

ATTACHMENT 2

MEMORANDUM

TO: W. Calvin Horton, Town Manager

FROM: Roger S. Waldon, Planning Director

SUBJECT: Administrative Policy - Interpretation of Section 5.12.1(a) of Chapel Hill's Land Use Management Ordinance

DATE: June 13, 2003

The Chapel Hill Town Council enacted a new Land Use Management Ordinance on January 27, 2003. A key new provision in the ordinance is Section 5.12.1(a), which reads as follows:

All development within the boundaries of Chapel Hill's Urban Services Area, as defined in the Comprehensive Plan, shall be served by a public water supply and a public sanitary sewer system. No Zoning Compliance Permit or building permit shall be issued for any structure within the Town's Urban Services Area (as defined in the Comprehensive Plan), absent evidence that the structure can be served by public water and sewer facilities.

A question has been raised about how this provision should be applied in cases where new or expanded structures are proposed, and where such structures do not involve any plumbing, water, or sewer service. Examples of such structures might be a free-standing gazebo or an outdoor deck. Other examples might be expansions of existing buildings that do not involve plumbing fixtures (e.g., expanding or adding a living room or bedroom).

We believe that if structure is proposed that does not involve water or sewer service, then the provisions of Section 5.12.1(a) do not apply; if no water/sewer is involved, then there is no need for a determination as to whether water and sewer service is available.

Accordingly, effective immediately, we will administer this provision as follows. For land that is within Chapel Hill's Urban Services Boundary, but for which water and/or sewer service is not presently available to serve a proposed new development:

1. If the proposed development does not involve a structure, Section 5.12.1(a) does not apply.

2. If the proposed development involves a structure that does not involve new plumbing fixtures, or any other feature requiring water and/or sewer service, Section 5.12.1(a) does not apply.
3. If the proposed development (whether in a new structure or an existing structure) includes new plumbing fixtures or any other feature requiring water and/or sewer service, Section 5.12.1(a) applies and the development cannot be permitted absent demonstration that public water and sewer service is available.

We believe that these guidelines are consistent with the language and intent of Section 5.12.1(a) of the Land Use Management Ordinance.

cc: J.B. Culpepper, Development Coordinator
Lance Norris, Director of Building Inspections
Administrative File