

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO**

A. Add the following to Section 4.1, Article IV of the Zoning Ordinance:

“In addition to the general zoning districts delineated above, a Conditional Zoning District (bearing the designation CZ) corresponding to the general use zoning districts may be established as authorized in this ordinance. Accordingly, the following conditional zoning districts may be designated upon approval by the Board of Commissioners of a petition to establish a conditional zoning district:

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

B. Add the following to Section 5.1:

“P. Conditional Zoning Districts

Conditional Zoning Districts are districts that correspond to the general use zoning districts in which the development and use of the property is subject to conditions imposed as part of the legislative decision creating the district in addition to the standards and regulations in the corresponding general use zoning district.”

C. Renumber Section 10.1.b to 10.1.c and insert the following:

“b. Conditional Zoning District zoning requests shall be made in accordance with the provisions of Section 10.7.”

D. Add the following:

”SECTION 10.7 CONDITIONAL ZONING DISTRICTS

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

10.7.1. Purpose

Conditional Zoning Districts are primarily intended to allow for the zoning and development of property in accordance with general use zoning district standards and additional conditions that enable the use and development to fit better with the site and neighboring properties.

The review process established in this Ordinance provides for accommodation of such development by a reclassification of property into a conditional zoning district, subject to specific conditions, which promote compatibility of the use with neighboring properties.

Zoning petitions to establish a conditional zoning 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 zoning district classification will be considered only if the application is made by the owner of the property or his/her authorized agent.

10.7.2 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 general zoning district shall be permitted. For special uses the applicant shall propose development standards to mitigate, if necessary, the impacts of each such use, especially with regard to property adjacent to the conditional zoning district.

10.7.3. Conditions

1. In a conditional zoning district, conditions may specify the uses proposed for the district; 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.

2. 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, the provision of open space, and other matters that the Town Board of Commissioners may find appropriate or the applicant may propose.

3. 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, sewer 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.

4. 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.

5. All applications must include an exhibit map/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:

a) A boundary survey showing the total acreage, present zoning classifications and uses for the subject property and adjacent properties, 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 conditional zoning district requested.

d) Proposed uses 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) A transportation plan with provisions for internal vehicular, transit, bicycle, and pedestrian circulation and parking.

f) Conditions proposed to be incorporated in the conditional zoning district

6. Additional requirements. When dealing with the conditional zoning 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. Delineation of Streams and associated stream buffers.

c) Existing and proposed topography at two 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 detached signs.

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

6. In approving a conditional zoning district, the Town Board of Commissioners may, with agreement of the applicant, impose more restrictive requirements than would otherwise be required by this ordinance and those in the application, as deemed necessary to ensure that the purposes and intent of this ordinance are met.

7. A new public hearing is required for consideration of a substantial change in conditions, as determined by the Planning Director (Zoning Enforcement Officer). **8**

8. No condition on a conditional zoning district application may have the effect of removing or amending any requirement of this ordinance.

9. 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.

10. Prior to the issuance of any permits, the applicant must submit detailed plans to the Town Planning Director (Zoning Enforcement Officer) for final review and approval.

11. At the request of the applicant, an exhibit map/schematic plan may also serve as a site plan or preliminary plat. Such plan shall comply with both exhibit map/schematic plan and site plan or preliminary plat requirements, as applicable, and shall undergo one review process. Where an exhibit map/schematic plan also serves as a site plan or preliminary plat, any associated special use permit requirement shall be waived.

10.7.4 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.

10.7.5 Scope of Approval

1. Any conditions approved in association with a Conditional Zoning District and so authorized shall be perpetually binding unless subsequently changed or amended as provided for in this Article. The applicant shall obtain certification of the approval of the Conditional Zoning District from the Town Clerk, and shall record the certification and accompanying map exhibit/site *plan* in the office of the Register of Deeds of Chatham County. The applicant shall return a certified copy of the recorded documents to the Town Clerk.

2. If for any reason any condition established pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the approval of 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 violations of the conditions in an approved Conditional Zoning District shall constitute an applicant's failure to accept said conditions.

3. 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.

4. 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,

5. 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.

6. If an application is approved, only those uses and structures indicated in the approved application and exhibit map/schematic 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.

7. 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.

8. Any approved conditional zoning district shall have vested rights.

10.7.6 Alterations to Approval

1. Except as provided herein, changes to an approved conditional zoning district 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 shall have the authority to approve an administrative change to an approved conditional zoning district application. The standard for approving or denying such a requested change shall be that the change does not significantly alter the approved plan or its conditions and that the change does not have a significant impact upon abutting properties. Changes that increase the intensity of nonresidential development up to 10% of the approved building square footage, but not more than 5,000 square feet, may be considered. For residential development, increases in density are not allowed as an administrative change.

3. The Planning Director shall always have the discretion to decline to exercise this delegated authority if he believes a requested change should be deemed a rezoning application with a public hearing and Town Board of Commissioners under the circumstances. If the Planning Director declines to exercise this authority, then the applicant can only file a rezoning application with a public hearing and Commissioner decision."

Adopted this 11th day of March, 2013.

TOWN OF PITTSBORO

ATTEST:

By: _____
Mayor

Town Clerk