFORE THE BOARD OF ALDERMEN IN LATE OCTOBER. MS. MCGUIRE SUMMARIZED THE BUILDING HEIGHT CHANGES AND PROVIDED ILLUSTRATIONS OF EACH SITUATION, AND ALSO ILLUSTRATIONS OF POTENTIAL BUILDING MASSING ON CARR STREET. PLANNING BOARD MEMBERS DISCUSSED THE CHANGES AND THE POSSIBLE EFFECTS OF REZONING SOME PROPERTIES TO B-2, INCLUDING:

1. THAT SETBACKS FOR NEW NON-RESIDENTIAL BUILDINGS FACING RESIDENTIAL BUILDINGS MAY BE INCLUDED.
2. THAT SOLAR/SHADING IMPACTS NEED TO BE CONSIDERED.
3. THAT THE REZONING WOULD SIGNIFICANTLY REDUCE DEVELOPMENT POTENTIAL UNLESS THE MAXIMUM HEIGHT IN THE B-2 WAS INCREASED.
4. THAT, THOUGH NOT LIMITED BY A MEASURED MAXIMUM, THE TWO-STORY LIMIT LIKELY WOULD RESULT IN LESS MASS THAN COULD BE BUILT IN R-7.5 ZONING DISTRICTS THAT ARE LOCATED ACROSS THE STREET FROM THE AREAS UNDER CONSIDERATION FOR REZONING TO B-2.
5. THAT SETBACKS MIGHT BE MORE VARIABLE AND LINKED TO R/W WIDTH, AS IS DONE FOR THE NUMBER OF STORIES.
6. THAT SOME ADJUSTMENTS ALONG THE FRINGE (PRINCIPALLY WHERE UNLIKE USES WILL FACE EACH OTHER ACROSS THE STREET) WOULD BE APPROPRIATE.

MOTION MADE BY BRITT LUDWIG AND SECONDED BY FRANK HAMMILL TO INDICATE TO THE BOARD OF ALDERMEN THAT THE PLANNING BOARD IS NOT IN FAVOR OF THE PROPOSAL TO REZONE CERTAIN AREAS TO THE B-2 ZONING DISTRICT BUT DOES SUGGEST THAT THE BOARD OF ALDERMEN LOOK INTO ALTERNATE WAYS TO MITIGATE SITUATIONS WHERE DIFFERENTIAL HEIGHT MAXIMUMS FACE EACH OTHER ACROSS THE STREET.

VOTE: AYES (9) (Marshall, Hammill, Carnahan, Haven-O'Donnell, Poulton, West Ludwig, Paulsen, Babiss); NOES (0); ABSENT/EXCUSED (1) (Hogan).

THE PLANNING BOARD WILL CONTINUE ITS DISCUSSION OF THE STRATEGIES THAT MIGHT BE USED TO MITIGATE THE HEIGHT DIFFERENTIAL AT ITS MEETING ON OCTOBER 16TH. STAFF IS TO PROVIDE ILLUSTRATIONS OF THE POSSIBLE MASSING OF BUILDINGS ON LAUREL AVENUE, COBB STREET/LLOYD STREET, AND CARR STREET FOR THAT MEETING.

II. RESEARCH ITEMS: HOUSING DIVERSITY

JOHN MARSHALL SUMMARIZED A NUMBER OF GOALS THAT HAD BEEN DISCUSSED DURING THE PLANNING BOARD MEETING IN JUNE 2002. THESE GOALS INCLUDE:

- 1) MIX OF HOUSING TYPES;
- 2) A MIX OF COMMERCIAL USES WITHIN RESIDENTIAL AREAS (E.G. CORNER STORES);
- 3) DESIGN STANDARDS FOR BUILDINGS AND STREETS AND THE RELATIONSHIP OF EACH TO THE OTHER;
- 4) RESTRICTIONS ON THE SCOPE OF RENTAL PROJECTS/LIMIT ON NUMBER OF RENTAL UNITS IN MULTI-FAMILY DEVELOPMENTS;

THERE WAS SOME DISCUSSION OF THESE GOALS AND THE REASONING BEHIND INCLUDING THEM, SUCH AS CONCERN THAT, DUE TO THE LARGE PERCENTAGE OF MULT-FAMILY, RENTAL HOUSING TYPES AND THE EMPASIS THAT IS PLACED ON MULTI-FAMILY AS A POTENTIAL SOURCE OF AFFORDABLE HOUSING, THAT THE END RESULT WOULD NOT BE A DIVERSE HOUSING STOCK. IT IS THE GOAL OF THE PLANNING BOARD TO DEDICATE A MEETING TO THIS TOPIC AT SOME TIME IN THE NEAR FUTURE AND COMPLETE THE DISCUSSION.

III. MINUTES APPROVAL

MOTION WAS MADE BY JAMES CARNAHAN AND SECONDED BY STAN BABISS TO APPROVE THE MINUTES OF THE AUGUST 21, AND SEPTEMBER 4 MEETINGS

VOTE : AYES (8) (Marshall, Hammill, Carnahan, Haven-O'Donnell, West, Ludwig, Paulsen, Babiss); NOES (0); ABSENT/EXCUSED/ABSTAINED (2) (Hogan, Poulton)

IV. OTHER BUSINESS

The Planning Board took no action on these items.

V. **ADJOURN!!**

There being no further business, the chair adjourned the meeting at approximately 9:35 p.m.