



## Legislation Details (With Text)

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<b>Type:</b>	Agendas	<b>Status:</b>	Passed
<b>File created:</b>	3/18/2014	<b>In control:</b>	Board of Aldermen
<b>On agenda:</b>	3/25/2014	<b>Final action:</b>	3/25/2014
<b>Title:</b>	Public hearing on Land Use Ordinance Amendments Relating to Solar Setbacks		

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider amending the Land Use Ordinance relating to solar setbacks. A draft ordinance has been prepared for the Board's consideration. The Board must receive public comments before taking action on the draft ordinance.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A-1 - Consistency Resolution for Approval, 2. Attachment A-2 - Consistency Resolution for Ordinance Denial, 3. Attachment B - Draft LUO Amend requiring solar impact analysis\_1-27-2014, 4. Attachment C - LUO Excerpts, 5. Attachment D - Comments

Date	Ver.	Action By	Action	Result
3/25/2014	1	Board of Aldermen	approved	Pass

### TITLE:

Public hearing on Land Use Ordinance Amendments Relating to Solar Setbacks

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider amending the Land Use Ordinance relating to solar setbacks. A draft ordinance has been prepared for the Board's consideration. The Board must receive public comments before taking action on the draft ordinance.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon 919-918-7325; Patricia McGuire 919-918-7327; Marty Roupe 919-918-7333; Mike Brough 919-929-3905

**INFORMATION:** As part of the implementation of Town goals identified during the Carrboro Vision 2020 process, the Board considered a number of text amendments relating to development in the downtown with a specific focus on building heights and setbacks. By 2005, the Town began to hone in on a series of architectural standards that would guide downtown development toward attractive and innovative building designs that enhanced the existing urban fabric. New standards were ultimately adopted on June 20, 2006 as Section 15-178, Architectural Standards for Downtown Development, and located within Article XI of the Land Use Ordinance, Supplementary Use Regulations ([http://www.townofcarrboro.org/BoA/Agendas/2006/06\\_20\\_2006.htm](http://www.townofcarrboro.org/BoA/Agendas/2006/06_20_2006.htm)).

A potential negative consequence of increased building heights is the possibility of taller buildings blocking natural light and leaving lower areas--sidewalks and smaller buildings--in extended periods of shade, a scenario often referred to as the "canyon effect." Subsection 15-178(3) of the Land Use Ordinance (LUO) was established to address this concern, to prevent taller buildings from shading portions of the sidewalk along the north side of east-west street rights-of-way in the downtown. The subsection reads, "Buildings taller than 40

feet shall maintain a twenty-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.” As opportunities for developing taller buildings extend beyond the downtown core through rezoning, the possibility exists for modest-sized buildings to lose their solar access and become shaded as new buildings come on line. The provisions in subsection 15-178(3) only apply the solar setback to new construction within the B-1(c), B-1(g), CT, M-1 and B-2 zoning districts along public rights of way; they do not extend along the other property lines. The Downtown Neighborhood Protection Overlay District (DNP) has some mitigating effects of these impacts. Adopted in 2005, the DNP creates a buffer zone around certain lots along the edge of the commercially zoned portion of the downtown where such lots abut or are directly across the street from residentially zoned properties.

To better understand the potential for buildings taller than 40 feet to shade their neighbors, the Town could consider requiring applicants to provide a “shadow impact analysis” as part of their submittal materials. Shown as a hatched or grayed area on a site plan, the shadow impact analysis would show the extent to which proposed building(s) would “throw a shadow.” Information from the analysis would demonstrate compliance with subsection 15-178(3) when applicable, but it would also show where a proposed building might create an extensive area of shadow off-site--on an adjacent property. An applicant could then use the analysis to guide building placement to limit such shading, particularly for preventing new buildings from shading existing residences, garden areas or other adjacent uses and activity areas that benefit from solar access. A proposed new subsection 15-185(i) would require developers to modify development plans that show new construction casting a substantial shadow on buildings and open space with the proposed development or on adjacent buildings, lots and rights-of-way for more than four consecutive hours per day.

Staff presented the draft ordinance at the March 6<sup>th</sup> joint review meeting and referred the ordinance to Orange County. Advisory board members asked a number of questions during joint review and some members voiced concern over potential unintended consequences from the ordinance, in particular a potential effect of limiting opportunities for developers to construct taller buildings in the downtown-something expressed as a desired outcome in the Carrboro Vision 2020 process. Comments from advisory boards and Orange County are provided (Attachment D).

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the resolution finding consistency, and the draft ordinance provided in the attachments.