

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: March 26, 2002

TITLE: Public Hearing: Land Use Ordinance Amendment to Provide Notice to Non-Owner Occupants

DEPARTMENT: Planning	PUBLIC HEARING: YES
ATTACHMENTS: A. Draft Ordinance B. Resolution amending Miscellaneous Fees and Charges Schedule C. Sections 15-102 an 15-323, Carrboro LUO D. Section 15-52 E. Planning Board Recommendation	FOR INFORMATION CONTACT: Patricia McGuire, Planning Administrator --, 918-7327 Mike Brough, Town Attorney - 929-3905

PURPOSE

The Board of Aldermen has set a public hearing to receive comment on proposed changes to the notification requirements for public hearings on permits, rezonings and other decisions. The Administration recommends that the Board of Aldermen adopt the proposed ordinance to include a non-owner occupant notice provision in conjunction with the adoption of a resolution amending the Miscellaneous Fees and Charges Schedule, FY 2001-2002, to include a Resident Notification Mailing fee.

INFORMATION

During a public hearing on the Chapel Hill Park and Ride facility in October 2001, Josh Steinhurst, a resident of Poplar Place apartments asked that in the future residents be notified of public hearings, not just property owners. On February 12, 2002, the Board of Aldermen reviewed a draft ordinance that would expand the Town's mailed notice requirements to authorize staff to make reasonable efforts to notify non-owner occupants of public hearings associated with permits, rezonings, and other decisions. Notice requirements for hearings associated with special and conditional use permits and zoning amendments are specified in Sections 15-102 and 15-323 of the Land Use Ordinance (*Attachment C*). The notice requirements pertaining to neighboring properties are summarized below:

Action	Required Notice
Appeals, Variances, Special Exceptions Permit	Mailed notice to property owners within 150 feet of property that is the subject of the appeal or application.
Special Use Permit	Mailed notice to property owners within 500 feet of subject property
Conditional Use Permit	Mailed notice to property owners of record within 1,000 feet of subject property
Land Use Ordinance Text Amendment	None required; may be specified by Board of Aldermen if specified impact area
Land Use Ordinance Map Amendment	Mailed notice to property owners of record within 1,000

feet of subject property

Section 15-52 (*Attachment D*) also allows notification of adjacent property owners in any zoning permit review where the Development Review Administrator has determined that a project might have a “substantial impact” on adjacent properties. A definition of “substantial impact” is included within a draft ordinance that will be reviewed at a public hearing on April 23, 2002.

Draft Ordinance on Notice to Non-Owner Occupants

The draft ordinance that has been prepared includes changes to Sections 15-102 and 15-323 of the Land Use Ordinance that will direct staff to make reasonable efforts to notify non-owner occupants within the notice area of permits or other requested actions. Staff has estimated that one hour of staff time is needed for the database manipulation of property owner and property address information needed to yield a non-owner occupant, or resident mailing that does not duplicate, to the extent possible, property owners who must also receive notices. These costs are fixed, whether there are six or 600 additional recipients of a mailed notice. Copying and handling costs vary with the number of additional notices and could increase significantly in the vicinity of multi-family developments or the downtown. Both in response to the Board’s specific request and to the consideration of this draft ordinance, non-owner occupant mailings have been, or are being, carried out for several projects over the past six months. Some examples are shown in the table below:

Project	Notice Area	# of Owners	# of Non-owner Occupants
Horne Hollow SUP	500	60	6
ABC Store Expansion CUP	1,000	38	600
Morgan Ridge CUP	1,000	330	510
Chan Mixed-Use CUP	1,000	250	120*

* Total number may be twice as high. Approximately one-half of the properties within 1,000 feet of the subject property are located in Chapel Hill’s jurisdiction and it was not possible to do an address match between owners and properties.

At the present time, the database manipulation necessary to create the mailing labels can only be done by Carrboro staff for properties within the Town’s jurisdiction. This is a departure from the required owner mailings, where applicants obtain the data/labels from Orange County staff and the stamped, addressed envelopes are delivered to the Town as part of an application. It should be noted that the non-owner occupant mailing would be addressed to “Resident.” Costs of notice preparation and handling are included in the land use permit/activity fee. Staff has determined that the cost of conducting a non-owner occupant mailing as a service to applicants to be approximately:

\$ 30.00 + .50 per non-owner occupant address

Following the examples above, the fees charged, in addition to the current fees for plan review, for the non-owner occupant mailings shown above would be:

Project	Cost (\$)
Horne Hollow SUP	33.00
ABC Store Expansion CUP	330.00
Morgan Ridge CUP	285.00
Chan Mixed-Use CUP	90.00

The Planning Board reviewed the draft ordinance on February 21, 2002. A copy of its recommendation is attached (*Attachment E*). Please note that the staff evaluation of mailing costs was still underway and the staff recommendation to the Planning Board was that the ordinance be recommended for adoption, pending the establishment and adoption of reasonable fees to cover the cost of mailing. An amendment to the fee schedule has been prepared as an appropriate fee for providing this information to applicants has been determined.

RECOMMENDATION

The Administration recommends that the Board adopt the proposed ordinance (*Attachment A*) to include a non-owner occupant notice provision in conjunction with the adoption of a resolution (*Attachment B*) amending the Miscellaneous Fees and Charges Schedule, FY 2001-2002, to include a Resident Notification Mailing fee.