



Legislation Details (With Text)

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On agenda: 6/25/2013 **Final action:** 6/25/2013
Title: Public Hearing to amend the Land Use Ordinance Relating to the Location of Dwellings to be Occupied by More than Four Unrelated Persons, Parking Requirements and Related Issues.

PURPOSE: The purpose of this item is for the Board to consider amending the Land Use Ordinance relating to the location of dwelling units to be occupied by more than four unrelated persons. A draft ordinance has been prepared along with an alternative version. The Board must receive public comments before taking action on (either) draft ordinance.

Indexes:

Code sections:

Attachments: 1. Attachments A-C_Resolutions, 2. Attachment D_Cover Memo & Draft Ordinances, 3. Attachment E_LUO ART-XVIII, Parking, 4. Attachment F_Comments from Orange County & Advisory Boards

Date	Ver.	Action By	Action	Result
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TITLE:

Public Hearing to amend the Land Use Ordinance Relating to the Location of Dwellings to be Occupied by More than Four Unrelated Persons, Parking Requirements and Related Issues.

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DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-7325; Mike Brough - 929-3905; Patricia McGuire - 918-7327

INFORMATION: Section 15-321 of the Land Use Ordinance (LUO) provides for the Board of Aldermen to initiate amendments to the LUO and for the Town Attorney to, in consultation with the Planning Department, draft appropriate ordinances for Board consideration. At the May 7, 2013 Board of Aldermen meeting the Town Attorney, in response to a Board request, provided information related to HB 150 under consideration by the General Assembly and provided suggestions to address issues associated with the construction of duplexes containing more than three bedrooms. The Town Attorney also prepared two draft ordinance amendments for the Board's consideration.

The Board requested follow up on the second draft amendment which if adopted would establish the definition of a dormitory dwelling unit, adding the new use to the Table of Permissible Uses and identifying four zoning districts where the use could occur subject to a conditional use permit. The Board also asked for two potential

modifications to the draft ordinance: 1) to add language to require on-site parking to be located in a defined parking area and 2) to provide alternative language whereby the number of parking spaces would be controlled by a maximum number (cap) rather than a minimum number.

Based on these comments the Town Attorney revised the two draft ordinances for consideration at the Board's May 21st meeting. The second ordinance, labeled [Alternative Version with Limits on Number of Parking Spaces], provides for a maximum number of parking spaces for single-family (use classification 1.100), two-family (1.200) and multi-family (1.300) residences. A memorandum from the Town Attorney (Attachment D-1) explains the difference between the two draft ordinances section by section.

Per Section 15.323 of the LUO, the Board of Aldermen must receive public comment before adopting a text amendment. The Board referred both draft ordinances, "An Ordinance Amending the Carrboro Land Use Ordinance to Limit the Locations where it is Permissible for Dwellings to be Occupied by More than Four Persons who are not Related by Blood, Adoption, Marriage, or Domestic Partnership" (Attachment D-2) and the "[Alternative Version . . .]" (Attachment D-3) to Orange County and to the Town Planning Board, Appearance Commission, Transportation Advisory Board and Economic Sustainability Commission. The draft ordinances were presented at the June 6th Joint Review meeting; comments are provided (Attachment F). The Board also requested that staff use the HOA listservs to inform residential neighborhoods of the proposed amendments, in addition to the standard notification of publishing notice in the local newspaper. Notice was sent via email on Wednesday, June 19th.

The Board has four options for proceeding:

1. Adopt one of the proposed ordinances and amend the LUO. Resolutions of consistency have been provided for the Board to consider adopting the draft ordinance (Attachment A-1) or the alternative version (Attachment B-1). Should the Board wish to adopt one of the proposed ordinances, three steps would be necessary: 1) adopt the resolution of consistency for the selected ordinance, 2) adopt the resolution rejecting the other ordinance, and 3) adopt the ordinance.
2. Deny the proposed ordinance and the alternative version of the proposed ordinance; no change to the LUO. Should the Board wish to proceed with this option, two steps would be necessary--adopt the resolution for rejecting the ordinance (Attachment A-2) and adopt the resolution for rejecting the alternative version (Attachment B-2).
3. Request minor modifications to the language in one or both of the proposed ordinances and/or request additional staff analysis. Continue the public hearing to a set date, such as the September 24, 2013 public hearing.
4. Consider more substantial modifications to one or both of the proposed ordinances. Table the decision. Set a new public hearing when the revised amendment is ready to come forward. The resolution included as Attachment C provides the Board with the opportunity to continue the public hearing to a predetermined time, such as September 24th, table the decision until some future time, or to consider some other course of action.

FISCAL & STAFF IMPACT: Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

RECOMMENDATION: Staff recommends that the Board of Aldermen review the options outlined above and consider taking action on the resolutions and/or ordinances that are provided.