

Staff Memorandum



Charting Our Future – Consider Amending the Charter Amendment

Background:

- On [April 5, 2017](#)¹, the Town Council initiated a Project to Rewrite the Town’s Land Use Management Ordinance (LUMO). The Town Council requested that the ordinance rewrite process begin with an effort to refine the Future Land Use Map (FLUM), called the Land Use Plan in *Chapel Hill 2020*, to affirm what is not expected to change and to provide an opportunity to have conversations about future planning that would inform the LUMO Rewrite process.
- On [November 29, 2017](#)², the Town Council approved the Land Use Management Ordinance Rewrite Project Charter. This Charter established the Project goals, schedule, budget, and deliverables.

Revisions to the Project Charter

Since the Project Charter was adopted in November of 2017, in order to be responsive to the Council and the community, the scope of the LUMO Rewrite Project (Charting Our Future) has expanded. This expansion includes a multi-component Future Land Use Map (FLUM) and potentially an increased scope for the rewriting of the Land Use Management Ordinance (LUMO).

Staff presents three Project Charters, which differ primarily by the scope of the rewrite of the Land Use Management Ordinance. For detailed information about the differences between the options for rewriting the LUMO, please see the attachment entitled “LUMO Rewrite – Consultant Contract Options & Estimated Associated Costs” as well as the summary chart in the Budget section below.

Project expansion results in needed changes to the Charter as detailed below:

A. Deliverables:

- For the FLUM:
The Future Land Use Map now includes multiple components including a Map Book and Guiding Statements. Taken together, these components comprise a more expansive update to *Chapel Hill 2020* than originally envisioned.
- For the LUMO: All options for rewriting the LUMO include a new Land

¹ http://chapelhill.granicus.com/MetaViewer.php?view_id=7&clip_id=3077&meta_id=156700

² https://chapelhill.granicus.com/MinutesViewer.php?view_id=21&clip_id=3369&doc_id=41b91018-d601-11e7-95a0-00505691de41



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Use Management Ordinance, but depending on the Option chosen by the Town Council, additional reports and design studies may also be included in this Project Phase.

B. Timeline:

- i. **FLUM** - Expanding the scope of the Future Land Use Map resulted in the the timeline being extended from 10 months to 31 months.
- ii. **LUMO** –
 - a. **Option 1** – Under this basic rewrite option, staff estimates that the rewrite could be completed in three years, which would extend the Project timeline to 2023.
 - b. **Options 2 and 3** - Staff estimates that rewriting the LUMO will take four years under Options 2 and 3 given the extent of the analysis and public engagement proposed. Therefore, the LUMO Rewrite Project timeline would be extended to 2024.

C. Budget:

- i. **FLUM** - The FLUM phase of the LUMO Rewrite Project was originally estimated to cost approximately \$177,000 for consulting and engagement expenses. To date, this phase has cost \$238,163 with another \$40,000 estimated to be spent prior to adoption.
- ii. **LUMO** – The original LUMO Rewrite Project budget included \$354,000 for consultant and engagement costs for the rewrite of the Land Use Management Ordinance. (After the increased cost of the FLUM, approximately \$253,000 remain from the funds originally allocated for rewriting of the LUMO.) The remaining budget may not be sufficient due to the complex and convoluted nature of the existing LUMO. In addition, after engaging with the community during the FLUM phase and hearing of the community’s desire to more fully develop visions for each Focus Area, it is prudent to consider multiple paths to rewriting the LUMO.

Staff developed three different options for the rewrite of the Land Use Management Ordinance. These options are educated estimates and may vary once the Request for Proposal is issued and responses are received. Detailed contents for each option are included in the attachment entitled “LUMO Rewrite – Consultant Contract Options & Estimated Associated Costs.” A detailed comparison chart, entitled “LUMO Rewrite – Scope Options & Estimated Costs,” is also attached that compares each option and is color coded to indicate how the various components help to advance the Project goals of predictability, functionality, and intentionality. Below is a summary chart of these options:



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Summary of Options for Rewriting the Land Use Management Ordinance		
Option 1 Basic Analysis & Engagement	Option 2 More In-depth Analysis & Engagement	Option 3 Visioning & Policy Driven Option
Includes only basic analysis of the LUMO, limited public engagement, and fewer revisions to draft text	Includes more in-depth analysis including an examination of the Engineering Design Manual, more engagement, and additional opportunities for changes to draft text	Includes the “interim” step designed to help define the vision for each Focus Area more fully by holding design charrettes
		Includes tasks designed to move forward policies in the Guiding Statements and the Focus Area Principles such as: <ul style="list-style-type: none"> • Analysis & recommendations regarding tactics to provide options for increasing housing diversity in neighborhoods through zoning and subdivision regulations • Analysis & recommendations of zoning tools & strategies for resilient zoning options including the transportation/land use nexus • Analysis of the cost of public benefits (affordable housing, stormwater/flood control facilities, provision of public plazas/pocket parks/linear parks, green stormwater infrastructure, etc.) and the economics of development/redevelopment in terms of zoning incentives necessary to produce such benefits
Requires approximately \$152,001* beyond the original LUMO Rewrite Project budget	Requires approximately \$380,000* beyond the original LUMO Rewrite Project budget	Requires approximately \$652,000* beyond the original LUMO Rewrite Project budget
*Each of these estimates assumes the maximum amount of estimated funding will be required to fund the option		



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Other Considerations:

In 2019, the General Assembly passed new legislation, 160D, to modernize the state's enabling statutes for planning and development regulation. This new legislation, according to the UNC School of Government, does not make major policy changes or shifts in the scope of authority granted to local governments. The new legislation does eliminate the use of conditional use district zoning and requires the Town to align some ordinance terms with the terminology in 160D. Pursuant to 160D, the Town must amend the LUMO to conform to 160D by January 1, 2021. Staff is currently attending training from the UNC School of Government and will be developing a plan for coming into compliance with 160D.

Next Steps:

According to the current Project schedule, the FLUM and all of its components could be adopted by the end of June 2020, but that schedule is compressed and adoption may be pushed to the fall of 2020.

As the FLUM moves toward adoption, staff can prepare the Request for Proposal (RFP) for consulting services for the LUMO rewrite as soon as staff has an understanding of the scope and extent of the rewrite and the nature of the LUMO amendments necessary to conform with 160D. The RFP will then be issued as soon as practical.

