

06-21-2023 Town Council Meeting Responses to Council Questions

ITEM #14: Close the Legislative Hearing and Consider a Land Use Management Ordinance Text Amendment - Proposed Changes to Articles 1, 2, 3, 4, 5, 6, and 7 and Appendix A Regarding Housing Regulations and Housing Choices for a Complete Community

Council Question:

The staff presentation (p. 291) says that a 40% canopy requirement has been added for duplexes. I don't see any canopy standards for accessory apartments and SF + Cottage configurations; how can we meet the interest in retaining tree canopy for these uses?

Staff Response:

There currently are no tree canopy coverage requirements for single-family and single-family + accessory apartment in today's Land Use Management Ordinance (LUMO). Staff maintained this position in the tree canopy requirements for single-family + cottage. Additional development standards and design requirements add costs and obstacles that may hinder future development of these housing types. If there is consensus, Council could request staff to investigate this further.

Council Question:

In earlier presentations by staff, there was a lot of discussion of how standards had been developed to ensure neighborhood compatibility (such as maximum heights as a percentage of heights of nearby existing dwellings). Are those types of standards still in the ordinance?

Staff Response:

The state statutes do not allow municipalities to regulate building design elements of single- and two-family developments (see [§ 160D-702](https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_160d/gs_160d-702.pdf)¹). Staff had originally included neighborhood compatibility standards for triplexes and fourplexes when the proposal allowed them in all residential (R-) zoning districts. Because three- and four-family developments will only be permitted in those zones that currently allow them and the only change is that they be administratively approved, staff did not believe it was necessary to incorporate design standards. This would create another development standard that does not exist in today's LUMO and may hinder future development of three- and four-family designs.

Council Question:

The current proposal (p. 370) allows 40% of front yards for single-family and duplex units to be used for parking. In earlier presentations, we were told that infill parking would generally be

¹ https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_160d/gs_160d-702.pdf

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concentrated to the rear of the lot. Why are SF lots (and cottage and ADU lots, I assume) and duplexes allowed substantial front-yard parking?

Staff Response:

Staff does not propose to amend the existing parking requirements for duplexes as part of this proposal. [Land Use Management Ordinance \(LUMO\) 5.9.9](#)² currently limits parking to single-family, two-family, and triplex dwellings in all zones to no more than 40% of the front yard and staff does not propose modifying this provision. The original proposal had recommended allowing three- and four-family developments in single-family neighborhoods, and staff found that in those neighborhoods, parking should be located at the rear of the property. Under the current proposal, three- and four-family developments will only be permitted in those zoning districts that currently allow for multi-family developments.

Council Question:

The chart in the ordinance on p. 369 does not seem to align with the parking information given in the staff presentation slides; for example, for triplexes, the slide on p. 303 says “no more than 4 vehicles” (per lot?) while the table on 369 would allow 2.5/dwelling unit (7.5). Can you clarify?

Staff Response:

This is a typo that staff thought had been addressed. Three- and four-family developments would follow the parking ratio based on the number of bedrooms that currently exists in [LUMO 5.9.7](#)³.

Council Question:

For a single-family dwelling unit with a cottage, you allow 1 parking space per bedroom, while for duplexes you limit parking to 4 spaces/lot. What’s the thinking behind the different standards? Except in the case of 1BR apartments, 1 parking space per bedroom is much higher than we generally allow in multifamily development.

Staff Response:

Under today’s [LUMO 6.19](#)⁴, duplexes are limited to no more than four vehicular parking spaces, and no change has been proposed for two-family, attached or detached units. Because single-family + cottage is very similar to single-family + accessory apartment, staff proposed requiring

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https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART5DEDE-ST_5.9PALO

³ Ibid.

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https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALOUSMA_ART6SPRE-PAUS_6.19DWUNUP

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the same parking ratios for these two uses. Currently, single-family houses have no parking minimum or maximum. An accessory apartment requires one parking space per bedroom and we required the same for the cottage.

Council Question:

What are the parking standards for a single-family house with an accessory apartment?

Staff Response:

[LUMO 5.9.7](#)⁵ requires single-family + accessory apartment to provide one space per bedroom in the accessory apartment. There is no minimum parking requirement for single-family houses.

Council Question:

The interest in developing pattern books is to incent desirable (non-student-stuffer) floorplans, with either reduced permitting time, reduced fees, or other incentives; the staff memo focuses mostly on design aesthetics. Would a pattern book be an effective tool for helping to incent the kind of multi-purpose layouts (not just geared to one life stage) we're looking for?

Staff Response:

The pattern book concept has always been focused on the design of housing types this ordinance proposes. As part of the exercise of developing the pattern book, staff can develop universal design floor plans that provide more shared living spaces compared to bedroom-dominated designs with limited shared living spaces; however, we do not have the ability to prevent students from living in these housing types.

Please note that the pattern book program is an incentive to encourage small-scale developers to utilize the Town's pre-reviewed plans. The Town does not have the ability to require developers to utilize the pattern book, and many may choose to work with an architect or designer on a custom design.

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Council Question:

For Housing Choice, if duplexes are only allowed to have 4 parking spaces, why would 40% of the front yard be allowed to be parking?

Staff Response:

his is an existing regulation in [LUMO 5.9.9⁶](#) that applies to single-family, two-family, and triplexes in all zoning districts. In some cases, vehicles are parked perpendicular or parallel to the house off of an existing driveway. There is not always space available for a driveway leading to a backyard parking area. No changes are proposed to this existing regulation.

Council Question:

Originally staff talked about ADUs, etc. fitting in with existing structures, is there something in the ordinance to address this issue?

Staff Response:

The state statutes do not allow municipalities to regulate the design of single- and two-family developments. Because of this, staff has not included any requirements that the accessory apartment, cottage, or duplex unit be compatible with the design of the primary house or neighborhood. Compatible designs may be suggested as part of the pattern book program to support this interest; however, the Town cannot require applicants to use the pattern book.

Council Question:

The ED analysis doesn't really help me understand what the price point would be where it would make sense for investors to demo older homes and build multifamily, can we get that answered before the meeting?! What are the economics showing in other college towns and can we extrapolate anything?

Staff Response:

Noell Consulting estimates that rental rates are tied to the costs of land. In North Chapel Hill, rents of \$2,600/month could justify a developer spending \$90,000 to \$100,000 on a vacant lot; whereas, rents closer to campus can be over \$3,000-\$3,600/month and could justify approximately \$200,000-\$375,000 lot. The Home Builders Association estimates that most lots that require demolishing the existing house are likely to cost between \$400,000-\$500,000 which significantly adds costs to a development.

Council Question:

The design books seems to be about aesthetics now instead of unit type (getting the type of

⁶ Ibid.

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housing we want, not getting student stuffers), I thought we were looking at bedroom to bathroom ratio and some other things, where did that go?

Staff Response:

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Please note that the pattern book program is an incentive to encourage small-scale developers to utilize the Town's pre-reviewed plans. The Town does not have the ability to require developers to utilize the pattern book, and many may choose to work with an architect or designer on a custom design.