

BOARD OF ALDERMEN

ITEM NO. B(6)

AGENDA ITEM ABSTRACT

MEETING DATE: March 23, 2010

TITLE: Public Hearing on an Ordinance Amending the Carrboro Land Use Ordinance
Provisions Related to Miscellaneous Procedural Requirements

DEPARTMENT: PLANNING	PUBLIC HEARING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
ATTACHMENTS: <ul style="list-style-type: none">A. Resolutions finding consistencyB. Draft ordinance on miscellaneous procedural requirementsC. LUO provisions – excerptsD. Comments and recommendations	FOR INFORMATION CONTACT: Patricia McGuire – 918-7327 Michael Brough – 929-3905

PURPOSE

A draft ordinance relating to clarifying procedural requirements and revising public notice provisions has been prepared. The Board of Aldermen must receive public comment before taking action on the amendment.

INFORMATION

Staff has determined that amendments are needed to Sections 15-59 and 15-101 (*Attachments C*). A draft ordinance that has been prepared (*Attachment B*) includes the following: 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). The section was intended and has been applied in the disjunctive case (i.e. the objectives are each separate and distinct) rather than the conjunctive case (i.e. the objectives are each interdependent and connected). Section 3 of the draft ordinance removes the requirement specified in Section 15-101 of the Land Use Ordinance 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 notice is not otherwise statutorily required and adds unnecessary expense to the hearing process.

The draft ordinance was referred to Orange County and the Planning Board for review; comments or recommendations are attached (*Attachment D*).

FISCAL IMPACT

In the event that a quasi-judicial hearing were continued to a date six weeks or longer from the date of a hearing, a savings equal to the cost of the published notice would result. The typical cost of the published notice for such hearings is \$100.00.

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen adopt the resolution (*Attachment A*) finding consistency and the draft ordinance (*Attachment B*).