

C L A R I O N

Clarion Associates
1526 East Franklin Street, Suite 102
Chapel Hill, NC 27514
919.967.9188 phone
919.967.9077 fax

Memorandum

To: Loryn Clark, Chapel Hill Planning Department
From: Roger Waldon
Date: February 6, 2007
Re: Status Report: Mason Farm-Whitehead Circle Neighborhood Conservation District

This memorandum transmits the latest neighborhood newsletter for the Mason Farm - Whitehead Circle Neighborhood Conservation District Initiative, and offers a status report on the project.

We have had two meetings with the neighborhood so far, and the third (possibly final) meeting is scheduled for the evening of February 22, 2007, at 7:00pm. These meetings are being held at the Chapel Hill Kehillah, located in the neighborhood. We are grateful to the Kehillah for hosting and participating in the meetings.

The attached newsletter reviews the issues that have been raised by residents, and outlines possible regulatory responses that could be considered. The overriding concern has been maintenance of the single-family character of the neighborhood, and there has been considerable interest in Neighborhood Conservation District regulations that might serve to preserve and maintain that character. The newsletter contains a set of recommendations for provisions that might be included as the overlay zoning district is created, along with a map showing recommended boundaries for the district. These recommendations will be the primary topics of discussion at this upcoming meeting on February 22.

It would be very helpful if the Town Council would consider calling a Public Hearing to consider enacting an overlay zoning district for the Mason Farm-Whitehead Circle neighborhood, and set a date for the hearing. The process of finalizing a recommended district is nearing completion, and it would be helpful to be able to announce the date of the Public Hearing at the February 22 meeting.

Thanks for your ongoing help and support as this initiative has moved forward.

NEIGHBORHOOD NEWS

Mason Farm-Whitehead Circle Neighborhood Conservation District Initiative

Report #2: Recommendations

February 6, 2007

This is the second report of the Mason Farm-Whitehead Circle Neighborhood Conservation District Initiative. It provides a summary of neighborhood feedback on preliminary recommendations that were presented in the first report and at the January 11, 2007 neighborhood meeting. This feedback was used to develop a revised list of recommended regulatory responses to the issues that have been raised for Mason Farm-Whitehead Circle. The recommendations are discussed here. The report closes with a summary of next steps in this process. The Neighborhood Conservation District recommendations will be discussed at the 3rd Neighborhood Conservation District meeting scheduled for February 22, 2007 from 7-9:00pm at the Chapel Hill Kehillah located at 1200 Mason Farm Road. Please mark your calendars for this meeting.

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BACKGROUND

In response to concerns brought by residents of the Mason Farm-Whitehead Circle neighborhood, the Town Council has initiated a process to designate the neighborhood as a Neighborhood Conservation District. Designation as a Neighborhood Conservation District acknowledges the unique and distinctive character of older, in-town residential neighborhoods. The purpose is to preserve, protect, and enhance the value and character of these neighborhoods. The Town has enlisted the help of a planning consulting firm, Clarion Associates, to work on this project.

The 2nd Mason Farm-Whitehead Circle Neighborhood Conservation District meeting, held on January 11, 2007 at Chapel Hill Kehillah, included presentation of neighborhood issues that were raised at the kickoff meeting, a list of potential solutions for addressing these issues, and a set of preliminary recommendations. Participants at the meeting offered their reactions to the preliminary recommendations. This report incorporates that input. For more background information on the Neighborhood Conservation District process and materials provided at project meetings, please consult the Town's website at <http://tinyurl.com/yheu7b> or contact Leigh Anne King of Clarion Associates at 919-967-9188 or laking@clarionassociates.com.



REVIEW OF NEIGHBORHOOD ISSUES & FEEDBACK

The preliminary recommendations made in the first report addressed issues that had been raised by neighborhood residents. Residents provided feedback on the preliminary recommendations at the 2nd meeting and through correspondence. Participants at the 2nd meeting reached general consensus on the preliminary recommendations. Below is a short summary of the feedback provided.

Issue: Compatibility of Future Development with Single-Family Neighborhood Character, and Maintaining Lower Densities throughout the Neighborhood

These issues appear to be the two main reasons for developing new neighborhood regulations. Residents are concerned about the potential for development under current zoning, and would like to maintain the single-family character of the neighborhood through low-density uses. The general consensus among the neighborhood residents that have participated in this process is that it is a good idea to limit the size and scale of development to ensure that new development is visually compatible with the neighborhood. New development should be designed for single-family use, and development of multi-family properties should be prohibited. Participants were not interested in establishing a regulation that would limit the maximum size of home that could be developed in the neighborhood, but did like the idea of requiring increased setbacks for new homes developed at 6,500 square feet or larger. Concerns were also raised regarding a possible bedroom to bathroom ratio. There was general agreement that many homeowners would like to maintain the right to develop one bathroom per bedroom in a single-family unit. The neighborhood did not appear to be interested in having the Town develop highly detailed and prescriptive design guidelines for Mason Farm-Whitehead Circle, but there is an interest in developing general design guidelines to help address some of the issues that the neighborhood is reluctant to regulate further – such as the orientation of houses, appropriate fencing, landscaping and tree removal. A new idea was introduced: Include regulatory language addressing the relationship of the area devoted to bedrooms and the area devoted to common space within dwellings.

Issue: Minimizing Negative Impacts on the Neighborhood

Neighborhood residents expressed concern about the impacts of parking and traffic on the neighborhood. On-street parking permits limit the amount of street parking available to non-residents; however, private residences may currently provide up to 40% of their front yard for parking. Proposed regulations that would limit the number of parked cars allowed in the front yard of a home were well received with some concern for being too restrictive. Participants also discussed concerns about clear-cutting of trees in the neighborhood. Participants would like to maintain as much of the natural quality of the neighborhood as possible. Currently, the Town of Chapel Hill's Planning Board is exploring the idea of implementing tree protection measures that would apply to tree removal on individual single-family lots.

Other Neighborhood Issues

Some issues raised by the neighborhood are not related to zoning regulations and accordingly cannot be addressed through this initiative. These issues include lack of pedestrian access, insufficient street lighting, unpaved streets, on-street parking permits, and increases in vehicular speeding, traffic, and noise. These issues have been passed along to Town Departments, and the neighborhood is encouraged to continue a dialogue with Town officials.

NCD RECOMMENDATIONS

There are three categories of proposed recommendations that have been discussed to date: recommendations for regulations, approach to nonconforming features that would be created by enactment of regulations, and recommendations for the neighborhood district boundary.

Regulations

Based on the patterns of existing development in the neighborhood, neighborhood covenants, and the neighborhood’s response to the preliminary recommendations made at the 2nd meeting, recommended Neighborhood Conservation District regulations have been developed and are provided below. For comparison purposes, the current zoning regulations are listed beside the recommended regulations. A few of the recommended regulations have additional explanations located at the bottom of this page. Definitions of these land use regulations are attached.

Land Use Regulations	Current Zoning Standards (R-LD1)	Recommended NCD Zoning Standards
Minimum lot size	1 acre	1 acre
Maximum Floor Area Ratio (FAR)	--	0.15
Minimum street setbacks	30 feet	50 feet
Minimum interior setbacks	16 feet	25 feet
Setbacks for units 6,500 square feet and larger	--	Street and interior setback requirements are doubled.
Maximum total square footage of bedrooms in dwelling unit	--	To be considered a single-family dwelling unit, the total amount of space used as bedrooms cannot be equal to or exceed the total square footage of common areas in the dwelling. (See definition.)
Maximum building height	35 feet	30 feet
Maximum % of front yard used for parking	40%	25%
Maximum # of uncovered parking spaces on a lot	--	3 parking spaces
Notification of tree removal	--	Require notification of adjacent neighbors when removing significant trees within street or interior setbacks and require 10-day wait period following notification.
Notification of development	--	Require adjacent neighbor notification when requesting zoning compliance permit for an increase in floor area or proposed garage, and require 10-day wait period following notification.
General design guidelines (voluntary not mandatory)	--	Would address siting and orientation of houses, appropriate fencing design, recommended landscaping, and other design aspects.



Nonconforming Status

If the Town enacts new regulations for the neighborhood, existing development that does not comply with the new standards would be considered “nonconforming”. Under the Town’s current general provisions for dealing with nonconforming uses, nonconforming lots, and nonconforming features, the structures on the property can continue to be used, maintained, and repaired, and also replaced if destroyed. (This authorization for continued, uninterrupted use is often referred to as “grandfathering.”) Structures also can be enlarged, as long as such enlargement does not worsen the extent of nonconformity. Nonconforming uses may continue as long as use remains continuous. Structures or uses of property that involve a nonconforming feature cannot be expanded in a manner that would increase the degree of the nonconformity.

This set of proposed recommendations does not suggest any change to application of the Town’s current nonconforming provisions, summarized above, to this new Neighborhood Conservation District. There are several options, however, that were discussed and could be considered. These include:

- Specifying that, for specific types of nonconforming **features**, compliance with new regulations must be attained within a certain time of official notice of the nonconformity. An example would be front-yard parking limitations. A provision could be added to the new district regulations, for example, stating that, within 6 months of official notification to an owner that a property does not meet new limitations regarding parking vehicles in the front yard, the property must be made to conform with the new rules. After that time, continued non-compliance would be considered to be a zoning violation.
- Specifying that, for certain **uses**, compliance with new regulations must be attained within a certain time of official notice of the nonconformity. The example offered was that currently there is a townwide provision stating that a dwelling unit occupied by more than four unrelated persons constitutes classification as a rooming house rather than a single-family dwelling. For dwelling units around Town that did not meet that test at the time it was enacted, but have remained in continuous, unchanged use and therefore the use may continue as they had been before the rule. One option would be to require that, within this Neighborhood Conservation District, nonconforming uses related to occupancy of structures be brought into compliance within a certain date (e.g., one year) after official notice of the non-compliance is delivered to an owner.

Changes to nonconforming provisions are not currently part of the recommended Mason Farm-Whitehead Circle Neighborhood Conservation District regulations.



Neighborhood Conservation District Boundary

New neighborhood regulations will need to be applied to a defined neighborhood boundary area. A proposed neighborhood boundary was presented to the neighborhood at both the Kickoff and 2nd Neighborhood Meetings. Below is a brief summary of the neighborhood feedback on the draft boundary. The proposed neighborhood map is found at the end of this newsletter.

Lots North of Mason Farm Road

The four lots located on the north side of Mason Farm Road and adjacent to University of North Carolina-Chapel Hill (UNC) student housing are recommended for inclusion within the NCD boundary. The four lots were included within the original Mason Farm Road covenant. Three of these lots are currently owned by UNC. UNC's Master Plan shows additional family housing being constructed on these lots, although there is no timetable at present for that development. Due to state law regarding application of overlay zoning regulations on state-owned properties, the three UNC lots would be exempt from any new NCD development regulations. However, if the State of North Carolina were to sell these properties, NCD regulations would then apply to the lots. Balancing all of these facts, consensus emerged around the idea of including the four lots to maintain zoning consistency within the neighborhood.

Chapel Hill Kehillah

There is general consensus that the Chapel Hill Kehillah plays a very important role in the neighborhood, and any changes to this site would have an impact on the neighborhood. Similarly, the residential property that sits southwest of Kehillah is generally agreed to be part of the neighborhood, and was included in the original Mason Farm Road covenant. Both of these properties are recommended for inclusion within the Neighborhood District Boundary. Because the recommended NCD regulations are specific to residential uses, they would not have any impact on the current use of the Kehillah site. However, should the Kehillah site be redeveloped to include residential units, these regulations would then apply.

NEXT STEPS

As previously mentioned, the recommendations made in this report will be presented and discussed at the next Neighborhood Conservation District meeting (**Thursday, February 22, 2007, 7-9:00pm** at the **Chapel Hill Kehillah**). This is an opportunity for neighborhood residents and landowners to learn more about the recommended neighborhood regulations, and to provide comment on these recommendations. Clarion Associates will continue to receive comment from interested parties after the meeting, and invites you to send in the enclosed response form with comments.

Following the 3rd Neighborhood Meeting, Clarion Associates will be presenting the final recommendations to the Chapel Hill Planning Board. Mason Farm-Whitehead Circle residents are invited to attend this meeting and provide public comment on the recommended regulations.



LAND USE REGULATIONS DEFINITIONS

Land Use Regulations	Definition
Minimum lot size	Minimum area/size of a lot.
Maximum FAR	Maximum ratio of floor area of a structure (including upper-level floors) divided by the land area of the lot. This ratio limits the amount of square footage than can be developed based on the size of the lot. For example, an FAR of 0.15 applied to a 1-acre lot (43,560 square feet) would limit the size of a dwelling unit to approximately 6,500 square feet.
Minimum street setbacks	The minimum distance that a dwelling unit or structure must be set back from any property line fronting on a public street.
Minimum interior setbacks	The minimum distance that a dwelling unit or structure must be set back from the side or rear lot lines.
Maximum total square footage of bedrooms	Maximum total square footage of bedrooms cannot exceed the total square footage of common areas in the unit. Bedrooms are defined as rooms, other than kitchens, bathrooms, and closets, which can be fully enclosed by walls and doors to create private sleeping areas. Common Areas are defined as areas or rooms within a dwelling unit that cannot be fully enclosed by walls and doors. These areas include kitchens, living rooms, dining rooms, studies, and other common spaces other than bathrooms and hallways.
Maximum building height	Maximum allowable height allowed for any part of a structure.
Maximum % of front yard used for parking	Maximum percent of area located in front yards (between the street and a line drawn parallel to the street from the point of the house that is closest to the street) that can be used for parking and driving vehicles.
Maximum # of uncovered parking spaces on a lot	Maximum of three designated uncovered parking spaces per lot, along with requirement that vehicles may only be parked/stored in parking spaces that have been identified and designated for parking.



COMMENT FORM

Please provide comments on the recommended NCD regulations and boundary here and send to Clarion Associates at the address listed below.

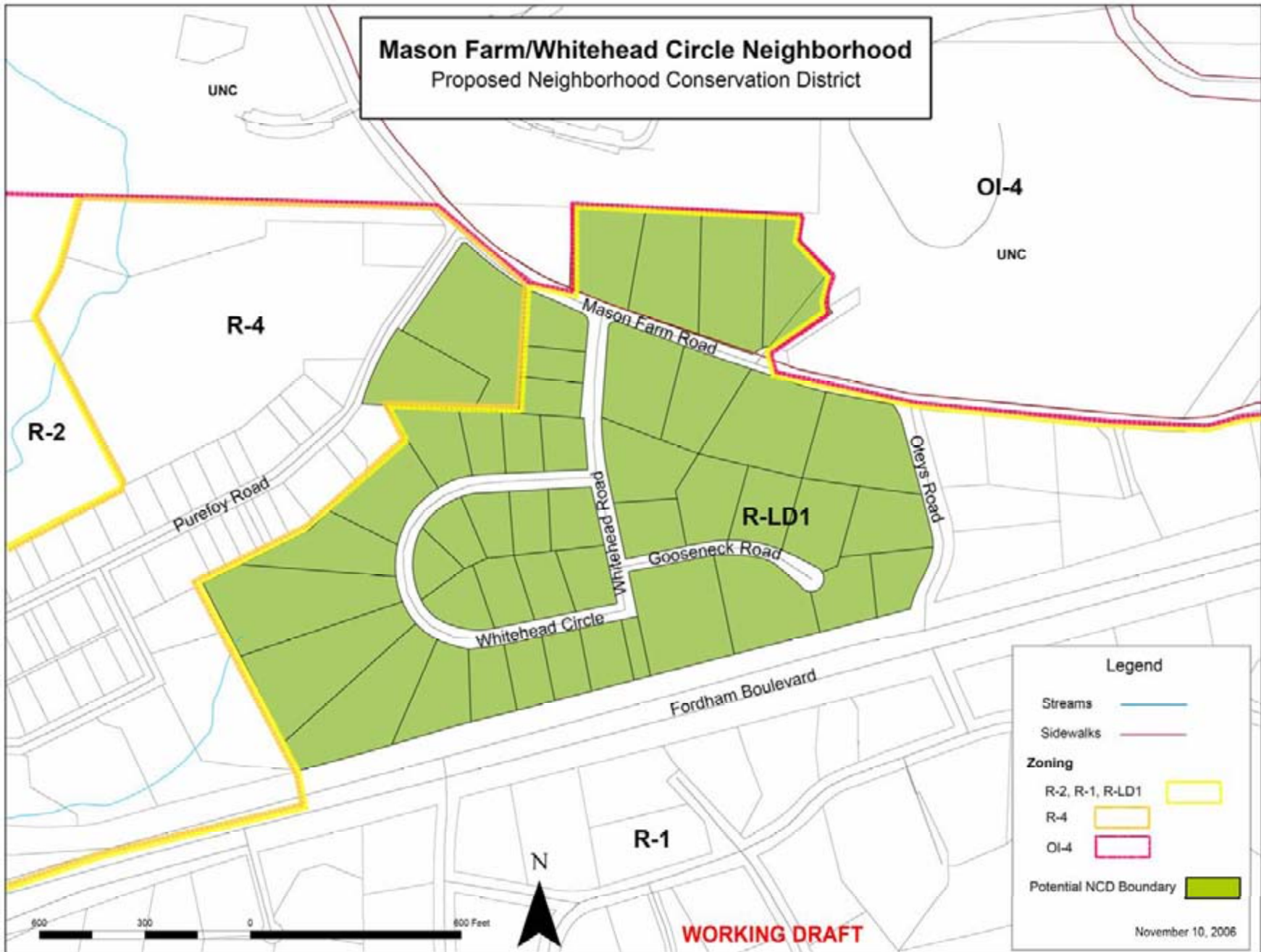
Land Use Regulations	Recommended NCD Zoning Standards	Provide Comment in Spaces Below
Minimum lot size	1 acre	
Maximum Floor Area Ratio (FAR)	0.15	
Minimum street setbacks	50 feet	
Minimum interior setbacks	25 feet	
Setbacks for units 6,500 square feet and larger	Street and interior setback requirements are doubled.	
Maximum total square footage of bedrooms in unit	Can not be equal to or exceed the total square footage of common areas in unit.	
Maximum building height	30 feet	
Maximum % of front yard used for parking	25%	
Maximum # of uncovered parking spaces on lot	3 uncovered parking spaces	
Notification of tree removal	Require notification of adjacent neighbors when removing significant trees within interior setbacks and require 10-day wait period following notification.	
Notification of development	Require adjacent neighbor notification when requesting zoning compliance permit for an increase in floor area or proposed garage, and require 10-day wait period following notification.	
General design guidelines (voluntary not mandatory)	Would address siting and orientation of houses, appropriate fencing design, recommended landscaping, and other design aspects.	

Do you agree with the neighborhood boundary as it is drawn?

(Provide comment here.)

Please mail your comments to:
 Clarion Associates
 Attn: MF-WC NCD
 1526 E. Franklin Street, #102
 Chapel Hill, NC 27514

Mason Farm/Whitehead Circle Neighborhood
Proposed Neighborhood Conservation District



Legend

Streams ————

Sidewalks ————

Zoning

R-2, R-1, R-LD1 [Yellow Box]

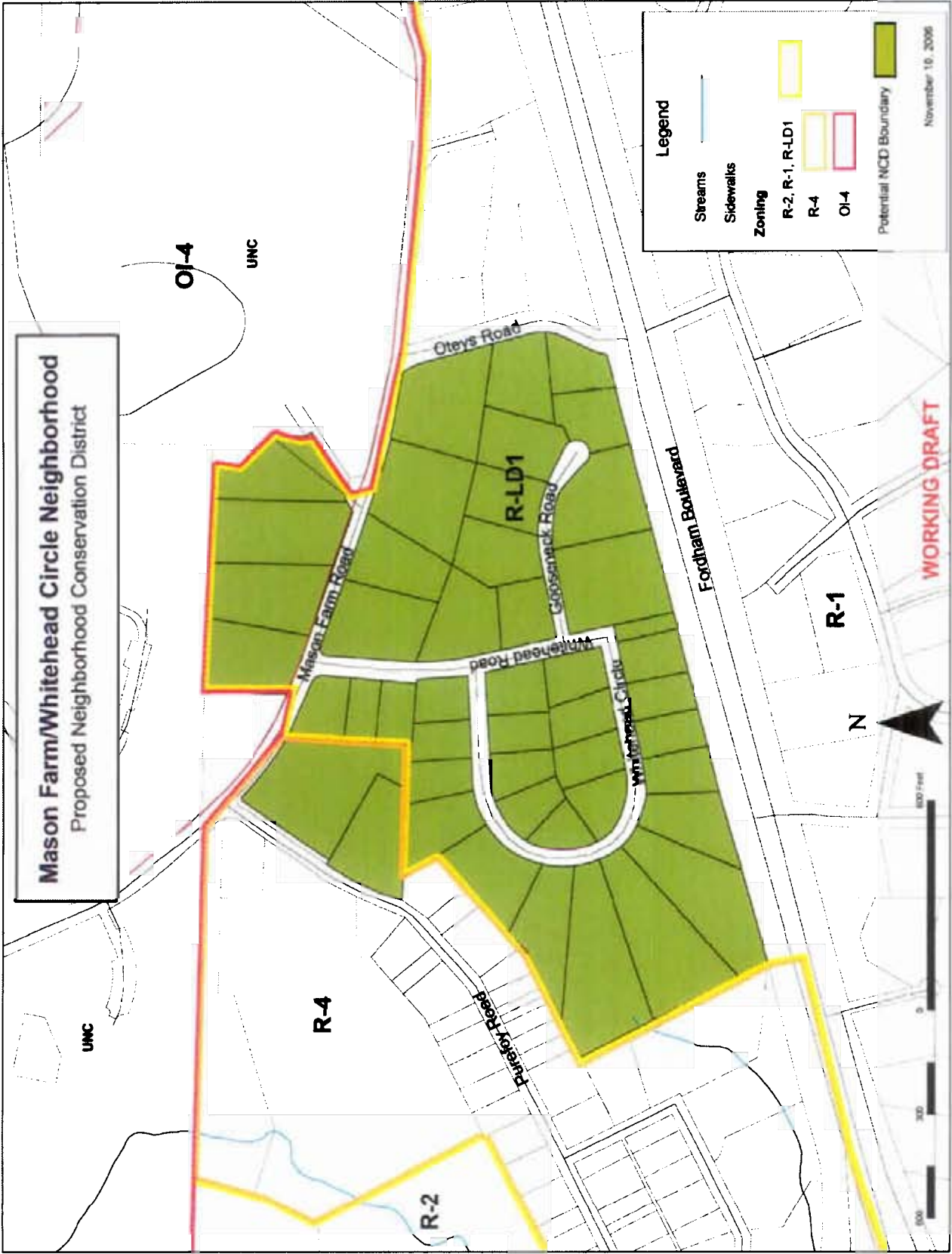
R-4 [Orange Box]

OI-4 [Pink Box]

Potential NCD Boundary [Green Box]

November 10, 2006

Mason Farm/Whitehead Circle Neighborhood
Proposed Neighborhood Conservation District



Legend

- Streams
- Sidewalks
- Zoning
 - R-2, R-1, R-LD1
 - R-4
 - OI-4
- Potential NCD Boundary

November 19, 2006

WORKING DRAFT