

**DISCUSSION PAPER:**

**DUPLEX REGULATIONS IN CHAPEL HILL**

*Prepared by Chapel Hill Planning Department  
May 24, 2004*

This paper has been prepared to describe the nature of duplex development in Chapel Hill, review existing regulations and recent experience with those regulations, and offer observations on how the regulations are working.

**BACKGROUND**

Duplexes are a traditional form of housing in Chapel Hill. Historically, construction of duplex dwelling units routinely occurred near or alongside single-family dwellings, were of approximately the same scale as nearby single-family dwellings, and were built in a manner that offered diversity in the type and cost of housing.

During the 1990's, the nature of new duplex construction changed and the community began to see large duplex construction, out of scale with existing neighborhoods.

**REVIEW OF DUPLEX REGULATIONS**

Following is a brief chronology of the Council's consideration of duplex regulations:

- May 2002: Petition from the Northside Community about the damaging effects of duplex development in that neighborhood.
- October 2002: Ordinance amendment temporarily prohibiting new duplex development in the R-2A, R-2 and R-3 zoning districts.
- January, 2003: Land Use Management Ordinance enacted; prohibition on new duplex development extended to February 29, 2004.
- February 23, 2004: Ordinance amendment to permit duplex development in the R-2 and R-3 zoning districts (other than in the Northside Conservation District), with new restrictions on size and process for approval, and new design guidelines for duplexes. New duplex development prohibited in Northside.
- March 1, 2004: Council request for additional discussion about duplex regulations.

The regulations that are in place now can be summarized as follows:

**Duplex Standards for Development:**

- (a) The maximum floor area of the structure may not exceed 3,000 square feet.
- (b) The maximum floor area ratio applicable shall be .40.
- (c) The maximum number of bedrooms per structure shall be 6.
- (d) The Community Design Commission shall approve duplex building elevations and site plans in accordance with Council-adopted design guidelines (see below).

**Duplex Design Guidelines:**

1. A single front door to face street, if practicable;
2. Appearance to resemble single-family dwelling;
3. Height of structure comparable to nearby buildings;
4. Garage doors not facing street, if practicable; and
5. Limit front yard parking as much as possible.

These regulations do not apply in the Northside Conservation District or the Residential-1 zoning district (where duplexes are prohibited).

**EXAMPLES**

Following are images and descriptions of existing duplex structures around Town. Some duplex structures blend well into their surroundings, with adequate space for cars, while others are built much larger than other nearby single-family structures, with either a common large surface parking lot, front-yard parking, or extensive use of on-street parking.



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Duplex dwellings units that are newly constructed often sell for close to \$300,000 per side, a departure from the traditional Chapel Hill duplex that tended to offer affordable housing opportunities.



The regulations recently put in place by the Town Council serve to restrict the size of new duplexes, both in terms of the physical size of the structure and the number of bedrooms.

### DISCUSSIONS OF COMMUNITY DESIGN COMMISSION

The Community Design Commission had its first opportunity to review a site plan and elevations for a proposed duplex. The Commission denied the request, and is discussing a possible petition to the Town Council to seek adjustment of the adopted Duplex Design Guidelines. Commission members have expressed concern about some of the specific guidelines, including a statement that calls for new duplexes to resemble single-family dwellings.

### THREATENED LITIGATION

We have received Court papers indicating an intent to file a lawsuit to challenge that portion of the new duplex regulation enacted in February, 2004, that assigns to the Community Design Commission the responsibility to review plans under the new design guidelines. The Town has agreed to allow an extension of the deadline for the filing of that suit while the applicant talks with the Planning staff to see if modifications to the project can be made that will be acceptable to Town reviewers and the applicant.

### OBSERVATIONS

In consideration of all of the above, we have observed the following:

- 1: **The pressures for duplex development are greatest near campus**, but not confined to those neighborhoods. There is demand for large duplexes. We have seen attempts to build large two-family structures as far out as Erwin Road, Homestead Road, and Old

Durham Road. The Town Council has solved the duplex problem in the Northside Neighborhood Conservation District by prohibiting new duplexes in that sensitive neighborhood. For the rest of Town, the Council has determined that duplexes may be constructed, but with new restrictions.

2. **Development of Duplexes on individual lots increases intensity of use.** Duplex structures are typically accompanied by twice the number of residents and automobiles compared to standard single-family dwellings.
3. **Developers are seeking ways to build two-family structures but avoid the new duplex restrictions.** In the photographs immediately following, a developer received a building permit for the structure on the left to be built as a duplex. Regulations then changed before the developer could obtain a permit for a second duplex; the developer made minor changes (minor change in door and interior wall configuration) and was able to obtain a permit for the structure on the right (immediately next door) as a single-family house with accessory apartment.



4. **Developers seek to have the new duplex restrictions not apply to new subdivisions.** A petition has been brought to the Council arguing that floor area restrictions that apply to duplexes should not apply if a new duplex subdivision is proposed. However, one of the problem areas we have encountered is a situation where a developer seeks to build a new duplex subdivision, and nearby neighbors are expressing concerns about occupancy and traffic. Another duplex subdivision, already constructed without floor area limits (and with large structures) is experiencing on-street parking problems.
5. **New duplex neighborhoods can be developed with Special Use Permits.** A developer seeking to build a duplex neighborhood may apply for a Special Use Permit for a Planned Development (such as happened with the Pickard Oaks development off of Old Durham Road). Floor area ratios can be a constraint holding down size. If an applicant can demonstrate that public purposes will be satisfied to an equivalent degree, a higher level of intensity (higher floor area ratio) can be approved for any particular site following Council findings of public purpose.
6. **The new duplex rules are working.** The restriction on number of bedrooms and overall floor area for new duplex structures is restricting the size of duplexes being proposed. The floor area ratio restriction has not come into play yet, but likely will.

7. **The Design Guidelines for duplexes probably need adjustment.** The Community Design Commission had its first experience in applying the guidelines that were adopted by the Council, and is concluding that the guidelines could be improved.
8. **There is no evidence yet regarding affordability.** One of the potentials with duplex development is that affordable housing might be constructed. However, with several examples around Town of ½ of a recently-built duplex selling for prices approaching \$300,000, there is not evidence that new private, for-profit duplex development results in affordable housing.
9. **The new regulations are achieving the Council's objectives.** We believe that the damage to existing neighborhoods that had been occurring caused by new duplex development has, for the most part, been abated. A key reason is the new set of rules for the Northside neighborhood, where new duplexes are no longer permitted. Another reason is the size restrictions on new duplexes elsewhere in Town. However, as noted above, market pressure for construction of large duplexes continues to exist, and developers continue to seek ways to construct large duplexes. Current discussions are ongoing about the difference between a duplex vs. a "single-family dwelling with accessory apartment," and also about the definitions of floor area and bedroom.

#### SUMMARY

The Council took a major step in adjusting duplex regulations in February, 2004. We believe that the new rules are contributing to the Council's objectives to protect and preserve existing neighborhoods. Suggestions are being offered for further adjustments, and the Council may decide to initiate additional changes.

