

**AN ORDINANCE AMENDING THE CHAPEL HILL LAND USE MANAGEMENT ORDINANCE TO REMOVE THE MAXIMUM RESIDENTIAL OCCUPANCY LIMIT IN THE DEFINITION OF “SHELTER” AND TO REQUIRE A SPECIAL USE PERMIT FOR SHELTER USE (2010-01-11/O-2)**

WHEREAS, the Council of the Town of Chapel Hill has considered the proposed text amendments to the Land Use Management Ordinance regarding the maximum residential occupancy limit allowed in the definition of “shelter” and finds that the amendments are warranted in order to:

- A) correct a manifest error in the Land Use Management Ordinance, because an arbitrary occupancy limit was established; or
- B) provide for changed or changing conditions in the jurisdiction generally, because the delivery of services to the homeless has changed; or
- C) achieve the purposes of the Comprehensive Plan, to create and preserve affordable housing opportunities.

NOW, THEREFORE BE IT ORDAINED by the Council of the Town of Chapel Hill as follows:

Section 1a. That the definition of “shelter” in Appendix A (definitions) of the Chapel Hill Land Use Management Ordinance is hereby revised to read as follows:

“*Shelter*: A building or group of buildings owned or operated by a non-profit organization intended to be used solely for temporary occupancy **of by not more than twenty-five (25)** homeless persons, with on-site supervision during all hours of operation, with or without board for the occupants and staff of the shelter.”

Section 1b. That Section 3.7, Table 3.7-1, the *Use Matrix*, of the Land Use Management Ordinance, is hereby revised to require a Special Use Permit approval for the shelter use, as follows in the excerpt from the table below:

**“Table 3.7-1: Use Matrix**

USES	General Use Zoning District													Planned Development (PD-)															
	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, TC-3	CC	NC	OI-1	OI-2	OI-3	OI-4	I	MH	H	SC(N)	SCI	OI	MU	I	
Shelter	B	-	-	-	-	-	-	-	-	-	-	-	-	IS P	-	IS P	IS P	IS P	IS P	IS P	-	-	-	-	-	-	-	-	-

Section 2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 11<sup>th</sup> day of January, 2010.