

BOARD OF ALDERMEN

ITEM NO. D(3)

AGENDA ITEM ABSTRACT

MEETING DATE: December 4, 2012

TITLE: Request to set a public hearing on a Land Use Ordinance text amendment relating to provisions authorizing a change in use from one nonconforming use to another

DEPARTMENT: Planning	PUBLIC HEARING: YES ___ NO_X_
ATTACHMENTS: A. Resolution B. Draft Ordinance amending Section 15-126 C. Excerpt of Section 15-126	FOR INFORMATION CONTACT: Christina Moon – 919-918-7325 Mike Brough –919-929-3905 Patricia McGuire – 919-918-7327

PURPOSE

The purpose of this item is for the Board to consider setting a public hearing on a draft ordinance that would amend the Land Use Ordinance provisions that authorize a change in use from one nonconforming use to another. A resolution has been prepared that, if adopted, would set a public hearing and refer the draft ordinance to advisory boards and Orange County.

INFORMATION

The existing language in Section 15-126 of the Land Use Ordinance allows a permit to be issued to allow a change from one nonconforming use to another, but the specific manner in which this might be accomplished is not clearly stated, and the current standards for allowing such a change are severely limiting. As is widely known, the property at 901 West Main Street, where a nonconforming use has been ongoing for many years, has been seeking a rezoning to allow it to engage in activities that are beyond the scope of those that are permitted under its current status. The proposed rezoning has been controversial, and in pursuing mediation options and considering the outcome of recent discussions between the neighbors and the property owner, staff has moved forward with outlining another possible strategy. A draft ordinance has been prepared that would provide a little more flexibility for the Board of Aldermen to consider approving a conditional use permit application when a property owner seeks to change from one nonconforming use to another. While the application of the proposed amendment would not be limited to the property at 901 West Main Street, in that particular case it would provide an opportunity for the Board to authorize some additional activities on that site without requiring a rezoning that is opposed by some neighbors.

Review by the Planning Board and Orange County is required for text amendments. The attached resolution may be modified to refer the draft ordinance to other advisory boards or commissions as well.

At the November 13th Board of Aldermen meeting, the Board set a public hearing for January 29, 2013 to consider a potential conditional rezoning for the 901 West Main Street site. Staff understands that the owner wishes to keep the current request moving forward. The approval of a

conditional use permit as outlined above would not preclude the current owners, or any future owners, from having the option to petition for a change in zoning classification at some future time.

FISCAL AND STAFF IMPACT

The public hearing on a text amendment includes costs for public notice and administrative tasks (agenda preparation, presentation to advisory boards).

RECOMMENDATION

Staff recommends that the Board of Aldermen consider the resolution in *Attachment A* setting a public hearing for January 29 and referring the proposed amendment to the Planning Board and Orange County.