

BOARD OF ALDERMEN

ITEM NO. B(3)

AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, October 26, 2010

TITLE: Continuation of Public Hearing to consider LUO Text Amendment Related to Flag Lots and Minimum Lot Widths.

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. Resolutions finding consistency / not finding consistency B. Draft ordinance C. Staff memo D. Land Use Ordinance; applicable sections E. Planning Board Recommendation	FOR INFORMATION CONTACT: Marty Roupe – 918-7333 Patricia McGuire – 918-7327 Mike Brough – 929-3905

PURPOSE

At its June 22, 2010 meeting, the Board of Aldermen continued the public hearing for a potential Land Use Ordinance text amendment related to minimum lot widths. The hearing was continued again on September 28 to the current meeting date. The Board is now requested to consider the additional information provided and receive any additional comments from citizens before deciding whether to adopt the changes to the ordinance. A draft ordinance making the changes has been prepared along with a resolution finding consistency with adopted town policies.

INFORMATION

Near the end of the Board's discussion of this topic on June 22, 2010, board members requested follow-up information and action as follows (staff response follows in *italicized text*):

1. Re-advertise public hearing. *This item was re-advertised in accordance with LUO Section 15-323. Staff also notified applicants with pending, related applications of the potential LUO changes.*
2. Include previous agenda item on similar topic. *The December 11, 2001 agenda item titled, 'Worksession: Infill Development,' is included in your package for this meeting, separate of this agenda item.*
3. Number of lots affected. *Staff is working on this particular item. The information will be available at the meeting.*
4. Information regarding what other safeguards exist to protect people living near the types of developments described. *As further described in the attached staff memo, little to no protections exist at this time. The nature of exempt subdivisions, as currently interpreted, is that staff is compelled to process and approve the creation of lots in situations where the basic LUO standards are met.*
5. Visual examples. *Staff plans to include visual examples of existing sites during Tuesday night's presentation.*

See attached staff memo (*Attachment C*). As further explained in the staff memo, staff has further considered this matter since June 2010. As a result of further consideration, the attached draft ordinance has

been expanded to further regulate the creation of flag lots along with the previously drafted language concerning minimum lot widths. Background information related to the draft ordinance may be found at http://www.townofcarrboro.org/BoA/Agendas/2010/05_18_2010.htm, and at http://www.townofcarrboro.org/BoA/Agendas/2010/06_22_2010.htm, and at http://www.townofcarrboro.org/BoA/Agendas/2010/09_21_2010.htm.

Existing, applicable land use ordinance provisions are included (*Attachment D*).

The draft ordinance was distributed for advisory board and Orange County review and considered by the Board in June 2010. In June, the Board adopted a package of miscellaneous text amendments, excepting the portion related to minimum lot widths. Additional information related to this item was requested, as previously described. Staff re-advertised the public hearing and presented the revised ordinance relating to minimum lot widths to the Planning Board on October 21, 2010. The Planning Board's recommendation is included as *Attachment E*.

FISCAL AND STAFF IMPACT

No particular fiscal or staff impact is expected from these changes. If the draft ordinance is approved, then staff will bring back to the Board at a future meeting a request to create a new line item in the fee schedule related to this specific new type of subdivision. An exact fee is not yet decided, but is expected to be reduced from the existing fee for a typical Special Use Permit involving a major subdivision.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider adopting the attached resolution finding consistency of the ordinance provisions and the draft ordinance itself (*Attachments A and B*).