

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. 18/2011-12

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. 18/2011-12

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__.

ATTACHMENT B - 1

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 may be determined in accordance with the provisions of Section 15-141.4(f).

Section 2. Subsection (c) of Section 15-141.4 is amended to read as follows:

(c) Subject to the provisions of subsections (f) and (g), 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, 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 3. Section 15-141.4 is amended by the addition of new subsections (f) and (g) to read as follows:

(f) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Board of Aldermen may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, minimum requirements for non-residential space as part of a project, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective 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. 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).
 - b. "Designed to Earn the Energy Star" rating.
 - c. 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.

- d. 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.
- e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification
- f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
- g. Specific energy saving features, including but not limited to the following, are encouraged..
 - 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).
 - vii. Active and passive solar features.
- (4) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (5) Use of harvested rainwater for toilet flushing.
- (6) Parking lot meets the standard for a "green" parking lot, per the EPA document Green "Parking Lot Resource Guide."
- (7) Inclusion of Low Impact Development 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
- (12) Provision of public art and/or outdoor amenities for public use.
- (13) Use of surface materials that reflect heat rather than absorb it.
- (14) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (15) Provision of affordable housing in accordance with Town policy.

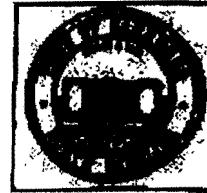
(g) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (f) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty-five percent (25%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed three to one (3:1).

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

Section 5. This ordinance shall become effective upon adoption.

CARRBORO DEVELOPMENT GUIDE
APPENDIX A

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: _____

applicant

Kenneth M. Renter Belmont
Sage

(print)

ADDRESS: _____

300 Blackwell St. Suite 101 B

Durham, NC 27701

TELEPHONE NUMBER: _____

919. 259. 2038

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.