



## Legislation Details (With Text)

<b>File #:</b>	ID 15-0456	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Ordinance	<b>Status:</b>		Passed	
<b>File created:</b>	5/21/2015	<b>In control:</b>		City Council	
<b>On agenda:</b>	7/21/2015	<b>Final action:</b>		7/21/2015	
<b>Title:</b>	Ordinance Amending Land Development Ordinance (LDO) - 2015 Technical Amendments - Definition of Townhouse Dwelling, Townhouse Access Requirements, Board of Adjustment Voting, and Typical Personal Service Uses				
<b>Sponsors:</b>	Planning				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. 2015 Tech Amendment Presentation, 2. 2015 Tech Amendment Ad, 3. May 2015 PB Minutes, 4. 2015 Tech Amendment Ad, 5. 15-0456 ORD 2015 LDO Tech Amendment				

Date	Ver.	Action By	Action	Result
7/21/2015	1	City Council	adopt	Pass

Ordinance Amending Land Development Ordinance (LDO) - 2015 Technical Amendments - Definition of Townhouse Dwelling, Townhouse Access Requirements, Board of Adjustment Voting, and Typical Personal Service Uses

Department: Planning  
Council District: All

Public Hearing: Yes  
Advertising Date/By: July 9th and 16th / City Clerk

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### PURPOSE:

The purpose of the text amendment is to amend the Land Development Ordinance (LDO) related to the definition of townhouse, access to townhouses, Board of Adjustment voting, and the typical uses in the personal service category. The City Council is required to hold a public hearing on this amendment before considering its approval.

### BACKGROUND:

Over the past several months, staff has come upon several instances in the Land Development Ordinance (LDO) that, if clarified, would make using the LDO more user-friendly. The changes are minor in nature yet, need to be modified using the text amendment process.

There are four changes being proposed and they are further explained below:

**1. Definition of Townhouse** - The LDO defines a townhome in Article 7 as a housing style and in the

definitions contained in Article 15. The proposed change would place the same language in both locations.

#### 30-7-2.6 Townhouse

Two or more attached or detached dwelling units located on separate townhouse lots. Townhouse lots hold one dwelling unit and are smaller than a conventional lot. Townhouses are generally located within a development containing drives, walks, and open space in common elements. See 30-8-10.1(K) for additional use standards.

#### 30-15-19 Townhouse Dwelling

A building consisting of single-family residences attached to one another or detached from one another, in which each unit is located on an individually owned parcel, generally within a development containing drives, walks, and open space in common elements.

**2. Access to Townhomes** - The LDO permits access to townhomes via a private street, private drive and/or private driveway in Article 8 and Article 9. The proposed change will clarify that this is also allowed in Article 13.

#### 30-8-10.1 (K) 3)

Townhouses may be served by private streets, drives or driveways in accordance with 30-9-3.4.

#### 30-9-3.4

Individual parcels shall have rights of access through common elements containing private streets, private drives and/or private driveways at least 24 feet in width leading to a publicly maintained street. Individual parcels may have direct access to a publicly maintained street with Technical Review Committee approval.

#### 30-13-3.8 Access Requirements

All lots must have public street access and frontage meeting the requirements of the subject zoning district, except as expressly stated in this section. Lots and dwelling units located in cluster developments, planned unit developments, townhouse developments, group developments and integrated multiple use developments with owners' associations may have permanent access and frontage on approved private streets, private driveways and/or private drives. The development as a whole must have public street access and frontage in accordance with the standards of the subject zoning district.

**3. Board of Adjustment Vote** - The proposed change will modify the provision that specifies the required vote for the Board of Adjustment so that it is consistent with the enabling legislation contained in North Carolina General Statutes.

#### 30-3-7.5(A), Required Vote for Approval

An affirmative vote of 4/5 of the appointed members present and voting shall be required to grant a variance from the provisions of this ordinance. Vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

**4. Typical Use in Personal Service** - The LDO lists “Art, music and photography instruction” as an excluded use in Article 8 while cross referencing the personal service use group. The proposed change will add this use as a typical use in the personal service use group.

30-8-6.5 (B) Educational Facilities - Excluded Use Types

1. Dance School (see Indoor Recreation)
2. Art, music and photography instruction (see Personal and Professional Services)
3. Driving school (see Retail Sales and Service)
4. Preschool and nursery school (see Day Care)
5. Sports instructional school, martial arts (see Indoor Recreation)

**BUDGET IMPACT:**

There will be no impact on the current or future budgets.

**RECOMMENDATION / ACTION REQUESTED:**

The Planning Board recommended this amendment at its May meeting on a vote of 8-0.

Staff recommends that City Council receive citizen comments and consider adoption of the proposed text amendment.