

# STAFF REPORT

## Amendments to the Unified Development Ordinance

August 13, 2024 Town Council Meeting



### Requested by Planning Staff:

1. **Amendments to Sec. 2.1.3 Board of Adjustment in order to update language related to participation by alternates.**

2.1.3 Board of Adjustment

...

B)

*Membership*

...

- 8) *Alternate members.* The alternate members shall consist of a first alternate member, a second alternate member, and a third alternate member. **Alternate members shall be encouraged to attend all meetings of the Board of Adjustment, but shall participate in hearing, deliberating, and deciding a case only when acting in the place of a regular member.** The alternate members shall vote in the event any member is temporarily unable to vote due to absence or conflict of interest in a case, or for any other cause. The first alternate member shall have priority to replace the first regular member that is absent or unable to vote. The second alternate member shall have priority to replace the second regular member that is absent or unable to vote. The third alternate member shall have priority to replace the third regular member that is absent or unable to vote. At any meeting which they are called upon to attend, alternate members shall have and may exercise the same powers and duties as regular members.

2. **Amendments to Secs. 2.1.2 Planning Board, 2.1.3 Board of Adjustment, 2.1.4 Transit Advisory Committee, and Sec. 2.1.10 Housing Advisory Board in order to add clarity to voting requirements.**

2.1.2 Planning Board

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B)

*Membership*

...

- 8) **Voting. All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.2.E Conflict of Interest.**

2.1.3 Board of Adjustment

...

B)

*Membership*

...

- 9) **Voting. All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.3.F Conflict of Interest. Alternate members shall vote on any issue for which they are seated in place of regular members unless they have been disqualified pursuant to Sec. 2.1.3.F Conflict of Interest.**

2.1.4 Transit Advisory Committee

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B)

*Membership*

...

- 6) **Voting. All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.4.E Conflict of Interest.**

2.1.10 Housing Advisory Board

...

B) *Membership*

...

**6) Voting. All regular members shall vote on any issue unless they have been disqualified pursuant to Sec. 2.1.10.E Conflict of Interest.**

**3. Amendment to Sec. 2.3.12.C Appeals, Procedures in order to change the vote needed to reverse a contested decision or interpretation from four-fifths to a majority in accordance with State law.**

2.3.12 Appeals

...

C) *Procedures*

...

**5) *Action by the Board of Adjustment.* At the hearing on the appeal, the Appellant or the Appellant's agent shall state the grounds for the appeal and include any materials or evidence to support the appeal. The Planning Director, or a designated representative, shall be provided the opportunity to respond, as well as any other persons the Board of Adjustment deems necessary. After the conclusion of the hearing, the Board of Adjustment shall either affirm, affirm with modifications, or reverse the contested decision or interpretation, based on the standards in Sec. 2.3.12.E Standards. ~~The concurring vote of four fifths~~ **A majority vote** of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination on appeal.**

**4. Amendment to Sec. 5.2.5 Bulk Measurement and Requirements in order to revise the calculation of built-upon area to refer to definition of the term in Sec. 12.2 Terms Defined.**

5.2.5 Bulk Measurement and Requirements

A) *Built-upon Area*

~~Calculation of the built-upon area within the proposed development shall include, but not be limited to, all existing public and private streets, proposed public streets, sidewalks, driveways, rooftops, parking lots, patios, and all other impervious and partially impervious surfaces, including CABC and gravel within the development. The calculation of built-upon area is expressed as a percentage of total site area. Swimming pools and wooden decks shall not be included in the calculation of the built-upon area.~~ **is defined in Sec. 12.2 Terms Defined**

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommend approval of the proposed amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board reviewed these amendments at their July 8, 2024 meeting and unanimously recommended approval.