

# BOARD OF ALDERMEN

ITEM NO. D(4)

## AGENDA ITEM ABSTRACT

**MEETING DATE: Tuesday, March 2, 2004**

**TITLE: Continued Discussion of Overlay Zoning**

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: <b>A. Resolution</b>	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

### PURPOSE

On February 24, 2004, the Board of Aldermen reviewed a report on overlay zoning and other mechanisms that might be used to refine development at the edge of commercial and residential areas in the downtown. The Administration recommends that the Board of Aldermen adopt the attached resolution accepting this report and specify any other actions as desired.

### INFORMATION

The February 24, 2004 report follows from the adoption of amended building heights in downtown commercial zoning districts in April 2003. An initial follow-up report provided in October 2003 report explored a possible rezoning strategy for refining the new height provisions. The Board of Aldermen requested additional information, reviewed that material on February 24<sup>th</sup> and continued the discussion to the March 2nd meeting for further discussion. In addition to acceptance of the staff report, three possible approaches to any next steps were noted. These approaches are as presented below. During the discussion of this matter on February 24<sup>th</sup>, Town Attorney, Mike Brough, offered summary comments regarding the map and text changes and those comments are included in italic text. Where applicable, some additional comments have also been included.

1. Let the April 2003 ordinance amendments remain, with plans to revisit the provisions in their entirety after a concept plan for a downtown development project has been submitted or one year has elapsed, or,
2. Budget funds for an update of the *Carrboro Downtown Business District Guidelines for Design (CDBDGD)*, or
3. Directs staff to proceed with the actions necessary to
  - a. Devise a new ‘fringe’ zoning district in locations where taller buildings would appear to create too great an impact on adjacent residential neighborhoods, identify areas to be included in the new district and bring back an ordinance to implement these steps. *This approach can be characterized as going back to the zoning provisions for the selected properties as they were before April 2003. This is the case for the most part, although prior to the ordinance amendments in April 2003, the height limitations in both the B-1(c) and the B-1(g) districts were expressed as*

*'stories.'* A maximum of two in the B-1(c) and three in the B-1(g). The Town had shifted to using stories for downtown building height measurements in 2001 in accordance with the CDBDGD. The proposed 35-foot limitation would be more restrictive than the previous limitation in the B-1(g) and less so than that in the B-1(c).

- b. Devise an overlay zone that captures all lots in the commercial areas that have frontage on street rights-of-way where the lots on the opposite side of the right-of-way are located in residential zoning districts. Prepare ordinance amendments that make the setback and building height requirements in these locations mirror the residential requirements and investigate the costs and time frame associated with updating the Downtown Design Guidelines to include visual representations of where, when, and how taller buildings should be incorporated into downtown Carrboro. *This approach would not affect the height limitations established in April 2003, but would make the residential setbacks apply in the commercial zones where the right-of-way setbacks are currently zero.*
- c. Draft a land use ordinance text amendment that modifies Section 15-184(c) so that the residential setback provisions apply along street rights-of-way as well as lot boundary lines. *As an alternative to the map amendments, this approach may be seen as having advantages and disadvantages. One advantage is that it can be accomplished without rezoning any properties. However, a disadvantage is that it is the least refined approach in that it cannot be applied on a lot-by-lot basis as can be done in delineating lots to include in a new zoning district, overlay or otherwise.*

### **FISCAL IMPACT**

Amending the Land Use Ordinance for map or text amendments involves staff analysis and administration of the proposed amendment, advisory board review, and advertising costs associated with ordinance preparation and public notice. The 1991 cost of production of the Downtown Design Guidelines was approximately \$16,000. Should the Board wish to proceed with this step, additional information on the cost to update this document will be compiled.

### **ADMINISTRATION'S RECOMMENDATION**

The Administration recommends that the Board of Aldermen adopt the attached resolution accepting this report and selecting from among the noted alternatives for additional action (*Attachment A*).