

## Racial Equity Analysis

Focusing on equity is critical in helping the town increase and enhance positive outcomes for all community groups. This Racial Equity Analysis was developed to help increase transparency on how staff assess the potential impacts of the update to our land use rules, or Land Use Management Ordinance (LUMO), on those most vulnerable to the negative impacts of land use decisions.

### LAND ACKNOWLEDGEMENT

We acknowledge that any plan, rule, or decision related to land implicates the Indigenous stewards of this area. The Occaneechi Band of the Saponi Nation offers a Land Acknowledgement for this purpose, adapted below.

*We would like to acknowledge that we are on the land of the Eno, Tutelo, Saponi, Occaneechi, and Shakori Native people. This land was traditionally part of the territory of the Saponi people, in the Piedmont of what is now the state of North Carolina. This area is not far from the "Great Trading Path", used by both the native people of this area and non-native peoples during the early years of contact. The Saponi people, whose descendants include the Occaneechi Band of the Saponi Nation Indian Tribe still thrive and live in this region, officially recognized by the state government of North Carolina.*

*We pay respect to their elders past and present. The Occaneechi People (The Ye'sah), ask that you will keep these thoughts in mind, while here on their ancestral lands and treat it with the respect, love, and care that their Ancestors did, and as the Occaneechi Saponi people do so today.*

- OBSN Tribal Council

### ANALYSIS OF RACIAL IMPACTS

Based on the One Orange Racial Equity Framework<sup>1</sup>, this section explores two questions: "what are the racial impacts of our current land use rules?" and "what are the root causes of these impacts?".

The Town is beginning to use this sort of inquiry to assess practices, policies, and programs. Staff will continue to refine and expand this inquiry throughout the LUMO project.

#### **1. What are the racial impacts of our current land use rules?**

Our land use rules can contribute to inequitable housing outcomes, economic opportunities, and education outcomes:

##### Inequitable Housing Outcomes

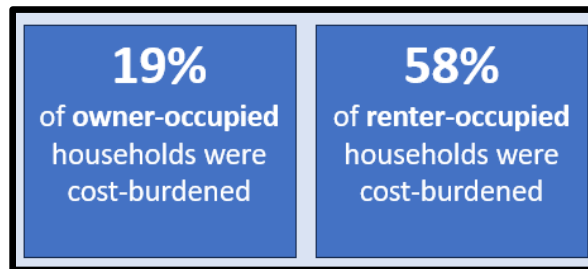
- There is clear evidence that exclusionary, suburban zoning policies limit racial and economic diversity.<sup>2</sup>

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<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=5390141&GUID=E4E7D69C-ABDA-4398-8CC3-5DA89ED1E78F&Options=ID%7CText%7C&Search=%22one+orange%22>

<sup>2</sup> <https://housingmatters.urban.org/feature/zoning-matters-how-land-use-policies-shape-our-lives>

- Land use rules that require large lot sizes, limit infill development, and restrict housing types are associated with higher housing costs, which can have a disproportionate impact on low-income households, renter households, and Black or African American households.
- Low-income, renter, and Black households are the most likely to be cost burdened by housing (i.e., spending more than 30 percent of their household income on housing).
- The 2021 U.S. Census Bureau American Community Survey (“ACS”) estimates demonstrate a significant racial disparity between owner and renter households in Chapel Hill:



Race and Hispanic or Latino Origin of Household	Total number of occupied housing units	Renter-occupied	Owner-occupied
White	14,625	46%	54%
<b>Black or African American</b>	<b>2,118</b>	<b>82%</b>	<b>18%</b>
Asian	2,273	40%	60%
American Indian and/or Alaskan native	30	14%	86%
Native Hawaiian and Other Pacific Islander	0	0%	0%
Some other race	<b>239</b>	<b>80%</b>	<b>20%</b>
Two or more races	<b>829</b>	<b>77%</b>	<b>23%</b>
Hispanic or Latino origin	<b>1,024</b>	<b>65%</b>	<b>35%</b>

Table 1 - Black or African American, Hispanic or Latino, Some other race, or Two or more race households are much more likely to rent than own.<sup>3</sup>

<sup>3</sup> <https://data.census.gov/table/ACSST5Y2021.S2502?q=chapel%20hill%20renters%20by%20race>

### Inequitable Education Outcomes

There is growing evidence to suggest that restrictive land use rules lead to disparate educational choices and access to opportunities.<sup>4</sup> A key indicator for this disparate impact is the “achievement gap”, measured as grade level proficiency in end of year exams. The North Carolina Department of Public Instruction reports grade-level proficiency for every school district in the state.<sup>5</sup> Figure 2 demonstrates that the percent of students with Grade Level Proficiency (GLP) in end of year exams for the 2022-2023 school year is notably higher for Chapel Hill-Carrboro school students who are White, Asian, or Two or more races compared to their Black, American Indian (AMIN), Hispanic (Hisp), and Economically Disadvantaged (EDS) peers.

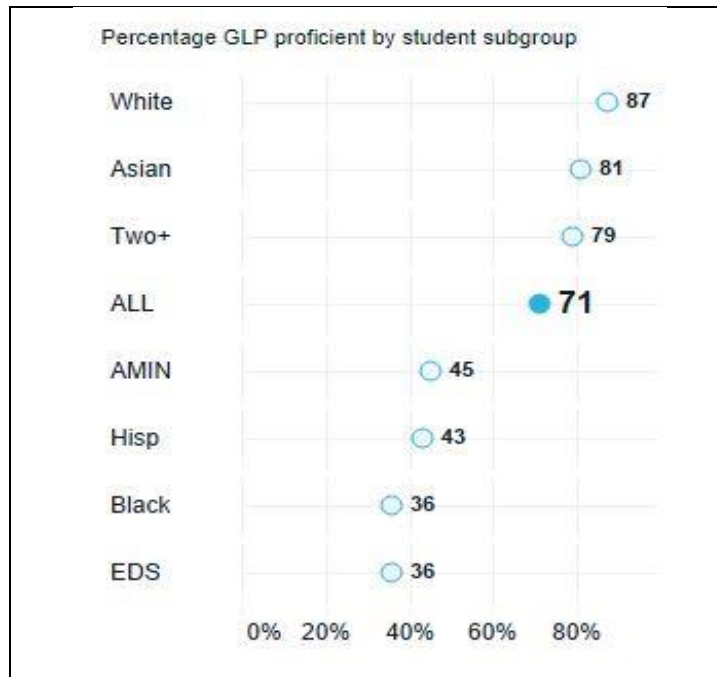


Figure 1: GLP Proficiency in Chapel Hill-Carrboro Schools

Source: NC Department of Public Instruction District Level Proficiency

### Inequitable Economic Opportunities

Restrictive land use rules also lead to disparate economic opportunities based on race, especially in business ownership. The One Orange Racial Equity Index is a tool to inform policy making with a racial equity lens for Orange County decision-makers. The One Orange Racial Equity Index reports the percent of people in Orange County who are self-employed. Business ownership is an important indicator of economic opportunity because it “provides opportunities for residents to overcome barriers to the traditional labor force

<sup>4</sup> <https://housingmatters.urban.org/articles/why-school-segregation-matters> and [https://www.brookings.edu/wp-content/uploads/2016/06/0419\\_school\\_inequality\\_rothwell.pdf](https://www.brookings.edu/wp-content/uploads/2016/06/0419_school_inequality_rothwell.pdf)

<sup>5</sup>

[https://bi.nc.gov/t/DPIAccountabilityandTesting/views/FACT\\_DPITestScores2023\\_DistrictProduction/District?%3Aorigin=card\\_share\\_link&%3Aembed=y](https://bi.nc.gov/t/DPIAccountabilityandTesting/views/FACT_DPITestScores2023_DistrictProduction/District?%3Aorigin=card_share_link&%3Aembed=y)

and increase their earnings. Personal wealth, access to capital, entrepreneurial skills, and educational attainment may be factors that limit success in this indicator.”<sup>6</sup> Figure 3 illustrates business ownership is highest among people who identify as White and Hispanic, whereas only 3.5 percent of people who identify as Black are self-employed.

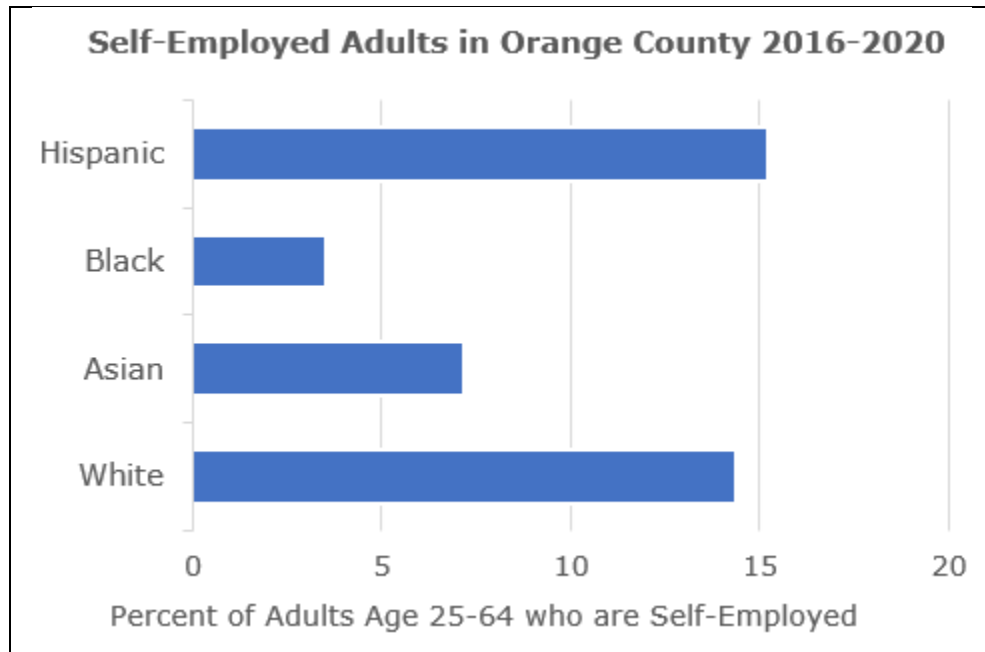


Figure 3: Self-Employed Adults in Orange County

Source: One Orange Racial Equity Index

<sup>6</sup> <https://experience.arcgis.com/experience/2b39cf29bcc644a7898f1474c053fb0e/page/Economic-Opportunity/>

## 2. What are the root causes of this inequity?

Several factors have contributed to the inequity of our land use rules over time. The root causes of inequity in Chapel Hill are replicated across the Southeast U.S.<sup>7</sup>

These root causes include, but are not limited to:

- Disparate access to a quality education and economic opportunity.
- A smaller proportion of residents in our community who are Black or African American, or Hispanic or Latino, compared to the State of North Carolina (see tables below). This is both a root cause of certain inequitable outcomes and an inequitable outcome in and of itself.

Estimates of Population by Race <sup>8</sup>						
	Chapel Hill		Durham-Chapel Hill MSA		North Carolina	
	Total	Percent	Total	Percent	Total	Percent
White	40,055	68%	379,541	58.6%	6,800,458	65%
<b>Black or African American</b>	<b>6,161</b>	<b>10.5%</b>	<b>163,535</b>	<b>25.2%</b>	<b>2,192,455</b>	<b>20.9%</b>
American Indian and Alaska Native	228	0.4%	2,947	0.5%	109,600	1.1%
Asian	9,305	13.4%	30,202	4.7%	325,670	3.1%
Native Hawaiian and other Pacific Islander	1	0%	411	0.1%	6,948	0.1%
Some other Race Alone	1,648	2.8%	29,851	4.6%	421,954	4%
Two or more races	2,926	5%	41,579	6.4%	613,129	5.9%
Total	58,919	100%	648,066	100%	10,470,214	100%

Estimates of Population by Ethnicity						
	Chapel Hill		Durham-Chapel Hill MSA		North Carolina	
	Total	Percent	Total	Percent	Total	Percent
Not Hispanic or Latino	54,928	92.8%	573,572	88.5%	9,419,209	90%
Hispanic or Latino	3,991	7.3%	74,494	11.5%	1,051,008	10%
Total	58,919	100%	648,066	100%	10,470,214	100%

<sup>7</sup> Rothstein, Richard. 2018. *The Color of Law*. New York, NY: Liveright Publishing Corporation.

<sup>8</sup> U.S. Census Bureau American Community Survey 5-year estimates, 2017-2022

- Disparate access to public transportation and other community amenities
- Chapel Hill households report median incomes that are higher than the statewide median income.

<b>Estimates of Median Household Income</b>		
<b>Chapel Hill</b>	<b>Durham-Chapel Hill MSA</b>	<b>North Carolina</b>
\$85,940	\$76,040	\$66,186

- Disparate access to housing
- Disparate ability to purchase and maintain property, build equity, and create generational wealth
- Real estate market trends that contribute to property values (both appreciation and depreciation)
- Zoning regulations that restricted housing types, required large minimum lot sizes and large minimum house sizes thereby segregating residents by income and class.
- Restrictive covenants that have further perpetuated these trends and, before the Fair Housing Act of 1968, included racial restrictions.
- Sundown laws and policies that restricted Blacks and other people of color from being in certain neighborhoods or towns after sunset, often enforced by police and residents.

Specific to Chapel Hill, there are several root causes of the inequitable outcomes outlined in response to Question 1 above:

- Some people still lack voice, influence, and power in land use decisions, whereas those who own land and make decisions about how land is used continue to have the most power in our community.<sup>9</sup>
- Development patterns that encouraged larger homes near the UNC campus and limited housing for low-income workers to Pine Knolls and Northside.
- The LUMO and its predecessors that perpetuated suburban development trends in a rapidly urbanizing region, including<sup>10</sup> land use rules that limit the development of new housing to detached, single-family houses and large apartment complexes.

<sup>9</sup> 2023 Gap Analysis and Engagement Study

<sup>10</sup> <https://www.townofchapelhill.org/home/showpublisheddocument/53443>

## EQUITY IN CHAPEL HILL'S ZONING

The Town Manager's Office of Diversity, Equity, and Inclusion defines Racial Equity as "when race can no longer be used to predict life outcomes and outcomes for all groups are improved."<sup>11</sup>

Zoning has contributed to the systemic nature of economic and racial segregation and zoning alone cannot "fix" any issue. However, changing our land use rules is one important tool of many to address racial disparities institutionalized by land use rules, plans, and decisions.

Staff have assessed our current ordinance against the American Planning Association (APA) Equity in Zoning Policy Guide<sup>12</sup>, which contains recommended policies for equity in land use rules, procedures, and the zoning map. The APA defines Equity in Zoning as "those who write, administer, or enforce zoning regulations take clear steps to avoid or "undo" unfair outcomes and mitigate the unequal ability to participate in or influence all parts of the zoning process."

This analysis focuses on recommended policies for equity in land use rules. In future analysis, staff will evaluate zoning procedures and zoning maps for alignment with the recommended Equity in Zoning policies. When a draft ordinance is available, staff will assess the extent to which the proposed language is aligned with recommended policies in the Equity in Zoning guide.

### Equity in Land Use Rules

The highlighted rows in the table below lists 35 recommended policies for land use rules from the APA Equity in Zoning Guide. Following each highlighted row is staff's assessment of how our current ordinance is or is not aligned with those recommended policies.

<b>Zoning Districts Policy 1</b>	<b>APA's Equity in Zoning Policy Guidance</b>  <i>"Establish new residential zoning districts or amend existing residential districts to allow more housing by right.</i>  Avoid districts limited to only single-household detached dwellings when that will limit housing opportunities for historically disadvantaged and vulnerable populations. Evidence shows that single-household only residential zoning has a disproportionate impact on the ability of historically disadvantaged and vulnerable groups to access attainable housing and quality schools and services. Revise zoning to allowing a broader range of building forms, lot sizes, lot widths, and residential types in low-density residential neighborhoods. However, if the residents of historically disadvantaged and vulnerable neighborhoods want to preserve single-household zoning to discourage speculative investment and displacement, those desires should be respected." (Equity in Zoning Policy Guide p.17)
	<b>Staff Assessment of Current LUMO</b>  The current ordinance includes ten residential zoning districts that restrict the amount of housing types allowed by-right. No residential zoning district allows a development of more than 10 units by-right. For more information, see LUMO Audit <sup>13</sup> .

<sup>11</sup> <https://www.townofchapelhill.org/government/departments-services/town-manager/diversity-equity-inclusion/racial-equity>

<sup>12</sup> American Planning Association (APA) Equity in Zoning Policy Guide, Accessed at <[https://planning-org-uploaded-media.s3.amazonaws.com/publication/download\\_pdf/Equity-in-Zoning-Policy-Guidev2.pdf](https://planning-org-uploaded-media.s3.amazonaws.com/publication/download_pdf/Equity-in-Zoning-Policy-Guidev2.pdf)>

<sup>13</sup> Link to LUMO Audit <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6264298&GUID=C30FEDCA-74F6-4258-B3B8-7F5E0F6B89EC&Options=&Search=>

<b>Zoning Districts Policy 2</b>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Establish new mixed-use zoning districts or allow a wider mix of residential and non-residential uses in existing zoning districts.</i></p> <p>Districts that allow a mix of appropriately-scaled housing, commercial, and service uses can increase opportunities for historically disadvantaged and vulnerable populations to live closer to sources of quality employment, goods, and services. Cities and counties should consider existing conditions and demographics to identify neighborhoods that would benefit from additional access to opportunities provided through an expanded list of permitted uses. Take care not to introduce new uses that could distort housing markets and lead to forced displacement of existing residents.” (p.17)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>The Mixed Use-Village, Neighborhood Commercial, Community Commercial, Walkable-Residential, and Walkable-Mixed Use districts allow multi-family dwellings by-right alongside commercial uses. Town Center districts allow a mix of residential and commercial with a Conditional Zoning Council approval. For more information, see LUMO Audit<sup>14</sup>.</p>
<b>Zoning Districts Policy 3</b>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Where supported by a historically disadvantaged or vulnerable community, consider establishing specialized overlay zones to help preserve business districts that have historically served and been focused on the needs of these communities.</i></p> <p>In many communities, traditional business, entertainment, or service centers serve as sources of jobs, revenue, and pride for the historically disadvantaged and vulnerable areas they serve. This is particularly true when businesses primarily serve racial, ethnic, Tribal, Indigenous, or religious groups or the LGBTQIA community that want specific goods and services in a context not often provided by the broader economy. An overlay district or legacy business zone designation can be used to recognize and preserve their cultural and economic contribution to the community, as well as allow additional flexibility in building forms and uses needed to accommodate current activities and to strengthen the image of the area for the future. These types of overlay districts acknowledge that it is not always a unique building or architectural style that fosters a unique sense of place, but rather a collection of businesses, residential dwellings, and/or civic uses that establish a shared community identity.” (p.17-18)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Chapel Hill does not include this in our current ordinance. The West Rosemary Street Development Guide, a part of our comprehensive plan, refers to preserving one such historically significant business district.</p>

<sup>14</sup> Link to LUMO Audit <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6264298&GUID=C30FEDCA-74F6-4258-B3B8-7F5E0F6B89EC&Options=&Search=>



<p><b>Zoning Districts Policy 4</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Where supported by a historically disadvantaged or vulnerable community, consider establishing specialized overlay zones to help protect residential areas that are affordable to low- and moderate-income households, but are not protected from speculative development pressures by any local, state, or federal program.</i></p> <p>This can be done by defining and protecting established building forms, by prohibiting the demolition of more affordable types of housing, or by limiting the amount by which existing single-family homes can be expanded within a given time period. Preserving the existing scale and fabric of smaller and more affordable housing can help slow or prevent the replacement of smaller, affordable housing with much larger and more expensive homes in those neighborhoods that want to preserve current levels of affordability. This tool should be used only with the clear understanding that restricting private investment will mean that the existing housing stock may age and may remain substandard compared to surrounding areas unless funding for structural improvements or interior remodeling is made available. In addition, this tool should be clearly limited to disadvantaged and vulnerable neighborhoods and should not be used to create islands of housing in neighborhoods of wealth and privilege." (p.18)</p> <p><b>Staff Assessment of Current LUMO</b></p> <p>Three neighborhood conservation districts were created for this purpose. The Northside and Pine Knolls Neighborhood Conservation Districts were created to protect the largest historically Black communities in Chapel Hill. The Elkin Hills Neighborhood Conservation District was created to protect a low- to moderate-income neighborhood.</p>
<p><b>Zoning Districts Policy 5</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Establish specialized overlay zones to improve health outcomes and environmental justice by preventing concentration of pollution or environmental hazards, including hazards related to climate changes, especially near historically disadvantaged and vulnerable populations."<sup>15</sup></i></p> <p>A key element of pursuing environmental justice is balancing strategies that prevent hazards from being created with those that mitigate the impacts of pollution or hazards already existing. An overlay zone can accomplish both by severely restricting the expansion of existing harmful industrial uses, requiring larger setbacks and more intensive buffers from residential uses, requiring environmental remediation, protection of existing trees, and/or requiring sound walls during redevelopment. These types of zoning districts should be developed in close collaboration with the surrounding communities so that concerns about health, the environment, and employment reflect the values of the community." (p.18)</p>

<sup>15</sup> The Equity in Zoning Policy Guide defines a historically disadvantaged and vulnerable population as: Black, Latino/a/x, Tribal, Indigenous, and other communities of color, older adults, persons experiencing disabilities, persons of different national origins or religious faiths, and the lesbian, gay, bisexual, transgender, queer/questioning, intersex, and asexual/ally (LGBTQIA) community.

	<p><b>Staff Assessment of Current LUMO</b></p> <p>The Resource Conservation District restricts building within stream buffers to mitigate flood risk, protect water quality, and protect natural habitats for some streams.</p> <p>The Jordan Watershed Protection District is a state requirement that is reinforced in our ordinance to promote efficient land use and water quality in a portion of Chapel Hill.</p>
<p><b>Zoning Districts Policy 6</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Where supported by historically disadvantaged or vulnerable communities, establish specialized overlay zones to protect culturally significant sites, even if they may not qualify for designation as historic districts or landmarks.</i></p> <p>Sites or areas that are culturally important to historically disadvantaged or vulnerable communities are often undocumented and unprotected. A cultural preservation overlay zone can protect those sites or areas the community values and provide more flexibility in the design and development of surrounding properties to honor these locations." (p.18)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Ten Neighborhood Conservation Districts (NCDs) were created between 2004 and 2017.<sup>16</sup></p> <p>Some of these districts are intended to protect areas of Town that are culturally significant to the largest historically Black communities in Chapel Hill, such as the Northside and Pine Knolls NCDs. However, the 8 remaining NCDs preserve and protect certain areas of Town that may not have cultural significance for historically disadvantaged or vulnerable communities.</p>

<sup>16</sup> <https://www.townofchapelhill.org/government/departments-services/planning/overlay-districts#ncd>

<p><b>Form and Design Policy 1</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Reduce or remove limits on single-household minimum lot size requirements for different types of housing and eliminate minimum dwelling size and maximum floor area ratio standards that effectively require construction of more expensive homes that are less affordable to historically disadvantaged and vulnerable communities.</i></p> <p>While large minimum lot sizes are often defended on the basis of preserving neighborhood character or property values, their impact has been to perpetuate patterns of economic and demographic segregation of historically disadvantaged and vulnerable communities. There are many examples of neighborhoods with broad mixes of lot sizes and housing that maintain very high qualities of life without perpetuating those exclusionary impacts. Establish lot and building standards that accommodate less expensive “missing middle” housing (a range of multiple unit housing types similar in scale and form to detached single-family homes, such as townhouses, tri- and fourplexes, cottage housing developments, and accessory dwelling units (ADUs)) plus manufactured and modular housing. In addition, consider limiting the ability to consolidate small lots into larger ones that facilitate development of larger homes or multi-household development.” (p.19)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>LUMO has requirements for large minimum lot sizes in many existing zoning districts. Many zoning districts also have maximum floor area ratios that apply to multi-family dwellings but not single-family dwellings. For more information, see LUMO Audit<sup>17</sup>.</p>
<p><b>Form and Design Policy 2</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Reduce or remove limits on multi-household development density, minimum dwelling unit sizes, or maximum dwelling units per acre that tend to force the construction of fewer, larger, more expensive dwelling units within these buildings.</i></p> <p>In addition to limiting the ability of households to live closer to needed schooling, childcare, employment, and services, these types of artificial limits make it difficult for America’s aging population to “age in place” in the neighborhoods they love. Regulations that focus on the form, size, and placement of these types of buildings, rather than the number of dwelling units in them, should be considered. If larger units are needed to accommodate growing populations of larger households, regulations may better promote construction of the needed housing by requiring more units with more bedrooms.” (p.20)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>LUMO has limits on multi-household development density requirements. The Town no longer regulate unit density per acre; however, density is regulated by units per lot and maximum floor area ratios. Our current maximum floor area</p>

<sup>17</sup> LUMO Audit <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6264298&GUID=C30FEDCA-74F6-4258-B3B8-7F5E0F6B89EC&Options=&Search=>

	<p>ratios, limits on the total number of units per lot, and other dimensional standards contribute to a pattern of low-density development in most zoning districts.</p>
<p><b>Form and Design Policy 3</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Consider adopting building form and design standards that protect the quality and character of historically disadvantaged or vulnerable households and businesses, and that do not impose undue cost burdens.</i></p> <p>Form and design standards that increase development costs while producing only marginal public benefits can prevent disadvantaged households from moving into a new neighborhood, creating a business in that neighborhood, or making improvements to their property." (p.20)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>The Northside and Pine Knolls Neighborhood Conservation Districts were created for the purpose of regulating building form to protect the quality and character of historically disadvantaged or vulnerable households. Chapel Hill is prohibited by State law from regulating single-family building design.</p>
<p><b>Form and Design Policy 4</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Add standards to allow those with reduced mobility or without access to a motor vehicle to easily access and circulate in all neighborhoods.</i></p> <p>These include standards requiring Universal Design or other accessibility programs that go beyond the minimum requirements of the Americans with Disabilities Act (ADA), to ensure that neighborhoods function for older adults as well as those experiencing disabilities. Because compliance with some of these requirements may increase development and housing costs, they should be accompanied by other zoning changes or incentives that balance out overall development costs." (p.20)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>The LUMO requires that all development be accessible and comply with the State Building Code. The 2023 Design Manual has more detailed accessibility guidance and guidance for multi-modal improvements.</p>

<p><b>Form and Design Policy 5</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Except in designated historic districts and cultural overlay zones, avoid drafting or allowing the use of architectural style design standards that have negative connotations among communities of color and vulnerable populations.</i></p> <p>For example, antebellum and Spanish Colonial styles may discourage Black, Latino/a/x, or Native American households from feeling welcome in a neighborhood or community due to the historical use of these architectural styles to assert power over these communities. Other defined styles may create similar reactions from Asian or Pacific Islander communities." (p. 20)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Chapel Hill has adopted Design Principles and Standards for local historic districts that require the preservation of architectural styles that may have negative connotations among communities of color and vulnerable populations.</p> <p>State law prohibits regulation of single-family architectural design outside of the designated historic districts. The current ordinance includes design standards for multi-family and non-residential buildings in the form-based code of the Walkable Mixed Use and Walkable Residential districts (also referred to as Blue Hill Form Based Code). Staff do not know if these design standards have negative connotations among communities of color and vulnerable populations.</p>
<p><b>Form and Design Policy 6</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Remove or modify restrictions on specific building or site features that are commonly found and disproportionately limited in historically disadvantaged and vulnerable neighborhoods.</i></p> <p>Examples of development standards that place disparate burdens include bans on window mounted air-conditioning units, outdoor clothes lines, parking of a single commercial vehicle, basketball hoops, or carports. If necessary, limits or prohibitions on these types of typical site features should be based on documented negative outcomes developed in collaboration with those neighborhoods most likely to be affected by them." (p.21)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Not applicable. The LUMO does not prohibit window-mounted air-conditioning units, outdoor clothes lines, parking of a single commercial vehicle, basketball hoops, carports, or other buildings and site features that are commonly found in historically disadvantaged or vulnerable neighborhoods.</p>

<p><b>Permitted Use Policy 1</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Where supported by historically disadvantaged and vulnerable populations, expand the list of residential use types permitted in those neighborhoods to include one or more of the following forms of non-traditional and "missing middle" housing that is more available to America’s diverse, aging population.</i></p> <p>Types of housing that are missing from many zoning ordinances—or only available following a public hearing—include cottage or courtyard dwellings, duplexes, triplexes, fourplexes, attached single household homes (townhouses or stacked townhouses), co-housing, tiny houses, live-work dwellings, single-room occupancy (SRO), manufactured/modular housing, and both attached and detached accessory dwelling units (ADUs). By including appropriate standards on these uses, they can often be made available "by-right" in a wide range of residential zoning districts without the need for a public hearing or negotiated approval. To support the viability of ADUs, co-housing, and multi-generational living, a second kitchen that meets building code standards should generally be permitted." (p.22)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Permitted uses in residential zoning districts—excluding Neighborhood Conservation Districts—were expanded by the Housing Choices for a Complete Community Text Amendment, adopted in June 2023, to include a new housing type, single family with a cottage, and to recategorize two-family and multi-family dwelling units. This change supports the option of missing middle housing throughout Town.</p>
<p><b>Permitted Use Policy 2</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Allow accessory dwelling units (ADUs) without the need for a public hearing, subject to only those conditions needed to mitigate potential impacts on neighboring properties.</i></p> <p>ADUs are complete, smaller, secondary dwelling units that are located within a principal dwelling or in a detached accessory structure. Administrative approval of ADUs significantly decreases the time, cost, and risk of the development review process for applicants and encourages property owners to use their own resources to increase housing diversity. While ADUs may support the stability of existing neighborhoods by accommodating extended families or creating an opportunity to generate revenue from tenants, they can also spur speculative investment that displaces current residents, particularly when ADUs are used as short-term rentals. Where allowing short-term rentals may lead to displacement, it may be necessary to limit them to properties where the primary dwelling unit is the owner’s primary residence." (p.22)</p>

	<p><b>Staff Assessment of Current LUMO</b></p> <p>Accessory Dwelling Units (ADUs) are allowed without a public hearing in all zoning districts that currently allow residential uses. Some Overlay Districts, like the Northside and Pine Knolls Neighborhood Conservation Districts, restrict ADUs.</p>
<p><b>Permitted Use Policy 3</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Allow manufactured and modular homes in many residential districts, protect existing manufactured housing parks, and allow the creation of new manufactured housing parks with quality common open space and amenities.</i></p> <p>Redevelopment of manufactured housing parks can create unusual hardships if the residents cannot afford to move their units or cannot find affordable replacement housing. Cities and counties should allow the installation of individual manufactured homes in a variety of residential districts, as well as the creation of new manufactured home parks in desirable residential areas. Where risks of natural disasters create disproportionate risks for occupants of these units, additional public safety regulations for these types of housing, including but not limited to an engineered tie-down system or reinforced concrete or masonry foundation, may be appropriate. They should also protect existing manufactured housing parks that meet public health and safety standards from displacement by limiting options for redevelopment without the approval of the elected officials." (p.22-23)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>"Manufactured home parks" as a use type are not allowed in any zones, except as a Planned Development which requires Council approval.</p> <p>Manufactured homes, Class A, are permitted in all districts that allow residential uses.</p>
<p><b>Permitted Use Policy 4</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Treat assisted living facilities, congregate care communities, retirement villages, and supportive housing types as residential (not commercial) uses and allow them in a wide variety of residential zoning districts where the scale of the facility is similar to other permitted uses in the district.</i></p> <p>Although supportive housing facilities often include commercial activities such as providing healthcare or other support services, they function as residential facilities and should be treated as such. Classifying supportive housing types as residential uses and reducing the need for public hearings and conditional approvals also expands opportunities for older adults to 'age in place'." (p. 23)</p>

	<p><b>Staff Assessment of Current LUMO</b></p> <p>Independent Senior Living Facility and Group Care Facility are allowed in most residential districts only with special approval by Council (a special use permit). These uses are classified as Use Group B, while most residential uses are classified as Use Group A. The division of permitted uses into use groups is intended to differentiate uses by relative intensity.</p>
<p><b>Permitted Use Policy 5</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Treat housing with supportive services for people with disabilities the same as similarly sized residential uses.</i></p> <p>Group homes or supportive housing for those with physical and mental disabilities are protected by the federal Fair Housing Amendments Act (FHAA), and the required broad reading of the FHAA means that zoning should not treat group homes any differently than similar sized homes for people not experiencing disability. Ensure that zoning regulations allow small group homes wherever single-household homes are permitted and allow large group homes wherever multi-household buildings of the same size are permitted." (p. 23)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>This type of housing is regulated as a "group care facility". A special use permit – major is required to provide this type of housing in any zoning district where dwelling units are permitted. Similarly sized residential uses would also require a Conditional Zoning or Special Use Permit.</p> <p>Facilities for six or fewer individuals are regulated as single-family homes.</p>
<p><b>Permitted Use Policy 6</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Replace zoning references to "family" with a definition of "household" that includes all living arrangements that function as a household living unit or define residential units without reference to a family or household.</i></p> <p>The definition of "family" is an important, and often overlooked, part of zoning regulations when it comes to disproportionate impacts on historically disadvantaged and vulnerable communities. Many definitions related to household composition are based on outdated assumptions about small, nuclear families and a largely white culturally-specific concept of family that excludes other ways of living. Ensure that the definition includes people related by adoption, guardianship, or foster placement, and accommodates larger groups of unrelated individuals living as single households in a cooperative community. As an alternative, define a residential unit as consisting of self-contained rooms located in a building or structure used for residential purposes and containing kitchen and bathroom facilities intended for use of that unit only, if the definition includes a maximum number of unrelated persons, ensure that it is no lower than the number of related persons that would be permitted in the same size residential home." (p. 23)</p>



	<p><b>Staff Assessment of Current LUMO</b></p> <p>LUMO defines family with many types of living arrangements that function as a household living unit. The definition for a family is “An individual living alone or two (2) or more persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall include an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.”</p> <p>LUMO also restricts occupancy of a single-family dwelling to “four person who are not related by blood, adoption, marriage, or domestic partnership”.</p>
<p><b>Permitted Use Policy 7</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>“Allow administrative approval of “reasonable accommodations” for persons experiencing disabilities.</i></p> <p>The FHAA requires that requests for reasonable variations and exceptions to zoning rules to accommodate persons experiencing disabilities (such as a request for a wheelchair ramp that extends into a required setback) be considered and that decisions on those requests be reasonable. Establish a clearly defined administrative process for approval of requests for Reasonable Accommodation (perhaps in consultation with a caretaker or representative of persons experiencing disabilities).” (p. 23-24)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>The current ordinance allows modifications and renovations to existing structures, like ramps, "by-right" through an administrative Zoning Compliance Permit as long as they do not exceed the threshold for Council review.</p>
<p><b>Permitted Use Policy 8</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>“Adopt Universal Design requirements for a significant share of new housing construction to better accommodate the needs of older adults and persons experiencing disabilities.</i></p> <p>While the Americans with Disabilities Act (ADA) generally does not require accessible design for single-household homes, Universal Design requirements ensure that key features (like doorways wide enough to accommodate wheelchairs and at least one at-grade entrance) are incorporated into single-household dwellings. If the building code does not already required these elements in a percentage of new homes constructed, incorporating them into development regulations can substantially expand the ability to ‘age in place’.” (p. 24)</p>

	<p><b>Staff Assessment of Current LUMO</b></p> <p>Chapel Hill does not reference universal design requirements in our current ordinance.</p>
<p><b>Permitted Use Policy 9</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Evaluate the permitted use regulations applied to small-scale commercial uses and eliminate restrictions and standards that are not based on documented public health, safety, economic, or other land use impacts on surrounding areas.</i></p> <p>Businesses such as plasma clinics, laundromats, nail salons, social clubs, and tattoo parlors are often limited or prohibited in many commercial zoning districts even though they have similar operating characteristics and land use impacts as other commercial uses like banks, personal services, and urgent care clinics. In many communities, these uses serve as significant providers of goods, services, and employment in the surrounding areas, as well as important gathering places for historically disadvantaged and vulnerable communities." (p. 24-25)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Small-scale commercial uses, like food trucks, flex space, and service station/convenience store are restricted as the most intense use group "C". Food trucks require additional permitting and must be associated with an existing business. Service station/convenience store are special uses that require Town Council approval in the Town Center, Community Commercial, and Neighborhood Commercial districts.</p>
<p><b>Permitted Use Policy 10</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Allow small-scale child and elder care and outpatient medical and health support facilities in a wide variety of zoning districts to allow convenient access by all residents and treat non-residential addiction services like other outpatient treatment facilities.</i></p> <p>American’s aging population will require increasing amounts of medical and dental care, physical and occupational therapy, and other supportive services located conveniently to the neighborhoods where they "age in place". In addition, serious shortages of convenient childcare have a disproportionate impact on single-parent, often female-headed, households. Outpatient addiction treatment centers operate similarly to other types of outpatient facilities and should be treated as such." (p. 25)</p>

	<p><b>Staff Assessment of Current LUMO</b></p> <p>Child and adult care facilities are allowed in all districts where dwelling units are allowed. However, in R-1, R-2, and HR-L districts, these facilities must be connected to a street that is classified “arterial” or “collector”.</p> <p>Health clinics and medical offices are allowed “by right” in commercial zoning districts, like Town Center districts, Community Commercial, Neighborhood Commercial, and the Office-Institutional Districts (1, 2, 3, and 4).</p>
<p><b>Permitted Use Policy 11</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>“Ensure access to healthy food by allowing grocery stores, local cuisine restaurants, and artisanal food producers within and near low-density residential neighborhoods and in food deserts.</i></p> <p>Grocery stores and local food producers are important contributors to public health and are needed in almost every part of the community on a daily basis. Zoning regulations and procedures that create barriers to these uses should be removed or revised to allow wider access to healthy food in residential neighborhoods at scales consistent with established development.” (p. 25)</p> <p><b>Staff Assessment of Current LUMO</b></p> <p>Commercial uses are separate from residential uses, except for in mixed-use, Community Commercial, Neighborhood Commercial, Town Center, and conditional zoning districts. These districts are sparsely distributed throughout Town and centralized in auto-oriented nodes like 15-501.</p>
<p><b>Permitted Use Policy 12</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>“To improve environmental justice, prohibit the location of new industrial uses and the expansion of existing industrial uses that do not meet current public health and environmental safety standards.</i></p> <p>Where existing environmentally harmful uses continue to operate as legal nonconforming uses, prohibit expansion of those uses unless the expansion will result in reduction and remediation of existing risks to public health and safety, particularly when they are located near schools, health care facilities, and other facilities serving vulnerable communities.” (p. 26)</p>

	<p><b>Staff Assessment of Current LUMO</b></p> <p>Extraction of earth products and landfills are allowed with special use permits in the Rural Transition district. The LUMO requires that if this use is within 300 feet of a dwelling, school, or similar use, a security fence must be installed.</p> <p>There are specific standards for regulating uses in the Light Industrial Conditional Zoning District.</p> <p>Heavy manufacturing is not an allowed use in our ordinance.</p>
<p><b>Permitted Use Policy 13</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Classify and clearly define low-impact and artisan manufacturing uses as commercial uses and allow them in more zoning districts.</i></p> <p>While the term “industrial” is typically associated with large facilities with large neighborhood impacts, there are many small-scale assembly, processing, and fabrication activities with few or no negative impacts on the surrounding area. Because these uses are often grouped with the more intense industrial uses, there are often unnecessary limits on where they can be located.” (p. 26)</p> <hr/> <p><b>Staff Assessment of Current LUMO</b></p> <p>Light manufacturing is allowed in select nonresidential zones, Community Commercial, Industrial, and Light Industrial Conditional Zoning Districts.</p> <p>This is a broad category for industrial uses and our current ordinance does not carve out small-scale or artisan manufacturing to allow it in more places.</p>
<p><b>Permitted Use Policy 14</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Allow small-scale urban agriculture—including but not limited to community gardens, greenhouses, beekeeping, and poultry raising—in a wide variety of zoning districts, including residential districts, and allow light processing, packaging, and sales of products grown on the property.</i></p> <p>To protect public health, ensure that soil on urban agriculture sites is not contaminated or that raised beds with clean soil are used, particularly when the site has been previously used for commercial or industrial purposes. Reduce noise impacts by prohibiting roosters and ensure households properly dispose of animal waste. Remove barriers to construction of supporting facilities needed to protect plants due to climate or soil conditions and reduce standards,</p>

	<p>such as the number of beehives allowed per lot, that significantly limit many properties from operating those uses. Do not allow large-scale or high-impact agricultural uses to locate near historically disadvantaged or vulnerable populations." (p. 26-27)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>LUMO defines "agriculture, non-livestock" as "the use of land for the production of cash grains, field crops, vegetables, fruits, and nuts, and for horticulture and floriculture." "Agriculture, non-livestock" is allowed in all residential zoning districts.</p> <p>"Agriculture, Female chickens" are allowed in all residential zoning districts with conditions. Except for female chickens, "Agriculture, livestock" is only allowed in the Residential Low-Density-5, Rural Transition, and Residential Low-Density-1. Agriculture, livestock is defined as "the use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as horses, rabbits, bees, and fish and fur-bearing animals in captivity."</p>
<p><b>Permitted Use Policy 15</b></p>	<p><b>APA's Equity in Zoning Policy Guidance</b></p> <p><i>"Allow farmer's markets and other facilities for local food distribution in a wide variety of zoning districts, including residential districts, as either temporary or permanent uses.</i></p> <p>Easy public access to healthy food is as important as the ability to produce healthy food, particularly for those who do not have the ability to grow it themselves." (p. 27)</p> <p><b>Staff Assessment of Current LUMO</b></p> <p>LUMO does not have standards for temporary events. A farmer's market as a permanent use may be considered a business and business uses are not allowed in residential zones.</p>
<p><b>Permitted Use Policy 16</b></p>	<p><b>APA's Equity in Zoning Policy Guidance</b></p> <p><i>"Update home occupation regulations to broaden the types of activities allowed to be conducted from dwelling units of all types.</i></p> <p>Ensure that any restrictions on home occupations are based on documented neighborhood impacts and eliminate special permit requirements where possible. Regulations should allow those who occupy housing as their primary residence to also use that home as an economic asset to participate the "gig" economy. Regulations should focus on</p>

	<p>preventing negative impacts on the surrounding area rather than trying to list specific permitted home businesses. Limits on the use of accessory buildings, prohibitions on employment of even one person from outside the household, additional requirements for off-street parking, and prohibitions on cottage food operations all create signification barriers to economic activities and likely have a disproportionate impact on historically disadvantaged and vulnerable communities.” (p. 27)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Home occupations are allowed in all residential zones, but the requirements may limit the type of businesses that can operate.</p>
<p><b>Permitted Use Policy 17</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>“Reduce zoning barriers for temporary events, entertainment, and outdoor sales, including garage/yard sales, “pop-up retail” sidewalk sales, street vending, and mobile food vendors where those barriers are likely to hinder social and economic opportunities for historically disadvantaged and vulnerable individuals.</i></p> <p>Temporary uses are often heavily restricted due to perceived or potential traffic and noise impacts, even though those impacts will be short-lived. Temporary events are often tied to cultural celebrations that foster a sense of community within a neighborhood and offer additional sources of temporary employment without the need to invest in a permanent place of business. Temporary use restrictions should be based on balancing short-term impacts of these events with the social, economic, and cultural benefits they create.” (p. 27-28)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Except for signs, LUMO standards do not apply to temporary events, which pose a challenge to regulate for evolving needs. Food truck vending is not allowed as a permanent use in residential zones. Outside the LUMO, sidewalk vending is covered in the Town Code Chapter 17 Article 6. Many businesses cannot conduct commercial activity in the public right-of-way.</p>

<b>Site Development Policy 1</b>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Draft thresholds for compliance with specific site development standards to avoid disproportionate impacts on historically disadvantaged and vulnerable neighborhoods.</i></p> <p>The triggers for compliance with different types of site development standards should be developed after close consultation with the affected neighborhoods so that they reflect a good balance between the desire to maintain and upgrade the quality of the neighborhood with the need to sustain investment and employment by existing businesses and the affordability of housing to area residents." (p. 28)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>LUMO defines development as “any man-made change to improved or unimproved real estate, including, but not limited to: the construction, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings; mining; dredging; filling; grading; paving; excavation or drilling operations; clearing vegetation; division of a parcel of land into two (2) or more parcels or some changes in use of structures or land. Development may also include any land disturbing activity on real estate that changes the amount of impervious surfaces on a parcel.”</p> <p>This definition means that most improvements or changes to a property must comply with LUMO standards. However, the intent behind many LUMO thresholds for compliance (e.g., access, parking, landscaping, lighting, etc.) do not align to any one philosophy and can in effect restrict some types of smaller scale uses.</p> <p>It also does not consider how requiring compliance may impact neighborhoods, especially those of historically disadvantaged or vulnerable people. Potential impacts may be addressed through the conditional zoning process.</p>
<b>Site Development Policy 2</b>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Require high levels of accessibility and connectivity for pedestrians, bicycles, and motor vehicles in all new development and significant redevelopment.</i></p> <p>Require that bicycle routes, sidewalks, internal walkways, and pedestrian crossings are safe and usable by all people, including persons experiencing disabilities. Ensure existing pedestrian routes are preserved to the maximum extent practicable when new development is proposed, and require off-site enhancements such as improved crosswalk markings, protected bicycle lanes, and enhanced transit stops. Consider requiring Complete Streets, going beyond the standard requirements of the Americans with Disabilities Act, and requiring compliance with federal Public Right-of-Way Accessibility Guidelines. Prohibit the creation of new “gated communities” with single or limited points of access that lengthen walking, bicycling, and motor vehicle trips and are significance contributor to exclusionary development patterns. Consider requiring large projects with multiple buildings to incorporate low vision, blind-supportive, and deaf-</p>

	<p>friendly design features such as wide sidewalks, raised crosswalks, and other tactile markers to differentiate pathways.” (p. 29)</p>
<p><b>Site Development Policy 3</b></p>	<p><b>Staff Assessment of Current LUMO</b></p> <p>All development must be accessible and comply with the State Building Code. The 2023 Design Manual has expanded accessibility standards for pedestrian facilities compared to the 2005 manual.</p> <p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>“Eliminate or reduce minimum off-street parking requirements in areas where those requirements serve as significant barriers to investment and are not necessary to protect public safety of pedestrians, bicyclists, motorists, older adults, or persons with disabilities.</i></p> <p>Minimum parking requirements are often based on suburban development models that are not applicable to denser, urban contexts or redevelopment projects. Reducing minimum parking requirements is particularly important for Transit-oriented Development and other areas with meaningful mobility options. However, because of poor public transit access to employment opportunities, some historically disadvantaged and vulnerable households may have no choice but to own a motor vehicle (or more than one) to reach more dispersed work opportunities. Some employers may need more off-street parking because their workforce arrives from widely dispersed neighborhoods not served by other forms of transportation. Reductions in parking requirements should be based on careful consultation with affected neighborhoods and employers to balance the affordability and walkability benefits of less parking with the need to accommodate vehicles used for employment without compromising public health and safety.” (p. 30)</p> <p><b>Staff Assessment of Current LUMO</b></p> <p>All land in one of the Town Center zones is exempt from a minimum parking requirement, except for accessory apartments built after November 23, 2015.</p>
<p><b>Site Development Policy 4</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>“Do not require minor building expansions, minor site development projects, or adaptive reuse of existing buildings to provide additional parking unless the change will create significant impacts on public health or safety.</i></p> <p>A major barrier to opening a small business or operating a restaurant or personal service use is additional parking requirements triggered when the intensity of use increases. This can disproportionately impact historically disadvantaged and vulnerable business owners who have more constrained sites and who may lack the resources to make significant site improvements to accommodate a relatively small change in use. Often, the time involved in evaluating incremental parking requirements for small changes in property uses far outweighs the benefits of those parking adjustments to public health and safety.” (p. 30)</p>



	<p><b>Staff Assessment of Current LUMO</b></p> <p>Except for land in Town Center zones, minimum parking requirements must be met. Additional parking may be required for some changes in use or building expansions that include an increase in floor area. Some uses may share parking if peak usage times are different. The Board of Adjustment and Town staff can approve a reduction of up to 20 percent of the minimum parking requirement.</p>
<p><b>Site Development Policy 5</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Draft zoning standards that require or incentivize new development and redevelopment to increase the amount of landscaping, open space, and tree canopy in those neighborhoods that currently have less of these site design features.</i></p> <p>Higher levels of these important amenities are particularly important where development intensity is increased. These requirements should be drafted in close collaboration with those most affected by the change, so that increases in these features are balanced with the need to preserve the affordability of housing and the viability of existing businesses." (p. 31)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Requirements for landscaping, open space (including recreation space or pervious surfaces), and tree canopy coverage are required based on the type of approval, existing and proposed uses, and/or zoning district. Requirements apply to the zoning district as a whole, and don’t consider different requirements for areas within a zoning district that may have less landscaping, less open space, or less tree canopy coverage compared to the other areas within the district.</p>
<p><b>Site Development Policy 6</b></p>	<p><b>APA’s Equity in Zoning Policy Guidance</b></p> <p><i>"Require adequate levels of lighting of sidewalks, crosswalks, walkways, public transit stops, and parking lots to protect the health and safety of vulnerable populations.</i></p> <p>Through shielding requirements, “dark sky” fixtures, limits on uplighting, and better light trespass standards, lighting needed for public safety can be readily balanced with community desires to “see the stars.” Because excessive lighting standards have sometimes been used to increase surveillance of Black, Latino/a/x, and other persons of color, lighting standards should be drafted after careful consultation with the residents and businesses in the neighborhoods where they will be applied, so that they balance public safety for all residents and visitors” (p.31)</p>
	<p><b>Staff Assessment of Current LUMO</b></p> <p>Current rules require adequate lighting for streets, driveways, bikeways, sidewalks, pedestrian paths, parking areas, and other common areas and facilities for all development, except single- and two-family dwellings.</p>