



MEMORANDUM

TO: Mayor and Town Council

FROM: John Hawkins, Planning Board Chair

SUBJECT: Revisions to the Development Ordinance, Second Draft – Summary of Comment/Questions

DATE: September 20, 2001

The Planning Board discussed the second draft of the Development Ordinance on September 18, 2001. The following provides the Boards recommendation as well as individual Board member comments/questions:

OVERVIEW

The Board expressed concern that the Council may not have enough information about some of the specific proposals included in the revised Development Ordinance. Of particular concern was Article 2, regarding the optional Use Patterns, and the new Zoning Districts.

The Planning Board, by consensus, recommended that the Council consider moving forward with the Development Ordinance revisions without Article 2, the optional Use Patterns. The Board recommended that the Council reserve Article 2 while further study of each proposed Use Pattern is conducted. A group, such as the Planning Board or the Design Commission, could be designated to study each proposed use pattern carefully and determine if the draft regulations provide the design results intended. Many questions arose during the Planning Board review about each of the seven proposed Use Patterns. For example, for the Use Pattern called “New Development in Older Areas,” the Board expressed concern that, as proposed, landscape bufferyards and setbacks would not apply to “New Development in Older Areas.” The consultant has proposed that this particular Use Pattern be encouraged by offering a limited review process that involves only receipt of a Building Permit. Similar questions arose about each of the seven proposed Use Patterns.

The Board believes that the consultant may be able to provide information about existing developments that have been built according to the Use Pattern standards. This information could assist a group designated to investigate each pattern in detail.

SPECIFIC COMMENTS

Individual Board members offered the following comments/questions:

1. Additional flexibility should be incorporated into the new regulations. For example, although many favor the new minimum and maximum parking requirements, it is possible that an unusual circumstance may arise where it may be appropriate to have more parking, or less parking, than the regulations require. The Board encouraged provisions that allow Council discretion.
2. Several provisions proposed in the second draft may require greater staff time than the current regulations. Board members hoped that the Council would take this into consideration.
3. The Board reviewed the implementation items from the Comprehensive Plan and noted only one item that did not appear to be addressed: Expediting the development review process for small businesses.
4. Page 2-10 includes provisions for saving woodlands. A suggestion was made to change the definition of woodlands to identify mature trees.
5. Page 2-10 provides parks and open space standards with some confusion regarding primary and secondary conservation areas. It was noted that Carrboro has had some difficulty interpreting similar text.
6. Page 2-17 provides standards that may be more appropriate for the Design Manual, rather than included as regulation in the Development Ordinance.
7. Page 2-16 includes a 30,000 square foot retail requirement. Is that an appropriate amount? Is there a maximum?
8. Page 2-20 includes parking requirements for TNDs. It was suggested that parking may be appropriate to the side of buildings in some situations, not just to the rear.
9. Page 2-21 provides a maximum driveway width of 12 feet. This requirement was questioned.
10. Examples are needed of all the proposed Use Patterns and the new Zoning Districts.
11. It is a problem to have no buffer in Vertical Mixed Use.
12. Concern was expressed that no minimum parking requirement is provided on page 2-28.
13. How will the "mansionization" of Chapel Hill's older neighborhoods be discouraged?
14. A concern was raised about regulations that allow drinking establishments to be located next to places of worship without any buffers or screening.
15. A question was raised about whether inclusionary zoning applies to the Use Patterns. The regulations are not clear.

16. The inclusionary percent should be a flat 15%.
17. Page 2-31: How are basements counted?
18. If parking is structured or underground, there should be no maximum.
19. A suggestion was made to include the new mixed use zoning district in the matrix on paged 3.66.
20. Page 3-14, the dimensional matrix should include some flexibility.
21. Page 3-14, concern was expressed about the maximum frontage and width requirements.
22. Page 3-14, second paragraph references 15 units per acre OR intensity, not both. Is the land area reference a gross land area reference?
23. Page 3-14 includes a conflict: the maximum floor area in the chart does not mat footnote 2 which indicated that floor area is based on OI-1 provisions.
24. Page 3-73 provides a dimension matrix that is critical piece of the new ordinance proposal. It needs to be carefully scrutinized. Do we really want minimum interior setbacks to be 0 in many residential zoning districts? Board members believe that OI-3 and OI-4 need to be removed from this matrix and the Mixed Use Zone needs to be added. Board members expressed great concern about the new concept introducing maximum lot widths.
25. Page 3-60 references minimum of one block face – what does that means when cul-de-sacs are provided?
26. Page 3-62: The Board could not agree on whether individual parcels or land area was counted when the 75 percent was applied. Some members indicated that the percentage should be higher and that the new zoning district should not be applied at the direction of the Town Council.
27. The maximum parking requirements are too low; need to re-examine.
28. Page 3-29: Is one bus stop enough for the Transit Oriented District?
29. Page 3-38: Need to distinguish between sewerred and unsewered areas.
30. Page 3-38: Need to better define what an impervious surface ratio is.
31. If we create a new mixed use zoning district, will the existing mixed use zones require rezoning?

(52)

32. Page 3-49, second bullet, fourth bullet and fifth bullet need to be reviewed more carefully.
33. Page 3-80, Transfer of Development Rights is a good idea. However, where would the sending areas be? Perhaps the Transfer of Development Rights section should be pulled for further study.
34. The ERU concept is confusing (page A-13). Why not just reference dwelling units?
35. Page 3-87: Need 15 percent flat for affordable units with a minimum threshold.
36. Page 3-87: The proposed payment amounts were questioned. Why put a dollar amount in the regulations?
37. In parking requirements table: minimum and maximum are reversed for "Residence Hall".
38. What is the minimum lot size for two-family units and for multi-family. Were those provisions eliminated?
39. Page 6-6: It was suggested that other establishments besides car washes should provide for regular collection of litter and debris.
40. A question was raised about what is an "institutional" use.
41. Table 3-73 needs significant attention to notes and numbers.

The Board expressed hope that the third draft of the Development Ordinance would return to the Board for further consideration.