

MEMORANDUM

Memorandum to: Carrboro Mayor and Board of Aldermen

From: Mike Brough

Subject: Ordinance amendments dealing with occupancy of dwelling units by unrelated individuals, parking requirements, and related issues.

Date: May 14, 2013

I have prepared two alternative versions of an amendment to the LUO to deal with the above referenced issues. The first version does the following:

Section 2 revises the definition of “dwelling unit” to exclude dwellings that are occupied by four or more unrelated individual. The effect is that single-family, two-family, and multi-family dwellings cannot be occupied by more than four unrelated individuals, unless such a use is permissible as a “dormitory dwelling unit” or falls within another permissible use category (e.g. a group home).

Section 3 adds a definition of “dormitory dwelling unit.”

Section 4 makes “dormitory dwelling units” a conditional use in the RR, B-1(C), B-1(G), and B-2 zoning districts.

Section 5 amends the Table of Parking Requirements to require one space per bedroom for dormitory dwelling units.

Section 6 increases the required number of parking spaces for duplexes containing four or more bedrooms per dwelling unit. The current ordinance requires two spaces; the amendment requires three spaces for four-bedroom dwelling units and one additional space for each additional bedroom.

Section 7 provides that dormitory dwelling units are regulated like other dwelling units except for requirements related to location and parking.

Section 8 requires that parking areas for single-family and two-family dwellings be demarcated (if not paved) and provides that no front yard parking is allowed except in the demarcated parking area. This requirement only applies to residences constructed after the effective date of the amendment.

The second version (labeled at the top “Alternative Version”) is identical to the first version except that, instead of requiring *more* parking, it requires *less* parking.

Section 5 provides that dormitory dwelling units are to provide two spaces, rather than one per bedroom.

Section 7 adds a new subsection (b) to Section 15-302 to provide that the Table of Parking Requirements for single-family, two-family, and multi-family uses not only establishes the presumptive minimum number of spaces for these uses but also establishes the maximum number of spaces that can be created.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION, MARRIAGE, OR DOMESTIC PARTNERSHIP.

DRAFT 5-14-2013

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All section references in this ordinance refer to the Carrboro Land Use Ordinance, Chapter 15 of the Carrboro Town Code.

Section 2. The definition of the term “dwelling unit” as set forth in Section 15-15 is amended to read:

“(36) **DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family; provided that a structural enclosure that would otherwise be characterized as a dwelling unit under the foregoing definition shall be classified as a “dormitory dwelling unit” if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership and the use does not fall within another use classification.

Section 3. Section 15-15 is amended by adding a new definition to read as follows:

“(32.1) **DORMITORY DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family consisting of more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership, under circumstances where the use does not fall within another use classification.

Section 4. Subsection 15-146 (Table of Permissible Uses) is amended by adding use classification 1.800, entitled “dormitory dwelling units” and by adding the letter “C” opposite this use classification under the RR, B-1(C), B-1(G), and B-2 zoning district columns to indicate that this use is permissible with a conditional use permit in those districts.

Section 5. Subsection 15-291(g) (Table of Parking Requirements) is amended by adding use classification 1.800 and, opposite this use classification adding the following requirement: “One space per bedroom.”

Section 6. Subsection 15-291(g) (Table of Parking Requirements) is amended by revising the statement of the parking requirement opposite use classification 1.200 (Two-family dwellings), to read as follows: “1 space for each one-bedroom dwelling unit, 2 spaces for each dwelling unit containing two or three bedrooms, and one additional space for each bedroom beyond three bedrooms in each dwelling unit.

Section 7. Article XI, Part II is amended by adding a new Section 15-180.1 to read as follows:

Section 15-180.1 Dormitory Dwelling Units.

Dormitory dwelling units shall be subject to the same requirements and shall be otherwise treated the same under this chapter as other dwelling units except to the extent that this chapter establishes different requirements applicable to dormitory dwelling units in the Table of Permissible Uses and the Table of Parking Requirements.

Section 8. Section 15-296 is amended by adding the following subsection (b1):

(b1) The provisions of this subsection shall apply to the portions of vehicle accommodation areas that are used for the parking of vehicles to serve single-family and two-family residences constructed pursuant to a building permit issue after the effective date of this subsection. If such parking areas are not provided with the type of surface specified in subsection (a) above, (i) they shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion, and (ii) except to the extent necessary to provide access to such parking areas, the perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. On lots where the provisions of this subsection apply, no parking shall be allowed within the building setback area applicable to streets (as set forth in Subsection 15-184(a)) except within a parking area that complies with the provisions of this subsection.

Section 9. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 10. This ordinance shall become effective upon adoption.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO LIMIT
THE LOCATIONS WHERE IT IS PERMISSIBLE FOR DWELLINGS TO BE OCCUPIED BY
MORE THAN FOUR PERSONS WHO ARE NOT RELATED BY BLOOD, ADOPTION,
MARRIAGE, OR DOMESTIC PARTNERSHIP.

[ALTERNATIVE VERSION WITH LIMITS ON NUMBER OF PARKING SPACES]

DRAFT 5-14-13

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Section 3. Section 15-15 is amended by adding a new definition to read as follows:

“(32.1) **DORMITORY DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family consisting of more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership, under circumstances where the use does not fall within another use classification.

Section 4. Subsection 15-146 (Table of Permissible Uses) is amended by adding use classification 1.800, entitled “dormitory dwelling units” and by adding the letter “C” opposite this use classification under the RR, B-1(C), B-1(G), and B-2 zoning district columns to indicate that this use is permissible with a conditional use permit in those districts.

Section 5. Subsection 15-291(g) (Table of Parking Requirements) is amended by adding use classification 1.800 and, opposite this use classification, adding the following requirement: two spaces per dormitory dwelling unit.

Section 6. The first sentence of Subsection 15-291(a) is amended to read: “Subject to Subsections 15-292.1 and 15-302(b), all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.”

Section 7. Section 15-302 is amended to read as follows:

Section 15-302 Limitation on the Number of Parking Spaces

(a) No development approved after the effective date of this section may construct more than 110 percent of the number of parking spaces determined by the permit issuing authority to be necessary to satisfy the requirements of Section 15-291.

(b) The number of parking spaces specified in Subsection 15-291(g), the Table of Parking Requirements, for use classifications 1.100, 1.200, and 1.300, shall not only establish the presumptive minimum number of spaces for such uses but shall also establish the maximum number of parking spaces that may be provided by such uses.

Section 8. The provisions of this subsection shall apply to the portions of vehicle accommodation areas that are used for the parking of vehicles to serve single-family and two-family residences constructed pursuant to a building permit issued after the effective date of this subsection. If such parking areas are not provided with the type of surface specified in subsection (a) above, (i) they shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion, and (ii) except to the extent necessary to provide access to such parking areas, the perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. On lots where the provisions of this subsection apply, no parking shall be allowed within the building setback area applicable to streets (as set forth in Subsection 15-184(a)) except within a parking area that complies with the provisions of this subsection.

Section 9. Article XI, Part II is amended by adding a new Section 15-180.1 to read as follows:

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Dormitory dwelling units shall be subject to the same requirements and shall be otherwise treated the same under this chapter as other dwelling units except to the extent that this chapter establishes different requirements applicable to dormitory dwelling units in the Table of Permissible Uses and the Table of Parking Requirements.

Section 10. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 11. This ordinance shall become effective upon adoption.