

**BOARD OF ALDERMEN**  
**AGENDA ITEM ABSTRACT**

ITEM NO. D(2)

**MEETING DATE: Tuesday, March 19, 2002**

**TITLE:       Review and Request-to-Set a Public Hearing : Land Use Ordinance  
Amendments to Deal with Various Issues Arising from Infill Development**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES    NO <u>X</u></b>
<b>ATTACHMENTS:</b> <b>A. Resolution</b> <b>B. Chronology – Pine Street: May 2001-March 2002</b> <b>C. Draft Ordinance – Infill</b> <b>D. LUO Sections 15-15 (9) (87), and (96), 15-52,15-124, and 15-147</b> <b>E. LUO Section 15-91</b> <b>F. Draft Ordinance - Appeals</b>	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – <b>918-7327</b> Mike Brough – <b>929-3905</b>

**PURPOSE**

In response to neighborhood concerns related to development on Pine Street and a discussion of the impacts of infill development in October and November 2001, the Board of Aldermen directed staff to prepare ordinance amendments to clarify ordinance provisions and strengthen protection for existing development. A resolution that provides an opportunity for the Board of Aldermen to set a public hearing to receive comments on proposed ordinance changes is recommended for the Board's adoption.

**INFORMATION**

The Board of Aldermen has held a series of discussions in follow-up to issues noted by Pine Street residents in May 2001. A chronology summarizing the Board's reviews and specified follow-up actions has been prepared (*Attachment B*). Possible land use ordinance amendments were identified during discussions in October and November 2001, as follows:

<i>Date</i>	<i>Follow-up</i>
<i>October 9, 2001</i>	
Limit the expansion of nonconforming uses through clarification of Section 15-124(e).	Provision included in Section 2 of the draft ordinance ( <i>Attachment C</i> )
Definition of substantial impact, as it is used in Section 15-52 ( c )	Provision included in Section 3 of the draft ordinance.
Additional notification requirement for expansion of nonconforming uses	Example given for definition of substantial impact (Section 3 of draft ordinance noted above) includes developments that include nonconforming <u>situations</u> , so notice requirements of Section 15-52 (c) apply. New provision authorizes up to a 10-day delay in the issuance

<i>Date</i>	<i>Follow-up</i>
	of permit, if requested by property owner within notice area.
<i>November 13, 2001</i>	
Ordinance provisions for boarding house and rooming house similar to Chapel Hill's	Provision included in Section 5 of draft ordinance.
Revise definition of duplex so that interior living spaces are located on both sides of a common wall.	Provision included in Section 4 of the draft ordinance.
Options for "granny flats," as proposed by Mr. Hay (500 square feet on lots where 150 percent of the needed lot area)	Proposal to create a new category of "Accessory Detached Dwelling" (ADD) is included in village mixed-use ordinance amendments. An ADD is proposed to limited to a maximum of 750 square feet or 50 percent of the area of the principal dwelling on the lot. Two options for calculating density are proposed.

Copies of the existing Land use Ordinance provisions, to which changes are proposed in the draft ordinance, are attached (*Attachment D*). In follow-up to the appeal that was filed pertaining to the issuance of a permit for 106 Pine Street, staff has also prepared a text amendment to clarify the time limit associated with filing appeals. The current language included in Section 15-91 (*Attachment E*) states that the appeal must be taken within 30 days of the action or decision that is being appealed. The draft ordinance (*Attachment F*) would clarify the interpretation that appeals may be taken within 30 days of the date when an appellant learns of the decision that is appealed. Other actions were requested as well. The requested action, and follow-up comments are noted below:

<i>Action</i>	<i>Follow-up</i>
Staff obtains models from other university communities of the maximum number of parking spaces allowed per unit.	Information is being compiled and will be provided with the follow-up report on the analysis of parking on Pine, Oak and Cheek Streets.
Staff analysis of parking on Pine, Oak, and Cheek Streets.	Staff report presented on February 5, 2002. Follow-up in progress.
Copy of current notification requirements, with ideas for posting information on zoning and building permits on the Town's website.	A new "Notice" section of the Development Review guide is in preparation and is to be completed pending outcome of Board's consideration of resident notification requirements. Development Review guide has been posted on the Town's website

## ADMINISTRATION'S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution (*Attachment A*) that sets a public hearing for May 21, 2002.