



## OPEN THE PUBLIC HEARING: LAND USE MANAGEMENT ORDINANCE TEXT AMENDMENT – SECTION 4.5.4. SPECIAL USE PERMIT MODIFICATIONS

### STAFF REPORT

TOWN OF CHAPEL HILL PLANNING  
Ben Hitchings, Director  
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#### AMENDMENT REQUEST

Amend the Special Use Permit Modifications section of the Land Use Management Ordinance to allow projects on sites encumbered by a Special Use Permit to address documented health, safety, or environmental issues through an administrative approval process.

#### DATE

May 22, 2019

#### STAFF RECOMMENDATION

That the Council open the public hearing on the Land Use Management Ordinance text amendment, receive public comment, and continue the public hearing to June 26, 2019.

#### PROCESS

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:

1. To correct a manifest error in the chapter; or
2. Because of changed or changing conditions in a particular area or in the jurisdiction generally; or
3. To achieve the purposes of the Comprehensive Plan.

#### OVERVIEW

- The Oaks Condominiums proposed a project in 2018 that involved the installation of a storm drainage conveyance system to reduce existing flooding issues.
- The project required a Special Use Permit Modification, typically a 9-12 month process requiring Council approval.
- The proposed text amendment is in response to the Council's interest in establishing a shorter, administrative process for similar projects.

#### DECISION POINTS

This text amendment is in response to a request from Council to develop an approval process for projects addressing a documented health, safety, or environmental issue on sites encumbered by a Special Use Permit. Currently, if such projects exceed certain criteria thresholds for land disturbance, impervious surface, and floor area, they must apply for a Special Use Permit Modification, which is typically a 9-12 month process and requires a full Advisory Board review and Council approval. The proposed text amendment would modify the Special Use Permit Modifications section of the Land Use Management Ordinance to provide an administrative approval option for certain infrastructure projects. The proposed text amendment would add a ninth type of change under subsection (b) of Section 4.5.4. Modifications of Special Use Permits:

“(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 exceeding any thresholds in subsections 1 – 8<sup>1</sup> of this section but not exceeding these thresholds in subsection 9 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 for a minor change under this subsection 9, owners of property within 100 feet must be mailed notice of the proposed change and offered an opportunity to comment to the Town Planning Department. No Zoning Compliance Permit shall be issued for such a change until two weeks after the date of such notice is mailed.”

#### ATTACHMENTS

1. Draft Staff Presentation
2. Resolution of Consistency (For proposed Land Use Management Ordinance amendment)
3. Ordinance A (Enactment of Land Use Management Ordinance Text Amendment Proposal)
4. Resolution B (Deny Land Use Management Ordinance Text Amendment Proposal)
5. Planning Commission Recommendation

<sup>1</sup> [https://library.municode.com/nc/chapel\\_hill/codes/code\\_of\\_ordinances?nodeId=CO\\_APXALAUSMA\\_ART4PR\\_4.5SPUSPE](https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA_ART4PR_4.5SPUSPE)