



## Legislation Text

---

**File #:** 14-0015, **Version:** 1

---

### **TITLE:**

Request-to-set a 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 setting a public hearing on potential text amendments relating to solar setbacks. A draft ordinance has been prepared for the Board's consideration. A resolution setting a hearing date for March 25, 2014 has also been prepared, and advisory board review has been requested prior to the public hearing.

**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 design standards that would encourage downtown development to occur in a way that would produce attractive and innovative building designs while also enhancing 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 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 the new 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 two 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 other modest-sized buildings to lose their solar access and become shaded as these new buildings come on line. The provisions in subsection 15-178(3) are limited to solar setbacks along right of way lines not property boundaries.

To address this issue, the Town could consider requiring applicants to submit 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.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review is also needed.

**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 attached resolution, setting a public hearing for March 25, 2014 and referring the proposed amendments to Orange County, the Planning Board and other Town advisory boards.