

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING SECTION 4.5.4 OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE RELATED TO SPECIAL USE PERMIT MODIFICATIONS (2019-__-__/O-#).

WHEREAS, the Council called a Public Hearing to amend subsections of Articles 4.5.4 of the Land Use Management Ordinance as it relates to Special Use Permit Modifications for the Council's May 22, 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) Sections 4.5.4 related to Special Use Permit Modifications, 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:

- Promote a safe, vibrant, and connected (physical and person) community (CPE.3)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (NOC.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (NOC.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Land Use Management Ordinance be amended as follows:

Section 4.5.4. Modifications of Special Use Permits:

"The following shall constitute a modification of the special use permit:

(9) Changes to infrastructure associated with a site that would:

(a) increase the intensity of the development, including increases to floor area or impervious surface, or

(b) would make it nonconforming or increase the nonconformity with the development's existing Special Use Permit or other standards of this Appendix.

Infrastructure projects not exceeding these thresholds shall be considered minor changes, provided the projects demonstrate that they are proposed to address a public health, safety, or environmental issue, such as the installation of stormwater pipes to relieve a documented flooding issue or the removal of structures.

Prior to issuance of a Zoning Compliance Permit, owners within 100 feet must be notified and given two weeks from the date of notification to transmit comments to the Town Planning Department."

This ordinance shall be effective upon enactment.

This the __ day of ____, 2019