

MEMORANDUM

To: Tom Harmer, Town Manager

From: Allen Parsons, AICP
Director, Planning, Zoning and Building Department

Report date: November 25, 2020

Meeting date: December 7, 2020

Subject: Ordinance 2020-16, Amending Chapters 33, Boards and Commissions; and 158, Zoning Code, Meeting Notice Provisions

Recommended Action

Forward Ordinance 2020-16 to the January 5, 2021 Regular Meeting for second reading and public hearing.

Background

The purpose of this amendment is to provide alternative mail delivery options for notices of public hearings, required to be sent to owners of property immediately adjacent to, and within 500 feet of, the perimeter of a subject property. The Town Code provides that such notices currently must be delivered by the U.S. Postal Service's "Certified Mail." This limitation can be problematic for international mail delivery and, more recently, when pandemic or other situations limits the ability of the U.S. Postal Service to provide certified mail delivery as an option.

This amendment permits private or other (e.g. email, for example, if future law permits) mail delivery as an option, provided that documentation of delivery confirmation can be obtained and provided. This amendment seeks to amend both Town Code Chapters 33, Boards and Commissions; and 158, Zoning Code, where notice is currently limited to certified mail only.

Planning & Zoning (P&Z) Board Recommendation

At their October 20, 2020 Regular Meeting, the P&Z Board recommended approval (6-0) of Ordinance 2020-16, and forwarded the proposed Zoning Text Amendment to the Town Commission for consideration.

The P&Z Board recommended two minor modifications highlighted in yellow below.

The first is a modification to a 'Whereas' clause in the Ordinance to indicate that the amendment would broaden the methods by which notice could be provided. The second modification eliminated the qualifier "private mail" as an alternative form of notice delivery. The P&Z Board's recommended change would allow for a broader range of other type notice opportunities (e.g. electronic mail) in the future, if the law and technology allows. The substituted language, as outlined, can be found in Ordinance 2020-16, available in the Town Clerk's Office.

Staff has included the P&Z Board modifications in the proposed Ordinance and is supportive of these changes.

Staff Recommendation

Forward Ordinance 2020-16 to the January 5, 2021 Regular Meeting for second reading and public hearing.

Attachments

- A. Ordinance 2020-16 (Available in Town Clerk's Office)
- B. P&Z Board Meeting Minutes, October 20, 2020 (Available in Town Clerk's Office)
- C. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item