



Legislation Text

File #: 15-0223, **Version:** 1

TITLE:

Request-to-set a public hearing on Land Use Ordinance Text Amendments that would Modify Provisions Relating to the Expiration of Permits

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 modify the existing provisions relating to the expiration and extension of permits.

DEPARTMENT: Planning Department

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

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 on the option to extend a permit for more than twelve months and to include under what circumstances the Board would consider a 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 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 June 23, 2015 and referring the proposed amendment to Orange County, the Planning Board.