

# BOARD OF ALDERMEN

ITEM NO. C(2)

## AGENDA ITEM ABSTRACT

MEETING DATE: April 15, 2008

**TITLE: Request to Set a Public Hearing to Consider a Land Use Ordinance Text Amendment to Provide for Conditional Zoning**

DEPARTMENT: <b>PLANNING</b>	PUBLIC HEARING: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
ATTACHMENTS: <b>A. Resolution</b> <b>B. Draft Ordinance</b> <b>C. Excerpt from Article IX Zoning Districts</b>	FOR INFORMATION CONTACT: Patricia McGuire – <b>918-7327</b> Lisa Buckley – <b>918-7334</b>

### PURPOSE

At the March 25, 2008 public hearing, the Board of Aldermen considered conditional zoning in the context of a rezoning request for 102 Center Street. A draft ordinance that would establish conditional zoning has been prepared and is provided for the Board's consideration. A resolution setting a public hearing for May 27, 2008 has been prepared for the Board's use.

### INFORMATION

Conditional zoning has been utilized in several North Carolina communities (including Charlotte, Cary, and Greensboro) in the last decade and affords the Town a more efficient zoning alternative to conditional use districts. In 1999, the Board of Aldermen adopted the VMU and OA-CU districts as part of the implementation of the Facilitated Northern Study Area Transition Plan. In 2004, the Board then adopted "twin" conditional use districts for all but the watershed and overlay zoning districts. Conditional zoning, though similarly named, is a departure from this procedure in that it requires fewer steps to administer. Prior to approving the rezoning, the landowner sets forth certain legally binding conditions for the Town to review. In North Carolina, these conditions are limited to those that 1) address the conformance of the site and use to existing ordinances and plans and those that 2) address the impacts reasonably expected to be generated from the site.

Copies of the existing ordinance provisions and the draft ordinance are attached (*Attachments B and C*). A copy of Article IX Zoning Districts from the Land Use Ordinance is also provided (*Attachment D*).

Adoption of the ordinance can mitigate community concerns about rezoning by limiting the types of uses or manner in which the site may be developed via stated conditions.

### FISCAL AND STAFF IMPACT

Amending the Land Use Ordinance involves staff analysis and administration of the proposed amendment, advisory board review, and advertising costs (~\$200) associated with public notice.

## **RECOMMENDATION**

The staff recommends that the Board of Aldermen adopt the attached resolution setting a public hearing on a text amendment to provide for conditional zoning and referring the draft ordinance to the Planning Board and Orange County staff. (*Attachment A*).