



## Legislation Details (With Text)

**File #:** [23-0319] **Version:** 1 **Name:**  
**Type:** Consent **Status:** Passed  
**File created:** 3/28/2023 **In control:** Town Council  
**On agenda:** 4/19/2023 **Final action:** 4/19/2023  
**Title:** Call A Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Articles 1, 3, 4, 5, 6, 7, and Appendix A Related to Updates to Setback and Height Exceptions, Townhouses, and Refining Missing Middle Housing Types on May 24, 2023.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Questions with Staff Response, 2. A RESOLUTION CALLING A LEGISLATIVE HEARING TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT RELATED TO UPDATES TO SETBACK AND HEIGHT EXCEPTIONS, TOWNHOUSES, AND REFINING MISSING MIDDLE HOUSING TYPES RELATED TO ARTICLE 1, ARTICLE 3, ARTICLE 5, AR

| Date      | Ver. | Action By    | Action  | Result |
|-----------|------|--------------|---------|--------|
| 4/19/2023 | 1    | Town Council | adopted | Pass   |

**Call A Legislative Hearing for Land Use Management Ordinance Text Amendments - Proposed Changes to Articles 1, 3, 4, 5, 6, 7, and Appendix A Related to Updates to Setback and Height Exceptions, Townhouses, and Refining Missing Middle Housing Types on May 24, 2023.**

**Staff:**

Britany Waddell, Director  
Judy Johnson, Assistant Director  
Anyah Grahn-Federmack, Principal Planner

**Department:**

Planning

**Overview:** Staff proposes revisions to the Land Use Management Ordinance (LUMO) to specifically address updates to the setback and height exceptions, townhouse developments, allowing cottages and duplexes in all residential zoning districts, and incorporating select missing middle housing forms in zones that currently allow for multifamily developments.



**Recommendation(s):**

That the Council adopt the resolution calling a legislative hearing to consider amending the Land Use Management Ordinance (LUMO) on May 24, 2023.

**Key Issues:**

The proposed revisions would:

- Update the setback and height exceptions;
- Allow cottages on compact lots and duplexes in all residential zoning districts;
- Address the unique characteristics of townhouse developments by classifying townhouses as a use, specifying design and development standards, and providing a clear definition; and
- Permit triplexes and fourplexes in residential zoning districts that currently allow multifamily development



**Attachments:**

- Resolution A

**RESOLUTION A**

**A RESOLUTION CALLING A LEGISLATIVE HEARING TO CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT RELATED TO UPDATES TO SETBACK AND HEIGHT EXCEPTIONS, TOWNHOUSES, AND REFINING MISSING MIDDLE HOUSING TYPES RELATED TO ARTICLE 1, ARTICLE 3, ARTICLE 5, ARTICLE 6, ARTICLE 7, AND APPENDIX A FOR MAY 24, 2023 (2023-4-19/R-6)**

WHEREAS, as housing becomes less attainable due to limited supplies, high pricing, and limited housing options, there are fewer housing options for current and new residents at different income levels, life cycles, and stages to live in the community; and

WHEREAS, as housing becomes more expensive and less attainable, Chapel Hill's workforce must look at housing opportunities outside of the community, leading to increased traffic and parking demands; and

WHEREAS, the Chapel Hill 2020 Comprehensive Plan promotes a range of housing choices for residents, including workforce, senior, and affordable housing; and

WHEREAS, the Chapel Hill 2020 Comprehensive Plan encourages future land use, form, and density that strengthen the community, social equity, economic prosperity, and the natural environment; and

WHEREAS, the Future Land Use Map (FLUM) encourages compact, well-designed, mixed-use communities where all community members have access to jobs, transit, and places to reside; and

WHEREAS, the Chapel Hill Housing Needs Analysis: 2020-2040 found that new housing for individual households is expected to increase to 500 units per year. Few owner-occupied townhouses or condominiums are built to meet this need and provide missing middle housing for the community's workforce; and

WHEREAS, on September 22, 2021, members of the Town Council petitioned staff to create a new application pathway to foster the creation of missing middle housing, including duplexes, triplexes, townhomes, and other forms of compact development, to increase the availability and affordability of housing; and

WHEREAS, in 2022, the Chapel Hill Town Council initiated a Complete Community Strategy to identify shared interests around a new approach to housing that clarifies where and how to build housing in order to be an inclusive, sustainable, and an economically competitive community; and

WHEREAS, Chapel Hill's available housing units do not meet the needs of current and future residents; and

WHEREAS, affordable housing developers have expressed an interest in meeting the community's needs by providing greater residential development opportunities at places of worship; and

WHEREAS, staff met with the Town Council during their April 10, 2023, work session and received guidance on allowing greater opportunities for missing middle housing; and

WHEREAS, the amendments to the Land Use Management Ordinance (LUMO) seek to expand housing choices in residential zoning districts by creating more opportunities for accessory apartments, cottages on compact lots, and duplexes; and

WHEREAS, the Land Use Management Ordinance (LUMO) does not currently provide development standards for townhouse units; and

WHEREAS, Residential-3, -4, -5, and - 6 (R-3, R-4, R-5, and R-6) currently allow for multifamily dwellings of three to seven units, and staff finds that triplexes and fourplexes could be administratively approved in these zoning districts; and

WHEREAS, Land Use Management Ordinance Article 1 - General Provisions, should be amended to clarify two-family structures refer to both single family dwellings with an accessory apartment and duplex dwellings; and

WHEREAS, Land Use Management Ordinance Article 3 - Zoning Districts, Uses, and Dimensional Standards limits housing development to certain types and does not specifically address small, multifamily housing choices such as fourplexes, and townhouses. Further, additional amendments are needed to address dimensional standards height and setback exceptions, and affordable housing calculations; and

WHEREAS, Land Use Management Ordinance Article 4 - Procedures does not specifically address subdivision requirements for townhouses and condominiums, and the application processes do not distinguish between small-scale and large-scale residential developments; and

WHEREAS, Land Use Management Ordinance Article 5 - Design and Development Standards applies only to multifamily development of three units or more on a single lot and does not address small-scale missing middle housing and townhouse developments; and

WHEREAS, Land Use Management Ordinance Article 6 - Special Regulations for Particular Uses does not provide standards for accessory apartments, triplexes, fourplexes, and townhouse development; and

WHEREAS, Land Use Management Ordinance Article 7 - Nonconformities does not address nonconforming uses such as triplexes and fourplexes that may exist; and

WHEREAS, the Land Use Management Ordinance's definitions and regulations do not reflect various modern practices in housing production that may be of interest to the Town; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill that the Council calls a Legislative Hearing for consideration of a Land Use Management Ordinance Text Amendment regarding Housing Regulations on Wednesday, May 24, 2023, at 7:00 p.m. in the Council Chamber, Town Hall, 405 Martin Luther King, Jr. Blvd.

This the 19<sup>th</sup> day of April, 2023.

**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

By adopting the resolution, the Council calls a Legislative Hearing for Land Use Management Ordinance Text Amendments regarding updates to setback and height exceptions, townhouses, and refining missing middle housing types on May 24, 2023.