

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO MODIFY PROVISIONS RELATED TO THE CREATION OF CONDITIONAL ZONING DISTRICTS

\*DRAFT 9-13-2016\*

THE CARRBORO BOARD OF ALDERMEN ORDAINS:

Section 1. Sections 15-141.4(d) and (d1) (Conditional Zoning Districts) of the Carrboro Land Use Ordinance are amended to read as follows:

(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.

(d1) A rezoning petition may be submitted to allow use classification 3.260, Social Service Provider with Dining within a building of more than two stories or 35 feet in height.

- (1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:
  - a. Will not substantially injure the value of adjoining or abutting property; and
  - b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
  - c. Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.
- (2) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d1) above.

Section 2. Section 15-141.4(d2) of the Carrboro Land Use Ordinance, the full text of which has been incorporated as subdivision (d1)(2) above, shall be deleted.

Section 3. Section 15-141.4 of the Carrboro Land Use Ordinance shall be further amended by redesignating the existing subparagraphs (e) through (g) as subparagraphs (f) through (h) and adding a new subparagraph (e) that reads as follows:

(e) 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 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.

Section 4. Any provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.