

## 05-24-2023 Town Council Meeting Responses to Council Questions

### **ITEM #16: Open the Legislative Hearing: Land Use Management Ordinance Text Amendment- Articles 1, 3, 4, 5, 6, and 7 and Appendix A Regarding Housing Regulations and Housing Choices for a Complete Community**

#### **Council Question:**

The economic analysis shown on pages 195 and 196 is helpful, but somewhat incomplete. It assumes a vacant lot, of which CH has relatively few, although there may be instances in which a duplex can be built on a lot that already has a structure on it. Can an analysis of acquiring and “tearing down” existing houses at a variety of price points be done to show what sales price and or rentals of such duplexes would have to be as well as the same information for the vacant lot analysis?

#### **Staff Response:**

*We can amend the existing pro forma before the June 21, 2023, Council meeting. In speaking to developers, we learned that the costs of demolishing an existing house can add \$10,000- \$20,000 to the costs of developing an existing lot. Information provided by Noell Consulting Group indicates that existing homes will not be acquired for teardowns based on current home prices. Acquisition costs of more than \$200,000 per lot would require duplex rents that are very difficult to support under current market conditions.*

#### **Council Question:**

Why did staff go from 750 to 1000 sq ft. for ADUs?

#### **Staff Response:**

*Currently the Land Use Management Ordinance (LUMO) restricts accessory apartments to:*

- No more than 75% of the floor area of the primary dwelling and up to a maximum of 750 Square Feet (SF)*
- No more than 75% of the floor area of the primary dwelling and up to 1,000 SF for an accessory apartment constructed within an existing structure, such as the basement of the house or above a garage*

*See Appendix A – Definitions:*

[https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAU5\\_MA\\_APXADE](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAU5_MA_APXADE)

*Staff proposes increasing the square footage of accessory apartments to a maximum of 1,000 SF for both attached and detached accessory apartments to allow greater flexibility. Staff heard from members of the public that the maximum accessory apartment size of 750 SF can be too small to meet multi-generational housing needs. After researching other community’s accessory*

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*apartment sizes, we felt it was appropriate to increase the square footage to the maximum allowed by LUMO today.*

### **Council Question:**

For parking, is it no more than 4 cars per property or per unit? How are we addressing enforcement on that?

### **Staff Response:**

*LUMO 6.19 Dwelling Units—Duplex currently restricts parking to no more than a total of 4 spaces on-site, shared between individual duplex units. The proposed text amendment maintains this maximum for two-family dwellings. Code Enforcement has been proactive in counting the number of parked cars on a site to ensure no more than four parked vehicles are associated with any duplex development. When there are more than four cars, they notify the property owner that they are in violation. Further, Parking Services requires tenants to provide a copy of the lease; if the lease indicates over occupancy, Parking Services does not issue on-street parking permits.*

*For parking requirements, see:*

[https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALOUS\\_MA\\_ART6SPREPAUS\\_6.19DWUNUP](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUS_MA_ART6SPREPAUS_6.19DWUNUP)

### **Council Question:**

Since we last saw this proposal, you've added a "detached" category for duplexes, triplexes, and quads. Can you explain the thinking behind this change?

### **Staff Response:**

*Staff wanted to provide greater flexibility in the design and construction of multiple units on a lot. We had also heard an interest from Council members in allowing smaller cottage courts, and the detached three- and four-family developments provide a means for achieving this type of housing.*

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### **Council Question:**

In slide 165, you lay out the parking allowances for duplexes. Does “no more than 4 vehicles” mean per lot or per unit? The parking requirements for triplexes and quads say no more than 4 vehicles in the slides on 166-67, but say they follow the LUMO multifamily parking requirements on 185 and 187. Which is correct (or are they saying the same thing in different ways)? If the multifamily requirements are different, what would they be, say, for a triplex of 4BR units?

### **Staff Response:**

*LUMO 6.19 Dwelling Units—Duplex currently restricts parking to no more than a total of 4 spaces on-site, shared between individual duplex units. The proposed text amendment maintains this maximum for two-family dwellings. There is a typo on pages 166-167 as staff intends for three- and four-family developments to follow the LUMO multifamily parking requirements. For a triplex with four-bedroom units, the triplex would generate the following based on zoning district:*

- *Within the Town Center (TC) zoning districts: Minimum of 0 parking spaces and a maximum of 1.67 per dwelling unit. This would generate 0 to 7 parking spaces on-site.*
- *Within non-Town Center zoning districts: Minimum of 2 parking spaces per dwelling unit and a maximum of 2.5 spaces per dwelling unit. This would generate 8 to 10 parking spaces on-site.*

### **Council Question:**

Has staff discussed ways we can provide effective enforcement of parking requirements?

### **Staff Response:**

*We have begun conversations with Code Enforcement and Parking Services on how to effectively enforce parking. Code Enforcement is currently proactively counting vehicles parked on-site. We have heard from Parking Services that they do not issue on-street parking passes to apartments, such as the Purefoy Road Apartments. Typically, their policy is to only issue parking permits when the residents do not have the ability to park on-site or there is a difference between the number of on-site spaces and occupants. Parking Services has noted a need to upgrade their enforcement equipment in order to improve enforcement. Planning and Parking Services are considering ways to share information on the number of approved parking spaces for new development resulting from this proposal, to limit the need for street parking passes.*

### **Council Question:**

Council at our work session expressed an interest in strengthening tree protection and impervious standards to maintain some of the green character of existing neighborhoods –

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right now, I don't see a canopy requirement for duplexes (184). Can we at least meet the 40% canopy requirements (p. 185, 187) for triplexes and quads?

**Staff Response:**

Currently, [LUMO 5.7.2<sup>1</sup>](#) requires a minimum tree canopy coverage of 30% for multi-family residential, and staff proposes increasing this to 40% for three- and four-family developments. Staff will look into our ability to increase tree canopy coverage for duplexes. The LUMO currently does not have a tree canopy standard for single-family developments.

**Council Question:**

Duplex standards seem much denser than that for triplexes and quads (185-187). The FAR for duplexes is high (0.40) relative to that for quads and triplexes (which follow the underlying zoning; R4 is .230; R6 tops out at 0.303). Duplexes can be constructed on the minimum lot, triplexes and quads must have double the minimum lot size. What's the rationale?

**Staff Response:**

Staff proposes reducing the minimum lot size of two-family (attached/detached) developments to a single lot to encourage this housing type and offer an incremental policy approach to expanding opportunities for two-family developments. Staff proposes maintaining the other requirements for a duplex such as floor area ratio (FAR), the maximum building(s) size of 3,000 square feet of floor area, and the parking limitation of no more than 4 on-site parking spaces. This approach allows us to assess impacts before allowing more than two units on the minimum lot size. Given that single-family developments have no maximum FAR, we wanted to ensure that the sizes of two-family developments were similar and compatible to their single-family neighbors.

Staff felt that following the FAR of the underlying zoning district would in many cases create duplexes that were well below 3,000 SF and possibly too small to contain two family-friendly units. In other cases, the 3,000 SF size limit would mandate smaller floor areas on those minimum lot sizes greater than 10,000 SF. Here's an example of our analysis related to lot sizes and FAR:

Zoning District	Min. Lot Size	Zoning District FAR	Floor Area (SF) based on Zoning	0.40 FAR	0.40 Floor Area (SF)	Max Floor Area for Duplex
R-LD5	217,800	0.025	5,445	0.4	87,120	3,000
RT	100,000	0.031	3,100	0.4	40,000	3,000
R-LD1	43,560	0.047	2,047	0.4	17,424	3,000

<sup>1</sup>  
[https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALOUSMA\\_ART5DEDE-ST\\_5.7TRPR](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART5DEDE-ST_5.7TRPR)

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Zoning District	Min. Lot Size	Zoning District FAR	Floor Area (SF) based on Zoning	0.40 FAR	0.40 Floor Area (SF)	Max Floor Area for Duplex
R-1A	25,000	0.062	1,550	0.4	10,000	3,000
R-1	17,000	0.076	1,292	0.4	6,800	3,000
R-2A	14,500	0.087	1,262	0.4	5,800	3,000
R-2	10,000	0.093	930	0.4	4,000	3,000
R-3	5,500	0.162	891	0.4	2,200	3,000
R-4	5,500	0.230	1,265	0.4	2,200	3,000
R-5	5,500	0.303	1,667	0.4	2,200	3,000
R-6	5,500	0.303	1,667	0.4	2,200	3,000

Staff conducted a similar exercise looking at three- and four-family requirements:

Zoning District	Min. Lot Size	2x Lot Size	Zone FAR	Floor Area (SF)	Size of Each Unit (If equal) and 4 units	0.4 FAR	0.40 Floor Area (SF)	3,000 SF Limit	4-unit sizes (if equal)
R-4	5,500	11,000	0.230	2,530	633	0.400	4,400	3,000	750
R-5	5,500	11,000	0.303	3,333	833	0.400	4,400	3,000	750
R-6	5,500	11,000	0.303	3,333	833	0.400	4,400	3,000	750

Staff found that allowing three- and four-family developments required double the lot size in order to accommodate the required amount of on-site parking, the 40% tree canopy requirements, 0.7 impervious surface ratio, and a building that had sizeable units to accommodate families.

The proposed changes to the current requirements for three- and four-family developments are minimal:

- Instead of classifying them as Multi-family, 3-7 units we have created new use categories for three- and four-family developments, attached and detached.
- Increasing the required tree canopy coverage from 30% to 40% for these smaller multi-family developments
- Allowing administrative approval of these smaller multi-family residential developments instead of requiring a site plan, Special Use Permit (SUP), or Conditional Zoning District (CZD).

All other dimensional and design standards, including stormwater management, parking, and impervious surface requirements remain.

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**Council Question:**

Has there been any discussion of establishing preferred pre-approved building plans (along with reduced permitting time and fees) to incent the types of housing we want? How long would such guardrails take to develop and implement?

**Staff Response:**

*Yes, we support the idea of creating pre-approved building plans; however, staff requires additional design expertise to create such a program. We believe such a program would take a minimum of six months to create. Staff have applied to the NLC Capstone Challenge Series for architectural design assistance in creating such a program.*

**Council Question:**

Can we get more information on the Noell Consulting economic analysis? Was a report submitted, or only the information on the slides in the packet? Will Noell be at Wednesday's meeting?

**Staff Response:**

*Noell Consulting will not be attending the meeting, and the information provided is what we received. If Council has specific questions about the analysis, we can return to Noell Consulting after the meeting for further analysis.*