

TC-7-11 Planning Commission Membership

Amends the City Code to revise the Planning Commission membership to increase the number of members residing within the city limits from 9 to 11 and reduce the number of members residing within the extraterritorial jurisdiction from 3 to 1.



Certified Recommendation

Raleigh Planning Commission

CR# 11428

Case Information: TC-7-11 / Planning Commission Membership

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

Summary of Text Change

<i>Summary</i>	Proposes to revise the Planning Commission membership to increase the number of members residing within the city limits from 9 to 11 and reduce the number of members residing within the extraterritorial jurisdiction from 3 to 1.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-7-11:</u> Less Planning Commission representation for those Wake County property owners that reside within the City's ETJ and are subject to Planning and Development regulations, but do not reside within the city limits and have no City Council representation.</p> <p><u>No Action:</u> The number of Planning Commission members representing the ETJ will continue to be disproportionate to the population residing within the ETJ. Currently, 25% of the Planning Commission membership (3 of 12 members) represents 5% of the population subject to the City's Planning and Development regulations.</p>
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Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
7-19-11	8-16-11	Text Change Committee: Approved with revisions	9-13-11 10-11-11 10-25-11	Referred to COW Removed from COW and deferred Approved w/ revisions

Attachments

1. Staff report
2. Summary
3. Ordinance



Zoning Staff Report – TC-7-11

Planning Commission Membership Text Change

Request

<i>Section Reference</i>	Part 10 Chapter 1 Article B of the City Code, Planning Commission
<i>Basic Information</i>	Proposes to revise the Planning Commission membership to increase the number of members residing within the city limits from 9 to 11 and reduce the number of members residing within the extraterritorial jurisdiction from 3 to 1.
<i>PC Recommendation Deadline</i>	November 1, 2011

Comprehensive Plan Guidance

<i>Applicable Policies</i>	Not applicable
<i>Action Items</i>	Not applicable

Contact Information

<i>Staff Coordinator</i>	Greg Hallam: greg.hallam@raleighnc.gov ; 516.2636
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History/Overview

This text change was initiated by the City Council, following a review of the population distribution of residents residing in the city limits and those residing in the extraterritorial jurisdiction.

Purpose and Need

Currently, 25% of the Planning Commission membership (3 of 12 members) are appointed by the Wake County Commissioners to represent the residents residing within the ETJ. The number of residents residing within the ETJ only represents 5% of the City's population subject to the Planning and Development regulations.

Alternatives Considered

No alternative other than the No Action approach was considered.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

There will be less Planning Commission representation for those Wake County property owners that reside within the City's ETJ and are subject to Planning and Development regulations, but do not reside within the city limits and have no City Council representation.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

The number of Planning Commission members representing the ETJ will continue to be disproportionate to the population residing within the ETJ. Currently, 25% of the Planning Commission membership (3 of 12 members) are appointed by the Wake County Commissioners to represent the residents residing within the ETJ. The number of residents residing within the ETJ only represents 5% of the City's population subject to the Planning and Development regulations.

Adoption of Proposed Text Change

TC-7-11 addresses the disproportion of the Planning Commission membership representing the ETJ compared to the percentage of population residing in the ETJ. Currently, 25% of the Planning Commission membership (3 of 12 members) represents 5% of the population subject to the City's Planning and Development regulations. Revising the membership as proposed (1 of 12 members appointed by the Wake County Commissioners) will more closely resemble the number of persons residing in the ETJ versus the city limits (1 out of 20).

No action

Under the "no action" alternative, the Planning Commission membership representing the ETJ will continue to be disproportionate to the percentage of population residing within the ETJ.

11/2/11

**ORDINANCE NO. (2011) 961 TC 347
TC-7-11**

**AN ORDINANCE TO AMEND THE
PLANNING COMMISSION MEMBERSHIP**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Amend Section 10-1011(b), first sentence, to replace the words "twelve (12)" with the words "ten (10)," and to amend the third sentence of this subsection to replace the words "Mayor and" with the word "City." Furthermore, amend Section 10-1011(b), fourth sentence, to replace the words "Three (3) of the members" with the words "One (1) member of the Commission"; and to amend the fifth sentence of this subsection to replace the words "board of commissioners" with the words "Board of Commissioners".

- (b) The Planning Commission *shall* consist of ~~twelve (12)~~ **ten (10)** members. Nine (9) of the members *shall* reside within the corporate limits of the City of Raleigh at the time of their appointment. They *shall* be appointed by the ~~Mayor and~~ **City Council** of the City of Raleigh for terms of no more than two (2) years. **One (1) member of the Commission** ~~Three (3) of the members~~ *shall* reside outside of the corporate limits of the *City* but within the limits of the extraterritorial jurisdiction of the City of Raleigh at the time of their appointment. They *shall* be appointed by the Chairman and ~~Board of~~ **C**ommissioners of Wake County for terms of no more than two (2) years.

Section 2. All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

Section 4. This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

Section 5. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 6. This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

Section 7. This ordinance shall become effective upon its adoption.

ADOPTED: November 1, 2011

EFFECTIVE: November 1, 2011

DISTRIBUTION: Planning – Silver, Hallam, Brandon, Nunez
City Attorney – Hargrove
Transcription Svcs – Taylor