

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
Draft Resolution No. 142/2010-11

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 ALLOW THE BOARD OF ALDERMEN TO APPROVE ADDITIONAL RESIDENTIAL DENSITY IN B-1(G)-CZ ZONING DISTRICTS SUBJECT TO THE INCLUSION OF CONDITIONS FOR SITE AND BUILDING ELEMENTS THAT WILL CREATE A MORE VIBRANT AND SUCCESSFUL COMMUNITY

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, Policy 6.15.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town should pursue the development of density bonus provisions for projects incorporating environmentally sensitive development and building practices.

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

Draft Resolution No. 142/2010-11

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 ALLOW THE BOARD OF ALDERMEN TO APPROVE ADDITIONAL RESIDENTIAL DENSITY IN B-1(G)-CZ ZONING DISTRICTS SUBJECT TO THE INCLUSION OF CONDITIONS FOR SITE AND BUILDING ELEMENTS THAT WILL CREATE A MORE VIBRANT AND SUCCESSFUL COMMUNITY

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 adopted policies.

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.

This the ____ day of _____, 20__.

****DRAFT 6-8-11****

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW THE BOARD OF ALDERMEN TO APPROVE ADDITIONAL RESIDENTIAL DENSITY IN B-1(G)-CZ ZONING DISTRICTS SUBJECT TO THE INCLUSION OF CONDITIONS FOR SITE AND BUILDING ELEMENTS THAT WILL CREATE A MORE VIBRANT AND SUCCESSFUL COMMUNITY
THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-182 Residential Density, of the Land Use Ordinance is amended by the addition of a new subsection (i) that reads as follows:

(i) Notwithstanding the foregoing, density in the B-1(g) – CZ district shall be determined in accordance with the provisions of Section 15-141.4(f).

Section 2. Section 15-141.4, Conditional Zoning Districts, is hereby amended by the addition of a new subsection (f) that reads as follows:

(f) Notwithstanding the foregoing, the Board of Aldermen may approve a condition allowing additional residential density in B-1(g)-CZ districts subject to the inclusion of conditions that provide for site and building elements that will create a more vibrant and successful community. Such site and building elements may include, but shall not be limited to the following:

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the Jordan Lake Accounting Tool
- (2) Energy performance in building requirements to meet one or more of the following
 - a. Planning Board optimized energy performance criteria (20% better than ASHRAE)
 - b. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better)
http://www.energycodes.gov/implement/state_codes/index.stm,
<http://www.energycodes.gov/implement/pdfs/modelcode.pdf>
 - c. “Designed to Earn the Energy Star” rating as described at
http://www.energystar.gov/index.cfm?c=new_bldg_design.new_bldg_design_benefits
 - d. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type.
http://www.architecture2030.org/2030_challenge/targets.html
 - e. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings
(<http://www.aia.org/fiftytofifty>)
 - f. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
 - g. US Conference of Mayors: fossil fuel reduction standard for all new buildings to carbon neutral by 2030
<http://www.usmayors.org/climateprotection/documents/2007bestpractices-mcps.pdf>

h. Specific energy saving features, including but not limited to the following, are encouraged. For those features not incorporated, an explanation of the financial or operational reasons why the feature was omitted from the design would be appreciated.

- i. Use of shading devices and high performance glass for minimizing heating and cooling loads
- ii. Insulation beyond minimum standards;
- iii. Use of energy efficient motors/HVAC;
- iv. Use of energy efficient lighting;
- v. Use of energy efficient appliances
- vi. LED or LED/Solar parking lot lighting (50-100% more efficient). One recommended site with information is
http://www.oksolar.com/abctech/LED_lighting-cost.htm

vii. Active and passive solar features.

- (3) Inclusion of onsite plug in for electric vehicle charging
- (4) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (5) Pursuing the use of harvested rainwater for toilet flushing
- (6) Parking lot meet the standard for a "green" parking lot, per the EPA document Green "Parking Lot Resource Guide" available at

http://mailman.informe.org/pipermail/watershedmanagers/attachments/20080306/6fbc8183/greenparking_508FINAL-0001.obj

- (7) Inclusion of LID features
- (8) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (9) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips
- (10) Inclusion of at least one (1) parking space for car sharing vehicles
- (11) Mix of residential and non-residential uses such that gross floor area of building space used for non-residential purposes makes up at least 15 percent of the gross floor area used for all purposes.
- (12) Provision of public art and/or outdoor amenities for public use

Section 3. Subsection 15-141.4 (c) is amended by the addition of a new phrase so that it reads as follows:

(c) Subject to the provisions of subsection (f), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to

which the conditional district corresponds as described in subsection (a), except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d).

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

Section 5. This ordinance shall become effective upon adoption.

DRAFT

TOWN OF CARRBORO



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):

Residential density Section 15-182 (a) all lots in B-1(G) zone (Section 15-136(2)) shall have at least 3,000 square feet per dwelling unit for residential use.

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

Modification to allow Board of Alderman flexibility to approve greater density in the B-1(G)-CZ.

- 3) State the reasons for the proposed amendment:

Subject to parameters attached to a Conditional Zoning (-CZ), the Board of Alderman may allow greater residential density where the goals of creating a more vibrant and successful community are better served. This amendment shall take into consideration the benefits afforded by providing diverse, affordable housing options, an increased commercial tax base, LEED / Green building design, MWBE employment opportunities, direct access to public transportation, and a vibrant architectural design creating a live/work community adjacent to established neighborhoods and commercial businesses. The combination of these benefits create a more sustainable pattern of development when placed in the downtown core, where utilizing existing infrastructure allows for a more efficient and sustainable use of public, private, and natural resources.

SIGNATURE: [Signature] applicant Kenneth M. Renter Belmont (print) Sayre
ADDRESS: 300 Blackwell St. Suite 101 B
Durham, NC 27701
TELEPHONE NUMBER: 919.259.2088

D

Section 15-141.4 Conditional Zoning Districts (AMENDED 5/27/08)

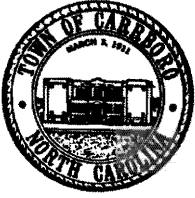
(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established: B-2-CZ and B-1(G) CZ. **(AMENDED 4/27/10)**

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) The uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional district corresponds as described in subsection (a), except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d).

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district. Conditions and site-specific standards imposed in a conditional district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

(e) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses), i.e. a zoning permit, special use permit, or conditional use permit.



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

THURSDAY, JUNE 2, 2011

**LAND USE ORDINANCE TEXT AMENDMENT MODIFYING PROVISIONS RELATED TO
RESIDENTIAL DENSITY FOR THE B-1(G) CONDITIONAL ZONING DISTRICT**

Motion was made by Clinton and seconded by Rodgers that the Planning Board recommends that the Board of Aldermen adopt the draft ordinance modifying Section 15-141.4 related to residential density in the General Business Conditional Zoning District (B-1(g)-CZ), including the following changes to the draft ordinance:

- Replace the draft of subsection (f) with the following language:
"Notwithstanding the foregoing, the Board of Aldermen may approve a condition allowing additional residential density in B-1(g)-CZ districts subject to the inclusion of conditions that provide for site and building elements that will mitigate the impacts of the additional density. Such site and building elements may include, but shall not be limited to, the elements listed below. These or similar elements shall be selected from at least 3 of the following categories: energy conservation, on-site energy production, water conservation, storm water management, multimodal transportation, and mitigation of heat island and other microclimate effects."
- Remove subsection (f)(2)b.
- Remove subsection (f)(2)c.
- Change subsection (f)(5) to "Use of harvested rainwater for toilet flushing."
- Change subsection (f)(7) to "Inclusion of low-impact development features."
- Add "Use of surface materials that reflect heat rather than absorb it."
- Add "Use of devices that shade at least 30% of south-facing and west-facing building facades."

VOTE:

AYES: (6) Barton, Clinton, Killeen, Poulton, Rodgers, Seils

NOES: (0)

ABSENT/EXCUSED: (2) Jaimeyfield, Williams

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the Planning Board of the Town of Carrboro finds that the proposed text amendment is consistent with Carrboro Vision 2020 policy 3.2 related to downtown vitality, policy 3.28 related to residential development in the downtown area, policy 5.0 related to protecting the environment, and policy 5.51 related to energy conservation.

Motion in support of this finding was made by Barton and seconded by Poulton.

VOTE:

AYES: (6) Barton, Clinton, Killeen, Poulton, Rodgers, Seils

NOES: (0)

ABSENT/EXCUSED: (2) Jaimeyfield, Williams

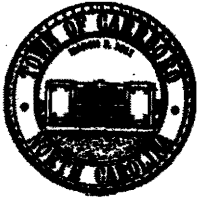
ABSTENTIONS: (0)

Damon Seil

(Chair)

06/02/2011

(Date)



TOWN OF CARRBORO

ATTACHMENT E

(Planning Board, TAB, ESC, AC, or EAB)

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, JUNE 2, 2011

LAND USE ORDINANCE TEXT AMENDMENT MODIFYING PROVISIONS RELATED TO RESIDENTIAL DENSITY FOR THE B-1(G) CONDITIONAL ZONING DISTRICT

Motion was made by Nina Butler and seconded by Bruce Sinclair that the EAB recommends that the Board of Aldermen approve the draft ordinance modifying Section 15-141.4 related to residential density in the General Business Conditional Zoning District (B-1(g) CZ).

VOTE: AYES: Arnsberger, Butler, Sinclair

ABSENT/EXCUSED: Gisler, Stidham

NOES:

ABSTENTIONS:

Associated Findings

By a unanimous show of hands, the EAB membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

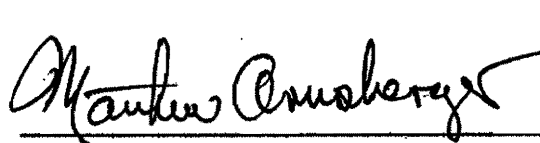
Furthermore, the EAB of the Town of Carrboro finds that the proposed text amendment is consistent with Carrboro Vision 2020 policies.

VOTE: AYES: Arnsberger, Butler, Sinclair

ABSENT/EXCUSED: Gisler, Stidham

NOES:

ABSTENTIONS:

 6/3/11
(Chair) (Date)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

**Administration
(919) 245-2575
(919) 644-3002 (FAX)
www.co.orange.nc.us**



**131 W. Margaret Lane
P O Box 8181
Hillsborough,
North Carolina, 27278**



TRANSMITTAL DELIVERED VIA EMAIL

June 8, 2011

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

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Trish:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on May 18, 2011 and proposed for town public hearing on June 14:

- Allowing the Board of Aldermen to approve additional residential density in the B-1(g)-CZ zoning district subject to conditions for site and building elements that will create a more vibrant and successful community.

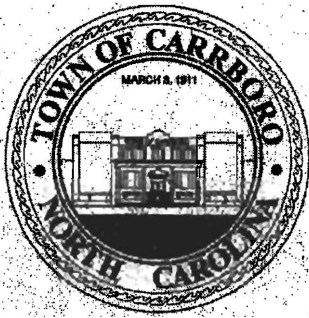
We have reviewed the amendment and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz". The signature is written in dark ink and is positioned above the printed name.

Perdita Holtz, AICP
Planning Systems Coordinator



TOWN OF CARRBORO

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

June 2, 2011

SUBJECT: An ordinance amending the Carrboro Land Use Ordinance to allow the Board of Aldermen to approve additional residential density in B-1(G)-CZ zoning districts subject to the inclusion of conditions for site and building elements that will create a more vibrant and successful community

MOTION: The Transportation Advisory Board recommends that the Board of Aldermen approve the draft ordinance modifying provisions related to residential density for the B-1(G) Conditional Zoning district, including the conditions that provide for site and building elements that will create a more vibrant and successful community.

The TAB calls particular attention to the following conditions:

1. That the parking lot meet the standard for a "green" parking lot, per the EPA "Green Parking Lot Resource Guide" (condition 6).
2. Provision of covered bike parking sufficient to provide space for one space per every two residential units (condition 8).

The TAB proposes an additional condition:

1. Consideration of unbundling parking requirements with provision of residential units.

Moved: Michler

Second: Štolka

VOTE: Ayes (4): LaJeunesse, Michler, Pergolotti, Štolka. Nays (0). Abstain (0). Absent (3): Perry, Krasnov, Curtis.

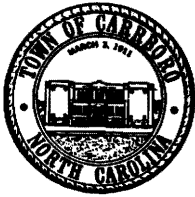
Jeffrey D. Blh
for

Seth LaJeunesse

TAB Chair

6 / 10 / 11

DATE



TOWN OF CARRBORO

(Planning Board, TAB, ESC, AC, or EAB)

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, JUNE 2, 2011

LAND USE ORDINANCE TEXT AMENDMENT MODIFYING PROVISIONS RELATED TO RESIDENTIAL DENSITY FOR THE B-1(G) CONDITIONAL ZONING DISTRICT

Motion was made by Bob Saunders seconded by Brian Russell that the **does not** recommend that the Board of Aldermen adopt the draft ordinance modifying Section 15-141.4 related to residential density in the General Business Conditional Zoning District (B-1(g) CZ).

VOTE:

AYES: (6)

ABSENT/EXCUSED: (2)

NOES: (0); ABSTENTIONS: (0)

Associated Findings

By a show of hands, the ESC membership also indicated that 1 member, David Jessee, does have financial interests that would pose a conflict of interest to the Board's action on this amendment. David Jessee was not present for the discussion or vote on this matter.

Furthermore, the ESC of the Town of Carrboro finds that the proposed text amendment **is not** consistent with Carrboro Vision 2020 policies specified in section 3.2 Downtown Vitality.

VOTE:

AYES: (6)

ABSENT/EXCUSED: (2)

NOES: (0); ABSTENTIONS: (0)

(Chair)

(Date)