

AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE TOWN OF PITTSBORO  
Downtown Overlay District  
ZTA-2018-01

WHEREAS, the Board of Commissioners of the Town of Pittsboro has considered the request to amend the Zoning Ordinance of the Town of Pittsboro as described in Case File ZTA-2018-01 hereto and incorporated herein by reference that a Downtown Overlay District be added to the Pittsboro Zoning Ordinance 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 along with some proposed amendments to the request; and

WHEREAS the Town Planning Board adopted a motion to advise that the proposed text amendment is reasonable considering the potential benefits to the development of the Town of Pittsboro and surrounding community; and the proposed text amendment 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 29<sup>th</sup>, 2018 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. That the Board has examined the request and associated public testimony to amend the zoning text as described in Case File ZTA-2018-01 and incorporated herein by reference and finds that the amendment is reasonable considering the potential benefits to the development of the Town of Pittsboro and surrounding community; and the proposed text amendment 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 Town of Pittsboro Zoning Ordinance be amended to include the attachments entitled, "Exhibit A", "Exhibit B", and "Exhibit C".
2. That all ordinances and portions of ordinances in conflict herewith are hereby repealed.

Adopted this 11<sup>th</sup> day of June, 2018.

TOWN OF PITTSBORO

By:

Cindy S. Perry  
Mayor

ATTEST:

Alice F. Lloyd  
Clerk

## EXHIBIT A

### 5.9 Downtown Overlay District

#### 5.9.1 Purpose and Intent:

The Downtown Overlay District is established to encourage a vibrant small-town urban core that:

- acknowledges and reflects the Town's historic character;
- stimulates a pedestrian and bicycle friendly environment while providing transit and individual vehicular accommodations;
- reflects the community's artistic heritage;
- promotes the area as a hub of commerce, civic, cultural, and governmental activity;
- fosters a wide range and mix of uses including retail, office, restaurant, entertainment, service, financial, and high-density residential;
- attracts and fulfills residents and visitors alike;
- integrates and sustains accessibility and inclusivity; and
- cultivates economic growth that compliments and expands the unique character of Pittsboro.

It is the purpose of these regulations to encourage small-town urban vitality by excluding certain activities which have a negative effect on the public realm such as motor vehicle dominated or non-pedestrian oriented design or uses. To facilitate the purpose and intent of this overlay district, all uses and development plans shall be consistent with the regulations contained within this chapter for the Downtown Overlay District.

#### 5.9.2 Applicability:

The regulations of this Downtown Overlay District shall apply to all properties located within the Main Street Pittsboro Boundary, as adopted by the Pittsboro Board of Commissioners on March 12, 2018.

Uses permitted in this district are subject to all other regulations within this ordinance including any additional overlay district requirements. Should the requirements set forth in this section conflict with any other section of this ordinance, the more restrictive regulations shall apply. Mixed Use Planned Developments and Planned Development Districts are subject to the regulations of this district.

#### 5.9.3 Permitted Uses:

Uses permitted by right in this district are those uses permitted in the base zoning district of the property in question. See Section 5.2.1 for the Table of permitted uses.

#### 5.9.4 Prohibited Uses:

Prohibited uses listed below shall not be allowed within the overlay district. Uses currently in existence at the time of adoption of this district which do not comply with the standards set

## EXHIBIT A

forth in this section shall be deemed a non-conforming use. Any non-conforming uses will be held to the regulations of Section 8.3.

### List of Prohibited Uses:

- Game rooms
- Fitness Centers (over 5,000 sq. ft.)
- Hospitals
- Automobile painting, and fender works; truck repairing
- Automobile repair shops; all work within a completely enclosed building
- Automobile service station, no outside storage of used, wrecked, inoperable or dismantled automobiles; gasoline sales
- Carwash, automated
- Carwash, self-service
- Cleaners laundries
- Cleaners and laundries, self-service
- Day care facility
- Kennels, commercial
- Gunsmiths
- Adult bookstore, adult entertainment club, adult theater
- Automobile accessories sales
- Automobile sales, new and used
- Motorcycle sales and repair
- Building supplies with open storage
- Building supplies without open storage
- Convenience stores with gas pumps
- Electronic Gaming Operation
- Flea markets
- Fuel oil sales
- Hardware supplies with open storage (over 5,000 sq. ft.)
- Hardware supplies without open storage (over 5,000 sq. ft.)
- LP gas refueling station
- Massage parlor
- RV, board, agricultural implement, heavy machinery sales, rental storage
- Restaurant, drive-in, drive thru
- Tattoo Parlor/Tattoo Studio Establishment and/or Body Piercing
- Wholesale establishments, not listed
- Flammable liquids or gases, bulk storage, <100,000 gallons
- Flammable liquids or gases, bulk storage, >100,000 gallons
- Garbage landfills, incinerators
- Public utilities; with service and storage yards
- Storage, outdoor not otherwise listed
- Telephone exchanges, radio and TV
- Towers, transmitting stations, communication towers over 50' height
- Transportation terminals, freight
- Transportation terminals, passenger
- Sheet metal, roofing shops
- Pawn Shop

## EXHIBIT A

Shooting Gallery

Alternative Nicotine Shops and Vapor Shops

## EXHIBIT B

### ARTICLE IV

#### ESTABLISHMENT OF DISTRICTS

##### 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
DO	Downtown Overlay

MUPD: Mixed Use Planned Development

PDD: Planned Development District

## EXHIBIT C

### ARTICLE V

#### DISTRICT REGULATIONS

##### 5.1 Description of Districts

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##### P. Downtown Overlay District

This overlay district is defined as an area considered to be a part of, or crucial to the integrity of downtown. This area encompasses all property located wholly or partially within a quarter mile of the Chatham County courthouse. The purpose of this district is to encourage and attract mixed use, high density development which will enhance and preserve the Town's historic nature and small-town character; this development might include commercial, office, or residential uses. The regulations of this district are designed to exclude those uses which are non-pedestrian oriented as well as those intense uses which might produce negative external effects physically, economically, or culturally.

##### Q. 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.

##### R. PDD Planned Development District

This district is established and intended to promote innovative land planning, design and layout of large development projects that may not otherwise be permitted under general zoning district standards, subdivision regulations, or other development requirements. (The words "standards", "requirements", and "regulations" are used interchangeably in Article V when referring to development standards). The PDD district promotes innovative land planning, design and layout by:

- (1) Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards or regulations that were designed primarily for individual lots;

## EXHIBIT C

- (2) Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
- (3) Allowing greater freedom for a broad mix of various land uses in the same development;
- (4) Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses;
- (5) Encouraging quality urban design by allowing higher densities when such increases are supported by superior design or the provision of additional amenities; and
- (6) Advancing public health, safety and general welfare.

In return for greater flexibility, planned developments in this district are expected to deliver communities of exceptional design, character and quality that preserve critical environmental resources and provide open space amenities. Such communities incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure. Because flexibility is essential for the development of such communities, variations from otherwise applicable regulations and standards may be granted with the adoption of the required Planned Development District Master Plan (PDD Master Plan).