

A RESOLUTION ADOPTING A STATEMENT EXPLAINING  
THE BOARD OF ALDERMEN'S REASONS FOR ADOPTING AN AMENDMENT  
TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE  
Resolution No. 156/2007-08

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FOR CONDITIONAL ZONING.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020, particularly policies 3.21, 3.5, and 3.6 that advocate for low-impact, diverse, home-based businesses and economic expansion in the downtown.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest.

Section 3. This resolution becomes effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE  
BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO  
THE TEXT OF THE CARRBORO LAND USE ORDINANCE  
Resolution No. 157/2007-08

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE FOR CONDITIONAL ZONING.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Carrboro Vision 2020: Policies through the year 2020.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing policies are sufficient.

Section 3. This resolution becomes effective upon adoption.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO PROVIDE  
FOR CONDITIONAL ZONING DISTRICTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article IX of the Carrboro Land Use Ordinance is amended by adding a new Section 15-141.4 to read as follows:

**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: RR-CZ, R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-S.I.R-CZ, R-S.I.R.-2-CZ, B-1(c)-CZ, B-1(g)-CZ, B-2-CZ, B-3-CZ, B-4-CZ, CT-CZ, B-3-T-CZ, O-CZ, O/A-CZ, M-1-CZ, and M-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 2. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 3. This ordinance shall become effective upon adoption.

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.



TOWN OF CARRBORO  
**PLANNING BOARD**

*301 West Main Street, Carrboro, North Carolina 27510*

**R E C O M M E N D A T I O N**

**MAY 1, 2008**

**Land Use Ordinance Text Amendment – Providing for the  
 establishment of conditional zoning districts**

David Clinton moved and Seth Chadbourne seconded that the Planning Board recommends that the Board of Aldermen approve the draft ordinance amending Article IX of the Land Use Ordinance to provide for the establishment of conditional zoning districts.

VOTE: AYES (7) Seth Chadbourne, David Clinton, Sharon Cook, Debra Fritz, Susan Poulton, Damon Seils and Heidi Paulsen; NOES: (0); ABSENTIEXCUSED: (4) Matthew Barton, Rich Bell, James Carnahan, and Rose Warner; ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the Board's action on this amendment.

Furthermore, the Planning Board of the Town of Carrboro finds that the amendment is reasonable and in the public interest because it is consistent with Carrboro Vision 2020, particularly Policy 2.0 Development related to diversity and preserving the Town's character.

Motion in support of this finding was made by Susan Poulton and seconded by Damon Seils.

VOTE: AYES (7) Seth Chadbourne, David Clinton, Sharon Cook, Debra Fritz, Susan Poulton, Damon Seils and Heidi Paulsen; NOES: (0); ABSENTIEXCUSED: (4) Matthew Barton, Rich Bell, James Carnahan, and Rose Warner; ABSTENTIONS: (0)

*Heidi Paulsen* 5/15/08  
 Heidi Paulsen, 1<sup>st</sup> vice-chair

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# ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

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TRANSMITTAL DELIVERED VIA EMAIL

May 22, 2008

Patricia J. McGuire, AICP  
Planning Administrator  
Town of Carrboro  
301 W. Main St.  
Carrboro, NC 27510

Dear Trish:

Thank you for the opportunity to review the following ordinance amendment received by us on April 25, 2008 and proposed for town public hearing on May 27, 2008:

- **Providing for the establishment of conditional zoning districts.**

We find no inconsistency with the adopted *Joint Planning Area Land Use Plan* on these proposed amendments and have no additional comment.

Sincerely,

Perdita Holtz, AICP  
Planning Systems Coordinator

cc: Laura Blackmon, ICMA-CM, Orange County Manager  
Craig Benedict, AICP, Orange County Planning Director