



City Council Item #5 Summary

Rezoning Petition 2024-043

Background information:

This petition for a text amendment to the Unified Development Ordinance (UDO) Article 4.5(A) “Alternative Residential Development Options” (Conservation Residential Development) had its public hearing on April 15, 2024. Following the conclusion of the public hearing, the petition was referred to the Zoning Committee’s April 30, 2024 meeting for their consideration.

Following the presentation of petition 2024-043 at its April 30, 2024 meeting, the Zoning Committee of the Planning Commission voted 7-0 to defer a recommendation until its next meeting on June 4, 2024. Due to the time-sensitive nature of this petition, and in light of the upcoming City Council 6-week recess, staff is requesting a City Council decision on this petition at its May 20 meeting, without a Zoning Committee recommendation.

Council may take such action in accordance with UDO Article 37, section 37.2(K)(4)*, which permits the City Council to act on the petition without a Zoning Committee recommendation or statement of plan consistency. The ordinance states in part, “if no written recommendation and statement of plan consistency is received from the Planning Commission within 30 days of the public hearing, the City Council may act on the amendment without the Planning Commission recommendation.” This language in the UDO is consistent with state statute §160D-604(b)**, which reads in part, “If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report.”

Since RZP 2024-043 was referred to the Zoning Committee on April 15, 2024, more than 30 days will have passed between that date and the May 20 Council meeting date, thus allowing City Council to vote on this text amendment without a Zoning Committee recommendation or statement of plan consistency. Council can adopt staff’s statement of consistency should they decide to vote for the text amendment.

*UDO Article 37.2(K)(4)

4. If no written recommendation and statement of plan consistency is received from the Planning Commission within 30 days of the public hearing, the City Council may act on the amendment without the Planning Commission recommendation. If the Planning Commission does not make a recommendation within 30 days after the petition has been referred to it, then the Planning Commission shall be considered to have made a favorable recommendation, unless action was taken to defer.

*State statute §160D-604(b)

- (b) Zoning Amendments. – Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.