

A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE
TEXT AMENDMENT TO MODIFY STREET RIGHT OF WAY DEDICATION
PROVISIONS ASSOCIATED WITH ALLOWING ADDITIONAL BUILDING
HEIGHT IN CERTAIN DOWNTOWN ZONING DISTRICTS

Resolution No. 23/2006-07

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 October 24, 2006 to consider adopting "AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY THE MANNER IN WHICH RIGHT OF WAY DEDICATION WILL ALLOW A PROPERTY OWNER/DVELOPER TO TAKE ADVANTAGE OF ADDITIONAL BUILDING HEIGHT."

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

REQUEST TO SET A PUBLIC HEARING TO CONSIDER A LAND USE ORDINANCE TEXT AMENDMENT TO MODIFY STREET RIGHT-OF-WAY DEDICATION REQUIREMENTS WHERE LOTS FRONT ON MULTIPLE STREETS

The Town has received a request from David Ripperton to amend the text of the Land Use Ordinance to modify the street right of way dedication provisions associated with allowing additional building height in certain downtown zoning districts. A draft ordinance that responds to this request has been prepared. A resolution that sets a public hearing on the draft ordinance and refers the ordinance to the Planning Board and Orange County, the Transportation Advisory Board and the Economic Sustainability Commission was recommended for the Board's adoption.

Alderman Gist stated that the Board had spent a lot of time working through the neighborhood protection zone and expressed concern that this item and the request to set a public hearing on the setback provision appear to be setting the wheels in motion to make that zone less effective.

Alderman Broun stated that she felt that the Board should set a public hearing since one of the town's advisory boards was asking that the Board review these matters.

Alderman Coleman stated that the Board always listens to its advisory board, but does not always take their advice.

Alderman Zaffron pointed out that the request to set a public hearing to modify street right-of-way dedication requirements was generated by an individual property owner—not an advisory board.

It was the consensus of the Board to request that the town staff reschedule this item for the fall of 2006 for Board discussion.

TOWN OF CARRBORO



LAND USE ORDINANCE AMENDMENT REQUEST

To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):

15-185(a)(3)(a) (SEE ATTACHED SHEET)

2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

THE PROPOSED AMENDMENT WOULD ALLOW 125' OR MORE OF DEDICATION FROM THE CENTERLINE OF THE ROAD (SEE ATTACHED SHEET)

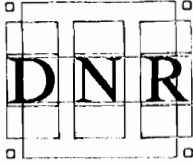
3) State the reasons for the proposed amendment:

THE OWNERS BELIEVE THE DEDICATION FROM THE CENTERLINE OF THE EXISTING RIGHT-OF-WAY IS A MORE EQUITABLE WAY TO INCREASE THE RIGHT-OF-WAY WIDTH WITHIN THE DOWNTOWN AREA, ESPECIALLY ON SMALL COMMERCIAL LOTS. THIS METHOD IS CONSISTENT WITH THE PLAN FOR ROBERSON STREET IMPROVEMENTS ADOPTED BY THE BOARD OF ALDERMEN, FEB 18, 2003

SIGNATURE: David Rippetton applicant DAVID RIPPETTON (print)

ADDRESS: 200 N. GREENSBORO ST., SUITE B-13B, CARRBORO

TELEPHONE NUMBER: 942-9999



David N. Ripperton Architect Inc.

200 N. Greensboro St., Suite B-13b Carrboro, NC 27510 919-942-9999 Fax 919-942-8989

TOWN OF CARRBORO

LAND USE ORDINANCE AMENDMENT REQUEST

3-20-06

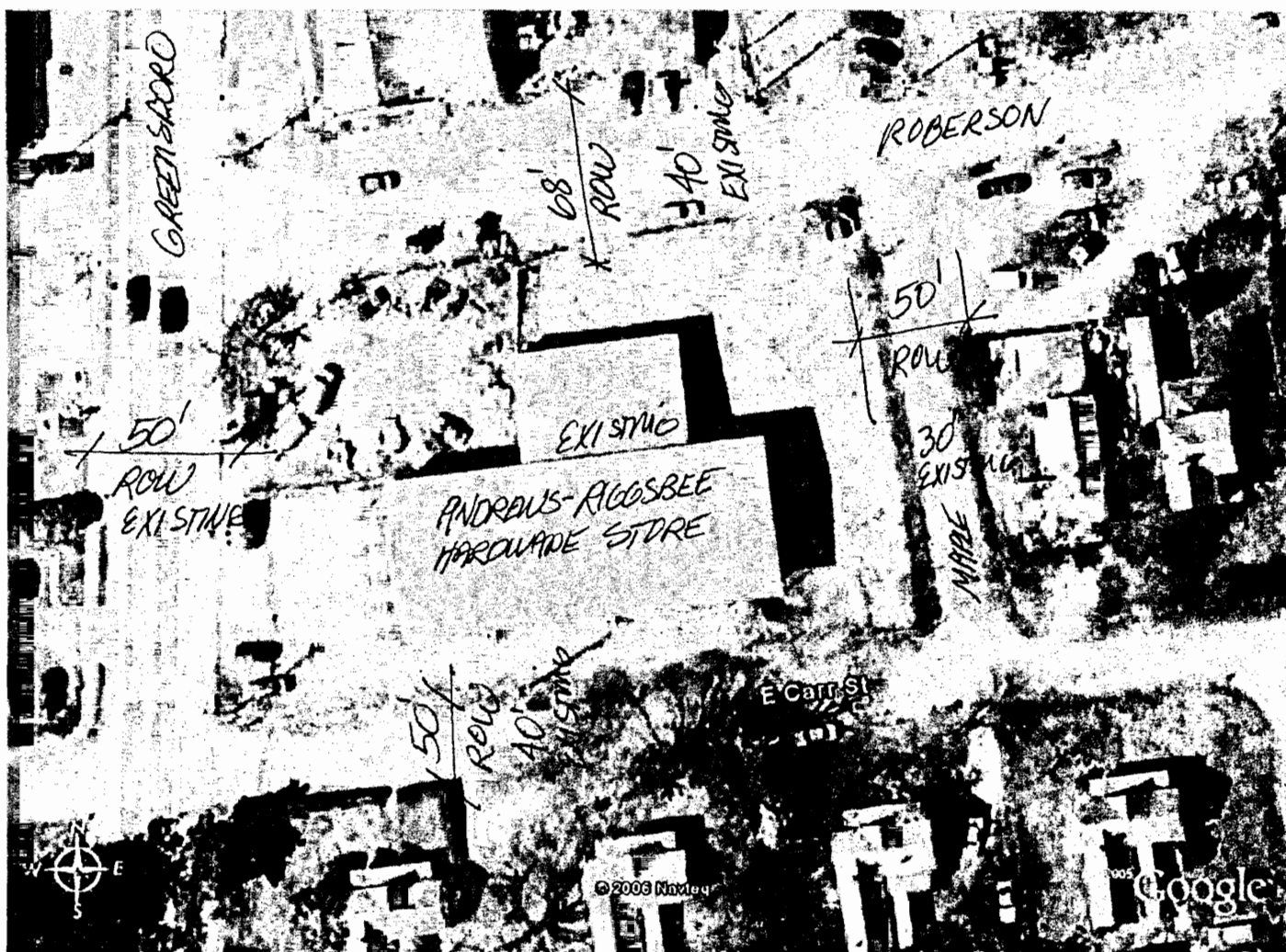
The LUO provision pertaining to dedication of additional right of way - 15-185 (a)

(3) (a). The existing language:

- a. If a property owner whose property in a B-1(c) or B-l(g) district abuts a street right-of-way of fifty feet or less dedicates additional right-of-way to more that 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.

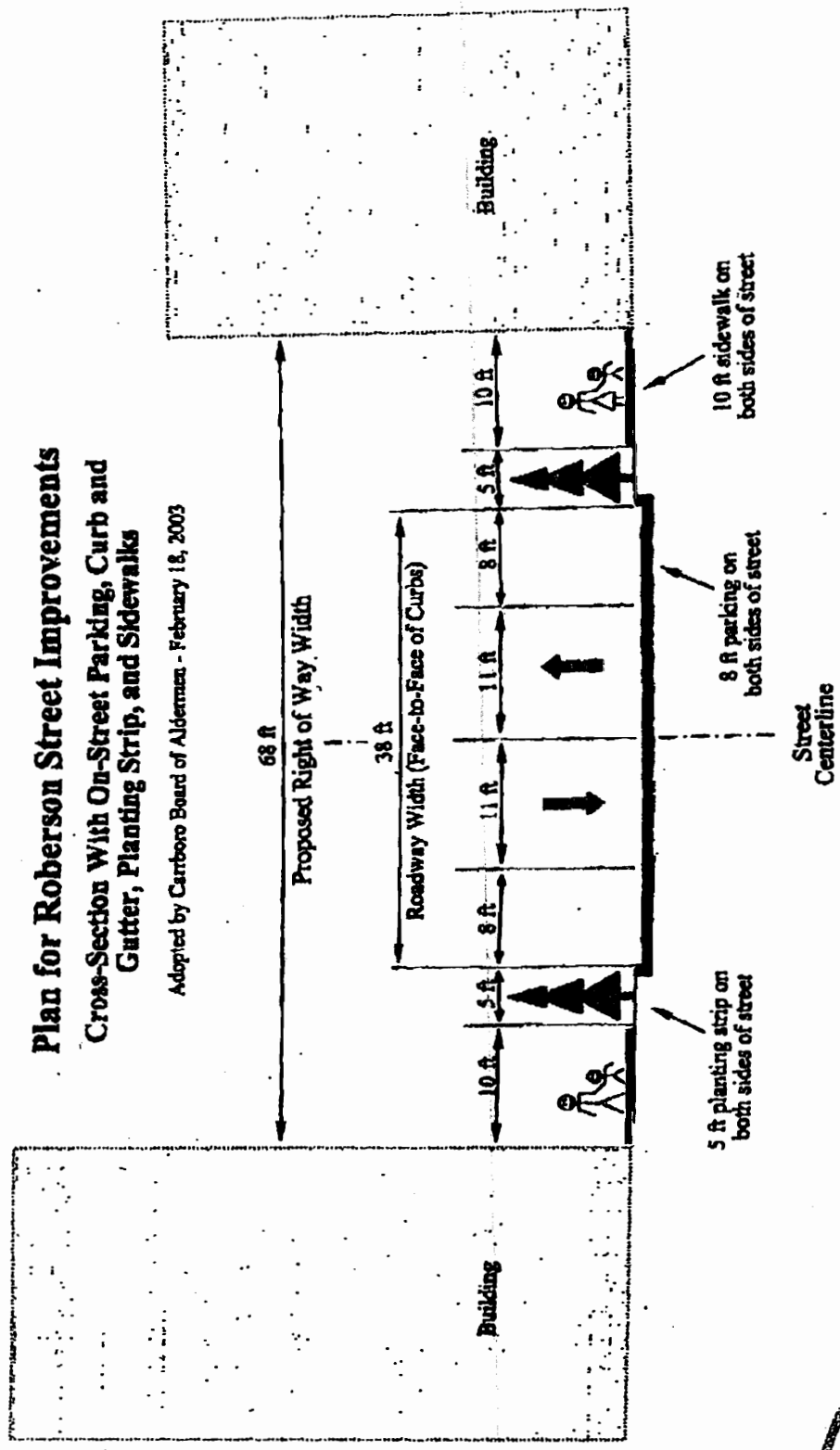
The proposed language:

- a. If a property owner whose property in a B-1(c) or B-l(g) district abuts a street right-of-way of fifty feet or less dedicates additional right-of-way to more that twenty-five feet from the center line of the existing right-of-way, 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.



Plan for Roberson Street Improvements
Cross-Section With On-Street Parking, Curb and
Gutter, Planting Strip, and Sidewalks

Adopted by Carboro Board of Aldermen - February 18, 2003



Note: When the plan is implemented the overall right-of-way width and cross-section elements may be modified if necessary to minimize impacts to existing structures.

NOT TO SCALE

(2)

Excerpt of Land Use Ordinance

Section 15-185 Building Height Limitations. (AMENDED 9/13/83; 2/4/86; 11/14/88; 4/8/03; 6/22/04; 8/23/05; 10/25/05)

- (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

ATTACHMENT D-2

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.
- (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.

ATTACHMENT D-3

- (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

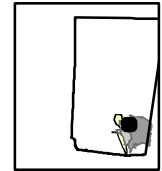
ATTACHMENT D-4

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 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)**

Street R/W Widths in Downtown Carrboro

- Streets
- Properties
- - - Carrboro City Limits
- Street right-of-way**
- 40
- 45
- 46
- 50
- 60



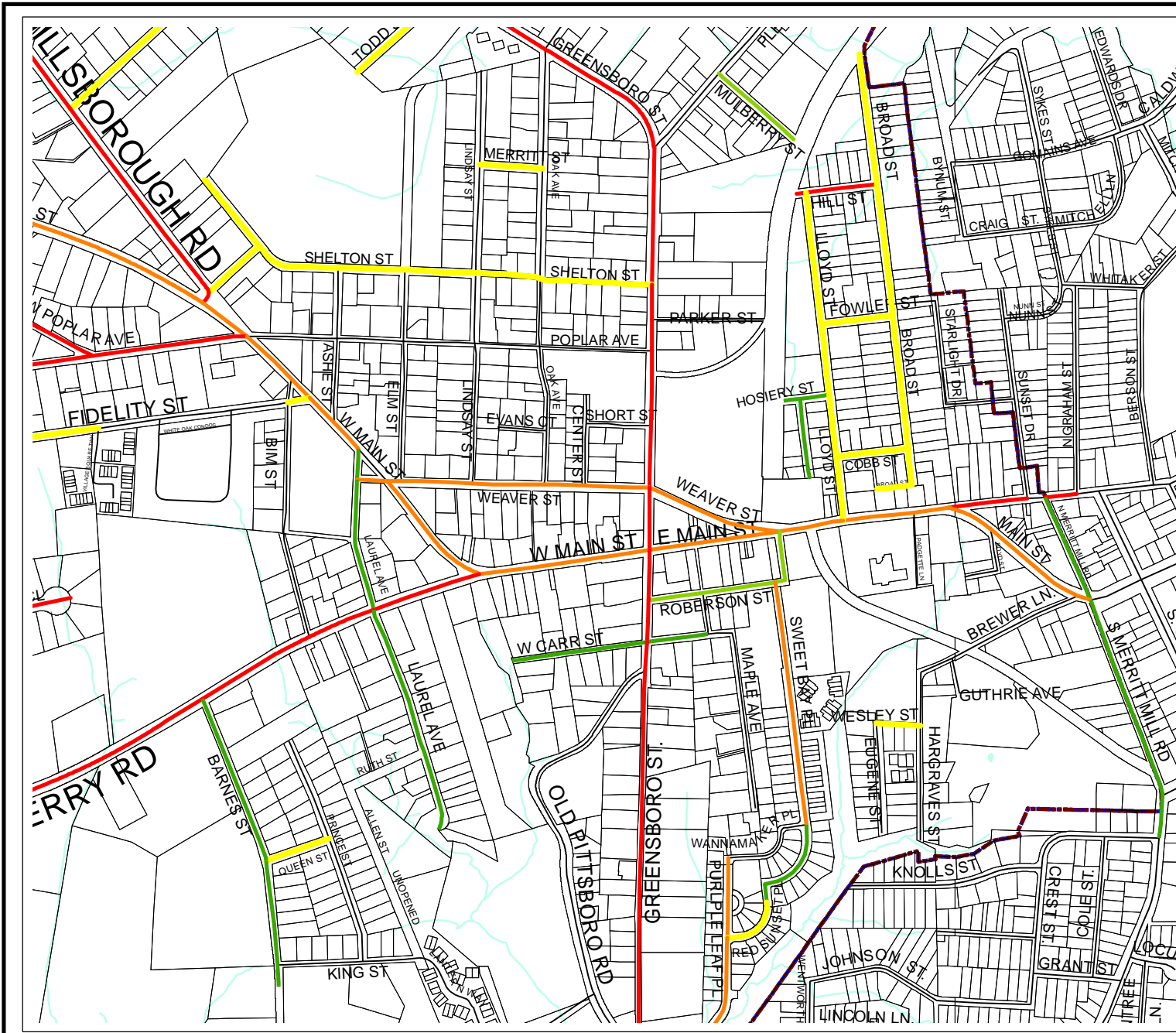
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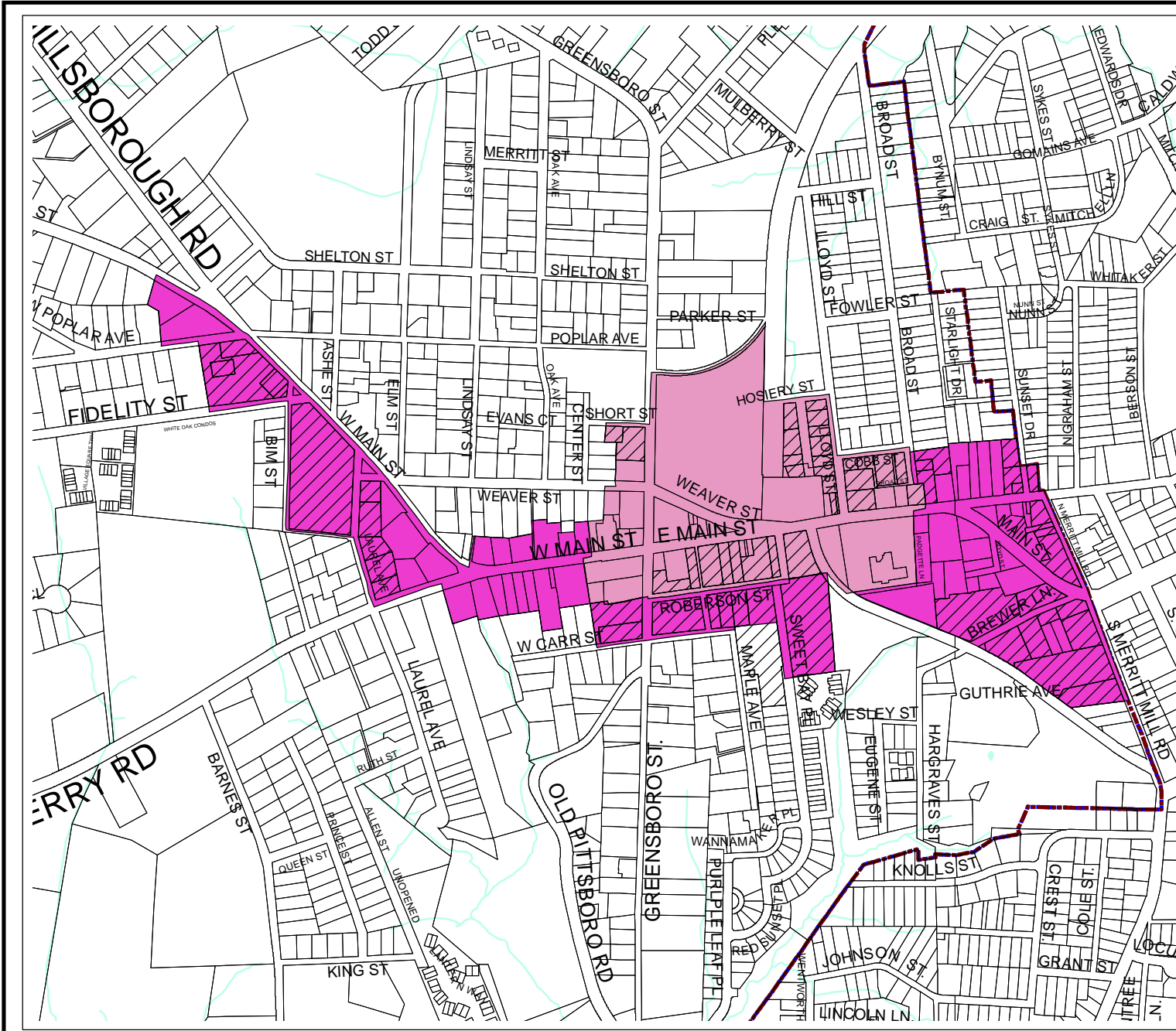



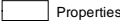
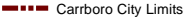


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Carrboro, NC 27510

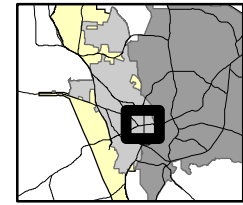
Printed Jun 15, 2006



Location of B-1(c) and B-1(g) Districts in Downtown Carrboro



-  R/W < 50
-  Properties
-  Carrboro City Limits
- zoning83 polygon selection**
- ZONING**
-  B1C
-  B1G



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TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

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**** DRAFT 5-21-06 ****

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY THE MANNER IN WHICH RIGHT OF WAY DEDICATION WILL ALLOW A PROPERTY OWNER/DEVELOPER TO TAKE ADVANTAGE OF ADDITIONAL BUILDING HEIGHT

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-185 (a)(3) of the Carrboro Land Use Ordinance is amended by revising subdivision (a) to read as follows:

- 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 so that, following such dedication, there exists more than 25 feet of right-of-way measured from the new property line established by such dedication to the center line of the previously existing right-of-way, 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 such a building that takes advantage of such additional height.

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

Section 3. This ordinance shall become effective upon adoption.