



**CONSIDER A LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – PROPOSED CHANGES TO ARTICLES 3 AND 4 PERTAINING TO CONDITIONAL ZONING**

**STAFF REPORT**

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
Judy Johnson, Interim Director  
Alisa Duffey Rogers, Land Use Management Ordinance Project Manager  
Kari Grace, Senior Planner

<p><b>AMENDMENT REQUEST</b></p> <p>Amend portions of Articles 3 and 4 of the Land Use Management Ordinance (LUMO) to 1) allow additional uses as part of conditional zoning and 2) make changes to concept plans related to conditional zoning requests.</p>	<p><b>DATE</b></p> <p>February 19, 2020</p>
<p><b>TOWN MANAGER’S REPORT AND RECOMMENDATION</b></p> <p>I have reviewed and discussed the key issues with Town staff. Based on the information in the record to date, I believe the Council could consider the factors required to approve the Ordinance and should close the public hearing regarding the Land Use Management Ordinance text amendment. Of the three factors for consideration listed below in the Process section, changing conditions and achieving purposes of the Comprehensive Plan are most applicable as the proposed text amendment provides expanded use of conditional zoning as a regulatory tool, which is growing in use across the state and would offer a legislative option for considering multifamily development.</p> <p>Because the proposed text amendment is consistent with the Comprehensive Plan, I recommend that the Council adopt the Resolution of Consistency and enact Ordinance A.</p>	
<p><b>UPDATES SINCE THE PUBLIC HEARING</b></p> <p>Based on discussion and feedback from the <a href="#">November 13, 2019</a><sup>1</sup> public hearing, staff held an additional public information meeting. The extra meeting reached additional residents and provided clarification of the proposed changes to attendees.</p>	
<p><b>PROCESS</b></p> <p>The Council must consider the following <b>three factors</b> for enactment of the Land Use Management Ordinance Text Amendment:</p> <ol style="list-style-type: none"> <li>1. To correct a manifest error in the chapter; or</li> <li>2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or</li> <li>3. To achieve the purposes of the Comprehensive Plan.</li> </ol>	<p><b>DECISION POINTS</b></p> <ul style="list-style-type: none"> <li>• The proposed changes to the Ordinance are to provide consistency regarding Concept Plans and to allow multifamily developments with more than seven dwelling units on a lot as conditional zoning applications.</li> <li>• The Planning Commission recommended that the Council enact the proposed amendments.</li> </ul>
<p><b>CONSISTENCY WITH COMPREHENSIVE PLAN</b></p> <p>The proposed text amendment promotes the following Chapel Hill 2020 Comprehensive Plan goals:</p> <ul style="list-style-type: none"> <li>• A range of housing options for current and future residents (A Place For Everyone.3)</li> <li>• A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill’s character for residents, visitors, and students (Good Places, New Spaces.5)</li> <li>• A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3)</li> </ul>	

<sup>1</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=4224797&GUID=C02528D7-22ED-4F40-BABA-1DEA164BEC8F&Options=&Search=>

## TEXT AMENDMENT OVERVIEW

On November 29, 2017, the Council [adopted amendments](#)<sup>2</sup> to the zoning amendment procedures and conditional district text of the LUMO to allow conditional zoning. On May 1, 2019, the Council [adopted an administrative procedural change](#)<sup>3</sup> to the conditional zoning procedures to allow concurrent consideration of land use plan amendments proposed alongside conditional zoning applications.

Current concept plan procedures for conditional zoning are inconsistent with concept plan procedures for special use permits. At the time of concept plan, applicants may not know whether they will submit future applications as a special use permit or conditional zoning. Different concept plan thresholds create confusion for both the applicant and the community. The proposed text amendment seeks to make the thresholds for both application types the same.

Additionally, there is currently limited opportunity for an application path that would allow multifamily development over seven dwelling units on a lot without a special use permit. The proposed text amendment would allow such multifamily development with an approved conditional zoning in the Residential-6-Conditional Zoning (R-6-CZ) district.

## ATTACHMENTS

1. Text Amendment Summary
2. Draft Staff Presentation
3. Resolution of Consistency (for proposed Land Use Management Ordinance amendment)
4. Ordinance A (Enactment of Land Use Management Text Amendment Proposal)
5. Resolution B (Deny Land Use Management Text Amendment Proposal)
6. Planning Commission Recommendation

---

<sup>2</sup> [https://library.municode.com/nc/chapel\\_hill/ordinances/code\\_of\\_ordinances?nodeId=886103](https://library.municode.com/nc/chapel_hill/ordinances/code_of_ordinances?nodeId=886103)

<sup>3</sup> <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3931188&GUID=F1CD29B8-F6D3-4DC6-8573-EFFD72309476>



## **PROPOSED CHANGES: TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3 AND 4 REGARDING CONDITIONAL ZONING**

---

The following is a summary of the proposed text amendments to revise concept plan procedures, allow additional uses as part of Conditional Zoning, and clarify other development application processes regarding the Conditional Zoning process as detailed below.

### **1. Section 3.7.2 Use Matrix**

- Adds "CZ" in the Use Matrix table for the multifamily over seven dwelling units use in the Residential-6 (R-6) zoning district
- Allows multifamily development with more than seven dwelling units in a Residential-6-Conditional Zoning (R-6-CZ) district, which requires approval through conditional zoning

### **2. Section 4.3.1 Applicability**

- Changes to Concept Plan thresholds for Conditional Zoning
- Provides consistency for all Concept Plan submittals

### **3. Section 4.6.3 Classification of Subdivision**

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

### **4. Section 4.6.4.1. Procedures for Approval of Minor Subdivisions**

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

### **5. Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review**

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

### **6. 4.7.1. Applicability**

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals

### **7. Section 4.9. - Zoning compliance permit**

- Changes to include conditional zoning applications in reference to prior approvals
- Provides consistency in referencing prior approvals