

ORDINANCE A

(Enacting the Land Use Management Ordinance Text Amendment proposal)

AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE ARTICLES 3 AND 4 RELATED TO CONDITIONAL ZONING (2020-__/_/0-#).

WHEREAS, the Council called a Public Hearing to amend subsections of Articles 3 and 4 of the Land Use Management Ordinance as it relates to conditional zoning for the Council's November 13, 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) Articles 3 and 4 related to conditional zoning 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:

- A range of housing options for current and future residents (PFE.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill's character for residents, visitors, and students (GPNS.5)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3)

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Chapel Hill that the Land Use Management Ordinance be amended as follows:

Section 1 Section 3.7.2 Use Matrix is hereby revised to read as follows:

| Table 3.7-1: Use Matrix | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------|-----------------------------|----|-------|------|-----|-----|------|-----|-----|-----|-----|--------|------------|----|------|------|------|------|------|---|--|----|---------------------------|------|------|------|---|-------|-----|----|----|---|------|---|
| | | General Use Zoning District | | | | | | | | | | | | | | | | | | | | Historic Rogers Road Neighborhood District | | Planned Development (PD-) | | | | | | | | | | | |
| Uses | Use Group | R-LD5 | RT | R-LD1 | R-1A | R-1 | R-2 | R-2A | R-3 | R-4 | R-5 | R-6 | R-SS-C | TC-1, TC-2 | CC | N.C. | OI-1 | OI-2 | OI-3 | OI-4 | I | LI-C7D | MH | HR-I | HR-M | HR-X | HR-C | H | SC(N) | SCI | OI | MU | I | DA-1 | |
| Dwelling units, multifamily, over 7 dwelling units | A | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | — | — | — | — | P | — | P |

- Definitions of uses are listed in Appendix A
- Definitions of Wireless Communication Facility uses are listed in Appendix A, and in Section 5.20.3.

^ Uses in Table 3.7-1, Use Matrix, are applicable only to private property outside improved public rights-of-way. See Section 5.20.9(d) for small wireless facilities inside improved rights-of-way.

* Uses in this table are pursuant to a development agreement. If there is no development agreement governing the site, see Section 3.5.6(f)(1) and (2).

KEY:

"—" Not Permitted;

"S" Permitted as a special use;

"A" Permitted as an accessory use; In LI-CZD refer to Article 6 of this appendix for standards applicable to accessory uses labeled as "AY".

"P" In OI-3, OI-4, LI-CZD and MH: Permitted as a principal use;

"CZ" Permitted as a principal use in the parallel Conditional Zoning District;

"Y" In LI-CZD, permitted under additional prescribed standards in section 6.22

Section 2. Section 4.3.1 Applicability is hereby revised to read as follows:

(b) *Proposals subject to additional review by town council.*

- (1) ~~All conditional zoning applications except for the light industrial conditional zoning district (LI-CZD), and Those~~ applications listed in subsection 4.3.1.(a) that meets any of the minimum thresholds established in subsections (1) or (2), below, shall require town council review as provided in section 4.3.2, below, in addition to community design commission review:

Section 3. Section 4.6.3 Classification of Subdivision is hereby revised to read as follows:

(a) *Minor subdivision—Administrative review.*

- (1) The minor subdivision—administrative review approval process is a one-step procedure involving town manager approval of a final plat. A "minor subdivision—administrative review" includes any subdivision pursuant to an approved zoning compliance permit for a two-family or multifamily townhouse development, an approved special use permit for a planned development, an approved conditional zoning, or an approved commercial subdivision.

Section 4. Section 4.6.4.1. Procedures for Approval of Minor Subdivisions—Administrative Review is hereby revised to read as follows:

(b) *Action on application.*

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, or conditional zoning. He/she shall take action on an application based solely on his/her findings as to compliance with applicable regulations and conditions. He/she shall:

Section 5. Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review is hereby revised to read as follows:

(b) *Action on application.*

- (1) When he/she accepts an application, the town manager shall evaluate the plat for compliance with all applicable regulations, including any applicable conditions of an approved zoning compliance permit, special use permit, or conditional zoning. The town manager shall forward his/her report to the planning commission with a recommendation.

Section 6. 4.7.1. Applicability is hereby revised to read as follows:

- (d) Any development pursuant to an approved certificate of appropriateness, conditional zoning, or special use permit including special use permits that are no longer necessary and have therefore

been abandoned, provided the town manager finds that no modifications are proposed to the plans and conditions in the area have not changed significantly;

Section 7. Section 4.9.1 - Applicability is hereby revised to read as follows:

- (b) *Action on the application.* The town manager shall take final action on the application. Final action on an application shall be based solely on findings as to compliance with all applicable provisions of this chapter, including all applicable conditions of an approved special use permit, **conditional zoning**, major or minor subdivision, site plan review, or certificate of appropriateness, and shall be one of the following:

Section 8. Section 4.9.2 Procedures is hereby revised to read as follows:

- (e) *Modification of zoning compliance permits.*

- (1) The town manager may approve a modification of zoning compliance permit for changes to plans approved under site plan review, special use permit, **conditional zoning**, major or minor subdivision, as long as such changes continue to comply with the approving action and all other applicable requirements. The town manager shall not have the authority to approve a modification for any substantial changes to plans approved under site plan review unless such changes are specifically required by a condition of approval.

Section 8. This ordinance shall be effective upon enactment.

This the ___ day of ___, 2020