



Legislation Details (With Text)

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File created: 11/28/2016 **In control:** Board of Aldermen
On agenda: 12/6/2016 **Final action:** 12/6/2016
Title: Continuation of the 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 amending the Land Use Ordinance to replace the existing provisions for protest petitions with a new policy for citizen comment.

Indexes:**Code sections:**

Attachments: 1. Attachment A - Resolution for Consistency, 2. Attachment B - Ordinance amending 15-326 (11-29-2016), 3. Attachment C - Resolution Objecting text amendment, 4. Attachment D - Existing Language in Section 15-326, 5. Attachment E - Comments PB & OC

Date	Ver.	Action By	Action	Result
12/6/2016	1	Board of Aldermen	approved	Pass

TITLE:

Continuation of the 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 amending the Land Use Ordinance to replace the existing provisions for protest petitions with a new policy for citizen comment.

DEPARTMENT: Planning Department

CONTACT INFORMATION: Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327; Nick Herman - 919-929-3905

INFORMATION: At the November 15, 2016 regular meeting, the Board of Aldermen opened a public hearing to consider an ordinance that would replace Section 15-326 of the Land Use Ordinance, Protests of Zoning Map Amendments, with new language providing for citizen comment. The ordinance was drafted as part of a review of state legislation and a need to amend certain LUO provisions for conformance. (Agenda materials from November may be found at:

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=2882402&GUID=5D699E35-DB04-4A5C-BBBD-048AD0A815D9&Options=&Search=>>).

The Board has traditionally welcomed public comment as part of its deliberations on development decisions. If adopted, citizens would still be able to provide input on zoning decisions but would not be able to submit a standardized protest petition to require a super majority vote. In response to comments at the November meeting, the Town Attorney has prepared a resolution (Attachment C) that outlines the Board's concerns with the loss of the protest petition mechanism. An additional notation has been added to the draft ordinance (Attachment B) to reference this resolution within the text of the LUO. Amending the LUO in this manner will provide a record of the Board's opposition to HB 201, while providing citizens who wish to submit comments

relating to zoning decisions information as to how those comments may be used in the decision making process.

Responses to the draft ordinance from the Planning Board and Orange County are also provided (Attachment E.)

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 adopting the resolution of consistency (Attachment A), the draft ordinance (Attachment B), and the resolution objecting to the loss of the protest petition mechanism (Attachment C).