



Town Council Meeting:

Rewriting Our Rules – A Land Use Management Ordinance (LUMO) Update

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Town Council Meeting Date: June 17, 2024

Overview

During the June 17, 2024, Council meeting, staff will provide updates and seek input on the following:

- 1. Neighborhood Conservation Districts**
- 2. Missing Middle Housing**
- 3. Design and Dimensional Standards**

Staff have also prepared a summary of all Council LUMO discussions since October 2023 (attached) and will be prepared to discuss any topics referenced in the document.

I. Neighborhood Conservation Districts

Staff Recommendation: *Formally end the practice of creating new Neighborhood Conservation Districts.*

Background

The American Planning Association's Equity in Zoning Policy Guide notes that conservation overlay districts are only appropriate when used to protect historically disadvantaged or vulnerable communities.¹ The Guide states that residential overlay districts:

"[S]hould be clearly limited to disadvantaged and vulnerable neighborhoods and should not be used to create islands of housing in neighborhoods of wealth and privilege."

Many of the Town's existing Neighborhood Conservation Districts (NCDs) do not meet the best practices the Guide establishes for residential overlay zoning districts.

NCDs are overlay zoning districts that impose more stringent development standards (relative to the underlying zoning) for certain neighborhoods. The Town currently has thirteen NCDs.

NCDs are largely a product of Chapel Hill's 2000 Comprehensive Plan which was adopted in May 2000. As shown in Figure 1 below, the 2000 Comprehensive Plan (the predecessor of the current Comprehensive Plan) designated "residential conservation areas" that laid the foundation for many of the Town's current NCDs.

In designating the residential conservation areas, the 2000 Comprehensive plan noted that:

"...[W]hen the forces of change threaten to significantly damage the existing fabric of our residential areas, it is these 'inner circle' neighborhoods that are likely to feel the pressures first and hardest, and it is here that policy makers

¹ APA Equity in Zoning Policy Guide (2022), p 18. <https://www.planning.org/publications/document/9264386/>

need to be particularly attentive. Strategies and actions should be designed not only to protect these areas, but also to make them attractive for a spectrum of longer-term residents, through improved amenities, enhanced safety, and other initiatives that encourage age and income diversity.”

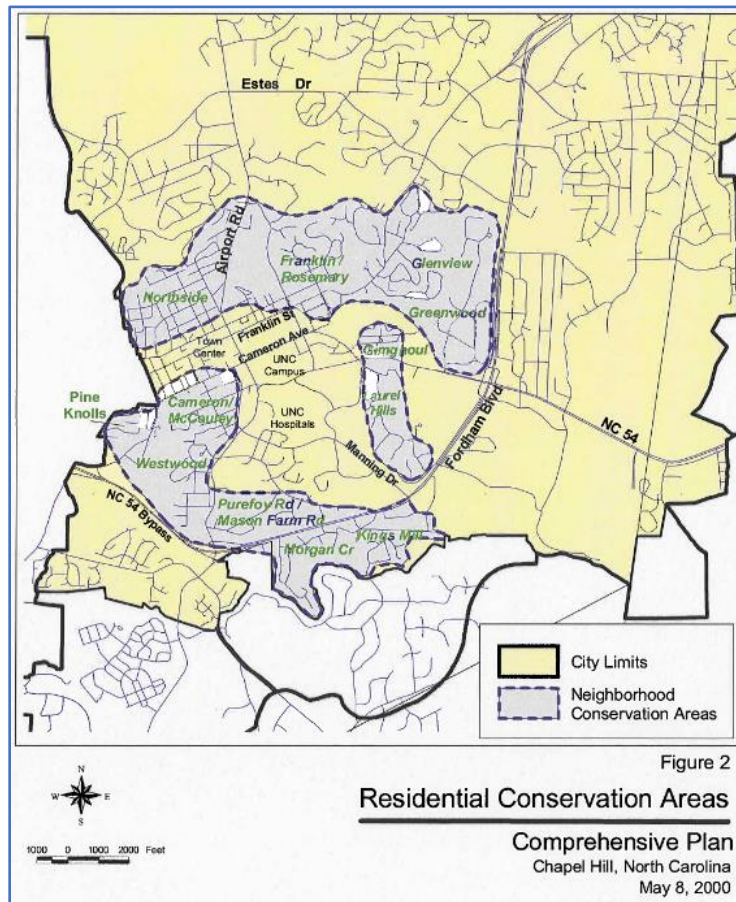


Figure 1: Residential Conservation Areas as Identified by the Chapel Hill 2000 Comprehensive Plan

Town Council adopted a process to create NCDs when it enacted the current LUMO in 2003. In 2007, Town Council heavily revised the NCD process to give petitioning neighborhoods more opportunities to learn about the impacts of creating an NCD. The 2007 revisions also limited eligibility for NCD designation by increasing the minimum age of an eligible neighborhood from 25 years to 40 years. The Town’s 13 existing NCDs were created between 2004 and 2017.

LUMO² explains that the purposes of the NCDs are:

- To promote and provide for economic revitalization and/or enhancement;
- To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity, charm and flavor;
- To protect and enhance the livability of the town;
- To reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
- To stabilize property values;

² LUMO § 3.6.5

- To provide residents and property owners with a planning bargaining tool for future development;
- To promote and retain affordable housing;
- To encourage and strengthen civic pride; and
- To encourage the harmonious, orderly and efficient growth and redevelopment of the town.

Many of these purpose statements (1) fall outside the role of planning and zoning, (2) are not being meaningfully furthered by the existing NCDs, and/or (3) no longer reflect the Town's values as expressed through the Complete Community Strategy and other elements of the Comprehensive Plan.

Proposed End to New NCDs

Although the LUMO rewrite cannot address existing NCDs, it can end the practice of creating new NCDs.

The LUMO rewrite is not the right process for addressing the inequities associated with some of the Town's existing NCDs. Each of the existing NCDs was created with a significant amount of neighborhood engagement. It would likely be most appropriate for any text-based changes to the NCDs to involve some amount of targeted outreach and engagement with the impacted neighborhoods. Neither the project timeline nor staff capacity would allow for this sort of engagement as part of the LUMO rewrite.

Because the NCDs are overlay zoning districts, removing any of them outright would require a change to the Town's zoning map rather than a change to the ordinance.

Despite these limitations, the new LUMO can take an important step toward supporting more equitable outcomes by discarding the official process for creating new NCDs. Doing so would not impact existing NCDs but could prevent the creation of NCDs that do not further the Town's goals.

Promoting Equity Without New NCDs

Removing the NCD process would not prevent Town Council from enacting equity-based zoning overlay districts that are necessary to protect historically disadvantaged or vulnerable communities. Even without the formal NCD process in place, the Town Council can still create and implement residential overlay districts through the normal legislative process.

II. Missing Middle Housing

Staff Recommendation: *Allow triplexes, fourplexes, and cottage courts along arterial and collector streets and near greenway access points in lower-density residential zoning districts.*

Background

The [Housing Choices](#)³ text amendments passed by Town Council in 2023 expanded opportunities to build duplexes in all residential zoning districts and streamlined the review process for triplexes and fourplexes.

The amendments did not, as originally proposed, allow triplexes, fourplexes, or cottage courts in the R-1, R-2, and R-3 zoning districts that represent most of the residentially zoned land in Chapel Hill. During the January 17, 2024, Work Session, Councilmembers expressed an interest in expanding opportunities for these middle housing types.

Expanding Missing Middle Housing

The Future Land Use Map (FLUM) notes that, even in areas designated for low density residential development, triplexes and fourplexes should be allowed where appropriate based on “infrastructure, parcelization, and proximity to transit services, multi-modal paths, downtown, and other mixed-use areas.”

Allowing triplexes, fourplexes, and cottage courts in lower-density zoning districts so long as they either (1) front on arterial or collector streets or (2) are near a greenway access point would be consistent with the FLUM’s framework.

There is strong precedent in the current LUMO for this sort of approach. As summarized in Table 1, the LUMO currently limits several uses to arterial or collector streets:

Uses Only Allowed on Arterial or Collector Streets		
USE	ZONING DISTRICTS	APPROVAL TYPE
Car washes	CC, NC	Special Use
Cemeteries	All R- zones	Special Use
Day care facilities	All R- zones	By-right
Elementary or secondary schools	All R- zones	By-right
Fine arts educational institutions	R-5, R-6, and several nonresidential zones	Special Use (residential zones) and By-right (nonresidential zones)
Independent senior living facilities	All R- zones and several nonresidential zones	Special Use (residential zones) and By-right (nonresidential zones)

³ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6264296&GUID=6F4E0C20-AF4B-4EAE-9D9D-C9DD0A569A21&Options=&Search=>

Places of worship	All R- zones and most nonresidential zones	By-right
Public cultural facilities	All R- zones and most nonresidential zones	By-right
Service stations/convenience stores	Many nonresidential zones	Special Use

Table 1: Uses subject to street-type limitations

A preliminary list of the Town’s arterial and collector streets is included in Appendix B of this report.

Additional Opportunities Available Through Zoning Changes

The expansion of missing middle housing opportunities summarized above does not rely on updating the Town’s zoning map.

Updates to the zoning map will create additional opportunities for housing development. For example, many missing middle housing types are currently allowed anywhere in existing medium- to high-density zoning districts. However, these zoning districts are used relatively sparingly in town. When the Town eventually considers updates to the zoning map, it will have the opportunity to proactively rezone underutilized land (primarily found in the Focus Areas) to allow for a wide range of missing middle and higher-density housing options.

III. Design and Dimensional Standards

The new LUMO will regulate building and site design using a combination of building type standards, street frontage standards, and district-wide dimensional standards. The attached examples illustrate how these standards will work in concert. The examples are working drafts and do not reflect a final set of regulations. Town staff and the LUMO consultant team are continuing to develop a comprehensive set of standards and will consult with Council, the CDC, and Planning Commission as the drafts progress.

Building Type Standards will regulate the massing and orientation of different building types. These standards will allow for more context-sensitive regulations in zoning districts that are likely to see many different types of buildings. Higher density residential zoning districts could, for example, see a mix of large apartment buildings, missing middle housing, and small-scale commercial development. Building type standards will be able to account for each of these types of development and provide regulations that are appropriate for each.

Building type standards can cover a variety of topics including:

- Building height, width, and depth
- Façade articulation
- Parking location

Street Frontage Standards will regulate the public realm between the façade of a building and the street. These standards will vary based on street type and Focus Area. For example, an arterial street in the Downtown Focus Area will need different street frontage standards than an arterial street in the N. MLK Jr. Blvd Focus Area. Likewise, a collector street in the

N. MLK Jr. Blvd Focus Area will need different frontage standards than an arterial in the same Focus Area.

Street frontage standards can cover a variety of topics including:

- Street trees
- Bicycle/pedestrian improvements
- Landscape buffers

District-Wide Standards are currently used in most parts of town. These standards can work well in districts that see relatively little diversity in development types or uses.

Different layers of regulation will be used in different parts of town. For example, in the lowest density rural zoning districts, the new LUMO will likely only use district-wide dimensional standards. More urban residential districts will likely use a combination of district-wide and building type standards. Finally, development in the Focus Areas will likely see a combination of all three types of standards to promote cohesive street frontages and high-quality building design.

Attachments

1. Appendix A: Prior Council Meetings and Materials
2. Appendix B: Arterial and Collector Streets
3. Building-Type and Street Frontage Standard Examples
4. LUMO Discussion Summary

Appendix A: Prior Council Meetings and Materials

May 15, 2024 – [Council Regular Meeting](#)ⁱ

- Meeting Topics
 - Administrative Approvals
 - Conditional Zoning Process Improvements
 - Update on WASMPBA Planning Process
- [Meeting Recording](#)ⁱⁱ (Discussion begins at 00:58:00)
- Recommended documents to review:
 - [Staff Memo](#)ⁱⁱⁱ

April 24, 2024 – [Council Regular Meeting](#)^{iv}

- Meeting Topics
 - Racial Equity Analysis
 - Affordable Housing Economic Analysis
- [Meeting Recording](#)^v (Discussion begins at 03:04:56)
- Recommended documents to review:
 - [Staff Memo](#)^{vi}

March 13, 2024 – [Work Session](#)^{vii}

- Meeting Topics
 - Community Benefits
 - Economic Constraints
- [Meeting Recording](#)^{viii} (Discussion begins at 01:17:30)
- Recommended documents to review:
 - [Staff Memo](#)^{ix}
 - [Typology Resource Guide](#)^x

February 21, 2024 – [Work Session](#)^{xi}

- Meeting Topics
 - Local Zoning Authority
 - Student Housing
 - Drive-Throughs and Shelters
 - Environmental Policy
- [Meeting Recording](#)^{xii} (Discussion begins at 03:25)
- Recommended documents to review:
 - [Staff Memo](#)^{xiii}

January 17, 2024 – [Work Session](#)^{xiv}

- Meeting Topics
 - Missing Middle Housing
 - Subdivision Standards
 - Flag Lots
- [Meeting Recording](#)^{xv} (Discussion begins at 49:05)
- Recommended documents to review:
 - [Staff Memo](#)^{xvi}

November 13, 2023 – [Work Session](#)^{xvii}

- Meeting Topics
 - Proposed Zoning Districts
 - Building and Site Design Standards
 - Affordable Housing Incentives
- [Meeting Recording^{xxviii}](#) (Discussion begins at 05:45)
- Recommended documents to review:
 - [Staff Memo^{xix}](#)
 - [Draft Zoning District Proposal^{xx}](#)
 - [Briefing Book: Feasibility of Density Bonuses to Support Community Benefits^{xxi}](#)

October 18, 2023 – [Work Session^{xxii}](#)

- Meeting Topics
 - By-Right Development
 - Development Intensity in FLUM Focus Areas
 - Mixed-Use Districts
 - Parking Minimums
 - Regulations for Single-Family Homes
- [Meeting Recording^{xxiii}](#) (Discussion begins at 04:36)
- Recommended documents to review:
 - [Staff Memo^{xxiv}](#)

June 21, 2023 – [Information Item^{xxv}](#)

- Recommended documents to review:
 - [Summary Report^{xxvi}](#)
 - [Plan Alignment Memo^{xxvii}](#)
 - [LUMO Audit Report^{xxviii}](#)

Appendix B: Arterial and Collector Streets

Arterial

E Franklin St
Ephesus Church Rd
Erwin Rd
Estes Dr
Estes Dr Ext
Europa Dr
Fordham Blvd
Homestead Rd
Manning Dr
Martin Luther King Jr Blvd
N Columbia St
NC 54
Pittsboro St
Raleigh Rd
S Columbia St
S Estes Dr
S Merritt Mill Rd
Sage Rd
South Rd
US 15 501 S
W Cameron Ave
W Franklin St
Weaver Dairy Rd
Weaver Dairy Rd Ext

Collector

Aberdeen Dr
Arlen Park Dr
Barbee Chapel Rd
Bennett Rd
Briarbridge Ln

Brookgreen Dr
Burning Tree Dr
Caldwell St
Caswell Rd
Cedar Fork Trl
Cedar Hills Dr
Church St
Clayton Rd
Country Club Rd
Culbreth Rd
Curtis Rd
Dixie Dr
Dixie Ln
Dogwood Acres Dr
E Barbee Chapel Rd
E Cameron Ave
E Rosemary St
Eastowne Dr
Eastwood Rd
Edgewater Cir
Eubanks Rd
Falls Rd
Gardner Cir
Gomains Ave
Greenview Dr
Henderson St
Hillsborough St
Honeysuckle Rd
Indian Trail Rd
Kenmore Rd
Kingston Dr
Lake Ellen Dr
Legion Rd
Mallette St
Market St

Mason Farm Rd
Mccauley St
Meadowmont Ln
Mitchell Ln
Mt Carmel Church Rd
N Elliott Rd
N Graham St
N Lakeshore Dr
New Stateside Dr
Old Chapel Hill Rd
Old Durham Rd
Old Larkspur Way
Old Oxford Rd
Old Sterling Dr
Parkside Cir
Parkview Crescent
Partin St
Perry Creek Dr
Piney Mountain Rd
Pritchard Ave
Purefoy Rd
Raleigh St
Ransom St
Ridge Rd
S Boundary St
S Elliott Rd
S Graham St
Seawell School Rd
Sedgefield Dr
Sunrise Rd
Sweeten Creek Rd
Umstead Dr
W Rosemary St
Westgreen Dr
Willow Dr

ⁱ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6659185&GUID=4FBB2F54-B4C7-4118-99C4-588AC3257690&Options=&Search=>

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https://chapelhill.granicus.com/player/clip/7140?view_id=7&meta_id=292411&redirect=true

ⁱⁱⁱ <https://chapelhill.legistar.com/View.ashx?M=F&ID=12906262&GUID=6EAB9D9A-FD91-4463-ADB4-AD66A557F6AA>

^{iv} <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6636497&GUID=45D24D2F-25AA-4384-BD33-0E88466F0BAB&Options=&Search=>

^v https://chapelhill.granicus.com/player/clip/7084?view_id=7&redirect=true

^{vi} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12855608&GUID=6CB96818-D05F-4479-ABF3-3D0C03F389EA>

^{vii} <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6563526&GUID=A3C4266B-6390-47E0-8BF8-C7E07565CEB9&Options=&Search=>

^{viii}

https://chapelhill.granicus.com/player/clip/6940?view_id=7&meta_id=289838&redirect=true

^{ix} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12727883&GUID=E10DFDFB-8C22-4936-9EC0-760B12A5D094>

^x <https://chapelhill.legistar.com/View.ashx?M=F&ID=12727881&GUID=4791CF5E-C6B5-4C24-9593-04942642CB44>

^{xi} <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6512691&GUID=1188AC33-7397-409C-8634-6A143164EB71&Options=&Search=>

^{xii} <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=1147095&GUID=0DCD012E-BA00-42AF-8B02-19D3F50995B4&Options=info|&Search=>

^{xiii} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12657337&GUID=51E55C7D-E990-40C7-B0A0-4F09A9D30061>

^{xiv} <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=1146970&GUID=B3AA190A-6D3E-48FB-8059-6414EFF0C820&Options=info|&Search=>

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^{xvi} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12561620&GUID=4602FDA9-B882-4B1A-8D18-DB3B7F1FE710>

^{xvii} <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6411208&GUID=7E0011D5-461C-405E-9B6E-85812D1146CC&Options=&Search=>

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^{xix} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12442793&GUID=ECBF5833-78B7-4921-B401-0F51E756C33A>

^{xx} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12442794&GUID=B22F73AE-3AB1-494F-937C-51AD0A1EC102>

^{xxi} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12442796&GUID=E19A3CA3-E57E-4C78-A8E2-67AA9E5AD0CF>

^{xxii} <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6383925&GUID=838AD17B-7E46-4F69-AFA2-44D1BE4627EC&Options=&Search=>

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https://chapelhill.granicus.com/player/clip/6702?view_id=7&redirect=true&h=2270fc412f1c7cb4addcd71b0e8996c3

^{xxiv} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12371576&GUID=6B736E05-7462-4197-B751-A6AB2EDB19A0>

^{xxv} <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6264298&GUID=C30FEDCA-74F6-4258-B3B8-7F5E0F6B89EC&Options=&Search=>

^{xxvi} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12100680&GUID=740E3375-2FBF-43C5-B1AB-FBFAB704F288>

^{xxvii} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12100715&GUID=A048EC18-A7AE-4C20-B81B-C3BA6C9D49C1>

^{xxviii} <https://chapelhill.legistar.com/View.ashx?M=F&ID=12100714&GUID=CE71757F-49C9-4116-823A-ABAA0D8AB3F8>