



Legislation Details (With Text)

File #:	15-0367	Version:	1	Name:	
Type:	Agendas	Status:		Passed	
File created:	11/3/2015	In control:		Board of Aldermen	
On agenda:	11/17/2015	Final action:		11/17/2015	
Title:	Discussion of Revised Draft Land Use Ordinance Text Amendments Establishing a New Use Classification with Associated Requirements for Facilities Providing Social Services with Dining				
	PURPOSE: The purpose of this item is for the Board of Aldermen to review a revised draft ordinance that would amend the Land Use Ordinance to establish a new use classification for facilities providing social services with dining as a permissible use in certain zoning districts and consider whether to set a public hearing for January 26, 2016.				
Indexes:					
Code sections:					
Attachments:	1. Att A - Resolution-2, 2. Att B - IFC Request for Text Amendment, 3. Att C - Draft LUO amendment for Community Kitchen 11-06-15 (MB+)				

Date	Ver.	Action By	Action	Result
11/17/2015	1	Board of Aldermen	approved	Pass

TITLE:

Discussion of Revised Draft Land Use Ordinance Text Amendments Establishing a New Use Classification with Associated Requirements for Facilities Providing Social Services with Dining

PURPOSE: The purpose of this item is for the Board of Aldermen to review a revised draft ordinance that would amend the Land Use Ordinance to establish a new use classification for facilities providing social services with dining as a permissible use in certain zoning districts and consider whether to set a public hearing for January 26, 2016.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325, Patricia McGuire - 919-918-7327, Marty Roupe - 919-918-7333, Mike Brough - 919-929-3905

INFORMATION: At the October 13, 2015 work session, staff presented the Board of Aldermen with a draft ordinance designed to establish a new “community kitchen” use classification per the text amendment request submitted by the Inter-Faith Council for Social Service, Inc. (IFC) (Attachment B). The draft ordinance was developed after meeting with the IFC and input from the Board at the June 16, 2015 work session.

The Board requested changes to the draft ordinance and asked for additional information relating to other existing permissible uses that provide similar services. A revised draft ordinance is provided (Attachment C). The new ordinance (dated October 14, 2015) retains the previous framework for approval--allowing the new use with a zoning permit in conjunction with a conditional rezoning of the subject property-but the supplementary regulations section has been refined and the redundant provisions removed. The conditional

zoning mechanism allows staff to work with an applicant to develop appropriate conditions, which subject to mutual approval, would be attached to the rezoning and binding to the project. Changes to approved conditions would require a new public hearing.

As currently proposed, the new use classification, “facilities that provide social services including dining,” encompasses a number of land uses such as, general administration, educational programs, counseling services, food pantry facilities and dining services wherein free meals are provided on-site for a substantial number of individuals. While there are other social service facilities which include a kitchen and/or dining component, the proposed new use seems distinct from these land uses in three specific areas:

- 1) The dining service is a walk-in program designed to accommodate a substantial number of people.
- 2) There are no membership requirements, nor program participation requirements, and diners do not typically participate in meal preparation.
- 3) The kitchen facility is not subject to the same inspection requirements of a commercial kitchen designed to prepare for meals for sale to members or to program service recipients (e.g. Meals on Wheels).

The Club Nova program, by comparison, is a membership program. New members are accepted through a referral process involving recommendation by a health clinician. Members participate in a series of programs, one of which is meal preparation. The clubhouse environment includes a kitchen for on-site meal preparation and dining areas where members eat together after purchasing meal tickets. Invited guests may participate in meals on occasion. Club Nova also provides transportation for its members. Similarly The Horizons (SAIOP) Program may include meals to participants in the program but not to the general public.

The purpose of this agenda item is to discuss the revised draft ordinance and, if appropriate, set a public hearing date to formally consider whether to add the new use to the LUO. Staff is seeking Board direction for how best to proceed. A potential date in January has been identified should the Board choose to set a public hearing date for the draft ordinance as presented or with minor revisions. Orange County and Planning Board review would be needed, and the Board may wish to refer the draft amendments to other advisory boards such as the Economic Sustainability Commission, Transportation Advisory Board and Appearance Commission. The resolution template provides for these options.

If approved, the IFC could proceed with the submittal of a petition for rezoning to seek the new use through the conditional rezoning process. The process would include advisory board review and a formal public hearing.

FISCAL & STAFF IMPACT: Impacts include staff time associated with preparation of a draft ordinance and agenda materials for advisory board and Board of Aldermen review and the costs of advertising the public hearing.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for January 26, 2016 and referring the proposed amendment to Orange County, the Planning Board and others, as appropriate.