

DRAFT 8-18-05

AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS MAKING CERTAIN BUILDINGS IN DOWNTOWN ZONING DISTRICTS PERMISSIBLE WITH A CONDITIONAL USE PERMIT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-147 of the Carrboro Land Use Ordinance is amended by adding thereto a new subsection (j) to read as follows:

- (j) Notwithstanding the other provisions of this section, whenever a building of more than two stories or 35 feet in height is proposed within the B-1(g), B-1(c), B-2, CT or M-1 zoning districts, a conditional use permit must be obtained from the Board of Aldermen.

Section 2. Subsections 15-185 (a)(3) (f) and (g) are repealed.

Section 3. Article IV of the Carrboro Land Use Ordinance is amended by adding a new Section 15.-55.1 to read as follows:

Section 15-55.1 Findings and Burden of Proof for Conditional Use Permits Required for Taller Buildings in Commercial Districts.

If a conditional use permit for a development is required under Section 15-147 (j), 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.

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

LAND USE ORDINANCE EXCERPTS - OCTOBER 18, 2005

Section 15-54 Special Use Permits and Conditional Use Permits.

(a) An application for a special use permit shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department.

(b) An application for a conditional use permit shall be submitted to the Board of Aldermen by filing a copy of the application with the administrator in the planning department.

(c) The board of adjustment or the Board of Aldermen, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

- 1) The requested permit is not within its jurisdiction according to the table of permissible uses;
- 2) The application is incomplete, or
- 3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations);
- 4) If completed as proposed, the development, more probably than not:
 - a) Will materially endanger the public health or safety; or
 - b) Will substantially injure the value of adjoining or abutting property; or
 - c) Will not be in harmony with the area in which it is to be located; or
 - d) Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board.

Section 15-54.1 Affordable Housing Review Requirement (7/28/05)

- (a) The Board has established a policy that encourages all developers of residential developments to construct or provide for the construction within

such developments of a number of affordable housing units (as defined in Section 15-182.4 of this chapter) such that the number of affordable housing units constitutes at least fifteen percent of the total number of housing units within such developments. Sections 15-182.4 and 15-188 provide incentives to developers to construct such affordable housing units. However, the Board finds that some developers may not fully understand how the affordable housing provisions of this chapter operate or the incentives that are available under the ordinance to encourage affordable housing. Therefore, the Board concludes that, when developers of proposed developments containing five or more dwelling units propose to construct such developments without meeting the affordable housing goals established by the town for new developments, it may be beneficial to both the developers and the town for the Board and such developers to have an opportunity, prior to the formal consideration of a permit request, to discuss the town's affordable housing policy, the affordable housing opportunities and incentives provided by this chapter, and any questions or concerns such developers may have about utilizing those provisions. The remaining provisions of this section are designed to provide for that opportunity.

- (b) The applicant for any residential development containing five or more dwelling units, and therefore required to obtain either a special use permit from the Board of Adjustment or a conditional use permit from the Board of Aldermen, shall be required to participate in an Affordable Housing Review Meeting with the Board of Aldermen if the residential development does not include fifteen (15) percent affordable housing units as defined in Section 15-182.4 of this chapter.
- (c) Should an applicant for any residential development containing five or more dwelling units decide in the course of the development review process to remove any affordable housing that had previously been included, further review of the project will be delayed until the applicant participates in an Affordable Housing Review Meeting with the Board of Aldermen.

Section 15-55 Burden of Presenting Evidence, Burden of Persuasion.

(a) The burden of presenting a complete application (as described in Section 15-49) to the permit-issuing board shall be upon the applicant. However, unless the board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing) the application shall be presumed to be complete.

(b) Once a complete application has been submitted, the burden of presenting evidence to the permit-issuing board sufficient to lead it to conclude that the application should be denied for any reasons stated in Subdivisions 15-54(c)(1), (3), or (4) shall be upon the party or parties urging this position, unless the information presented by the applicant in

his application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists for denying the application as provided in Subdivision 15-54(c)(1), (3), or (4).

(c) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Subdivision 15-54(c)(4) rests on the party or parties urging that the requested permit should be denied.

Section 15-56 Recommendation on Special Use Permit Applications.

(a) When presented to the board of adjustment at the hearing, the application for a special use permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 (Application To Be Complete) and the other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the board of adjustment.

(b) If the staff proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirements of this chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

(c) The board of adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the planning board or the appearance commission to obtain the recommendations of either or both those boards.

Section 15-57 Recommendations on Conditional Use Permits.

(a) Before being presented to the Board of Aldermen, an application for a conditional use permit shall be referred to the planning board, appearance commission, and the transportation advisory board for joint review and action in accordance with this section. The Board of Aldermen may not hold a public hearing on a conditional use permit application until the planning board, appearance commission, and the transportation advisory board have had an opportunity to consider the application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, or the transportation advisory board, the Board of Aldermen may continue the public hearing to allow the respective boards more time to consider the application. (AMENDED 09/19/95)

(b) When presented to the planning board, appearance commission, and the transportation advisory board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board of Aldermen. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirement of this chapter, it shall identify the requirement in questions

and specifically state supporting reasons for the proposed findings and conclusions. **(AMENDED 09/19/95)**

(c) The planning board, appearance commission, and the transportation advisory board shall consider the application and the attached staff report in a timely fashion, and may, in its discretion, hear from the applicant or members of the public. **(AMENDED 09/19/95)**

(d) After reviewing the application, the planning board, appearance commission, and the transportation advisory board shall report to the Board of Aldermen whether it concurs in whole in part with the staff's proposed findings and conditions, and to the extent there are differences the respective boards shall propose their own recommendations and the reasons therefor. **(AMENDED 09/19/95)**

(e) In response to the planning board's, the appearance commission's, or the transportation advisory board's recommendations, the applicant may modify his application prior to submission to the Board of Aldermen, and the planning staff may likewise revise its recommendations. **(AMENDED 09/19/95)**

Section 15-58 Board Action On Special Use and Conditional Use Permits.

In considering whether to approve an application for a special or conditional use permit, the board of adjustment or the Board of Aldermen shall proceed according to the following format:

- (1) The board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the board that the application is complete.
- (2) The board shall consider whether the application complies with all of the applicable requirements of this chapter. If a motion to this effect passes, the board need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this chapter. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the board to be unsatisfied through this process.
- (3) If the board concludes that the application fails to comply with one or more requirements of this chapter, the application shall be denied. If the board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set

forth in Subdivision 15-45(c)(4). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Section 15-59 Additional Requirements on Special Use and Conditional Use Permits.

(a) Subject to subsection (b), in granting a special or conditional use permit, the board of adjustment or Board of Aldermen, respectively, may attach to the permit such reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location:

- (1) Will not endanger the public health or safety;
- (2) Will not injure the value of adjoining or abutting property;
- (3) Will be in harmony with the area in which it is located; and
- (4) Will be in conformity with the Carrboro Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board.

(b) The permit-issuing board may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. **(AMENDED 5/26/87)**

(c) Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration.

(d) All additional conditions or requirement shall be entered on the permit.

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

(f) A vote may be taken on additional conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subdivision 15- 54(c)(3) or (4).

Section 15-147 Use of the Designations Z,S,C in Table of Permissible Uses.
(AMENDED 11/18/03; 6/22/04)

(a) Subject to Section 15-148, and subsection (h) of this section, when used in connection with a particular use in the Table of Permissible Uses (Section 15-146), the letter “Z” means that the use is permissible in the indicated zone with a zoning permit issued by

the administrator (except that, in connection with use classification 26.200, minor subdivisions, the letter "Z" means that final plat approval shall be granted by the Planning Director). The letter "S" means a special use permit must be obtained from the board of adjustment, and the letter "C" means a conditional use permit must be obtained from the Board of Aldermen. **(AMENDED 1/22/85)**

(b) When used in connection with single-family, two-family and multi-family residences (use classifications 1.100, 1.200 and 1.300) outside the watershed districts, the designation "ZSC" or "SC" means that tracts developed with four dwelling units or less require a zoning permit, tracts developed with between five and twelve dwelling units require a special use permit, and tracts developed with more than twelve dwelling units require a conditional use permit. When used in connection with single-family, two-family, and multi-family residences in the watershed districts, the designation "ZC" means that tracts developed with one dwelling unit shall require a zoning permit and tracts developed with two or more dwelling units shall require a conditional use permit. **(AMENDED 1/22/85; 2/24/87; 12/15/87)**

(c) When used in connection with major subdivisions (use classification 26.100) outside the watershed districts, the designation "SC" means that subdivisions containing between five and twelve lots shall require a special use permit, and subdivisions containing thirteen or more lots shall require a conditional use permit. **(AMENDED 7/21/87; 12/15/87)**

(d) Subject to Section 15-148, use of the designation "ZC" means that a zoning permit must be obtained if the development is located on a lot of (i) one acre or less in the B-1(g), B-1(c), B-2, or B-3, or B-3-T zones, or (ii) two acres or less in all other zones, while a conditional use permit must be obtained for all developments on lots in excess of these limits. **(AMENDED 11/14/88)**

(e) Subject to Section 15-148, use of the designation "Z,S" means that a zoning permit must be obtained if the development is located on a lot of two acres or less while a special use permit must be obtained for developments in excess of two acres.

(f) Use of the designation Z,S,C, for combination uses is explained in Section 15-154.

(g) When used in connection with use classification 18.400 (publicly-owned towers and antennas of all sizes that are used in the provisions of public safety services), the designation "ZC" means that the development of such towers that are fifty feet tall or less shall require a zoning permit, and the development of such towers that are more than fifty feet tall shall require a conditional use permit. **(AMENDED 10/04/88, 02/18/97)**

(h) Whenever any 1.000 classification use is proposed for a lot in the R-2, R-3, R-7.5, and R-10 zoning districts and such use would otherwise require the issuance of a zoning permit under the provisions of this section, a special use permit shall nevertheless be required if:

- (1) The use involves (i) construction of an addition to an existing dwelling, or (ii) construction of an additional dwelling on a lot where at least one dwelling already exists, or (iii) construction of a dwelling on a lot from which a previously existing dwelling has been removed within a period of three years prior to the application for a permit under this chapter, and
- (2) The gross floor area of any one dwelling unit exceeds 3,500 square feet, or the gross floor area of all dwellings covered by the proposed permit exceeds 5,500 square feet.
- (3) This requirement shall not apply if at least one of the dwelling units is an affordable housing unit as defined in Section 15-182.4(a).

When used in connection with 8.100, 8.200, 8.500 and 8.600 uses, the designation “ZC(l)” means that a zoning permit must be obtained if the total area within a development to be used for this purpose does not exceed 1,500 square feet and the use is to take place in a building in existence on the effective date of this subsection while a conditional use permit must be obtained whenever the total area to be used for this purpose is equal to or exceeds 1,500 square feet.

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'

ZONE	MAXIMUM HEIGHT
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.
 - (2) 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.
 - (3) 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)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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September 27, 2005

Patricia J. McGuire, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

Dear Trish:

Thank you for the opportunity to review the proposed amendment to the Town's Land Use Ordinance concerning, ***Certain Downtown Buildings Require a Conditional Use Permit***. We have no comment since the area affected by the proposed amendment is outside the Joint Planning Transition Areas.

Sincerely,

A handwritten signature in black ink that reads "Gene Bell". The signature is written in a cursive, flowing style.

R. Eugene Bell, AICP
Planning Systems Coordinator

cc: Craig Benedict, AICP, Planning Director
Sherri Ingersoll, Administrative Assistant II



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

OCTOBER 20, 2005

RECOMMENDATION ON LAND USE ORDINANCE TEXT AMENDMENT MODIFYING PERMIT REQUIREMENTS FOR CERTAIN BUILDINGS IN DOWNTOWN ZONING DISTRICTS

Motion was made by David Clinton and seconded by Seth Chadbourne that the Planning Board recommends that the Board of Aldermen not adopt the draft ordinance modifying permit requirements to require conditional use permits for buildings over two stories or 35 feet in height in the B-1(g), B-1(c), B-2, CT or M-1 zoning districts and notes the following reasons for their opposition to the change:

- 1) Because the Downtown Neighborhood Protection overlay zoning district provisions address the concerns that give rise to this proposed change,
- 2) Because the proposed change would add additional cost to development projects, and
- 3) Because the change would discourage building by small, local developers.

Vote: AYES (9) (Carnahan, Chadbourne, Clinton, Fritz, Marshall, Paulsen, Poulton, Reid, West); NOES: (0); abstentions (0); ABSENT/EXCUSED (2) (Hammill, Hogan)

James Carnahan, Chair

(date)