

TEXT AMENDMENT STAFF REPORT



Hearing Date: NA

Case File #: TA-16-12

General Description: Amend Article 4 Amendment/Rezoning Procedures Section 4.01 Action By Planning Board to modify subsection (C)(2).

Town Initiated

Citizen Initiated

Applicant(s): Town of Sunset Beach

APPLICATION OVERVIEW:

The application includes a modification to the procedures for amending the UDO when the Planning Board is to take action on a text amendment. Planning Board should not take action on this item until the appropriate advertisement has been placed in the Brunswick Beacon. This item is for review only.

STAFF COMMENTARY

An advertisement and public hearing is required prior to action by the Town Council on a text amendment. As a result, the advertisement notice for action by the Planning Board is redundant and costly to the Town. Further, the Town always has an option to provide public notice prior to a Planning Board action, but this should not be a requirement. Per NC General Statutes, a notice and public hearing is only required for governing board (Town Council) action.

PROPOSAL

The proposed amendment is attached and subsequently amended.

PLANNING BOARD SUMMARY

Action:

- (A) _____ The Planning Board hereby recommends approval of the proposed amendment to the Unified Development Ordinance and finds that it is neither (i) consistent nor inconsistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) because it is silent on the procedural requirement of public notice prior to Planning Board action and finds (ii) that it is in the public interest because it will reduce redundancy, provide cost savings, and simplify staff procedures for administration of the Town’s Unified Development Ordinance (UDO).

- (B) _____ The Planning Board hereby recommends denial of the proposed amendment to the Unified Development Ordinance and finds that (i) it is not consistent with the Town’s comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) and/or (ii) it is not in the public interests for the following reasons: _____.

Recommend Approval (A)_____ Recommend Denial (B)_____

(For _____ Against _____ Abstained _____)

Commentary:

[UPDATE for 9-8-16] Please explore options for alternative means of notification for Planning Board action. The rezoning notification change has been removed from the proposed text amendment. The Town Clerk should be in attendance to work with the Planning Board.

Department of Planning and Inspections

Existing Language:

SECTION 4.01 AMENDMENT/REZONING PROCEDURES

(C) Action by the Planning Board

- (2) In any case where the Planning Board will consider an amendment to the zoning code text, notice of the amendment to be considered shall be published once in a newspaper having general circulation in the area. The notice shall be published not less than ten (10) days before the date of the Planning Board meeting at which the text amendment will be considered.

Potential Language/Text Amendment:

SECTION 4.01 AMENDMENT/REZONING PROCEDURES

(C) Action by the Planning Board

- (2) In any case where the Planning Board will consider an amendment to the zoning code text, notice of the amendment to be considered shall be published **on the Town's website** ~~once in a newspaper having general circulation in the area.~~ The notice shall be published not less than **five (5)** ~~ten (10)~~ days before the date of the Planning Board meeting at which the text amendment will be considered.