

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWN OF PITTSBORO
196 Hillsboro Street (Deacon Property)
REZ-2018-03

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the application of Dan Deacon for 196 Hillsboro Street (REZ-2018-03) 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-12 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 reviewed the application in detail, and forwarded the request to the Town Board of Commissioners with a positive recommendation for approval upon the removal of uses 4, 7, and 9 as noted on the proposed plan presented at the Planning Board meeting and the restriction of operating hours to normal business hours; and

WHEREAS The Town Planning Board adopted a motion to advise that the proposed rezoning, with the recommended amendments, 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 Density Residential, Office and Institutional, 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 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.

WHEREAS a Public Hearing was held on May 28th, 2019 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 at 196 Hillsboro Street, Parcel 7817
2. That the Board has examined the application and associated public testimony to rezone the property described in Application REZ-2018-03 and incorporated herein by reference and finds that the amendment 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 Density Residential, Office and Institutional, 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 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.

BE IT ORDAINED by the Board of Commissioners of the Town of Pittsboro as follows:

1. That the property described on Exhibit A attached hereto and in Application REZ-2018-03 and incorporated herein by reference, be rezoned from R-12 to O-I (CZ) subject to all the individualized development conditions set forth herein, if any, and to all the requirements of the Town of Pittsboro Zoning Ordinance (PZO) and other applicable laws, standards, policies and guidelines, all of which shall constitute the zoning regulations for the approved district and are binding on the Property.
2. The conditions proposed by the applicant to address conformance of the development and use of the Property to ordinances and officially adopted plans, to address impacts reasonably expected to be generated by the rezoning, and to promote the public health, safety and general welfare, and accepted and approved by the Town are:
 - a. Uses permitted by right on the Property shall be limited to only to those listed below:
 - i. Bed and breakfast
 - ii. Residences, one-family detached
 - iii. Residences, two-family
 - iv. Agencies including travel, broker, insurance, loan, employment
 - v. Bank, savings, and loan, similar financial institutions (all without teller services)
 - vi. Beauty salons, barber shop, spas (Maximum of 1500 square feet)
 - vii. Medical, dental, paramedical, chiropractic offices
 - viii. General offices for business, non-profit, professional
 - ix. Personal services such as tax services, yoga, tutoring, personal fitness
 - x. Antiques and gift retail
 - b. The existing structure must be restored or reconstructed to match building elevations shown on Exhibit B.
 - c. The document entitled "Hillsboro Street Conditional Zoning" attached to the Applicant's application is a concept plan for the uses contemplated and not approved as a site plan. Other features and issues remain to be decided at the time site plan approval is requested for the development.
 - d. Changeable copy signs, flashing, fluttering, animated, swinging, or rotating signs will not be permitted on the Property.
3. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Adopted this 24th day of June, 2019.

TOWN OF PITTSBORO

By:

Cindy S. Perry
Mayor

ATTEST:

Alice F. Lloyd
Clerk

Exhibit A

Property Description

PROPERTY IDENTIFIED AS 196 HILLSBORO STREET BEING A PORTION OF DEACON INVESTMENTS, LLC PROPERTY, AKPAR 7817, DEED BOOK 1895 PAGE 768, Tax Map Number 9741-0878-6029, SAID PARCEL TO BE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A NORTH CAROLINA GEODETIC MONUMENT "LONDON" FOUND HAVING NC STATE PLANE COORDINATES (NAD83-2011) OF, NORTHING: 717,101.29' & EASTING: 1,947,485.20'; THENCE FROM SAID POINT N02°53'00" W A DISTANCE OF 202.15 FEET TO AN IRON PIPE FOUND; SAID POINT BEING THE SOUTHWESTERN CORNER OF DEACON INVESTMENTS, LLC AND A COMMON CORNER WITH JACQUES DUFOUR LYING ON THE EASTERN MARGIN OF HILLSBORO STREET SAID IRON HERBY KNOWN AS THE POINT OF BEGINNING.

THENCE ALONG THE COMMON LINE WITH DUFOUR; S 87°29'32" E A DISTANCE OF 161.53 FEET TO AN IRON PIPE FOUND; THENCE S 87°27'41" E A DISTANCE OF 61.05' TO A POINT; THENCE N 02°15'58" E A DISTANCE OF 96.65 FEET TO A POINT; THENCE ALONG THE COMMON LINE WITH HACO PROPERTIES, LLC; N 87°28'56" W A DISTANCE OF 222.62 FEET TO AN IRON PIPE FOUND; SAID IRON LYING ON THE EASTERN MARGIN OF HILLSBORO STREET. THENCE WITH SAID MARGIN S 02°14'35" W A DISTANCE OF 96.74 FEET TO THE POINT AND PLACE OF BEGINNING CONTAINING 21,512 SQUARE FEET OR 0.494 ACRES, MORE OR LESS.

Exhibit B

Building Elevations



② WEST ELEVATION



① SOUTH ELEVATION
