



Council Work Session: Rewriting Our Rules

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Town Council Meeting Date: November 13, 2023

Overview

For the November 13, 2023, Work Session the Rewriting Our Rules team will provide project updates on three major topics: zoning districts, building and site design, and affordable housing. This memo previews those topics, provides a summary of public engagement efforts, and follows up on certain issues raised during the October 18, 2023, Work Session.

A "Planning Glossary" is included as an appendix to this document to make it more accessible to all readers.

Project Updates

Draft Zoning Districts:

During the Work Session, the project team will present a proposal to modernize the Town's menu of available zoning districts. The proposal is detailed in the attached memo prepared by Orion Planning + Design and Rundell Ernstberger Associates. The proposal:

- consolidates similar districts (e.g., Residential-1 (R-1) and Residential-1A (R-1A), Town Center-2 (TC-2) and Town Center-3 (TC-3), etc.) where there are minimal distinctions between the existing districts;
- creates new districts (e.g., Mixed Residential) to further community interests such as promoting small-scale commercial uses in residential neighborhoods; and
- forecasts how each district will utilize a combination of use regulations, design standards, building types, and street types to achieve various Town goals.

Building and Site Design:

During the Work Session, the project team will present an update on new building and site design standards. These standards focus on community priorities such as inviting, human-scale street frontages. The standards also help to ensure that new buildings contribute to excellence in the public realm regardless of whether they are approved administratively or by the Town Council.

Affordable Housing:

During the Work Session, the project team will present an update on the feasibility of code-based affordable housing incentives. In general, the team has confirmed that even significant density bonuses will not be fruitful in the Chapel Hill market. These findings support the need to use other code-based opportunities (e.g., reducing steep slope restrictions, stream buffers, landscape buffers, etc.) to incentivize affordable housing development.

Public Engagement:

Staff launched the project's public engagement and outreach efforts in July 2023. A timeline of engagement for this project is available at the [project webpage](#).¹ Phase 1 and the first part of Phase 2 concluded in November 2023 and included:

- Holding learning Sessions with 11 compensated Planning Ambassadors.
- Convening focus group meetings for 36 key stakeholders knowledgeable in affordable housing and building design.
- Establishing an email listserv for quarterly newsletters.
- Using social media posts to bring attention to the project.
- Developing one-pagers and other educational materials to explain zoning and planning in plain language, translated for speakers of languages other than English.

Upcoming engagement will follow equitable engagement principles to meet people where they are, provide materials in plain language, and offer opportunities for under-engaged groups to connect with planning staff.

Follow-Up From October 18, 2023, Work Session

Nodes Assessment:

During the October 18, 2023, [Work Session](#)², councilmembers expressed an interest in better understanding the assets, needs, and opportunities of various development nodes around Chapel Hill.

As a preview of what this sort of assessment could look like, staff have mapped areas of Chapel Hill that are within a 15-minute walk of publicly accessible parks, open space, or recreation areas. An excerpt of the map is shown below.

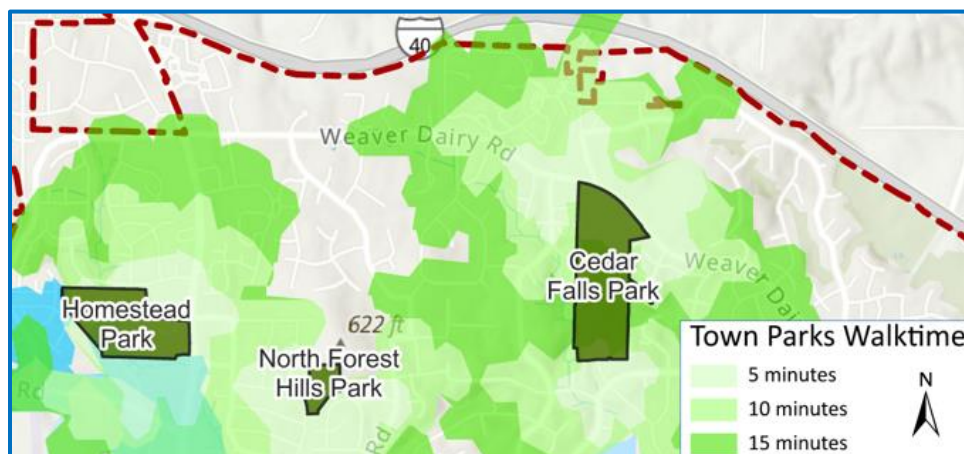


Figure 1: Map showing estimated walking times from Town parks.

This type of map could be used in two ways:

- (1) To inform revisions to recreation space requirements in the updated LUMO and

¹ <https://www.townofchapelhill.org/government/departments-services/planning/plans-and-ordinances/lumo-land-use-management-ordinance>

² <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6383925&GUID=838AD17B-7E46-4F69-AFA2-44D1BE4627EC&Options=&Search=>

(2) To assist staff and Council when reviewing individual development projects.

Going forward, staff will continue to identify community assets that lend themselves to this sort of analysis and will incorporate our findings into the updated LUMO and individual project reviews, as appropriate.

Community Benefits, Administrative Approvals, and Conditional Zoning:

Staff are continuing to develop the “Mandate, Incentivize, Negotiate” Matrix we previewed during the October 18, 2023, Work Session. The matrix will be used to inform ongoing discussions around the most appropriate ways to secure community benefits in new development, whether through administrative approvals or Conditional Zonings. Changes to the Town’s existing Conditional Zoning process may also be considered in parallel to Rewriting Our Rules.

Complete Community Strategy and the Future Land Use Map:

The [Complete Community Strategy](#)³, “defines how growth and change should be accommodated and managed as Chapel Hill works to implement the overall vision found in *Chapel Hill 2020* and the land use principles embodied in the Future Land Use Map.” A core purpose of the of the Future Land Use Map (FLUM) is to ensure that the Town’s land use tools are “predictable, functional, and intentional”⁴ by forecasting where development should be concentrated in the future. The FLUM provides stability, but not outright certainty.

In general, staff are confident that there is substantial alignment between the Complete Community Strategy and the FLUM. Staff will be mindful of any potential misalignment between the two and propose amendments as necessary.



Figure 2: Consolidated graphics from pages 5-6 of the Complete Community Strategy demonstrating connections to other elements of the Comprehensive Plan.

The **land use principles** embodied in the FLUM are consistent with the Complete Community Strategy. Like the Complete Community Strategy, the FLUM emphasizes placemaking, sustainability, connectivity, and the strategic use of higher density development.

³ Complete Community Strategy at page 6 (<https://chapelhill.legistar.com/View.ashx?M=F&ID=11946770&GUID=BAFD6A66-0C6F-4E92-987A-0CD7569BA440>)

⁴ Future Land Use Map – Executive Summary at page iii (<https://online.flippingbook.com/view/26191/4-5/>)

The **land use patterns** identified in the FLUM are also largely consistent with the Complete Community Strategy. In keeping with the Complete Community Strategy's emphasis on delivering more housing while protecting environmental assets and reducing auto-dependency, the FLUM calls for dense residential and mixed-use development along the Town's established transportation corridors. These uses are listed as "Primary Uses" in 18 of the 21 Focus Area Sub-Areas identified in the FLUM.

The **building heights** listed in the FLUM offer important guidance for Rewriting Our Rules but are not mandatory. The FLUM specifically notes that its "Typical, Activated Street Frontage, and Transitional Area Heights are contextual" and that "the surrounding building and natural environment as well as the Town's vision for the future must be taken into consideration."⁵ Going forward, staff will continue developing policy recommendations that respond to the high-level guidance provided by the FLUM, the context of various parts of Town, and the vision of the Complete Community Strategy.

As the Town's vision for the future continues to evolve, the FLUM should be amended periodically. Staff recommend that any amendments to the FLUM proceed in parallel to Rewriting Our Rules and not impact the project's timeline.

Next Steps

The tentative schedule is to continue discussions around the LUMO and to introduce new Councilmembers to the project at the January Council Work Session.

Attachments

1. Planning Glossary
2. Memo: LUMO Re-Envisioned Draft Zoning District Proposal. November 2023. Prepared by Orion Planning + Design and Rundell Ernstberger Associates.
3. Briefing Book: Feasibility of Density Bonuses to Support Community Benefits. October 2023. Prepared by SB Friedman.

⁵ Future Land Use Map at page 4 (<https://online.flippingbook.com/view/26191/10-11/>)

Attachment 1: Planning Glossary

Plans and Regulations

Comprehensive Plan:

A comprehensive plan (often referred to as a "Comp Plan") is a document that provides a holistic vision for a community. Comprehensive plans typically cover large geographical areas, a broad range of topics, and have a long-term timeline. Common topics addressed by comprehensive plans include land use, transportation, public facilities, parks, environmental protection, and economic development.

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

Chapel Hill's comprehensive plan is made up of multiple documents that have been adopted over the last ten years. You can learn more about each element of our comprehensive plan [here](#).⁶

Complete Community Strategy:

Town Council adopted the [Complete Community Strategy](#)⁷ as an element of Chapel Hill's Comprehensive Plan on May 10, 2023. The Complete Community Strategy serves as a framework for the other elements of the Comprehensive Plan and outlines how Chapel Hill should meet its housing needs while protecting the environment, promoting greenways and other multimodal transportation, and

Future Land Use Map (FLUM):

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

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

Land Use Management Ordinance (LUMO):

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

⁶ <https://www.townofchapelhill.org/government/departments-services/chapel-hill-2020>

⁷ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=6195013&GUID=4B7B1135-863B-44B6-B8F0-2F7E0936C6A0&Options=&Search=>

can find the Town's Land Use Management Ordinance (LUMO) online in the [Municode Library](#).⁸

Development Types

Land Use:

This is the way land is used, like whether it contains buildings or park space. The term also describes how buildings are used, like for homes, businesses, or services. Land use can refer to what is happening with the land now or how it should be used in the future (i.e., future land use).

Mixed use:

Mixed use is a way to regulate that allows multiple uses on the same property through the LUMO and the Zoning Map. Usually, only a single use is allowed on one property. Mixed use development can include a combination of residential, commercial, office, and institutional. Mixed use can be in a single building or in multiple buildings.

Affordable Housing:

Housing that has a sale price or rental amount that is within the means of a household that may occupy middle-, moderate-, or low-income housing. In general, affordable housing is measured by comparing housing costs to household income. Housing that is affordable means housing costs (including mortgage, amortization, taxes, insurance, and condominium or association fees for homeowners, or the cost of rent and utilities for renters) is no more than 30 percent of annual household income.

Land Use Tools

Zoning Districts:

Zoning plays a key role in shaping the places we live, work, learn, play, and visit. Each local government, including Chapel Hill, has zoning districts to regulate what government can happen and where. Each district has written and numeric regulations on what type of development can happen in that district.

Zoning districts are the fundamental building blocks of a zoning code and usually have abbreviated letters to differentiate them. For example, residential zoning districts are often labeled, "R" or "RES"; commercial districts are often labeled "B" for business or "COM" for commercial.

Many zoning districts have detailed requirements that define how buildings look and relate to their setting and neighbors.

Zoning Map:

Zoning map is the geographic application of zoning districts. The zoning map impacts how Chapel Hill looks and feels as a place. The zoning map takes the districts described

⁸ https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=PTIICO_APXALAUSMA

in the code and applies them to different areas of town. This means each property and the surrounding infrastructure has a zoning district applied to it.

By-Right Zoning:

If a proposed development fits within the rules of Land Use Management Ordinance, a property owner can build it "by-right". Town staff would review plans for the project and then sign-off on the project without needing approval from the Town Council.

Conditional Zoning District and Special Use Permits:

In Chapel Hill, any development that disturbs more than 40,000 square feet of land or includes more than 20,000 square feet of floor area must receive a Conditional Zoning District or Special Use Permit. Either option involves extensive review from Town Staff, Planning Commission, and Town Council. These types of development are not allowed "by-right".

Floor area ratio (FAR):

Floor area ratio (FAR) is the ratio of the floor area of a building to the lot area it sits on. It measures the density of development. For example, a FAR of 5.0 means that a builder can develop five times as much square footage as exists on the lot. This would typically be a mid-rise office building or a mid-rise multi-family building. Single family homes often have an FAR of less than 1. This means the floor area in the home is less than the area of the lot it sits on. An FAR of 0.5 would likely be a retail strip mall with surface parking. Skyscrapers will have an FAR of 15-20 or more.

Setback:

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

Infrastructure and Transportation

Infrastructure:

The physical resources and services needed to maintain a livable city/town and county. Traditional types of infrastructure include drinking water, wastewater, emergency services, solid waste, transit, roads and streets, sidewalks, bike lanes, trails, parks, and street trees. Additional types of infrastructure include schools, libraries, public health facilities, broadband (Internet), arts and culture spaces, childcare facilities, and public housing.

Bus Rapid Transit (BRT):

A high-quality bus-based transit system that delivers fast and efficient service that may include dedicated lanes, busways, traffic signal priority, off-board fare collection, elevated platforms and enhanced stations.