

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO  
ESTABLISH ARCHITECTURAL STANDARDS FOR DEVELOPMENT IN THE B-1(C),  
B-1(G), CT, M-1, AND B-2 ZONES**

**\*\*DRAFT 11-18-05 \*\***

**THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:**

Section 1. Article XI of the Carrboro Land Use Ordinance is amended by adding a new Section 15-178 that reads as follows:

Section 15-178 Architectural Standards for Downtown Development

(a) The Board has established a policy that encourages the evolution of a downtown district that embodies the Town's character and includes medium-rise buildings that are appropriately site with adequate public access in keeping with downtown design guidelines. High-quality building design and construction are considered primary elements of the built environment in downtown Carrboro. Creativity is encouraged to the extent that new architectural design is harmonious and complementary with existing buildings and with the community as a whole. Standards have been developed to add consistency and predictability to the permit review process. The following provisions shall apply to new construction within the B-1(c), B-1(g), CT, M-1, and B-2 zoning districts. All projects must conform with the following requirements to the extent practicable, except as otherwise provided in subsection (c):

(1) A business entry, at least six feet in depth and at least eight feet in width, at the principle façade along a public right of way for all buildings must be provided.

(2) (2) The line between the ground and upper floor levels shall be articulated with a cornice, canopy, balcony, arcade, or other visual device.

(3) Buildings shall be designed so that they demonstrate similarity with neighboring buildings at the streetfront in at least four of the following eight visually significant elements: size, height, proportion, roof form, setbacks, fenestration, materials, and color. The four elements selected shall comply with the following criteria:

(a) When an element is present in both neighbors, the element must be used in the new design

(b) When neighbors use different types of a particular element, the new design must use one of the types.

(c) When neighbors differ in several elements, examples of both must be included

(4) Either a cornice or an ornamental or articulated parapet shall be provided

(5) Between 40 and 75 percent of the front or side of a building facing a street must consist of transparent glass surfaces, with a minimum of 60 percent at the ground level façade.

(6) Buildings shall have a minimum of 15 percent transparent surface on the rear façade that faces a public right of way or adjacent residential zoning district.

(7) Buildings taller than 40 feet shall maintain a 20 percent shade free area within any public right of way located between two lines extended north from the easternmost and westernmost property boundaries at the street right of way as measured at noon on September 21.

(8) The area of parking covered by any portion of a building may not exceed 40 percent of the gross floor area of the footprint of the building and must be separated from the street right of way on which the principal façade of the building is facing by habitable building space.

(9) A minimum of 60 percent of the gross floor area of a building at the street level on which the principal façade of the building is facing must be habitable building space.

(10) A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade achieved through the following techniques:

- (a) Divisions or breaks in materials
- (b) Window bays
- (c) Separate entrances and entry treatments
- (d) Variation in roof line
- (e) Building setbacks

(11) Exterior siding materials shall consist of the following only: brick, architectural metals other than roll-form types, or cementitious, wood-like siding.

(b) For the purposes of this section, the term neighboring property shall mean an existing commercial building or buildings located on an adjacent lot and facing the same street as a new building that is subject to the architectural standards specified above.

(c) Notwithstanding the foregoing, applicants for projects that do not comply with the standards specified above may voluntarily participate in an alternative design review process with the Appearance Commission. If the Appearance Commission certifies to the permit-issuing authority that the alternative design substantially achieves the purpose, as spelled out in subsection (a) of this section, of the architectural standards for downtown development, then the development shall not be required to comply with the standards set forth in subsection (a).

Section 2. Appendix A of the Carrboro Land Use Ordinance is amended by the addition of a new provision (25) in A-6 Proposed Changes in Existing Features or New Features that reads as follows:

(25) Plan for Downtown Architectural Standards to comply with Section 15-178 and including, but not limited to, elevation drawings/illustrations of existing and neighboring property building facades.

Section 3. Article IX of the Carrboro Land Use Ordinance is amended by removing the phrase “no metal buildings shall be allowed in this district” from the zoning district purpose and objectives for the B-1(G) zoning district provided in Section 15-136 (2) so that the subsection reads as follows:

**B-1(G) GENERAL BUSINESS.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area.

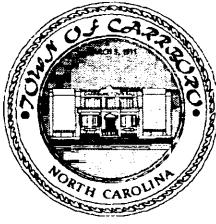
Section 4. Article IX of the Carrboro Land Use Ordinance is amended by deleting Section 15-136 (3) (c).

Section 5. Article IX of the Carrboro Land Use Ordinance is amended by revising Section 15-136 (7) CT Corporate Town to remove the references to architectural requirements so that the subsection reads as follows:

**CT CORPORATE TOWN.** This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. The continued use of existing residential dwelling units along North Greensboro Street is encouraged.

Section 6. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 7. This ordinance shall become effective upon adoption.



## 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, Planning Administrator

**Date:** November 17, 2005, 2005

**Subject:** LUO Text Amendment – Architectural Standards for Downtown Carrboro

Background. Developing specific standards for architectural design can be a challenging task since there are often many options for what is aesthetically pleasing or architecturally appropriate. The subject matter is complex and many of the features over which a community may wish to exercise control are not easily quantifiable. The draft ordinance under consideration resulted from discussions of the Board of Aldermen regarding five areas of architecture and site design where additional control was desired:

- Parking location
- Breaking up the façade
- Exterior materials
- Avoid a canyon effect
- Architecture and site design elements as used in village mixed use development

Adopted policy and regulations pertaining to the noted architecture and site design features, where applicable, were used as guidance for possible regulatory measures. The adopted policy and regulatory documents used for this process include the Downtown Design Guidelines, Downtown Carrboro: New Vision, and the Land Use Ordinance provisions for village mixed use development

Benefits and Limitations. In general, the benefits of establishing mandatory standards include uniformity of site and architectural design, and predictability of the design review

process. The development community may embrace architectural standards because their necessary specificity and opportunity for demonstrated compliance can lay to rest disputes over whether a new structure is harmonious with the existing built environment.

The principle limitation may be the law of unintended consequences; that the standards have been narrowly constructed and may not sufficiently control architecture and site design and the result of applying them might be that structures are not what the community expects or desires. Other limitations include lack of flexibility, which may hinder creativity. Two specific limitations of the standards currently under consideration may be noted. First is the compressed time period during which the standards have been in development and under review. The areas of desired architectural and site design controls were specified in late August. A draft ordinance was submitted to advisory boards in mid-October and to the Board of Aldermen later that month. Second is the number of changes to regulations related to downtown development that have been modified or established in recent months. The complexity and uncertainty of the entirety of these actions may have a negative effect on achieving Town goals related to expanded commercial development either by dissuading property owners/developers from considering any changes or encouraging folks to seek proposals that would fall outside of the regulations that are perceived to be most onerous.

Active Projects That Could be Affected by the Architectural Standards. If architectural standards are adopted in the near future, it is likely that the community would wish to have those standards apply to projects currently under review in the zoning districts where the standards are being considered. At present, two projects are currently under formal review, the 300 East Main Mixed Use development and the 310 East Main Condominiums. Several other projects are in development, including the Andrews-Riggsbee hardware property, and, possibly, re-design of the Old Farmer's Market Parking lot office building. Depending on the outcome of the moratorium and rezoning of the R-2 district, the Merritt Mill Apartments project may also be affected.

Overview of draft ordinance. The draft ordinance spells out eleven requirements that will, if adopted, apply to all new construction within the B-1(c), B-1(g), CT, M-1, and B-2 zoning districts. The draft ordinance also removes existing references to architectural requirements in these zoning districts (See excerpted zoning district provisions attached, Attachment B-4 through B-6). For new construction that does not meet these requirements, a procedure can be followed in which the Appearance Commission may determine that an alternative design substantially achieves the purpose of the architectural standards. The Appearance Commission is suggested to serve in this capacity since, in the description of this advisory board, the Board of Aldermen is to seek to appoint three members with backgrounds in design and architecture. There have been some staff discussions and advisory board comments regarding the scope of the purpose statement, the use of the terms 'harmonious' and 'complementary, and the need and/or desirability of looking to existing buildings on neighboring properties in the downtown for architectural elements. Such provisions could be modified or removed, if the Board desired.

Action Options. The Board of Aldermen has broad legislative authority related to land use regulations. Specific architectural and site design requirements have been deemed an acceptable exercise of police powers so long as they are reasonable and do not involve the delegation of authority. The staff believes that the ordinance provisions currently under consideration meet both of those ‘tests.’ Several action options exist.

1. Adopt the draft ordinance amending the text of the Land Use Ordinance
2. Modify the draft ordinance by removing less desirable architectural and/or site design provisions.
3. Submit the draft ordinance to the consultant on Economic Sustainability prior to taking any action.

### **RECOMMENDATION**

Recognizing the Board’s concern about assuring appropriate development and redevelopment in the downtown and given the number and complexity of recently enacted downtown ordinance provisions, the staff recommends that the draft ordinance be submitted to the economic sustainability consultant prior to taking action.

**Section 15-135.1 Conservation District.(AMENDED 12/7/83)**

There is hereby established a conservation (C) district. The purpose of this district is to protect the public health, safety, and welfare by severely restricting development within and adjacent to certain lakes, ponds, watercourses, streams, creeks, drainage areas, floodplains, wetlands, and other flood-prone areas within the University Lake Watershed. The limited development allowed within a conservation district not only minimizes the danger to the community water supply from the more intensive development of this land but also allows this land to act as a natural buffer between more intensively developed areas and the watercourses contained within a conservation district. (AMENDED 12/7/83)

**Section 15-136 Commercial Districts Established. (AMENDED 2/4/86;5/28/02)**

The districts described below are hereby created to accomplish the purposes and serve the objectives indicated:

- (1) **B-1(C) TOWN CENTER BUSINESS.** This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user. (AMENDED 06/09/98)
- (2) **B-1(G) GENERAL BUSINESS.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area.. In addition, no metal buildings shall be allowed in this district. (AMENDED 12/08/92; 06/09/98)
- (2.1) **(EAT) RESTAURANT DISTRICT OVERLAY.** This overlay district is designed to accommodate on-premises (inside and outside) dining 8.100 and 8.200 restaurant uses in the B-1(g) General Business district. Because of the B-1(g) district's close proximity to established residential single-family neighborhoods, the EAT overlay is restricted to properties a minimum distance of one property width from abutting residential zones and is limited in the types of night uses permitted. In addition, emphasis is given to the existing restrictions in the B-1(g) district and the ability of the permit-issuing authority to limit hours of operation where such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. Use of property within the overlay district for 8.100 and 8.200 purposes shall require the issuance of a conditional use permit. (AMENDED 03/21/95)
- (3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes


and proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements:

- a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
- b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and
- c. Whenever a new building is erected in this district, (i) the exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood, or fabricated residential lap siding made of hardboard or aluminum); (ii) the pitch of the roof shall have a minimum vertical rise of one foot for every five feet of horizontal run; provided that this requirement shall not apply to lots that have frontage on any street where, within the same block as the property in question, at least 75% of the buildings (in place on September 6, 1988) within the B-2 district that front along the same side of the street do not have roofs that comply with this pitched roof standard; and (iii) windows shall be of a type commonly used in single-family residences. (AMENDED 09/06/88)

- (4) **B-3 NEIGHBORHOOD BUSINESS.** This district is designed to accommodate commercial needs arising at the neighborhood level and which are more appropriately dealt with at that level than at the community level. Neighborhood businesses include grocery stores, branch banks, gas sales, and the like. To insure compatibility between B- 3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction.
- (5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of



permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.

- (6) **B-5 WATERSHED COMMERCIAL.** This district is designed to accommodate commercial uses within the University Lake Watershed area without adversely affecting the community water supply.
- (7) **CT CORPORATE TOWN.** This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. In order to preserve the character of North Greensboro Street, the exterior walls of any structure built after July 1, 1985 shall be constructed of brick, stone, or wood. The continued use of existing residential dwelling units along North Greensboro Street is encouraged. 
- (8) **B-3-T TRANSITION AREA BUSINESS.** This district is designed to accommodate commercial needs arising in the town's more rural neighborhoods, especially in the joint planning transition areas, and which are more appropriately dealt with at the neighborhood level than at a community or regional level. To insure compatibility between B-3-T areas and their associated rural neighborhoods, no B-3-T district shall be greater than five acres, and no areas shall be zoned B-3-T if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 11/14/88)**
- (9) **O OFFICE.** This district is intended to provide locations for low intensity office and institutional uses. This district is designed for parcels three (3) acres or less in size. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use. In order to assure compatibility of residential conversions or new office construction with existing and future residential development, specific performance measures to mitigate negative impacts of office development will be required. Any development within the Office (O) district shall comply with the following requirements:
  - a. Type A screening will be required between any non- residential use and adjacent properties, except for openings necessary to allow pedestrian movement between the office or institutional use and adjacent properties;
  - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets, unless doing so would adversely affect adjoining residential properties;

**TOWN OF CARRBORO**

NORTH CAROLINA

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# Memo

**To:** Mayor and Board of Aldermen  
**From:** Nathan Milian, ESC Chair *NM*  
**Date:** 11/14/2005  
**Re:** Comments and recommendation on the proposed Land Use Ordinance Text Amendment to Establish Architectural Standards for Downtown Carrboro

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The Economic and Sustainability Commission received a presentation from staff on this proposed text amendment and offered the following comments and recommendations.

1. To insure that what is being proposed does not limit architectural freedom and diverse building types, it is requested that advice and input from local architects be solicited prior to approval of the proposed changes to the Land Use Ordinance.
2. Proposed changes to architectural standards for the downtown should not slow or discourage significant projects that have spent money and time to develop projects in downtown Carrboro, particularly those that have already made application.
3. The town should identify examples of desirable architectural models to provide additional options for acceptable architectural standards, to guide future architectural standards for the Town of Carrboro and not necessarily the criteria to the designs which exist on the adjacent lots.



# 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

NOVEMBER 17, 2005

#### LVO Text Amendment to Establish Architectural Standards for Downtown Carrboro

A motion was made by David Clinton and seconded by Heidi Paulsen that the Planning Board recommends that the Board of Aldermen not adopt the proposed architectural standards for downtown Carrboro because the Planning Board doesn't believe that the standards will achieve the results the Board of Aldermen desires.

Alternatively, the Planning Board would like to recommend that all developers of new buildings in the B-1(c), B-1(g), CT-M-1, and B-2 zoning districts be required to participate in a concept sketch plan review process that addresses the following topics in relation to the location, design, and performance of new buildings:

1. Relationship to neighborhood;
2. Relationship to the public realm, including sidewalks and streets;
3. Materials; and
4. Sustainability as demonstrated in the Triangle J Council of Governments High Performance Guidelines for Building.

Vote: AYES (8) (Carnahan, Chadbourne, Clinton, Fritz, Hammill, Paulsen, Poulton, and West); NOES: (0); ABSTENTIONS (0); ABSENT/EXCUSED (3) (Hogan, Marshall and Reid)



*James Carnahan, Chair*

November 18, 2005  
(date)