

**AN ORDINANCE TO AMEND THE TOWN OF CARRBORO'S LAND USE
ORDINANCE TO COMPLY WITH NEW STATUTORY REQUIREMENTS FOR
ZONING CONSISTENCY STATEMENTS**

DRAFT 11-16-2017

BE IT HEREBY ORDAINED BY THE CARRBORO BOARD OF ALDERMEN THE
FOLLOWING:

Section 1. Subsection 15-324 (d) of the Carrboro Land Use Ordinance is revised to reflect the requirements of Session Law 2017-10 so that the entirety of the Section 15-324 Board Action on Amendments now reads as follows:

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.
- (4) The Board retains the right to find a zoning amendment to be consistent with any duly adopted plan, but to deny the zoning amendment request.

- (5) For the purposes of this section, "comprehensive plan" includes a unified development ordinance and any other officially adopted plan that is applicable.
- (e) A Board member shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. (See also Carrboro Town Code Section 2-35).

Section 2. All provisions of any Town ordinance or resolution in conflict with this ordinance are repealed.

Section 3. This ordinance is effective upon adoption.