

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE
FOR CONDITIONAL USE ZONING DISTRICTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IX, Part I of the Carrboro Land Use Ordinance is amended by adding a new Section 15-141.3 to read as follows:

Section 15-141.3 Conditional Use Zoning Districts

(a) The following conditional use zoning districts are hereby established: RR-CU, R-20-CU, R-15-CU, R-10-CU, R-7.5-CU, R-3-CU, R-2-CU, R-S.I.R.-CU, R-S.I.R.-2-CU, B-1(c)-CU, B-1(g)-CU, B-2-CU, B-3-CU, B-4-CU, CT-CU, B-3-T-CU, O-CU, M-1-CU, and M-2-CU. The provisions of this section applicable to these conditional use zoning districts do not affect or apply to other conditional use zoning districts established under this chapter, including the Office/Assembly Conditional Use District, or the Village Mixed Use Conditional Use District.

(b) The conditional use zoning districts established in this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) The uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds, except as otherwise provided in this section. For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this section.

(d) Subject to subsection (f), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses) a zoning permit, special use permit, or conditional use permit.

(e) When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), the applicant shall simultaneously submit a conditional use permit application showing how the applicant proposes to develop the entirety of the property covered in the rezoning petition.

1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
2. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications.

3. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.
4. If the Board approves the rezoning request, it shall then vote on whether to issue the conditional use permit. Such permit may be issued subject to reasonable conditions and requirements as set forth in Section 15-59.
5. If the conditional use permit is allowed to expire (under Section 15-62), the Board may initiate action to rezone the property to any appropriate general use district classification. In addition, notwithstanding any other provision of this ordinance, the Board shall be under no obligation to consider any major modification of a conditional use permit issued in connection with a conditional use rezoning or any new conditional use permit for property that has been the subject of a conditional use rezoning.

(f) If a conditional use permit issued in connection with a conditional use rezoning authorizes the creation of a residential subdivision containing lots intended for development with not more than four dwelling units each, and the conditional use permit application does not provide sufficient information to authorize a development permit for such lots, then such lots may be developed pursuant to the issuance of a zoning permit (i.e. each lot will not require an amendment to the conditional use permit issued for the overall development).

Section 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.



TOWN OF CARRBORO(ATTACHMENT B

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E C O M M E N D A T I O N S

MAY 20, 2004

LAND USE ORDINANCE TEXT AMENDMENT ESTABLISHING CONDITIONAL USE DISTRICTS

Item # 1

Motion was made by James Carnahan and seconded by Heidi Paulsen that the Planning Board strongly recommends that the Board of Aldermen adopt the draft ordinance establishing conditional use districts.

VOTE: AYES (7) (Babiss, Carnahan, Haven-O'Donnell, Marshall, Hammill, Paulsen, West); NOES (0); ABSENT/EXCUSED (3) (Hogan, Ludwig, Poulton).

Item # 2

Motion was made by James Carnahan and seconded by Randee Haven-O'Donnell that, in the case the Board of Aldermen approves the establishment of conditional use districts, the Planning Board withdraws its recommendation that the square footage requirements be removed from the B-1(g) zoning district because goals for residential flexibility in downtown can be better achieved with conditional use zoning.

VOTE: AYES (7) (Babiss, Carnahan, Haven-O'Donnell, Marshall, Hammill, Paulsen, West); NOES (0); ABSENT/EXCUSED (3) (Hogan, Ludwig, Poulton).

John Marshall, Chair (date)