

**AN ORDINANCE AMENDING ARTICLES 3 AND 4 OF THE LAND USE
MANAGEMENT ORDINANCE RELATED TO CONDITIONAL ZONING (2018-
XX-XX/O-#)**

BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1 – Article 3. Section 3.4.3 Conditional Districts is hereby amended to read as follows:

“3.4.3 Conditional zoning districts, except the Innovative, Light Industrial Conditional Zoning District established in 3.4.4, parallel each of the following general use zoning districts:

R-5
R-6
TC-1
TC-2
TC-3
CC
N.C.
OI-3
OI-2
OI-1
MU-V

Except as otherwise provided in the Innovative, Light Industrial Conditional Zoning District (LI-CZD), development in a conditional zoning district is subject to the same standards applicable to the parallel general use zoning district including overlay district regulations, as modified by the approved district-specific plans and conditions:

- a) That are proposed or agreed to by the owner(s) of the subject land;
- b) That incorporate any proposed modifications to use, intensity, or development standards applicable in the parallel general use district; and,
- c) That are limited to conditions that address conformance of the allowable development and use of the rezoning site with Town regulations and adopted plans, and impacts reasonably expected to be generated by the allowable development or use of the site.

~~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.”~~

Section 2 – Article 3. Section 3.1.4 is hereby amended to read as follows:

“Conditional Zoning Districts, other than the LI-CZD, may be established by the town council approval of a conditional zoning district pursuant to the procedures established in section 4.4.5

of this Appendix, **provided the Conditional Zoning District conforms to the Land Use Plan in the Comprehensive Plan.** Conditional Zoning Districts incorporate district-specific plans and conditions agreed to by the town and the owner(s) of the rezoning land. Conditional Zoning Districts are designated with the suffix CZD on the zoning atlas.”

Section 3 – Section 4.2 is hereby amended to read as follows:

“Purpose statement: The purpose of this section is to prescribe uniform procedures for the establishment and amendment of the comprehensive plan.

- a) *Process.* The town council shall adopt and maintain a comprehensive plan for Chapel Hill. Amendments to the comprehensive plan, or a new comprehensive plan, shall be prepared by the planning commission with assistance from the town manager and approved, modified, or rejected by the town council. The comprehensive plan shall be used as a guide for decision-making.
- b) *Schedule for updates.* The comprehensive plan may be amended at the discretion of the town council **and as provided for in this Section 4.2.”**
- c) **“Town council action on applications. When applications for a conditional zoning district fail to conform to the Land Use Plan in the Comprehensive Plan, the town council may consider an amendment to the Land Use Plan pursuant to the procedures for a general rezoning in subsection 4.4.2 (a) – (f) (2) and 4.4.2 (k) (1). When considering such an amendment to the Land Use Plan, the town council shall review the record of the public hearing, the planning commission’s recommendation and the town manager’s report and shall approve or deny the application based on the following:**
 - (1) **The proposed amendment is consistent with the goals and policies in the Comprehensive Plan;**
 - (2) **The proposed amendment addresses significantly changed conditions since the last time the Land Use Plan was adopted and/or amended with significantly changed conditions being defined as demonstrating evidence of change such as unanticipated consequences of an adopted policy, and/or changed conditions on the subject property or its surrounding area;**
 - (3) **The subject property is suitable for development in general conformance with adjacent land use and the existing surrounding development pattern or patterns as envisioned in adopted plans; and,**
 - (4) **The proposed amendment enhances the public health, safety, and welfare of the Town.””**

Section 4 – Division 4.4.3 (e) is hereby amended to read as follows:

- (e) *“Town manager’s report to town council.*

- (1) After completion of the initial public hearing, the town manager and town attorney shall review the record of the public hearing and the town manager shall prepare and submit to the town council a report containing findings as to conformity with the intent of this appendix and a recommendation for action.
- (2) Such report shall be submitted to the town council within thirty (30) days after completion of the initial public hearing, or within such further time as may be consented to by written notice from the applicant or by town council resolution. Failure of the town manager to submit a recommendation to the town council within the prescribed time limit, or extensions thereof, shall be construed as a favorable recommendation.
- ~~(3) Subdivisions (e)(1) and (e)(2) shall not be a requirement of a rezoning application to an Innovative, Light Industrial CZD. The town council, at its own discretion, may act upon a rezoning application to an Innovative, Light Industrial CZD at the same meeting at which it conducts an initial public hearing on the application.~~

“Notwithstanding subsection (e)(1), the town council may act upon a rezoning application to an Innovative, Light Industrial CZD at the same meeting at which it conducts an initial public hearing on the application, in which case a report from the town manager pursuant to subsection (e)(1) shall not be required.”

Section 15 - This Ordinance shall take effect on April 1, 2018.

This the _____ day of _____, _____.