

BOARD OF ALDERMEN

ITEM NO. D(1)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, May 21, 2002

TITLE: Public Hearing : Land Use Ordinance Amendments to Deal with Various Issues Arising from Infill Development and to Clarify the Appeal Process

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

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 draft ordinance clarifying the appeals process has also been prepared. A public hearing must be held to receive comments on the draft ordinance. The Administration recommends that the Board of Aldermen adopt the draft ordinances, with noted modifications.

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 C*). Possible land use ordinance amendments were identified during discussions in October and November 2001. Where applicable, ordinance provisions have been drafted, as presented in the following table. Comments and recommendations are also noted.

	Request	Draft Ordinance/ Section #	Comment/(Recommendation)
1.	Limit the expansion of nonconforming situations through clarification of	Infill (<i>Attachment A</i>) Sections 2 and 3	Two sections have been drafted to address expansions of nonconforming situations. The first deals with properties with one dwelling unit, the second deals with properties with

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	Section 15-124(e).		more than one dwelling unit. Greater limitations are proposed for the expansion of structures on a lot that includes multiple dwellings. <i>(Adopt)</i>
2.	Definition of substantial impact, as it is used in Section 15-52 (c)	Infill (<i>Attachment A</i>)/ Section 4.	<i>(Adopt)</i>
3.	Additional notification requirement for expansion of nonconforming uses	Infill (<i>Attachment A</i>)/ Section 4	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 of permit, if requested by property owner within notice area. <i>(Adopt)</i>
4.	Ordinance provisions for boarding house and rooming house similar to Chapel Hill's	Infill (<i>Attachment A</i>)/ Section 6	Changes raise concerns about administration and enforcement, as well as in relation to adopted policies to provide housing for diverse needs /means of the community. The need to issue special use permits for either every 4+-bedroom house or each home occupied by four or more unrelated individuals will likely limit housing opportunities and could also create a significant administrative burden. The actual number of homes with 4+ bedrooms is rather small, and most are located in new developments in Town, and typically not intended for use by tenants. Unless rooms are added or finished, permits are not needed for conversion or adaptation of rooms in existing homes for use as extra bedrooms. <i>(Leave existing provisions as they are)</i>
5.	Revise definition of duplex so that interior living spaces are located on both sides of a common wall.	Infill (<i>Attachment A</i>)/ Section 5	Change will limit the use of the duplex provision that has enabled additional density, and diverse housing types to be provided. If the concern is related to this provision resulting in greater intensity of residential development on some lots, an alternative approach might be one that establishes a size differential between the two parts of a duplex. <i>(Leave existing definitions as they are)</i>
6.	Options for "granny flats," as proposed by Mr. Hay (500 square feet on lots where 150 percent of the needed lot area)	Village Mixed-use and O/A/ Sections 5 and 6. Accessory Detached Dwellings definition based on the current definition of an accessory apartment. ADDs would be permitted where accessory apartments are currently allowed.	Allowing ADDs, as an alternative to accessory apartments, may raise some concerns, but no additional density is proposed. The size limitation should limit the visual impact of these structures and peripheral activities. <i>(Adopt in VMU and O/A draft ordinance).</i>
7.	Appeal filing clarification	Appeals (<i>Attachment B</i>)/ all Sections. Generated by staff, changes clarify the interpretation that appeals may be taken within 30 days of the date	<i>(Adopt)</i>

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		when an appellant learns of the decision that is appealed.	

Copies of the existing Land use Ordinance provisions, to which changes are proposed in the draft ordinances, are attached (*Attachments D and E*).

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

The Planning Board recommendation is attached (*Attachment F*).

RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the draft ordinances on infill development and the clarification of the appeals process (*Attachments A and B*), with noted modifications.