

BOARD OF ALDERMEN
AGENDA ITEM ABSTRACT

ITEM NO. **E(1)**

MEETING DATE: Tuesday, October 9, 2001

TITLE: PINE STREET: Follow-up Information

DEPARTMENT: PLANNING	PUBLIC HEARING: YES __ NO <u>X</u>
ATTACHMENTS: A. Resolution B. Orange County's Definition of Efficiency Apartment C. Carrboro LUO provisions related to accessory apartments D. Chapel Hill Town Code Section 21-27.2 – Special Parking Permits and Excerpts from Chapel Hill Development Ordinance – Parking Requirements and Front-yard Parking Restrictions in Historic Districts	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327

PURPOSE

The Board of Aldermen held a discussion of issues associated with new development on Pine Street in August 2001 and directed follow-up action. In late September, the Board of Aldermen requested additional information regarding accessory/in-law cottages and information on how Chapel Hill handles on-street parking and parking limits. Information pertaining to these requests has been compiled. A resolution that provides an opportunity for the Board of Aldermen to specify additional follow-up action is provided for the Board's use.

INFORMATION

Pine Street residents approached the Board of Aldermen during the "speakers from the floor" portion of the May 22nd meeting. The Board of Aldermen discussed the matter on June 26th. On August 28, 2001 the Board of Aldermen reviewed a chronology of associated actions and directed staff to proceed with preparing a text amendment to limit the expansion of nonconforming residential structures. On September 26, 2001, the Board of Aldermen requested additional information related to accessory/in-law cottages and parking limitations and permitting procedures in Chapel Hill. Information related to these requests is presented below.

Accessory Dwelling Units

Traditionally, accessory dwelling units (ADUs) or apartments, sometimes known as mother-in-law apartments or granny flats, are separate apartments within single-family houses. Accessory dwellings can provide certain benefits – creating more affordable and more widely accessible homeownership, providing

rental opportunities in traditional neighborhoods rather than only within multi-family housing environments, and establishing adaptable, long-term opportunities for households over their life cycle. In 1999, the state of Washington mandated that cities of populations of 20,000 enact zoning regulations to encourage ADUs. Per Rob Studevill of New Urban News, a newsletter of The Congress for New Urbanism, ADUs should not be included in the calculation of density. In the case of at least one community in Washington, the definition of a single-family residence included up to one additional “guest cottage.” Locally, Orange County allows an efficiency apartment, either attached or detached, of up to 800 square feet in size and held in the same ownership as the primary residence on lots meeting the minimum lot size requirements of the zoning district in which they are located (*Attachment B*). These efficiency apartments are not counted against the density allocation for a lot.

Due to concerns that such conversions may change the nature of single-family neighborhoods, accessory apartments are often limited to a certain size, to houses with owner-occupants, or to occupancy of a certain type (e.g. age or family relationship). Such a use is permitted in Carrboro’s Land Use Ordinance as a “Primary Residence with Accessory Apartment,” use classification 1.220 and defined in Section 15-15 (92) as follows:

- (92) **RESIDENCE, PRIMARY WITH ACCESSORY APARTMENT.** A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet.

Section 15-182 (b) specifies that such units may be permitted on lots having at least 150 percent of the minimum required per dwelling unit. The permitting requirement for this use is dependant, per Section 15-147 (b), on the total number of residential units proposed as part of any development. Copies of these LUO provisions are attached (*Attachment C*).

Chapel Hill Parking Provisions

The Town of Chapel Hill establishes parking requirements by use classification, with some distinctions between the requirements for “dwelling units” and “lodging unit.” Restrictions on front-yard parking have been established for designated historic districts such that no more than 40 percent of the front yard area may be used for parking. In addition, since parking lots are considered structures, the Historic Preservation Commission can evaluate any proposed parking for “congruity” with a historic district during a review of an application for a Certificate of Appropriateness.

Section 21-27.2 of the Town Code includes a procedure for the issuance of special parking permits along streets in residential zoning districts that have petitioned for parking controls. Every residential lot is eligible for up to five permits. Copies of the Development Ordinance and Town Code provisions are attached (*Attachment D*). Over the past year or so, the Chapel Hill Town Council has established a policy to utilize minimum parking requirements for large development projects and maximum parking requirements for multi-family developments. A consultant is preparing revisions to the Chapel Hill Development Ordinance that will make similar provisions applicable to development that does not require review by the Council.

ADMINISTRATION’S RECOMMENDATION

The Administration recommends that the Board of Aldermen adopt the attached resolution (*Attachment A*) that provides an opportunity to specify further follow-up action.