

**Attachment "A"**

**A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE  
TEXT AMENDMENT TO REVISE BUILDING HEIGHT LIMITATIONS  
RELATED TO SCHOOLS  
Resolution No. 178/2003-04**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing and proposed policies and regulations.

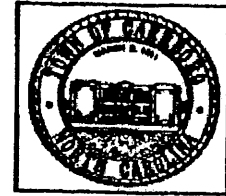
NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on June 22, 2004 to consider adopting an amendment to the text of the Land Use Ordinance that would revise the building height limitations related to elementary and secondary schools.

BE IT FURTHER RESOLVED that the draft amendment is referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for comment and recommendation to the Board.

This is the 8<sup>th</sup> day of June in the year 2004.

MAY 26 2004

TOWN OF CARRBORO



LAND USE ORDINANCE AMENDMENT REQUEST

To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):  
SECTION 15-1B5 (a)(1): WOULD ALLOW A MAXIMUM BUILDING HEIGHT OF 35 FEET

2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):  
PROPOSED AMENDMENT WOULD ALLOW THE BUILDING HEIGHT OF A HHH SCHOOL TO EXCEED 35 FEET.

3) State the reasons for the proposed amendment:

A) AUDITORIUM STAGE AREA NEEDS TO EXCEED 35 FEET DUE TO BIGGING OF LIGHTS, CURTAINS AND SUPPORT STRUCTURE. NEED HEIGHT ± 45-50 FEET

B) GYMNASIUM AND CLASSROOM WINGS EXCEED 35 FEET DUE TO THE INCORPORATION OF NATURAL DAYLIGHT AND MECHANICAL MEZZANINES (HEIGHT ± 42')

SIGNATURE: *Steven J. Miller* CLH DESIGN, PA  
applicant STEVEN J. MILLER  
(print)

ADDRESS: 125 EDINBURGH SQ, SUITE 310, CARY, NC 27511

TELEPHONE NUMBER: 919-319-6716

TABLE OF PERMISSIBLE USES

ATTACHMENT C

Last Amended:

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, SIR10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A	
<b>4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment</b>																							
4.100 All operations conducted entirely within fully enclosed buildings									ZC					ZC	ZC	C				C		C	
4.200 Operations conducted within or outside fully enclosed buildings															ZC								
<b>5.000 Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses</b>																							
<b>5.100 Schools</b>																							
5.110 Elementary and secondary (including associated grounds and athletic and other facilities)	C	C	C	C	C	C	C	C	C										Z	C			
5.120 Trade or vocational school								Z	ZC					C	ZC	C	C			C			
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)							C	Z	ZC					C	C		C						
5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)	ZS	ZS	ZS	ZS	ZS	ZS	ZS	Z	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS			C	C		ZS	ZS
5.300 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)																							
5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet	S	S	S	S	S	S	S	ZS	Z	Z	Z	Z	S	ZS		ZS			C		Z	ZS	
5.320 Located within any permissible structures								ZS	ZS	ZC			S	ZS		ZS			C		C	ZS	
5.400 Social, fraternal clubs and lodges, union halls, and similar uses								ZS	ZS	ZS			S	S		ZS			C				
<b>6.000 Recreation, Amusement, Entertainment</b>																							
6.100 Activity conducted entirely within building or substantial structure																							
6.110 Bowling alley, skating rinks, indoor tennis and squash courts, billiards and pool halls, indoor athletic and exercise facilities and similar uses								ZS	ZS		ZS	ZS	ZS	ZS		ZS			C				
6.120 Movie Theaters																							
6.121 Seating capacity of not more than 300								ZS	ZS				ZS	S		ZS						S	
6.122 Unlimited Seating Capacity								S	ZS				ZS	S		ZS							
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1000 people								C	C				C	C		C							

Art. XII DENSITY AND DIMENSIONAL REGULATIONS

may recommend, and upon such recommendation the applicant may amend his plans to propose and the permit issuing authority may authorize, an encroachment of such architectural feature into the required setback area.

- (1) For purposes of this subsection, the term "architectural feature" includes any part of a building other than a building wall or mechanical appurtenance.
- (2) The maximum encroachment that can be authorized under this subsection is two feet.
- (3) The encroachment may be allowed when the appearance commission and permit issuing authority both conclude that authorization of the encroachment would result in a building that is more compatible with the surrounding neighborhood than would be the case if the encroachment were not allowed. **(AMENDED 11/09/93)**

**(q)** Notwithstanding the other provisions of this section, in the historic district, no portion of any new dwelling unit on a flag lot may be located any closer than fifteen (15) feet from any property line or any closer than thirty (30) feet from any existing dwelling unit located on the lot from which the flag lot was created (see Section 15-175.10). **(AMENDED 11/21/95)**

**(r)** Notwithstanding the other provisions of this section, the base of a use classification 18.200 tower shall be set back from a street right-of-way line and a lot boundary lane a distance that is not less than the height of the tower. **(AMENDED 02/18/97)**

**(s)** Notwithstanding any provision in this section with respect to use classification 1.340, single-room occupancy buildings may be set back from a street right-of-way line a distance that is consistent with the setbacks of other nearby buildings that front the same street. **(AMENDED 01/11/00)**

**Section 15-185 Building Height Limitations. (AMENDED 9/13/83; 2/4/86; 11/14/88;4/8/03)**

- (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.

<b>ZONE</b>	<b>MAXIMUM HEIGHT</b>
R-S.I.R.	100'
R-S.I.R.-II	100'
CT	Three Stories
B-2	Two Stories

Art. XII DENSITY AND DIMENSIONAL REGULATIONS

<b>ZONE</b>	<b>MAXIMUM HEIGHT</b>
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 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 as 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 s 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 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.

- (5) 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.
- (6) It shall be presumed that any building that satisfies the following criteria complies with the standards set forth in subsection (2) for allowing a building height of up to 49 feet in the B-1(c) district and that any building that does not comply with all of the criteria does not satisfy this standard. However, this presumption is rebuttable.
  - a. No plane comprising a portion of the building's exterior wall or roof surface that is oriented toward and visible from any point within a street, parking area or pedestrian way and that lies within 200 feet of such point has a surface whose horizontal run exceeds forty feet or a vertical rise that exceeds twenty-eight feet. For purposes of this subdivision: (i) a plane is a flat surface of such a nature that a straight line joining any two of its points lies wholly in the surface; (ii) when a plane continues along the same orientation as another plane, the two shall be regarded as one unless the nearest edges of the two planes are at least two feet apart and the protrusion or indentation that divides them extends outward or is recessed at least a distance of two feet from the surface of the planes; (iii) when a plane continues along an orientation that is parallel to another plane, the two planes shall be regarded as one unless a distance of at least two feet separates one plane from the imaginary extension of the other parallel plane; (iv) the horizontal run of a plane is determined by measuring the distance along the longest horizontal line that intersects at right angles two parallel vertical lines each one of which touches opposite edges of the plane; (v) the vertical rise of a plane is determined by measuring the distance along the longest vertical line that intersects at right angles two parallel horizontal lines each one of which touches opposite edges of the plane.
  - b. The building includes a covered pedestrian area equal in square feet to the length of the longest side of the building. For purposes of this determination, a side includes all planes with the same basic orientation--north, south, east, or west. Space under awnings shall be considered covered space.
  - c. The building includes an outside plaza or courtyard equal in square feet to six times the length of the longest side of the building, which area is attractively landscaped for pedestrian park type uses and

integrated with pedestrian ways planned or existing in the immediate area.

- d. In lieu of design criteria 'b' and 'c', the building contains substantial atrium space.
- e. A reasonable amount of exterior decoration is incorporated in the building design. Exterior decoration may include detailed cornices, unique windows and window treatment, brick detailing, glazing, fountains, statues, vegetation and landscaping other than that required to meet other standards in this ordinance.



- (c) Subject to subsections (c) and (d) the features listed in this subsection, when attached to a principal building, may be constructed to a height that does not exceed the lesser of (i) 120% of the district height limitation set forth in subsection (a), or (ii) the district height limitation set forth in subsection (a) plus fifteen feet. By way of illustration, in a zoning district with a height limitation of thirty-five feet, the following features may be constructed to a height of forty-two feet, but such features may not exceed the forty-two feet height limit even if a height variance has also been granted for the principal building (unless a variance has also been granted regarding the height limitation affecting such features.)
  - (1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;
  - (2) Flagpoles and similar devices;
  - (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
- (d) The exceptions set forth in subsection (b) to the height limitations set forth in subsection (a) shall not be allowed if and to the extent that the permit issuing authority, or the board of adjustment if the permit-issuing authority is the zoning administrator, concludes that such exception(s) would materially interfere with the legitimate use and enjoyment of neighboring properties (including public properties or rights-of-way) or would otherwise pose a danger to the public health and safety.
- (e) The features listed in subsection (b) may exceed the height limitation set forth in subsection (a) only in accordance with the following requirements:
  - (1) Not more than one-third of the total roof area may be consumed by such features.
  - (2) The features described in subdivision (b)(3) above must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.
  - (3) Enclosures for any of the features set forth in subsection (b) may not surround a greater area than is reasonably necessary to enclose such features.
  - (4) The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subdivisions (b)(1) and (3) from view.
- (f) Towers and antennas shall not be subject to the maximum height limitations set forth in this section but shall be governed by the restrictions inherent on the definitions of such uses as well as the other provisions of this chapter applicable to use classification 18.000. The height of a tower or antenna attached to a structure

other than an antenna shall be the vertical distance measured from the main elevation of the finished grade at the front of the building or structure to which the tower is attached to the top of the tower (or antenna, if the antenna extends above the tower). **(AMENDED 02/18/97)**

(g) ~~Notwithstanding subsection (a), in any zoning district the vertical distance from the ground to a point of access to a roof surface of any non-residential building or any multi-family residential building containing four or more dwelling units may not exceed thirty-five feet unless the fire chief certifies to the permit-issuing authority that such building is designed to provide adequate access to fire fighting personnel or the building is otherwise designed or equipped to provide adequate protection against the dangers of fire. **(REPEALED 04/08/03)**~~

(g) For purposes of this section:**(AMENDED 06/28/94; 04/08/03)**

- 1) Subject to subsection (g) (2), the height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
- 2) With respect to single-family detached residences, the height of a building shall be the vertical distance measured from the floor of the main story of the residence at the front elevation to the top of the roof above the floor.
- 3) The terms "story" and "floor" are defined in Section 15-15. **(AMENDED 04/08/03)**

**Section 15-186 Cluster Subdivisions.**

(a) In any single-family residential subdivision in the zones indicated below, a developer may create lots that are smaller than those required by Subsection 15-181 if such developer complies with the provisions of this section and if the lots created are not smaller than the minimums set forth in the following table:

**\*\* DRAFT 05-28-04 \*\***

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE  
RELATING TO BUILDING HEIGHTS OF ELEMENTARY  
AND SECONDARY SCHOOLS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-185, Building Height Limitations of the Land Use Ordinance is revised by the addition of a new subsection (f) that reads as follows:

- (a) Notwithstanding the remaining provisions of this section, the maximum building height for structures utilized for 5.100 use classifications, elementary and secondary schools, may be increased to not more than 50 feet when the permit issuing authority concludes that the additional height is necessary to accommodate specific building elements (e.g. auditorium and support facilities) or to accommodate building designs that seek to minimize building footprints and/or maximize natural lighting.

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.