



# TOWN OF CHAPEL HILL

Town Hall  
405 Martin Luther King Jr.  
Boulevard  
Chapel Hill, NC 27514

## Legislation Details (With Text)

**File #:** [19-0406]      **Version:** 1      **Name:**

**Type:** Discussion Item      **Status:** Passed

**File created:** 4/15/2019      **In control:** Town Council

**On agenda:** 5/1/2019      **Final action:** 5/1/2019

**Title:** One Year Update on Conditional Zoning and Consider an Administrative Procedural Change.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Draft Staff Presentation, 2. Staff Report, 3. Staff Presentation, 4. Council Questions with Staff Response, 5. Process Comparison Chart, 6. A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURE REGARDING CONDITIONAL ZONING TO ALLOW CONDITIONAL ZONING APPLICATIONS WHICH REQUIRE LAND USE PLAN AMENDMENTS TO BE CONSIDERED CONCURRENTLY (2019-05-01/R-5)

| Date     | Ver. | Action By    | Action  | Result |
|----------|------|--------------|---------|--------|
| 5/1/2019 | 1    | Town Council | adopted | Pass   |

### One Year Update on Conditional Zoning and Consider an Administrative Procedural Change.

**Staff:**

Ben Hitchings, Planning Director  
 Alisa Duffey Rogers, LUMO Project Manager  
 Judy Johnson, Operations Manager

**Department:**

Planning

**Overview:** In order to permit greater dialogue between the Council and stakeholders when significant projects are proposed, Council enacted amendments to the Land Use Management Ordinance expanding the use of conditional zoning in November of 2017 and March of 2018. The Council spent time during those hearings considering whether to separate the rezoning process from the consideration of the Land Use Plan amendment when proposed projects were deemed in consistent with the Land Use Plan. The general policy guidance to the staff was to consider those actions in a linear manner. One year after enactment, there has been very little usage of the conditional zoning tool. The purpose of this item is to provide an update on its use and to discuss whether the current procedure reviewing Land Use Plan amendments (when required) concurrently with conditional zoning applications would make the conditional zoning tool more effective.

 **Recommendation:**

That the Town Council amend the administrative procedures to permit conditional zoning applications requiring a Land Use Plan amendment to be considered concurrently, rather than sequentially.







**Key Issue:**

- When a proposed conditional zoning district also requires a Land Use Plan amendment due to inconsistency with the Land Use Plan, the existing practices is that the Land Use Plan be amended prior to receiving and considering the application for the proposed conditional zoning district. Should this policy continue or should the Land Use Plan amendment and the proposed conditional

zoning district be considered concurrently?

- Applicant feedback during this first year is that the linear review adds time to the process, and they are therefore instead requesting a conditional use rezoning paired with a Special Use Permit or Development Agreement in situations that are aligned with the Council’s interests for the utilization of conditional zoning.

**Council Goals:**

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



**Attachments:**

- Resolution
- Draft Staff Presentation
- Staff Report

**A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURE REGARDING CONDITIONAL ZONING TO ALLOW CONDITIONAL ZONING APPLICATIONS WHICH REQUIRE LAND USE PLAN AMENDMENTS TO BE CONSIDERED CONCURRENTLY (2019-05-01/R-5)**

WHEREAS, in November of 2017, the Town Council amended the Land Use Management Ordinance to expand the availability of conditional zoning districts; and

WHEREAS, in March of 2018, the Town Council further amended the Land Use Management Ordinance to require conditional zoning districts to be consistent with the Town's Land Use Plan; and

WHEREAS, in March of 2018, the Town Council further amended the Land Use Management Ordinance to establish a process to amend the Land Use Plan when proposed conditional zoning districts were deemed inconsistent with the Land Use Plan; and

WHEREAS, in March of 2018, the Town Council discussed an administrative practice of requiring sequential review of a Land Use Plan amendment, when required, and conditional zoning district proposals; and

WHEREAS, there has been very little usage of the conditional zoning tool; and

WHEREAS, the feedback from applicants leads staff to believe that conditional zoning would be used more often if this procedural change were made.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Chapel Hill, the Town Council amends administrative procedures so that conditional zoning applications, which also require a Land Use Plan amendment, may be considered concurrently, rather than sequentially.

This the 1<sup>st</sup> day of May, 2019.

---

**The Agenda will reflect the text below and/or the motion text will be used during the meeting.**

PRESENTER: Alisa Duffey Rogers, LUMO Project Manager

RECOMMENDATION: That the Town Council amend the administrative procedures to

permit conditional zoning applications requiring a Land Use Plan amendment to be considered concurrently, rather than sequentially.