

ATTACHMENT A

AN ORDINANCE AMENDING THE LAND USE ORDINANCE TO PROVIDE THAT PUBLIC HEARING NOTICES SHALL BE SENT TO NON-OWNER OCCUPANTS AS WELL AS OWNERS OF AFFECTED PROPERTIES

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-102(2) of the Carrboro Land Use Ordinance is amended to read as follows (the new language is shown in italics):

With respect to hearings on matters other than conditional use permits, notice shall be given to neighboring property owners by mailing a written notice not later than 10 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is located within 150 feet of the lot that is the subject of the application or appeal. The planning staff shall also make reasonable efforts to mail a similar written notice not less than 10 days before the hearing to the occupants of residential rental property located within 150 feet of the lot that is the *subject of the application or appeal*. With respect to hearings on the issuance of conditional use permits, notice shall be given to neighboring property owners by mailing a written notice not later than 10 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is located within 1,000 feet of the lot that is the subject of the conditional use permit. *The planning staff shall also make reasonable efforts to mail a similar written notice not less than 10 days before the hearing to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the conditional use permit.* In all cases, notice shall also be given by prominently posting signs in the vicinity of the property that is the subject of the proposed action.

Section 2. Subsection 15-323(c) of the Carrboro Land Use Ordinance is amended to read as follows (the new language is shown in italics):

With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1,000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. *The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing.* The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2002.

Ayes:

Noes:

Absent or Excused:

ATTACHMENT B

A RESOLUTION AMENDING THE MISCELLANEOUS FEES AND CHARGES SCHEDULE REGARDING CHARGES FOR MAP PRODUCTS AND SERVICES Resolution No. 121/2001-02

WHEREAS, the Carrboro Board of Aldermen seeks to ensure the costs for products and services are fair and adequate.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen amends the Miscellaneous Fees and Charges Schedule as follows:

1. Addition of an item within the Land Use Permit fees section of the fee schedule as follows:

Resident Notification Mailing	\$30.00 + .50/per resident address
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This is the 26th day of March in the year 2002.

Section 15-102 Notice of Hearing.

Except as provided in Section 15-117 (dealing with appeals of stop work orders), the administrator shall give notice of any hearing required by Section 15-101 as follows: (AMENDED 10/24/89)

- (1) Notice shall be given to the appellant or applicant and any other person who makes a written request for such notice by mailing to such persons a written notice not later than ten days before the hearing.
- (2) With respect to hearings on matters other than special and conditional use permits, notice shall be given to neighboring property owners by mailing a written notice not later than 10 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is located within 150 feet of the lot that is the subject of the application or appeal. With respect to hearings on the issuance or revocation of special and conditional use permits, notice shall be given to neighboring property owners by mailing a written notice not later than 10 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is located within 500 feet of the lot that is the subject of a special use permit and 1000 feet of the lot that is the subject of a conditional use permit. In all cases, notice shall also be given by prominently posting signs in the vicinity of the property that is the subject of the proposed action. Such signs shall be posted not less than 7 days prior to the hearing. (AMENDED 10/12/82; 1/22/85; 04/15/97; 10/12/99)
- (3) In the case of conditional use permits, notice shall be given to other potentially interested persons by publishing a notice in a newspaper having general circulation in the Carrboro area one time not less than seven nor more than fifteen days prior to the hearing. (AMENDED 10/12/99)
- (4) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.
- (5) In the case of an application for a variance from the provisions of Sections 15-265 and 15-266, dealing with requirements peculiar to areas within the University Lake Watershed or Jordan Lake Watershed, the administrator shall also send the notice required by this section to each government having jurisdiction in the watershed or using the water supply for consumption. (AMENDED 10/15/96)

Section 15-323 Hearing Required; Notice

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having

general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. (AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97)

(d) The planning staff shall also post notices of the public hearing in the vicinity of the property rezoned by the proposed amendment and take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(e) The notice required or authorized by this section shall:

- (1) State the date, time, and place of the public hearing.
- (2) Summarize the nature and character of the proposed change.
- (3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.
- (4) State that the full text of the amendment can be obtained from the town clerk.
- (5) State that substantial changes in the proposed amendment may be made following the public hearing.

(f) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that no failure to comply with any of the notice provisions [except those set forth in subsection (b)] shall render any amendment invalid.

Section 15-52 Zoning Permits.

(a) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the planning department.

(b) The administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant as provided in Section 15-50, that:

- (1) The requested permit is not within his jurisdiction according to the Table of Permissible Uses as interpreted in the light of the other provisions of Article X, particularly Section 148.
- (2) The application is incomplete; or
- (3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations).

(c) If the administrator determines that the development for which a zoning permit is requested will have or may have substantial impact on surrounding properties, he or she shall, at least ten days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within 150 feet of the lot that is the subject of the application, informing them that: **(AMENDED 5/26/81)**

- (1) An application has been filed for a permit authorizing identified property to be used in a specified way;
- (2) All persons wishing to comment on the application should contact the administrator by a certain date; and
- (3) Persons wishing to be informed of the outcome of the application should send a written request for such notification to the administrator



PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

FEBRUARY 21, 2002

LVO TEXT AMENDMENT: TO NOTIFY NON-OWNER OCCUPANTS OF PUBLIC
HEARINGS ASSOCIATED WITH SPECIAL AND CONDITIONAL USE PERMITS AND
ZONING AMENDMENTS

MOTION WAS MADE BY JESSICA TREAT AND SECONDED BY RANDEE HAVEN-O'DONNELL
THAT THE PLANNING BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN AMEND
THE CARRBORO LAND USE ORDINANCE TO INCLUDE A NON-OWNER OCCUPANT NOTICE
PROVISION SUBJECT TO THE ADOPTION OF APPROPRIATE FEES TO COVER THE
ADDITIONAL COSTS OF SUCH NOTICE.

VOTE: AYES (5) (BABISS, HAVEN O'DONNELL, MARSHALL, SEARING AND TREAT);
NOES (1) (WEST); ABSENT/EXCUSED (4) (BATESON, HOGAN, POULTON, AND SNIDER).

Adam Searing/mw *3/22/02*
Adam Searing, Chair (date)