

# CHAPEL HILL LAND USE MANAGEMENT ORDINANCE

## DIAGNOSTIC REPORT AND ROAD MAP

FINAL DRAFT

6.14.23



TOWN OF  
CHAPEL HILL

OPD  
ORION PLANNING+DESIGN





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# 01 INTRODUCTION

The Chapel Hill Land Use Management Ordinance (LUMO) is the current tool used to regulate land use and development in the town. In many ways it functions as a (limited) unified development ordinance, bringing together standards and procedures for zoning, subdivision, site design, stormwater, and other aspects of development under one set of regulations. First adopted in 2003 to implement the Comprehensive Plan in effect at the time, the LUMO has been updated incrementally over the last 20 years to reflect evolving community priorities alongside significant growth and change. The LUMO has not been updated comprehensively since its adoption, and especially in light of recent planning efforts undertaken by the Town including the adoption of the Future Land Use Map in 2020 and the recent transit-oriented development (TOD) corridor and focus area planning completed in February of this year. As a tangential but interrelated component of the TOD process, this audit sought to evaluate the LUMO as an implementation tool for TOD-focused redevelopment opportunity while simultaneously assessing the overall functionality and performance of the LUMO in accomplishing the Town's stated goals and priorities from past planning efforts. The report that follows summarizes the outcomes of this approximate

year-long process which included detailed review and stakeholder engagement with an eye toward charting a clear and attainable course for a comprehensive rewrite.

The audit process is an important first step when approaching any ordinance update. By its very definition, an audit is the inspection or investigation of an organization's policies, processes, and procedures, typically conducted by an outside source or independent body. Just like many are able to identify flaws in others while failing to see those same flaws in themselves, those who work most with a set of regulations tend to have a deep familiarity with content and process but may not always be the best at self-reflection. We tend to rely on the familiar as opposed to the unknown, and often jump to a solution before fully understanding the problem itself. The audit process offers outside perspective and holistic assessment to better understand the circumstances contributing to why an ordinance may not be functioning the way it's intended – and from there offer options aimed at solutions to underlying and often systemic issues rather than a temporary fix with limited long-term consequences.



**This audit began with an understanding of the Town’s goal to move quickly and efficiently from assessment to update. Buy-in from both community members and Council around the recommended approach to the LUMO update was critical, and identifying where and how the LUMO is currently failing to implement community goals was key to establishing the value and importance of an updated ordinance. From the outset, the following benchmarks were established as desired outcomes:**

- ▶ *Reinforce how the LUMO can implement adopted plans in Chapel Hill, and especially those project goals established in the “Charting Our Future” comprehensive plan;*
- ▶ *Build upon previous assessments, including the Code Studio audit and LUMO Rewrite Project Initiation Report;*
- ▶ *Identify and incorporate priority values, particularly those focused on equity and sustainability, in guidance on the LUMO update;*
- ▶ *Create alignment with the future land use map adopted by the Town in 2020;*
- ▶ *Seek opportunities for placemaking in both the public and the private realm in the update of the LUMO; and,*
- ▶ *Build community buy-in around the recommendations for the LUMO update, including Council endorsement of concepts and direction.*

*The following pages step through the audit methodology used to assess the Chapel Hill LUMO, summarize the stakeholder outreach process and core themes established based on feedback, delve into the plan-code relationship and its importance to the LUMO update, and introduce a section-by-section roadmap detailing the review highlights of the LUMO and setting forth key findings and next steps to guide the comprehensive update of the LUMO over the next two years.*



# 02 AUDIT METHODOLOGY

The approach to this audit of the Town's Land Use Management Ordinance was based on an agreed-upon scope of work at the outset of the project and building upon previous assessments of the LUMO. Specifically, the LUMO Rewrite Project Initiation Report prepared in 2017 established three goals for what a successful LUMO update would look like:

- » **Increased predictability, where review processes are transparent and consistent, and where participant roles are clarified and understood by all.**
- » **Improved functionality, where the LUMO is re-organized for clarity and flow, where internal consistency is paramount and regulations are written clearly so that the average layperson can understand and interpret most things.**
- » **Enhanced intentionality, where the community's vision, values, and policy goals are directly linked and implemented through standards and processes established in the LUMO.**

While every code or ordinance presents unique circumstances and characteristics to consider, these goals are not exclusive, and in many ways reflect the desired outcome of any jurisdiction that has undergone a comprehensive audit and update to their regulations. The review process followed in Chapel Hill looked specifically at where updates, additions, edits, and adjustments to the LUMO are needed in order to:

**CLARIFY AND SIMPLIFY** by writing new regulations and revising existing content using plain English, as much as possible, to maximize the reader's ability to find what they need, understand what they find, and use what they find to meet their needs. Identifying unnecessary jargon, overly complex wording, confusing or ambiguous language and punctuation, and avoiding unnecessary duplication of content was a key focus of the LUMO diagnostic and road map. Identifying where tables, graphics, illustrations, interactive capabilities like hyperlinks and pop-ups, and even simple (or complex) reorganization would help clarify was also prioritized in the review of the LUMO itself.

**REGULATE WHAT MATTERS**, to ensure the LUMO aligns with the values and goals outlined in recently adopted plans while allowing for future evolution. Regulations should implement community values and priorities in a manner that is relatable. If it is unclear why a regulation is being applied, or what purpose it intends to accomplish, the regulation should be questioned and analyzed, not blindly followed. It is especially important that regulations in place are readily and easily administered, and that there is a clear objective behind what is being asked of both the applicant and staff.

**PRESERVE AND PROTECT THE RIGHTS OF OWNERS AND RESIDENTS,** recognizing and incorporating clear and well-defined processes that uphold property rights and balance those rights with the community values expressed through the comprehensive plan. There should be a public purpose behind each regulation, and processes and requirements must be balanced and make sense.

**PREVENT CONFLICTS** through better organization and consistency, in both content and administration. A “place for everything and everything in its place” is the foundation of a good code and reinforces consistency, readability, and ease of use. While it is impossible to eliminate all conflict within a set of regulations, it is possible to have established methods for how to deal with conflicts when they arise. An example would be where a change of use or expansion triggers additional parking standards that conflict with landscaping requirements, or vice versa. Predicting and addressing how conflicts such as this are handled and establishing which is the community’s highest priority - additional parking or adhering to landscaping standards - will be key as the LUMO update moves forward.

**BALANCE PREDICTABILITY WITH FLEXIBILITY** where context requires both. A core tension exists between flexibility and predictability when writing and updating zoning and development regulations. Flexibility is necessary to ensure the LUMO can accommodate unique circumstances and prevent the regulations from stifling creativity, ingenuity, and adaptability in an ever-changing world. Predictability is needed to ensure the applicant has a reasonable understanding of risks, limitations, and expectations as well as to reassure adjacent property owners and the community that their interests can be reasonably safeguarded. Increasing flexibility decreases predictability and vice versa. Clear development or change criteria and standards help to provide predictability, define the limits of flexibility, and daylight the decision-making process.

**REFLECT WHAT THE COMMUNITY CARES MOST ABOUT.** As the following sections will attest, what was heard time and time again from key stakeholders, members of the public, staff, and council was that reinforcing social equity, integrating sustainable practices to support community-wide resilience, defining and preserving character, improving accessibility and affordability around housing choice, enhancing connectivity to and through Chapel Hill, limiting risk associated with environmental hazards while protecting sensitive areas and landscapes in the community, and remove unnecessary barriers to high-quality development are some of the community values held in the highest regard, reflected in the comprehensive plan and FLUM and re-enforced in the recent Complete Communities work and the TOD and focus area plan. A well-crafted ordinance, grounded in plans and policy, ensures that community values are elevated and implemented.



The audit process began in February of 2022 with a trip to Chapel Hill to better understand the context within which the LUMO was operating. A tour of the community coupled with conversations with core staff involved in LUMO administration, economic development, stormwater, housing, engagement, urban design, mobility, and sustainability helped paint a picture of the core themes and challenges presented not just by the LUMO but also many processes associated with the LUMO’s application.

Following on this initial site visit, a series of surveys was prepared and distributed to staff and key stakeholders for additional input on specific elements and applications of the LUMO that required focus as part of this audit. A benchmarking survey was also distributed to comparable cities, towns, and counties in the state, to understand how land use regulation was occurring in other communities. These surveys were developed and distributed in early June and the results collected in mid-July 2022. Following analysis of the results, a series of virtual stakeholder roundtable conversations were held mid-August with key stakeholders representing the development community, housing and real estate, University representatives, economic development, and planners and allied professionals, among others, to dig deeper into the results and discuss issues with process and content experienced by these user groups. A second trip to Chapel Hill was made at the end of August, to continue conversations with staff and advisory board members and share the results of the survey as well as additional insights from key stakeholders. Additional detail on the stakeholder engagement process and response is outlined in the section that follows.

*Figure 1. Engagement Methodology*



Initial interviews, roundtable conversations, and survey results informed the in-depth review of the LUMO that commenced in the fall of 2022. This review dovetailed with a deeper dive into the Town’s stormwater regulations, plans, and policy, while intertwining with the ongoing TOD and focus area planning process and Complete Communities work also underway at this time. This detailed review of the LUMO consisted of a section-by-section evaluation grounded in professional expertise writing and administering code coupled with knowledge of best practice examples for Chapel Hill’s consideration as the LUMO update moves forward. Key findings outlined at the conclusion of this report are organized around six core themes that highlight the community’s values related to:

- » ***Social equity***
- » ***Housing and affordability***
- » ***Sustainability and resilience***
- » ***Integrated mobility***
- » ***Design character and quality***
- » ***Process improvement***

Key findings and recommendations outlining next steps in the LUMO update process further orient around how improvements to the LUMO can reinforce social equity, protect community assets, support good design, and increase access to programs and amenities. This organization was intentional to create a clear link between the Town’s more recent planning efforts and the LUMO’s role implementing them. Key findings related to how LUMO updates will implement the vision and goals established by the TOD corridor and focus area vision were presented to the Council on December 8th, 2022; the report and recommendations were formally adopted by the Council on February 22nd, 2023. Findings relating specifically to stormwater implementation and improvements within the LUMO (and beyond) were presented to Council alongside key findings of this audit process on February 15th, 2023. At that time, Council endorsed the key findings and recommendations, signaling a desire to proceed with a comprehensive update to the LUMO following the recommended direction outlined in this report.

# 03 STAKEHOLDER ENGAGEMENT

Input from the community and code users is a crucial part of any substantial code audit. The LUMO audit focused on two primary forms of input: surveys and stakeholder meetings. Surveys allowed for targeted groups to participate when it is most convenient to them. Stakeholder meetings, conversely, involved scheduled meetings, although written comments were accepted.

Thirty-six groups were asked to send at least one representative to a stakeholder roundtable meeting over the course of the audit process. At least half of these meetings involved an in-person component, but all meetings accommodated videoconferencing and some preliminary meetings as well as meetings for any who could not participate in person were offered solely through videoconferencing. Key stakeholder groups identified with the help and guidance of Chapel Hill staff were real estate and housing professionals, University representatives, economic developers and members of the business community, planning and design professionals, and developers and their representatives. The following stakeholders were invited to participate in the audit process:

- ▶ Capkov Ventures
- ▶ Grub Properties
- ▶ Ram Realty
- ▶ Trinsic Residential Group
- ▶ Taft Mills Group
- ▶ Lock7 Development
- ▶ White Oak Properties
- ▶ Beechwood Homes
- ▶ Pennoni
- ▶ CJT
- ▶ Urban Land Institute - Triangle
- ▶ McAdams
- ▶ Ballentine
- ▶ Northwood Raven
- ▶ UNC Student Housing
- ▶ UNC Real Estate
- ▶ UNC Facilities
- ▶ Chapel Hill Carrboro Chamber of Commerce
- ▶ Chapel Hill Downtown Partnership
- ▶ Rogers-Eubanks Neighborhood Association
- ▶ CHALT
- ▶ Chapel Hill Carrboro NEXT
- ▶ Friends of Bolin Creek
- ▶ Preservation Chapel Hill
- ▶ Friends of Chapel Hill Parks and Recreation
- ▶ Community Home Trust
- ▶ EmPOWERment NC
- ▶ Inter-Faith Council
- ▶ Self-Help Housing
- ▶ Community Housing Partners
- ▶ Chapel Hill-Carrboro NAACP Housing Committee
- ▶ Orange County Affordable Housing Coalition
- ▶ Habitat for Humanity of Orange County
- ▶ DHIC
- ▶ CASA
- ▶ Community Housing Partners

# SURVEY SAYS...!?

Three survey instruments were used to inform the audit.

## 01

The first was a survey that focused on internal stakeholders. These people use the LUMO daily or periodically in their role in Chapel Hill land use and development review and approval. Therefore, they are most likely to be knowledgeable of at least parts of the code or code process. Groups targeted included staff, boards, and commissions. There were 25 total respondents to this survey.

## 02

The second survey used some of the same questions as the internal survey form and focused on the experiences and input from external stakeholder groups. These groups included some of the same groups involved in the stakeholder meetings but were not limited to individuals who participated in those meetings. In particular, the target groups for this survey were those most active in the development community (e.g., builders, developers, realtors, design professionals). Such groups have experience working with the LUMO and through LUMO processes as non-public participants and provide unique perspectives. There were 24 total respondents to this survey.

## 03

The third survey was to provide benchmarking data. The target for this survey was local government planning departments from across the state. Benchmarking data allows the town to compare its code and code processes to other communities operating under the same state laws. The questions on this survey were very different from the two other stakeholder surveys. There were 12 total respondents to this survey representing seven local governments from Asheville to Wilmington.

**A full report of the outcomes of all input methodologies is provided in the table that follows, with areas of alignment highlighted.** In summary, there was a significant amount of agreement around core issues related to content and process. For example, stakeholders felt the LUMO performed best at protecting existing neighborhoods, but few felt it performed well at anything else. Many felt the LUMO is too much regulation. In meetings where there were opportunities to drill down into subjects, the overwhelming issue was the amount of time it took to reach a decision and the complexity of the process to get there. In fact, one meeting participant stated that the perceived goal of the LUMO isn't to mitigate impacts or improve or maintain quality of life but rather the process itself. It looms so large that it outweighs the standards and the stated intent. Other points of agreement included a desire for more by-right options, more authority granted to staff, fewer review bodies and committee meetings in the review process, and more clarity and consistency in the standards. The benchmarking survey results supported stakeholder claims that Chapel Hill's neighbors and other cities across the state are more nimble and quicker to reach decisions than the town.

# GENERAL FEEDBACK

## UNIVERSAL STAKEHOLDER FEEDBACK

- There's no consensus on anything
- There's a lack of a coordinated vision in the town
- LUMO needs to reflect what the town wants
- LUMO doesn't clearly express intended outcomes; process appears to the desired outcome
- Council doesn't trust staff to make good decisions
- Staff lacks capacity to adequately administer the LUMO
- The LUMO is very much a NIMBY document

## INTERNAL STAKEHOLDER FEEDBACK

- The LUMO is too complicated for normal applicants to understand and follow
- More education is needed for staff to understand and apply LUMO correctly
- The LUMO is not coordinated with the Town's goals of climate action and response, housing access and ownership, mobility
- Remove intergovernmental coordination obstacles
- Council lacks base knowledge of the LUMO
- There is a lack of consistency/compatibility with other codes (e.g., bldg, fire)
- The LUMO doesn't address emerging trends
- The LUMO is used as the primary vision policy rather than the comprehensive plan/ FLUM
- The LUMO organization is too cumbersome and poorly drafted

## EXTERNAL STAKEHOLDER FEEDBACK

- Delete rural buffer

# PROCESS FEEDBACK

## UNIVERSAL STAKEHOLDER FEEDBACK

- Unnecessary steps/loops, unclear steps and solutions—process needs to be streamlined
- There is a lack of triage especially related to re-reviews
- There is a lack of forms and online information/submittal/monitoring; there needs to be a central location for LUMO info and resources
- Payment-in-lieu process is confusing; it is too difficult to meet onsite requirements
- Need more predictability
- Process is intentionally cumbersome
- Public involvement is excessive; too much debate of hypotheticals
- Extra committee involvement is confusing, costly, and time-consuming
- There is a disconnect between staff, PC, and council in terms of interpreting the LUMO; staff advice is not reliable
- There is a lack of consistency in expectations and outcomes
- The threshold for requiring council involvement in entitlement is too low
- Staff should be required/allowed to make professional recommendations and administrative decisions
- Internal practices differ from procedures in the LUMO
- The entitlement process is too lengthy and costly; good development is driven elsewhere; it's a "pay to play" code
- The CZD process makes any provision of the LUMO negotiable
- The CZD is used far too often
- No clear feedback loop between reviewers/advisors/decisions-makers/public
- Uncodified administrative requirements are confusing and unnecessarily delay decision-making
- Most reviews required should be staff-level administrative decisions; there need to be more by-right uses

## INTERNAL STAKEHOLDER FEEDBACK

- Projects are evaluated in a silo
- Advisory boards want more/too much authority
- Council needs to retain authority
- Need clear and different processes for minor, moderate, and major development approval
- Conditional zoning application is confusing
- The LUMO lacks clear review criteria for boards/commissions/committees
- Public opinion and pushback result in reducing/increasing standards in unpredictable and sometimes counterproductive ways

## EXTERNAL STAKEHOLDER FEEDBACK

- The concept plan process is time consuming and expensive; needs to be streamlined and used less often
- Committees add time and have too much sway; their use needs to be refined and reduced
- Committee recommendations often conflict and there is no arbiter except council
- The SUP process is too complicated, and council can still deny the permit even if all conditions are met
- Staff is inconsistent and focused on approving projects rather than improving the
- There needs to be more concurrency in the review process
- There needs to be a formalized expedited permitting process
- The project advocate program used for family and senior housing was super helpful
- Anti-development interest groups are allowed to manipulate the process

# DISTRICTS AND USES FEEDBACK

## UNIVERSAL STAKEHOLDER FEEDBACK

- Density is too low
- Affordable housing is very difficult under current processes
- We should have more regulation of form, but less regulation of uses and density

## INTERNAL STAKEHOLDER FEEDBACK

- Preserve existing ADUs; allow ADUs by right in most areas
- Prioritize recreation
- The resource conservation district is highly controversial and used to deny growth; review and revise or delete
- Use NAICS code for clarity in interpreting uses
- Neighborhood conservation districts act as overlays but are in appendix
- There is a concern about the impact of off-campus student housing
- Short-term rentals are impacting neighborhoods and hotels

## EXTERNAL STAKEHOLDER FEEDBACK

- Remove/alter barriers to new housing like the inclusionary standards and 300-foot stream buffer
- Eliminate SF zoning and create by-right diverse housing types
- The LUMO fails to promote infill

# DESIGN FEEDBACK

## UNIVERSAL STAKEHOLDER FEEDBACK

- Create effective transitions for height variations
- Massing is a problem at University Place
- Town is getting poor architecture and bad site plans
- Need better design overall—there is no set of comprehensive design standards or character standards
- Frontage requirement decreases infill opportunities
- Integrate a better regional stormwater approach if possible

## INTERNAL STAKEHOLDER FEEDBACK

## EXTERNAL STAKEHOLDER FEEDBACK

- Parking standards and variances create unnecessary problems
- Floor area ratios don't work; don't allow enough density
- Need more infrastructure in place before increasing density
- Design decisions are arbitrary and too late in the process
- A good, clear form-based code would direct development and allow higher densities with more certainty
- Dimensional standards don't work well

# LANDSCAPE AND BUFFERING FEEDBACK

## UNIVERSAL STAKEHOLDER ISSUES

- Buffer standards are inadequate and don't work well with density requirements

## INTERNAL STAKEHOLDER ISSUES

- Prevent clearcutting
- Require mitigation when existing trees are removed for development
- Preserve significant trees

## EXTERNAL STAKEHOLDER ISSUES

# OTHER CONTENT ISSUES

## UNIVERSAL STAKEHOLDER ISSUES

- Too many conflicting standards; too much choice of which to apply
- Staff is required to interpret the LUMO too much
- Standards are unclear

## INTERNAL STAKEHOLDER ISSUES

- Review/revise/update definitions and remove regulation
- Climate Action Plans need to be implemented in the LUMO
- Need to better align the code and map
- The 2005 Design Manual tied to the code needs to be updated
- Sign code may not conform to Reed v. Gilbert
- There is a lack of consistency defining/interpreting definitions between codes/department

## EXTERNAL STAKEHOLDER ISSUES

- Need to build on the existing transit and trail network
- Fees should not be required until public service is rendered
- Standards/rules are too subjective leading to inconsistency
- Standards often exceed state requirements (e.g., stormwater)



# 04 PLAN/CODE ALIGNMENT

One critical component of the LUMO audit methodology is the continuous and integrated assessment of how well the ordinance aligns with existing plans. Chapel Hill is a community that does not lack in the ability or desire to plan for its future. Numerous plans adopted through the years provide insight on community priorities; however, little guidance exists within or between these plans to identify which priorities take precedence over others. As one stakeholder put it, “if everything is a priority, is anything a priority?” This statement became a defining theme of the LUMO, as many of the Town’s stated priorities – equity, affordability, environmental protection, etc. – are not mutually exclusive but may require concessions, incentives, or standards be followed that conflict or even negate one another. Identifying mutually beneficial overlap, avoiding conflict, and improving coordination between standards quickly became a focus of this audit.

When the Code Studio assessment of the LUMO was completed in 2011 alongside the update of the Town’s comprehensive plan, the report correctly identified that the LUMO, as currently written, was a suburban development code being applied to an urbanizing environment. Chapel Hill has continued to evolve over the past decade, from a sprawling university town to a compact, infill-oriented community, making the LUMO even less responsive to current growth patterns and development. The 2011 report identified that certain regulations in the LUMO “perpetuate unsustainable and outmoded sprawl development patterns and in many cases prohibit or severely limit the ability to build truly sustainable, compact, walkable and mixed-use places.” It went on to reinforce that “the Town relies on an ambiguous and potentially arbitrary case-by-case approval process for most development,” a sentiment heard consistently and repeatedly throughout this audit process over a decade later.

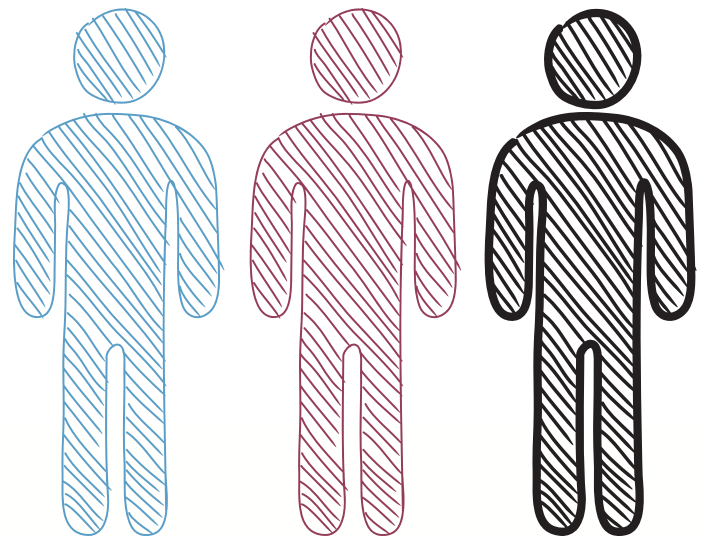
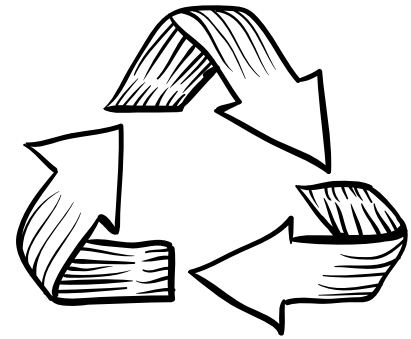
Chapel Hill 2020 was adopted in June of 2012, and while piecemeal updates to the LUMO were completed in the years that followed, the ordinance still feels out of step with the comprehensive plan and future land use component adopted in 2020. While some aspects of the LUMO reflect current plans and policy, the conclusion following review is that this is largely accidental. Both internal and external stakeholders indicated plans are largely ignored in the development review process, allowing the LUMO to effectively serve as the “comprehensive plan” for the community. Many stakeholders view plans – and planning – in Chapel Hill as futile, undermining the planning process itself and contributing to apathy and distrust in the community, grounded in the assumption that that plans are created only to “sit on a shelf.” However prevalent, plans have not historically driven ordinance updates in Chapel Hill and have had little, if any, effect on the regulatory scheme.

Another element of plan/code alignment where Chapel Hill struggles is procedural. Process and procedure make or break plan implementation even when regulations are up-to-date. Requiring extra steps, longer processes, and more complicated and costly documentation are obstacles that ensure little if anything occurs as envisioned. **Chapel Hill can more effectively implement the vision of the Chapel Hill 2020 plan and recent FLUM amendment, as well as the TOD and focus area plan, by:**

- » ***Streamlining the review process for compliance, particularly in areas targeting for future growth like the TOD corridor(s) and focus areas;***
- » ***Creating fast-track approvals for development applications that adhere to plan vision and standards;***
- » ***Proactively rezoning key corridors and focus areas to reduce development uncertainty.***
- » ***Using the robust public engagement process during plan-making to reduce the amount of public engagement needed for ordinance revisions and rezonings;***
- » ***Adding infill development as an incentive item in the code;***
- » ***Including additional missing middle housing such as duplex, triplex, quad-plex, and cottage court arrays; and,***
- » ***Break out smaller-scale multi-family units as a separate use group and consider allowing one, two, three, and four-family units and ADUs by right in most residential districts, especially those that are more urban in character.***

# 05 EQUITY AND SUSTAINABILITY ASSESSMENT

The LUMO's role ensuring equitable and sustainable development in the Chapel Hill community is an established priority in Chapel Hill 2020 and reiterated through the Complete Communities process undertaken alongside this effort. This audit looked closely at how the LUMO currently addresses issues such as equitable access to housing, health care, transportation, and amenities, and supports environmental resilience through resource protection, energy conservation, and infill redevelopment incentives and what improvements are necessary to support these community values. The following matrix details existing LUMO content and opportunities for improvement based on established best practice.



# SOCIAL EQUITY ISSUES

## ISSUE

### HOUSING TYPE AND AFFORDABILITY

#### WHAT IS IN PLACE?

- Density standards per acre (ranging from 0.2 to 20)
- Single family dwelling unit with accessory apartment permitted in some zones that allow single-family residences
- No parking requirements for some SFR
- Incentive Zoning and Inclusionary Zoning
- Cluster development allowances

#### WHAT CHANGES ARE INVOLVED?

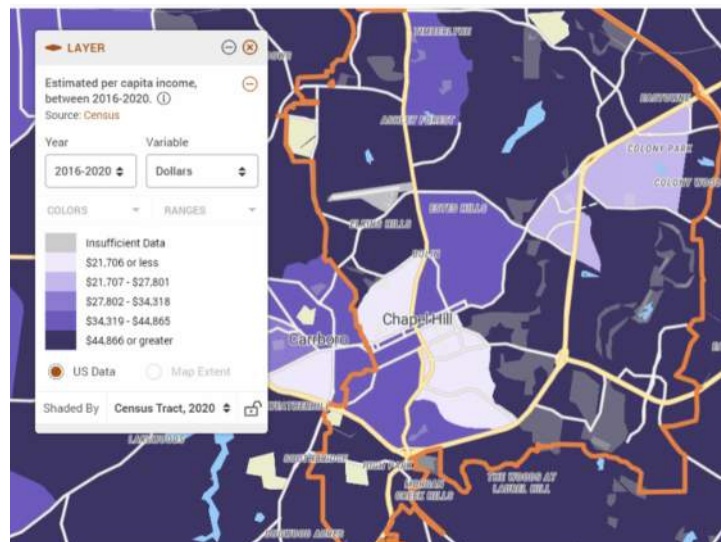
- Increase densities (ADUs/duplexes as by-right, form-based code, density bonus)
- Increase incentives for cluster development
- Create more opportunities for density bonuses
- Add more zoning designations with by-right accessory dwelling units
- Decrease parking requirements
- Prioritize missing middle housing. (cottage housing in single-family residential districts, form-based code, etc.)
- The LUMO should clearly define standards in all zones including any exceptions, bonuses, and other possible changes to the base Dimensional Standards
- Increase efficiency and decrease obstacles in the development and plan review process by
  - Maximizing concurrent review processes
  - Changing the roles and responsibilities of commissions
  - Updating current estimated timelines
  - Simplifying zoning districts and overlays
  - Reducing the complexity of the LUMO
  - Creating detailed user guides

#### BEST PRACTICES & REFERENCES

- [APA - 5 Practical Zoning Hacks for Missing Middle Housing](#)

### ESTIMATED PER CAPITA INCOME BETWEEN 2016-2020

Source: <https://www.policymap.com/newmaps#/> and US Census



# ISSUE

## FOOD ACCESS

### WHAT IS IN PLACE?

- Access and Circulation standards that address public transit, bicycle and pedestrian systems, connectivity, etc.

### WHAT CHANGES ARE INVOLVED?

- Engage those affected by food insecurity in community decision-making by using active recruitment through partnering with community organizations
- Understand what economic impact comes from increased food access (Will the increase in access cause rent to become too high for the current residents of the area?)
- Increase access to existing food by prioritizing transportation development in "supermarket-redlined" areas not currently served by public transportation
- Create development incentives tied to healthy food options
- Permit community gardens in all zones with minimal restrictions
- Permit micro-livestock (e.g., chicken, rabbits) with clear regulations
- Require applicants to incorporate new food system assets (e.g., community garden space, farmers market space) in large subdivisions and developments

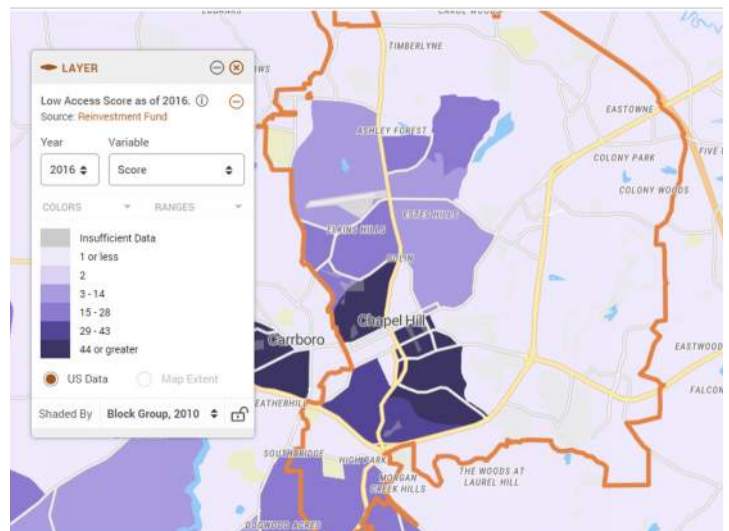
### BEST PRACTICES & REFERENCES

- [\*Cdc - Food Access Through Land Use Planning And Policies\*](#)
- [\*CAP - Best Practices for Creating a Sustainable and Equitable Food System in the United States\*](#)
- [\*Land Use and Health: Implementation Guide\*](#)

## LOW SUPERMARKET ACCESS SCORE AS OF 2016

Supermarket Access Score is calculated using residents' typical distance traveled to the nearest supermarket. Census block groups are separated into seven categories with different proximity criteria based on the density and car ownership.

Source: <https://www.policymap.com/newmaps#/> and Reinvestment Fund



# ISSUE

## TRANSPORTATION ACCESS

### WHAT IS IN PLACE?

- Access and Circulation standards that address public transit, bicycle and pedestrian systems, connectivity, etc.
- Transportation audit with TOD recommendations

### WHAT CHANGES ARE INVOLVED?

- Prioritize equitable TOD by including equity considerations into development regulations (What methods of transportation are used by under-served populations and how do they become more accessible? How is housing affordability preserved when transportation access is improved?)
- Make existing transit more accessible (How can people learn about transit? How can people pay for transit?)
- Link transportation to land use—focus development within already-served communities
- Incentivize compact and mixed-use, transit-oriented development through density bonuses or express permit options
- The LUMO should include context-sensitive, flexible street standards with a multi-modal focus

### BEST PRACTICES & REFERENCES

- [\*15-minute cities: How to create 'complete' neighborhoods\*](#)

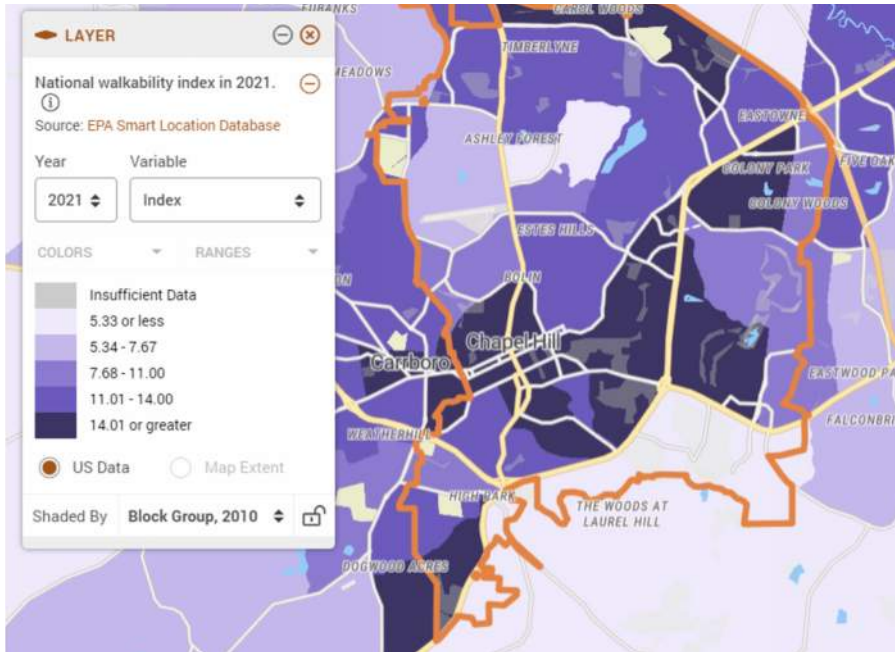
## ACCESS TO HEALTHCARE

- Access and Circulation standards that address public transit, bicycle and pedestrian systems, connectivity, etc.
- Subdivision standards with sidewalk installation requirements

- Increase access to preventative resources (e.g., parks, sidewalks, safe streets, etc.) that allow residents to strengthen their health
- Strengthen transportation access, food sovereignty, and diverse housing affordability in order to improve the health outcomes of residents
- Implement subdivision regulations that further promote walkability through short block lengths, street and pedestrian connectivity, and complete streets design guidelines
- Require pedestrian-only connections between residential areas, commercial areas, and healthcare zones
- Decrease barriers for accessory dwelling units or duplex development

### BEST PRACTICES & REFERENCES

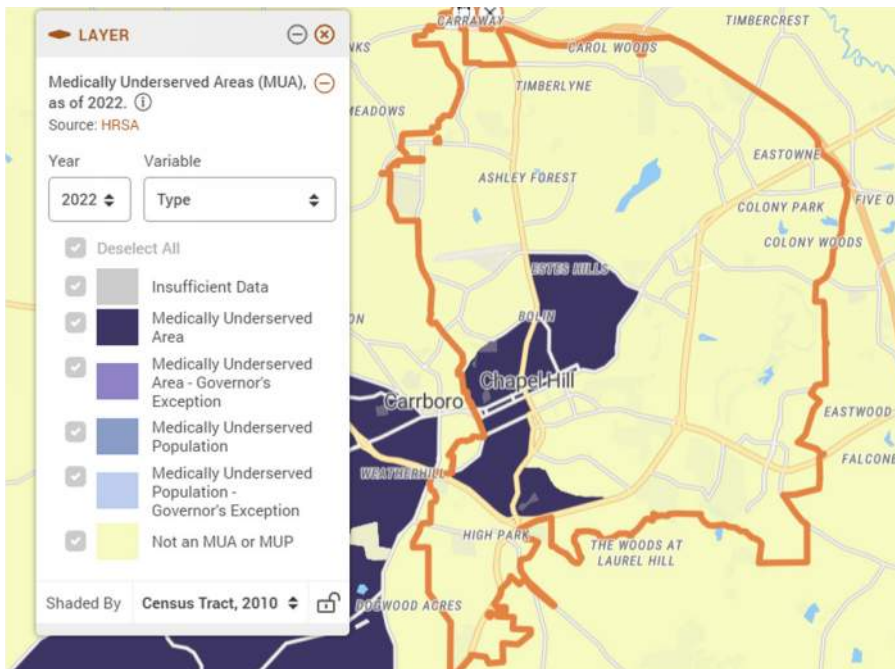
- [\*AARP - Livable Communities\*](#)



## NATIONAL WALKABILITY INDEX IN 2021

Walkability index is calculated based on intersection density, proximity to transit stops, and diversity of land uses in a given area.

Source: <https://www.policymap.com/newmaps#/> and EPA Smart Location Database



## MEDICALLY UNDERSERVED AREAS AS OF 2022

A Medically Underserved Area is defined as a shortage of primary health-care services for residents within a geographic area.

Source: <https://www.policymap.com/newmaps#/> and HRSA

# ENVIRONMENTAL SUSTAINABILITY ISSUES

## ISSUE

### NATURAL RESOURCE PROTECTION

#### WHAT IS IN PLACE?

- Jordan Watershed Riparian buffer standards
- Tree protection standards to preserve tree cover
- Critical areas and environmental performance standards
- Performance standards during construction
- Impervious surface ratio
- Generally, 50% for residential development, 70% for non-residential development

#### WHAT CHANGES ARE INVOLVED?

- Generate an up-to-date, easily-accessible natural resource inventory to inform future applicants and city staff
- Consider Chapel Hill's wildland, and how to create resiliency in the intersection of urban land and wildland
- Prioritize densification and infill over sprawl that encroaches on large areas of natural and undeveloped lands
- Maintain clear boundaries on all zoning atlas layers

#### BEST PRACTICES & REFERENCES

- [\*Natural Resource-Based Planning\*](#)
- [\*Wildland-Urban Interface Code\*](#)

### INFILL & REDEVELOPMENT

- Density standards per acre (ranging from 0.2 to 20)
- Single family dwelling unit with accessory apartment permitted in some zones that allow single-family residences
- No parking requirements for some SFR
- Incentive zoning including density bonus opportunities
- Inclusionary zoning with affordable unit requirements

- Promote placemaking and densification in areas that already have the infrastructure to support it, such as underutilized or vacant structures, multiple modes of safe transit, etc.
- Decrease obstacles in the planning process so that developers and residents are able to better navigate the process
- Reduce lengthiness and unpredictability in land use development that has resulted in a time and resource-expensive process
- Create mixed-use or form-based zoning codes to reduce the limitations of density standards
- Increase density allowance in areas capable of infill
- Reduction in lot size standards
- More zoning districts that include by-right accessory dwelling units
- Remove parking requirements for all SFR
- Streamline development review
- Create adaptive reuse incentives to promote the reuse of vacant or underused buildings
- Increase mixed-use zoning

#### BEST PRACTICES & REFERENCES

- [\*Regulatory Strategies for Encouraging Infill and Redevelopment\*](#)



# ISSUE

## ENERGY CONSERVATION AND CLIMATE RISKS

### WHAT IS IN PLACE?

- Goals for town buildings to prioritize energy conservation in construction and renovation
- Solar permit reviews (express review for < \$30,000)
- Riparian buffer standards
- Tree protection standards

### WHAT CHANGES ARE INVOLVED?

- Incorporate mixed-use development in order to reduce energy usage and mitigate sprawled energy usage
- Create design standards and incentives that promote green design
- Continue to protect wetlands and riparian zones
- Protect green space to promote resiliency to climate effects
- Evaluate where Urban Heat Island Effect may have the greatest impact, and engage the affected populations to determine what resources are lacking in these groups
- Plan now for the risk of increased flooding, extreme heat, and wildfires in the future
- Simple wildfire risk reduction strategies in landscaping and design guidelines
- Subdivision design standards that prioritize green design, minimize heat island impact, and promote effective management of ground and surface water
- Implement strong tree protection and tree planting plans and initiatives

### BEST PRACTICES & REFERENCES

- [\*Land Use and Energy: Connecting the Dots to Enhance Communities\*](#)
- [\*Opportunities To Reduce Climate Risks Through Land Use Regulations\*](#)

### General notes and resources:

[Policy Map](#) – Tool to map factors as below

[Risk Factor](#) – Tool for determining past, present, and future risk projections

If used correctly, municipal land use planning can promote social and environmental sustainability, in turn promoting economic resiliency. In the context of Chapel Hill, the Land Use Management Ordinance requires significant alterations in order to properly address issues such as housing type and affordability, food access, transportation access, healthcare access, natural resource protection, infill & redevelopment, and energy conservation and climate risks.

Each of these listed issues could be improved upon through the simplification and clarification of the planning process and the LUMO. Both the process and the document serve as a major barrier to development that will push innovative and driven developers into other areas due to their complexity and lengthiness. Many of the identified social equity and environmental sustainability issues have been addressed through previous LUMO updates and changes. Although these updates have good intentions, the piecemeal approach creates confusing, layered land use regulations that lack navigability and efficiency.

Significant overlap exists between these issues. Focusing on a few key areas of improvement, like streamlining planning processes, prioritizing densification and mixed-use development in infrastructure-supported locations, and creating zoning districts that are flexible and concise, will have positive effects on social equity, environmental sustainability, and the economic viability of Chapel Hill's future.

# 06 LUMO DIAGNOSIS AND ROADMAP FOR IMPROVEMENT

The following matrix provides section-by-section recommendations for improvement of the LUMO, guided by the Town’s stated goals for this project, necessary plan alignment, stakeholder input, and professional best practice. As the update to the LUMO progresses, additional changes or adjustments to sections may be necessary and will be workshopped with staff through the drafting process. This assessment is intended to be a summary of core themes and key issues; some recommendations are specific while others apply generally; some sections do not have comments or suggested changes, but this does not automatically assume that a holistic update of the information within is not warranted. The assessment that follows is intended to serve as the roadmap from which a detailed work plan for the LUMO update will be established, led by priority recommendations summarized in Section 7.

LUMO SECTION	CONTENT: BEST PRACTICES, PREDICTABILITY, FLEXIBILITY, ENFORCEABILITY	STRUCTURE: ORGANIZATION, CLARITY, CONSISTENCY, EFFICIENCY
APPENDIX A - LAND USE MANAGEMENT	<ul style="list-style-type: none"> <li>Consider adopting the revised LUMO as a core component or chapter of the Town’s overall code as opposed to an appendix; this reference becomes particularly confusing when the definitions under the LUzzMO are also referenced as “Appendix A”. Having the LUMO integrated more prominently in the Town’s regulatory structure could serve to elevate its influence and importance as an implementation tool in the eyes of the community.</li> <li>In general, numbering, lettering, headings, and overall organization needs to be standardized throughout. There is so much layered repetitiveness in the document, the content itself would be halved if redundancies were identified, consolidated, and eliminated when deemed appropriate. This is especially true in Article 3.</li> </ul>	
ARTICLE 1. - GENERAL PROVISIONS	<ul style="list-style-type: none"> <li>This article should be rewritten to communicate content simply and directly in plain English.</li> </ul>	
1.1. - SHORT TITLE.	<ul style="list-style-type: none"> <li>Reference to “<b>Appendix A – Definitions</b>” is confusing here; see general comment above.</li> </ul>	<ul style="list-style-type: none"> <li>Decide how to reference the LUMO abbreviation – establish here or in the abbreviation section.</li> </ul>
1.2. - AUTHORITY.	<ul style="list-style-type: none"> <li>Provisions of state law are not immutable. “<i>As may be amended or as amended</i>” seems more appropriate wording and not frozen in time as it appears they are?</li> </ul>	<ul style="list-style-type: none"> <li>Standardize NCGS references here and elsewhere. Look for other common abbreviations and standardize as needed.</li> </ul>
1.3. - PURPOSE.	<ul style="list-style-type: none"> <li>Tie purpose to plan implementation specifically even though it is mentioned in the statute. This connection is critical and should be clearly framed as its central purpose.</li> </ul>	

1.4. - APPLICABILITY.

- This section doesn't appear to fully cover its application to the full range of issues contained within 160D (effective on January 1, 2021). Consider breaking this out into its own article to cover additional applicability issues such as:
  - Deed restrictions
  - Vested rights
  - Prior actions and penalties
  - Uniformity within districts
  - Conformity with other laws
  - Transitional development
  - Nonconformities
  - Verify/validate dates.

- Use subheadings for clarity and efficiency
- Address plurals of commonly used words and terms globally so "(s)" isn't needed.
- Define "Department" and other words and terms in the definitions section; make sure all entities and roles are adequately defined in the definitions section.
- Note the department's roles in a roles and responsibilities article/chapter.

1.5. - CONSISTENCY WITH COMPREHENSIVE PLAN.

- This section is generally weak. Use a stronger statement and move to the purpose section.

- Strengthen and clarify or consider combining with Section 1.3.

1.6. - INTERPRETATION.

- Broaden this entire section to deal with various interpretation issues such as "days" and graphics.

- Add illustrations throughout the LUMO to aid with interpretation of regulations

1.7. - PERMITS AND CERTIFICATES.

1.8. - FEES.

- Consider including a cross-reference and/or hyperlink to where the current fee structure lives, for quick reference.

**ARTICLE 3. - ZONING DISTRICTS, USES, AND DIMENSIONAL STANDARDS**

- The "preamble" leading into this article is regulatory; suggest removing. Much of the preamble content is repeated in sections below, making this section unnecessary.
- In general, standards for fencing, landscaping, and other site design features should be moved under the specific section Article 5 that address these features. Keep only those standards unique to a district or can't be successfully covered under design or another article in the district language.
- Make sure uses reflect best practices by:
  - Broadening use categories to the highest level that will allow successful implementation.
  - Removing references to places of worship and defining these as places of assembly since the impacts are the same whether it is a church or community theater, for example.

- This article should be reformatted and reorganized to allow for greater clarity and purpose; especially in defining specific districts.
- If any or all preamble content is relocated or incorporated elsewhere, make sure terms are adequately defined in the definitions section of these regulations.

**ARTICLE 3. - ZONING DISTRICTS, USES, AND DIMENSIONAL STANDARDS**

- Adding uses that are presenting challenges to some communities, such as fulfillment centers (dark stores).
- Adding/revising uses that address emerging distributed energy systems.

**3.1. - ESTABLISHMENT AND INTENT OF ZONING DISTRICTS.**

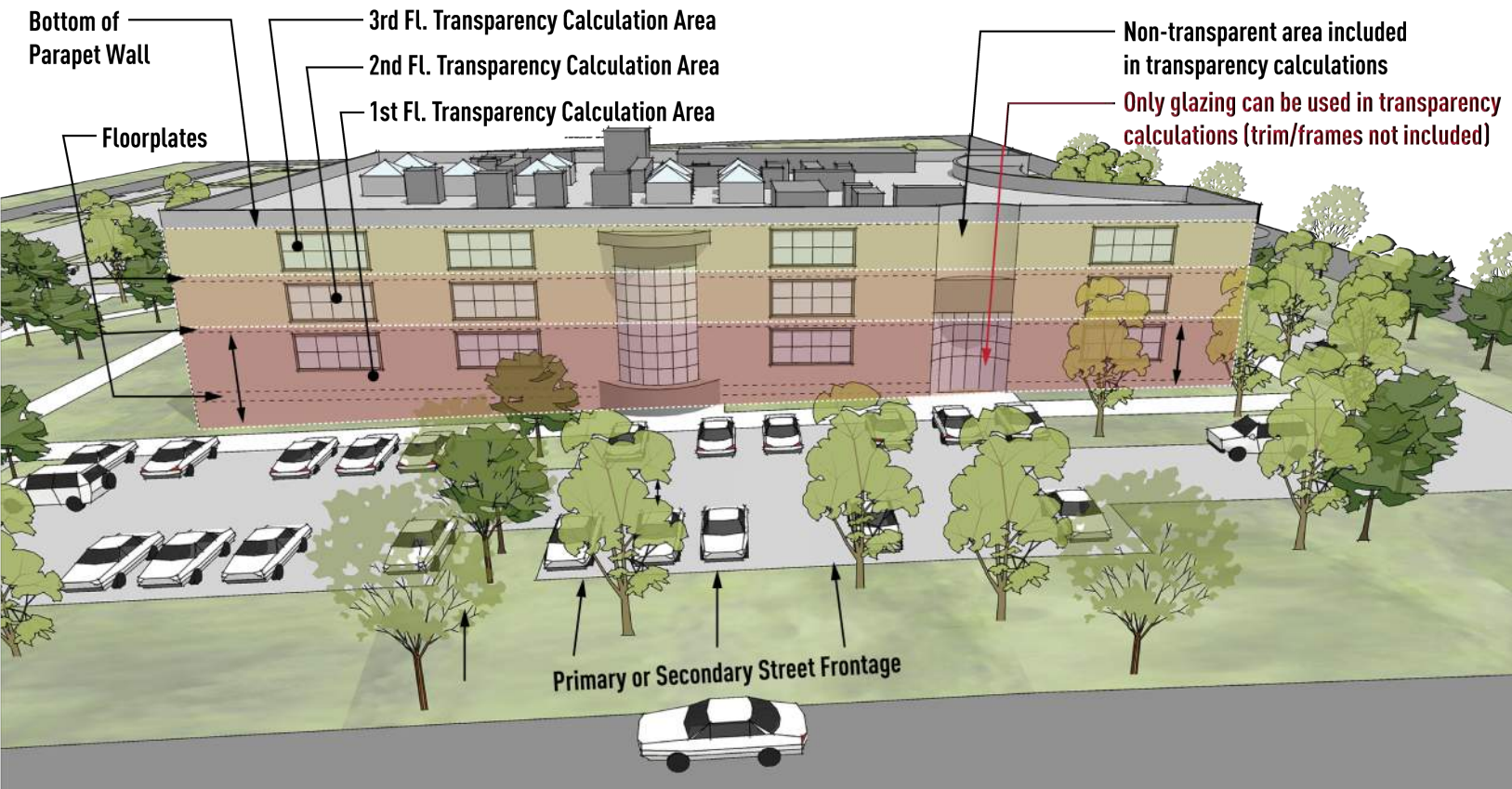
- Design standards exist outside sections 3.7 and 3.8 referenced here. This statement may not be necessary but should at least be revised to address additional standards applicable.
- Broaden this section to cover what base and overlay districts are as well as conventional and conditional zoning districts. Also need to address special districts.
- Sections 3.1.2 and 3.1.3 should be under conditional zoning heading.
- "...or in one of the following land use categories." Why is there an "or" here? Shouldn't all rezonings be consistent with the FLUM? Isn't the FLUM part of the comprehensive plan? This should be clear in the rezoning procedures.

**3.2. - ZONING ATLAS.**

- This section is the appropriate section in which to cross-reference and hyperlink an interactive map
- The authentication requirement by the planning director is vague. What does authentication mean, and is this statement necessary?
- Why are the references to the planning director specifically made here? This is in contrast to other sections that refer to the Town Manager (or his/her designee) as having similar authority.
- Suggest rewriting 3.2.6 to say "Unless otherwise clearly indicated, all zoning district boundaries shall be construed to follow..."
- Town manager roles defined in section 3.2.7 could be stated in the roles and responsibilities article/chapter. The rest should be grouped with 3.2.6 under a heading on interpretation or moved to the interpretation section of the code.
- Clarify what authentication of the zoning atlas requires.
- Make sure the code has a global statement on delegation, probably best in roles and responsibilities. Some of the content in this section may be moved there as well.
- Under 3.2.7(g), cultural features should be clarified/defined.

3.3. - CONVENTIONAL DISTRICTS.

- Town Center Districts should clearly identify and incorporate those standards the Town would like to see required consistently, as identified in the Design Guidelines for Downtown Chapel Hill.
- This section should be entirely reworked into a cohesive district pallet; conventional districts should be identified in a list or table format, but massing and dimensional standards associated with each district should be arranged by district and illustrated effectively. Information by district should be standardized (i.e. every district has a purpose, identified allowable building types, presents massing and dimensional standards, etc.)
- Zoning district abbreviations should follow the same convention; for example, omit period between letters when abbreviating (in districts like N.C. Neighborhood Commercial)



**3.4. - CONDITIONAL DISTRICTS.**

- Consider restricting the use of CD zoning to transitional areas where the impact of a particular use or range of uses can't be predicted well enough to integrate as standards in conventional districts or standards for particular uses.
- With regard to the following, "Any R-SS-C district established prior to October 2020 shall be henceforth shown as R-SS-CZD on the zoning atlas. Any proposed modifications to R-SS-C districts established prior to October 2020 shall be considered pursuant to Section 4.4.5," what is the purpose and validity of the dates?
- "One goal of the town's comprehensive plan is to promote energy conservation through building design. Therefore, applicants are encouraged to meet the Architecture 2030 Challenge guidelines as amended." This statement is not appropriate in the ordinance and should be deleted; the intent of the statement can be conveyed through established design standards incentivizing or requiring a certain type of construction or amenity to support energy conservation.
- The conditional zoning districts defined under (b) include a lot of detail that needs review and validation as part of the update process.
- Section 3.4.4.c.3.B: "Stormwater detention capacity: Stormwater detention/retention shall be designed to provide an additional ten (10) percent storage capacity"; why is this required, and what is the science behind it? Does this align with another requirement somewhere outside the LUMO?
- Section 3.4.4.c.3.C: Would it be better to simply refer to the Cape Fear Basinwide Water Quality Plan? If not, make sure these numbers are consistent or exceed those requirements.
- Listing parallel conditional zoning districts in 3.4.3(a) is confusing and reduces the purpose and effectiveness of the FLUM/comprehensive plan. Need to find a better way to explain the concept of the conditional district without encouraging its use without a clear reason. This will hopefully be rectified by a comprehensive restructuring of districts, district standards, and development review process that allows more by-right development to occur when the established standards are met – and clarifying what those standards are.
- The relationship between standard conditions, general standards, and pertinent general standards in each conditional district needs to be clarified and simplified; this appears to be both a terminology issue as well as a content-overlap issue.

**3.4. - CONDITIONAL DISTRICTS.**

- Need to be specific when allowing for deviations; for instance, when proposing an alternative parking ratio from the required parking ratio (up to 30%), how is "differing" defined? More or less?
- The planning director, not the town manager, should have authorization to approve deviations.
- Section 3.4.5.a regarding affordable housing should be rewritten or combined with b; certain provisions under "b" should apply beyond just the R-SS-CZD district.
- The Mixed Use Village CZD should be reimagined as a conventional district with site design standards. Mixed use needs to be the norm and not an exception. There should be enough precedent to remove enough subjectivity to allow for a reasonable understanding of impacts necessary to allow a conventional rezoning.
- Permitted densities in the MUV-CZD should be increased; the existing 15/20 du allowed seems far too low for this designation.
- Light industrial and light manufacturing are terms that could be confusing unless carefully defined to permit an understanding of the difference. If there is no difference, use only one term.
- Parking reductions identified in 3.4.6.e.4 beg the question – why have parking standards at all? This section requires careful consideration and updating.
- Stormwater management performance criteria specific to conditional districts should be moved under the stormwater section of the revised LUMO and cross-reference by district; this is true for landscaping, parking, buffer requirements, and more. Standards specific to a district are the only standards that need to be cited by district; many of those listed in this section by district are actually global standards. For example:
  - Section 3.4.4.c.4.B and D regarding landscape buffers.
  - The entire landscape protection plan required of Section 3.4.4.c.5
  - Requirements pertaining to loading docks
  - It is unclear why accessory uses are called out specific by district but then reference table 3.7.1, which is a better conduit for conveying this information.
  - Bus stop and buffer requirements found in section 3.4.6.e.5 and 6.
  - Cross referencing the signage article and section is unnecessary by district; adherence to standards for specific signs by district should be a global statement that applies universally throughout this article and the ordinance.
- The formatting and content of conditional districts needs to be standardized, at least as a baseline from which to negotiate. There are no permitted use categories in the LI-CZ or R-SS-CZ districts, yet MU-V identifies specific uses tied to land use categories to choose from. This information could be streamlined and standardized for all zoning district types enabled through a comprehensive use table, with permitted, conditionally permitted, and prohibited uses identified by district and grouped into like-type categories.
- Significant portions of the MU-V-CZD section (specifically subsection "e") should be handled in Article 8 since it likely does or should apply to more than just this district.
- Definitions in this section (and throughout) should be moved into one consolidated definitions article.

## 3.5. - SPECIAL DISTRICTS.

- Mixed use districts should be elevated to a conventional district and not treated as a special district. Consider moving mixed uses to a status of "expected" and single-purpose districts perhaps to "special." These should be standard/conventional districts as the norm rather than the exception. An alternative option could be to conventional districts to allow a range of uses (as opposed to creating distinct "mixed-use" districts). Both options could be explored and implemented as appropriate in the Town.
- 3.5(d)(2) "The applicant shall provide assurances that all the use categories will be constructed and that the project will, in fact, result in a mixed-use development satisfying the purpose section of this district." This statement may not be necessary and is hard to demonstrate in practice.
- Permitted densities in the mixed-use special districts are too low for a designation of this type.
- What is the purpose of the 20 contiguous acre minimum lot size that applies to the MU-OI and R1 districts? Recommend removing development thresholds in this section and throughout (pertaining to MU-OI) except to trigger a special review for very large developments.
- The Traditional Neighborhood Development district should be a conventional district and expanded upon to meet the missing middle demands of future development and redevelopment in Chapel Hill.
- The TOD District should be completely retooled and moved under conventional districts, following the core recommendations provided in the Shaping Our Future report adopted by Town Council on February 22nd, 2023.
- Uses and land use categories identified by district should be reorganized in a comprehensive land use table, similar to what was described above for conditional districts.
- Comments above under conditional districts related to globally-applicable design standards that are being identified district-by-district apply here; move any and all global standards to the appropriate section under Article 5 to reduce redundancy and limit conflict. Specifically, all provisions related to sign regulations need to be consolidated in one place, either a section or an article.
- When the "Town's Design Manual" is referred to, need clarity on what this is referencing, and whether the requirements are mandatory or aspirational.
- Need to clearly define primary and secondary structures in this section, and consider applying in other districts.
- Site analysis requirements are repeated throughout this article and should be moved under administration to reduce redundancy of content. This same consideration should be given to concept plan and development plan review provisions, which are repeated throughout this section and should apply globally. The same holds true for submittal requirements, all of which would be better suited located in Article 4.
- Move all content related to development agreements into a standalone section or integrate in the article on procedures. These may be useful in more than one district and the basics of how, when, what, who, where, etc. shouldn't vary too much.
- Minor and major modifications, and substantial change, should be defined globally (not just under special districts and, specifically, University-1).



**3.5. - SPECIAL DISTRICTS CONT'D.**

- If there is no University-2 district, revise the name and simplify the structure of the University-1 district. 3.5.5.j: "All proposed adjustments to a town council-approved development agreement shall be publicly posted in such a manner that citizens of Chapel Hill will have the opportunity to express any concerns to the town council and/or the town manager" should be governed by standard public meeting notices and whatever 160D requires specific to DAs, if anything. Similarly, "In the event state or federal law is changed after a development agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the development agreement, the town council may modify the affected provisions, upon a finding that the change in state or federal law has a fundamental effect on the development agreement. In so doing, the procedures set forth for original approval of the development agreement shall be followed" should be a global statement. Such changes will affect more than just Das.
- What is the purpose (and usefulness) of a Development Agreement-1 district. Why is this district type numbered (similar to the consideration for University-1, when there is no 2?). This district needs significant consideration and retooling if kept, and best practice is to treat development agreements as a separate process applicable to all districts (but specific to development type and intensity), not as a district unto itself.
- The Historic Rogers Road Neighborhood District includes multiple effective dates that should be revisited and confirmed, to ensure the intent of the district is maintained. It would appear the HR-X and HR-C subdistricts are no longer necessary.

**3.6. - OVERLAY DISTRICTS.**

- 3.6.2 creates some confusion when compared against the Rogers Road Historic District (under Special Districts); is there a way to
- Consider moving components of subsection (d) of historic districts under a consolidated article on procedure; much of the information presented in this section is redundant to application and process content in previous sections (on special districts, conditional districts, etc.)
- Has the transfer of development rights section (k) been used? Our understanding is the Town is not currently set up to administer TDR, so curious to understand how this is implemented and enforced. Shouldn't clustering be considered before TDR?
- Subsection (e) refers to "Design Principles and Standards" when evaluating review criteria; this references historic district principles and design standards (adopted in 2021), but the reference is unclear to the reader in current context. Subsection (e) refers to "Design Principles and Standards" when evaluating review criteria; this references historic district principles and design standards (adopted in 2021), but the reference is unclear to the reader in current context.
- Definitions and rules of interpretation under 3.6.3 should be consolidated in a definitions article; rules of interpretation should be universal and do not need to be repeated here.

**3.6. - OVERLAY DISTRICTS CONT'D.**

- With regard to the Watershed Protection District, NC was the first state to require water supply watershed protection ordinances statewide. This is written as a tear-away section (stand alone) but that results in duplication of processes and procedures that aren't necessary. Check on whether or not the state is auditing codes for compliance. If they are not, there is no reason to continue this approach.
- The usefulness of neighborhood conservation districts is a consideration. Many of the districts (reviewed in Appendix B below) are very similar in their construction. Feedback indicated the intent behind district establishment is good, but they can be administratively cumbersome and may not accomplish their intended goals effectively. Explore options available to consolidate or streamline the districts if appropriate.
- Variance and enforcement processes should be consolidated in one article, especially when they do not deviate from the universal practice. Where they do deviate, they should still be housed in one location with a hyperlink connecting related sections for clarity.
- Create a consistent format for neighborhood conservation districts; consider collapsing similar requirements and processes in Appendix B and simply differentiating use and design standards by district as an alternative.
- Consider transitioning the historic districts from overlay districts to a base or special district as part of the LUMO rewrite.

**3.7. - USE REGULATIONS.**

- The use matrix uses terminology that is outdated, overly specific in some cases and vague in others. It does not reflect current best practice when it comes to grouping like uses that have similar requirements and impacts.
- The use matrix should be organized by use groups (rural, residential, mixed use, commercial, industrial, utilities, etc. or similar); this way uses can be added/expanded but kept in more generalized buckets for clarity. Terms should be evaluated for current applicability ("club", "rooming house", etc.) and updated. Uses having similar impacts and requiring similar treatment should be grouped under broader terminology – for example, "barbershop/beauty salon" could fall under "personal services" if the definition of the latter were expanded.

**3.8. - DIMENSIONAL STANDARDS.**

- Maximum densities, select street frontage, lot width requirements, and setbacks are very suburban, especially in the higher-intensity residential districts.
- Table 3.8.1 is sufficient in that it provides information in a consolidated format by district. One alternative the Town might consider is breaking up dimensional standards by district and creating a district array that illustrates massing and dimensional requirements along with other aspects unique to the district itself. This could be done instead of, or in addition to, the dimensional standards table.
- 3.8.2 is lacking in graphics and illustrations that would help clarify the content and application of dimensional standards.
- Why does cluster development fall under this section? Consider adding an article or section specific to this (and potentially other) development types.
- 3.8.7 is clearly not working as currently set up; investigate better methodology to incentivize residential development in the town center of Chapel Hill.
- Solar requirements in this section (and throughout), along with other use-specific requirements, should be housed in a separate section related to design standards for these and other small energy systems.

- 3.9. - INCENTIVE ZONING.**
- If TDR is listed as an incentive, why isn't clustering? Also, why is TDR listed here as well as under 3.8 above? This is confusing.
- 
- 3.10 - INCLUSIONARY ZONING.**
- This section requires a fresh look (and comprehensive overhaul) given how ineffective it appears to have been in recent past.
  - How are the affordable housing plans required in 3.10.4 and 3.10.5 administered and enforced following approval?
- 
- 3.11. - BLUE HILL FORM DISTRICT**
- The code references and relies upon the Blue Hill Design Guidelines to inform or help interpret an applicant's 'appropriateness' of their project. If the code refers to these guidelines and if they're a basis for code related decisions, then they need to be codified within the code. The current system would not be considered a Best Practice.
  - A key objective of any form-based code is to minimize or eliminate the need for interpretation. This district is not achieving that objective.
  - The subdistrict "Walkable Residential (WR-) is intended to create residential neighborhoods with a mix of housing types, together with civic buildings and open space". It implies no commercial or other uses yet it allows for 7-story residential buildings to be adjacent to a small-scaled home. Not a best practice.
  - The subdistricts' design standards are not scaled appropriately in many instances and feature diagrams that do not correspond to information provided in the associated tables. Some diagrams show buildings that are not code compliant in their own right
  - (WR-3 & 7) requires all building elevations be between 2-4' off the ground thus requiring ADA ramps in publicly accessed buildings - why are at-grade entrances not allowed?
  - Transparency is only regulated for street-facing facades and the percentages are not consistent and often inadequate, (as-is you could build a 90' high building with no windows on 3-sides)
  - Many dimensional standards that are ineffective, unwarranted, and will deliver a product that does not meet the stated goals of the district.
- 
- In general, the organization of the code overall is difficult to follow and is extremely text heavy. Many of the topics, standards and requirements could be organized into clearly labeled tables that would provide more direct and visible information more clearly and easily found.
  - The "Measurements and Exceptions" section has both definitions of terms and provides how they are measured. Potentially both measurements and definitions need to be relocated to a common section for the whole code.
  - The "Measurements and Exceptions": Could potentially consider renaming Exceptions to Incentives?
  - **CLARITY:**
    - References a 'Special Appearance District' defined in the Town Charter. Should be explained in code.
    - There are countless instances in which 'Design Manual or Design Guidelines' are referenced but it does not clearly state which documents or regulations are being referenced. It needs to be more specific.
    - The "Application of the....requirements" provides two options for an applicant. It would be helpful to clarify why there are two options and have some description of the two so an applicant has an understanding of which option may suit his project....prior to reading the entire district code in order to make that decision.
    - There are many instances in which the code sort of rambles and is wordy which confuses the reader.
    - There is not a clear break when district regulations end, and more general regulations and standards begin.

3.11. - BLUE HILL FORM  
DISTRICT CONT'D.

- The Regulating Plan is incomplete and does not do a good job of illustrating what is described in the code. Specifically, the "Corner lot application of frontages" needs to be addressed on the regulating plan.
- **PREDICTABILITY:**
  - In general, the District requirements and process do not "Make Development Decisions Predictable, Fair and Cost Effective" as would be a goal of a smart growth application of a zoning district.
  - Many of the dimensional standards do not make sense and would not be considered in line with common architectural design principles.
  - As stated in the code under Lot Parameters for WR-3 and WR-7, "Recreation space ratio (min), applies to residential portion of building". A residential home seems to be included but under the section about "Recreation Space, Active, improved outdoor space must be provided for common active recreational use by residents of multifamily or mixed use developments." This is a mistake or if intentional, not a best practice.
- **FLEXIBILITY:**
  - Some of the elements of the code require extraordinary standards that could be costly and prohibit some standards that are often standard practice, i.e. 9 ft. floor-to-ceiling minimums for all floors.
- **ENFORCEABILITY:**
  - In general, the whole district and the process that dictated for potential development is unclear, unfair, and relies on countless opportunities for subjective decisions to be made on behalf of the city. Many of these decision points are simply left to the administration's or the CDC's interpretations of an applicant's project and if they have provided an adequate product that meets the code and guidelines in their (administration's and CDC's) opinion. The enforceability is questionable if the process is questionable in itself.
- 3.11.1.2.B References 'Design Manual'. What Design Manual? Blue Hill Design Guidelines? Needs to reference correct name and be specific.
- Very few of the diagrams are labeled or are labeled properly.
- Many requirement descriptions are not clear and some actually contradict themselves. I.e. "Outdoor Amenity Space... Outdoor amenity space is required for all uses. Outdoor amenity space must be provided on the lot, or lands permanently designated as publicly accessible open space". This implies all residential uses must include outdoor amenity space that is publicly accessible?? That is not clear nor common practice.
- The Blue Hill Design Guidelines operate in conjunction with this code district and yet are not codified and creates a process that seems highly unfair, is inefficient, and questions the legality of the way it is operating currently.
- **CONSISTENCY:**
  - The decisions made by the CDC are based on their subjective interpretation of "appropriateness of new development". Whether something is appropriate is not objective; appropriateness needs to be clearly defined.
  - The goal of the design alternative that follows the BHDG, is to provide a properly scaled, walkable, etc. project but why is there an option to not follow these objectives? Kind of defeats the purpose of the district.
  - The Blue Hill Design Guidelines- switches back and forth using the term standards and guidelines. Should be standards if regulatory.
  - The Blue Hill Design Guidelines- should be incorporated into the code but is it?
  - 3.11.1.2.B references 'Design Manual'. What Design Manual? Blue Hill Design Guidelines? Needs to reference correct name and be specific.

3.11. - BLUE HILL FORM DISTRICT CONT'D.

- The district has its own set of definitions which have different definitions than in the "Definitions" Section of the code. This is repetitive and conflicting in many cases.
- The term "publically" is used consistently and is consistently misspelled.

■ **EFFICIENCY:**

- Many subsections or topics state definitions or describe the intent which could be shifted to more appropriate sections to prevent repetitive statements and streamline the code.
- The overall process for an applicant within this district could hardly be considered efficient nor meeting the typical objectives of a form-based code.

ARTICLE 4. - PROCEDURES

- The expectation is that the specific procedures for development approval will vary.
- This section references the planning department while also indicating the Town Manager and would benefit from a better-defined discussion of roles and responsibilities---including designated city administration involved, leading, or otherwise responsible for review and approval.
- The preamble indicates this article includes (may include) procedures located elsewhere in the code. Recommend consolidating all procedures in one place here, without repetition, unless there is a compelling reason why a particular procedure needs to remain elsewhere.
- This section (preamble) seems thin. What about transitional rights? Reasonable accommodation? There are other general procedural requirements. Reorganization is recommended.
- This article is highly repetitive. It would benefit from clearly defined roles and responsibilities as well as consolidated processes and procedures where only deviations are called out for particular requests.

4.1. - GENERAL PROCEDURAL REQUIREMENTS.

- 4.1.2(c) outlines who may submit an application for development review. Lessees are included here with no additional qualification along with the landowner and a person holding an option or contract to purchase or lease land. Consider amending to specify that landowner consent must be obtained for individuals to act in the capacity as "authorized agents" for the owner.
- 4.1.3 Enforcement-stop work orders, abatement... Carol mentions this as well.
- 4.1.4 Vested rights can be complex to understand and apply. Terms should be presented in a table for ease of use.
- 4.1.4(c)(1) appears to deviate from state law. This section indicates that multi-phase development shall contain 25 acres or more.
- This section would benefit from a tabular presentation of the types of decisions and who makes them, to better organize and delineate roles, responsibilities, and time provisions.

4.1. - GENERAL PROCEDURAL REQUIREMENTS CONT'D.

- NC 160D-108 states, "For the purposes of this subsection, "multiphase development" means a development containing 100 acres or more..." (106D-108(d)(4). Confirm that the 100-acre minimum is not reduced are affected by any other mechanism. Amend for accordance with state law if necessary.

4.2. - COMPREHENSIVE PLAN.

- This section seems out of place here either from its title "Comprehensive Plan," while beginning with application process, and from being otherwise sandwiched between other subsections addressing application/review process.

- Are (a) and (b) necessary? It seems not. I would delete them and retile this "Consistency with the Comprehensive Plan."

4.3. - CONCEPT PLAN REVIEW.

- There is a lot of information to sort through here regarding what roles administration and boards perform. Recommend paring down the authority here to only those requests that truly need objective review and making it clear what role the commission and others have--advisory, decision-making, etc. This action can/should be done in a roles and responsibilities article (such as Administrative Mechanisms).
- Revise thresholds to allow more by-right, and reconsider the requirements under (d) and (e) that involve the community design committee and the Town Council in concept plan review. Most jurisdictions treat concept plan review as an administrative or cursory review of information; heard from multiple stakeholders that the involvement of committees and council in what is intended to be a preliminary review process is unnecessarily prolonging process and burdensome financially to the applicant.

- Purpose statements are integral to the code and should be embedded in the code structure and not set out as a preamble.
- Application procedures seem very generic. Can this not be handled once for all applications?
- Summarize and present in accompanying tabular form how roles are delineated. Clearly communicate which boards provide a non-binding recommendation, and which boards have decision-making authority---along with the timeline for each.

4.4. - ZONING AMENDMENTS.

- It is best to set forth procedures based on the type of decision and not specific district requests (e.g., light-industrial conditional zoning)
- A best practice is to authorize minor modifications in one place and not repeat similar standards for modifications to different parts of the code.
- 4.4.1(d)(1) and (2) Downzoning is defined within this section. Check for consistency with use in other locations. Standardize downzoning as a global definition.

- There is a lot of repetition in this section regarding applications and reviews. It is unclear why it has to be that way. See 4.4.2 and 4.4.3 in particular.

4.4. - ZONING AMENDMENTS  
CONT'D.

- 4.4.1(d)(1) and (2) "Previous usage" isn't clear in that it seems to conflate current land usage with the full range of uses allowed under its (previous) zoning district. Clarify what the intent of this statement is. If the intent is to refer to a land's previous zoning rights versus usage, clarify by replacing this.
- 4.4.2(a) Imprecise language "any other appropriate board or commission..." Consider using more specific language in this paragraph---a global table or process chart outlining \*what\* boards commissions have the authority to review each type of application. State the purpose of the board's review.
- 4.4.2(d)(1)-in the midst of mandatory obligations, why is "may" used here when outlining the PC's findings and how they relate to consistency with adopted plans. Since consistency with adopted plans, including the Comp Plan is a central concern, consider replacing optional verbiage with mandatory wording.

## 4.5. - SPECIAL USE PERMITS.

- The purpose statement and statement of intent should be integral parts of the code and codified that way.
  - Review/action periods are given in a specified number of days. What constitutes a day should be globally defined-ideally in a comprehensive section outlining the process as it is applied to applications.
  - 160D-108 considers a special use permit to be a "site specific" vesting plan, and state law allows a vesting period of 2-5 years for these. Local government may extend the initial vesting period beyond 2 years, but it may not exceed 5 years. Further time stipulated in the special use permit approval should be mindful of the 5-year maximum.
- Address major and minor modifications in one place rather than anywhere they may be needed. There are a lot of repetitive standards and procedures that could be easily consolidated.

## 4.6. - SUBDIVISION.

- The purpose statement should be an integral part of the code and codified that way.
- It isn't clear what is left after reading minor subdivisions that need PC review.
- The definitions need to be clear.
- A best practice is moving away from printed plats to digital. Consider changing the submission requirements.

**4.6. - SUBDIVISION CONT'D.**

- The overall structure of this section doesn't contribute to clarifying the difference between major/minor subdivisions and the processes associated with each. Information should rather be presented in a table displaying the different forms of subdivision submittals with the review and approval process established.
- Is 4.6.8 Standards of Practice for Land Surveying truly necessary in the code? This is an expectation of professional practice that probably does not need to be referenced here.

**4.7. - SITE PLAN REVIEW.**

- A significant amount of the content in 4.7.2 and the sections that follow repeats what has been said under prior sections and application types. Consolidate like process with like requirements to streamline this article significantly.
- Under (6)(b), is this setting completion time limits on all permits? Normally, code language regarding any time limit has to do with a lag--usually 12 months, similar to their start requirement. Still, there is the issue of vested rights to consider here.
- Under 4.7.1(b)(1), clarify if the exception is truly any addition of 2,500 ft. If so, clarify to exclude additions that do not increase the height or building footprint regardless of size.
- Exceptions under (b)(2) should exclude any parking spaces located on a previously approved site plan marked as "future parking," provided the spaces conform to the approved site plan in location and connection to existing parking.
- Clarify the exemption under (1)(c) is for any new sign and changes to existing signs that do not affect height, location, square footage, lighting, electronic messaging, and similar features. All other changes to existing signs should not be excluded. For example, simple sign face changes or pole/post/base replacements that replicate the previous sign should be excluded.
- Clarify under (1)(d) if it is the development or the permit that is no longer necessary.
- Is it necessary under (1)(f) to say "on a zoning lot?" Where else would it be? This is a fairly comprehensive rider and really mucks up the intent of this section. Perhaps there is a better way to integrate the concept.

**4.8. - MASTER LAND USE PLAN.**

- Once again, the purpose statement and intent statement are integral to the interpretation and use of the section, and they need to be numbered and treated more formally.
- There needs to be some guidelines or parameters for the planning commission preliminary forums.
- Why are master land use plans not administrative in conventional districts, provided they are consistent with the comp plan and FLUM? Are there other criteria that can be embedded in the code to make at least most of these plans by right?
- Move definitions to the definitions article. The location of definitions is a general issue throughout the code.
- The expiration and revocation of permits language is very repetitious throughout this article. Consolidate common language and spell out differences between different permit types. The same is true for modifications.



4.9. - ZONING COMPLIANCE PERMIT.

- Consider a two-step process where a permit is issued when an application satisfactorily demonstrates the intention of the applicant to comply, and a certificate of zoning compliance is issued when it is determined the applicant complied with the code and any conditions placed on permit approval. Currently, only the certificate of occupancy issued by the CBO is required as proof.

- Many elements of this section are repetitious with other sections. Consider reorganization and consolidation for efficiency and clarity.
- Consider moving the sign requirements into a section on signs rather than as subsections to this permit.
- Is it necessary to have a reference to a short-term rental permit? Is this not a form of zoning permit?

4.10. - APPEALS.

- All parts of the code dealing with appeals, except Floodplain, should be located here.

4.11. - DETERMINATIONS.

- Appeals and enforcement are more typically covered before other content or after it. Interestingly, this section comes after appeals. It is common for this language to occur in another part of the code, separate from administrative procedures.

4.12. - VARIANCES AND APPEALS.

- Why are appeals covered again?

4.13. - VIOLATION AND PENALTIES.

- Expand to include stop work orders, injunctions, permit revocation, abatement, and potentially other mechanisms. It should also clearly state that enforcement can be by any or all remedies available to the city. NCGS

ARTICLE 5. - DESIGN AND DEVELOPMENT STANDARDS

5.1. - OVERALL SITE DESIGN.

- How is site defined? Lot and development are included in the Definitions appendix--confirm that these are adequate and accurate.

- Prescribe regulations based on height, specific locations allowed (zoning district, overlay, corridor, etc.) along with width, area, and appearance.
- Emulate best practices that have withstood court challenges on content neutrality.

5.2. - LOT LAYOUT STANDARDS.

- Is the "portmanteau" version the agreed upon form in common use throughout this and related documents? I do not see a definition for buffer or bufferyard in Appendix A. This needs to be defined.
- Under 5.2.5, why is it the town manager OR the town council? Describe what circumstances determine how this requirement is enforced.
- "Maximum Core Height:"...never seen this defined nor used.

- **ORGANIZATION:**
  - The overall structure of the code is confusing. "appendix (Section 3.8)" is referenced is referencing Article 3.8 of the LUMO Appendix?...yet there is an appendix to the appendix (definitions)??

5.2. - LOT LAYOUT STANDARDS CONT'D.

5.3. - CRITICAL AREAS AND ENVIRONMENTAL PERFORMANCE STANDARDS.

5.4. - STORMWATER MANAGEMENT.

5.5. - RECREATION.

5.6. - LANDSCAPING, SCREENING, AND BUFFERING.

5.7. - TREE PROTECTION.

5.8. - ACCESS AND CIRCULATION.

5.9. - PARKING AND LOADING.

5.10. - DISABILITY ACCESS.

5.11. - LIGHTING STANDARDS.

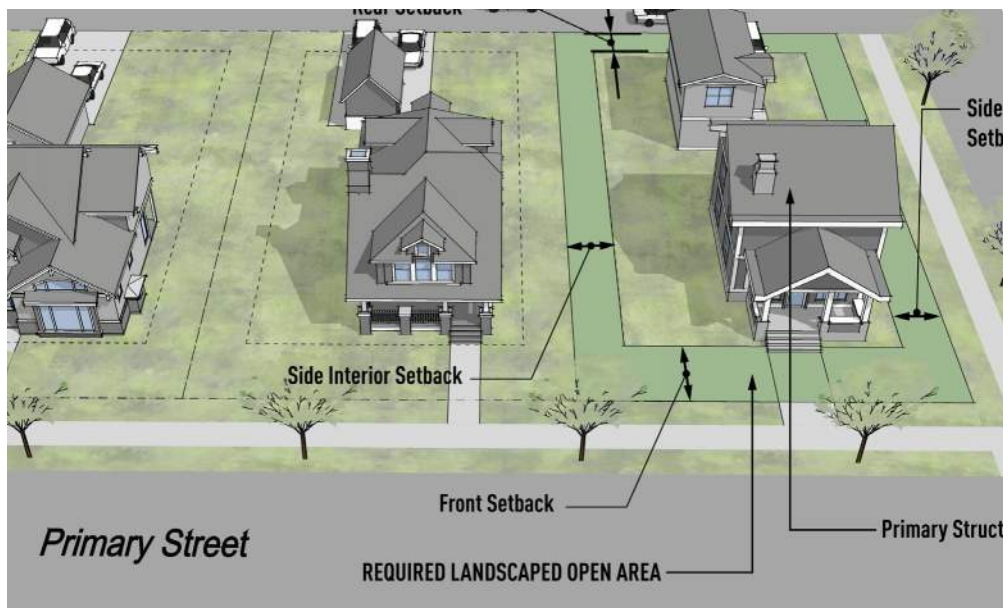
5.12. - UTILITIES.

5.13. - SOLID WASTE COLLECTION AND RECYCLING.

5.14. - SIGNS.

CLARITY:

- This section needs to be completely overhauled. It has the most bizarre standards and terminology that I've seen. i.e. "interior or north lot line?"
- Many of the elements need to be reworded to be more clear and diagrams are needed to provide more clear direction.
- References such as 'design manual' need to be more specific about what it is referencing.



- Revise standards to ensure content neutrality. There are many content-specific regulations in this section. Regulate "time, place and manner", never the content itself.
- If the definitions are left in this section, rearrange them so that the sample imagery is an integral part of the table tied to the definition.
- Some of the criteria for the granting of an "adjustment" are subjective. Ask the town attorney if this should remain as is.
- How are signs subject to other permitting requirements e.g., electrical permit and inspection, UL approved etc.?

- Best practices are typically stated early in the sign code—usually within a concise intent section.
- Reorganize information in the tables. For example, some standards should be global (e.g., height above pedestrian ways), and some dimensions are placement standards rather than dimensions.
- Standardize language between modifications and adjustments.
- There are sign standards located elsewhere in the code (see districts) that should be consolidated here.

<p>5.14. - SIGNS CONT'D.</p>	<ul style="list-style-type: none"> <li>■ As best practice, a specific severability clause is a recommended component to sign codes.</li> <li>■ Another best practice for sign codes is the inclusion of language referring to the adopted plan and goals such as beautification.</li> <li>■ Some also recommend a statement to affirm/allow copy on any sign to be substituted with noncommercial copy. I now see a form of this down in 5.14.6 General Standards.</li> <li>■ Exempt signs: Although state law is cited here, confirm that there are no other sections of state law that prescribe the time and manner of political advertisements. I've encountered a few.</li> <li>■ 5.14.9: An alternative approach is defining and referring to 'Sign Copy Area." This includes the area allowed for the sign's message to differentiate it from the total area of a sign---copy area AND the sign's structure.</li> </ul>	
<p>5.15. - PERFORMANCE STANDARDS DURING CONSTRUCTION.</p>	<ul style="list-style-type: none"> <li>■ (a), (b), and (c) imply that other forms of construction do not have to comply with these town codes. These should be global requirements and not limited to this section.</li> </ul>	<ul style="list-style-type: none"> <li>■ Some administrative provisions should be global and covered in applicability and administrative articles.</li> </ul>
<p>5.16. - ADEQUATE PUBLIC SCHOOL FACILITIES.</p>	<ul style="list-style-type: none"> <li>■ How is this section working for the town?</li> <li>■ It is unclear why certain rezonings are excluded.</li> </ul>	<ul style="list-style-type: none"> <li>■ Some of the content is repetitive with other parts of the code. Some of the applicability standards should be broadened and used as global standards. According to Town staff, the SAPFOTAC anticipates coming forward in the fall with a revised ordinance that replaces the MOU with a new agreement. The schools no longer want to issue CAPS certificates.</li> </ul>
<p>5.17. - PREVENTION OF DEMOLITION BY NEGLIGENCE.</p>		<ul style="list-style-type: none"> <li>■ Move the definition to the definitions article. Some of the content is repetitive.</li> </ul>
<p>5.18 - JORDAN WATERSHED RIPARIAN BUFFER PROTECTION.</p>		
<p>5.19. - JORDAN WATERSHED STORMWATER MANAGEMENT FOR NEW DEVELOPMENT.</p>		
<p>5.20 - WIRELESS COMMUNICATION FACILITY.</p>	<ul style="list-style-type: none"> <li>■ These regulations appear to have been amended/ updated twice since substantial changes in rules, including small wireless facilities, went into effect.</li> </ul>	<ul style="list-style-type: none"> <li>■ Move definitions to definitions article and ensure they are consistent with current federal model regulations and state law.</li> <li>■ Some of the language is repetitive and should be covered by other parts of the code; these parts should be eliminated for clarity.</li> <li>■ Some repetitive language (especially in the administrative approvals section) could be eliminated with better organization.</li> </ul>

**ARTICLE 6. - SPECIAL REGULATIONS FOR PARTICULAR USES**

- A holistic review of this article is needed against what the town is currently seeing, and what the comp plan supports. Some use-specific conditions that apply only to one or a select number of districts would seem applicable as general standards for a use group (e.g., commercial) or for uses overall.
- Use conditions, such as wireless communications facilities, are covered elsewhere in the code. Consider moving all such use conditions to this article.
- As noted elsewhere, the preamble such be part of the regulatory framework.
- Reconsider the gross land area requirement for many of the uses. Focus instead on buffers, landscaping, and similar provisions that mitigate offsite impacts.
- Examine the practicality/need for land area requirements for uses.
- Consider a more rigorous review of this article to determine how its provisions are currently applied vs. what adopted plans support.
- Reorganize this article to include uses addressed in other parts of the LUMO: wireless telecommunication facilities and signage are possible inclusions.
- This article would generally benefit from some modest revisions and reorganization to streamline provisions.
- Move definitions to the definitions article.
- Keep only those administrative provisions that are truly unique to a particular use in this section; otherwise, move all other administrative provisions to that article.
- In this article and elsewhere, minor grammatical and typographical errors should be corrected.
- There are also formatting inconsistencies that should be fixed.
- Remove repetitive and redundant text. Consider putting the Planned Development content in a separate article.
- Make sure uses are adequately defined in Appendix A.
- Address minor typographical errors such as use of "principle" instead of "principal."

**6.1. - ADULT DAY CARE FACILITY OR CHILD DAY CARE FACILITY.**

**6.2. - CEMETERY.**

**6.3. - FRATERNITY OR SORORITY HOUSE.**

- Maintain consistency with established definitions. The Definitions appendix refer to fraternity or sorority dwellings, not houses.

**6.4. - FINE ARTS EDUCATIONAL INSTITUTIONS.**

- While potentially self-explanatory, this use remains indistinct.
- 6.4(b) What kind of special consideration is given? What standards apply?
- Why refer only to students, and not patrons or visitors?
- This use requires a definition.

**6.5. - GROUP CARE FACILITY.**

- This section of the regulations, along with the definition of a group care facility, needs to be reviewed and realigned with state regulations.

**6.6. - EXTRACTION OF EARTH PRODUCTS.**

**6.7. - LANDFILL.**

<p>6.8. - PARK/RIDE TERMINAL.</p>	<ul style="list-style-type: none"> <li>■ Park/Ride terminals seem like a type of use which could potentially span a range of scale and forms.</li> </ul>	<ul style="list-style-type: none"> <li>■ Bus shelter provisions could be a standard prescribed elsewhere.</li> </ul>
<p>6.9. - PLACE OF ASSEMBLY—OVER 2,000 SEATING CAPACITY.</p>		
<p>6.10. - PUBLIC SERVICE FACILITY.</p>		
<p>6.11 - RESERVED.</p>		
<p>6.12. - SERVICE STATION/ CONVENIENCE STORE.</p>		
<p>6.13. - TEMPORARY PORTABLE BUILDING, OTHER THAN RELATED TO CONSTRUCTION.</p>		
<p>6.14. - DRIVE-IN WINDOW, AS ACCESSORY USE TO PERMITTED PRINCIPAL USE.</p>		
<p>6.15. - CAR WASH.</p>	<ul style="list-style-type: none"> <li>■ Driveway location should be a global standard.</li> <li>■ Screening requirements should be consistent with general landscaping and screening standards.</li> </ul>	<ul style="list-style-type: none"> <li>■ The format of the language shifts here such that the standards are not complete sentences. Revise.</li> </ul>
<p>6.16. - OUTDOOR SKATEBOARD RAMPS.</p>		
<p>6.17. - USES REQUIRING SPECIAL FRONTAGE.</p>		
<p>6.18. - PLANNED DEVELOPMENTS.</p>	<ul style="list-style-type: none"> <li>■ Planned developments are a development type and not a use. Consider revising/moving.</li> <li>■ Shopping centers are an outdated concept. Is this still needed? The Planned Development Shopping Center descriptions and standards seem to anticipate an outdated form of development. Why mention "Department stores" or "substantial variety stores" as an intention of the code?</li> <li>■ How does the thoroughfare plan address use as indicated/implied in 6.18.5(a)(1)? In the same section, how are the words "conveniently" and "adequately" defined and used?</li> </ul>	<ul style="list-style-type: none"> <li>■ The relation to energy use is a standard the town should consider making global.</li> <li>■ The use of the word "perimeter" in 6.18.4(d) is unclear. How is this defined?</li> <li>■ Distance requirements in this section and elsewhere in the code should be defined globally.</li> </ul>
<p>6.19. - DWELLING UNITS—DUPLEX.</p>	<ul style="list-style-type: none"> <li>■ Why is there a need to establish a maximum floor area? This is floor area and not footprint, correct?</li> <li>■ Consider embedding objective standards, so this does not require commission review.</li> <li>■ Wouldn't the underlying zone's standards tend to influence this?</li> <li>■ Clarify/establish objective standards that allow administrative review.</li> </ul>	<ul style="list-style-type: none"> <li>■ In (c), are the parking space limitations exterior as well as enclosed?</li> </ul>

6.20. - FOOD TRUCKS AND TRAILERS.

6.21. - INDEPENDENT SENIOR LIVING FACILITY.

- This section implies that such facilities are always large or large enough for staff. Why?
- Why are periodic health screenings and fitness services specifically addressed? Why not social services? What are the offsite impacts of any of these uses that require separate regulations?

6.22 - PRESCRIBED STANDARDS FOR USES WITHIN AN LI-CZD DISTRICT.

- Move these to the district. Some of these standards would seem applicable to more than just this district.

6.23. - SELF-STORAGE FACILITY, CONDITIONED.

- Why is the distinction "conditioned" called out? Technically all uses within this article are conditioned. Why establish a "conditioned" form of this? If design, form, and scale are the primary concerns, why not apply these to other LI-CZD uses?
- The lighting and sign conditions should be covered elsewhere in the code, as should 17c-g.

6.24. - HOME OCCUPATION, MAJOR.

6.25. - LIVE-WORK DWELLING UNIT.

6.26 - TRIPLEX DWELLING UNIT.

- These standards preclude for-profit housing that could meet the demands and economic needs of a wide range of occupants. This is an issue that should be reviewed and eliminated whenever possible. Consider adding quadruplexes, cottage courts (unless covered under development types), and similar missing-middle housing here.
- Triplexes are a long-established form of housing found in many historic and established neighborhoods. What is the particular nature of triplexes in general and among other housing types which limits this use to tax-exempt non-profits?
- It seems the focus should be on compatibility of form.

**6.27 - SHORT-TERM RENTALS.**

- Promoting health, safety, and general welfare are foundational to the entire LUMO. Therefore, it isn't necessary to call it out for this use.
- What are the criteria for the grace period mentioned in 6.27.4(b)?
- Move definitions to the definitions article.
- The grounds for denial in 6.27.4(d) are covered elsewhere.
- The reference to taxes is true regardless of whether it is in this code. Delete.
- Much of the enforcement subsection should be covered in the enforcement and penalties article. For example, delete action for recovery of a civil penalty. Enforcement should be covered globally.
- Update reference to the effective date to the actual date.

**ARTICLE 7. - NONCONFORMITIES**

- Add a general section to deal with issues that cross two or more areas of nonconformity, such as continuance, tenancy, and burden of proof.
- Need to add a section on nonconforming structures and then distinguish signs separately (e.g., "nonconforming structures excluding signs" and nonconforming signs" as separate sections).
- Consider adding sections dealing with landscaping and accessory uses/structures.
- Move definitions to the definitions article.
- Place definitions in the in the Definitions appendix.
- Address structures in a new section.
- Address signs separately from other structures.
- Address other provisions of the LUMO such as landscape plantings.
- Moved vested rights material to a vested rights section

**7.1. - INTENT.**

**7.2. - NONCONFORMING LOTS.**

- Distinguish vacant lots from occupied/developed lots.
- Consider special consideration for SFD development on vacant nonconforming lots.

**7.3. - NONCONFORMING USES.**

- Need to include:
  - Use expansion
  - Relocation
  - Change
- Structural changes to accommodate the use

**7.4. - NONCONFORMING FEATURES.**

**7.5. - NONCONFORMING SIGNS.**

- Create a new section for nonconforming structures other than signs

**7.6. - NONCONFORMING PARKING AREAS IN FRONT YARDS.**

- Expand this to cover non-residential use parking and perhaps other parking issues.

**7.7. - DEVELOPMENT IN WATERSHED PROTECTION DISTRICT.**

**ARTICLE 8. - ADMINISTRATIVE MECHANISMS**

- Note that Chapter160D-301 appears to be silent on the tenure of Planning Board members, but not on the tenure of Board of Adjustment members.
- Add boards/commissions that aren't covered but are needed/used.
- Review board membership and tenure parameters to avoid uncertainty or conflict with state law.
- In some cases, state law allows local jurisdictions latitude when appointing various boards, but instances where state law prescribes a specific number of board members and/or tenure, then this number should be included in this article rather than referring only to the council's board policy.
- Confirm that all applicable boards and commissions are included.

**8.1. - TOWN COUNCIL.**

**8.2. - PLANNING COMMISSION.**

**8.3. - BOARD OF ADJUSTMENT.**

**8.4. - HISTORIC DISTRICT COMMISSION.**

**8.5. - COMMUNITY DESIGN COMMISSION.**

**8.6. - TOWN MANAGER.**

**ARTICLE 9. - LEGAL STATUS**

- Suggest merging this content with either the authority article or the article on interpretation and applicability.

**9.1. - SEVERABILITY.**

**9.2. - CONFLICT WITH OTHER LAWS.**

- This section appears to only address statutory and local provisions. Perhaps this covers state rules and federal laws and regulations, but it might be helpful to make that clear.

**9.3. - REPEAL OF EXISTING ZONING REGULATIONS.**



**APPENDIX A. - DEFINITIONS**

- Consider making the definitions a new article within the LIJMO since this information is integral to the LUMO's interpretation.
- The definitions need to be reviewed in detail to ensure they are up-to-date and relevant to the revised code. Updates to this section will be ongoing throughout the drafting process, and should be the final chapter to be finalized in the draft.
- Remove all regulations from the definitions and place them in the appropriate articles within the LUMO. See Dwelling units, single-family with accessory apartment as an example.
- One suggestion from staff was to capitalize terms in the LUMO that are defined in Appendix A; consider this or another option to clearly identify terms that are defined specific to LUMO use as part of the rewrite.

**APPENDIX B. - NEIGHBORHOOD CONSERVATION DISTRICTS**

- The substantive content of these district "plans" appears to be mostly regulatory. Therefore, consider making these overlay districts instead of appendix divisions to the LUMO.
- The use of the word "districts" in these plans is confusing in a zoning context. If these are left as standalone divisions, revise the text to remove this word.
- Summary statements, where they are included, should be removed from individual plans. If these are left as appendix divisions, include an intro to this appendix that explains the relationship of each to the LUMO and delete individual references.
- If these are integrated into the LUMO, the boundary sections are unnecessary and should be replaced with overlay district boundaries in the zoning atlas.
- Section 1 Summary statements should be revised to say purpose.

**DIVISION 1. - NORTHSIDE NEIGHBORHOOD CONSERVATION DISTRICT PLAN (CD-1)**

- "Maximum size" is used in the table, where it seems "Maximum area" would be more appropriate (once defined).
- "Translate" visions and goals into more concrete, consistent, defensible, and actionable code language. Cite associated codes/policies where indicated. Establish rationale for energy efficiency standards. I only see it referenced in the matrix of use standards.

**SEC. 1.1. - SUMMARY.**

- The purpose statement appears to be a statement that would apply to all divisions within this appendix. Therefore, revise the statement to be specific to the Northside neighborhood and move global purpose statements and intents to the suggested appendix intro.
- The last sentence is confusing since the next section isn't a standard. Therefore, this sentence isn't necessary and should be deleted.

**ASEC. 1.2. - VISION STATEMENT.**

- The third bullet/vision statement is redundant with the second. Either distinguish it in some way or delete it.
- If these plans are turned into overlay districts, revise the intent statement to focus on what zoning can accomplish.
- There are no goals, as indicated in the last statement. Therefore, this statement is unnecessary and confusing.

**SEC. 1.3. - BOUNDARIES.**

- See the general comment above.

**SEC. 1.4. - SPECIAL DESIGN STANDARDS TO APPLY TO DEVELOPMENT IN THE NORTHSIDE CONSERVATION DISTRICT.**

- The duplex standard "permitted for duplex and triplex projects only from nonprofit...". Revise to specify what this means. Owned by, managed by, both?
- Is the standard regulating maximum size tied to the neighborhood development pattern?
- Consider replacing maximum FARs with setbacks and lot sizes that maintain neighborhood character unless these vary quite a bit within the neighborhood, and FAR is a better standard.
- The section on energy-efficient dwellings isn't needed if FAR is not used. So aside from the lower threshold for floor area, this standard doesn't accomplish anything.
- Much of the parking material can/should be in the LUMO parking standards.
- The LUMO should already adequately cover the PC and CDC review, so this does not have to be stated here.

**SEC. 1.5. - DESIGN GUIDELINES.**

- Is there a set of design guidelines? Unfortunately, they do not appear on the department website, at least not in a way that is accessible.

**SEC. 1.6. - ATTACHMENT MAP OF NEIGHBORHOOD CONSERVATION DISTRICT BOUNDARIES.**

- This section isn't needed if this plan becomes an overlay district.

**DIVISION 2. - GREENWOOD NEIGHBORHOOD CONSERVATION DISTRICT (CD-2)**

- See comments for Division 1. Many or most of these comments apply to this division as well.

**SEC. 2.1. - SUMMARY.**

**SEC. 2.2. - BOUNDARIES.**

**SEC. 2.3. - SPECIAL DESIGN STANDARDS TO APPLY TO DEVELOPMENT IN THE GREENWOOD CONSERVATION DISTRICT.**

- The four-foot fence restriction is a common standard for front yard fences. If this is true for Chapel Hill, this should be covered in the LUMO.
- The maximum primary building height is lower than the maximum building height for secondary structures. Is this typical of the neighborhood character?

**[SEC. 2.4. - RESERVED.]**

**SEC. 2.5. - ATTACHMENT.**

**DIVISION 3. - KINGS MILL/MORGAN CREEK NEIGHBORHOOD CONSERVATION DISTRICT (CD-3)**

- See comments for Division 1. Many or most of these comments apply to this division as well.

**SEC. 3.1. - SUMMARY.**

**SEC. 3.2. - BOUNDARIES.**

**SEC. 3.3. - SPECIAL DESIGN STANDARDS TO APPLY TO DEVELOPMENT IN THE KINGS MILL/MORGAN CREEK CONSERVATION DISTRICT.**

- Is the maximum amount of front yard used for parking a standard that would apply anywhere else? If so, it should be in the LUMO.

**SEC. 3.4. - ATTACHMENT.**

**DIVISION 4. - PINE KNOLLS NEIGHBORHOOD CONSERVATION DISTRICT (CD-4)**

- See comments for Division 1. Many or most of these comments apply to this division as well.
- Remove the parenthetical content and simply state that it applies to Single-Family-Dwellings with or without an accessory apartment. Applies to other similar instances in the table and elsewhere.
- Replace "maximum size" with "maximum area" ---but define what area refers to.

**SEC. 4.1. - SUMMARY.**

**SEC. 4.2. - BOUNDARIES.**

**SEC. 4.3. - SPECIAL DESIGN STANDARDS TO APPLY TO DEVELOPMENT IN THE PINE KNOLLS CONSERVATION DISTRICT.**

**SEC. 4.4. - DESIGN GUIDELINES.**

**SEC. 4.5. - ATTACHMENT.**

**DIVISION 5. - MASON  
FARM/WHITEHEAD  
CIRCLE NEIGHBORHOOD  
CONSERVATION  
DISTRICT (CD-5)**

SEC. 5.1. - SUMMARY.

SEC. 5.2. - BOUNDARIES.

SEC. 5.3. - SPECIAL DESIGN  
STANDARDS TO APPLY TO  
DEVELOPMENT IN THE MASON  
FARM/WHITEHEAD CIRCLE  
CONSERVATION DISTRICT.

SEC. 5.4. - ATTACHMENT.

- See comments for Division 1. Many or most of these comments apply to this division as well.

- 
- The applicability exceptions, so far, are unique to this plan/district. If there are similar exceptions in the other plans, they need to be stated.

**DIVISION 6. - COKER  
HILLS NEIGHBORHOOD  
CONSERVATION  
DISTRICT PLAN**

SEC. 6.1. - SUMMARY.

SEC. 6.2. - BOUNDARIES.

SEC. 6.3. - SPECIAL DESIGN  
STANDARDS TO APPLY TO  
DEVELOPMENT IN THE COKER  
HILLS NEIGHBORHOOD  
CONSERVATION DISTRICT.

SEC. 6.4. - ATTACHMENT.

- See comments for Division 1. Many or most of these comments apply to this division as well.

**DIVISION 7. - HIGHLAND  
WOODS NEIGHBORHOOD  
CONSERVATION DISTRICT  
PLAN (CD-7)**

SEC. 7.1. - SUMMARY.

SEC. 7.2. - BOUNDARIES.

SEC. 7.3. - SPECIAL DESIGN  
STANDARDS TO APPLY TO  
DEVELOPMENT IN THE HIGHLAND  
WOODS NEIGHBORHOOD  
CONSERVATION DISTRICT.

SEC. 7.4. - ATTACHMENT.

- See comments for Division 1. Many or most of these comments apply to this division as well.

**DIVISION 8A. - GLEN LENNOX  
AREA NEIGHBORHOOD  
CONSERVATION DISTRICT  
PLAN (CD-8A)**

SEC. 8A.1. - SUMMARY.

SEC. 8A.2. - BOUNDARIES.

SEC. 8A.3. - SPECIAL DESIGN  
STANDARDS TO APPLY TO  
DEVELOPMENT IN THE GLEN  
LENNOX AREA NEIGHBORHOOD  
CONSERVATION DISTRICT-8A.

SEC. 8A.4. - RESERVED.

- See comments for Division 1. Many or most of these comments apply to this division as well.

- In reference to the footnote about the definition of the front yard, this should be clearly defined by the LUMO and is not necessary here.
- Standards for accessory dwelling lot area minimum and max parking thresholds based on lot area are not consistent. Accessory uses require 20,000 SF lot min, while a 21,780 (1/2 acre) threshold is used to set max front yard parking---use a consistent standard---21,780 or 20,000. This mismatch is found through Divisions 8A-8C.

**DIVISION 8B. - GLEN LENNOX  
AREA NEIGHBORHOOD  
CONSERVATION  
DISTRICT (CD-8B)**

SEC. 8B.1. - SUMMARY.

SEC. 8B.2. - BOUNDARIES.

SEC. 8B.3. - SPECIAL DESIGN  
STANDARDS TO APPLY TO  
DEVELOPMENT IN THE GLEN  
LENNOX AREA NEIGHBORHOOD  
CONSERVATION DISTRICT-8B.

SEC. 8B.4. - RESERVED.

- See comments for Division 1. Many or most of these comments apply to this division as well.

- In reference to the footnote about the definition of the front yard, this should be clearly defined by the LUMO and is not necessary here.

**DIVISION 8C. - GLEN LENNOX  
AREA NEIGHBORHOOD  
CONSERVATION DISTRICT  
PLAN FOR CD-8C**

SEC. 8C.1. - SUMMARY.

SEC. 8C.2. - BACKGROUND.

SEC. 8C.3. - PLAN SUMMARY.

SEC. 8C.4. - NCD ZONING  
OVERLAY REGULATIONS.

- See comments for Division 1. Many or most of these comments apply to this division as well.

SEC. 8C.5. - DESIGN GUIDELINES.

**DIVISION 9. - LITTLE RIDGEFIELD NEIGHBORHOOD CONSERVATION DISTRICT PLAN (CD-9)**

- See comments for Division 1. Many or most of these comments apply to this division as well.

SEC. 9.1. - SUMMARY.

SEC. 9.2. - BOUNDARIES.

SEC. 9.3. - SPECIAL DESIGN STANDARDS TO APPLY TO DEVELOPMENT IN THE LITTLE RIDGEFIELD NEIGHBORHOOD CONSERVATION DISTRICT.

SEC. 9.4. - ATTACHMENT.

**DIVISION 10A. - ELKIN HILLS NEIGHBORHOOD CONSERVATION DISTRICT PLAN (CD- 10A)**

- See comments for Division 1. Many or most of these comments apply to this division as well.
- The table states "proposed standard for CD-10". What is the current status? The meaning of UNC is obvious, but is it included in the abbreviation section?

SEC. 10A.1. - SUMMARY.

SEC. 10A.2. - BOUNDARIES.

SEC. 10A.3. - SPECIAL DESIGN STANDARDS TO APPLY TO DEVELOPMENT IN THE ELKIN HILLS NEIGHBORHOOD CONSERVATION DISTRICT- 10A.

**DIVISION 10B. - ELKIN HILLS NEIGHBORHOOD CONSERVATION DISTRICT PLAN (CD-10B)**

- See comments for Division 1. Many or most of these comments apply to this division as well.

SEC. 10B.1 - SUMMARY.

SEC. 10B.2. - BOUNDARIES.

SEC. 10B.3. - SPECIAL DESIGN  
STANDARDS TO APPLY TO  
DEVELOPMENT IN THE ELKIN  
HILLS NEIGHBORHOOD  
CONSERVATION DISTRICT-10B.

**DIVISION 11. - ZONING ATLAS**

- It is unclear what the division accomplishes; it is also confusing that the atlas is located under Appendix B and technically outside the LUMO itself (Appendix A). Consider establishing the zoning atlas within the LUMO by specifying the location of the official version. Best practice suggests using interactive web mapping that is cross-referenced as a link embedded within an ordinance for users to access and move around freely.

SEC. 11.1. - ATTACHMENT.

- As presented here, the "atlas" is unreadable, and out of date the moment it is amended.

# 07 KEY FINDINGS AND NEXT STEPS

*The culmination of this audit comes in the key findings and priority recommendations outlined below. are received with acceptance and the of the clear and definitive steps toward improving the LUMO. Key recommendations on priority LUMO improvements were developed and are summarized below. These findings are a product of the methodology described in section 2 of this report, including the detailed analysis of the Chapel Hill LUMO; assessment of related plans and policy; discussions with and feedback from key stakeholders; input gleaned from survey responses; and, guidance provided by Town staff, advisory board members, and Town Council. These findings are not organized in preferential order but summarize the most important areas of focus as the LUMO update gets underway. They do, however, support a comprehensive update.*





# GENERAL LUMO IMPROVEMENTS RECOMMENDED

## FINDING

*Better alignment is necessary between the LUMO and key plans and policy, including the Chapel Hill 2020 comprehensive plan FLUM amendment, and the recent Complete Communities strategy and TOD and focus area planning process. Align zoning districts with FLUM and TOD land use designations.*



## PRIORITY IMPROVEMENTS:


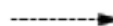


- 01** Priority: Align zoning districts with established FLUM and TOD land use designations.
- 02** Priority: Collapse districts that are unnecessarily duplicative to reduce confusion, complexity, and redundancy in the ordinance (for example: R-3 and R-4; R-5 and R-6, CC and NC)
- 03** Priority: Add or expand zoning districts to reflect the distinct character, and qualities of neighborhoods and areas within Chapel Hill.



The LUMO requires a comprehensive reorganization of content to reduce redundancy and conflict, improve readability, and support greater functionality by streamlining process, simplifying information delivery, and making concepts more accessible to the reader through graphics, illustrations, hyperlinks, and an approachable format.



- 01 Create a consistent and graphically appealing format for all base districts, conditional districts, special districts, and overlays
- 02 Pull recurring standards and processes out of Article 3 and Appendix B and consolidate in one article organized around procedures and administration.
- 03 Move all definitions to a definitions article that is embedded in the LUMO itself (not an appendix); update definitions to reflect current context and best practice.
- 04 Update uses and use groups to include more mixed-use options and expand by-right mixed-use options across districts to support meaningful, context-sensitive development in places where it makes sense.
- 05 Illustrate instead of narrating wherever possible, and especially when describing site design and development standards (currently in Article 5).
- 06 Revise the sign code chapter to remove content-specific regulation, focusing on form and location as a means to regulation signage moving forward.

-  **REQUIRED BUILDING ACCESS AND ENTRANCE FROM PRIMARY STREET**
-  **ALLOWED VEHICULAR ACCESS LOCATIONS**
-  **PREFERRED ACCESS: REAR ACCESS VIA SHARED DRIVE OR ALLEY**
-  **NOTE: FRONT PARKING SETBACK VARIES AND IS BASED UPON LOCATION OF PRIMARY FACADE**



**PRIORITY  
IMPROVEMENTS:**

- 01 Increase the 20,000 square foot trigger for the development review process, creating more avenues for administrative review and approval
- 02 Enable as much development as deemed appropriate to be reviewed administratively by adopting clearer standards and establishing expectations of both the applicant and the public.
- 03 Reduce documentation and advisory board review requirements during the concept plan process.
- 04 Work with advisory boards to identify priority standards and criteria that should be integrated in the LUMO as a requirement of development, to ensure these are assessed consistently and reduce the burden on negotiations by and between boards during development review.
- 05 Adopt concurrent review processes and consider an expedited review for development that does not request a variance or conditional approval.
- 06 Rethink the threshold for where and when advisory boards are involved in the development review process, and clearly establish their role in review and recommendations on applications

*Processes are hindering the type of development the Town wants to encourage.*

**FINDING**



# CODE IMPROVEMENTS TO REINFORCE SOCIAL EQUITY IN HOUSING

## FINDING

*Zoning districts are too rigid and lack appropriate density in areas slated for future development (particularly along TOD corridors and within focus areas).*



- 01 Expand missing middle housing types in all residential zones that reinforce gentle density while considering context-appropriate housing options in established neighborhoods as well as areas slated for future development.
- 02 Increase by-right development densities in residential and mixed-use zones, with the potential to tie additional density to bonuses and development incentives.
- 03 Incentivize and expand clustering and cluster development types in residential zones.
- 04 Increase the number of zoning districts that allow ADU's by-right, while improving upon design standards specific to ADU development in established neighborhoods.

- 05 Decrease residential parking requirements for certain development types.
- 06 Adopt building types as a means to regulate form and character in residential and mixed use areas, to work with permitted and conditionally permitted uses.
- 07 Incorporate live-work-make building types in select zoning districts, create a live-work district, or consider expanding the definition and use standards for a home occupation in select residential zones to allow more flexible workspaces that reflect the post-pandemic employment landscape.

## PRIORITY IMPROVEMENTS:



Primary Street

# CODE IMPROVEMENTS TO REINFORCE SOCIAL EQUITY IN TRANSPORTATION

FINDING

*The LUMO fails to meaningfully integrate transportation improvements that will support greater connectivity in both the public and private realm.*

## PRIORITY IMPROVEMENTS:

- 01 Integrate context-sensitive streetscape, access, circulation, multi-modal, and transit standards into design requirements by district; this may be done by establishing street types permitted (or required) by district, similar to building types described above.
- 02 Establish minimum densities for zoning districts along TOD corridors and in identified focus areas to accommodate projected growth scenarios identified through the TOD planning process.
- 03 Adopt specific design standards for bicycle parking, transit stops, EV charging stations, and more to address changing incentivize transit use through shared parking credits and offset or reductions
- 04 Offer density bonus in select districts within set distance from a transit stop, along with other incentives based on development type



# CODE IMPROVEMENTS TO REINFORCE SOCIAL EQUITY IN PUBLIC HEALTH

## FINDING

*There is a disconnect between how a meaningful and context-sensitive mix of uses can support community wellness through access to resources and amenities that are often unattainable given use restrictions and historic development patterns in Chapel Hill.*



## PRIORITY IMPROVEMENTS:

- 01 Increase access to existing health resources by allowing mixed-uses at a neighborhood scale including groceries, medical offices, social service providers, and more.
- 02 Create development incentives tied to community resources and access to wellness amenities that provide a community benefit.
- 03 Permit community gardens in all zones to improve accessibility with minimal restrictions.
- 04 Permit opportunities for micro-livestock (e.g., chickens, rabbits) with clear performance standards in select zoning districts.
- 05 Require a major subdivision to incorporate or provide access to new food system assets (e.g., community garden space, farmers market space, greenway connections to similar amenities offsite).
- 06 Revise and incentivize priority parkland dedication requirements for large-scale development, or require access to established amenities within an established distance of development to ensure all residents have access

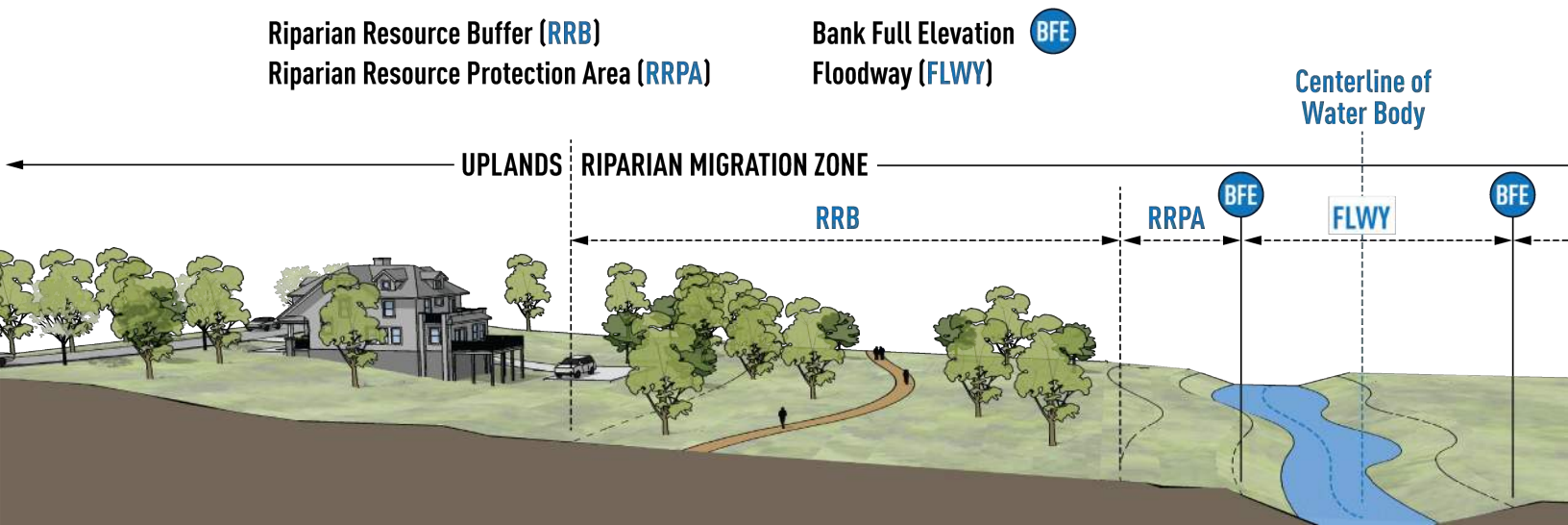
# CODE IMPROVEMENTS TO PROTECT COMMUNITY ASSETS

FINDING

*Overlapping and complex site design standards that lack prioritization in application create confusing and challenges when siting development, and can fail protect the resource or amenity intended.*

## PRIORITY IMPROVEMENTS:

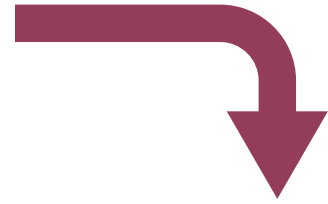
- 01 Incorporate low impact development design standards in conjunction with stormwater requirements in Article 5.4, incentivizing impervious surfaces through density credit or bonuses.
- 02 Allowing overlap between stormwater and landscape buffer requirements in the resource conservation district (and beyond) so there is cross-benefit and greater environmental impact.
- 03 Implement strong tree protection standards and codify native species landscaping either by requirement or incentive.
- 04 Revise parkland dedication requirements to require useable space or cash-in-lieu for amenity development or enhancement.



# CODE IMPROVEMENTS TO PROTECT COMMUNITY ASSETS

**FINDING**

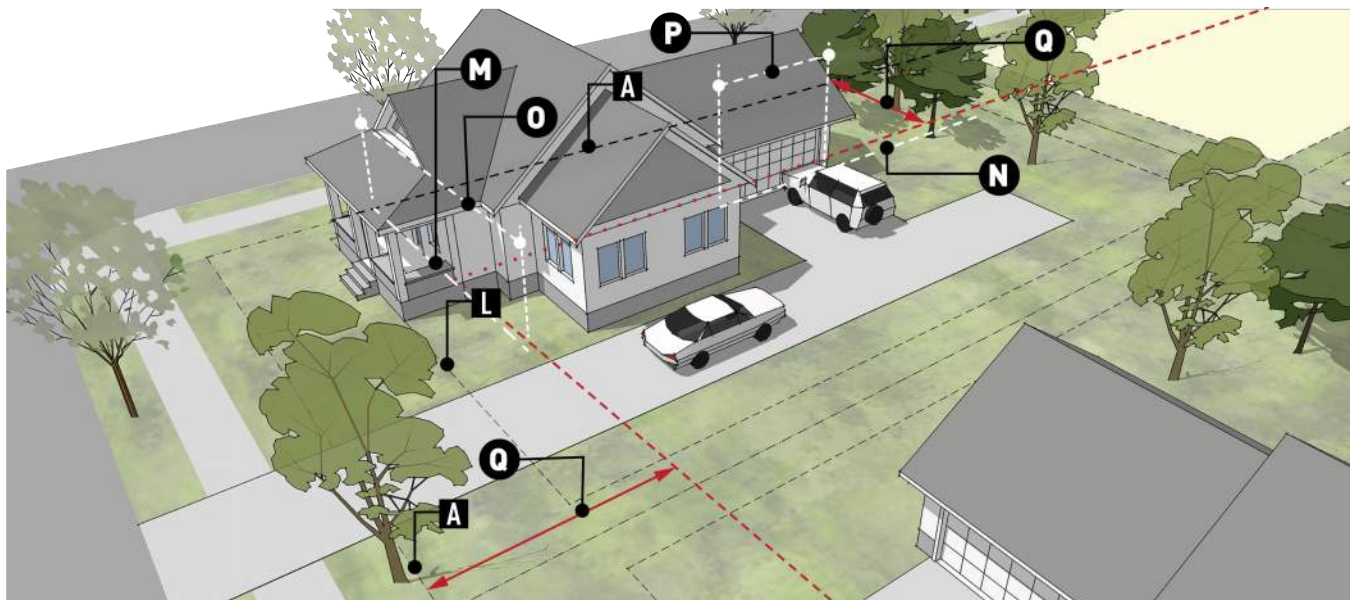
*Design character is not articulated sufficiently in the LUMO to accomplish the Town's stated goals of preserving and enhancing community character.*



- 01** Expand the opportunity for mixed-use development at appropriate scales across most (if not all) districts
- 02** Revise the content and procedural elements of the Blue Hill Zoning District to incorporate better massing and site development characteristic that reflect the district surroundings.
- 03** Adopt building typologies applicable to all zoning districts to further design character, appropriate massing, orientation, and scale.

- 04** Incorporate and illustrate site design requirements including access, circulation, and parking requirements.
- 05** Require parking be located behind primary structures in most residential, mixed-uses, and neighborhood commercial districts, and incentivize parking reductions through a variety of alternative methods.
- 06** Reduce setbacks and incorporate build-to envelopes/lines to create appropriate relationships between the public and private realm.

**PRIORITY IMPROVEMENTS:**





# CODE IMPROVEMENTS TO INCREASE ACCESS TO PROGRAMS AND AMENITIES

FINDING

*The configuration of districts and uses in the LUMO does not support or encourage a meaningful mixed-use environment that effectively connects people to the activities and amenities vitally important to residents of Chapel Hill.*

**PRIORITY IMPROVEMENTS:**

- 01 Incorporate neighborhood-scale mixed use in most or all residential districts, and similarly consider accessory or secondary residential uses in commercial districts to facilitate better proximity and meaningful mix of uses.
- 02 Expand uses and use groups to address incubator and co-working spaces.
- 03 Allow parks, open space, and recreation amenities by-right in every district.

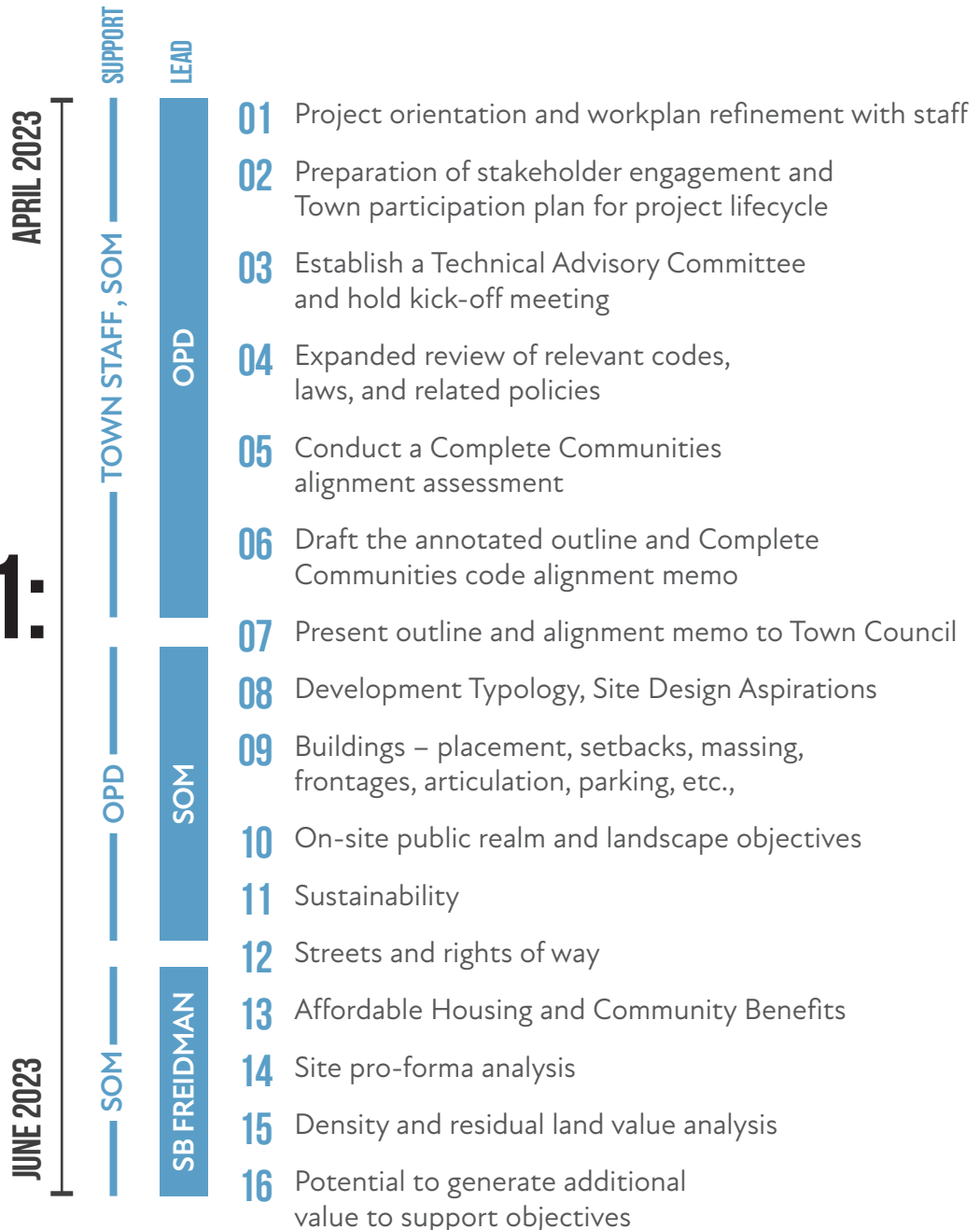


# PATH FORWARD

The following outlines the approximate two-year path recommended to complete the comprehensive update to the LUMO. This path is based on completion of the priority improvements outlined above, in concert with specific improvements identified in the in-depth assessment matrix found in section 6 of this report. Many activities will happen concurrently and require the expertise and input of Town staff as well as significant collaboration between the consultant team. The most successful ordinance is not written solo but harnesses the knowledge and experience of many partners to develop a cohesive set of regulations that truly implements the Town’s vision.



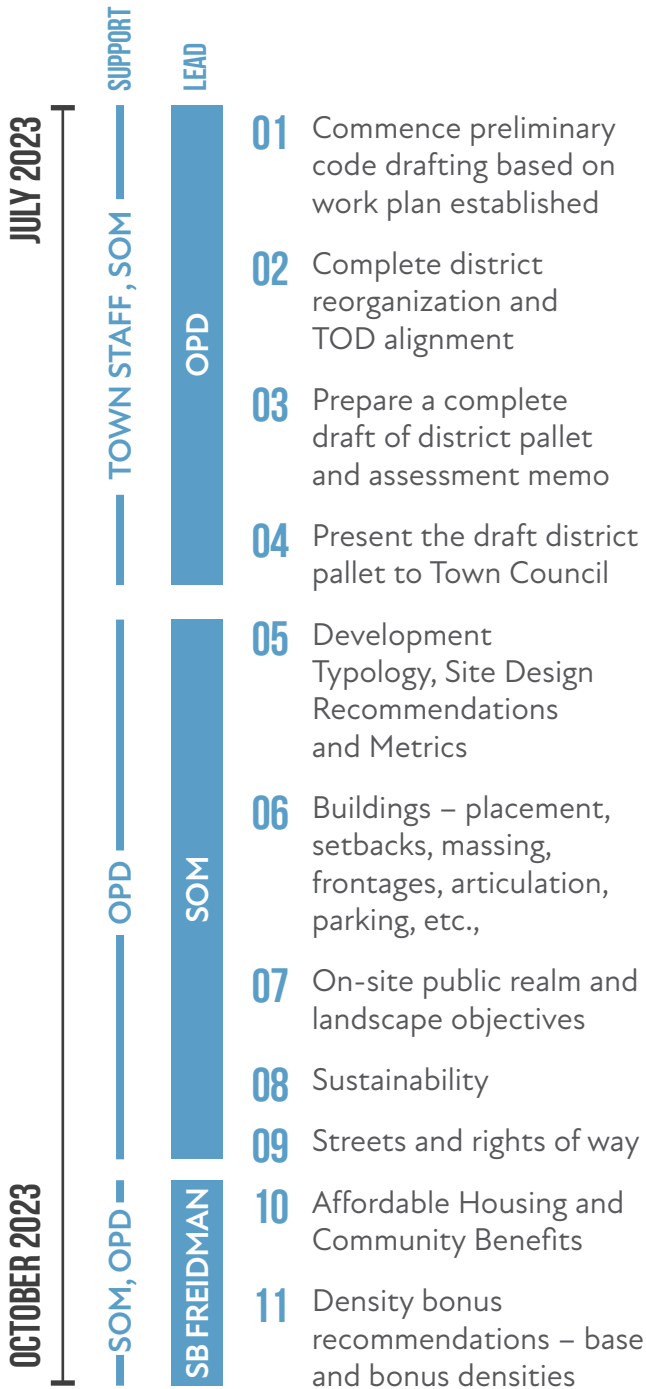
## PHASE 1: INITIATION OF DRAFTING





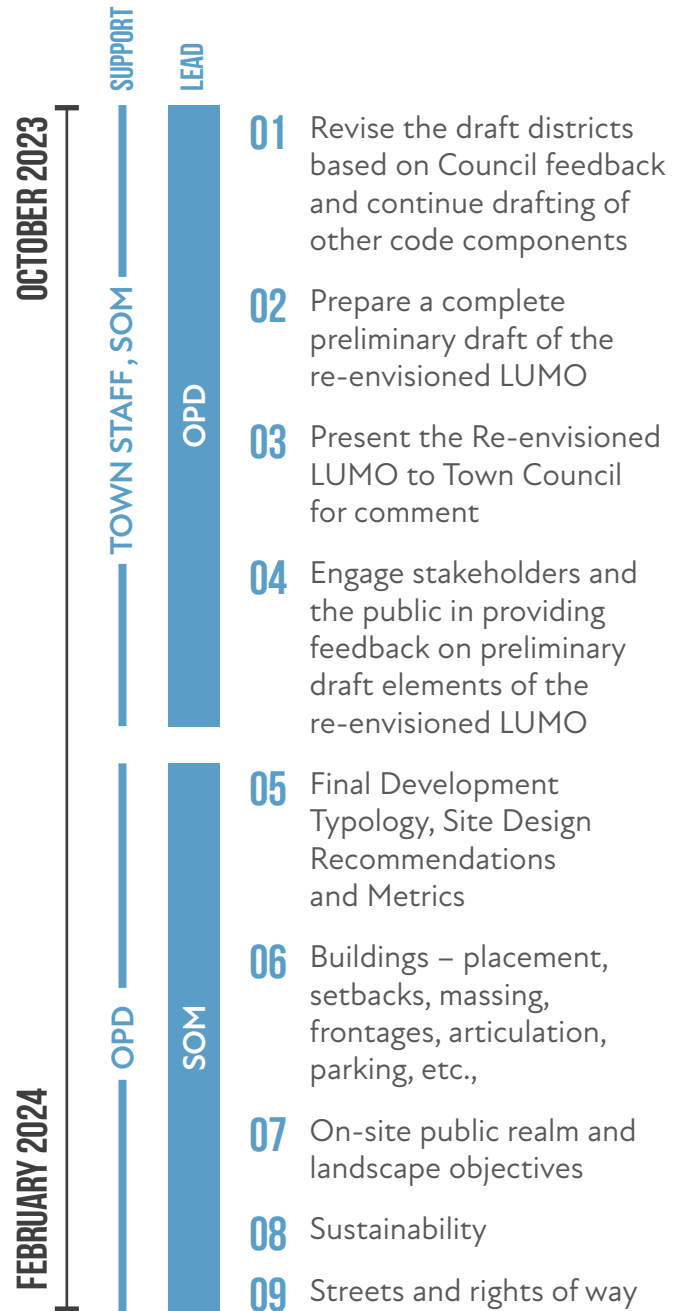
# PHASE 2.1:

## THE LUMO REIMAGINED - PRELIMINARY DRAFTING



# PHASE 2.2:

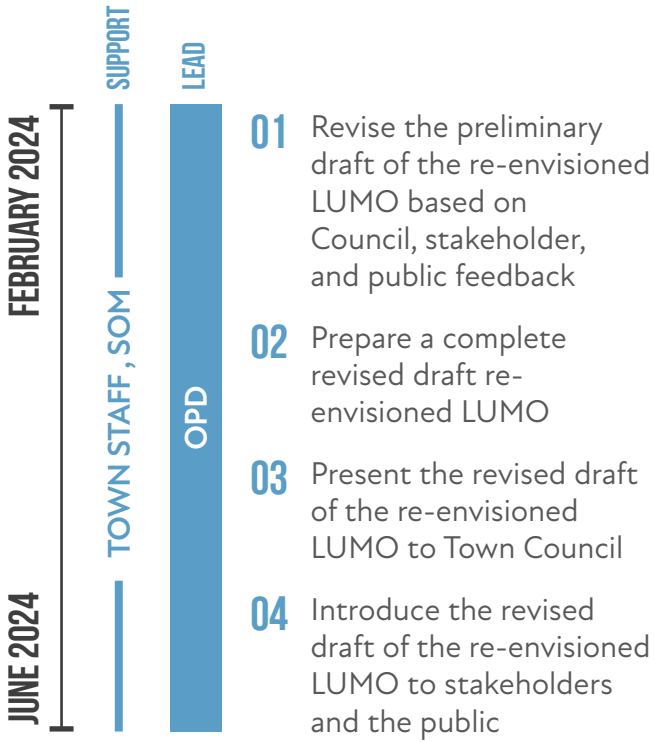
## THE LUMO REIMAGINED - DRAFTING CONTINUED





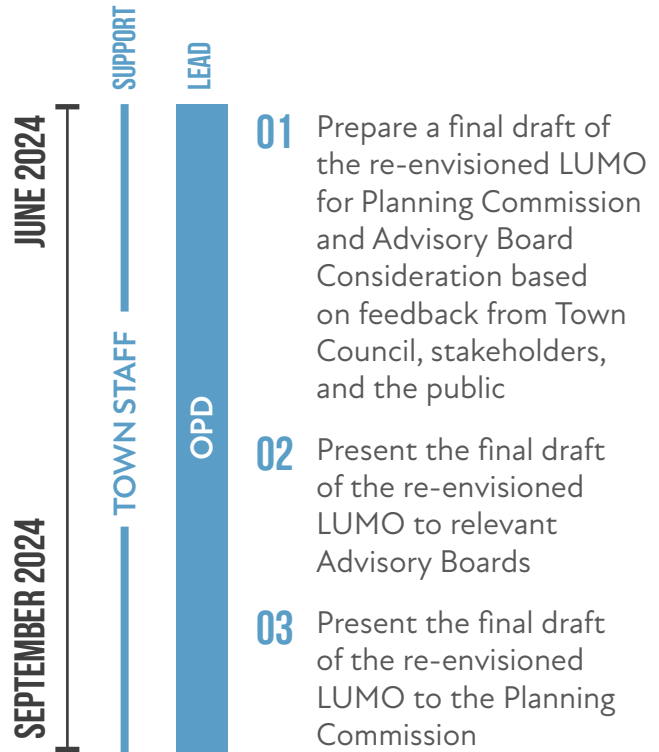
# PHASE 3:

## DRAFT REVISIONS AND PUBLIC OUTREACH



# PHASE 4:

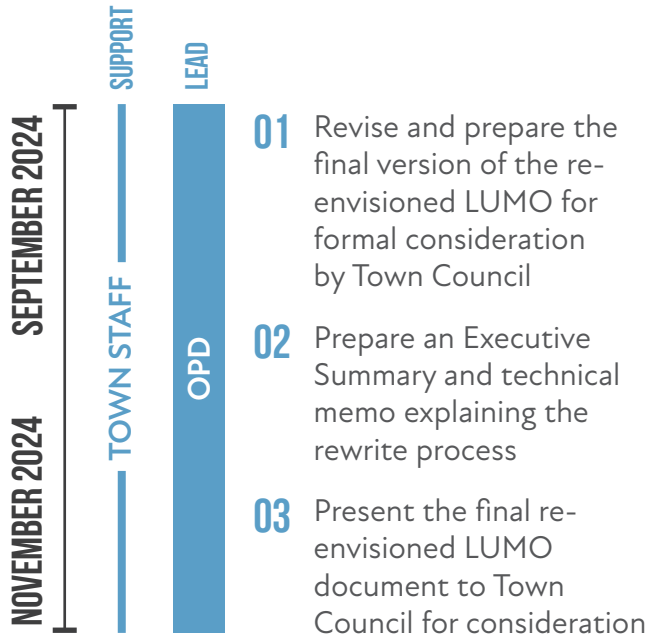
## ADVISORY BOARD ENGAGEMENT (TBD)





# PHASE 5:

## FORMAL ADOPTION



# PHASE 6:

## USER'S GUIDE AND TRAINING

