

BOARD OF ALDERMEN

ITEM NO. (4)

AGENDA ITEM ABSTRACT

MEETING DATE: November 22, 2005

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

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. Draft Ordinance B. Land Use Ordinance Amendment Request C. Map of Lots with Structures >2800 square feet in size D. Planning Board Recommendation	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. It is necessary for the Board of Aldermen to receive public comment before taking action on the draft ordinance.

INFORMATION

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. 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.

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.

The draft ordinance (*Attachment A*) proposes to relieve properties from the special use permit requirement if they meet two conditions:

- 1) The dwelling has been in existence for a period of at least twenty (20) years, and
- 2) The addition results in less than a 25 percent increase in the gross floor area of such dwelling and less than a 15 percent increase in the gross floor area of all dwellings covered by the proposed permit.

A map that illustrates the location of lots where the principle building is greater than 2800 square feet in size is included (*Attachment C*). A 25 percent increase in a 2800 square foot structure results in a 3500 square foot dwelling. Approximately 800 lots are depicted, representing two primary groups, lots in the University Lake watershed, and lots in new subdivisions (most approved since 1990).

Due to the condition that requires the exempted dwelling to have been in existence for twenty or more years, this provision would not apply to structures on most of the noted lots at the present time. These lots and their associated structures would become eligible as they passed twenty years in existence. Many of these lots are within architecturally integrated subdivisions. A number of these homes have already incorporated additions, such as porches and finished bonus rooms, since they were first constructed.

It appears that approximately 90 lots would currently be eligible for the exemption proposed in the draft ordinance. However, the factors above suggest a possible modification, which has been included in the attached draft (*Attachment A*- see **bold text**) to limit the applicability of this exemption by allowing the exemption for one-time additions only.

The draft ordinance has been referred to Orange County and the Carrboro Planning Board for review. A Planning Board recommendation is attached (*Attachment D*).

FISCAL IMPACT

Application fees are expected to cover review of land use permit applications at all levels. No fiscal impacts are expected to occur in conjunction with the proposed amendment.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the attached draft ordinance (*Attachment A*).