



## Legislation Details (With Text)

**File #:** 15-0270 **Version:** 1 **Name:**  
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**File created:** 6/16/2015 **In control:** Board of Aldermen  
**On agenda:** 6/23/2015 **Final action:** 6/23/2015  
**Title:** Public Hearing on Land Use Ordinance Amendments to Modify Provisions Relating to the Expiration of Permits

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider amending the Land Use Ordinance to modify the existing provisions relating to the expiration and extension of permits. A draft ordinance has been prepared. The Board must receive public comments before taking action on the draft ordinance.

### Indexes:

### Code sections:

**Attachments:** 1. Attachment A-1 - Consistency Resolution for Ordinance Adoption\_3mb, 2. Attachment A-2 - Consistency Resolution for Ordinance Denial, 3. Attachment B - Draft Amendment, 4. Attachment C - Recommendations

Date	Ver.	Action By	Action	Result
6/23/2015	1	Board of Aldermen	approved	Pass

### TITLE:

Public Hearing on Land Use Ordinance Amendments to Modify Provisions Relating to the Expiration of Permits

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**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Nick Herman - 919-929-3905; Marty Roupe - 919-918-7333

**INFORMATION:** At the November 18, 2014 Board of Aldermen meeting, the Board considered permit extension requests for three conditional use permits. After reviewing the second permit extension agenda item Alderman Seils requested, as formal motion, that staff report back to the Board with an option to extend a permit for more than twelve months and information relating to the circumstances for which the Board would consider the longer extension.

Article IV of the Land Use Ordinance outlines the procedures for permit and final plat approval. Section 15-62 speaks to the expiration of permits. Subsection 15-62(c) provides for the permit issuing authority to extend a permit for a period of up to one year after the date when the permit would otherwise expire if it concludes that the

applicant meets the following criteria:

- (i) the permit has not yet expired,
- (ii) the permit recipient has proceeded with due diligence and in good faith, and
- (iii) conditions have not changed so substantially as to warrant a new application.

A draft ordinance has been prepared that, if adopted, would amend Section 62(c) to allow the permit issuing authority to extend a permit for a period of up to two years. The amendment would not require a permit to be extended for the maximum length of time, but rather allow the permit issuing authority the discretion to extend the permit for a period of up to but not exceeding two years. The existing criteria in the LUO provides guidance for determining whether to grant the extension.

The draft ordinance was referred to Orange County and presented to the Planning Board at its May 21, 2015 meeting. Comments are provided (Attachment C).

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notices costs associated with advisory board and Board of Aldermen review. Minimal staff impacts are anticipated in relation to incorporating the proposed amendment.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the resolution finding consistency (Attachment A-1), and the draft ordinance provided in the attachments (Attachment B).