

Staff Memorandum

Business Meeting – 03/21/2018



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:

That the Council:

- Close the public hearing;
- Adopt Resolution A, finding that the proposed text amendment is reasonable, in the public's interest, and consistent with the Town's Comprehensive Plan;
- Enact the Ordinance amending Articles 3 and 4, related to conditional zoning, of the Land Use Management Ordinance;
- Adopt Resolution C, amending the Fee Schedule; and,
- Adopt Resolution D, preferred Development Review Process during Concept Plan Review

- *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 reviewed the revised Ordinance on 2/20/2018 and recommended adopting the proposed Resolution of Consistency as well as enacting the Ordinance.	

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 amendment is for clarification purposes:

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.

Staff Memorandum

Business Meeting – 03/21/2018



Because the Innovative, Light Industrial Conditional Zoning District is only permitted on Millhouse Road, Council previously established a separate development review process 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 is consistent with the Land Use Plan in the Comprehensive Plan. A proposed Conditional Zoning District is deemed consistent if the proposed District will be located in conformance with an adopted small area plan and/or in one of the following Land Use Categories:

Medium Residential
High Residential
Commercial
Mixed Use, Office/Commercial Emphasis
Mixed Use, Office Emphasis
Town/Village Center
Institutional
Office
University
Development Opportunity Area
Light Industrial Opportunity Area

This proposed change prevents conditional zoning districts from locating in a Low Residential or a Rural Residential Land Use Category, unless the Town Council reviews and approves a Land Use Plan amendment as discussed below

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.

C. Miscellaneous Considerations:

1. When the Council considered these amendments at the public hearing in [February](#)¹, staff discussed the appropriateness of the existing encouragement for applications to comply with the Architecture 2030 Challenge. Pursuant to the discussions on

¹ <https://chapelhill.legistar.com/LegislationDetail.aspx?ID=3346656&GUID=B12E6890-A643-4D77-8404-CC5AF41DC928&Options=&Search=>

Staff Memorandum

Business Meeting – 03/21/2018



February 21, 2018, the revised Ordinance before the Council does not include the deletion of the Architecture 2030 Challenge. As a result, this encouragement will remain and go into effect on April 1, 2018.

2. During that discussion in February, Council asked that staff formalize their request to discuss with an applicant the Council's preferred development review tool, for the application under review, during Concept Plan Review. If the Council wishes, Staff can include a reminder, in Concept Plan presentation and agenda materials, that Council may express to the applicant their preference for the most appropriate development review process. In addition, adoption of Resolution D, would formalize Council's desire to advise applicants of their preferred development review option during Concept Plan Review.
3. The existing Fee Schedule does not include a fee for Conditional Zoning District and Land Use Plan Amendment applications. Consequently, an amendment to the Fee Schedule is necessary at this time. For Conditional Zoning District applications, the proposed fees mirror those of for a Special Use Permit. The proposed fee for a Land Use Plan amendment is the same as the current fee for a general use rezoning.

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 amendment, staff believes that the proposed amendment corrects an error in the appendix:

- a) 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.

Staff Memorandum

Business Meeting – 03/21/2018



- 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:

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 further public input, to ask questions and, if it chooses, to enact the propose amendments to the Land Use Management Ordinance as well as the amendment to the Fee Schedule.