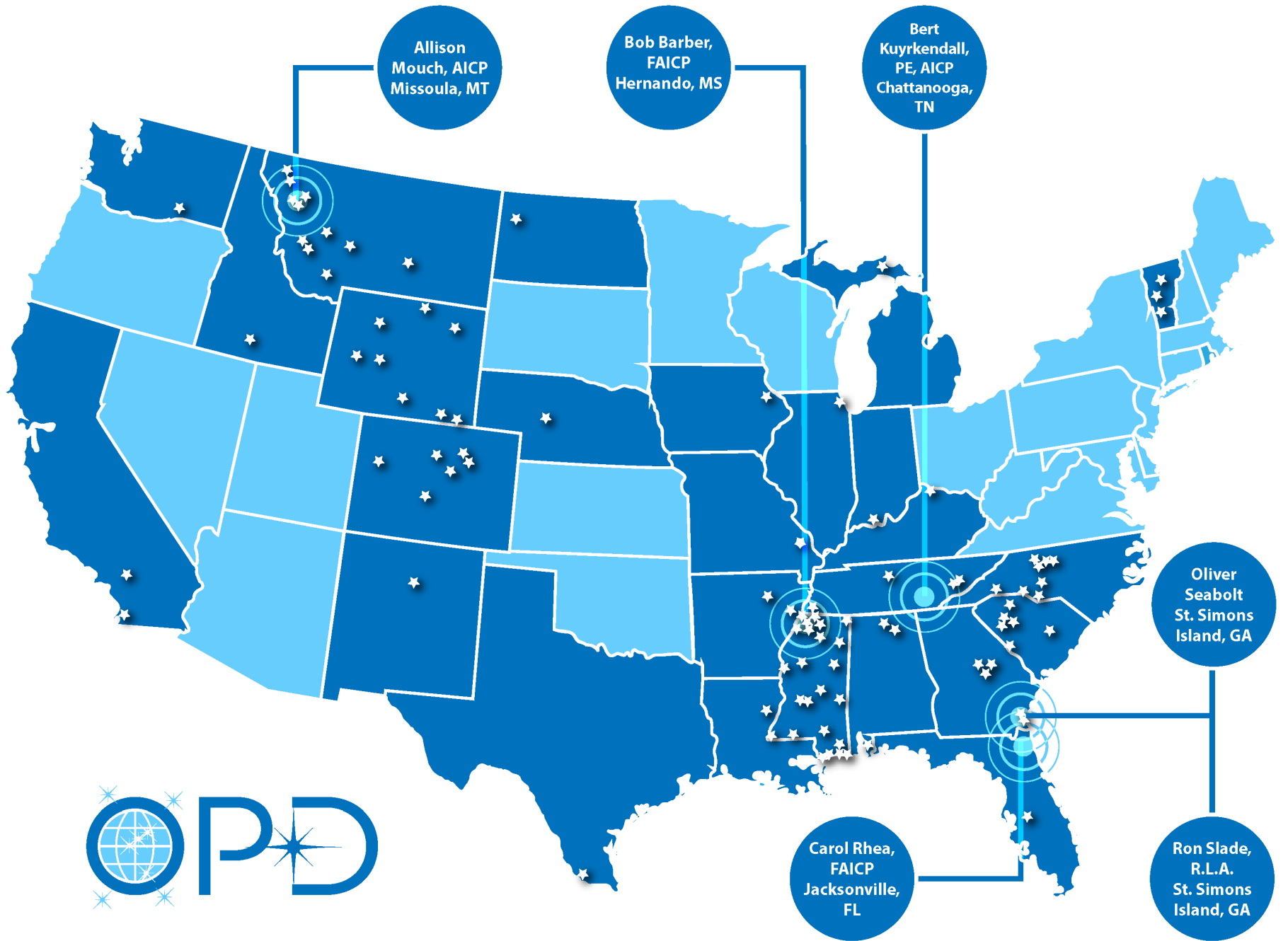
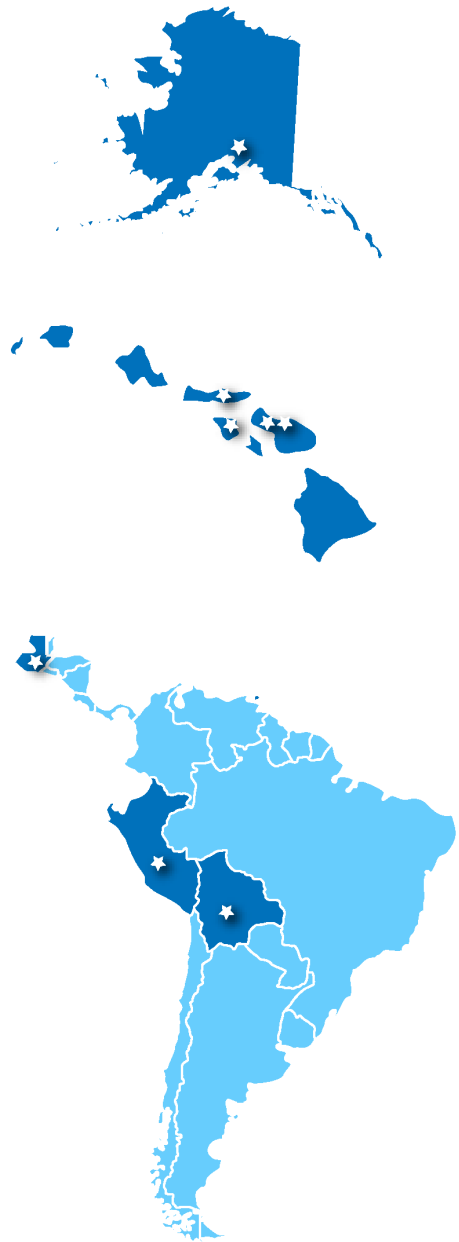


**LUMO STAKEHOLDER ROUNDTABLE  
DISCUSSIONS  
August 29<sup>th</sup> and 30<sup>th</sup>, 2022**

# Our Goals for Today

- Provide an update on work to-date regarding the comprehensive LUMO audit and recommendations related to the TOD planning process
- Share summary survey results and stakeholder feedback that have informed our team's review of the LUMO
- Hear your thoughts and priorities for the LUMO rewrite based on experiences and perceived opportunities and constraints
- Explain next steps in the process and your role as review continues



# LUMO Audit – Our Scope

- Identify current **plan/code alignment gaps**
- Identify where **TOD and focus area planning efforts require improvements to the code** to facilitate desired outcomes
- Identify where **content** can be improved
- Identify where **process** can be improved
- Generate **consensus on priority improvements** among diverse users
- Explore contemporary **best practices** to improve Chapel Hill’s process and outcomes
- Identify **strategic approach to the LUMO rewrite** scheduled for 2023-2025



# What Makes A “Good” Ordinance?

A good ordinance is **reflective of community values** established through an inclusive planning process, and is:

- **Predictable**
- **Consistent**
- **Clear**
- **Efficient**
- **Enforceable**
- **Flexible (enough)**

# LUMO Audit – Engagement Activities

## Internal Scoping Meetings

Planning  
Building and Development  
Enforcement  
Town Attorney  
Town Managers

**COMPLETE**

### Outcome

Better understand the internal issues facing LUMO administration and application

February 2022

## Surveys

### Internal Survey

Staff, Advisory Boards, Council

### External Survey

Developers, Representatives, Design  
Community

### Benchmark Survey

Comparable NC jurisdictions

**COMPLETE**

### Outcome

Identify content and procedure deficiencies in the current LUMO experienced by multiple user groups

May/June 2022

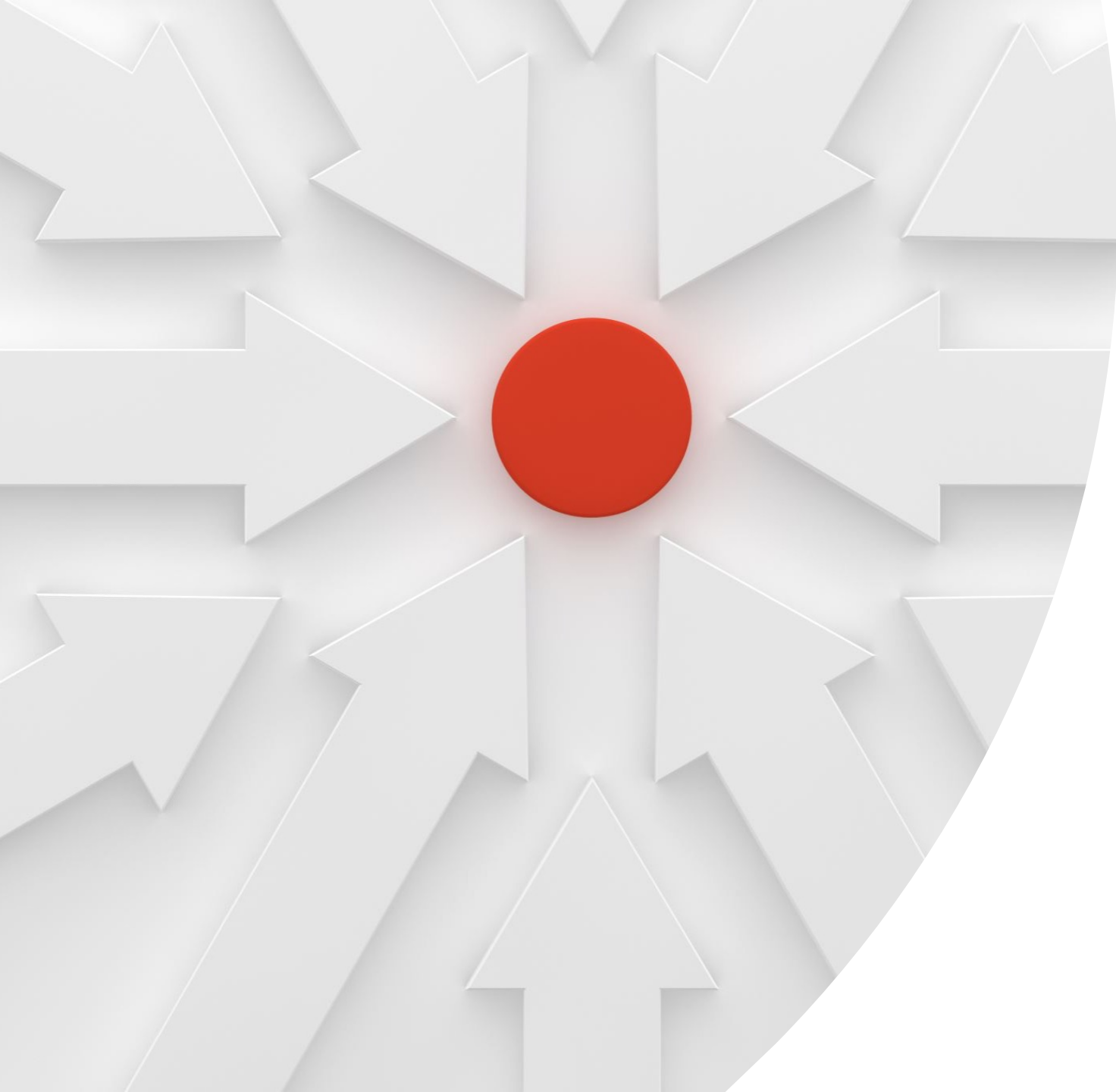
## Key Stakeholder Roundtables

Development Community  
Applicant Representatives  
Architects and Engineers  
Environmental Groups  
Large Landowners  
Realtors  
Town Staff  
Advisory Committee Representatives

### Outcome

Deeper understanding of LUMO challenges and opportunities based on survey inputs and overlaps

August 2022



# PRELIMINARY ASSESSMENT

Chapel Hill Land Use Management  
Ordinance Audit

# Initial Observations - Content

- LUMO does not address contemporary uses, development types, or emerging trends
- Use groupings and definitions are too broad, too vague
- LUMO creates barriers to ADU's, missing-middle housing, and limits intensification in single family areas
- Neighborhood Conservation Districts influence inequitable outcomes
- LUMO lacks design standards and fails to address community character
- Blue Hill Form Based Code focuses on expression and less on mass and scale; has been a detriment to the district intent
- Landscaping and stormwater buffer standards in particular result in frequent variances and exceptions

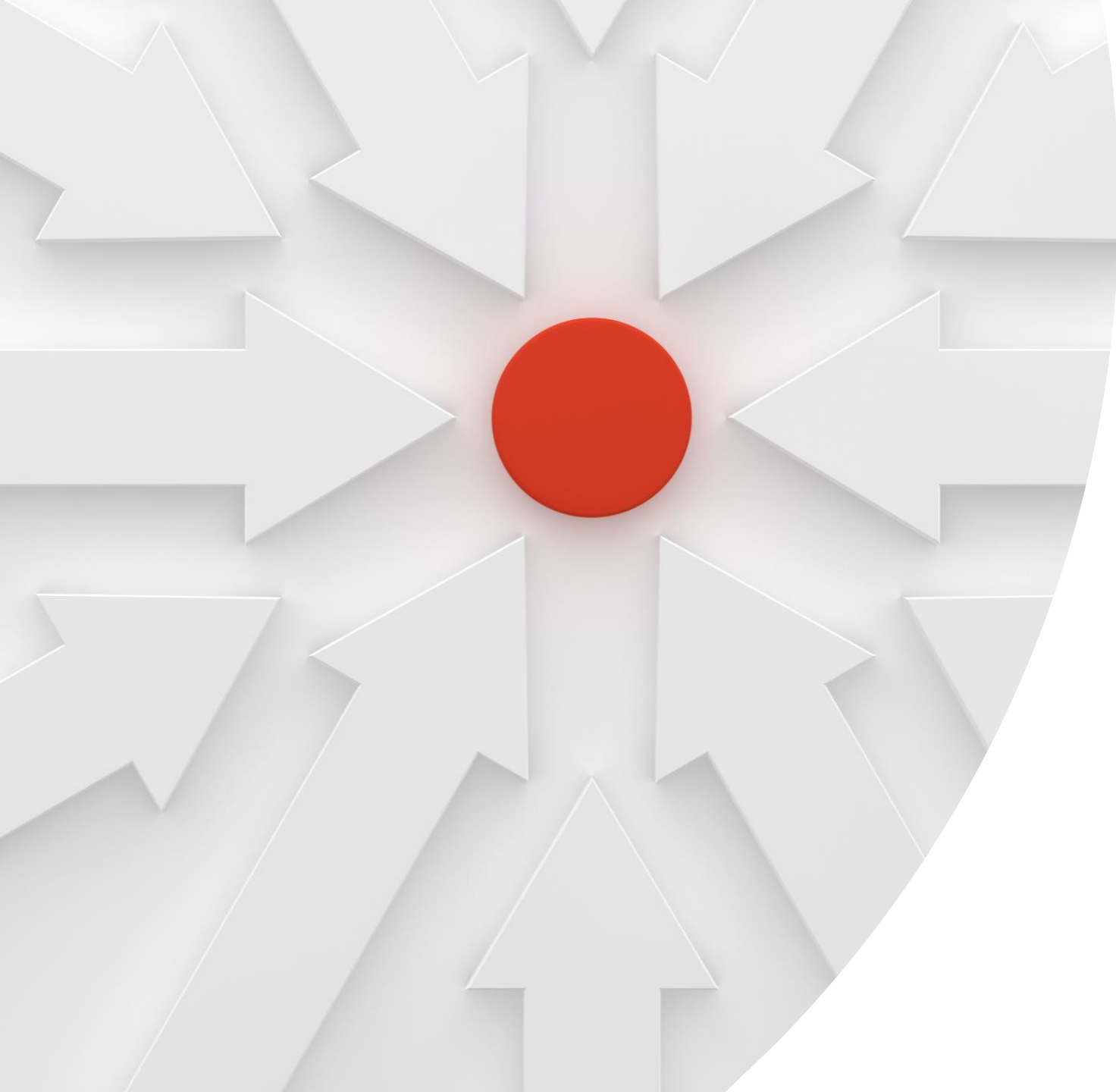


# Initial Observations - Process

- Low development thresholds trigger frequent Council review
- Inconsistencies with Advisory Board roles and review responsibilities exist – difference between formal authority vs. cultural role
- Past attempts to streamline have created (in some cases) a more burdensome process – i.e. concept plan review
- Perception exists that Chapel Hill decisions are lengthy and cumbersome
- High number of variance requests and appeals indicate the code is not functioning the way it is intended
- Issues with consistency, enforcement, and interpretation of regulations exist between departments

# Priorities Identified

- Bring document structure into 21<sup>st</sup> Century
- Wholesale update vs. piecemeal adjustments
- Address clarity and readability issues across the board
- Embed equity throughout
- Fix conditional vs. special use permits
- Reduce burden to change or transition uses
- Clearly identify uses the Town would like to prohibit and where
- Clarify administrative authority
- Revise (overhaul?) the decision-making process
- Bring LUMO into conformance with North Carolina Law



# INTERNAL STAKEHOLDER RESPONSES

Chapel Hill Land Use Management  
Ordinance Audit

# Internal Survey Overview

## INTERNAL STAKEHOLDERS

- 7 planning staff and related departments
- 5 administrators
- 5 planning board members
- 1 Advisory Board member
- 1 Board of Adjustment member
- 4 Town Council members

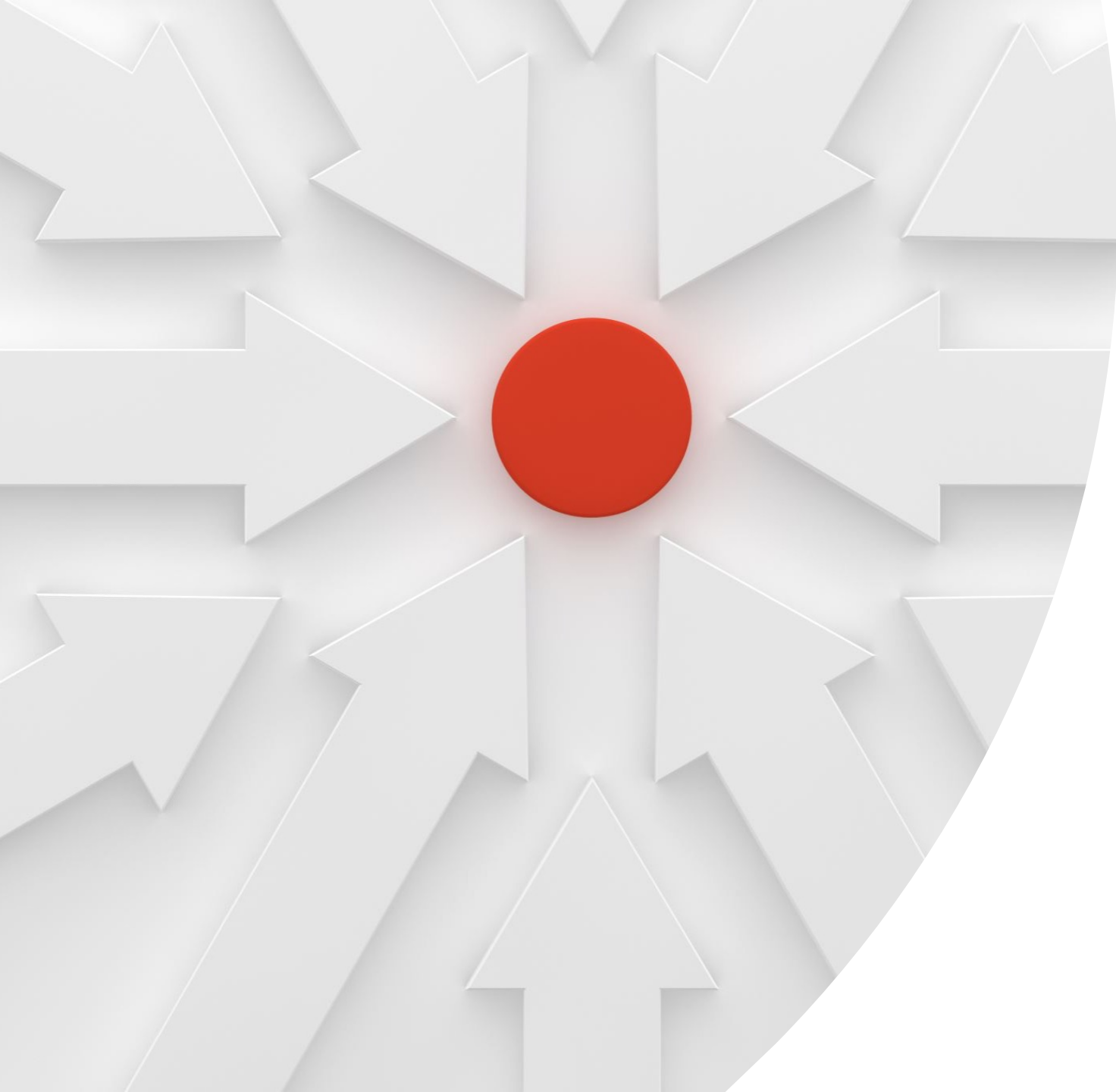
# Key Takeaways

- More than half of the staff respondents struggle with timely reviews
- The three highest-rated factors for causing delays or lengthy reviews: **process**, staff **capacity**, **timing of groups other than staff** in the public process
- At least 50% of Staff and Town Council respondents felt that decisions took too long while nearly 50% of the PB respondents felt that review took an appropriate amount of time. **None felt decisions were made too quickly**
- When asked a series of questions about the LUMO (Q14):
  - The only area of agreement among at least 50% of respondents was the LUMO **protects existing neighborhoods**
  - 50% or more of the respondents **disagreed or strongly disagreed with at least ten of the statements**
- When asked what level of regulation the LUMO represents (Q15):
  - **40% of staff and PB respondents** felt the LUMO was an **appropriate level of regulation**
  - **40% of staff and 50% of Town Council respondents** felt it is **too much regulation**



# Key Takeaways

- When asked about the importance of the roles of the LUMO (Q19), the results were:
  - None of the respondents felt that any of the roles listed was “not important at all”
  - Few of the respondents felt that any of the roles listed was “not very important”
- When asked to rank the value of characteristics of a code (Q20), the results were:
  - TC and PB ranked **predictability** the lowest; the administrator group the highest
  - The administrator group ranked **consistency** lowest (very low); TC the highest (very high)
  - Staff and the administrator group ranked **clarity** the lowest; PB the highest
  - TC ranked **efficiency** the lowest; the administrator group the highest
  - TC ranked **community support** the lowest; staff the highest
- Generally, respondents felt **the LUMO is inconsistent, unclear, inefficient, and lacks community support**



# EXTERNAL STAKEHOLDER RESPONSES

Chapel Hill Land Use Management  
Ordinance Audit

# Survey Overview

## EXTERNAL STAKEHOLDERS

- 24 total
- 3 residents
- 2 design professionals
- 7 builders/developers
- 6 community/interest group members
- 3 small business owners
- 3 other (downtown partnership, affordable housing developer, informed resident)



# Key Takeaways

- More than 80% felt it **took too long to reach a conclusion** on a permit/decision; none felt it was too fast or an appropriate amount of time
- The three highest-rated factors for causing delays or lengthy reviews (Q12): **process, rules and standards, timing of groups other than staff** in the public process
- The only statement that garnered enough support (3.7 weighted average) to qualify as “near” agreement was **“The LUMO protects existing neighborhoods”** (Q13). Otherwise, all other responses ranged from near neutral to strongly disagree
- A high percentage of respondents chose “no opinion” or “other” when asked about the amount of regulation represented by the LUMO (Q14). Thirty-one percent felt it represented too much regulation, and half that thought it was an appropriate amount.
- The following sections/topics were cited as causing the most conflicts or misunderstandings (Q16):
  - Some of the future planning maps and the timing (or length of time) it takes to update
  - **Poor definitions**
  - **Stormwater management**
  - **Dimensional standards (density, floor area ratio, setbacks)**
  - Inclusionary zoning
  - Zoning districts
  - **Setbacks and lot minimums**
  - **Rezoning**
  - **Special use permits**

# Key Takeaways

- Equal percentages of respondents felt staff “**interprets the code too much**” and “**interprets a reasonable amount**” (Q17)
- The three highest rated roles of the LUMO were (Q18):
  - To **enable people to build housing and businesses** that serve the needs of the community
  - To **support a strong business environment**
  - To **protect the land, air, and water from damage or pollution**
- Respondents felt the code needs to be **predictable, efficient, clear, consistent, and supported by the community, in that order** (Q19)
- When asked to rate the LUMO on these factors, respondents nearly uniformly rated it poor (Q20)
- The planning issues that caused the most concern were (Q21):
  - Housing **affordability**
  - Housing **choice**
  - Lack of **pedestrian facilities**

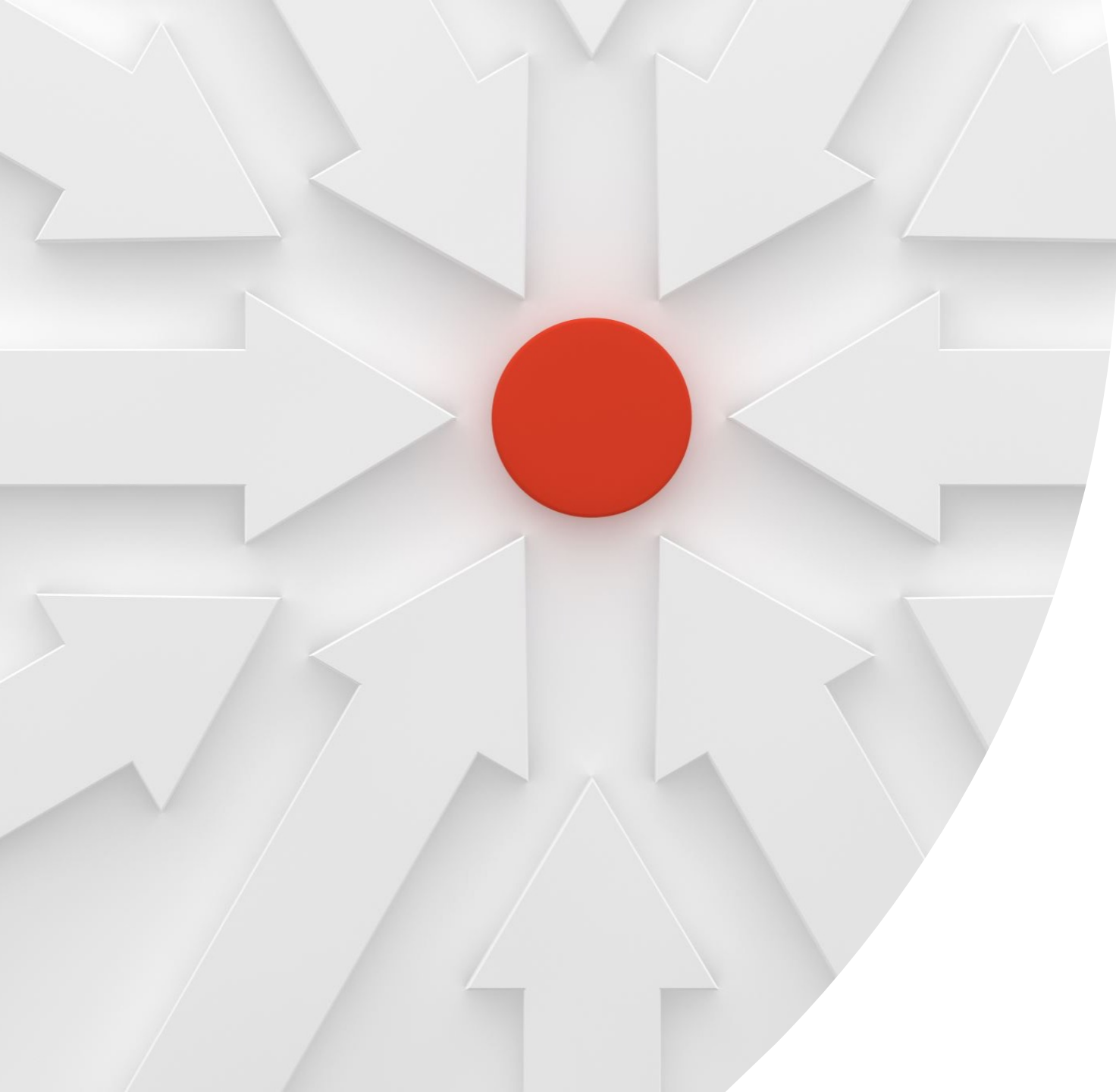
# External Stakeholder Roundtable Discussions

## Process

- If everything is a priority, is anything a priority?
- Can't rely on plans because everything is a discussion/negotiation
- Perceived goal is process rather than outcome
- Length of time and level of uncertainty stifles development
- More by-right development should be allowed
- Concept plan process is well-intended but requires too much up front
- Need concurrent reviews with fewer committee meetings

## Content

- LUMO needs to be explicit and clear
- There are things in the ordinance that aren't standards but could be
- There are standards in the ordinance that don't make sense
- There are standards that aren't standards because they're changeable
- Rethink, revise, and/or remove the 20,000 sq. ft. review trigger



# BENCHMARK SURVEY RESPONSES

Chapel Hill Land Use Management  
Ordinance Audit

# Survey Overview

## RESPONDENTS

- 7 total
- Representation from Asheville, Wilmington, Durham, Kernersville, and Orange County

# Preliminary Takeaways

- All or nearly all codes are online, as either a PDF or in HTML with search functionality
- 1/3 of respondents use Municode, 1/3 of respondents self-host, and 1/3 are using an alternative (Code Publishing Company or CodeHUB)
- All respondents have a unified development ordinance
- Over 80% of respondents' codes include form-based districts and elements; 2/3 of respondents feel these districts successfully implement plan elements
- All respondents have an online application process for permits and allow online/digital reviews and approvals
- **Most conditional rezonings and all special use permits take between 2-4 months, on average, to reach a decision**
- 2/3 of respondents use a technical advisory committee at some point in the process
- All respondents' codes regulate accessory dwelling units; 1/3 regulate distributed energy, 5G wireless facilities, EV charging spaces, or include an expedited review process in exchange for community benefits

# LUMO Audit – Immediate Next Steps



A Benchmarking Survey closed August 19<sup>th</sup> and results are being compiled and summarized



Results of surveys to date will be used to **inform and guide stakeholder roundtable discussions**



Results of surveys and stakeholder roundtable feedback will be used to **guide the detailed LUMO review and recommendations**



The LUMO audit **will track the TOD output and results** to ensure appropriate elements are addressed



# LUMO Audit – Major Milestones/Schedule

- Code evaluation - **Ongoing**
- Best practice review - **September 2022**
- Preliminary TOD Code Rec's - **September/October 2022**
- Draft Code Diagnosis Report - **January 2023**
- Final Code Diagnosis Report - **February 2023**
- UDO Rewrite Roadmap - **June 2023**



**QUESTIONS?**