

BOARD OF ALDERMEN

ITEM NO. (2)

AGENDA ITEM ABSTRACT

MEETING DATE: May 27, 2008

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

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <u>X</u> NO <u> </u>
ATTACHMENTS: A. Resolutions of Consistency B. Draft Ordinance C. Comments/Recommendation	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Lisa Buckley – 918-7334

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. Public comment must be received prior to taking action on the draft ordinance.

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. In making a request for rezoning to a conditional zoning district, the landowner sets forth certain legally binding conditions for the Town to review. Simultaneous submittal of a land use permit application, as required for conditional use zoning, is not required in this instance. In North Carolina, any conditions on the rezoning 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.

A copy of the amended ordinance in Section 141.3 is attached (*Attachment B*). The Planning Board reviewed this item on May 1, 2008 and offered support for amending the ordinance to provide for conditional zoning. Per the requirements of the Joint Planning Agreement, Orange County staff has also reviewed the draft ordinance and submitted a letter finding no inconsistency with adopted land use plans (*Attachment C*).

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

No fiscal or staff impacts have been identified with the adoption of this amendment.

RECOMMENDATION

Staff recommends that the Board of Aldermen adopt Attachment A-1 finding consistency of the draft ordinance with adopted policy and the attached draft ordinance itself (Attachment B).