



Land Use Management Ordinance (LUMO) Text Amendment: Articles 3, 4, 8 and Appendix A Regarding Planning Systems Implementation

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Town Council Meeting Date: November 15, 2023

Project Overview

- The proposed text amendments will modify the role of boards and commissions in reviewing land use applications, specifically by:
 - Modifying the Concept Plan process so that Concept Plans go to either the Planning Commission or the Town Council.
 - Allowing the Board of Adjustment (BOA) to approve those SUPs that are considered “minor” due to the use or specified thresholds. Council would still decide “major” SUPs.
- The text amendments respond to Councilmember interests expressed at the September 20, 2023 Work Session for modifying existing procedures to better align with the Complete Community Strategy (see [Meeting Materials](#)¹). The discussion included the role of advisory boards in reviewing Concept Plans and Special Use Permits (SUPs).

Staff Recommendation & Analysis

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| | Staff recommend that the Council <i>open the legislative hearing, provide feedback on the draft text amendment, and continue the hearing to November 29, 2023.</i> |
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The Text Amendments outlined in Ordinance A are a modification to the Concept Plan review and Special Use Permit (SUP) processes.

1. Concept Plan Review Process.

Currently, the Community Design Commission (CDC) reviews Concept Plans. If they meet certain thresholds outlined in [LUMO 4.3.1 \(b\)](#)², then the Concept Plan is reviewed by both CDC and the Town Council.

Staff recommends modifying the process so that:

- Planning Commission will review all Concept Plans below the thresholds of [LUMO 4.3.1\(b\)](#). Staff finds that the charge and powers of the Planning Commission, as outlined in [LUMO 8.2](#)³, give the Commission the ability to holistically review a proposed development application and provide more comprehensive feedback than the CDC. The CDC’s charge and powers, as outlined in [LUMO 8.5](#)⁴, are focused on promoting the aesthetic character of the community.

¹ <https://chapelhill.legistar.com/MeetingDetail.aspx?ID=1117638&GUID=2EB7A9B2-8CAC-4C93-82A9-1C31D48AC885&Options=info|&Search=>

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances/425892?nodeId=CO_APXALOUSMA_ART_4PR_4.3COPLRE

³ https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances/425892?nodeId=CO_APXALOUSMA_ART_8ADME_8.2PLCO

⁴ https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances/425892?nodeId=CO_APXALOUSMA_ART_8ADME_8.5CODECO

- Currently, those Concept Plans that meet the thresholds of [LUMO 4.3.1\(b\)](#) go to both the CDC and Town Council. The proposed text amendments would require that Concept Plans meeting the thresholds go only to Town Council.
- Applicants may choose for their Concept Plan to go to both Planning Commission or the Town Council.

2. Special Use Permits (SUPs)

Currently, all SUPs are reviewed and approved by the Town Council. Under the proposed text amendments, SUPs will be divided into two categories – minor and major SUPs:

- Minor SUPs will include some uses that are generally an accessory use, have minimal land disturbance, or do not require modifications to LUMO regulations. These include ATMs, drive-in windows, temporary buildings, wireless communication facilities, and public service facilities.
- Major SUPs will include all other uses that currently require an SUP, require modifications to LUMO regulations, or meet the “20/40 Rule”. This rule requires an SUP for most permitted uses that exceed 20,000 SF of development and/or 40,000 SF of land disturbance. (See Footnote beneath [LUMO Table 3.7-1: Use Matrix](#)⁵.)

The BOA will review all minor SUPs and the Town Council will review major SUPs.

The 20/40 Rule could be adjusted in the future, but staff is not recommending a modification at this time.

These changes only apply to new SUPs. State Statutes require any SUP modifications to be reviewed by the board that approved the original SUP ([See NC GS § 160D-705](#)⁶).

Public Engagement

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| Staff requested input from members of the development community to discuss the proposed text amendments. We did not receive any input. |
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⁵https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances/425892?nodeId=CO_APXALAUSMA_ART_3ZODIUSDIST_3.7USRE

⁶https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-705.pdf

Attachments

Staff and Advisory Board Materials

1. Planning Commission Recommendation- Draft

Draft Ordinance and Resolutions

2. Resolution A – Consistency
3. Ordinance A – Approving the Text Amendments
4. Resolution B – Denying the Text Amendments