

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. 123/2009-10

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 ARTICLE XIII OF THE CARRBORO LAND USE ORDINANCE RELATED TO NATURAL CONSTRAINTS MAPPING FOR DETERMINING OPEN SPACE REQUIREMENTS.

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 maximize its use of technology so as to be a "Community on the Web."

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 ARTICLE XIII OF THE CARRBORO LAND USE ORDINANCE RELATED TO NATURAL CONSTRAINTS MAPPING FOR DETERMINING OPEN SPACE REQUIREMENTS

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.

This the _____ day of _____, 20__.

Ayes:

Noes:

Abstentions:

AN ORDINANCE REVISING ARTICLE XIII OF THE CARRBORO LAND USE
ORDINANCE RELATED TO NATURAL CONSTRAINTS MAPPING FOR
DETERMINING OPEN SPACE REQUIREMENTS

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. Section 15-198 is amended by revising subdivision (b) (5) b. to read as follows:

b. Wooded areas other than hardwood areas as designated in the Geographic Information System (GIS) of the Town of Carrboro.

Section 3. Section 15-198 is amended by revising subsection (b) (5) by deleting subdivision e. and replacing it with subdivision f.

Section 4. Section 15-198 is amended by revising subsection (g) by revising the fourth sentence so that the section reads as follows:

A developer shall not be required to set aside as open space under the provisions of subsections (d) and (e) more than the minimum required percentage of open space set forth in subsection (c). If the sum total of open space otherwise required under the provisions of subsections (d) and (e) exceeds forty percent of the development tract (twenty percent in the R-2 district), then the permit issuing authority shall allow the developer to set aside a smaller area of open space under subsections (d) and (e), individually or collectively, so that the developer is not required to preserve as open space more than forty percent of the development tract (twenty percent in the R-2 district). However, if areas that constitute primary conservation areas have not been set aside as open space, then the development plans shall otherwise provide for the preservation of such areas even though they may be located within privately owned lots (e.g. by specifying buildable areas within individual lots). Notwithstanding the foregoing, hardwood areas identified in the Geographic Information System (GIS) of the Town of Carrboro that are not set aside as common open space shall be preserved except to the extent that removal of such hardwood trees is necessary to accommodate the permitted uses created out of land not set aside as common open space. (AMENDED 09/05/95; 05/25/99)

Section 5. This ordinance shall become effective upon approval.

Section 6. All provisions in conflict with these changes are hereby repealed.



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 TO THE NATURAL CONSTRAINTS MAPPING RELATED TO DETERMINING OPEN SPACE REQUIREMENTS

Motion was made by Barton and seconded by Fritz that the Planning Board recommends that the Board of Aldermen adopt the draft ordinance.

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

ABSENT/EXCUSED: (1) Oxley

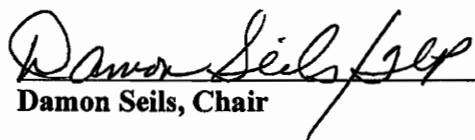
NOES: (0)

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 1.42 related to utilizing technology so as to be a "Community on the Web."

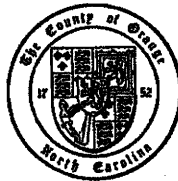

Damon Seils, Chair


(Date)

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

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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