

PLANNING & ZONING REVIEW NOTES

VIII. D.

SUBJECT: Consider proposed text amendments to the Chatham County Zoning Ordinance to comply with 2005 NC General Statute updates.

ATTACHMENTS: The following was previously distributed prior to the May 15, 2006 public hearing.

1. Text of the proposed Zoning Ordinance amendments.

INTRODUCTION AND BACKGROUND: The amendments in attachment 1 cover a variety of issues that were revised by the Legislature in one of the most comprehensive updates to land use regulations in North Carolina. The appropriate General Statute reference has been included in the margins for each of the amendments.

There are several amendments that more clearly specify the voting procedures on quasi-judicial decisions before the Board of Commissioners and Board of Adjustment. This includes clarifications on impermissible contacts by the decision maker on quasi-judicial matters and their impartiality. The amendments also more clearly spell out how to calculate a vote when there are vacancies on a board or a board member is disqualified from voting.

Several of the amendments address activities that many jurisdictions already practiced. A variance request for permitted uses is specifically prohibited. Public hearing notices must be posted on property under consideration for rezoning. Commissioners and Planning Board members are prohibited from voting on items where they have a direct, substantial, and readily identifiable financial interest.

One of the more substantive changes is that for rezoning requests the Planning Board must provide a written recommendation to the Board of Commissioners that addresses consistency with adopted comprehensive plans. Similarly, the Board of Commissioners is required to adopt a statement describing whether its action is consistent with an adopted comprehensive plan, is reasonable, and in the public interest. There is no requirement that a decision has to be consistent with an adopted comprehensive plan, but that it is only noted in the Planning Board recommendation and Board of Commissioners statement. Both of these requirements have been incorporated into the current rezoning process since the beginning of 2006.

RECOMMENDATION:

The Planning Department recommends granting approval of the proposed amendments to the Zoning Ordinance.