



Council Work Session: Rewriting Our Rules – A Land Use Management Ordinance (LUMO) Update

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Planning Commission Meeting Date: February 6, 2024

This memo is a lightly edited version of the memo that was presented to the Town Council for its January 17, 2024, work session.

Overview

During the February 6, 2024, Planning Commission meeting, staff will update the Commission on “Rewriting Our Rules” – the project to comprehensively update our Land Use Management Ordinance (LUMO).

The meeting will include:

1. An update on project timelines and the Planning Commission’s role,
2. A discussion of housing needs and,
3. An overview of upcoming communications and engagement efforts.

Planning Commissioners are encouraged to review [Appendix A](#) for more background information on the project.

A brief “[Planning Glossary](#)” is included at the end of this document to make it more accessible to all readers.

Discussion of Housing Needs

In 2023, the Town took major steps towards addressing its housing needs. *Rewriting Our Rules* gives the Town an opportunity to continue that work by addressing additional barriers to housing development found in today’s LUMO. During their January 17, 2024, work session, Councilmembers discussed each of the items listed below. During the February 6, 2024, meeting, staff will ask for Planning Commission for additional feedback on each topic.

- **Missing Middle Housing:** Housing types such as triplexes, fourplexes, cottage courts, and small multifamily buildings are likely appropriate along the Town’s larger roads (e.g., arterial roads and some collector roads like Weaver Dairy Rd., Martin Luther King Jr. Blvd., Piney Mountain Rd., or Estes Dr.) or near greenways. Additional development in these areas can help to concentrate density in areas of town that are well-served by multimodal transportation.

The Planning Commission’s discussion will guide staff’s exploration of opportunities to allow missing middle housing types near greenways and along arterial and collector roads.

- **Subdivisions:** LUMO currently requires all newly created lots to front on streets that meet Town standards (e.g., minimum street widths and rights-of-way, curb and gutters, and bicycle and pedestrian improvements).

These standards can make creating minor subdivisions prohibitively expensive by requiring costly infrastructure investments and/or dedication of right-of-way. At times, the requirements can lead to outcomes that may not fully maximize public benefits. For example, the requirements can result in the construction of a short, disjointed segment of sidewalk, curb, and gutter on a street that does not have such

improvements anywhere else along its length and may not receive them in the future.

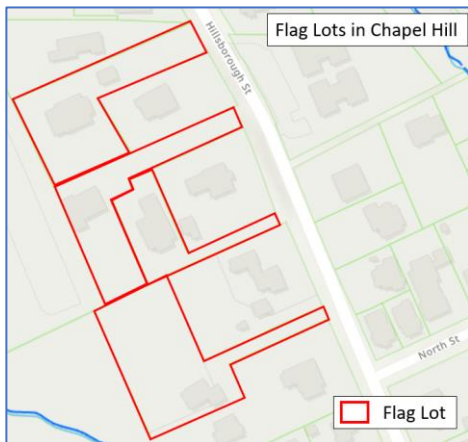
While these improvements may not significantly enhance connectivity or address stormwater concerns, they can result in marginal benefits such as contributing to the overall development of the area and potentially facilitating future improvements. These marginal benefits to public infrastructure should be weighed against the costs associated with subdividing and developing land subject to the Town’s current requirements.

Rather than the Town’s current “one-size-fits-all” approach, a more contextual approach is likely more appropriate. Under such an approach, infrastructure improvements could be required only when they provide meaningful public benefits.

The Planning Commission’s discussion will guide staff’s exploration of opportunities to adjust standards related to minor subdivisions.

- **Flag Lots:** As shown in the example below, flag lots are irregularly shaped lots in which the buildable portion of the lot is not adjacent to a street. Instead, the buildable portion of the lot (the ‘flag’) is connected to the street by a narrow strip of land (the ‘flag pole’) that is typically only wide enough for a driveway. LUMO currently only allows flag lots under limited circumstances. Being more permissive of flag lots could promote sustainable infill and create more options for development on unusually shaped parcels.

The Planning Commission’s discussion will guide staff’s exploration of opportunities to adjust restrictions on flag lots.



Project Timeline

Staff have established the following draft timeline to complete the project. Although ambitious, the Council could have the opportunity to adopt a new LUMO as early as November 2024. The activities listed below will be carried by the project’s consultant team and staff.

January – June 2024:

- Refine affordable housing economic analysis

- Refine building design analysis in coordination with the Community Design Commission
- Prepare draft of new LUMO. Draft sections of new LUMO to be shared publicly as available.
- Provide Council with regular updates on key topics

June – August 2024:

- Refine draft LUMO
- Conduct “user testing” with key stakeholders
- Complete draft of new LUMO to be shared publicly

August – November 2024:

- Present new LUMO to Council, advisory boards, and public stakeholders
- Prepare final revisions to new LUMO

November 2024:

- Present new LUMO to Council for final review and adoption

December 2024 – April 2025:

- Develop and deliver training materials on the new LUMO

Engagement and Communications Update

Upcoming Engagement Efforts

This year, staff will continue outreach efforts to inform the public about *Rewriting Our Rules*. Outreach will be guided by the three communications and engagement goals that staff identified at the outset of this project¹:

1. Engage a **range** of stakeholders while centering the voices of those most impacted and those who have been historically under-engaged in Town decisions related to land use regulations.
2. Be **responsive** to project history and past engagement, clearly communicate the role of this phase of work, and respond to community feedback promptly.
3. **Educate and equip** community members with the information they need to readily engage with Town planning processes.

To implement these goals, staff will use a variety of in-person events and digital content including:

- Public “Meet a Planner” sessions held each month
- Direct outreach and meetings with under-represented stakeholders
- Public information meetings coordinated with Council work sessions

¹ Outreach and engagement goals were developed in response to the Town of Chapel Hill Gap Analysis & Engagement Study (<https://www.townofchapelhill.org/government/departments-services/affordable-housing-and-community-connections/get-involved/gap-analysis-and-engagement-study>) and informed by resources provided by the Government Alliance on Race and Equity (<https://www.racialequityalliance.org/>), American Planning Association (<https://www.planning.org/>), and International Association for Public Participation (<https://www.iap2.org/mpage/Home>).

- Two Planning Ambassador Learning Sessions
- Newsletter distributions
- Topic-specific focus groups
- Additional educational content on planning and zoning topics distributed online

Please see [Appendix B](#) for a recap of communications and engagement efforts to date.

Attachments

1. Appendix A: Project Background
2. Appendix B: Engagement and Communications Recap
3. Appendix C: Planning Glossary

Appendix A: Project Background

Objectives of *Rewriting Our Rules*

As a comprehensive update of the Town’s Land Use Management Ordinance (LUMO), *Rewriting Our Rules* is an effort to promote a more complete community by implementing the vision and goals set by the elements of the Town’s Comprehensive Plan. Improvements to the LUMO are intended to:

- Improve the overall usability, accessibility, and predictability of the Town’s land use regulations and decision-making;
- Reinforce social equity in housing;
- Reinforce social equity in transportation;
- Reinforce social equity in public health;
- Protect community assets; and
- Increase access to programs and amenities.

Outdated Land Use Rules

Council adopted the current LUMO in 2003 but much of its content dates back to earlier development ordinances that are decades older. Although Council has amended LUMO multiple times over the past 20 years, it has not yet comprehensively revised the ordinance.

As is typical in other municipalities, Council adopted the current LUMO only a few years after it adopted a new Comprehensive Plan in May 2000. In 2012, Council retired the 2000 Comprehensive Plan and adopted the Town’s current Comprehensive Plan (Chapel Hill 2020). Since 2012, Council has added multiple elements to Chapel Hill 2020, including:

- [Connected Roads Plan](#) (Adopted June 14, 2023)
- [Complete Community Strategy](#) (Adopted May 10, 2023)
- [Shaping Our Future](#) (Adopted May 10, 2023)
- [Climate Action and Response Plan](#) (Adopted April 7, 2021)
- [Future Land Use Map](#) (Adopted December 9, 2020)
- [Mobility and Connectivity Plan](#) (Adopted October 28, 2020)

Each of these comprehensive plan elements helps define the Town’s vision and guide future growth. However, our LUMO—the primary tool for implementing that vision—does not reflect many of the goals and guiding principles in these adopted plans. In addition to new policies, programs, and capital investments, a new development ordinance is critical to implementing the Town’s vision for a complete community.

Prior Council Meetings and Materials

January 17, 2024 – Work Session

- [Meeting Recording](#) (Discussion begins at 49:00)

November 13, 2023 – [Work Session](#)

- [Meeting Recording](#) (Discussion begins at 05:45)
- Recommended documents to review:
 - [Staff Memo](#)
 - [Draft Zoning District Proposal](#)
 - [Briefing Book: Feasibility of Density Bonuses to Support Community Benefits](#)

October 18, 2023 – [Work Session](#)

- [Meeting Recording](#) (Discussion begins at 04:36)
- Recommended documents to review:
 - [Staff Memo](#)

June 21, 2023 – [Information Item](#)

- Recommended documents to review:
 - [Summary Report](#)
 - [Plan Alignment Memo](#)
 - [LUMO Audit Report](#)

Appendix B: Communication and Engagement Recap

Following the [International Association of Public Participation \(IAP2\) Spectrum of Public Participation](#), the table below outlines the types and level of community engagement for this item between July 2023 and present.

Activity	Date(s)	Location	Reach
Stakeholder Focus Group, Building Design Stakeholder Focus Group, Affordable Housing Incentives	October 2023	Virtual	36 participants
“Planning Ambassador” Paid Learning Sessions	September and October 2023	Chapel Hill Public Library	13 participants
“Meet a Planner” pop-up style events	December 2023 January 2024	Chapel Hill Public Library and Hargraves Community Center	3 events
“Planning for Everyone” education content	July 2023 to present	Virtual, Town website and Town social media channels	5 social media posts
Project Newsletter	October 2023 January 2024	Virtual	106 subscribers

Appendix C: Planning Glossary

Plans and Regulations

Comprehensive Plan:

The Chapel Hill 2020 Comprehensive Plan was adopted in 2012 and defines the long-range vision for the town. It is meant to reflect the community's values, aspirations, and ideas. Since 2012, the Town Council has adopted several additional components to the 2020 Comprehensive Plan. You can learn more about each element of our [comprehensive plan](#) on the Town's webpage.

Comprehensive plans are not laws, but they set the stage for other more detailed plans and regulations. In North Carolina, local governments must have a comprehensive plan or land use plan to adopt and enforce land use regulations (e.g., a zoning map and Land Use Management Ordinance).

Future Land Use Map (FLUM):

The FLUM is an element of Chapel Hill's comprehensive plan that defines a more detailed vision for how we want specific parts of town to look in the future. This plan directs the most substantial change in development and infrastructure to parts of town known as "Focus Areas." There are six Focus Areas located around major corridors including Franklin Street, US 15-501, and Martin Luther King Jr. Blvd.

The FLUM acts as a bridge between the comprehensive plan and the Land Use Management Ordinance (LUMO).

Land Use Management Ordinance (LUMO):

Most communities have regulations that govern development, including where a building can be located on a property, how tall it can be, and what it can be used for. This same set of rules can also determine the design of streets and parking lots, lighting and signs, stormwater infrastructure, and landscaping. In Chapel Hill, the current set of development regulations is called a Land Use Management Ordinance, or "LUMO." You can find the Town's Land Use Management Ordinance (LUMO) online [here](#).

Land Use Tools

Zoning Districts:

Zoning districts are the fundamental building blocks of a document like LUMO. They usually have abbreviated names that include a mix of letters and numbers to differentiate them (e.g., R-1, R-2, C, etc).

Zoning districts limit what sort of uses are allowed in a particular area and often have detailed requirements that control a building's size and its relation to its surroundings.

Zoning Map:

The zoning map impacts how Chapel Hill looks and feels as a place. The zoning map is the geographic application of zoning districts. It takes the districts described in the LUMO and applies them to different areas of town. This means each parcel has a zoning district applied to it.

By-Right Development:

If a proposed development fits within the rules of LUMO, a property owner can build it "by-right". Town staff would ensure the plans meet the standards of LUMO and approve the project without needing approval from the Town Council.

Conditional Zoning Districts and Special Use Permits:

In Chapel Hill, any development that includes more than 20,000 square feet of floor area or disturbs more than 40,000 square feet of land must receive a Conditional Zoning District or Special Use Permit. Either option involves extensive review from Town staff, the Planning Commission, and Town Council. Conditional Zoning Districts are also commonly used to change the zoning district of a parcel so that additional uses and/or taller buildings can be developed.

Floor area ratio (FAR):

Floor area ratio (FAR) is the ratio between the floor area of a building and the size of the lot. For example, a FAR of 2.0 means that the total floor area of a building can be twice as much as the area of the lot. A FAR of 2.0 is typical for a mid-rise office building or a mid-rise multifamily building. A FAR of 0.5 is typical for a retail strip mall with surface parking. Taller buildings will have a much higher FAR.

Setback:

Setbacks are the minimum distance a structure must be from the edges of the property. This mostly addresses setbacks at the ground level. Some codes also require additional setbacks from the property line for upper floors on taller buildings.

Mixed use:

Mixed use refers to properties or areas that include multiple land uses, instead of just a single use. Mixed use developments can include combinations of residential, commercial, office and other uses. Mixed use can be in a single building or in multiple buildings.