

## City Council – Action Request Form

**Date:** August 12, 2024

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**To:** Mayor, Mayor Pro Tempore, and Members of the City Council

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**From:** Aaron King, Assistant City Manager  
Chris Murphy, Director of Planning and Development Services

**Council Action Requested:**

Ordinance to Amend Chapters 3 and 10 of the Unified Development Ordinances (UDO) to revise Board of Adjustment Procedures (UDO-CC27) and Request a Public Hearing.

**Strategic Focus Area:** Livable Neighborhoods

**Strategic Objective:** N/A

**Strategic Plan Action Item:** N/A

**Key Work Item:** No



**Summary of Information:**

Planning and Development Services staff recently became aware of UDO provisions related to Board of Adjustment (BOA) voting procedures which were inconsistent with each other and with North Carolina Planning Statutes (NCGS 160D). In addition to fixing inconsistent BOA voting procedures, this amendment designates the Board of Adjustment as the City’s Stormwater Appeals Board. The Stormwater Appeals Board, which primarily exists to provide an avenue to appeal decisions of the Stormwater Director, has been in place for many years but has rarely met. As both the Stormwater Appeals Board and the BOA operate under a quasi-judicial framework, city staff believe the BOA, which meets every month and is very familiar with development-related decisions, could serve as the Stormwater Appeals Board. This would reduce the number of boards Council must find citizen appointees for. Lastly, this amendment proposes technical corrections related to special use permit procedures, site plan requirements, variance applications, and the titles of Planning- and Inspections-related positions.

The City-County Planning Board held a public hearing on the proposed amendment at its July 11, 2024 meeting. The Board recommended approval of the amendment by a unanimous vote. Staff will be available to present UDO-CC27 at the August 2024 Community Development/Housing/General Government Committee meeting.

**Committee Action:**

<b>Committee</b>	Committee of the Whole 8/12/2024	<b>Action</b>	Approval
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<b>For</b>	Unanimous	<b>Against</b>	
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**Remarks:**

