



Legislation Details (With Text)

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Title: Public Hearing on Text Amendments to the Land Use Ordinance for Compliance with N.C.G.S. Chapter 160D
PURPOSE: The purpose of this agenda item is for the Town Council to consider text amendments that would bring the Land Use Ordinance into conformance with N.C.G.S. Chapter 160D. A draft ordinance has been prepared. The consideration of an amendment to the Land Use Ordinance is a legislative decision; the Council must receive public input before reaching a decision on the draft ordinance.

Indexes:

Code sections:

Attachments: 1. Attachment A - Draft Ordinance with PUTable_06-09-2021, 2. Attachment B - Staff Memo, 3. Attachment C - Table_06-11-2021, 4. Attachment D - Comments-combined

Table with 5 columns: Date, Ver., Action By, Action, Result

TITLE:

Public Hearing on Text Amendments to the Land Use Ordinance for Compliance with N.C.G.S. Chapter 160D

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DEPARTMENT: Planning Department, Town Attorney’s Office

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INFORMATION: Legislation adopted as Part II of S.L. 2019-111 and revised with the adoption of S.L. 2020-15 reorganized the state’s planning and development regulations combining the previously separate county (G.S. Chapter 153A) and municipal statutes (G.S. 160A) into one chapter, and relocating some regulations previously located in separate sections into the same chapter. Staff has been working closely with the Town Attorney’s office to review the legislation and to identify necessary amendments to bring town regulations into compliance with the state legislation.

As noted previously, some of the key elements of the legislation include:

- The removal of conditional use districts as a rezoning mechanism (rezoning & conditional use permit at the same time); existing conditional use districts will automatically become conditional districts.

- The elimination of conditional use permits. All quasi-judicial permits will become special use permits; this change will also occur automatically.
- Comprehensive plans will become required.
- Conflict of interest provisions for legislative decisions (text amendments/rezonings) have been expanded. New conflict of interest provisions will apply to staff.
- New provisions for proportional representation will require ETJ representation on certain advisory boards.
- Provisions relating to vested rights have been updated and new provisions relating to permit choice added.
- Procedures relating to administrative determinations (staff decisions) have been added along with provisions for appealing administrative determinations.

A draft ordinance has been prepared (*Attachment A*). The process for preparing the amendments for 160D has provided an opportunity to make other modifications to the Land Use Ordinance such as changing the name of the Board of Aldermen to the Town Council, editing language to use gender neutral terms and pronouns, and correcting clerical errors that have inadvertently occurred over the years. The draft ordinance is slightly shorter in length than the version included in the agenda item to set the public hearing. No substantive changes have been made; rather, duplications in the draft ordinance relating to administrative changes have been eliminated. A short staff report with a bulleted list of some of the key changes brought forth with the adoption of Chapter 160D is provided (*Attachment B*). A copy of the working table providing information on the purpose of the change and specific section/provision(s) to be amended is also provided (*Attachment C*).

The preparation of the text amendments have involved most of the articles in the Land Use Ordinance. Copies of the articles showing changes in tracking have been loaded to a ShareFile and may be accessed using the following link: <https://townofcarrboro.sharefile.com/d-sf58592af81844b0d95de1eba72b0a500>.

Links to the previous meeting agendas are provided below.

--October 13, 2020 -

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=679784&GUID=7D469578-03C6-4BC6-A6F7-DA8A23CD41D9&Options=&Search=>> (Update/overview of project)

--January 26, 2021 - [Town of Carrboro - Meeting of Town Council on 1/26/2021 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=>)

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=823936&GUID=D387AE20-BC4A-444C-A4C3-58F350776615&Options=&Search=>> (Informational Update #1)

--February 16, 2021 - [Town of Carrboro - Meeting of Town Council on 2/16/2021 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=823939&GUID=3D78913E-0653-46D9-A733-8346B5C8DC69&Options=&Search=>)

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=823939&GUID=3D78913E-0653-46D9-A733-8346B5C8DC69&Options=&Search=>> (Informational Update #2)

--March 16, 2021 - [Town of Carrboro - Meeting of Town Council on 3/16/2021 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=849505&GUID=446F084C-5574-4E34-84D7-E4D80E77C561&Options=&Search=>)

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=849505&GUID=446F084C-5574-4E34-84D7-E4D80E77C561&Options=&Search=>> (Informational Update #3)

/April 6, 2021 - [Town of Carrboro - Meeting of Town Council on 4/6/2021 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=855658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=>)

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=855658&GUID=AB1C4E38-592D-47A5-A5E8-F7D178B4ED57&Options=&Search=>> (Informational Update #3 - Rescheduled)

May 11, 2021 - [Town of Carrboro - Meeting of Town Council on 5/11/2021 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=823951&GUID=6129DF98-B509-4C9C-A6CF-6606843C3428&Options=&Search=>)

<https://carrboro.legistar.com/MeetingDetail.aspx?ID=823951&GUID=6129DF98-B509-4C9C-A6CF-6606843C3428&Options=&Search=>> (Request-to-Set a Public Hearing)

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. The draft ordinance was referred to Orange County and presented to the Planning Board on May 20th. Comments are provided (*Attachment D*).

FISCAL & STAFF IMPACT: Public notice costs and staff time are associate with the review of text amendments for public hearings and advisory board review.

RECOMMENDATION: Staff recommends that the Town Council hold a public hearing to receive comment on the proposed text amendments. Public comments may be submitted to the Town Clerk up to 24 hours after the close of the public hearing. A subsequent agenda item will be scheduled for the Council on June 22nd to finish its deliberations and adopt the text amendments before July 1, 2021 as required by state statute.