

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

Parcel 8155 on Thompson St.

REZ-2020-02

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the application of Luke Starritt for Parcel 8155 on Thompson St. (REZ-2020-02) to amend the zoning map of the Town of Pittsboro to rezone the property described on Exhibit A attached hereto and incorporated herein by reference from R-10 to O-I (CZ) pursuant to the provisions of NCGS 160A-385 and Article X of the Town of Pittsboro Zoning Ordinance; and

WHEREAS, the Town Planning Board adopted a motion advising that the proposed rezoning, was unreasonable considering the size and location of the property subject to the proposed rezoning and the potential impacts to the development of the Town of Pittsboro and surrounding community; that the adjoining lands are zoned Medium & High Density Residential or Highway Commercial and are used for commercial or residential uses; and the proposed rezoning does not advance the public health, safety or welfare of the Town of Pittsboro, and was not consistent with the Town of Pittsboro comprehensive plan, including the Land Use Plan, and other applicable plans, policies, and documents adopted by the Town of Pittsboro; and

WHEREAS, the Town Planning Board reviewed the application in detail and forwarded the request to the Town Board of Commissioners recommending denial; and

WHEREAS a Public Hearing was held on August 24<sup>th</sup>, 2020 to solicit comments and concerns which were duly considered and acknowledged; and

WHEREAS, the Town Board of Commissioners makes the following findings and conclusions:

1. The subject parcel is located on Thompson St. in Pittsboro and is also known as Chatham County Tax Parcel 8155.

2. The Board has examined the application and associated public testimony to rezone the property described in Application REZ-2020-02 incorporated herein by reference and finds that the amendment, if enacted, is reasonable considering the size and location of the property subject to the proposed rezoning and the potential benefits to the development of the Town of Pittsboro and surrounding community; the adjoining lands are zoned Medium & High Density Residential or Highway Commercial and are used for commercial or residential uses; and the proposed rezoning advances the public health, safety or welfare of the Town of Pittsboro, and concludes that the amendment, with the uses and subject to the conditions set forth below, is consistent with the Town of Pittsboro comprehensive plan, including the Land Use Plan, and other applicable plans, policies, and documents adopted by the Town of Pittsboro.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Pittsboro that the Town Zoning Map be amended and that the property described on Exhibit A attached hereto and in Application REZ-2020-02, with the following uses and subject to the following conditions which are incorporated herein by reference, be rezoned from R-10 to O-I (CZ).

BE IT ORDAINED FURTHER by the Board of Commissioners of the Town of Pittsboro that the following conditions are hereby incorporated by reference:

1. Expiration of Conditional Zoning Map Amendment: An application for a Zoning Compliance Permit must be filed within two (2) years of the date of this approval or the land shall revert to its previous zoning designation.

2. Consent to Conditions: This approval is not effective until the Applicant provides written consent to this approval. Written consent must be provided within 20 days of enactment by the Town Board.

3. Land Uses: This Conditional Zoning Map Amendment authorizes the following Land Uses:

A. Fitness Centers, Agencies (Including Travel, Broker, Insurance, Loan, Employment); Offices, General; Offices, Professional & Non-Profit; Medical, Dental, Paramedical or Chiropractic Offices; Public Buildings (no outside storage); Libraries, Museum, and Art Galleries.

B. No Churches, other places of worship, or other uses not listed herein shall be permitted.

4. Miscellaneous Conditions:

A. No metal clad buildings shall be permitted on the Site. Metal cladding shall only be permitted as a building accent.

B. Maximum building height to be 40'.

C. Building signage will not cover more than 7% of the front building facade.

D. No monument or detached signage allowed.

E. No ground lighting will be allowed but building lighting will be permitted.

F. Full cut off fixtures shall be used for all exterior lighting.

G. Acceptable Greenway rights shall be granted to the Town of Pittsboro within the existing sewer easement premises on the property as described in Book 414, Page 232, Chatham County Registry by December 31, 2020.

- H. There be no outside storage of materials or equipment.
  - I. There be no storage of hazardous materials on site.
  - J. Parking and vehicular service areas, excepting the driveway to Thompson Street, be screened from view of properties adjoining the west property line by building or opaque fence 6' in height.
  - K. Parking shall be located north and east of the building as indicated on the site plan with not less than 16 parking spaces including required handicapped spaces.
  - L. There be a 20' Type B Buffer along the east side of the existing north/south sewer easement where the existing sewer easement spur to the west intersects the existing north/south sewer easement and prevents a 20' Type B Buffer along the west side of the existing north/south sewer easement.
  - M. There be a 50' undisturbed buffer from the south side Thompson Street Right of Way or utility easement, whichever is furthest from the existing pavement of Thompson Street, excepting for a maximum 70' wide break normal to the undisturbed buffer for a driveway to Thompson Street.
  - N. There be a 30' undisturbed buffer along the east side of the existing north/south sewer easement from the south side Thompson Street Right of Way or utility easement, whichever is furthest from the existing pavement of Thompson Street, to a point equal to the front line of the building facing Thompson Street.
  - O. There be a 20' Building Setback from the east side of the existing north/south sewer easement.
  - P. The parcel will adhere to all applicable Town stormwater regulations.
5. Erosion Control. An erosion and sedimentation control plan must be approved by the Chatham County Department of Environmental Health and submitted to the Town Planning Director prior to the issuance of a Zoning Compliance Permit.
6. Landscaping/Screening. All required landscaping, screening and buffers shall be in place one year following approval of the Zoning Compliance Permit. Existing vegetation may be used to fully or partial fulfill the landscaping and buffer requirements of the Town. The extent to which the same can be used shall be determined by the Town Manager prior to issuance of the zoning compliance certificate.
7. Stormwater Management Plan. This project must comply with the applicable provisions of the Town Stormwater Ordinance.

8. Accessibility Requirements. Prior to issuance of a Certificate of Occupancy, the developer shall provide the minimum required handicapped infrastructure according to the Americans with Disabilities Act and associated codes and standards.

9. Continued Validity. The continued validity and effectiveness of this approval was expressly conditioned upon the continued compliance with the plans and conditions listed above.

10. Non-Severability. If any of the above conditions is held to be invalid, this approval in its entirety shall be void.

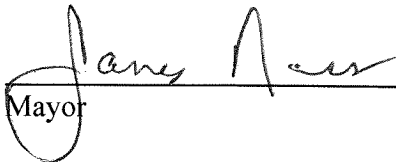
11. Non-Waiver. Nothing contained herein shall be deemed to waive any discretion on the part of the Town as to further development of the applicant's property and this permit shall not give the applicant any vested right to develop its property in any other manner than as set forth herein.

12. Appeal. The Town shall be under no obligation to defend any action, cause of action, claim, or appeal involving the decision taken herein. In the event a response is authorized by the Town concerning this resolution, or any action to enforce the provisions hereof, the applicant, its successors or assigns shall indemnify and hold the Town harmless from all loss, cost or expense, including reasonable attorneys' fees, incurred in connection with the defense of or response to any and all actions, causes of action, claims, demands, damages, costs, loss, expenses, compensation, and all consequential damages on account of, either known and unknown, resulting to or from this decision.

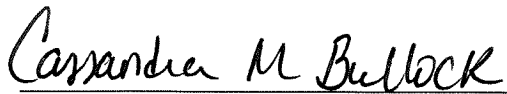
13. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Adopted this 28<sup>th</sup> day of September 2020.

TOWN OF PITTSBORO

By:  \_\_\_\_\_  
Mayor

ATTEST:

  
Clerk

**Conditions for the Rezoning of Parcel 8155 on Thompson St. to O-I (CZ)**

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2. Consent to Conditions: This approval is not effective until the Applicant provides written consent to this approval. Written consent must be provided within 20 days of enactment by the Town Board.
3. This Conditional Zoning Map Amendment authorizes the following Land Uses:
  - A. Fitness Centers, Agencies (Including Travel, Broker, Insurance, Loan, Employment); Offices, General; Offices, Professional & Non-Profit; Medical, Dental, Paramedical or Chiropractic Offices; Public Buildings (no outside storage); Libraries, Museum, and Art Galleries.
  - B. No Churches, other places of worship, or other uses not listed herein shall be permitted.
4. Miscellaneous Conditions:
  - A. No metal clad buildings shall be permitted on the Site. Metal cladding shall only be permitted as a building accent.
  - B. Maximum building height to be 40'.
  - C. Building signage will not cover more than 7% of the front building facade.
  - D. No monument or detached signage allowed.
  - E. No ground lighting will be allowed but building lighting will be permitted.
  - F. Full cut off fixtures shall be used for all exterior lighting.
  - G. Acceptable Greenway rights shall be granted to the Town of Pittsboro within the existing sewer easement premises on the property as described in Book 414, Page 232, Chatham County Registry by December 31, 2020.
  - H. There be no outside storage of materials or equipment.
  - I. There be no storage of hazardous materials on site. There be no storage of hazardous materials on site; provided, however, that this condition shall not apply to common household chemicals such as gasoline and bleach.

# TOWN OF PITTSBORO

## PLANNING DEPARTMENT



Not more than 20 gallons of any single household chemical can be stored on the property.

- J. Parking and vehicular service areas, excepting the driveway to Thompson Street, be screened from view of properties adjoining the west property line by building or opaque fence 6' in height.
- K. Parking shall be located north and east of the building as indicated on the site plan with not less than 16 parking spaces including required handicapped spaces.
- L. There be a 20' Type B Buffer along the east side of the existing north/south sewer easement where the existing sewer easement spur to the west intersects the existing north/south sewer easement and prevents a 20' Type B Buffer along the west side of the existing north/south sewer easement.
- M. There be a 50' undisturbed buffer from the south side Thompson Street Right of Way or utility easement, whichever is furthest from the existing pavement of Thompson Street, excepting for a maximum 70' wide break normal to the undisturbed buffer for a driveway to Thompson Street.
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- O. There be a 20' Building Setback from the east side of the existing north/south sewer easement.
- P. The parcel will adhere to all applicable Town stormwater regulations.

  
Signature of Rezoning Applicant

  
Signature of Property Owner

Date: 10-18-20