



## Legislation Text

---

**File #:** 17-389, **Version:** 1

---

### **TITLE:**

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 receive public comments on an amendment to the text of 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:** Staff is in the process of reviewing changes to state legislation from the North Carolina General Assembly Session 2017 to identify the potential need to amend certain Land Use Ordinance provisions for conformity. Senate Bill 131 modified NCGS 160A-383, the section which requires the approval of a “consistency statement” with respect to zoning map and zoning text amendments. The statute, as amended, now offers a third option (previously there had only been 2 options stated in the statute) for local governing boards to consider when commenting on the consistency of proposed amendments with the Town’s “comprehensive plan” - a statement that the amendment is not consistent with the plan but that there are good reasons to adopt the amendment anyway. In this scenario, the approval of the consistency statement and adoption of the amendment is deemed, by operation of law and without any further action required, to be an amendment to the “comprehensive plan”. The statutory language was amended to address a circumstance that occurs from time to time, but which the statute had not previously expressly addressed.

A draft ordinance has been prepared that expands the provisions under Section 15-324(d), Board Action on Amendments, to reflect this new legislation (*Attachment B*). Copies of existing ordinance provisions in Article XX- Amendments, with changes tracked, and an excerpt of Senate Bill 131 are included as *Attachments C* and *D*. The draft ordinance was referred to Orange County and was presented to the Planning Board on December 4, 2017. Comments from Orange County are provided (*Attachment E*).

The Planning Board was scheduled to adopt its comments on the amendment at the January 18<sup>th</sup> meeting. Due to inclement weather, that action is now expected to be scheduled for February 1<sup>st</sup>. The Board of Aldermen may wish to receive any public comment, but continue the hearing to the February 6<sup>th</sup> meeting so that it might consider any Planning Board comments.

**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 receiving public comments on the attached resolutions and draft ordinance (*Attachments A and B*) and continuing the public hearing and final action to February 6<sup>th</sup>.