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AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO

- A. Delete Section 4.1, Article IV of the Zoning Ordinance and substitute the following in lieu thereof:

4.1 Zoning Districts

The Town of Pittsboro, North Carolina, and its area of extraterritorial jurisdiction are hereby divided into general and overlay districts:

R-A	Residential - Agricultural
RA-2	Residential - Agricultural (2 acres)
R-A5	Rural - Agricultural (5 acres)
R-15	Low Density Residential
R-12M	Medium Density Residential and Mobile Home Park
R-12	Medium Density Residential
R-10	High Density Residential
O-1	Office and Institutional
C-1	Neighborhood Commercial
C-2	Highway Commercial
C-4	Central Business District
M-1	Light Industrial
M-2	Heavy Industrial
WSIV-CA	Watershed Overlay Critical Area
WSIV-PA	Watershed Overlay Protection Area
MUPD	Mixed Use Planned Development

- A. ***Or alternatively Add the following to Section 4.1 (and continue to have Conditional Use Districts zoning as well ;)***

In addition to the general zoning districts delineated above, a Conditional Zoning District (bearing the designation CZ) corresponding to the general purpose zoning districts and to the mixed use districts may be established as authorized in this ordinance.

RA (CZ)	Residential - Agricultural Conditional Zoning District
RA-2 (CZ)	Residential - Agricultural Conditional Zoning District
RA-5 (CZ)	Rural - Agricultural Conditional Zoning District
R15 (CZ)	Low-Density Residential Conditional Zoning District
R-12M (CZ)	Medium Density Residential and Mobile Home Park Zoning District
R-12 (CZ)	Medium Density Residential Conditional Zoning District
R-10 (CZ)	High Density Residential Conditional Zoning District
O-I (CZ)	Office and Institutional Conditional Zoning District
C-1 (CZ)	Neighborhood Business Conditional Zoning District
C -2 (CZ)	Highway Commercial Conditional Zoning District
C-4 (CZ)	Central Business District Conditional Zoning District

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- M-1 (CZ) Light Industrial Conditional Zoning District
- M-2 (CZ) Heavy Industrial Conditional Zoning District”

B. Add to Section 5.1 the following:

- O. Conditional Zoning Districts

These are zoning districts which correspond to the general purpose zoning districts, but in which the development and use of the property is subject to predetermined standards and rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.”

C. Delete Section 10.6 and all of its subparagraphs and insert the following in lieu thereof:

”SECTION 10.6 CONDITIONAL ZONING DISTRICTS

Conditional Zoning Districts (bearing the designation CZ) correspond to the general purpose zoning districts as authorized in this ordinance.

10.6.1. Purpose

Conditional Zoning districts are zoning districts in which the development and use of the property is subject to predetermined standards and the rules, regulations, and conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project.

Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted comprehensive plan, and adopted district and area plans.

The review process established in this Ordinance provides for accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with neighboring properties. A conditional zoning district is not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved land use plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.

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Zoning petitions to establish a conditional district will be processed in accordance with the provisions of Article 10.1 through Article 10.4 for zoning amendments as well as this section. A conditional district classification will be considered only if the application is made by the owner of the property or his/her authorized agent.

10.6.2 Uses within District

Within a conditional zoning district, only those uses listed (or determined to be equivalent uses) as permitted uses or special uses in the corresponding zoning district shall be permitted, and no use shall be permitted except as a conditional use subject to approval of a conditional zoning district rezoning authorized by the Town Board of Commissioners as provided herein.

10.6.3. Conditions

1. In approving a reclassification of property to a conditional zoning district, the Town Board of Commissioners may request that reasonable and appropriate conditions be attached to approval of the rezoning. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, stormwater drainage, the provision of open space, and other matters that the Town Board of Commissioners may find appropriate or the applicant may propose.
2. Such conditions to approval of the rezoning may include dedication to the Town or State, as appropriate, of any rights-of-way or easements for roads, water, or other public utilities necessary to serve the proposed development. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Board of Commissioners.
3. Before filing an application for a conditional zoning district, the applicant(s) is encouraged to meet with the Planning Department staff to discuss the nature of the proposed reclassification, the standards for development under the existing and proposed classifications, and concerns that persons residing in the vicinity of the property may have regarding the proposed reclassification, if known.
4. In a conditional district, conditions may specify the location on the property of the proposed use; the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; design elements of the proposed use; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-way and other areas to be dedicated for public purposes; the alteration of streets to mitigate traffic and environmental impacts; use limitations; and other matters the applicant proposes as conditions upon the request.

5. The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

a) **Consistency with Land Use Plan.** The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the Land Use Plan.

b) **Compatibility.** The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

c) **Design minimizes adverse impact.** The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

d) **Design minimizes environmental impact.** The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

e) **Impact on public facilities.** The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

f) **Health, safety, and welfare.** The proposed Conditional Zoning (CZ) District use's affect on the health, safety, or welfare of the residents of the Town or its ETJ.

g) **Detrimental to adjacent properties.** Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

h) **Not constitute nuisance or hazard.** Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

i) **Other relevant standards of this Ordinance.** Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

6. All applications must include a schematic plan drawn to scale and supporting text which will become a part of the ordinance amendment. The applicant should include at least the items listed below.

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a) A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.

b) The owners' names, addresses, and the tax parcel numbers of all adjoining properties.

c) All existing easements, reservations, and rights-of-way, and all yards required for the zoning district requested.

d) Proposed use of land and structures. For residential uses this should include the number of units and an outline of area where the structures will be located. For nonresidential uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located.

e) Traffic, parking, and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets.

7. Additional requirements. When dealing with the conditional district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board and/or Board of Commissioners may request additional information as they deem necessary. This information may include but is not limited to the items listed below.

a) Proposed screening, including walls, fences, or planting areas as well as treatment of any existing natural features.

b) Delineation of areas within the regulatory floodplain as shown on official Flood Hazard Boundary Maps for the Town of Pittsboro.

c) Existing and proposed topography at four foot contour intervals or less.

d) Generalized information on the number, height, and size or, in especially critical situations, the location of structures.

e) Proposed number and location of signs.

f) Approximate completion time of the project and proposed phasing, if any.

8. Any conditions imposed in association with a conditional district and so authorized are perpetually binding upon the property included within the conditional district unless subsequently changed or amended as provided for in this section.

9. In approving a conditional district, the Town Board of Commissioners may, with agreement of the applicant, impose more restrictive requirements than would otherwise be required by this

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ordinance and those in the application, as deemed necessary to ensure that the purposes and intent of this ordinance are met.

10. A new public hearing is required for consideration of a substantial change in conditions, as determined by the Planning Director (Zoning Enforcement Officer).
11. No condition on a conditional district application may have the effect of removing or amending any requirement of this ordinance.
12. Other than use conditions, no proposed condition can be a mere repetition of an already applicable requirement of this ordinance. The Planning Director (Zoning Enforcement Officer) may order the removal of any such condition from the application. The Planning Director (Zoning Enforcement Officer) may remove from the application any condition deemed unenforceable or unclear.
13. Prior to the issuance of any permits, the applicant must submit detailed plans to the Town Planning Director (Zoning Enforcement Officer) for final review.

10.6.4 Community Meeting

1. The applicant is required to hold a community meeting prior to the application deadline for a conditional zoning district rezoning. The applicant shall provide proof of mailed notice of the meeting. Notice of the meeting shall be provided to owners of abutting property, as listed with the Chatham County Tax Department, and include properties directly across a street, easement or public or private right of way. Notice may be sent to additional properties by the applicant. At a minimum, the notice shall be sent by standard mail and be postmarked at least fourteen (14) days prior to the date of the community meeting. Additional types of notice may be provided by the applicant.
2. A written report of the community meeting shall be included as part of the application packet. The written report of the meeting shall include a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.
3. Revisions to existing Conditional Zoning Districts and existing Conditional Use Permits shall not require a community meeting if the physical boundaries of the district or permit are not proposed to be expanded.

10.6.5 Scope of Approval

1. Any conditions approved in association with a Conditional Zoning District and so authorized shall be perpetually binding upon the property included in such Conditional Zoning District unless subsequently changed or amended as provided for in this Article.

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2. The applicant shall obtain certification of the approval of the Conditional Use District, and shall record the legal description and accompanying map exhibit/site plan in the office of the Register of Deeds of Chatham County.
3. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any of the conditions of approval, the Conditional Zoning District shall be deemed null and void and the governing body shall initiate proceedings to rezone the property to its previous zoning classification. Continued or repeated violation of the conditions in an approved Conditional Zoning District shall constitute an applicant's failure to accept said conditions.
4. Any violation of a condition in an approved Conditional Zoning District shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation.
5. The approval of a zoning map or text amendment does not authorize any development activity. Application for a Certificate of Zoning Compliance and any other administrative permits required by this Ordinance shall be required.
6. If an application for conditional zoning is approved, the development and use of the property shall be governed by the **existing** ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and the zoning maps.
7. If an application is approved, only those uses and structures indicated in the approved application and site plan shall be allowed on the subject property. A change of location of any structures may be authorized pursuant to applicable provisions of this ordinance.
8. Following the approval of a rezoning application for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation.
9. Any approved conditional zoning district shall have vested rights.

10.6.6 Alterations to Approval

1. Except as provided in herein changes to an approved conditional zoning district application or to the conditions attached to the approval shall be treated the same as a new application for a conditional zoning district and shall be processed in accordance with the original procedures.
2. The Planning Director (Zoning Enforcement Officer) shall have the authority to approve an administrative amendment change to an approved site plan. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any changes that increase the intensity of the development are limited for nonresidential

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development to 10% of the approved building square footage or 5,000 square feet, whichever is less. For residential development, increases in density are not allowed as an administrative change.

3. The Planning Director (Zoning Enforcement Officer) shall always have the discretion to decline to exercise the delegated authority because a rezoning application for a public hearing and Town Board of Commissioners action is deemed appropriate under the circumstances. If the Planning Director (Zoning Enforcement Officer) declines to exercise this authority, then the applicant can only file a rezoning application for a public hearing and Commissioner decision.

Adopted this ---- day of ----- 2013.

TOWN OF PITTSBORO

Attest:

By: _____
Mayor

Town Clerk