

# BOARD OF ALDERMEN

ITEM NO. D(1)

## AGENDA ITEM ABSTRACT MEETING DATE: November 18, 2003

**TITLE: Public Hearing: Land Use Ordinance Text Amendment to Control Residential Tear-Down and Rebuilding Activities**

<b>DEPARTMENT: Planning</b>	<b>PUBLIC HEARING: NO</b>
<b>ATTACHMENTS:</b> <b>A. Ordinance</b> <b>B. Summary of Residential Building Activity since 2001</b> <b>C. Article X of the Land Use Ordinance</b> <b>D. Map showing R-2, R-3, R-7.5 and R-10 Zoning Districts</b> <b>E. Advisory Board Recommendations</b>	<b>FOR INFORMATION CONTACT:</b> <b>Patricia McGuire, Planning Administrator -- 918-7327</b> <b>Mike Brough, Town Attorney – 929-3905</b>

### PURPOSE

Per the Board of Aldermen's direction, an ordinance has been drafted to control tearing down and rebuilding residential units where small homes are replaced with considerably larger structures. It is necessary for the Board of Aldermen to receive public comment prior to taking action on this matter.

### INFORMATION

The Board of Aldermen's 2003 Action Agenda Project List includes developing an ordinance to control tearing down and rebuilding of residential units where small homes are replaced with considerably larger structures. A report on this matter was provided to the Board of Aldermen on October 7, 2003, accompanied by a draft ordinance. A summary of the building activity in Carrboro since 2001 that was included in the report is provided here (*Attachment B*).

#### Draft Ordinance

The draft ordinance (*Attachment A*) amends several provisions of Article X of the Land Use Ordinance (*Attachment C*) to address situations where the existing homes are expanded, additional residential units are added to existing lots, or residential units are removed and replaced with larger structures. The amendment modifies the permit requirements for the construction of or addition to single-family residential dwelling units in the R-2, R-3, R-7.5, and R-10 to require a special use permit whenever the gross square footage of the new structure, if only one, exceeds 3,500 square feet. Where the lot may contain more than one structure, the threshold for the gross square footage of all structures is 5,500 square feet. A map showing the noted zoning districts is attached (*Attachment D*).

A table showing minimum lot size, setbacks and resulting 'building envelope' for typical lots in the zoning districts noted is provided below. Please note that the building envelope was calculated by creating a typical lot, based on the minimum lot size and minimum lot width as the principal parameters, and by reducing the lot size by the area included within required setbacks. Building height is limited to fifty feet in the R-2 zoning district and thirty-five feet in the other residential districts affected by the draft ordinance. The predominant building type in the zones noted, historically, is one to one and one-half story-detached residences.

<b>Zone</b>	<b>Minimum Lot Size (square feet)</b>	<b>R/W Setback (feet)</b>	<b>Lot Boundary Setback (feet)</b>	<b>Minimum Lot Width*</b>	<b>Building Envelope (square feet)</b>
R-2	4,000	15	8 + 2/1>35	100	1,428
R-3	3,000	15	8	50	1,258
R-7.5	7,500	25	10	75	3,575
R-10	10,000	25	12	75	4,896

\* Per Section 15-183 of the Land Use Ordinance, minimum lot widths are recommended and deemed presumptively to result in lots that are wide enough to support permissible uses in each zoning district.

Staff has been in communication with planners working in neighboring jurisdictions to explore whether regulations similar to that proposed here have been enacted. The neighboring communities include Chapel Hill, Orange County, Durham County, and Chatham County. The question was posed to Rich Ducker of the School of Government in reference to the entire state, and, per Mr. Ducker's recommendations, contact was made with planners in the Asheville area/Biltmore Forest, Currituck County and Dare County. The results of these inquiries are as follows:

<b>Jurisdiction</b>	<b>Activity</b>
<i>Local</i>	
Chapel Hill	None
Chatham County	None
Durham County	None
Orange County	Standard dimensional regulations control size of residential structures.
<i>Statewide</i>	
Biltmore Forest	Maximum floor area established for single-family residences, depending on lot size
Currituck County	Impervious surface area limitations near surface waters, require on-site parking scaled to intensity of use. Southern Shores requires rezoning if more than six bedrooms included.
Dare County	Thirty percent lot coverage limitation; height limit.

The draft ordinance was referred to the Planning Board, Appearance Commission and Orange County for comments. Advisory board recommendations are attached (*Attachment E*).

An excerpt from the Miscellaneous Fees and Charges Schedule showing the land use permit costs for zoning and special use permits is attached (*Attachment F*).

### **FISCAL IMPACT**

The permit costs for residential units that were formerly permitted with a zoning permit will be increased from \$50 to \$ 1,000 + 30 per unit.

### **RECOMMENDATION**

The Administration recommends that the Board of Aldermen receive public comment and deliberate on the ordinance that has been drafted. Should the Board find it is appropriate to limit the size of replacement and enlarged residential structures, the Administration recommends that the Board adopt the draft ordinance (*Attachment A*).