



Legislation Details (With Text)

File #:	21-257	Version:	1	Name:	
Type:	Agendas	Status:		Agenda Ready	
File created:	6/16/2021	In control:		Board of Aldermen	
On agenda:	6/22/2021	Final action:			
Title:	Consideration of 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.				

Indexes:

Code sections:

Attachments: 1. Attachment A - Consistency Resolution_06-22-2021, 2. Attachment B - Draft Ordinance (compiled w LUTABLE)_06-17-2021 (rev-clean), 3. Attachment C - Table, 4. Attachment D - Comments-combined

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TITLE:

Consideration of 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.

DEPARTMENT: Planning Department, Town Attorney's Office

CONTACT INFORMATION: Christina Moon - 919-918-7325, cmoon@townofcarrboro.org; Marty Roupe - 919-918-7333, mroupe@townofcarrboro.org; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org; Nick Herman - 919-929-3905, gnherman@broughlawfirm.com

INFORMATION: On June 15, 2021, the Town Council held a public hearing on text amendments prepared to bring the Land Use Ordinance into compliance with changes to state statutes following the adoption of N.C.G.S. Chapter 160D ([Town of Carrboro - Meeting of Town Council on 6/15/2021 at 7:00 PM \(legistar.com\)](https://carrboro.legistar.com/MeetingDetail.aspx?ID=823956&GUID=E260FC8E-FC74-4077-8645-2108ACA1F4E0&Options=&Search=>)).

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; language has added to the LUO to outline the process for adopting and amending the comprehensive plan.

- The list of plans used for determining consistency has been updated.
- 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.

Other modifications to the Land Use Ordinance include 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. A short staff report with a bulleted list of some of the key changes brought forth with the adoption of Chapter 160D was provided with the public hearing materials. A copy of table with information on the purpose of the change and specific section/provision(s) to be amended is provided (*Attachment C*).

Comments from Orange County and the Planning Board have also been provided. (*Attachment D*.)

Copies of the articles showing changes in tracking have been loaded to a ShareFile and may be accessed using the following link. A few minor typos were identified and corrected since the public hearing, with revised files added to the ShareFile: <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=>> (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=>> (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=>> (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=>> (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=>> (Request-to-Set a Public Hearing)

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 adopt the resolution for consistency (*Attachment A*) and the draft ordinance (*Attachment B*) to meet the July 1, 2021 deadline required by state statute.