



Legislation Text

File #: ID 21-0419, **Version:** 1

Public Hearing for the Adoption of a Land Development Ordinance Text Amendment - Amending Section 30-4-11.3 (Decision-Making Criteria) and Section 30-8-11.1 (Accessory Uses and Structures) to Allow a Type 1 Modification for Separate Utility Connections to Accessory Structures.

Council Priority: Create an Environment to Promote Economic Development Opportunities and Job Creation / Maintain Infrastructure and Provide Sustainable Growth Opportunities

Department: Planning
Council District: All

Public Hearing: Yes
Advertising Date/By: June 3 and June 10, 2021 / City Clerk

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PURPOSE:

The purpose of the text amendment is to amend the Land Development Ordinance (LDO) to allow a Type 1 Modification for separate utility connections to accessory structures.

As this request is a text amendment, the City Council will conduct a public hearing to consider and take action on this request at its June 15, 2021 meeting.

BACKGROUND:

Currently, Land Development Ordinance (LDO) Section 30-8-11.1(G)(1) requires that accessory structures to single-family, twin homes, duplexes, and traditional houses take utility service such as water, sewer, and electrical by branching service from the principal dwelling. To allow a separate utility connection, a variance must be granted from the Board of Adjustment.

The Board of Adjustment has received many variance requests from this provision (related to electric service / meters), which have been approved by unanimous vote. This provision has been part of the Zoning Regulations for many years. Staff believes that the intent was to verify that accessory dwelling units and home occupations are properly permitted.

At the direction of the Board of Adjustment, Planning staff examined the City's process to allow separate electrical meters for accessory structures, to review regulations from other municipalities, and to identify if an amendment to the City's Land Development Ordinance (LDO) is warranted.

Of all the municipalities contacted, only one had provisions in its ordinance requiring utility service to accessory structures to branch from the principal structure. The remainder generally allowed separate electrical meters for accessory structures, provided a separate address was assigned.

Additionally, our City's Chief Electrical Inspector advised that the State Electrical Code allows separate electrical meters on accessory structures. Permission from the City of Greensboro would only be required via the Land Development Ordinance with the current wording. It was recommended that language remain in the ordinance and the review/approval process be amended to address the situation.

To continue to ensure uses and buildings are properly permitted (such as home occupations within the principal building, accessory dwelling compliance with proportionality and building setbacks) , staff recommends retaining the current wording and amend the review process.

The proposed text amendment would allow the Planning Director to grant a Type 1 Modification for separate utility connections if it can be demonstrated that certain factors unique to the property are present and would warrant a separate connection. Those factors are related to the distance between the principal dwelling and the accessory structure, the current capacity of the utility within the principal dwelling, and the location of items which would need to be removed between the principal building and the accessory structure.

If the Type 1 Modification is not granted, the applicant could appeal to the Zoning Commission.

Separate from the ordinance changes, efforts will be made to revise the residential building permit application so that applicants would be required to indicate if utilities to the proposed accessory structure will branch from the principal dwelling or via a separate connection.

BUDGET IMPACT:

This item will have no budget impact.

RECOMMENDATION / ACTION REQUESTED:

The Zoning Commission recommended these amendments 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.