

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

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TRANSMITTAL DELIVERED VIA EMAIL

June 3, 2013

Christina Moon, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Tina:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on May 24, 2013 and proposed for town public hearing on June 25, 2013:

- *An 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.*

We have reviewed the amendments and find no inconsistency with the adopted *Joint Planning Area Land Use Plan*.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator



TOWN OF CARRBORO

Planning Board

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N

THURSDAY, JUNE 6, 2013

LAND USE ORDINANCE TEXT AMENDMENT RELATING TO THE LOCATION OF DWELLINGS TO BE OCCUPIED BY MORE THAN FOUR UNRELATED PERSONS, PARKING REQUIREMENTS AND RELATED ISSUES

Motion was made by Clinton and seconded by Davis that the Planning Board recommends that the Board of Aldermen **reject** both versions of the draft ordinance.

VOTE:

AYES: (7) Adamson, Barton, Chaney, Clinton, Davis, Eldred, Hunt

ABSENT/EXCUSED: (2) Poulton, Foushee

NOES: (0)

ABSTENTIONS: (1) Jahre

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the rejection of either amendment.

Furthermore, the Planning Board membership finds that **neither version of the proposed text amendment is** consistent with Carrboro Vision 2020, particularly as described in the following sections:

2.0 The community should continue to foster diversity, welcoming people of all races, ages, ethnicity, sexual orientations, and social and economic backgrounds.

6.11 Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options.

Rationale:

Our overarching concern is that both versions of the proposed amendment aim to accomplish too much and to solve unrelated problems. As such they lack the context and clarity needed to be of real benefit. We have three specific concerns related to this lack of context and clarity:

1. We feel it is inappropriate to define relationship for any purpose related to the Land Use Ordinance. While we understand town staff took great care to establish a broad definition of relationship, it is nonetheless an onerous one.

- The housing choices for unrelated people should not be any different than housing choices for related people.
- Establishing such a definition sets a dangerous and unwelcome precedent for institutionalized discrimination in a town where immigrants, students, and individuals of diverse backgrounds live and socialize communally and cooperatively. Indeed, it is contrary to the goals articulated in Carrboro Vision 2020.
- We are concerned that if town staff seeks establish the relationship of occupants in a particular dwelling unit, the result could be civil rights, fair housing, or equal protection complaints, including those related to racial or ethnic profiling.
- The definition also fails to recognize the fluidity of relationships and changing circumstances in people's lives. A residence that starts out as a couple and a boarder might turn into a couple, a boarder and his/her partner. A residence might be purchased by an investor to rent to students. Tying classification to the property itself is limiting and will inevitably lead to nonsensical, clumsy and unintended results.

2. The revised definition of “dwelling unit” and the added definition of “dormitory dwelling unit” lack the clarity needed to be meaningful.

- It is unclear whether a “dwelling unit” and “dormitory dwelling unit” are static classifications based on as-built qualities of a residence or building, or dynamic classifications based on occupancy alone.
 - Unless the LUO clearly defines the as-built qualities that signal a property is “designed for” a related family and those that are “designed for” unrelated persons, the phrase “designed for” should be deleted or changed.
 - If the only difference between the classifications is the relationship between occupants, then establishing, monitoring and enforcing the classification and applicable ordinances will be an onerous, wasteful and inefficient use of limited staff time and invasion of the residents' privacy.
- The proposed number of “unrelated persons” that triggers the classification of a “dormitory dwelling unit” seems arbitrary. For the purposes of land use planning, the planning board sees no qualitative difference between:
 - A related family of five
 - A married couple and three unrelated boarders
 - Five unrelated adults
- The definitions seem to apply to both owner-occupied housing as well as rental (thus commercial) housing, in which case the classifications may be rightly interpreted by

Carrboro's homeowners as overreaching. We believe this was not the intent of the proposed ordinance but it should be clarified.

- It appears the “dormitory dwelling unit” classifications only applies to new construction, and only in certain zones. Yet plenty of housing options in other neighborhoods currently could be classified as “dormitory dwelling units” under the proposed definition. It is unclear whether or how the LUO or other town policies could or would be amended to benefit these neighborhoods and uniformly address parking, infrastructure and quality of life issues related to this kind of housing.
- The change in classification applies to all residences, but the parking change is only applied to duplexes. It does not seem reasonable to create a dual system that applies broadly in one arena (where there is no problem) and narrowly in the other (where the perceived problem exists). This creates a large imposition that applies to a wide range of residences without addressing the heart of the issue.

3. Changes in parking requirements should not be tied to the number of related or unrelated people living in a particular dwelling unit. They should be tied to the Town's overall transportation and parking goals.

- Designating different parking requirements for a four-bedroom “dormitory dwelling unit” and a four-bedroom “dwelling unit” is unfair. The planning board sees no qualitative difference between:
 - A related family of five with three cars between them
 - A married couple and three unrelated boarders with three cars between them
 - Five unrelated adults with three cars between them
- Instead, there are other remedies available to solve parking problems related to dwelling units no matter who lives in them or where they are situated. For example:
 - Enforcing current parking regulations to ease crowding on residential streets or in commercial areas
 - Restricting hours during which on-street parking is allowed
 - Restricting on-street parking to one side of the street only
 - Enacting a residential parking permit program
 - Creating structured parking in high-traffic, mixed-use areas
- As parking availability is most often a decision rule for prospective homebuyers and renters, clear, uniformly-applied parking policies can encourage resident self-selection and positive behaviors.

We strongly recommend to the Board of Aldermen that any change in the LUO related to parking be in the context of a comprehensive parking policy that takes into account the needs, rights, and responsibilities of the whole community and its visitors. Such a policy should include long-term planning for structured parking downtown. Defining maximum rather than minimum required parking spaces for all kinds of dwelling units would be our preference. There are other ways to address issues that may be caused by housing that is not occupied in accordance with its permit and North Carolina state building code.

Moved by Barton; seconded by Adamson.

VOTE:

AYES: (7) Adamson, Barton, Chaney, Clinton, Davis, Eldred, Hunt

ABSENT/EXCUSED: (2) Poulton, Foushee

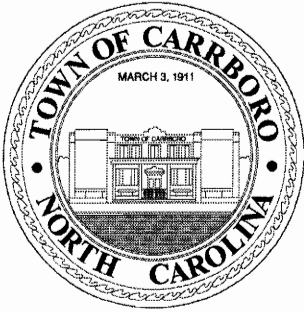
NOES: (0)

ABSTENTIONS: (1) Jahre

A handwritten signature in black ink, reading "Bethany L. Chaney". The signature is written in a cursive style with a long, sweeping tail on the last letter of the last name.

Planning Board Chair

June 20, 2013



TOWN OF CARRBORO

TRANSPORTATION ADVISORY BOARD

RECOMMENDATION

June 20, 2013

SUBJECT: Land Use Ordinance Amendments Relating to the Location of Dwellings to be Occupied by More than Four Unrelated Persons, Parking Requirements and Related Issues

MOTION: The Transportation Advisory Board does not recommend approval of either “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” or the “*ALTERNATIVE VERSION WITH LIMITS ON NUMBER OF PARKING SPACES*”. For an explanation of the reason for the recommendation, please see the attachment.

Moved: Perry

Second: Štolka

VOTE: Ayes (6): LaJeunesse, Štolka, Perry, Haac, Nicopoulos, Barclay. Nays (0). Abstain (0). Absent (1): Kim.

Jeffery D. Blair
for
Seth LaJeunesse

TAB Chair

6 / 21 /13
DATE

Recommendation for creating a “Dormitory Dwelling Unit” conditional use designation in Carrboro’s Land Use Ordinance (LUO).

The TAB recommends that the Board of Aldermen not adopt the draft ordinance.

Firstly, requiring one parking space for every bedroom is likely to have unintended consequences, the most probable of which is an oversupply of parking. The proposed “dormitory dwelling unit” conditional use seeks to predict who will live in dwelling units with five or more bedrooms. Yet, it is virtually impossible to predict who will reside in such dwelling units in the near future, and especially the more distant future. Recall Mayor Chilton’s narrative about developments along NC-54 on February 19th of this year. In short, he relayed that initially, the apartment complexes along the southern edge of NC-54 were expected to be occupied by students so that student populations would subsidize use of the Chapel Hill Transit buses while indirectly augmenting the Town of Carrboro’s property-derived revenue. And true to form, NC-54 apartments were occupied by students for the first couple of years. However, forty years later, these apartments are predominantly occupied by low- and middle-income families and individuals. Might we expect similar trends for the new “dormitory dwelling units”? It seems plausible that immigrant groups with larger, extended families may desire to reside in five or more bedroom dwelling units. Also, older people appear to be forging non-traditional living arrangements with groups of couples and individuals looking to cohabitate in retirement. Are we to prevent these groups from living in larger dwelling units? Do we intend to provide them with significantly more car parking than they need or want?

Secondly, the proposed land use amendment—especially its provision to limit the location of dormitory dwelling units to downtown zones B-1(C) and B-1(G) and its potential to oversupply automobile parking—is counter to many of Carrboro’s community goals and aspirations. Specifically, parking requirements affiliated with dormitory dwelling units directly contradict the following policy statements from the *Carrboro Vision2020* document (*with supporting findings from academic planning and transportation literature*):

1. 3.21: “To double commercial square footage in the downtown from that existing in the year 2000.

- a. To accommodate additional square footage by building up, not out.**
- b. To increase the density of commercial property in the downtown area.**

Excess parking displaces buildings, gardens, parks, and other valuable uses of land.¹

- c. To develop transit and traffic initiatives which enhance the viability of downtown.”**

Excess parking helps create low-density land use patterns with dispersed destinations and unattractive streetscapes, that are ill-suited for walking, and therefore for transit, since transit trips usually involve pedestrian links²

¹ Lee, R. E., S. K. Mama, K. P. McAlexander, H. Adamus, and A. V. Medina. Neighborhood and PA: Neighborhood Factors and Physical Activity in African American Public Housing Residents. *Journal of Physical Activity and Health*, Vol. 8, 2011, S83-S90.

² Litman, T. (2012). Transportation cost and benefit analysis II: Parking costs. Retrieved June 16, 2013, from <http://www.vtpi.org/tca/tca0504.pdf>.

Authors of a recent study which examined built environment predictors of walking behavior, discovered that the number of businesses per acre was the strongest indicator of whether people walked in their neighborhood. That is, people living in neighborhoods with more business establishments per acre traveled more within their neighborhood and were more likely to travel by walking.³ Clearly, surface parking, especially in B-1(C) and B-1(G) zones, will decrease the density of downtown businesses and therefore downtown's walkability.

3.24: "Frequent, accessible public transit is necessary for a thriving downtown. Multi-modal access to downtown should be provided. As traffic increases, Carrboro should consider perimeter parking lots served by shuttles to bring people downtown."

According to North Carolina's Complete Streets Planning and Design Guidelines, Carrboro's downtown would be classified as an urban center. "Urban centers are areas that are developed at moderate to high levels of intensity, including areas outside the central business district in larger cities and the downtowns of small to mid-sized municipalities...The transportation network should allow for access to the center by a variety of modes, as well as provide for high levels of connectivity within the center, particularly for pedestrians, cyclists, and transit (where appropriate). This can allow urban centers to develop into 'park once' destinations (p. 35)"⁴ Continuing to provide decentralized parking downtown will compromise downtown's ability to develop into a "park once" destination.

2. **3.25: "Walkability should be encouraged downtown and pedestrian safety and comfort should be a goal. The town should improve lighting and shading, and create auto barriers."**

Communities in the US and Germany that reduce car parking availability have lower levels of car use and higher levels of walking and bicycling.^{5,6}

3. **5.13: "Carrboro should work to preserve open space and greenways through all available means, such as direct purchase, conservation easements, donations, and federal and state grants."**

Excess parking displaces buildings, gardens, parks, and other valuable uses of land. Land used for residential parking facilities could be rented or sold, or converted into parks. Costs of not doing so include reduced income and taxes and/or the loss of benefits from a park.¹

4. **6.11: "Town policy should accommodate a variety of housing styles, sizes and pricing. It should also address issues of density, funding and rezoning to allow for more non-detached housing, mixed-use development, and communal living options."**

Excess parking reduces housing affordability by using land that could otherwise be used for housing.^{7,8}

³ Boarnet, M.G., Joh, K., Siembab, W., Fulton, W., & Nguyen, M.T. (2011, Fall). *Retrofitting the suburbs to increase walking*. Access, 39.

⁴ North Carolina Department of Transportation. (2012, July). *Complete Streets planning and design guidelines*. Retrieved June 16, 2013, from http://www.completestreetsnc.org/wp-content/themes/CompleteStreets_Custom/pdfs/NCDOT-Complete-Streets-Planning-Design-Guidelines.pdf

⁵ Broaddus, A. (2010). Tale of two ecosuburbs in Freiburg, Germany: Encouraging transit use and bicycle use by restricting parking provision. *Transportation Research Record, Journal of the Transportation Research Board*, 2187, 114-122.

⁶ Rodríguez, D. A., S. Aytur, A. Forsyth, J. M. Oakes, and K. J. Clifton (2008). Relation of modifiable neighborhood attributes to walking. *Preventive Medicine*, 47(3), 260-264.

In a survey of dozens of neighborhoods in New York City, McDonnell, Madar, and Been (2011) found that parking requirements “increased the direct cost of new housing by forcing developers to incur the construction and maintenance costs of providing more parking than otherwise demanded by the market or needed by low and moderate income residents. Required oversupplies of parking, by consuming potential building area, might also reduce the effective density at which developers would otherwise be able to build new housing, possibly restricting the supply of new units and increasing housing costs indirectly. Additionally, by requiring the construction of an oversupply of new parking spaces, cities may also be facilitating higher levels of car ownership and thwarting efforts to affect modal shift, reduce traffic congestion and emissions of carbon and other pollutants, thereby undermining environmental goals(p. 46).”⁸

6.16: “With our growing population of senior citizens, the town should support the creation of more housing that allows our senior citizens to interact fully with the larger community. Senior access to public transit will become an increasingly important concern.”

3.63: The town should encourage the development of underutilized property in the downtown area.

⁷ Cutter, W.B., Franco, S.F., & DeWoody, A. (2010). *Do parking requirements significantly increase the area dedicated to parking? A test of the effect of parking requirements values In Los Angeles County*, Paper No. 20403, Retrieved June 11, 2013, from http://mpira.ub.uni-muenchen.de/20403/1/MPRA_paper_20403.pdf.

⁸ McDonnell, S., Madar, J., & Been, V. (2011). Minimum parking requirements and housing affordability in New York City. *Housing Policy Debate*, 21, 45-68.