



PLANNING COMMISSION: APPLICATION FOR AMENDMENTS TO LAND USE MANAGEMENT ORDINANCE SECTION 3.7 AND APPENDIX A

STAFF REPORT

TOWN OF CHAPEL HILL PLANNING AND DEVELOPMENT SERVICES
Judy Johnson, Interim Planning Director
Anya Grahn, Senior Planner
Becky McDonnell, Planner II

AMENDMENT REQUEST		DATE
Amend Section 3.7.3 Use Table and Appendix A Definitions of the Land Use Management Ordinance to permit Flex Office in the Town Center Zoning Districts and revise definitions for General Business, personal services, and Commercial Recreation Facility and adding definitions for retail sales, retail services, personal instruction and health clubs.		April 7, 2020
STAFF RECOMMENDATION		
Staff recommends that the Planning Commission review the proposed text amendments and forward a recommendation to the Town Council in time for the Council’s review at the April 22, 2020 Public Hearing.		
PROCESS	OVERVIEW	
<p>The item before the Council is for approval of a Land Use Management Ordinance Text Amendment. The Council must consider whether one or more of the three findings for enactment of the Land Use Management Ordinance Text Amendment applies:</p> <ol style="list-style-type: none"> To correct a manifest error in the chapter; or Because of changed or changing conditions in a particular area or in the jurisdiction generally; or To achieve the purposes of the Comprehensive Plan. 	<ul style="list-style-type: none"> On February 19, 2020, Mayor Hemminger submitted a petition¹ to the Town Council to expand existing land use types to include Experiential Retail. The text amendments would update the Use Table in Section 3.7 of the Land Use Management Ordinance to allow Flex Office in the Town Center (TC-) zoning districts. The TC-zoning districts should be more flexible in their allowed uses in order to address the changing needs of the retail industry. The text amendments would also update the Appendix A Definitions of the Land Use Management Ordinance to revise the definitions for General Business and Indoor Commercial Recreation Facility, as well as add new definitions for retail sales, retail services, personal services, personal instruction, and health clubs. 	
DECISION POINTS		
<p>Tonight’s proposal is for amendments to Use Table (Section 3.7) and Definitions (Appendix A) of the Land Use Management Ordinance including the following changes:</p> <ul style="list-style-type: none"> Revising the Use Table in Section 3.7 to permit Flex Office in the TC- zoning districts. The TC- districts are intended to be a concentration of business, administrative, financial, governmental, and support functions serving the community. The nature of retail is changing and the current LUMO definitions do not reflect new forms and changes in the retail industry. Examples included in our current definitions do not reflect new forms of retail such as experiential retail. 		
ATTACHMENTS	<ol style="list-style-type: none"> Text Amendment Summary Resolution of Consistency (For proposed Land Use Management Ordinance amendment) Ordinance A (Enactment of Land Use Management Ordinance Text Amendment Proposal) Resolution B (Deny Land Use Management Ordinance Text Amendment Proposal) 	

¹ <https://chapelhill.legistar.com/View.ashx?M=F&ID=8082562&GUID=7526FFA6-0BF4-45A4-88DC-BE8E0966DCA7>



PROPOSED CHANGES: TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3 AND APPENDIX A

The following is a summary of the proposed text amendments to amend the LUMO to reflect the changing nature of the retail industry.

1. Section 3.7.2 Use Matrix

- Adds "Flex Office" in the Use Matrix table as a permitted use in the Town Center (TC-) zoning districts.

2. Appendix A Definitions

- The following definitions will be amended to read:
 - ~~*Business, general:* Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including supermarkets, department stores, discount stores, variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, automotive supply stores, and appliance stores provide retail sales and services. All associated activities, noise, odors, and vibrations shall be contained entirely within an enclosed building or tenant space, except as otherwise provided for in this Code.~~
 - ~~*Recreation facility, commercial indoor:* A private profit-making facility providing recreational activities enclosed within buildings, including commercially operated indoor swimming pools and tennis courts, health clubs, gymnasiums, amusement arcades, bowling alleys, and indoor skating rinks, and pool halls.~~
 - ~~*Personal services:* An establishment that primarily provides services generally involving the care of a person or his/her apparel, such as seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, and coin-operated laundry and dry cleaning facilities, but not including barber shops and beauty salons. Establishments primarily engaged in providing individual services generally related to personal needs. Typical uses include, but are not limited to barber shops, beauty salons and spas, massage facilities, dry cleaners, tailors, and tattoo parlors.~~
- New definitions will be incorporated to read:
 - *Health club:* Establishments over 10,000 square feet for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms.
 - *Personal instruction:* Establishments that principally offer instruction in performing and culinary arts, martial arts, physical exercise, yoga, crafts, social customs and activities, and similar uses. Typical uses include, but are not limited to dance instruction centers, cooking schools, exercise studios, craft and art instructional studios, and martial arts studios.
 - *Retail sales:* Establishments engaged in selling of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.
 - *Retail services:* Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use including personal services and instruction. This term does not include places of assembly.