

Neighborhood Conservation District (NCD)

8.26.15

Prepared by Town Attorney's Office

Last Revised: 10-23-15

Questions/Comments from Attendees:

- Are setbacks are still regulated?
 - Yes.

- What was the restriction for the bedroom to bathroom ratio in Northside?
 - If you have more than two bedrooms, the 1:1 ratio of bedrooms to bathrooms classifies the use as a rooming house, which is not a permitted use in Northside.
 - Exemption: for houses occupied by a single-family unit (related members)
 - The authority to regulate the number and types of rooms, such as a room ratio, has been revoked.

- Why can we still regulate the height of a fence?
 - Height of a fence is considered a zoning element as opposed to a design element. Design of a fence, such as the amount of opacity, is no longer regulated.

- Are other towns faced with these same state-level regulations?
 - Yes.

- What was the reason for this change in state law? [answer was not provided at meeting]
 - Town staff and Attorney are not able to provide a response to this question.

- Why was so much of the text scratched out in this document?
 - This text represents only those items that are changing.
 - There is also a key at the bottom of the handout indicating the types of changes.

- It is my understanding that SB25 does not affect existing or future covenants?
 - This presentation is specific to Town regulations for Neighborhood Conservation Districts.
 - The bill exempts current or future deed restrictions or covenants. The Town is not responsible for enforcing deed restrictions or covenants.

- Do these regulations affect the development agreement for the apartment and commercial shopping center of Glen Lennox? (see additional Glen Lennox question below)
 - No. The Development Agreement and the Glen Lennox Neighborhood Conservation District (8C) are not affected. The Development Agreement was voluntarily consented to by the owners of Glen Lennox. Further, the majority of the buildings in the Development

Agreement are not single or two family structures; therefore, Senate Bill 25 does not apply.

- For Northside, it looks like the 2,500 square foot limitation has been stricken from the text.
 - The restriction is now actually 1,750 square feet, with an exception of up to 2,250 square feet if the Board of Adjustment approves a variance.
 - The language in section 1.4 is being stricken and replaced with the table of regulations from section 1.1. That table was added when the ordinance was amended in 2012 and supersedes the language in section 1.4

- The Town consultant originally suggested that we put these [NCD regulations] in to control over occupancy. The Town's enforcement has been ineffective. What is the plan for dealing with that issue now that these regulations are going away? [partial answer provided at meeting, new responses below]
 - The Town has identified and is currently filling two code enforcement positions. One of the positions will be focused on Northside and Pine Knolls.
 - Additional improvements are being considered for Northside and open houses will be held on Wednesday, October 28 at noon and Wednesday, October 29 at 7:00pm. Both meetings will be held in the Hargraves Community Center. More information: <http://www.townofchapelhill.org/Home/Components/News/News/9150/22>
 - The occupancy restriction, applicable to single family and two-family dwelling units, of no more than four unrelated individuals is still in force.

- How is it that a development agreement like Glen Lennox would not be affected by these regulations? What is the difference between Glen Lennox (Commercial and Apartment Property) and the other NCDs where the community came together to enact the regulations
 - The design regulations in the Development Agreements were voluntarily consented to by the all of the property owners (two in this case – FCP Glen Lennox, LLC and Glen Lennox Shopping Center) and are thus not subject to Senate Bill 25.
 - The other NCDs were not enacted with 100% of property owners voluntarily consenting.
 - With specific regards to Glen Lennox, most structures will be commercial or multi-family and the Town still has the authority to regulate design of those structures.

- Do you expect these changes to affect the way the Town uses NCDs in the future to address these issues? [answer was not provided at the meeting]
 - The Town Council passed a resolution on February 20, 2012 to temporarily suspend the creation of new NCDs that had not already started the process on that date.
 - The purpose of this suspension is to evaluate alternative regulatory approaches to better address redevelopment pressures and concerns in established neighborhoods.
 - Senate Bill 25 applies to any local regulation of single-family and two-family structures outside of historic districts regardless of the type of regulation i.e. a NCD or neighborhood character standards.

- There is a rumor that the Town is trying to apply character standards to several neighborhoods in town – those that are 50 years or older. Is that true? [partial answer was provided at meeting, see new responses below]
 - Neighborhood Character Standards are one of the topics being considered as part of the Land Use Management Ordinance (LUMO). These standards were originally proposed for neighborhoods 50 years or older as another tool, similar to the Neighborhood Conservation District. The staff received feedback that this was not desirable, so we have modified the proposal and are thinking of these as a tool for the Historic Districts. The Planning Commission is scheduled to hear this item on September 15th.
 - The Town Council passed a resolution on April 21, 2014 directing staff to develop infill compatibility standards for the Roosevelt Drive neighborhood. Infill compatibility standards have been renamed neighborhood character standards.
 - Neighborhood Character Standards will be reviewed by the Town Council on Monday October 26, 2015 and Monday, November 23, 2015. The standards, if approved by Town Council, would be applied on a case-by-case basis to interested Historic Districts and the Roosevelt Drive Neighborhood. The Town Council would decide on whether to apply the standards to each neighborhood at a future date after gauging interest from the neighborhoods.

- Do these changes make it easier for unrelated people to live together?
 - The definition of a rooming house still applies as do the restrictions on house size; however, the law does prevent the Town from regulating ratios of bedrooms to bathrooms.

- [Not asked during presentation] Does Senate Bill 25 affect the Town's ability to enforce parking regulations on single and two-family properties?
 - No the Town's parking regulations, including those in the Northside and Pine Knolls Neighborhoods are still enforceable.