

## ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

### **AN ORDINANCE AMENDING SECTION 4.5.4. MODIFICATIONS OF SPECIAL USE PERMITS. OF THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE (2019-\_\_-\_\_/\_O-#).**

WHEREAS, the Council called a Public Hearing to amend Article 4. Procedures. Section 4.5.4. Modifications of Special Use Permits. of the Land Use Management Ordinance for the Council's May 22, 2019 meeting; and

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendment to the Land Use Management Ordinance (LUMO) Section 4.5.4 related to Special Use Permit Modifications, and finds that the amendment, if enacted, is reasonable and in the public's interest and is warranted to achieve the purposes of the Comprehensive Plan as explained by, but not limited to, the following goals of the Chapel Hill 2020 Comprehensive Plan:

- Promote a safe, vibrant, and connected (physical and person) community (Community Prosperity and Engagement.3)
- Maintain and improve air quality and water quality, and manage stormwater to heal local waterways and conserve biological ecosystems within the town boundaries and the Extra Territorial Jurisdiction (Nurturing Our Community.2)
- Adopt an integrated development review process that is fair and transparent and that incorporates the Chapel Hill 2020 environmental goals (Nurturing Our Community.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Good Places, New Spaces.3)

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

Section 1. Section 4.5.4 Modifications of Special Use Permits. is amended to add the following under subsection (b):

(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 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.

Section 2. This ordinance shall be effective upon enactment.

This the \_\_ day of \_\_, 2019