

(To be added under Article 17)

Sec. 40-527 Conditional Zoning (Districts)

(1) PURPOSE

- (a) A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted land use plan, adopted area plans and other long range plans. The review process established in this section provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties. A conditional zoning district is generally not intended for securing early zoning for a proposal, except when that proposal is consistent with an approved district or area plan or the proposal can demonstrate that public infrastructure needed to serve the development will be made available within a reasonable time period.
- (b) All uses listed as part of any application shall be in the same format and description as listed in the table of uses.
- (c) A conditional zoning and a zoning map amendment are occurring simultaneously in a conditional zoning hearing. Therefore, except as provided herein, all applications to establish a conditional zoning district shall follow the regulations related to conditional zoning in addition to the standard zoning map amendment (rezoning) process as described in this ordinance.

(2) APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

- (a) The application for a conditional rezoning approval shall also be accompanied by an application to amend the zoning map (rezoning) to a conditional development zoning district. The rezoning application shall be submitted concurrently with the conditional zoning site plan. The procedure for such shall be followed as outlined in Article 17. The approved site plan shall provide the framework for development in the conditional zoning district. All applications shall include a site plan meeting Article 13 and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers.
- (b) All proposals for a conditional zoning application shall abide by the uses and the dimensional standards required by the underlying base zoning district for which the proposal is located.
- (c) An application for conditional zoning approval shall be accompanied by 2 hard copies and a digital copy of a conditional zoning site plan.
- (d) Application timeline:

<u>Order of Review</u>	<u>Number of Copies</u>	<u>Deadline for Submittals</u>
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1. <u>Technical Review Committee</u>	<u>2 paper and an electronic</u>	<u>14 days prior to the regularly scheduled meeting date</u>
2. <u>Planning and Zoning Commission</u>		<u>14 days prior to the regularly scheduled meeting date</u>
3. <u>Town Council</u>		<u>14 days prior to the regularly scheduled meeting date</u>

(e) When evaluating an application for the creation of a conditional zoning district, the Planning & Zoning Commission and Town Council shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

(3) PUBLIC INPUT MEETING

- (a) Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator.
- (b) The report for the public hearing will include a summary of the public input meeting.
- (c) The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.
- (d) The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
- (e) The applicant's report of the meeting shall include:
 1. A copy of the letter announcing the meeting
 2. A list of adjoining property owners contacted
 3. Attendance rosters
 4. A summary of the issues discussed
 5. The results of the meeting including changes to the project's proposal, if any.

(4) CONDITIONS TO APPROVAL OF PETITION

- (a) In approving a petition for the reclassification of property to a conditional zoning district, the Planning & Zoning Commission may recommend, and the Town Council may request that the applicant add reasonable and appropriate conditions to the approval of the petition.
- (b) Any such conditions should relate to the relationship of the proposed use to the impact on the following details:
 1. Town services
 2. Surrounding property
 3. Proposed support facilities such as parking areas and driveways
 4. Pedestrian and vehicular circulation systems
 5. Screening and buffer areas
 6. Timing of development

7. Street and right-of-way improvements
 8. Infrastructure improvements (i.e. water)
 9. Provision of open space
 10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose
- (c) Such conditions to approval of the petition may include right-of-way dedication, easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
 - (d) The petitioner shall consider and respond to any such conditions after the Planning & Zoning Commission meeting and within three (3) days prior to the staff report for the Town Council being published. If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.
 - (e) If any condition required at approval is later found to be illegal, the petition shall be returned to Town Council to reevaluate and adjust any conditions accordingly.

(5) EFFECT OF APPROVAL

- (a) If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
- (b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" (for example "CBD-CZ"). No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.
- (c) Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

(6) REVIEW OF APPROVAL OF A CONDITIONAL ZONING DISTRICT

- (a) See Sec.40-397 for duration and termination of a vested right