

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE
BOARD OF ALDERMEN'S REASONS FOR ADOPTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 122/2009-10

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE REVISING THE CARRBORO LAND USE ORDINANCE TO REVISE PROCEDURAL REQUIREMENTS ASSOCIATED WITH GRANTING PERMITS AND PROVIDING NOTICE OF PUBLIC HEARINGS

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020 policies specified in 1.42 related to utilizing technology.

Section 2. The Board concludes that its adoption of the above described amendment is reasonable and in the public interest because the Town seeks to provide fast, efficient, and cost-effective public service.

Section 3. This resolution becomes effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE
BOARD OF ALDERMEN'S REASONS FOR REJECTING AN AMENDMENT TO
THE TEXT OF THE CARRBORO LAND USE ORDINANCE

WHEREAS, an amendment to the text of the Carrboro Land Use Ordinance has been proposed, which amendment is described or identified as follows: AN ORDINANCE REVISING THE CARRBORO LAND USE ORDINANCE TO REVISE PROCEDURAL REQUIREMENTS ASSOCIATED WITH GRANTING PERMITS AND PROVIDING NOTICE OF PUBLIC HEARINGS.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is not consistent with Town policies and regulations.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing regulations are appropriate.

Section 3. This resolution becomes effective upon adoption.

AN ORDINANCE REVISING THE CARRBORO LAND USE ORDINANCE TO REVISE
PROCEDURAL REQUIREMENTS ASSOCIATED WITH GRANTING PERMITS AND
PROVIDING NOTICE OF PUBLIC HEARINGS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. All references in this ordinance are to Chapter 15 of the Carrboro Town Code, the Carrboro Land Use Ordinance.

Section 2. Subsection 15-59(a) is amended to read as follows:

(a) Subject to subsection (b), in granting a special or conditional use permit, the board of adjustment or Board of Aldermen, respectively, may attach to the permit such reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location:

- (1) Will not endanger the public health or safety; or
- (2) Will not injure the value of adjoining or abutting property; or
- (3) Will be in harmony with the area in which it is located; ~~and~~ or
- (4) Will be in conformity with the Carrboro Land use Plan, Thoroughfare Plan, or other plan officially adopted by the Board.

Section 3. Subsection 15-101(d) is rewritten to read as follows:

(d) The hearing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing needs to be published. ~~unless a period of six weeks or more elapses between hearing dates.~~

Section 4. All provisions of any Town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

Section 15-59 Additional Requirements on Special Use and Conditional Use Permits.

(a) Subject to subsection (b), in granting a special or conditional use permit, the board of adjustment or Board of Aldermen, respectively, may attach to the permit such reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location:

- (1) Will not endanger the public health or safety;
- (2) Will not injure the value of adjoining or abutting property;
- (3) Will be in harmony with the area in which it is located; and
- (4) Will be in conformity with the Carrboro Land Use Plan, Thoroughfare Plan, or other plan officially adopted by the Board.

(b) The permit-issuing board may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. (AMENDED 5/26/87)

(c) Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration.

(d) In the case of a conditional use zoning district, specific conditions may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and the petitioner may be incorporated into the permit requirements. Conditions and site-specific standards imposed in a conditional use permit as a part of a conditional use zoning district shall be limited to those that address the conformance of the development and use of the site to Town ordinances and any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. (AMENDED 10/24/06)

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

(f) A vote may be taken on additional conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subdivision 15- 54(c)(3) or (4).

Section 15-101 Hearing Required on Appeals and Applications.

(a) Before making a decision on an appeal or an application for a variance, special use permit, or conditional use permit, or a petition from the planning staff to revoke a special use permit or conditional use permit, the board of adjustment or the board of aldermen, as the case may be,

shall hold a hearing on the appeal or application. Hearings on conditional use permits shall be set by the board of aldermen as provided in Section 2-17 of the Town Code. **(AMENDED 4/27/82)**

(b) Subject to subsection (c), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

(c) The board of adjustment or board of aldermen may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

(d) The hearing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing needs to be published unless a period of six weeks or more elapses between hearing dates.



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

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

THURSDAY, MARCH 4, 2010

**LAND USE ORDINANCE TEXT AMENDMENTS RELATING TO PROCEDURAL
REQUIREMENTS OF GRANTING PERMITS AND PUBLIC NOTICE**

Motion was made by Clinton and seconded by Poulton that the Planning Board recommends that the Board of Aldermen adopt the draft ordinance modifying procedural requirements associated with granting permits and providing notice of public hearings with the following provision **substituted for the deleted text in Subsection 15-101(d):**

however the staff shall make every attempt to post on the Message Board of the Town's website notice of the continuation of the public hearing.

VOTE: AYES: (9) Barton, Clinton, Fritz, Poulton, Seils, Shoup, Wagner, Warner, Williams

ABSENT/EXCUSED: (1) Oxley

NOES: (0)

ABSTENTIONS: (0)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

By acclamation, the Planning Board of the Town of Carrboro finds that the proposed text amendment is consistent with Carrboro Vision 2020 policies specified in policies 1.42 relates to fast, efficient, cost-effective public service and section 1.45 relates to encouraging active participation of citizens in community planning.

Damon Seils
(Chair)

March 5, 2010
(Date)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT**Craig N. Benedict, AICP, Director**

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Hillsborough,
North Carolina, 27278

**TRANSMITTAL DELIVERED VIA EMAIL**

March 4, 2010

Patricia J. McGuire, AICP
Planning Administrator
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendments

Dear Trish:

Thank you for the opportunity to review the following Land Use Ordinance amendments received by us on February 26, 2010 and proposed for town public hearing on March 23, 2010:

- Procedural Requirements Associated with Granting Permits and Providing Notice
- Natural Constraints Mapping for Determining Open Space

We find no inconsistency with the adopted *Joint Planning Area Land Use Plan* on this proposed amendment.

If you have any questions or need additional information, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Perdita Holtz".

Perdita Holtz, AICP
Planning Systems Coordinator