



## Legislation Text

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**File #:** 15-0226, **Version:** 1

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### **TITLE:**

Request-to-set a public hearing on Land Use Ordinance Text Amendments that would Authorize the Creation of Conditional Zoning Districts that Correspond with most of the existing Zoning Categories

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance that would authorize the establishment of conditional zoning districts that correspond to most zoning districts rather than just B-1(G) and B-2.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Mike Brough - 919-929-3905

**INFORMATION:** In October of 2014, the Board considered and adopted text amendments to the Land Use Ordinance (LUO) relating to the Board of Adjustment. The amendments were initiated by staff to ensure the Town's compliance with changes to North Carolina State Statutes relating to the same topics. The changes were part of an ongoing effort to revisit certain statutes relating to zoning powers that had been updated over the years to address specific issues but had not been rewritten in a comprehensive way in quite a while. The intent was to improve clarity in the text, streamline and/or modernize the language and remove duplication.

In November of 2014, staff from the School of Government at the University of North Carolina at Chapel Hill, shared information with local zoning officials about a similar review spearheaded by the North Carolina Bar Association to reorganize, clarify and modernize statutes relating to local planning and development regulations. House Bill 548, was introduced in early April to formally begin the legislative process for considering these potential changes. One of the key trends that staff has observed in following this review is a growing shift away from conditional use zoning toward conditional zoning as the preferred mechanism for handing some development opportunities.

Both conditional use and conditional zoning mechanisms allow rezonings to occur under very specific conditions where they may otherwise not be appropriate. However, unlike conditional use zoning where the rezoning and associated conditional use permit are considered simultaneously following quasi-judicial proceedings, conditional zoning follows a legislative process. Conditions are agreed to by both property owner and local government and are linked to the rezoning. The petitioner submits some sort of exhibit or site plan, and the actual permit comes later as subsequent step.

The LUO provides for staff to initiate an amendment if it believes that the proposed amendment has significant merit and would benefit the general public interest. Article IX, Zoning Districts and Zoning Map, provides for conditional use zoning for almost all of the existing general use districts but only provides for conditional zoning for two districts, B-1(G) and B-2. A draft ordinance has been prepared that, if adopted, would authorize the creation of a conditional district that would correspond to almost all of the Town's general zoning districts.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for June 23, 2015 and referring the proposed amendment to Orange County, the Planning Board.