

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment)

AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE ARTICLES 3 AND 4 RELATED TO CONDITIONAL ZONING (2020-02-19/O-2)

WHEREAS, the Council called a Public Hearing to amend subsections of Articles 3 and 4 of the Land Use Management Ordinance as it relates to conditional zoning for the Council’s November 13, 2019 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Articles 3 and 4 related to conditional zoning and finds that the amendment, if enacted, is reasonable and in the public’s interest and is warranted, to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- A range of housing options for current and future residents (A Place for Everyone.3)
- 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)
- 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)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that Council amends the Town Code of Ordinances, Appendix A, Land Use Management Ordinance as follows:

Section 1. Section 3.7.2 Use Matrix, row Dwelling units, multifamily, over 7 dwelling units and the Key section following the table are hereby revised to read as follows:

“

		Table 3.7-1: Use Matrix																																								
		General Use Zoning District																Historic Rogers Road Neighborhood District		Planned Development (PD-)																						
Uses	Use Group	R-ID5	RT	R-ID1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-C	TC-1, TC-2	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	II-C7D	MH	HR-I	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1								
Dwelling units, multifamily, over 7 dwelling units	A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	P	—	P

KEY:

"—" Not Permitted;

"S" Permitted as a special use;

"A" Permitted as an accessory use; In LI-CZD refer to Article 6 of this appendix for standards applicable to accessory uses labeled as "AY".

"P" In OI-3, OI-4, LI-CZD and MH: Permitted as a principal use;

"CZ" Permitted as a principal use in a parallel Conditional Zoning District;

"Y" In LI-CZD, permitted under additional prescribed standards in section 6.22

"Z" In LI-CZD, permitted when the town council approves this use as a part of a conditional zoning district rezoning application. Additional prescribed standards in [section 6.22](#) apply to a use labeled as "YZ"."

Section 2. Section 4.3.1 Applicability, subsections a. and b.1. are hereby revised to read as follows:

"(a) Proposals subject to review by community design commission.

This section applies to any:

- (1) Special use permit or a special use permit modification; or
- (2) Master land use plan or a master land use plan modification; or
- (3) Major subdivisions; **or**
- (4) Conditional zoning, except for the light-industrial conditional zoning district (LI-CZD).

(b) Proposals subject to additional review by town council.

- (1) **All conditional zoning applications except for the light industrial conditional zoning district (LI-CZD), and Those applications listed in subsection 4.3.1.(a)** that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require town council review as provided in section 4.3.2, below, in addition to community design commission review:"

[No changes to table in b.1.]

Section 3. Section 4.6.3 Classification of Subdivision, subsection a. is hereby revised to read as follows:

"(a) Minor subdivision—Administrative review.

- (1) The minor subdivision—administrative review approval process is a one-step procedure involving town manager approval of a final plat. A "minor subdivision—administrative review" includes any subdivision pursuant to an approved zoning compliance permit for a two-family or multifamily townhouse development, an approved special use permit for a planned development, **an approved conditional zoning,** or an approved commercial subdivision."

Section 4. Section 4.6.4.1. Procedures for Approval of Minor Subdivisions—Administrative Review, subsection b.1. paragraph 1 is hereby revised to read as follows:

"(b) Action on application.

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, **or conditional zoning.**

He/she shall take action on an application based solely on his/her findings as to compliance with applicable regulations and conditions. He/she shall:"

Section 5. Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review, subsection b.(1) paragraph 1 is hereby revised to read as follows:

"(b) Action on application.

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, **or conditional zoning.** The town manager shall forward his/her report to the planning commission with a recommendation."

Section 6. Section 4.7.1. Applicability subsection d. is hereby revised to read as follows:

*"(d) Any development pursuant to an approved certificate of appropriateness, **conditional zoning,** or special use permit including special use permits that are no longer necessary and have therefore been abandoned, provided the town manager finds that no modifications are proposed to the plans and conditions in the area have not changed significantly;"*

Section 7. Section 4.9. - Zoning compliance permit, subsections 4.9.2. b. paragraph 1 and e.1. are hereby revised to read as follows:

"(b) Action on the application. The town manager shall take final action on the application. Final action on an application shall be based solely on findings as to compliance with all applicable provisions of this chapter, including all applicable conditions of an approved special use permit, **conditional zoning,** major or minor subdivision, site plan review, or certificate or appropriateness, and shall be one of the following:"

"(e) Modification of zoning compliance permits.

- (1) The town manager may approve a modification of zoning compliance permit for changes to plans approved under site plan review, special use permit, **conditional zoning,** major or minor subdivision, as long as such changes continue to comply with the approving action and all other applicable requirements. The town manager shall not have the authority to approve a modification for any substantial changes to plans approved under site plan review unless such changes are specifically required by a condition of approval."

Section 8. This ordinance shall be effective upon enactment.

This the 19th day of February, 2020.