

MEMORANDUM

TO: Chapel Hill Planning Board

FROM: J.B. Culpepper, Planning Director

SUBJECT: Land Use Management Ordinance Text Amendment – Resource Conservation District findings for a variance

DATE: September 15, 2009

PURPOSE

We have scheduled a public hearing for October 19, 2009 in response to a December 2008 Supreme Court of North Carolina decision to consider a proposed Land Use Management Ordinance text amendment. The proposed text amendment would clarify the findings required by the Board of Adjustment in order to grant a variance in the Resource Conservation District.

The purpose of this cover memorandum is to request that the Planning Board review and forward a recommendation regarding the proposed text amendment. The Planning Board's recommendation will be included as part of the record being considered by the Town Council at the public hearing. The Manager's draft memorandum to the Council regarding this proposed text amendment.

We believe the proposed change to the Land Use Management Ordinance would benefit the community by clarifying the required findings for Resource Conservation District variances.

During the September 1, 2009 Planning Board meeting, several Board members stated that the language proposed by staff in the Text Amendment was confusing. The Board requested that the staff meet with the Town Attorney and return with alternate language. We have revised the proposed text amendment for clarity, based on the Board's September 1, 2009 review.

RECOMMENDATION

We recommend that the Planning Board recommend that the Council enact the attached Ordinance to amend Section 3.6.3(j)(2) of the Chapel Hill Land Use Management Ordinance.