



## Legislation Text

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**File #:** 17-356, **Version:** 1

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**TITLE:**

Request-to-Set a Public Hearing on a Land Use Ordinance Amendment Relating to Consistency

**PURPOSE:** The purpose of this agenda item is for the Board of Aldermen to consider setting a public hearing on a text amendment to the Land Use Ordinance relating to consistency for map and text amendments.

**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 Board of Aldermen meeting, staff presented information relating to newly adopted 2015 state legislation and the potential need to amend certain Land Use Ordinance (LUO) provisions for conformity. Staff is now in the process of reviewing changes to state legislation from 2017 to identify potential amendments to the LUO for conformity. NCGS 160A-383 speaks to the process for adopting a map or text amendment, including those situations where such an approval would be inconsistent with an existing comprehensive plan or other plans. Rather than adopting the ordinance amendment subject to a subsequent amendment to the comprehensive plan, the statute describes a process whereby the comprehensive plan or other plan would be amended at the same time. The statute outlines the use of an approval template including the standard statements of consistency with the comprehensive plan or other adopted plans, consistency with the public good, and a new statement that would amend the comprehensive plan or other adopted plans as needed, as part of the same resolution.

A draft ordinance has been prepared which modifies 15-324(d), Board Action on Amendments, to address this new provision relating to consistency. The Board of Aldermen must receive public comment before adopting amendments to the LUO. Orange County and Planning Board review are also needed; no other boards have been identified due to the mandatory nature of the amendment.

**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 January 23, 2018 and referring the proposed amendment to Orange County and the Planning Board.