



Legislation Details (With Text)

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**File created:** 10/11/2016      **In control:** Board of Aldermen

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**Title:** Request-to-Set a Public Hearing on Land Use Ordinance Amendments Relating to Protests to Zoning Map Amendments  
 PURPOSE: The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to replace the existing provisions for protest petitions with a new policy.

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment A - Resolution, 2. Attachment B - Draft Ordinance amending 15-326\_9-6-2016

Date	Ver.	Action By	Action	Result
10/18/2016	1	Board of Aldermen	approved	Pass

**TITLE:**

Request-to-Set a Public Hearing on Land Use Ordinance Amendments Relating to Protests to Zoning Map Amendments

**PURPOSE:** The purpose of this item is for the Board of Aldermen to consider setting a public hearing on text amendments to the Land Use Ordinance to replace the existing provisions for protest petitions with a new policy.

**DEPARTMENT:** Planning Department

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Bob Hornik - 919-929-3905

**INFORMATION:** At the May 24, 2016 regular meeting, staff presented the Board of Aldermen with information relating to newly adopted state legislation and the potential need to amend certain Land Use Ordinance provisions. One of these bills, HB 201, removed the use of protest petitions to require a three-fourths vote on petitions for change of zoning. (The bill may be found at: <http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H201v6.pdf>)

Local governments are permitted to substitute the zoning protest petition tool with written citizen comment, and a draft ordinance has been prepared for that purpose. If adopted, language in the proposed amendment would replace the existing paragraphs under Section 15-326, Protests to Zoning Map Amendments.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed.

**FISCAL & STAFF IMPACT:** Public hearings involve staff and public notice costs associated with advisory board and Board of Aldermen review.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen consider the attached resolution, setting a public hearing for November 15, 2016 and referring the proposed amendment to Orange County and the Planning Board.