

ORDINANCE NO. 2020- 4

[A Ordinance to Amend the Town of Louisburg's Zoning Ordinance, Section 16 to Assist in Redeveloping Nonconforming Structures and Properties.]

WHEREAS:

1. The Town of Louisburg has worked to reduce the number of nonconforming structures and properties in Town with the goal of removing blight and restoring the economic vitality in areas throughout Town. Staff has identified an additional tool to use through the zoning ordinance to expedite this effort which requires changes to the zoning code; and
2. After review of the above issue, amendments to the Town of Louisburg Zoning Ordinance, Section 16, Part 2 was unanimously approved by the Town of Louisburg Planning Board.

NOW THEREFORE BE IT RESOLVED BY THE TOWN OF LOUISBURG TOWN COUNCIL DULY ASSEMBLED THAT:

1. Section 16, Part 2 of the Town of Louisburg Zoning Ordinance is hereby amended as follows:

"Certificate of Nonconformity Adjustment

An adjustment shall be required to enlarge, expand or otherwise alter any Nonconforming Use or Structure as set forth in this Section 16. Where a Certificate of Nonconforming Adjustment is issued by the Planning Administrator, it shall be subject to the requirements of this section.

Application for a Certificate of Nonconformity Adjustment shall be submitted on a form prescribed by the Planning Administrator. An applicant for a Certificate Nonconformity Adjustment shall submit a detailed plan of the existing site, showing, the degree of Nonconformity with respect to the dimensional and design regulations of this Ordinance. In the case of a Nonconforming Use the application shall include a detailed explanation of the current Use including documentation of traffic generated by the current use.

A Certificate of Nonconforming Adjustment may be granted by the Administrator in accordance with the provisions of this section. Steps in the nonconforming adjustment process are:

Step 1 – Application. An application for a nonconforming adjustment will be considered by the Planning Administrator upon filing of a form entitled “Request for Nonconformity Adjustment”, available within the office of the Planning Administrator.

Step 2 – Determination and Decision by the Planning Administrator. Within 30 days of the date of receipt of a request for a nonconformity adjustment, the Planning Administrator will either approve or deny the request. The decision to approve may be based upon the applicant agreeing to site changes. The decision to approve will be based on a favorable evaluation of all the following criteria:

- *Noise – Does the nonconformity create noise above and beyond levels considered normal for the area?*
- *Traffic and Circulation – Does the nonconformity generate or have the potential to generate a significantly higher volume of traffic than surrounding land uses or adversely impact adjoining property circulation patterns?*
- *Other measurable, physical effects – Does the nonconformity generate any other negative effects including, but not limited to: dust, pollutants, foul smells, infestations, etc.*
- *Surrounding property values – Does the nonconformity detract from the prevailing property values and contribute blight to the surrounding area?*
- *Aesthetics – Does the nonconformity compliment or detract from the overall aesthetic character of the area.*

Step 3 – Changes to the Nonconformity. The Planning Administrator will determine what the nonconformity operator/owner must do to the property for certification. For example, landscaping or fencing may be required or a shift of operations away from adjoining properties may be stipulated.

Denial by the Planning Administrator. If the Planning Administrator, after an analysis of the facts of the situation, finds the nonconformity cannot be adjusted, it will be handled as such and subject to those provisions of this Ordinance which deal with unreformed nonconformities. A denied applicant may petition the Board of Adjustment for review of the Administrator’s decision within 30 days. The procedures for an appeal are set forth in Section 23 of the Zoning Ordinance.

Approval of the Planning Administrator. Certificates of Nonconformity Adjustment may be issued with or without conditions. Those conditions will be issued after a visual inspection by the Administrator. A Certificate of Adjustment

remains valid for the use or building for which it was granted until such time the use or building is no longer present on site for one (1) year.”

2. All provisions of other Town Ordinances in conflict with this Ordinance are hereby repealed.
3. In any provision of this Ordinance or the application thereof to any person or circumstance in held invalid, the invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to the end, the provisions of this Ordinance are severable.

ATTEST:

SIGNED:



Carolyn Patterson, Town Clerk



Karl T. Pernell, Mayor

9/21/20

DATE