

Staff Memorandum

Public Hearing – 2/21/2018



Overview: On November 29, 2017, the Town Council amended the Land Use Management Ordinance (LUMO) to expand the use of Conditional Zoning. The effective date for those amendments is April 1, 2018.

Additional revisions are necessary at this time for clarity and to establish a link between the Town's Land Use Plan and conditional zoning district applications.

This proposed amendment to the Land Use Management Ordinance does not rezone any particular parcel of land in the Town.



Recommendations:

Staff Recommendation: That the Council open the public hearing, receive comments, and recess the public hearing to the March 21, 2018 Business Meeting.

Advisory Board/Commission Recommendations:

| Key: ✓: Approval recommended X: Denial recommended ✎ : Comments | | |
|---|--|-------------|
| Advisory Board/Commission | Support Staff Recommendation? | Notes/Edits |
| Planning Commission | The Planning Commission considered the amendments on 2-6-2018 and made suggestions. Those suggestions are now included in the draft Ordinance. The Planning Commission will consider the revised Ordinance on 2/20/2018, and their recommendation will be presented to the Council on 2/21/2018. | |

Key Issues:

- Should the LUMO be amended to establish a link between the Town's Land Use Plan and conditional zoning district applications?

Overview of Proposed Amendments

A. The following proposed amendments are for clarification purposes:

1. In November of 2017, when the Planning Commission considered the proposed amendments to expand the use of conditional zoning in the Land Use Management Ordinance, the Planning Commission recommended adoption under certain conditions.

Those conditions included encouraging adherence to the most current AIA (American Institute of Architects) green building standards. As a result, the following language was included in the Ordinance amending the Land Use Management Ordinance:

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“One goal of the Town’s Comprehensive Plan is to promote energy conservation through building design. Therefore, applicants are encouraged to meet the Architecture 2030 Challenge guidelines as amended.”

The Town Attorney did not review this language prior to its inclusion in the amendment in November. In the opinion of the attorney, that language encouraging the following of a guideline is not language appropriate for a regulatory ordinance and is better suited for a companion policy. This is consistent with how other policy guidelines encouraging or incentivizing activities are provided. The recommended Ordinance before the Council removes the above language.

To address the Planning Commission’s concerns regarding the promotion of energy conservation, we recommend that the Town Council consider a Resolution similar to the current Resolutions that governs special use permits. (In 2001 and again in 2007, the Town Council adopted Resolutions regarding energy conservation. Those Resolutions are attached.) Such a Resolution would apply to conditional zoning applications and could specify that all applicants seeking approval of a conditional zoning district are encouraged to demonstrate compliance with the AIA 2030 Challenge.

As noted in the Manager’s Report, on January 31, 2018, the Town received a petition from the Environmental Stewardship Advisory Board requesting that the Town consider utilizing the AIA 2030 Challenge as the standard for energy efficiency for all Town buildings as well as the creation of a plan to incentivize its use for development. To date, that petition is under review.

2. An amendment clarifying that only in the Innovative, Light Industrial District (LI-CZD) may the Council act on the conditional zoning application at the same meeting as the initial public hearing.

Because the Innovative, Light Industrial Conditional Zoning District is only permitted on Millhouse Road, a separate development review process was previously established for the LI-CZD. This proposed amendment clarifies that this different review process only applies to the LI-CZD, not other conditional zoning districts.

B. These proposed amendments are necessary to establish a link between the Town’s Land Use Plan and conditional zoning district applications.

1. The first amendment precludes establishment of a conditional zoning district, unless such a district conforms to the Land Use Plan in the Comprehensive Plan.
2. Because the Town may receive conditional zoning applications that are not consistent with the Land Use Plan, proposed amendments provide a process for amending the Land Use Plan. This process is similar to the process for a general rezoning and includes standards for evaluating the proposed Land Use Plan amendment.

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Amendments to the LUMO

Section 4.4 of the Land Use Management Ordinance states as follows:

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the town is it intended that, this appendix shall not be amended except:

- a) To correct a manifest error in the appendix, or
- b) Because of changed or changing conditions in a particular area or in the jurisdiction generally, or
- c) To achieve the purposes of the comprehensive plan.

It is further intended that, if amended, this appendix be amended only as reasonably necessary to the promotion of the public health, safety, or general welfare, and in conformance with the comprehensive plan.

- For the following amendments, staff believes that the proposed amendments correct an error in the appendix:

- a) The amendment removing the reference to Architecture 2030 Challenge guidelines; and,
- b) The amendment clarifying that only in the Innovative, Light Industrial District may the Council enact a conditional zoning district at the same meeting as the initial public hearing.

- For the remaining amendments that require conditional zoning districts to conform to the Land Use Plan and permit amendments to the Land Use Plan, these amendments achieve the purposes of *Chapel Hill 2020*. *Chapel Hill 2020* states:

“The focus of the Chapel Hill 2020 comprehensive plan is to map how the community can balance responding to change with protecting what the community values. The community’s goal is to purposefully identify and seize opportunities, respond to and correct negative trends, and embrace positive change while preserving the community’s fundamental character, values, and identity.”

Requiring conditional zoning districts to conform to the Land Use Plan but also permitting that Plan to be amended allows the Town to “balance responding to change with protecting what the community values.” These proposed amendments also provide an intentional opportunity for the Town to “purposefully identify and seize opportunities” and to think beyond the boundaries of the proposed conditional zoning district to think critically about how the proposal impacts the Town as a whole.

- In terms of the conformance with the comprehensive plan, amending the LUMO to provide for thoughtful changes to the Land Use Plan would be in conformance with the following goals found in:

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Theme 4: Good Places, New Spaces:

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3)
- A community that welcomes and supports change and creativity (GPNS.6)

Theme 1: A Place for Everyone

- A community of high civic engagement and participation

Conclusion

The Council has an opportunity this evening to receive public input and to ask questions.