



Land Use Management Ordinance (LUMO) Text Amendment: Articles 3, 4, and 8
Regarding Updates to Procedures for Concept Plans & Special Use Permits

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Planning Commission Meeting Date: November 8, 2023

Project Overview

- In September 2022, the Town Council contracted a consultant to conduct a Planning Systems Evaluation to achieve better outcomes in the planning process and land use decisions.
- On September 20, 2023, the Council expressed interest in 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).
- The proposed text amendments will modify the role of advisory boards and commissions in reviewing land use applications, specifically by:
 - Modifying the Concept Plan process so that Concept Plans go to either Planning Commission, the Historic District 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.

Process

Planning Commission reviews the proposed text amendment and makes a recommendation to Town Council. Town Council will hold a public hearing to consider the proposed amendments on November 15, 2023.

Staff Recommendation & Analysis

	Recommends that the Planning Commission <i>review the proposed text amendment and forward a recommendation</i> to Town Council.
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The requested 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 has recommended modifying the process so that:

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

- 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.
- 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 would go only to Town Council.
- The Historic District Commission (HDC) currently reviews concept plans for proposals within the local historic district. [LUMO 8.4.6\(q\)](#) gives the HDC the ability to exercise the powers and duties of the CDC within the districts. Staff finds that some uses or site development plans may not be compatible with the special character of the local historic districts. It may be beneficial for the Commission to provide input prior to Council approval of a CZD rather than at the time of a Certificate of Appropriateness (COA).
- Applicants may choose for their concept plan to go to both Planning Commission and 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.

The 20/40 Rule could be adjusted in the future but is not proposed to be modified at this time.

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

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](#)⁵).

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

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

⁵ https://www.ncleg.gov/EnactedLegislation/Statutes/PDF/BySection/Chapter_160D/GS_160D-705.pdf

Public Comment

On October 30, 2023, staff requested input from members of the development community about the proposed text amendments and is currently collecting feedback.

Attachments

Draft Ordinance and Resolutions

1. Resolution A – Consistency and Reasonableness
2. Ordinance A – Approving the Text Amendments
3. Resolution B – Denying the Text Amendments