

BOARD OF ALDERMEN

ITEM NO. C(6)

AGENDA ITEM ABSTRACT

MEETING DATE: October 25, 2005

TITLE: Request-to-Set a Public Hearing on Land Use Ordinance Text Amendment to Revise the Limitations on Residential Unit Additions and Replacements

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Land Use Ordinance Amendment Request C. Draft Ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

The Town has received a request to amend the text of the Land Use Ordinance to revise the limitations on residential unit additions and replacements that currently necessitate the issuance of a special use permit in certain circumstances. A draft ordinance that responds to this request has been prepared. A resolution that sets a public hearing for November 22, 2005 is recommended for the Board's adoption.

INFORMATION

In November 2003, the Board of Aldermen adopted amendments to the Land Use Ordinance to place limitations, in part, on additions to and replacements of residential structures over 3,500 square feet in size. The amendments were developed in response to concerns over the mansionization of existing dwellings whereby much larger homes would replace small mill houses, WWII-era ramblers, or early ranch houses. The limitations were established for residential zoning districts with minimum lots sizes of 10,000 square feet in size and smaller.

Kirk Streb has submitted a text amendment (*Attachment B*) request to modify these limitations. Mr. Streb is an owner of property in the R-10 zoning district where the lot is over four times the minimum lot size and the existing home nearly 3,300 square feet in size. In addition, nearly 30 percent of Mr. Streb's home is, by the design of previous owners, unheated living space and porches. Mr. Streb's request proposes two approaches that would allow the addition to his home to fall outside of the special use permit provisions established in 2003.

Staff has considered this request and notes that the particular circumstances of the Streb property do not seem to present the kinds of concerns that led to the text amendments in 2003. The proposed approaches, while correcting this "problem" for the Streb property do raise some concerns, however. For example, the large-lot approach would allow a structure of nearly 8,000 square feet in gross floor area on the Streb property to be approved with a zoning permit. For lots, such as this one, that are less than two acres in size, further subdivision is possible under the General Statute

provisions for exempt subdivisions. Large, new homes could be constructed on these lots. At this point, some of the concerns that led to the special use permit requirement would begin to surface.

Staff has prepared a draft ordinance (*Attachment C*) that uses an alternative approach.

It will be necessary for the Board of Aldermen to refer the ordinance to Orange County and the Carrboro Planning Board for review and to receive public comment prior to taking action on the draft ordinance.

FISCAL IMPACT

Mr. Streb has submitted the application fee of \$350, which is expected to cover most, if not all, of the costs associated with required notice for the public hearing.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing and referring the draft ordinance to the Planning Board and Orange County for review (*Attachment A*).