



## PLANNING COMMISSION: APPLICATION FOR AMENDMENTS TO LAND USE MANAGEMENT ORDINANCE – ARTICLES 3 AND 4

### STAFF REPORT

TOWN OF CHAPEL HILL PLANNING DEPARTMENT  
Judy Johnson, Interim Planning Director  
Kari Grace, Senior Planner

<b>AMENDMENT REQUEST</b>  Amend portions of Articles 3 and 4 of the Land Use Management Ordinance (LUMO) to allow additional uses as part of conditional zoning and make changes to concept plans related to conditional zoning requests.	<b>DATE</b>  November 5, 2019	<b>APPLICANT</b>  Planning Department
<b>STAFF RECOMMENDATION</b>  Review the proposed text amendment and forward a recommendation to the Town Council in time for the Council’s review at the November 13, 2019 Public Hearing.		
<b>PROCESS</b>  The LUMO requires the Planning Commission to make a recommendation to the Town Council on the proposed text amendment. The Council must consider the <b>three findings</b> for enactment of the Land Use Management Ordinance Text Amendment:  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.	<b>DECISION POINTS</b>  <ul style="list-style-type: none"><li>• At the time of concept plan, applicants may not know whether they will submit future applications as a special use permit or conditional zoning; different concept plan thresholds creates confusion later.</li><li>• The Town has received a development application for affordable multifamily development, which would currently require a special use permit.</li><li>• Conditional zoning is a legislative process, which allows for more open discussion.</li><li>• Conditional zoning can be a more efficient process because a special use permit is not required.</li></ul>	
<b>PROJECT OVERVIEW</b>  <b>History:</b> On November 29, 2017, the Council adopted amendments to the zoning amendment procedures and conditional district text of the LUMO in order to allow conditional zoning districts. On May 1, 2019, the Council adopted an administrative procedural change to the conditional zoning procedures to allow land use plan amendment and conditional zoning applications to be considered concurrently rather than sequentially.  <b>Description:</b> Town staff have determined that current concept plan procedures for conditional zoning are inconsistent with concept plan procedures for special use permits. The proposed text amendment seeks to make the thresholds for both application types the same.  Additionally, there is currently not an application path that would allow multifamily development without a special use permit. The proposed text amendment would allow multifamily development with an approved conditional zoning in specified districts.		
<b>ATTACHMENTS</b>	1. Staff Presentation 2. Technical Report 3. Resolution of Consistency 4. Ordinance A (Enactment of Land Use Management Text Amendment Proposal) 5. Resolution B (Deny Land Use Management Text Amendment Proposal)	