

## MINUTES

Board of Aldermen

Town of Chapel Hill, N.C.

The Board of Aldermen met at a Special Meeting jointly with the Planning Board and Board of Adjustment on August 22, 1961, at 7:30 P.M. o'clock at the Town Hall with the following present: Mayor McClamroch; Aldermen Robinson, Giduz, Strowd, Page, Wager and Walters. Members of the Planning Board present: Messrs. Powell, chrm., Wallace, Chapin, LaLanne, Cleaveland, Lasley, Burns & Lucien Foust. Mr. Pierson Stewart, consultant. Members of the Board of Adjustment present: Messrs. Dobbins, chrm., Tyler, King and Bennett.

Mayor McClamroch stated that the purpose of the joint meeting is that the Boards may work together in unison and common understanding of the zoning ordinances, amendments and enforcement; that the meeting has been needed for a long time, and requested that the public limit the meeting to the three board's discussion.

Dr. Dobbins, chrm, of the Board of Adjustment was the first speaker of the evening. He stated it is his belief that in many of the problems that appear before the Adjustment Board, it is difficult to interpret the proper meaning and that the entire Zoning Ordinance should be carefully gone over and clarified, as it requires too much discrimination on the part of the Board of Adjustment. He particularly stressed large lots purchased before 1955 zoning became effective, wherein there is room for more than one dwelling, but zoning requirements limit building to but one dwelling; difference in thinking where in the matter of carports side yard requirement attached and unattached; the true definition of accessory building clarified; liberalization in changes in old large residences too large for private use but not allowed to be enlarged or improved to become practical. Mr. Bennett asked if in subdivisions after the homes are built and streets added, do they subtract from the subdivision size.

Mr. Cleaveland (Planning Board) stated that Mr. Phil Green can always be consulted. Dr. Dobbins stated that he has not been consulted by the Adjustment Board, for any specific purpose; that the Board of Aldermen has been asked to clear up some ambiguous terms.

Mr. Lasley (Planning Board) stated that from his observation the Zoning Ordinance is a Quasi-Judicial Instrument which should be readable by the Town's citizens, and it should not be necessary to call upon Mr. Green. He also stated that on September 20 a Public Hearing has been advertised to meet with the public to get a better understanding of this instrument.

Mr. Powell (Planning Board) stated that there is a proposed amendment being advertised at this time which effects carport requirements under zoning.

Howard Stewart, Building Inspector (Board of Aldermen) stated that in cases of applications for multiple dwellings where many factors enter in, he believes such applications should be reviewed by the Board and that it should follow under a Special Use and that the Town should have jurisdiction in the egress etc.; that Unified Developments are laid out on unusual lots, as a rule; that anything larger than five (5) units should require a Special Use Permit and that too many decisions are left up to the Building Inspector.

Alderman Walters inquired of Dr. Dobbins if rules of procedure are required in conducting Board of Adjustment meetings. Dr. Dobbins stated that the applicants come before the Board and state pertinent facts to support the application in question; that Building Inspector states his reason for referring said application to Board of Adjustment; that the public is then dismissed from the meeting, and the Board reviews the facts and render a decision. The applicant is then advised as to the Board's findings.

The Building Inspector stated he would like to see something done

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about signs in the business district; that he would like to see the State Building Code adopted.

Mr. Whid Powell stated a study has been made and the Chapel Hill Carrboro Merchant's Association has been requested to make up an ordinance that they think sufficient in the matter of signs; that an ordinance to cover signs and marquees is needed. There was a general discussion as to enforcement of the signs ordinance and that the contacts made with the General Outdoor Advertising company have been handed over to the Town Attorney; that if one company were made to comply it is believed the others would fall in line in compliance. The Town Attorney stated he questions as to just how far the Town can go in the matter. Building Inspector stated that he has gone as far as he can without issuing warrants; that the General Outdoor Advertising would like to get together with the Town in this matter; that he has advised those who are non-conforming that they are in violation of the ordinance. Alderman Walters moved that the Board authorize the Town Attorney to enforce the Ordinance governing Signs in the zoning areas outside the central Business District, seconded by Alderman Giduz, and unanimously passed.

**Town Attorney:**

Mr. LeGrand stated that in the matter of new ordinances to be drawn in proper form for advertising that as the local paper is published but twice each week, it sometimes makes a hardship upon him by his not receiving information necessary in order to draw such ordinances, until nearly the time it is needed; that he would greatly appreciate receiving such information earlier. Mr. Powell stated that there has been urgency in some of the recent ordinances and the Planning Board will try to allow more time in the future.

The Boards discussed whether there has been a lack of enforcement of Zoning requirements due to lack of understanding. Town Attorney stated that the Building Inspector has the responsibility to see that they are enforced. The Building Inspector stated that in all cases he has discussed with Town Attorney and Town Manager, they in turn consult with the Board of Aldermen, and any action follows from that point. Mr. Powell stated that with the availability of three boards the zoning ordinances should not be violated or the Zoning Ordinance might as well be forgotten. Mr. Lasley stated that when the Town is aware that these large sign companies are in violation, he doesn't think the little man should be pushed into compliance.

Dr. Dobbins stated that the trailer application before the Board of Adjustment last week presented a peculiar situation; that the small three cornered piece of land is non-conforming whereas all around is Suburban Commercial; that the theater is non-conforming; that according to the zoning ordinance it cannot be changed and actually defeats the intention as it results in more or less, spot zoning; that one non-conforming use can be transferred to another non-conforming use of equal or higher values; that in ruling on this particular application, the Board allowed the applicants to remain there four (4) months in order to allow time for the Planning Board and Board of Aldermen to act on the rezoning application. Mr. Powell stated that Planning Board has under study, many areas for all-over classification.

The Boards discussed that Raleigh has a method whereby in cases where the Board of Aldermen does not accept the Planning Board's recommendation (which may have involved many hours of hard study) the matter is reviewed by both Boards that a better understanding of the reason for recommendation may be had; that perhaps there could be a liaison between the Boards, and that the University official can sit full time as ex-officio with the Planning Board. Mr. Lasley stated that a letter is in process to Mr. Aycock of the University, in this matter.

Alderman Walters stated that perhaps the Board of Aldermen who are elected by the people, have a closer contact with the public than the Planning Board; that the Board of Aldermen is aware of the long hours of hard work expended by the Planning Board necessary to arrive at recommendations, however, because the Aldermen do work so closely with the people, the decisions are nevertheless with all these facts in mind and not hurried decisions,

as it sometimes appears.

#### Land Use

Mr. Pierson Stewart stated that some of the problems are connected with the zoning map as to how the land is used; that if the Town as a whole has a substantial agreement stating how the land is to be developed it will be easier to understand the zoning text; that the Board hopes to spend next year on general land use for the Town as a basis of study.

#### Budget 1961-62 & Plans Underway

Mr. Stewart stated they will have \$8,210 in the budget wherein they hope to use \$5,000 for land use for matching funds from HHFA on a 1/3 - 2/2 basis; that the \$3,210 would be used for its own work; that under the "701" program, Town's under 50,000 can work out its planning funds on a 2 to 1 basis; that with State help the Board is planning this kind of a program; that \$15,000 will be earmarked for topographical maps; that under the Highway Commission's recommendation concerning the Major Street Plan two recommendations were made; that the proposed Outer Loop is eliminated at the present time; that the plan would be to continue along the North Border of the Town from Carrboro limits Easterly beyond the Eastgate Shopping Center; that as a part of the "701" program there would be building on a generalized plan for Chapel Hill; that they need a more detailed approach to Chapel Hill; that actual details of lanes, right of way widths, etc., would have to be worked out; it would be broken into land use study.

#### Re: Urban Renewal

Mr. Stewart introduced three persons who will work with the Planning Board this year: Charles Turner who will work full time and replace David Neville, J. Winfield and Lucien Foust.

#### Thorofare Plan

Mr. Stewart stated that a Preliminary Sketch has been adopted by the Board of Aldermen and Town of Carrboro and has been presented to the Highway Commission; that it has been returned with suggestions and modifications changes have been added; that it has been reviewed; that the plan should not be adopted until more details have been worked out since the Highway Commission have modified it; that first the Town of Carrboro and Town of Chapel Hill should discuss and when agreed on the changes make a formal adoption of the plan "in principle". 2. Mutual agreement as to which would be Towns and which the States responsibility. 3. Detailed widths etc., account of changes made by State in sketch; that the Board of Aldermen should then study the facts as set up by the Planning Board, whereas Planning Board would study the transmittal from the Highway Commission; that Land Use should be adopted along with Step #1 on Thorofare Plan; that Planning Board recommend that Board of Aldermen wait until study has been completed by them.

Mr. Rip Collins, realtor, read a constructive magazine article in regard to making the tax responsibility fall upon the speculator in cases where land adjoining Town's is purchased for pecuniary reasons; that such land should be heavily taxes to avoid this situation.

Mr. James Farlow, Attorney, inquired if in the Board's opinion W. Rosemary Street would be a one-way street anytime soon. Mayor McClamroch stated that not anytime in the near future - maybe in five years, and then cross streets will be necessary.

#### Sewer & Water Policy

The Board discussed that perhaps a new policy should be set up to govern sub-divisions. Mr. Bennett stated that it is the policy of the University as to water lines that the developer pays the entire costs; that there is no limit as to outside Town lines if the developer will pay for the lines. Mr. Chapin stated that in the matter of sub-divisions consideration should be given to more than just a plan with the minimum grading etc., and that certain improvements should be studied as a part of the consideration as when these needs increase it usually works a hardship on many of those who are already established as to grades and that sales prices should reflect these matters.

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Giduz

Alderman<sup>A</sup> moved that the Aldermen ask Planning Board to submit a recommendation to Town concerning requirements of a developer of a sub-division with regard to Inside and Outside of the Town Limits, sewers, streets, and water facilities, seconded by Alderman Wager, and passed.

#### Current Zoning Map

Mr. Lasley urged the Town to have a map currently kept to date so that interested persons can have access to same and that documents filed with the Building Inspector should be initialed and dated to constitute proper filing.

Alderman Giduz moved that there be a map kept up to date by the Town showing zones in Zoning Districts and that all applications for zoning changes and building permits be dated by proper person authorized to receive same, seconded by Alderman Walters. and passed. Lucien Foust stated there is such a map now being prepared.

#### Open Space Discussion

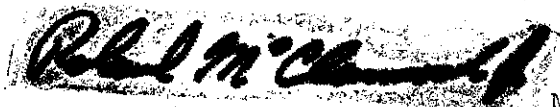
Mr. Chapin stated that there should be Open Space study and an established policy; that there are monies set up by Federal Government that can be used for this purpose of reserving areas for recreation and open space uses; that in order to go ahead with such planning, help will be needed; that before measures are taken in inducing developers to set aside open space areas, it is important to ascertain if the Town will maintain such areas, if obtained; that the Planning Board does not seek to push this issue unless the Town so desires it.

Mr. Wallace of the Planning Board discussed the need for conserving what little space there is left and that two developers have stated they do not believe the Town of Chapel Hill wants to take over area for parks and recreation, and that the Town refuses to accept the financial responsibility for such spaces. The Board assumed that the above mentioned spaces are Oakwood, whereas, Town Attorney said at the last board meeting the Town authorized the acceptance (dedication) of the Oakwood lots (6 lots) for Park purposes; that he now has the legal description and will have same ready at the next board meeting. The Mayor stated that he believes if it is at all feasible, the Town would be glad to accept offered land. Mr. Chapin said 10% of the area of a sub-division would not be too much for open space uses. Dr. Arnold King of the Adjustment Board talked about the Little Red School House area. Attorney LeGrand advised him that the Town has the deed to this property, also that he doubts if ad valorem tax money can be used to maintain open spaces; that recently the "legislature has passed a "Minimum Housing Act". Alderman Robinson stated he is greatly concerned over the housing situation. Alderman Strowd stated that he does not believe the Town should be burdened by maintaining Open Spaces; that fast use of the land is now the trend; that in this fast growing Town which is gaining by leaps and bounds and there is no reason to believe it will not continue to grow, there is a question as to where the University will find land on which to expand, in the future. He recited facts relevant to the rapid growth of Chapel Hill and said that land cannot be manufactured - what there is now is all there will ever be.

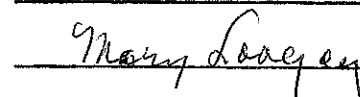
Mr. Cleaveland stated that when the Town is considering new areas it would be appreciated if they would so advise the Planning Board so that a study can be made as area needs, (other than the revenue to be derived, study).

Mayor McClamroch thanked the Boards for attending the meeting and advised them that minutes of this meeting will be mailed to the members.

Adjournment at 9:50 P.M.



Mayor



Town  
Clerk

August 22, 1961