



Legislation Text

File #: 15-0272, **Version:** 1

TITLE:

Public Hearing on Land Use Ordinance Amendments to 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 amending 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. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

DEPARTMENT: Planning

CONTACT INFORMATION: Christina Moon - 919-918-7325; Mike Brough - 919-929-3905; Nick Herman - 919-929-3905; Patricia McGuire - 919-918-7327

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 were long overdue for a more comprehensive review. 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 University of North Carolina, School of Government, 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 certain types of 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 only the legislative process. Conditions are agreed to by both the 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 a 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 draft ordinance was referred to Orange County and presented to the Planning Board at its May 21, 2015 meeting. Comments are provided (Attachment C).

FISCAL & STAFF IMPACT: Public hearings involve staff and public notices costs associated with advisory board and Board of Aldermen review. Minimal staff impacts are anticipated in relation to incorporating the proposed amendment.

RECOMMENDATION: Staff recommends that the Board of Aldermen consider the resolution finding consistency (Attachment A-1), and the draft ordinance (Attachment B).