

BOARD OF ALDERMEN

ITEM NO. C(9)

AGENDA ITEM ABSTRACT

MEETING DATE: September 5, 2006

TITLE: Report/Request to set a public hearing on an ordinance amending the Carrboro Town Code and Land use Ordinance to comply with recent changes to the North Carolina General Statutes

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO X _
ATTACHMENTS: A. Resolution B. Summary table of December 2005 changes to North Carolina Planning and Zoning Statutes C. Draft ordinance	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 T.C. Morphis – 929-3905 Michael Brough – 929-3905

PURPOSE

Three bills were enacted during the 2005 session of the North Carolina General Assembly necessitate changes to the Town's planning and development regulations. A draft ordinance that includes amendments to the Town Code and Land Use Ordinance has been prepared. A resolution that sets the public hearing on the draft ordinance and refers the ordinance for Orange County and advisory board review is recommended for the Board's adoption.

INFORMATION

Two bills affecting planning and development regulation—S.L. 2005-418 (S. 518), An Act to Clarify and Make Technical Changes to City and County Planning Statutes, and S.L. 2005-426 (S. 814), An Act to Modernize and Simplify City and County Planning and Land-Use Management Statutes were approved during the 2005 session of the General Assembly. The bills were signed into law by Governor Easley on September 22, 2005. A third bill relating to local government regulation of forestry activities – S. L. 2005-447 (S. 681), An Act to Clarify the Role of Counties and Cities in Regulating Certain Forestry Activities, was also adopted. A summary table presents the following information for each change: topic, explanation, proposed changes to Carrboro Town Code/Land Use Ordinance (*Attachment B*). The draft ordinance that specifies needed amendments to the Town Code and Land Use Ordinance has been prepared (*Attachment C*).

It is necessary for the Board of Aldermen to hold a public hearing on a draft ordinance prior to taking any action. It is also necessary for the draft ordinance to be referred to Orange County and the Planning Board for review. Recently, the staff has included in the resolution a list of other advisory boards to which the draft ordinance might be referred for review. Since some of these provisions affect all advisory boards that make recommendations on land use ordinance map and text amendments, staff is recommending that the Board of Aldermen also refer the draft ordinance to the Transportation Advisory Board, Appearance Commission, Environmental Advisory Board,

Northern Transition Area Advisory Committee, Recreation and Parks Commission, and the Economic Sustainability Commission and has “selected” these boards on the resolution (*Attachment A*). The Board of Aldermen is, of course, free to refer the draft ordinance only to those entities required to review such a change (i.e. the Planning Board and Orange County staff).

FISCAL IMPACT

Public hearings incur costs associated with advertising, advisory board, and staff review.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the resolution (*Attachment A*) setting a public hearing for review of the draft ordinance that would amend the Town Code and Land Use Ordinance to comply with recent changes to the North Carolina General Statutes and referring the draft ordinance for Orange County and advisory board review.