



## Legislation Text

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**File #:** 13-0506, **Version:** 1

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### **TITLE:**

Request-to-set a public hearing on Land Use Ordinance Amendments Relating to the Environmental Advisory Board

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on potential text amendments relating to the Environmental Advisory Board's charge and duties to ensure consistency within the review process. A draft ordinance has been prepared for the Board's consideration. A resolution setting a hearing date for February 25, 2014 has also been prepared, and advisory board review has been requested prior to the public hearing.

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon 919-918-7325; Patricia McGuire 919-918-7327; Randall Dodd 919-918-7326

**INFORMATION:** During a recent discussion of advisory boards, planning staff noticed what appears to be an inconsistency with the duties assigned to the Environmental Advisory Board (EAB). Article III, of the Land Use Ordinance (LUO) Administration Mechanisms, outlines the procedures for appointing, holding meetings, quorums and voting, and duties for the Planning Board, committees and other advisory boards. While the duties associated with the Planning Board are defined by statute, the Town has latitude in its establishment of additional boards designed to advise the Board of Aldermen in areas that benefit from specific expertise, such as the EAB. Ordinance provisions relating to the EAB are provided in Section 15-45.

Town advisory boards typically participate at key points during the development process, such as concept plan review (Section 15-48.1(c)), site planning procedures for major subdivision walkabouts (Section 15-50(c), and recommendations on conditional use permits (Section 15-57(a), and some special use permits (Section 15-56 (c). The EAB is listed as one of the advisory boards to participate in concept plan review, but not as one of the advisory boards to participate in the site plan analysis walkabouts, or contribute to CUP/SUP recommendations. Section 15-322 of the LUO, Planning Board and Other Advisory Consideration of Proposed Amendments, leaves the decision to refer text and zoning map amendments to advisory boards to the Board's discretion. By practice, the Board typically refers amendments to the advisory boards whose purview, or area of expertise, most closely aligns with the matter in question.

Section 15-321(c )(1) of the Land Use Ordinance (LUO) provides for staff to proceed with the preparation of an ordinance that makes a requested change to the LUO if it believes the change to have significant merit and would benefit the general public. A draft ordinance has been prepared that clarifies the EAB's role in the development process and consideration of amendments, and also strengthens the language relating to its charge to fulfill the Town's requirements under its NPDES Phase II stormwater permit for a citizen's oversight of stormwater management activities.

The Board of Aldermen must receive public comment before adopting amendments to the LUO. Planning Board and Orange County review is 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 February 25, 2014 and referring the proposed amendments to Orange County, the Planning Board and the Environmental Advisory Board.