



## Legislation Text

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**File #:** 21-155, **Version:** 1

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### **TITLE:**

Request-to-Set a 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 to consider setting a public hearing on text amendments that would bring the Land Use Ordinance into conformance N.C.G.S. Chapter 160D. A draft ordinance has been prepared. Text amendments are legislative decisions. The Town Council must receive public input prior to making a decision.

**DEPARTMENT:** Planning

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**INFORMATION:** During the last several months, staff has been providing the Town Council with updates on the preparation of draft text amendments to bring the Land Use Ordinance into compliance with new requirements based on the adoption of Chapter 160D. Draft materials were been presented to the Council at three meetings: January 26<sup>th</sup>, February 16<sup>th</sup> and April 6<sup>th</sup> ([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=>>>, [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=>>>), and [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=>>>). Each installment has included a review of a number of articles of the Land Use Ordinance, with a draft ordinance, and copies of the each article showing the proposed changes using the tracking tool. A table outlining the anticipated changes, organized by topical area was also provided.

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 permits at the same time); existing conditional use districts will automatically become conditional districts as of January 1, 2021
- The use of conditional use permits will also be removed. 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 determinations.

The preparation of 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-s19a8c484f3d54098b00a4f4536d020f2>. Staff anticipates some additional minor revisions during the public hearing process.

The Town Council must receive public comments before adopting amendments to the Land Use Ordinance. Orange County and Planning Board review is also needed.

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

**RECOMMENDATION:** Staff recommends that the Town Council consider the attached resolution (*Attachment A*) setting a public hearing for June 15<sup>th</sup> and referring the item to Orange County and the Planning Board.