

**A RESOLUTION CALLING A PUBLIC HEARING ON THE ESTABLISHMENT AND
PLACEMENT OF A DOWNTOWN NEIGHBORHOOD PROTECTION
OVERLAY ZONING DISTRICT
Resolution No. 151/2004-05**

WHEREAS, the Carrboro Board of Aldermen must receive public comment on requests for rezonings; and

WHEREAS, the B-1(f) Review Subcommittee has developed a proposal for a Downtown Neighborhood Protection overlay zoning district as described in the attached draft ordinance entitled "AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO CREATE A DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT" and illustrated on the map attached thereto.

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen calls a public hearing on June 28, 2005 to receive public comment on the establishment and placement of the Downtown Neighborhood Protection Overlay District

BE IT FURTHER RESOLVED that the draft ordinance be referred to the Planning Board and Orange County for recommendations and that the rezoning proposal also be referred to the Planning Board.

Downtown Neighborhood Protection Overlay

Remove from RHDC

DNP Overlay

Properties

RHDC Overlay

Text Street Names

Zoning

B1C

B1G

B2

B3

B3T

CT

M1

OA

R10

R15

R2

R3

R75



660 0 660 Feet

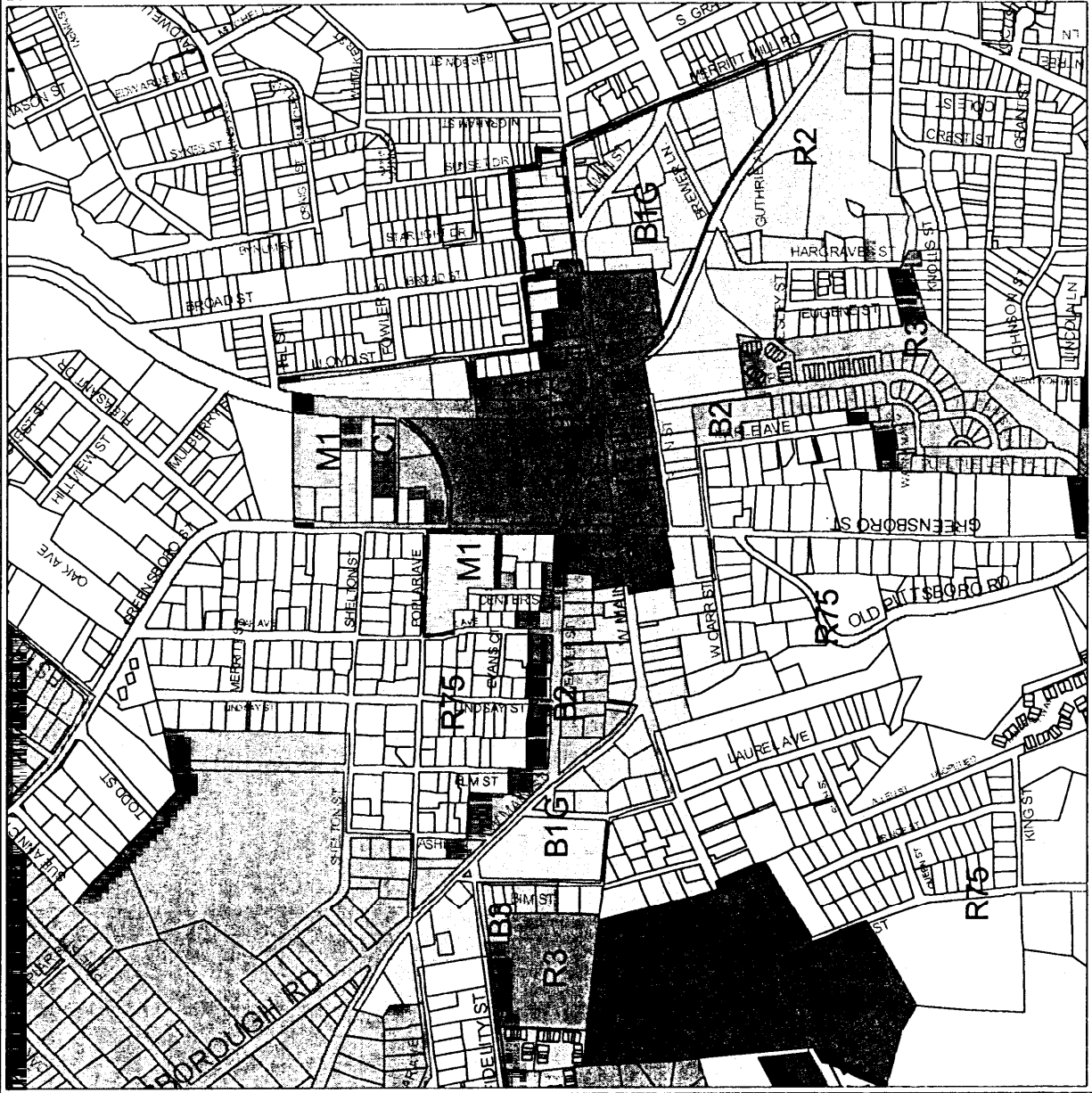
NC State Plane Coordinate System (NAD83)



TOWN OF CARRBORO
301 W. MARKET ST.
CARRBORO, NC 27510

February 2008
Planning and Development
11.1.1.207

THIS MAP IS NOT A CERTIFIED SURVEY AND IS FOR REFERENCE ONLY.
The preparator must be aware of data conditions and ultimately bear responsibility for
appropriate use of the information with respect to possible errors, or signal map scale
collection methodology, currency of data, and other conditions specific to the data.



**AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO CREATE A
DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT AND TO
AMEND THE OFFICIAL ZONING MAP TO INCLUDE DESIGNATED PROPERTIES
REVISED **5-12-05****

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IX, Part 1, of the Carrboro Land Use Ordinance is amended by adding a new Section 15-143.4 to read as follows:

Section 15-143.4 Downtown Neighborhood Protection Overlay District

(a) There is hereby created a Downtown Neighborhood Protection (DNP) Overlay District. The purpose of this district is to establish special height, setback, and design requirements applicable to lots in certain commercially zoned downtown areas where such lots abut or are directly across the street from residentially zoned properties.

(b) Because the DNP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district except as those regulations are modified or superseded by the requirements of the DNP district. The requirements of the DNP district are set forth in Section 15-185.1 of this chapter.

Section 2. Article XII of the Carrboro Land Use Ordinance is amended by adding thereto a new Section 15-185.1 to read as follows:

Section 15-185.1 Downtown Neighborhood Protection Overlay District Requirements

(a) Lots that are within the Downtown Neighborhood Protection (DNP) Overlay District shall be subject to the requirements of this section.

(b) Within the DNP district, the portion of any lot so zoned that lies within 50 feet of a boundary line that abuts or is located directly across the street from residentially zoned property, other than property that is zoned R-2, shall constitute an area referred to in this section as the DNP Buffer Area.

(c) Within the DNP Buffer Area:

- (1) A building or buildings constructed within such buffer area may not extend laterally along the affected boundary for more than 80% of the lot width at its narrowest point within the buffer area; and
- (2) The maximum horizontal run of a single building shall be 80 feet; and
- (3) If more than one building is constructed, there shall be a separation of at least 30 feet between one building and another.

(d) With respect to lots where the underlying zoning is CT or M-1, the portion of such lots within the DNP Buffer Area shall be subject to a maximum height limitation of two stories,

except as set forth below. (The portion of such lots outside the DNP Buffer Area shall be subject to the height limitation established by Section 15-185, i.e. three stories).

- (1) A third story not exceeding a building height of 42 feet shall be permissible if a mansard, gable, or gambrel roof with a roof pitch no greater than 70 degrees and a continuous eave line substantially contains the third 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). When dormers are constructed on such roofs, the total width of all such dormers shall not exceed two-thirds of the width of the roof on which such dormers are constructed.

- (2) A third story shall be permissible if:

- a. All portions of such third story are set back at least ten feet from the second story façade of the building wall that faces a boundary line that abuts or is located directly across the street from residentially zoned property; and
- b. The third story has a corresponding setback ("stepback") from the second story on the opposite side of the building.

- (3) Towers, cupolas, and similar architectural features intended to complement the building design may extend to a height of not more than 42 feet, so long as such features do not contain more than 400 square feet and no elevational width of such features exceeds 25 feet.

(e) With respect to lots where the underlying zoning is B-1(c) or B-1(g), the provisions of Subsection 15-185(a)(3) shall not apply and the provisions of subsections (f), (g) and (h) of this section shall apply in lieu thereof.

(f) With respect to lots where the underlying zoning is B-1(c) or B-1(g), the portion of such lots within the DNP Buffer Area shall be subject to a maximum height limitation of two stories, except as set forth below:

- (1) A third story not exceeding a building height of 42 feet shall be permissible if a mansard, gable, or gambrel roof with a roof pitch no greater than 70 degrees and a continuous eave line substantially contains the third 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). When dormers are constructed on such roofs, the total width of all such dormers shall not exceed two-thirds of the width of the roof on which such dormers are constructed.

- (2) A third story shall be permissible if:

- a. All portions of such third story are set back at least ten feet from the second story façade of the building wall that faces a boundary line that abuts or is located directly across the street from residentially zoned property; and

- b. The third story has a corresponding setback ("stepback") from the second story on the opposite side of the building.
- (3) Towers, cupolas, and similar architectural features intended to complement the building design may extend to a height of not more than 42 feet, so long as such features do not contain more than 400 square feet and no elevational width of such features exceeds 25 feet.
- (g) With respect to lots where the underlying zoning is B-1(c) or B-1(g), the portion of such lots that lie outside the DNP Buffer Area shall be subject to a maximum height limitation of ~~four~~ three stories, subject to the following:

- (1) If a fourth story is constructed, such fourth story must either be set back at least ten feet from the edge of the DNP Buffer Area or must be substantially contained within a mansard, gable, or gambrel roof with a roof pitch no greater than seventy degrees and a continuous eave line (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).
- (2) If a fifth story is constructed, either all portions of such fifth story must be set back at least ten feet from the fourth story façade of the building wall that faces a boundary line that abuts or is located directly across the street from residentially zoned property, or the fifth story must be substantially contained within a mansard, gable, or gambrel roof with a roof pitch no greater than seventy degrees and a continuous eave line (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).
- (3) In addition, if a fifth story is constructed, either all portions of such fifth story must be set back from ~~the~~ any street right-of way line other than that associated with establishing the DNP buffer area ~~an additional~~ a distance of ten feet beyond the setback specified in Section 15-184, or the fifth story must be substantially contained within a mansard, gable, or gambrel roof with a roof pitch no greater than seventy degrees and a continuous eave line (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).

(h) Notwithstanding the permit requirements established in Sections 15-146 and 15-147, if a developer proposes to construct within those areas of the DNP district where the underlying zoning is B-1(c) a building that exceed two stories in height, or where the underlying zoning is B-1(g) a building that exceeds three stories, a conditional use permit must be obtained.

Section 3. Subsection 15-185(a)(6) of the Carrboro Land Use Ordinance is repealed.

Section 4. The DNP Overlay District is hereby applicable to the following lots (as shown on the attached map), and the Official Zoning Map shall be modified accordingly:

	PIN	LANDUSE	SUMACRE	SITEADDRESS
1.	9778967518		0.038	
2.	9778857932		0.892	
3.	9778972456	BUS	1.978	401 LLOYD ST
4.	9778879725	BUS	1.992	502A N GREENSBORO ST
5.	9778876749	MF	0.405	504 N GREENSBORO ST UNIT# C
6.	9778876689	V	0.331	502B N GREENSBORO ST
7.	9778876606	SF	0.159	502 N GREENSBORO ST
8.	9778877556	SF	0.665	500 N GREENSBORO ST
9.	9778877448	SF	0.66	404 N GREENSBORO ST
10.	9778672475	COND	0.533	605 W MAIN ST UNIT# 305
11.	9778876328	SF	0.324	400 N GREENSBORO ST
12.	9778673394	BUS	0.829	601 W MAIN ST
13.	9778876249	BUS	0.197	310 N GREENSBORO ST
14.	9778876211	BUS	0.243	304 N GREENSBORO ST
15.	9778664904	BUS	1.618	101 W POPLAR AVE
16.	9778872082	BUS	3.017	500 POPLAR AVE
17.	9778972072	BUS	0.775	301 LLOYD ST
18.	9778963837	BUS	0.113	205 LLOYD ST
19.	9778668579	INS	3.821	301 W MAIN ST
20.	9778963841	BUS	0.174	B ST
21.	9778963755	BUS	0.114	106 B ST
22.	9778863704	VB	0.148	101 SHORT ST
23.	9778863699	BUS	0.468	203 N GREENSBORO ST
24.	9778963740	BUS	0.221	104 B ST
25.	9788062672	SF	0.247	205 SUNSET DR
26.	9788062518	BUS	0.364	704 W ROSEMARY ST
27.	9788061558	MF	0.364	706 W ROSEMARY ST
28.	9788061507	MF	0.276	708 W ROSEMARY ST UNIT# 3
29.	9788060621	BUS	0.325	712 W ROSEMARY ST
30.	9778969633	SF	0.35	102 BROAD ST
31.	9778967546	SF	0.173	106 COBB ST
32.	9778966568	SF	0.303	104 COBB ST
33.	9778963670	VB	0.117	102 B ST
34.	9778965589	BUS	0.137	100 COBB ST
35.	9778965519	BUS	0.092	102 LLOYD ST
36.	9778863587	BUS	0.323	201 N GREENSBORO ST
37.	9788063572	VB	0.144	604 W ROSEMARY ST
38.	9778761138	VB	0.285	105 LAUREL AVE
39.	9778764640	BUS	0.503	203 W MAIN ST
40.	9778761089	BUS	0.355	107 LAUREL AVE
41.	9778763005.008	CONDB	0.391	104 JONES FERRY RD UNIT# H
42.	9778862027.001	BUS	0.686	103D W MAIN ST
43.	9778850829	MF	0.635	107 W MAIN ST UNIT# A
44.	9778759933	BUS	0.225	109 W MAIN ST
45.	9778758993	BUS	0.229	111 W MAIN ST

	PIN	LANDUSE	SUMACRE	SITEADDRESS
46.	9778758933	BUS	0.235	113 W MAIN ST
47.	9778952758	BUS	2.361	400 ROBERSON ST
48.	9778757982	BUS	0.259	115 W MAIN ST
49.	9778751989	SF	0.245	106 JONES FERRY RD
50.	9778757818	BUS	0.417	101 JONES FERRY RD
51.	9778756819	BUS	0.51	103 JONES FERRY RD
52.	9778858887	SF	0.254	203 E CARR ST
53.	9778858826	SF	0.192	201 E CARR ST
54.	9778853824	VB	0.674	200 S GREENSBORO ST
55.	9778853774	BUS	0.386	202 S GREENSBORO ST

Section 5. The following lots are removed from the Residential High Density and Commercial Overlay (RHDC) District, and the Official Zoning Map shall be modified accordingly:

	PIN	LANDUSE	SUMACRE	SITEADDRESS
1.	9788062672	SF	0.247	205 SUNSET DR
2.	9788062518	BUS	0.364	704 W ROSEMARY ST
3.	9788061558	MF	0.364	706 W ROSEMARY ST
4.	9788061507	MF	0.276	708 W ROSEMARY ST UNIT# 7
5.	9788060621	BUS	0.325	712 W ROSEMARY ST
6.	9778969633	SF	0.35	102 BROAD ST
7.	9778968578	SF	0.097	100 BROAD ST
8.	9788063572	BUS	0.144	604 W ROSEMARY ST
9.	9788060551	BUS	0.234	710 W ROSEMARY ST
10.	9788062571	BUS	0.206	702 W ROSEMARY ST
11.	9778968489	BUS	0.244	311 E MAIN ST
12.	9778969468	BUS	0.265	313 E MAIN ST
13.	9788063416	P	0.055	101 SUNSET DR

Section 6. Subsection 15-185 (a) (5) is hereby repealed.

Section 7. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 8. This ordinance shall become effective upon adoption.

EXCERPT OF LAND USE ORDINANCE

Section 15-140 Residential High Density and Commercial Overlay District.
(AMENDED 2/4/86)

There is hereby created a Residential High Density and Commercial Overlay (RHDC) zoning district. The purpose of this district is to provide for the redevelopment of deteriorating commercial and manufacturing areas in a manner that is consistent with commercial development goals of the town, namely, for compact, compressed town center growth, for a substantial increase in residential opportunities near the town center, and for mixed use development in the downtown. Property that lies within this overlay district may be developed in accordance with either the regulations applicable to the underlying district or the following regulations:

- (1) To take advantage of provisions applicable to the RHDC overlay district, lots must contain at least one and one half acres of contiguous land under single ownership.
- (2) Uses permissible shall be those permissible within either the R-2 district or the B-1(c) district, or both, except that subdivisions other than architecturally integrated subdivisions shall not be allowed.
- (3) Residential density shall be determined as if the property were zoned R-2.
- (4) Twenty percent of the lot area shall remain as usable open space (see Section 15-198), except that where the development seeks to provide interior open space or indoor hard court, pool, or other active recreation facilities in excess of the basic requirement set forth in Article XIII, the permit-issuing authority may reduce the open space requirement to reflect the quality and amount of such facilities. The developer may substitute grassed areas, lawn, gardens, and shrubbed space for wooded space in meeting the requirements of 15-198(b)(3).
- (5) Subject to subdivision (6), the amount of floor area set aside or used for purposes not permissible within the R-2 district (i.e, commercial uses) may not exceed ten percent of the floor area used for residential purposes.
- (6) Where at least one-third of the total number of parking spaces for the development are provided on a tier or level other than ground level (as with underground parking or a two tier parking garage) and where the open space is increased to 40% of the development tract, the development may either (i) increase the commercial floor area over that allowed in subdivision (5) to 25% of the floor area in residential use, or (ii) increase the density for residential use to 1,500 square feet per dwelling unit.

- (7) The maximum building height for the district shall be 50 feet. A building that is over 35 feet shall be set-in and setback 2 additional feet for every additional foot above 35 feet in height.
- (8) Commercial space shall be located at ground level or on the top level of a building.
- (9) Except as otherwise provided herein, the regulations applicable to land within an R-2 district shall apply to property within a RHDC district.

Section 15-184 Building Setback Requirements.

- (a) Subject to Section 15-187 (Architecturally Integrated Subdivisions) and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth below: **(AMENDED 1/22/85)**
 - (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
 - (2) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
 - (3) As used in this section, the term "building" includes any substantial structure, which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
 - a. Gas pumps and overhead canopies or roofs.
 - b. Fences, walls or berms running along lot boundaries adjacent to public street rights-of-way if such fences, walls or berms exceed three feet in height and are substantially opaque except that fences, walls or berms shall not be regarded as "buildings" within the meaning of this subsection if they are located along the rear lot line of lots that have street frontage along both the front and rear of such lots. **(AMENDED 05/19/98)**

- (4) Notwithstanding any other provision of this chapter, signs that do not meet the definition of freestanding signs may be erected on or affixed to structures (e.g., some fences) that are not subject to the setback requirements applicable to buildings only if such signs are located such that they satisfy the setback requirements applicable to freestanding signs in the district where located. **(AMENDED 5/26/81; 12/7/83; 2/4/86; 11/14/88; 05/15/90; 04/16/91;01/16/01)**

ATTACHMENT C-4

ZONE	Minimum Distance from Street Right of Way line		Minimum Distance from Street Centerline		Minimum Distance from Lot Boundary Line
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign
C	25	12.5	55	42.5	20
WR	35	17.5	65	47.5	20
RR	40	20	70	50	20
R-20	40	20	70	50	20
R-15	35	17.5	55	47.5	20
R-10	25	12.5	55	42.5	12
R-S.I.R.	25	12.5	55	42.5	10
R-7.5	25	12.5	55	42.5	10
R-3	15	7.5	45	37.5	8
B-1(c)	--	--	30	--	--
B-1(g)	--	--	30		
B-2	15	7.5	45	37.5	10
B-3	15	7.5	45	37.5	15
B-3-T	15	7.5	45	37.5	15
B-4	30	15	60	45	10
CT	--	--	30	--	--
B-5	40	20	70	50	20
M-1	--	--	30	--	--
M-2	--	--	30	--	--
WM-3	30	15	60	45	20
O	15	7.5	45	37.5	15
O/A	15	7.5	45	37.5	15
R-2	15	7.5	45	37.5	8, plus 2 feet for every additional foot above 35 feet in height

- (b) With respect to lots within the R-20 district that were in existence or had received preliminary plat approval by Orange County prior to November 14, 1988 and were outside the town's extraterritorial planning jurisdiction but that on or after that date became zoned R-20 as a result of the implementation of the Joint Planning Agreement:

- (1) The minimum set back distance from the lot boundary line shall be 15 feet rather than the 20 feet indicated in the table set forth in subsection (a);
- (2) On lots having frontage on more than one street, the building setback applicable to the street which the front of the principal building located on that lot faces shall be as set forth in subsection (a). The building

setback from the other streets shall be 15 feet from the right-of-way line.
(AMENDED 04/25/89)

- (c) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, then the lot in the nonresidential district shall be required to observe the property line setback requirements applicable to the adjoining residential lot.
- (d) Setback distances shall be measured from the property line or street centerline to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.). Setbacks for berms shall be measured from the property line or street centerline to the point on the berm where it exceeds three feet in height. **(AMENDED 05/19/98)**
- (e) Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:
 - (1) If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the centerline of the private road just as if such road were a public street.
 - (2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes (as set forth above in the column labeled "Minimum Distance from Lot Boundary Line") shall be measured from the inside boundary of the traveled portion of the private road.
- (f) Notwithstanding any other provision of this section, on lots in residential zones used for residential purposes, a maximum of one accessory building may be located in the rear yard of such lot without regard to the setback requirements otherwise applicable to the rear lot boundary line if such accessory building does not exceed fifteen feet in height or contain more than 150 square feet of gross floor area. **(AMENDED 5/26/81)**
- (g) In addition to the foregoing requirements, no impervious surface within any C, WR, B-5, or WM-3 zoning district may be located in or closer than twenty feet to the nearest edge of a designated buffer area, as described in Section 15-265, except that the permit-issuing authority may authorize the crossing of a designated buffer area and the presence of impervious surface there and in the setback area from the buffer area by or for: **(AMENDED 12/7/83; 11/11/86; 05/15/90)**

ATTACHMENT C-6

- (1) a subcollector, local or minor street where the permit-issuing authority finds that the crossing is justified
 - (a) in that without such a crossing over 50% of a tract would be without access and therefore undevelopable; or
 - (b) in that the crossing is necessary to comply with overriding Town policies relating to safety, as in provisions for dual access for police and fire protection; or
 - (c) in that it allows a design that would clearly result in less damage to the watershed environment than would result if the property were developed without such a crossing;
- (2) a bike or pedestrian path;
- (3) water and/or sewer lines and pump stations where the permit-issuing authority finds that
 - (a) it is practicably unavoidable if the subject property is to be served under the provisions of Section 15-238(c) and an alternate design would result in greater damage to the watershed environment; **(AMENDED 05/15/90)** and
 - (b) the system, taken as a whole, emphasizes placement outside of the buffer area; and
 - (c) to the extent practical, and consistent with (a) and (b) above, the direction of the line crossing is perpendicular to the stream; and
 - (d) in the case of sewer lines, the lines are constructed of ductile iron pipe, or of comparable material which will not require significant clearing of vegetation, and
 - (e) in the case of a pump station, the station will be capable of pumping peak water flow with the main pump out of service, have an emergency power supply and a telemetering system (that will provide the Orange Water and Sewer Authority with information concerning the status of the pumps, electricity, and the wet well level).
- (4) Water dependent structures. **(AMENDED 12/14/93)**
- (h) Notwithstanding the provision of subsection (g), **(AMENDED 1/22/85)**
 - (1) No crossing shall be allowed except where full measures are employed to minimize, to the maximum extent practicable, potential adverse effects. In meeting this standard, the permit issuing authority shall consider factors such as the use of bridges as opposed to culverts, the length of bridge spans, the redirecting of storm water

run-off through a buffer or filtering mechanism, safeguards to line breakages, and other similar factors.

- (2) The provisions of subsection (g) may not be utilized to allow the crossing of a designated buffer if the situation otherwise justifying the crossing has been created by or results from the subdivision of a tract after the effective date of this section.
- (i) Notwithstanding any other provision of this section, no setback requirement shall apply to bus shelters erected by or at the direction of the town. **(AMENDED 1/22/85)**
- (j) Notwithstanding any provision in (a), no minimum distance from a lot boundary line for buildings or freestanding signs shall be required from any railroad right-of-way or other railroad property being used principally as a track bed or corridor. **(AMENDED 2/4/86)**
- (k) ~~Any building in a B-1(e) or B-1(g) district shall be located away from any residential dwelling unit existing on July 1, 1985 a minimum distance of fifteen feet plus two feet for each additional foot that the building exceeds thirty feet in height.~~ **(REPEALED 4/8/03)**
- (l) In addition to the overall density restrictions of the underlying zone, each mobile home unit in any mobile home community (use classification 1.122 or 1.123) must be placed such that it is at least 10 feet in any direction from any other mobile home unit within the community, in order to reduce the likelihood of the spread of fire. **(AMENDED 10/20/87)**
- (m) Notwithstanding the provisions of subsections (a) or (b), properties located in Carrboro's Transition Area II, and zoned R-R shall be required to maintain a 100-foot undisturbed, naturally vegetated setback along any common boundary line with Properties in Orange County's planning jurisdiction that are designated both Rural Buffer and Public/Private Open Space on the Joint Planning Area Land Use Plan. No structures or associated clearing shall be permitted within this setback. Utilities and associated clearing shall be permitted within this setback only to the extent that no reasonable alternative exists. **(AMENDED 06/05/89)**
- (n) When the neighborhood preservation district commission determines that an application for a permit under this ordinance involves a proposed authentic restoration, new construction or reconstruction in the same location and in the original conformation of a structure within a neighborhood preservation district that has architectural or historic significance, but that such proposed restoration, construction or reconstruction cannot reasonably be accomplished in conformity with the setback requirements set forth in this section, the neighborhood preservation district commission may recommend,

and the permit issuing authority may allow, a deviation from these requirements to the extent reasonably necessary to accommodate such restoration, construction or reconstruction. **(AMENDED 09/26/89)**

- (o) Signs erected in connection with elections or political campaigns, as described in subsection 15-273(a)(5), shall not be subject to the setback requirements of this section. However, as provided in subsection 15-273(a)(5), such signs may not be attached to any natural or man-made permanent structure located within a public right-of-way, including without limitation trees, utility poles, or traffic control signs. **(AMENDED 08/25/92)**
- (p) When the appearance commission determines that (i) any new construction or any repair, renovation, or reconstruction of a pre-existing building is proposed within any commercial zoning district; and (ii) the appearance of the building would be substantially improved by the addition of or extension of an architectural feature; and (iii) the feature proposed by the appearance commission would violate the setback provisions of this section, then, subject to the following requirements, the commission 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; 6/22/04)

- (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 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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)**
- (f) ~~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)**~~
- (f) 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. **(AMENDED 6/22/04)**
- (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)**



B-1(f) and Overlay District Subcommittee
TOWN OF CARRBORO
RECOMMENDATION
Thursday, 11/29/2004

MONDAY, NOVEMBER 29, 2004

**DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY DISTRICT –
PROPOSAL FOR DOWNTOWN COMMERCIAL/RESIDENTIAL INTERFACE
AREAS**

James Carnahan moved and Jacquelyn Gist seconded a motion recommending that the Board of Aldermen adopt the proposed Downtown Neighborhood Protection (DNP) Overlay District. The final version of the draft ordinance is attached (this version includes final changes requested by the committee at their November 29, 2004 meeting). All members present approved the motion.

VOTING:

AYES: 7 (JACQUELYN GIST, JAMES CARNAHAN, MICHELLE RIVEST, NATHAN MILIAN, DAVID CLINTON, JAMES MORGAN, AND BLAN HOLMAN)

NOES: 0

Members Present (7):

Jacquelyn Gist, James Carnahan, Michelle Rivest,
Nathan Milian, David Clinton, James Morgan, and
Blan Holman

Members Absent or Excused (1): Alex Zaffron

David Clinton
B-1f Subcommittee Chair

2-4-05
Date



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☐ MAIL ☐ FAX ☒ EMAIL

To: Steve Stewart, Town Manager
Mayor and Board of Aldermen

From: Patricia J. McGuire, AICP

Date: May 11, 2005

Subject: Staff Evaluation of Downtown Neighborhood Protection Overlay Zoning District Proposal

What is the Downtown Neighborhood Protection Overlay Zoning District? The Downtown Neighborhood Protection overlay zoning district (DNP) is a new overlay district made up of properties located within commercial zoning districts that abut or are located across the street from residential property (other than the R-2) in downtown Carrboro. The DNP affects 59 properties in the downtown, with the breakdown by zoning district as follows:

	B-1(c)	B-1(g)	CT	M-1
# of lots/acreage	13	34	10	2

What is the purpose of the DNP? The purpose of the DNP is to create special height, setback, and design requirements in certain commercially zoned areas where such areas abut or are located directly across the street from residentially zoned properties.

What happens within the DNP? A buffer area is created on any portion of lots that are within 50 feet of the zoning district boundary line that abuts or is located across the street from residential property (other than the R-2). Building length and building separation requirements are specified for all portions of the buffer area, such that

1. Buildings may not extend laterally more than 80 percent of the lot width at its narrowest point within the buffer area; and
2. The maximum horizontal run of a single building shall be 80 feet; and

3. If more than one building is constructed on a lot, there shall be a 30 foot separation between them.

New parameters for building height are also specified within the overlay district. The underlying zoning districts are grouped together based on current regulations, so new requirements are specified for the B-1(c) and B-1(g) districts and for the CT and the M-1 districts, and summarized below.

CT and M-1 districts

- The maximum building height within the buffer area is 2 stories.
- A third story is permitted within the buffer area up to 42 feet and contained within a mansard, gable, or gambrel roof so long as the roof pitch is no greater than 70 degrees and the eave line is continuous, and
- All portions of the third story are set back at least 10 feet from the second story façade of the wall that faces a boundary line of the overlay district that abuts or is located directly across the street from a residentially zoned property, and
- The third story has a corresponding setback from the second story on the opposite side of the building.
- Towers, cupolas, et cetera are also allowed up to 42 feet in height, so long as they are not more than 400 square feet or 25 feet wide on any “side.”
- The maximum building height within all portions of lots outside the buffer area is 3 stories.

B-1(c) and B-1(g) districts

- The maximum building height within the buffer area is 2 stories.
- A third story is permitted within the buffer area up to 42 feet and contained within a mansard, gable, or gambrel roof so long as the roof pitch is no greater than 70 degrees and the eave line is continuous, and
- All portions of the third story are set back at least 10 feet from the second story façade of the wall that faces a boundary line of the overlay district that abuts or is located directly across the street from a residentially zoned property, and
- The third story has a corresponding setback from the second story on the opposite side of the building.
- Towers, cupolas, et cetera are also allowed up to 42 feet in height, so long as they are not more than 400 square feet or 25 feet wide on any “side.”
- Regardless of right-of-way width, in contrast to the other portions of the B-1(c) and B-1(g) districts, the maximum building height within all portions of lots outside the buffer area is 4 stories, subject to the following

If constructed, the fourth story must be set back at least 10 feet from the edge of the buffer area or substantially contained within a mansard, gable, or gambrel roof.

If constructed, the fifth story must be set back at least 10 feet from the fourth story façade or must be substantially contained within a mansard, gable, or gambrel roof.

If constructed, the fifth story must be also set back from any street right-of-way line other than that associated with the DNP buffer area a distance of 10 feet or the fifth story must be substantially contained within a mansard, gable, or gambrel roof.

If used to substantially conceal the fourth and fifth stories noted above, the mansard, gable, or gambrel roof must have a roof pitch no greater than seventy degrees and must also have a continuous eave line.

- A conditional use permit must be obtained if a developer seeks to construct a building that exceeds two stories in height where the underlying zoning is B-1(c) or a building that exceeds three stories in height where the underlying zoning is B-1(g).

Deletion of building design criteria

The existing ordinance provides for building height to be increased to 49 feet when certain design criteria are met. The section does not include a story limit currently. The draft ordinance deletes this provision.

Zoning Map Amendments

The ordinance contains two zoning map amendments:

- 1) The first map amendment applies the DNP overlay zone to 59 properties totaling 32 acres (30 percent) of the downtown commercial districts and establishes a 50-foot wide buffer area that approximately 11 acres (10 percent) of the downtown commercial districts.
- 2) The second map amendment removes 13 properties from the Residential High Density and Commercial overlay district. This change is included because the height provisions and purpose of the two overlay districts are inconsistent with one another.

How do the height provisions associated with the DNP overlay zone compare to the existing height limitations (as adopted in April 2003)?

CT and M-1 Districts

The maximum building height currently allowed in the CT and M-1 zoning districts is three stories. The building setbacks in these zones are zero for lot boundary lines and street rights-of-way; however, per Section 15-184 (c) of the Land Use Ordinance, lots in nonresidential districts that share a boundary line with lots in residential districts must observe the lot boundary line setback of the adjacent residential district. Both the CT and the M-1 districts share common boundary lines with the R-7.5 district. The lot boundary line setback in the R-7.5 is 10 feet.

B-1(c) and B-1(g) Districts

The building height provisions in these districts are complex. A bulleted list is provided.

- Buildings in the B-1(c) and B-1(g) districts are granted a maximum height of three stories if located on street rights-of-way of 50 feet or less and a maximum of four stories if located on street rights-of-way of more than 50 feet.
- Property owners may dedicate additional street right-of-way to increase their maximum height, so long as they do so before a building permit is issued.
- The maximum building height for lots that front on multiple streets is determined by the street having the narrowest right-of-way.
- The maximum building height allowed based on street right-of-way width may be increased by one story, up to a maximum of five, for every ten feet that the story is setback from the required street right-of-way setback, or for stories that are substantially concealed within a roof structure (such as a mansard, gable, or gambrel roof).
- Any portion of a building that exceeds 35 feet in height must be setback from residentially zoned property at least twice the setback required in the residential district.
- The maximum building height on lots where there are National Register “contributing” properties is capped at two stories if the contributing building is demolished. Contributing buildings may be moved or altered, so long as they retain their
- Conditional use permits are required for any buildings over three stories in the B-1(g) and two stories in the B-1(c).
- The applicant for a conditional use permit required under these circumstances also has the burden of proof for demonstrating that the project will not harm property values, will be in harmony with the area, and will be in conformity with adopted plans.
- The maximum height of buildings that incorporate parking structures is five stories, so long as the parking activities are substantially concealed from view from adjacent rights-of-way.

Are there any recommended modifications to the DNP overlay provisions?

The revised draft ordinance includes a few minor edits to the title of the ordinance and to Section 3, which describes the height provisions for the areas outside the DNP buffer area but within the underlying zoning districts of B-1(c) or B-1(g). Should the Board wish to proceed, staff recommends incorporation of these edits.

Furthermore, the staff suggests that the Board consider the following modifications:

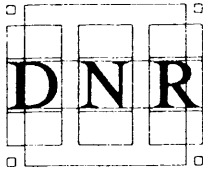
- Reduction of the building separation requirement from 30 feet to 20 feet, in keeping with that provided in the R-7.5 zoning district, the residential zoning district located in proximity to downtown commercial zones.

- Removing the additional stepback, setback, and roof enclosure requirements that are proposed
 - 1) within the CT, M-1, B-1(c), and B-1(g) portions of the buffer area, on the opposite side of buildings for the third stories, and
 - 2) within DNP overlay zone and where B-1(c) and B-1(g) are the underlying zoning districts, from the edge of the buffer area for the fourth stories.
- Rather than deleting Section 15-185(a) (6), it recommended that the section be amended to substitute a height of 4 stories for the maximum height of 49 feet.

Property Owners within Proposed Downtown Neighborhood Protection Overlay District						
LOT/BLK	PIN	OWNER	OWNER2	ADDRESS	CITY	STATE ZIP
7.93.E.1	9778972456	ORANGE CHATHAM COMPREHENS		PO BOX 17179	CHAPEL HILL	NC 27516
7.93.A.2	9778879725	FITCH LUMBER CO		309 N GREENSBORO ST	CARRBORO	NC 27510
7.93.A.1	9778876749	GROCE JAMES G	& WANDA M	508 RALPH DR	CARY	NC 27511-4036
7.93.A.3A	9778876689	FITCH MILES M JR		321 NOTTINGHAM DR	CHAPEL HILL	NC 27514-6578
7.93.A.3	9778876606	HAMILL LISA F		PO BOX 392	CARRBORO	NC 27510-0392
7.93.A.4	9778877556	WILLIAMS FAUCETTE ELIZ		500 N GREENSBORO ST	CARRBORO	NC 27510-1728
7.93.A.6	9778877448	CHAN FRANCIS TRUSTEE	& JENNY CHAN TRUSTEE	405 E MAIN ST	CARRBORO	NC 27510-2394
7.103.E.7	9778672475	BOULEVARD AT 605	WEST MAIN LLC	75 N CHURCH ST STE 110	CHARLOTTE	NC 28202
7.93.A.7	9778876328	WILLIAMS JEAN J		PO BOX 23	CARRBORO	NC 27510-0023
7.103.E.7A	9778673394	S H BASNIGHT & SONS INC		PO DRAWER 249	CARRBORO	NC 27510
7.93.A.10	9778876249	SOUTHERN STATES COOPERATI	CARRBORO SERVICE	PO BOX 26234 TAX DEPT	RICHMOND	VA 23260
7.93.A.11	9778876211	SOUTHERN STATES COOPERATI	CARRBORO SERVICE	PO BOX 26234 TAX DEPT	RICHMOND	VA 23260
7.98.A.7	9778674173	NEVILLE DEAN KELLY	& WANDA JO	8502 SEWELL SCHOOL RD	CHAPEL HILL	NC 27516
7.98.A.6	9778664904	NICK WATTS	PROPERTIES INC	BOX 361	CARRBORO	NC 27510
7.98.G.8	9778872082	FITCH LUMBER CO		309 N GREENSBORO ST	CARRBORO	NC 27510
7.93.E.1A	9778972072	ONTJES PROPERTIES LLC		3 IRIS LN	CHAPEL HILL	NC 27514
7.98.A.6A	9778673083	NICK WATTS	PROPERTIES INC	BOX 361	CARRBORO	NC 27510
7.98.A.9	9778666947	WATTS NICK		BOX 361	CARRBORO	NC 27510
7.93.D.1	9778963837	ONTJES PROPERTIES LLC		3 IRIS LN	CHAPEL HILL	NC 27514
7.98.L.2	9778668579	CARRBORO TOWN OF		MUNICIPAL BUILDING	CARRBORO	NC 27510

Property Owners within Proposed Downtown Neighborhood Protection Overlay District						
7.93.D.2	9778963841	ONTJES PROPERTIES LLC		3 IRIS LN	CHAPEL HILL	NC 27514
7.93.D.2A	9778963755	RICE LEROYCE A	& SYLVIA I	107 LLOYD ST	CARRBORO	NC 27510-1819
7.98.H.5	9778863704	SEATON DEBRA L		203 N GREENSBORO ST	CARRBORO	NC 27510-1803
7.98.H.6	9778863699	SEATON DEBRA L		203 N GREENSBORO ST	CARRBORO	NC 27510-1803
7.93.D.3A	9778963740	RICE LEROYCE A	& SYLVIA	1007 W MAIN ST	CARRBORO	NC 27510-1508
7.93.H.21A	9788062672	FOUTZ LONA MAE ATWATER	% ROY & ISABEL ATWATER	205 SUNSET DR	CHAPEL HILL	NC 27516-2220
7.93.H.25	9788062518	BARNETT EVA VIOLA		704 W ROSEMARY ST	CARRBORO	NC 27510-2316
7.93.H.24	9788061558	BARNETT EVA VIOLA		704 W ROSEMARY	CARRBORO	NC 27510-2316
7.93.H.26	9788061507	DIMOS ENTERPRISES INC	C/O BILL DIMOS APT N-11	35 HILLCREST AVE	YONKERS	NC 10705
7.93.H.28	9788060621	FARRELL HAZEL R		350 HANKS CHAPEL RD	PITTSBORO	NC 27312-9773
7.93.H.29	9778969633	BROWNING & FARRELL FURNIT		311 E MAIN ST	CARRBORO	NC 27510
7.93.H.1	9778967546	FENNEL BESSIE C HRS	& MARJORIE ASQUE	104 COBB ST	CARRBORO	NC 27510
7.93.H.1A	9778967518	FENNEL BESSIE C HRS	& MARJORIE ASQUE	106 COBB ST	CARRBORO	NC 27510
7.93.H.2	9778966568	FENNEL BESSIE CROKER		106 COBB ST	CARRBORO	NC 27510
7.93.D.3	9778963670	RICE LEROYCE A	& SYLVIA I	PO BOX 40	CARRBORO	NC 27510-0040
7.93.H.4	9778965589	ROBERT GEORGE ENTERPRISES	LLC	1969 EMERSON COOK RD	PITTSBORO	NC 27312
7.93.H.4A	9778965519	FURNITURE DOCTOR INC		112 LLOYD ST	CARRBORO	NC 27510
7.98.H.7	9778863587	CARRBORO COMMUNITY LLC		101 E WEAVER ST	CARRBORO	NC 27510
7.93.L.19	9788063572	CARRBORO TOWN OF		301 W MAIN ST	CARRBORO	NC 27510
7.98.M.10D	9778761138	MOODY GREY B		1200 AIRPORT RD	CHAPEL HILL	NC 27514-6600

Property Owners within Proposed Downtown Neighborhood Protection Overlay District						
GISTMBL	PIN	OWNER	OWNER2	ADDRESS	CITY	STATE ZIP
7.98.M.10A	9778764640	PONS FAMILY LLC	% JENNIFER BELLAMY	110 ROSLYN HILLS DR	RICHMOND	VA 23229
7.98.M.2	9778761089	WARDSWORTH MATTIE WALKER		107 LAUREL AVE	CARRBORO	NC 27510
7.98.M.10F	9778763005.004				HILLSBOROUGH	NC 27278
CONDO	9778862027.002				CHAPEL HILL	NC 27516
7.99.B.6	9778860041	HOLTON RENTALS LLC		PO BOX 4507	CHAPEL HILL	NC 27515-4507
7.99.B.5	9778850829	HOLTON RENTALS LLC		PO BOX 4507	CHAPEL HILL	NC 27515-4507
7.99.B.4	9778759933	HOLTONS INC		PO BOX 3075	BOONE	NC 28607
7.99.B.3	9778758993	BLACKWOOD LOUISE P		111 W MAIN T	CARRBORO	NC 27510
7.99.B.2	9778758933	WILSON STEPHEN E	& ANNA L	2523 PICKETT RD	DURHAM	NC 27705-5606
7.99.D.19D	9778952758	YAGGY CORPORATION THE	% BAGWELL & HOLT	111 CLOISTER CT STE 200	CHAPEL HILL	NC 27514-2296
7.99.B.1	9778757982	PTA THRIFT SHOP INC		103 JONES FERRY RD	CARRBORO	NC 27510
7.98.M.10B	9778751989	LLOYD BARTON JR	& GARY ZADJEIKA	106 JONES FERRY ROAD	CARRBORO	NC 27510-2008
7.99.A.13	9778757818	PTA THRIFT SHOP INC		103 JONES FERRY RD	CARRBORO	NC 27510
7.99.A.12	9778756819	PTA THRIFT SHOP INC		103 JONES FERRY RD	CARRBORO	NC 27510
7.99.D.5	9778858887	RUMFELT JAMES M		P O BOX 520	SNOW CAMP	NC 27349-0520
7.99.D.4	9778858826	RUMFELT JAMES M	& STEPHEN D MILLS	P O BOX 520	SNOW CAMP	NC 27349
7.99.D.1	9778857932	FAKHOURY ALAN ETAL	& MAHMOUD FAKHOURY	9321 HOMETOWN DR	RALEIGH	NC 27615
7.99.B.11	9778853824	D & R OF CARRBORO LLC		P O DRAWER 110	CHAPEL HILL	NC 27514
7.99.B.11A	9778853774	ONTJES PROPERTIES LLC		3 IRIS LN	CHAPEL HILL	NC 27514



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April 8, 2005

Mayor Michael Nelson
Board of Aldermen Members
c/o Marty Roupe
Town of Carrboro
Planning Department
301 W. Main Street
Carrboro, NC 27510

Re: Downtown Neighborhood Protection Overlay District Recommendations

Dear Honorable Mayor and Aldermen,

I am grateful to the B-1(f) Sub-Committee for the time they have spent drafting the Downtown Neighborhood Protection Overlay District recommendations. I think it is important to maintain a common sense scale and character among the buildings and spaces within the downtown area. The committee's recommendations will help shape the physical appearance of Carrboro for years to come.

I believe that the intent of these recommendations has merit; however, I disagree with many of the specifics. As mentioned in the last subcommittee meeting, the town is providing an opportunity to "create wealth" for those who are developing downtown properties. Therefore, it should not be unreasonable to ask for something in return. Likewise, the owners of these properties will be creating wealth and prestige for the town by investing considerable money and effort into properties that they – not the town – own. Thus, it is not unreasonable for them, or their representatives, to ask for something in return also.

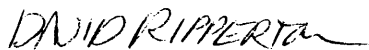
As hard as the Subcommittee members have worked, I believe their recommendations will set a dangerous precedent by prescribing architectural shapes and features on private property. As a representative of the Andrews-Riggsbee property owners, I am asking that a simple alternative should be added to what has already been decided, and that is, the exchange of setback distance for increased development rights. Below is a list of examples of how this exchange might work, as well as a few recommendations:

1. Provide an option to the 50' setback within the 4 and 5 levels. Instead of creating the DNP Overlay District 50' from boundary lines that abut or are directly across from residentially zoned property, allow the option of exchanging an increased setback at the 1, 2 & 3 levels for less setback at the 4 & 5 levels.
 - a. For example, a building could be set back 20' from the property line (instead of on the property line), with two additional step backs of 10' each at the 4th & 5th levels. The green space at the street level would be very appealing to residents living across the street in the residentially zoned lots.
 - b. More residents will be living in the developed apartments, as in the case of the Andrews-Riggsbee site, than in the neighboring residentially zoned areas. The prospect of looking out onto 50' of roofed area is not appealing. A decrease in the 50' roof area expanse would result in porches and patios that are more in scale with the apartment spaces.
 - c. The decrease in the 50' setback on the upper levels would allow the possibility of interior courtyards within the commercially zoned lots.
2. Provide options to the 30' separation requirement. This requirement creates separate buildings on small lots and separate sets of code requirements for each building. It duplicates building elements, increases building costs, and complicates the possibility of underground parking.
 - a. For example, the 30' separations could be required at levels 1, 2 and 3, while levels 4 and 5 could extend over the space below. Additional setbacks could be required in exchange for this.
 - b. Another option would be to delete the 30' separation in exchange for an increased setback at the 1, 2 and 3 levels.
3. Eliminate the 3rd story requirement for mansard, gambrel, gabled roofs, and dormers.
 - a. This recommendation reduces available options for the use of roof space on the 4th level. Most of the lots that are to be included within the DNP district are too small or too narrow for many of the proposed recommendations to have a positive effect on them, except that the 3rd story will be diminished by the requirement for dormers, mansard roof, etc. In effect, this will reduce the square footage that was allowed under the existing zoning. If the intent of the Town is to increase the density within the downtown district, this will have the opposite effect.
 - b. The 3rd level should be allowed to rise continuously to a parapet, so the roof space at the 4th level can be utilized more effectively.
 - c. Most pedestrians are unaware of a building's exterior wall shape and texture much above eye level. It is more important to concentrate on alternatives to the design of the ground level area, rather than features and shapes 35 feet in the air.

4. Provide diagrams showing how the recommendations will affect all properties within the DNP.
 - a. The current recommendations are too complex for the average person to comprehend or visualize.
 - b. Diagrams showing how each of the properties within the DNP Overlay District should be provided at the Public Hearing so that everyone can see the effect the recommendations will have on all the affected properties, not on just one or two.
5. Create guidelines for large recombined lots.
 - a. I realize that there is concern for what might happen if properties were recombined into larger lots. This could produce very negative results for existing residential neighborhoods.
 - b. The ordinance should be amended to include a special set of guideline that would pertain to large recombined lots over a certain size, rather than trying to force smaller commercial properties to adhere to the current recommendations.

In my opinion, the committee's recommendations are too complex, burdensome, and restrictive. The recommendations should act as an incentive to provide good design, not as a perceived deterrent to bad design. The issue of open space was not addressed in this letter because the committee had not yet reached a consensus on what they were going to recommend. The inclusion of an option for the exchange of setback distance for increased development rights would be beneficial in planning for both the commercial-residential interface, as well as for open space.

Sincerely,



David Ripperton