

BOARD OF ALDERMEN

ITEM NO. C(4)

AGENDA ITEM ABSTRACT MEETING DATE: February 16, 2010

TITLE: Request to Set a Public Hearing on an Ordinance Amending the Carrboro Land Use Ordinance Provisions Related to Natural Constraints Mapping for Determining Open Space Requirements and Other Miscellaneous Procedural Requirements

DEPARTMENT: PLANNING	PUBLIC HEARING: YES _ NO X _
ATTACHMENTS: A. Resolution B. Draft ordinance on natural constraints C. Draft ordinance on miscellaneous procedural requirements	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Michael Brough – 929-3905

PURPOSE

Draft ordinances relating to natural constraints mapping and miscellaneous procedural requirements have been prepared. A resolution that sets a public hearing on the draft ordinances and refers the ordinances for Orange County and advisory board review is recommended for the Board's adoption.

INFORMATION

Earlier this year, the Board of Aldermen adopted revised water quality buffer requirements. Included in those changes were minor revisions to the primary constraints language in Section 15-198 Open Spaced related to stream buffers and to the repository for geographic and natural constraint data (i.e. from the printed Carrboro Natural Constraints map to the current GIS data layers). Staff has noted that a similar change to the language related to secondary constraints provisions is needed and a draft ordinance making these changes has been prepared (*Attachment B*).

Staff has determined that amendments are needed to Sections 15-59 and 15-101, as follows. Section 2 of the draft ordinance clarifies that conditions imposed on special and conditional use permits do not have to address all four of the objectives set forth in 15-59(a). Section 3 of the draft ordinance removes the requirement for public hearings to be re-advertised if more than six weeks elapses between the date of a hearing and a continuation date. This additional is not otherwise statutorially required and adds unnessecary expense to the hearing process

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 ordinances to be referred to Orange County and the Planning Board for review (*Attachment A*).

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 March 23, 2010 and referring the draft ordinances for Orange County and advisory board review.