

A RESOLUTION SPECIFYING FOLLOW-UP TO A PLANNING BOARD
RECOMMENDATION TO MODIFY THE OPPOSITE SIDE STEPBACK
PROVISIONS OF THE DOWNTOWN NEIGHBORHOOD PROTECTION OVERLAY
ZONING DISTRICT REQUIREMENTS

Resolution No. 162/2005-06

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to consider modifications to existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED that the Board of Aldermen directs staff to prepare a draft ordinance that responds to the Planning Board recommendation regarding Section 15-185.1 of the Land use Ordinance.

BE IT FURTHER RESOLVED that the Board of Aldermen sets a public hearing for September 26, 2006 to review a draft ordinance as recommended by the Planning Board, and

BE IT FURTHER RESOLVED that the draft ordinance is referred to Orange County for review per the Joint Planning Agreement and to the Town of Carrboro Planning Board for its recommendations.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- | | |
|---|---|
| <input checked="" type="checkbox"/> <i>Appearance Commission</i> | <input type="checkbox"/> <i>Recreation and Parks Commission</i> |
| <input type="checkbox"/> <i>Transportation Advisory Board</i> | <input type="checkbox"/> <i>Northern Transition Area Advisory Committee</i> |
| <input type="checkbox"/> <i>Environmental Advisory Board</i> | <input type="checkbox"/> _____ |
| <input checked="" type="checkbox"/> <i>Economic Sustainability Commission</i> | <input type="checkbox"/> _____ |

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 three stories, except as set forth below:

- (1) A fourth story may be constructed if such fourth story is either set back at least ten feet from the edge of the DNP Buffer Area or is 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 any street right-of way line other than that associated with establishing the DNP buffer area 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.



PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

JUNE 1, 2006

**RECOMMENDATION ON REVIEW OF LAND USE ORDINANCE TEXT AMENDMENT –
DOWNTOWN NEIGHBORHOOD PRESERVATION (DNP) OVERLAY ZONE PROVISIONS
15-185.1(d)(2)b and 15-185.1(f)(2)b**

As was recommended on May 15, 2005 in relation to establishment of the Downtown Neighborhood Preservation Overlay zoning district, Paulsen moved and Reid seconded that the Planning Board recommend that the Board of Aldermen proceed with an amendment to the Land Use Ordinance to delete Section 15-185.1(d)(2)(b) and Section 15-185.1 (f)(2)(b).

VOTE: AYES: (7) (Camahan, Fritz, Paulsen, Poulton, Rabinowitz, Reid and West; NOES (0); ABSTENTIONS (0); ABSENT/EXCUSED (2) (Chadbourne and Clinton).

James Carnahan, Chair June 1, 2006
(date)

B-1(C) and B-1(G)

Residential zone

