

**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 FOLLOWING 5-19-06 WORKSESSION****

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 sited 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 primary entrance shall be oriented toward the right of way and shall be articulated either by a recess or by a detachable awning.

(2) With respect to any side of a building that faces the street adjacent to the lot where the building is located and is visible from such street right-of-way, a minimum of 40 percent of the elevation of such side shall consist of a glass surface, and a minimum of 60 percent of the elevation of the ground level of such façade shall consist of a glass surface.

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

(4) Parking or utility areas shall be substantially shielded from the view of adjoining streets by habitable space. For the purposes of this subsection, the term habitable shall mean partially or fully enclosed space within a building that is actively used or occupied by the residents of the building. The active use of these spaces is characterized by the routine and regular presence of the building's residents rather than the routine and regular presence of stored goods, equipment, or other materials.

(5) 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

(6) The following exterior materials are prohibited: metal siding with exposed fasteners, vinyl siding, and processed wood panel products (e.g. hardboard).

(b) 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 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 5 All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption but shall remain effective only for a period of three years from its effective date.

**PUBLIC HEARING: LAND USE ORDINANCE TEXT AMENDMENT TO ESTABLISH
ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO**

The Board of Aldermen has been considering architectural requirements for the downtown area. A draft ordinance that incorporates architectural standards has been prepared. It was necessary for the Board of Aldermen to receive public comments prior to taking action on the proposed change.

Trish McGuire, the town's Planning Administrator, made the presentation.

James Morgan stated that the Downtown Design Guidelines are out of date and are due for review. He showed several examples of buildings in the downtown that currently exist but would not comply with the proposed architectural standards. He asked that the Board continue discussion of architectural standards for downtown Carrboro. He also suggested that the town consider giving out awards for good design.

David Ripperton stated that creativity should not be restricted and the current review process should be used. He stated that he feels the height limit should have been left at three stories, and that the town should be more diligent in its review of projects.

Laura van Sant, speaking for Main Street Properties, stated that their proposed project would violate 8 of the 11 requirements in the proposed ordinance.

Gary Giles stated that the proposed architectural standards are loaded with mediocrity and urged the Board to consider performance criteria, and that the Board consider concept review. He urged the Board to reject the draft ordinance. Mr. Giles submitted comments for inclusion in the record. He stated that he feels the Downtown Design Guidelines should be updated periodically.

Jim Spencer stated that the goal is admirable, but the problem comes when you try to quantify design. He stated that he believes town will achieve greater diversity in design with fewer restraints. In addition, he stated that he feels the current regulations address the same issues.

James Camahan stated that the Planning Board looked at three different options-- support or not support the proposal, go through proposal and make particular suggestions for the 11 items, or that the standards not be adopted and making concept review a requirement for all downtown zones. He suggested that requirement #3 of the proposed ordinance be dropped, that requirement #4 should read: "Either a cornice or an ornamental or articulated parapet shall be provided at the roof," and that exterior siding materials should be expanded.

Jack Haggerty spoke in opposition to the proposed standards, and volunteered to serve on a committee to address specific concerns.

Alderman Broun suggested that Alderman Herrera be given an opportunity to review the recording of tonight's public hearing. In addition, Alderman Broun asked for a brief staff report on whether the building located at 605 W. Main Street could have been constructed under the current land use provisions.

**CONTINUATION OF A PUBLIC HEARING ON LAND USE ORDINANCE TEXT AMENDMENTS
TO ESTABLISH ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO**

The Board of Aldermen held a public hearing on January 24, 2006 and received public comments on a draft ordinance that establishes architectural standards for the downtown. The Board of Aldermen continued the hearing to allow additional time for consideration of the draft ordinance.

Trish McGuire, the town's Planning Administrator, addressed the Board.

Alderman Broun proposed creating a subcommittee with architects and members of the Planning Board and Appearance Commission to develop a group of standards that are performance based.

Alderman Coleman said he is intrigued by the suggestion made by James Carnahan about revising the burden of proof for the CUP. He would like to see staff comment on the workability of this proposal.

Mayor Chilton expressed concern about a grocery store project where Mellott Contracting is now. It could be done well or poorly from an aesthetic point.

Mayor Chilton said that a few items strike him as very important and we ought to be proscriptive. A ground floor exclusively for parking is a bad idea. He does not want to completely adopt or shelve what we have in front of us. He asked that the Planning Board and/or some knowledgeable people to go through this and keep the good points – even if they cut out 80-90% of what is there.

Alderman Broun said that she is not opposed to that, but as of now, she cannot support it. She wants more commercial and not more expensive condos.

Bob Kirschner addressed the Board. He asked for a summary of James Carnahan's email.

James Carnahan addressed the Board to summarize his email.

Mayor Chilton stated that the Board should consider looking at the Table of Permissible Uses and types of permits for land uses. Our ordinance would allow an Advance Auto to open with a zoning compliance permit and permission from staff, but in the same zoning district, a childcare center would require someone to come before the Board and it would take 12-18 months. It does not make any sense at all.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL BROUN THAT THE PLANNING BOARD, APPEARANCE COMMISSION AND ECONOMIC SUSTAINABILITY COMMISSION DISCUSS THE ARCHITECTURAL STANDARDS AND PRESENT A REPORT TO THE BOARD OF ALDERMEN BY MID-MAY. VOTE: AFFIRMATIVE ALL

REPORT ON JOINT ADVISORY BOARD REVIEW OF PROPOSED ARCHITECTURAL STANDARDS FOR DOWNTOWN CARRBORO

The Board of Aldermen held a public hearing on January 24, 2006 and February 21, 2006. The Board of Aldermen referred the draft ordinance for further consideration by several advisory boards. These boards met jointly to review and make recommendations on a revised ordinance.

Trish McGuire, the town's Planning Administrator, made the presentation.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN TO DIRECT STAFF TO REVISE THE DRAFT ORDINANCE TO:

- DEFINE "HABITABLE BUILDING SPACE;"
- REINSTATE 60% GLAZING AT GROUND FLOOR,
- REINSTATE 45-FOOT FAÇADE BREAK PROVISION (SECTION 110, A-E); AND
- INCLUDE A TWO-YEAR REVIEW CLAUSE THAT CORRESPONDS WITH THE BUILDING HEIGHT PROVISIONS REVIEW.

VOTE: AFFIRMATIVE ALL

MOTION WAS MADE BY JACQUELYN GIST AND SECONDED BY DAN COLEMAN TO ASK THAT THE TOWN STAFF INCLUDE THE SIMILARITY LANGUAGE IN THE REVISED ORDINANCE. VOTE: AFFIRMATIVE TWO, NEGATIVE FIVE (ZAFFRON, HERRERA, CHILTON, BROWN, HAVEN-O'DONNELL)

Mayor Chilton asked that the revised ordinance be brought back to the Board for consideration prior to the summer break.

MOTION WAS MADE BY ALEX ZAFFRON AND SECONDED BY JOAL HALL BROWN TO DIRECT THE TOWN STAFF TO DRAFT A LAND USE ORDINANCE TEXT AMENDMENT TO CREATE A CONCEPT REVIEW PROCEDURE. VOTE: AFFIRMATIVE ALL

** DRAFT 5-22-06 **

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO
ESTABLISH A CONCEPT PLAN REVIEW PROCESS FOR DEVELOPMENTS REQUIRING
SPECIAL USE PERMIT OR CONDITIONAL USE PERMIT APPROVAL

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IV of the Carrboro Land Use Ordinance is amended by adding a new Section 15-48.1 Concept Plan Review Procedures Prior to Submitting Applications that reads as follows:

Section 15-48.1 Concept Plan Review Procedures Prior to Submitting Applications

(a) Prior to submitting an application for a special or conditional use permit, the applicant shall comply with the requirements of this section.

(b) The applicant shall attend a regularly scheduled Development Review meeting and discuss the proposed project with staff in attendance at such meeting. This requirement shall not apply to a developer of a proposed major subdivision who has met with the planning staff under the provisions of Subsection 15-50(d) following an “on-site walkabout”.

(c) Following compliance with the provisions of subsection (b), the applicant shall attend a Joint Advisory Board meeting comprising at least the following boards: Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, and Economic Sustainability Commission. The planning staff may notify the Recreation and Parks Commission and the Northern Transition Area Advisory Committee when issues relevant to those boards are raised by a proposed development, and members of those boards may attend.

(1) No quorum requirements shall apply to the Joint Advisory Board.

(2) The applicant shall present to the Joint Advisory Board sufficient information about the proposed development to enable the board to have a general understanding of the nature and extent of the development. If the development is a major subdivision, then a “conceptual preliminary plan” prepared in accordance with the provisions of Section 15-50 shall suffice. If the development is not a major subdivision, then the information submitted shall include at least the following:

- a. A sketch site plan showing the location and size (including floor area) of proposed buildings, parking areas, and driveway entrances;
- b. Proposed residential densities and types of residential units (in terms of number of bedrooms);
- c. Illustrations of building elevations.

- d. Other information deemed necessary by the staff to demonstrate to the Joint Advisory Board the concept of the proposed development.

(d) Following the presentation of the concept plan to the Joint Advisory Board, the members of that board may present such feedback to the developer as they deem appropriate. In addition, following the Joint Advisory Board meeting, the component advisory boards may meet separately and make recommendations to the developer.

(e) When the development application comes back before the advisory boards for a recommendation prior to the public hearing on such application, each advisory board that has reviewed the concept plan and made comments on it shall review those comments and may ask the developer to explain how those comments have been addressed or why they have not been addressed.

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

Section3. This ordinance shall become effective upon adoption.

TOWN OF CARRBORO



**DOWNTOWN ARCHITECTURAL
STANDARDS ORDINANCE REVIEW
SUBCOMMITTEE OF THE
Planning Board
Economic Sustainability Commission
Appearance Commission**

301 West Main Street, Carrboro, North Carolina 27510

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

WEDNESDAY, MAY 10, 2006

The subcommittee recommends that the Board of Aldermen consider establishing a policy that all projects requiring special use or conditional use permits will participate in a concept plan review process prior to submitting a formal application. The concept plan review process will be modeled on the joint courtesy review process that has been followed by a number of advisory boards for several years and will involve the following steps:

1. Applicant attends Development Review meeting and discusses proposed project with staff and others.
2. Applicant coordinates with staff the scheduling of the concept plan review to ensure that members of the following advisory boards and commissions, and their associated board liaisons are able to attend: Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, Economic Sustainability Commission, Recreation and Parks Commission, and Northern Transition Area Advisory Commission.
3. Whenever possible, the concept plan review will be scheduled for the first Thursday of the month, during the time slot that is normally made available for other joint review activities.
4. Applicant submits illustrations of the principal floor plan and building elevation, at a minimum. Applicant provides other materials as needed to demonstrate the concept of the proposed project.
5. Advisory boards and commissions provide comments to the applicants, if desired.
6. Advisory board and commission review original comments, if any, when a project is nearing completion and has been referred back for a formal recommendation. This provides an opportunity for the boards and commissions to examine them and to request an explanation as to why or why not comments had been addressed.

Agreed to by the consensus of those present: Stan Babiss, David Clinton, Debra Fritz, Jack Haggerty, Ellie Kinnaird, Peter Lee, Bill Soeters

Attachment "E"

**A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE
TEXT AMENDMENT TO ESTABLISH A CONCEPT PLAN REVIEW PROCESS
WITH THE JOINT REVIEW ADVISORY BOARDS**

Resolution No. 170/2005-06

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 calls a public hearing on September 26, 2006 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH A CONCEPT PLAN REVIEW PROCESS FOR DEVELOPMENTS REQUIRING SPECIAL USE PERMIT OR CONDITIONAL USE PERMIT APPROVAL."

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

A RESOLUTION ADOPTING A
STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR
ADOPTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE
ORDINANCE

Resolution No. 161/2005-06

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: 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

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks the development and placement of architecturally significant commercial and civic buildings in order to achieve an attractive developed environment. Furthermore, Town policies identify the need to periodically revisit and update architectural guidelines to evaluate their effectiveness and their impact on other policy areas.

Section 3. This resolution becomes effective upon adoption.

A RESOLUTION ADOPTING A
STATEMENT EXPLAINING THE BOARD OF ALDERMEN'S REASONS FOR
REJECTING AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE
ORDINANCE

Resolution No. 160/2005-06

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: 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

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing policies are sufficient.

Section 3. This resolution becomes effective upon adoption.