

# 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)(1) and delete 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 rezoning or 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. Action should be taken at the meeting to be held 9/1/2016.

## STAFF COMMENTARY

An advertisement and public hearing is required prior to action by the Town Council on a rezoning or 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:**

**SECTION 4.01 AMENDMENT/REZONING PROCEDURES**

(C) Action by the Planning Board

- (1) In any case where the Planning Board will consider a change in the zoning classification of a parcel of land, notice of the proposed petition or application ~~shall~~ may be mailed by first class mail to the owner of the parcel of land involved in the change and all abutting property owners as shown on the Brunswick County tax listing at the addresses listed for such property owners on the Brunswick County tax abstracts, at least ten (10) days and not more than twenty-five (25) days prior to the Planning Board meeting at which the rezoning is to be considered. When multiple parcels are included in a proposed zoning map amendment, a posting of each individual site is not required, but the Town ~~shall~~ may post sufficient notices to provide reasonable notice to interested persons. ~~The UDO Administrator or his or her designee shall certify to the Planning Board that such notices have been made.~~
- (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.~~