

TECHNICAL REPORT



TEXT AMENDMENTS TO THE LAND USE MANAGEMENT ORDINANCE ARTICLES 3 AND 4 RELATED TO CONDITIONAL ZONING

The following Technical Report reviews proposed text amendments to allow additional uses as part of Conditional Zoning as detailed below.







BACKGROUND

- November 2017 The Council adopted amendments to the Land Use Management Ordinance to allow conditional zoning.
- May 2019 The Council approved an administrative procedural change to the conditional zoning process to allow concurrent consideration of land use plan amendments proposed alongside conditional zoning applications. .

CONNECTIONS TO OTHER DOCUMENTS

Town staff has reviewed the text amendment for compliance with the themes from the [2020 Comprehensive Plan](#)¹ and the standards of the [Land Use Management Ordinance](#)², and offers the following evaluation:

Comprehensive Plan Themes: Staff believes the proposed text amendments comply with the themes of the 2020 Comprehensive Plan as indicated in the following table:

<input type="checkbox"/>		Create a Place for Everyone	<input checked="" type="checkbox"/>		Develop Good Places, New Spaces
<input checked="" type="checkbox"/>		Support Community Prosperity	<input checked="" type="checkbox"/>		Nurture Our Community
<input type="checkbox"/>		Facilitate Getting Around	<input type="checkbox"/>		Grow Town and Gown Collaboration

SUMMARY OF PROPOSED CHANGES

The proposed changes to the Ordinance are to provide consistency regarding Concept Plans and to allow multi-family development as conditional zoning applications.

Summary of Potential Amendments

1. **Section 3.7.2 Use Matrix** – add CZ as a permitted use in the Use Matrix table for the Residential-6 (R-6) zoning district

Table 3.7-1: Use Matrix					
		General Use Zoning District	Historic Rogers Road Neighborhood District	Planned Development (PD-)	

¹ <http://www.townofchapelhill.org/home/showdocument?id=15001>

² https://library.municode.com/nc/chapel_hill/codes/code_of_ordinances?nodeId=CO_APXALAUSMA

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Uses	Use Group	R-ID5	RT	R-ID1	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-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1
Dwelli ng units, multif amily, over 7 dwelli ng units	A	—	—	—	—	—	—	—	—	—	—	—	N C I	S	P	P	P	P	P	P	—	—	—	—	—	—	—	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

2. Section 4.3.1 Applicability – changes to Concept Plan thresholds for consistency.

(a) *Proposals subject to review by community design commission.*

This section applies to any:

- (1) Special use permit or a special use permit modification; or
- (2) Master land use plan or a master land use plan modification; or
- (3) Major subdivisions, or
- (4) Conditional zoning, except for the light-industrial conditional zoning district (LI-CZD).

(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

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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:

3. **Section 4.6.3 Classification of Subdivision** – changes to section to include conditional zoning applications

(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.

4. **Section 4.6.4.1. Procedures for Approval of Minor Subdivisions**— changes to section to include conditional zoning applications

(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:

5. **Section 4.6.4.2 Procedures for approval of minor subdivisions—Planning commission review** -changes to section to include conditional zoning applications

(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.

6. **4.7.1. Applicability** - changes to section to include conditional zoning applications

- (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;

7. **Section 4.9.1 Applicability** - changes to section to include conditional zoning applications

- (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:

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8. **Section 4.9.2 Procedures** – changes to section to include conditional zoning applications

(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.

1. TEXT AMENDMENT FINDINGS OF FACT FOR LUMO TEXT AMENDMENTS

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance shall not be amended except:

- A. To correct a manifest error in the chapter; 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.