

A RESOLUTION SPECIFYING FOLLOW-UP TO THE REQUESTS TO AMEND THE LAND
USE ORDINANCE TO REZONE THE PROPERTY AT 210 HILLSBOROUGH ROAD
Draft Resolution No. 58/2010-11

WHEREAS, the Carrboro Board of Aldermen seeks to consider fully policies, plans and regulations pertaining to development opportunities; and

WHEREAS, the Board of Aldermen has received a request to rezone the parcel known as 7.93.A.4 and located at 210 Hillsborough Road from R-10 to B-2 CZ, and

WHEREAS, adopted policies call for new non-residential development to minimize negative environmental impact, to emphasize appropriate buffers, and not compromise the integrity of established neighborhoods.

NOW THEREFORE BE IT RESOLVED that the Board of Aldermen:

Accepts the petition, directs staff to prepare an ordinance that rezones 210 Hillsborough Road (Orange County PIN 9778684269) from R-10 to B-2 CZ, sets a public hearing for March 22, 2011, and refers the draft ordinance to the Planning Board for review.

BE IT FURTHER RESOLVED that the draft ordinance is also referred to the following advisory boards and commissions for consideration and recommendation prior to the specified public hearing date:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Appearance Commission | <input type="checkbox"/> Recreation and Parks Commission |
| <input checked="" type="checkbox"/> Transportation Advisory Board | <input type="checkbox"/> Northern Transition Area Advisory Committee |
| <input type="checkbox"/> Environmental Advisory Board | <input type="checkbox"/> Greenways Commission |
| <input checked="" type="checkbox"/> Economic Sustainability Commission | <input type="checkbox"/> _____ |

TOWN OF CARRBORO

PETITION FOR CHANGE OF ZONING



"Dear Potential Business Operator:

Please be advised that it may be necessary to meet with several members of Town staff as well as outside agencies to identify and fully understand all rules, regulations, and policies applicable to your business. Please refer to the 'Checklist for Opening a Business in Carrboro.'

PETITIONER

Orange County

DATE:

February 4, 2011
12/1/2010
gh
2-4-11

The Petitioner named above respectfully requests the Board of Aldermen of the Town of Carrboro to rezone the below-described property from R-10 to B-2-CZ zoning classification. The Petitioner furthermore submits the following information in support of this petition.

1. PETITIONER'S NAME: Orange County
 ADDRESS: 200 South Cameron St. PO Box 8181 Hillsborough 27208
 TELEPHONE #: (919) 245-2300
2. INTEREST IN PROPERTY(IES): Orange County has an option to purchase the property based on obtaining requested rezoning
3. BROAD DESCRIPTION OF PROPERTY AREAS SOUGHT TO BE REZONED BY REFERENCE TO ADJOINING STREETS: 2.69 acre parcel (PIN 9778-68-4264)
adjoining Carrboro Elementary to the east, fronting on Hillsborough Road and Shelter Street
4. DESCRIPTION OF INDIVIDUAL LOTS SOUGHT TO BE REZONED:
 - a. OWNER: NCLA Properties LLC
 TAX MAP: 7 BLOCK: 95 LOT: A ACREAGE: 2.691 PARCEL: 41A
 SUBDIVISION NAME: NCLA Prop (102/37) FRONTAGE: 60.21' DEPTH: 713.54'
 EXISTING STRUCTURES AND USES: Undeveloped

EXISTING STRUCTURES AND USES: _____

EXISTING STRUCTURES AND USES: _____

EXISTING STRUCTURES AND USES:

Please See Attached

[illegible]

PETITION FOR CHANGE OF ZONING (con't)
Page #3

6. HAS THIS PROPERTY BEEN THE SUBJECT OF A ZONING CHANGE SINCE 1979? YES ___ NO ☒
If "YES", WHEN? _____

7. PLEASE SET OUT AND EXPLAIN THOSE CIRCUMSTANCES PERTINENT TO THE PROPERTY AND THE MANNER IT RELATES TO THE TOWN THAT DEMONSTRATE THAT THE PROPOSED ZONING DISTRICT CLASSIFICATION IS CONSISTENT WITH THE TOWN'S COMPREHENSIVE PLAN. MORE SPECIFICALLY:

- (a) How do the potential uses in the new district classification relate to the existing character of the area?

Please see attached

- (b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

Please see attached

- (c) How will the proposed rezoning affect the value of nearby buildings?

Please see attached

(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

Please see attached

WHEREFORE, THE PETITIONER REQUESTS THAT THE OFFICIAL ZONING MAP BE AMENDED AS SET OUT ABOVE. THIS IS THE 4th DAY OF February, 2011.

PETITIONER'S SIGNATURE:

[Signature] Orange County, NC
2-4-11

PLEASE NOTE:

1. For all the persons identified under "5", please attach addressed envelopes with the correct postage. Oversight of this requirement could delay processing your rezoning request.
2. If a rezoning or master plan is approved, a Certificate of the Adequacy of Public School Facilities (CAPS) will be required from the Chapel Hill Carrboro City School District before the approval of a conditional or special use permit for a residential development shall become effective. The rezoning of property or approval of a master plan provides no indication as to whether the CAPS will be issued.

INTRODUCTION:

Orange County is pleased to submit this Conditional Zoning District rezoning application proposing to rezone the aforementioned property, as detailed within the attached application package, for the purpose of developing the southwestern regional branch of the Orange County public library.

Specifically, through the submittal of this rezoning petition the County is requesting that the property be rezoned from R-10 to **B-2-CZ** in accordance with Section 15-141.4 *Conditional Zoning District* of the Town of Carrboro Land Use Ordinance (hereafter 'Ordinance') for the specific and sole purpose of developing a maximum 20,000 square foot public library.

PROCESS – CONDITIONAL ZONING AND CONDITIONAL USE PERMIT:

In reviewing this Town of Carrboro's Ordinance, there are two (2) processes that are available to the County supporting this application, specifically:

- **Conditional Zoning:** Requiring the submittal of a rezoning petition seeking to rezone property to a conditional zoning designation for the development of a specific use, in this case a library.

As part of the Ordinance, if the rezoning petition is approved by the Carrboro Board of Aldermen, the County would still need to submit a detailed site plan for review and approval through the Conditional Use Permit process in accordance with the Carrboro Land Use Ordinance. The main differentiation with this process and Conditional Use Zoning is that the timing of this submittal, and actual commencement of construction activities, would not be prescribed by the Town's Land Use Ordinance.

The Conditional Zoning would provide the County with an immediate decision, with respect to the possible development of the parcel as a library, so we could move forward with the development of the formal site plan necessary to secure the required Conditional Use Permit authorizing land disturbing activity.

- **Conditional Use Zoning:** Requiring the submittal of a rezoning petition as well as a site specific development plan requesting authorization to develop a specific use, in this case a library, on a parcel of property. This process requires the review and approval of a rezoning petition, rezoning the property to a requested designation, as well as the review and approval of formal site plan with the issuance of a Conditional Use Permit issued by the Board of Aldermen authorizing the commencement of land disturbing activity.

This means that the architectural drawings, parking lot layout, access management issues, stormwater retention, and open space management plans would have to be finalized for review and approval by the Town with the submission of the rezoning request.

The County chose the Conditional Zoning option as the means of seeking authorization for the library project for the following reasons:

- a. The County has a limited window of opportunity to make a final decision with respect to the purchase of this property and needs approval indicating that the development of a library on this parcel is possible. The Conditional Zoning process fits in with our limited 'window of opportunity'.

This parcel became available in late 2010 and the County has made an offer to purchase contingent on being able to develop the proposed library. There is insufficient time available to complete all required submittal components necessary for the Conditional Use Permit process, as described by the Ordinance, and adhere to our time limitations on making a formal decision.

The Conditional Zoning process provides a decision within six (6) months from the application being submitted. County staff has estimated that it would take anywhere from six (6) months to a year to develop the detailed plans required for the Conditional Use Zoning review process.

From the County's perspective this is the only process that provides the necessary answer within the available time frame.

- b. Local residents and community members have been requesting a library for twenty (20) years. While numerous sites have been discussed, no formal action has been taken.

Prior to engaging in a lengthy and costly process to produce the site development plans for this property, the County needs a determination that the proposed site will be acceptable for the project.

- c. The County does not intend to break ground on this project in the foreseeable future.

With the Conditional Use Zoning process there are practical limits established by the Ordinance requiring the County to commence land disturbing operations that have not yet been anticipated from a budgetary standpoint.

The County needs the time afforded to use by the Conditional Zoning process to properly plan for the development of this project over multiple budget years

- d. The County has not begun development of the necessary architectural plans or site development plans required for the Conditional Use Zoning process.

While the County has determined that this property provides the best location for the southwest branch of the Orange County Library, we are still considering a variety of options for design for the structure, the parking lot, and open space management.

The County needs the assurance obtained through the Conditional Zoning process that a library could be developed on the site so that we can begin the site design and outreach processes.

- e. The County has not engaged in the necessary comprehensive public outreach campaign planned to solicit public comment with respect to the actual design and layout of the site.

We had hoped to receive some indication that the property was acceptable for the development of the library prior to beginning our outreach program as such an undertaking will involve committing staff and financial resources.

PROPOSAL – LAND USE:

If the rezoning application is approved, the County intends to develop a stand-alone full service library for the residents of southwest Orange County. This branch library would be modeled after the new Main Library in Hillsborough, including children's, young adult, and adult collections, reference services, computer availability, public meeting rooms, and programming for all ages. This branch would also combine the services and staff already available at the Cybrary and Carrboro McDougale Middle School. These branches currently operate with limited collections and hours of operation due to their multi-use facilities.

According to the Carrboro Land Use Ordinance, current R-10 zoning regulations would allow for a library to be built on the property, through the typical site plan approval process, with an overall building limit of 3,500 square feet. The County has determined that it is in our, and the communities', best interest to pursue a library of approximately 20,000 square feet to serve patron needs, necessitating this conditional rezoning request.

RESPONSE TO APPLICATION QUESTIONS:

- (a) **How do the potential uses in the new district classification relate to the existing character of the area?**

The uses surrounding the subject parcel range from:

- **North:** single-family residential;
- **South:** single-family and multi-family residential structures, condominiums, offices (i.e. along Main Street);
- **East:** single-family, institutional (i.e. Carrboro Elementary and Carrboro United Methodist Church);
- **West:** single-family residential.

The area in question supports diverse residential development along with several institutional and professional office land uses. There are several non-residential land uses along Main Street, approximately 500 feet away from the subject property.

It is our opinion that the request is consistent with the overall intent and purpose of the B-2 zoning district given the current transition evident, with respect to the existing land uses

in the area, to more institutional and non-residential, most notably Carrboro Elementary School to the east of the subject property.

The County also believes that this property is suitable to provide a beneficial public service to existing local residents from a central location and to complement educational and cultural opportunities in cooperation with the Chapel Hill/Carrboro City School system given the proximity to the Carrboro Elementary School.

To help foster and promote the existing neighborhood aesthetic, the County suggests the following conditions be placed on the rezoning:

1. The County shall only develop the subject property for Use Classification 5.3020 libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) as described in the Table of Permissible Uses, Section 15-146 of the Land Use Ordinance.

The County will work with the Town to design and construct the most suitable library for the site given the existing constraints, with particular attention to the visual impact of the building and parking areas.

2. The County shall limit the size of the proposed library to no larger than 20,000 square feet of floor area.
3. The County proposes limiting the library to a single-story structure to ensure that the structure is not detracting from adjacent single-family residences or dominating the local landscape.
4. The County will work with Town Planning to incorporate the various architectural standards as contained within Section 15-178 of the Ordinance, specifically those outlined in provision (a) 1-4.

It should be recognized, however, that the County will more than likely request the alternative decision review process with the appearance commission due to the configuration of the lot and the need to address the proposed structures setbacks from various property lines.

5. The County proposes to mirror the operating hours of our new Main Library in Hillsborough, which are:

- | | |
|-----------------------------|---|
| a. Monday through Thursday: | 10:00 a.m. to 8:00 p.m. |
| b. Friday: | 10:00 a.m. to 6 p.m. |
| c. Saturday: | 9:00 a.m. to 5 p.m. |
| d. Sunday: | 1:00 – 5:00 p.m. (Labor Day –
Memorial Day) no summer
Sunday hours |

As part of this recommended condition, any ancillary use of the library facility, such as the use of the aforementioned public meeting rooms, shall not occur outside of established normal operating hours.

6. The County proposes to extinguish all outdoor lighting, with the exception of security lighting on the library building itself, at:
 - a. 10:00 p.m. Monday through Thursday,
 - b. 7:00 p.m. Friday, and
 - c. 6:00 p.m. Saturday and Sunday.
7. The County shall, in a logical manner consistent with Town policy, extend sidewalks and bike lanes to encourage pedestrian access to the proposed library.
8. The County shall work with the Town, Chapel Hill Carrboro City Schools, the Carrboro United Methodist Church, and the North Carolina Department of Transportation to analyze options, and where possible mitigate, the impact of vehicular traffic and parking to surrounding properties with particular attention to adjoining properties especially during peak hours.

(b) In what way is the property proposed for rezoning peculiarly/particularly suited for the potential uses of the new district?

Given the property's proximity to the elementary school and the Carrboro United Methodist Church, County staff believes that the property is well suited for the development of a public library.

Staff believes that allowing additional residential development on the subject parcel would create conflicts between the aforementioned constructed residence and the adjacent elementary school in that the local resident residing on the subject property would be impacted by the use of existing recreational fields and traffic accessing the school.

In our opinion an institutional land use is the most practical use of the property given the intensive nature of the adjacent elementary school land use.

(c) How will the proposed rezoning affect the value of nearby buildings?

Given the surrounding institutional and non-residential land uses already in existence, County staff does not foresee this project creating an adverse economic impact on surrounding residential land uses. In fact, we believe that the development of a library on the property could be viewed as a community asset in terms of harmonizing with local aesthetics and promoting the sale of surrounding residential dwelling units.

(d) In what way does the rezoning encourage the most appropriate use of the land in the planning jurisdiction?

In selecting this property, the County was guided by several of the Town's development principles as documented within Carrboro Vision 2020, most notably:

- a. Policy 1.22: *The Town should support a centrally located and conveniently accessible library*

Comment: The subject parcel is located within a highly populated area of the Town with access to roadways and other transportation facilities (i.e. mass transit, sidewalks, bicycle lanes, etc) affording convenient and multi-modal access to local residents.

The proposed development is centrally located to afford access to the local population without necessarily requiring the use of a private automobile.

- b. Policy 1.31: *The Town should continue to look for unmet needs, to inform the Orange County Commissioners of those needs, and to urge them to address those unmet needs*

Comment: Local residents have been requesting a full-service, community-based, stand-alone, local library for over 20 years. The need and desire has been affirmed through the Library Services Tasks Force, which included significant representation from the Town and surrounding local County residents.

The County selected this property for the location of the library as it is centrally located within the Town corporate limits, had access to diverse transportation facilities, and is located near existing educational facilities with the intent that future partnerships could be established to provide additional educational and cultural opportunities for residents for minimal additional taxpayer investment.

- c. Policy 2.11 *Infill development should take place in a manner that fulfills the town's goals and enhances neighboring areas.*

Comment: It is the County's opinion that the development of this property is best suited for the proposed library given the proximity to the existing elementary school and the concentration of existing residences in the area.

We believe that this project will enhance the neighborhood by expanding educational and cultural opportunities for local residents while affording advantage of the existing elementary school's location.

County staff believes the development of a library on this property would further complement the existing elementary school and help avoid conflicts between differing land uses that could be developed on this subject property in terms of activities on the school's property (i.e. use of recreational fields, noise, traffic, etc).

- d. Policy 2.41 and 2.42 focusing on the Town of Carrboro's character as follows:

The town should support the evolution of a downtown district that embodies Carrboro's character. The downtown district should have medium-rise buildings appropriately sited with adequate public access, and it should provide shopping opportunities that meet our citizens' everyday needs. The downtown should remain a center for the community where people work,

gather, shop, socialize and recreate. The Century Center should serve as a focal point for the downtown.

Development throughout Carrboro should be consistent with its distinctive town character. The town should adhere to policies that limit the widening of roads, encourage plantings alongside roads, preserve historic areas, buildings and older neighborhoods, and retain unspoiled green spaces and other natural areas.

Comment: The County believes that the proposed project incorporates these ideals by allowing for the development of a public library facility on the subject property.

- e. Policy 3.21 *The Town should develop a plan to govern the continuing development of downtown.*

Policy 3.25 Walkability should be encouraged downtown and pedestrian safety and comfort should be a goal. The Town should improve lighting and shading and create auto barriers.

Comment: The proposed project is consistent with the Town's vision for additional downtown development. As the proposed project also calls for the installation and extension of sidewalks and bicycle lanes, we believe we are adhering to the Town's overall vision of the area and working to promote a 'walkable' development project.

- f. Policy 3.41 *The Town should research ways to support telecommuting*

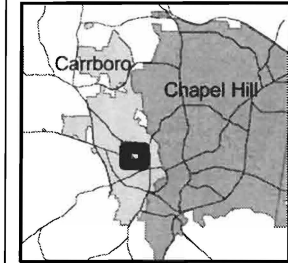
Comment: The proposed library will become a viable location for telecommuting with the relocation of the 'Cybrary' to the property, expanding the availability of digital resources (public computers; NC Live; librarians to assist with navigating research and reference materials) to more local residents than is currently possible.



- g. Policy 4.5.1 *The Town should continue to require developers to install sidewalks and bicycle paths in new developments.*

Comment: The County agrees and is proposing the extension of existing sidewalks and the development of bicycle lanes to allow pedestrian access to the property

We believe a library would support, and not detract from, existing residential development while being consistent and compatible with the non-residential development already evident in the area. For these reasons we encourage the approval of this rezoning petition.

210 Hillsborough Road



-  210 Hillsborough Road
-  Properties

**THIS MAP IS NOT A CERTIFIED SURVEY
NO RELIANCE MAY BE PLACED IN ITS
ACCURACY**

The Town of Carrboro assumes no liability for damages caused by inaccuracies in this map or supporting data and makes no warranty, expressed or implied, as to the accuracy of the information presented. The fact of distribution does not constitute such a warranty.



TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

Printed June 7, 2010



Section 15-135 Residential Districts Established.

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. (AMENDED 5/12/81; 12/7/83; 2/4/86)

(Excerpt of) Section 15-136 Commercial Districts Established. (AMENDED 02/4/86; 05/28/02)

The districts described below are hereby created to accomplish the purposes and serve the objectives indicated:

(3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements: (AMENDED 09/06/88; 06/20/06).

- a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
- b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and

Section 15-141.3 Conditional Use Zoning Districts (5/25/04)

(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 15-141.4 Conditional Zoning Districts

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established: B-2-CZ.

(b) The conditional zoning districts authorized by 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 zoning district authorized by this section, 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 district corresponds as described in subsection (a), except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d).

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district. Conditions and site-specific standards imposed in a conditional district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.

(e) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses), i.e. a zoning permit, special use permit, or conditional use permit.

Section 15-321 Initiation of Amendments

(a) Whenever a request to amend this chapter is initiated by the Board of Aldermen, the planning board, the board of adjustment, the appearance commission, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Board of Aldermen so that a date for a public hearing may be set.

(b) Any other person may also petition the Board to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

- (1) The name, address, and phone number of the applicant.
- (2) A description of the land affected by the amendment if a change in zoning district classification is proposed.

- (3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.
 - (4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.
 - (5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.
- (c) Upon receipt of a petition as provided in (b), the planning staff shall either:
- (1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or
 - (2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments (AMENDED 10/24/06)

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues. **(AMENDED 09/19/95)**

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude

consideration or approval of the proposed amendment by the Board of Aldermen, and the Board of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board) shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. **(AMENDED 10/24/06)**

Section 15-325 Ultimate Issue Before Board on Amendments

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

- (1) Except when the request is to rezone property to a conditional use district or conditional zoning district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. **(AMENDED 05/25/99; 05/27/08)**
- (2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.