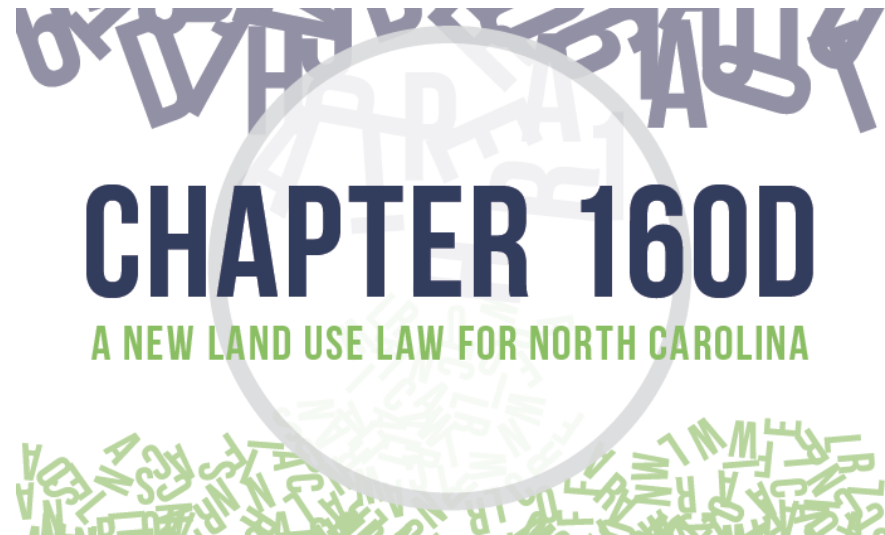


TOWN COUNCIL
WORK SESSION
SEPTEMBER 16, 2020



Agenda:

Quick Background on 160D

Policy Considerations for Selected 160D
Provisions including Q & A:

Conditional Use District Zoning

Advisory Board Review of SUP

Appeal of HDC Decisions

Next Steps

BACKGROUND

Chapter 160D – new section of NC General Statutes containing rules for local land use authority

- Created by Session Law 2019-111
- Revised by Session Law 2020-25

PART I

In effect now

Revisions to development review procedures –

no text amendments required

PART II

Compliance required by July 2021

Updates to LUMO and Town Code

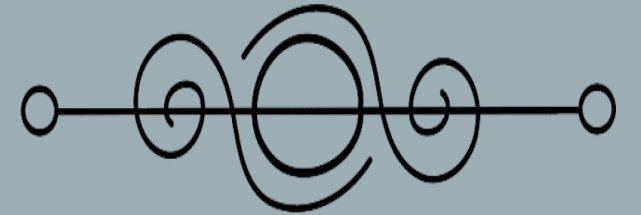
CHAPTER 160D

A NEW LAND USE LAW FOR NORTH CAROLINA

WHAT DOES THIS LAW MEAN FOR CHAPEL HILL?

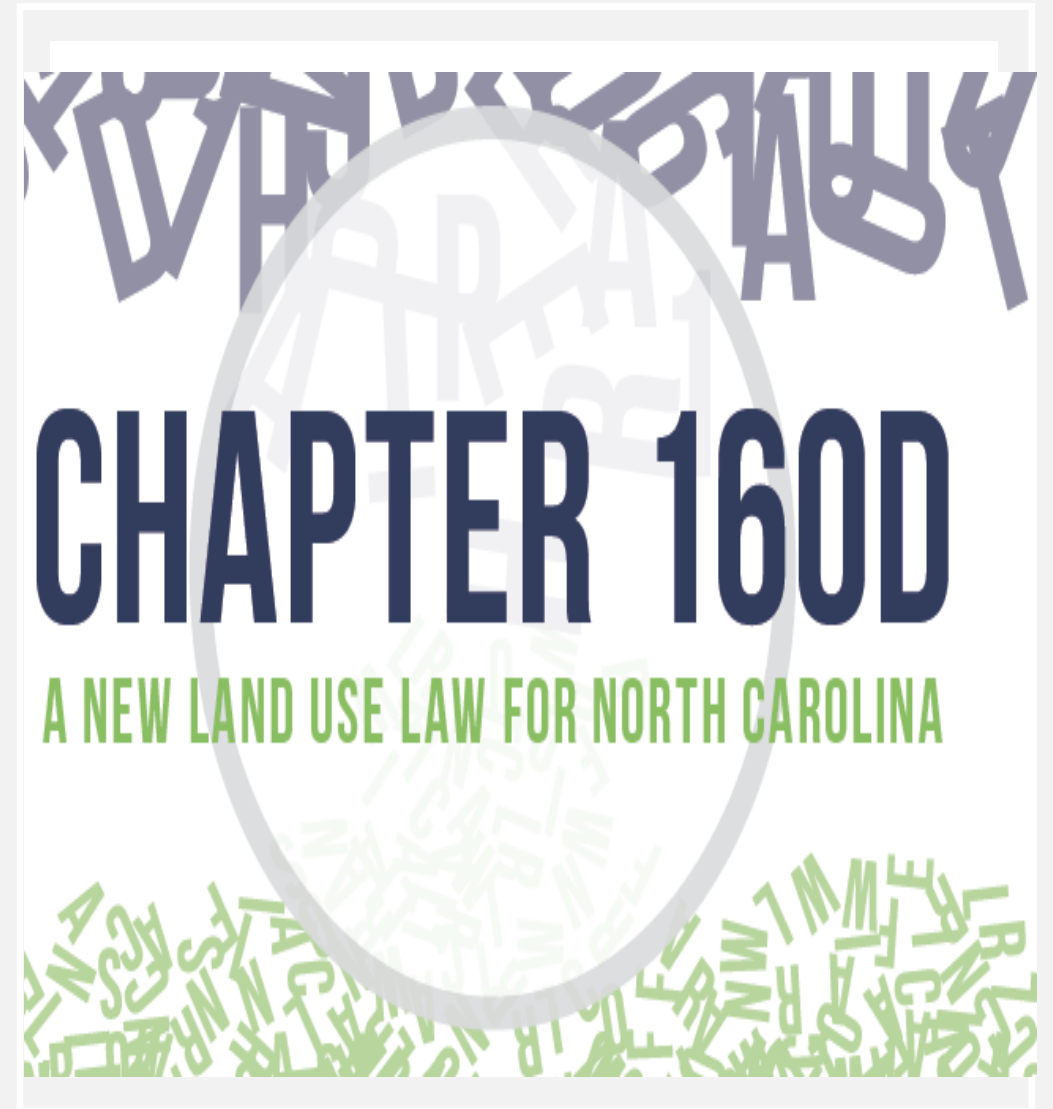
TOPICS

- Discontinuation of Conditional Use District Zoning
- Advisory Board Review of Special Use Permits
- Appeals of Historic District Commission Decisions



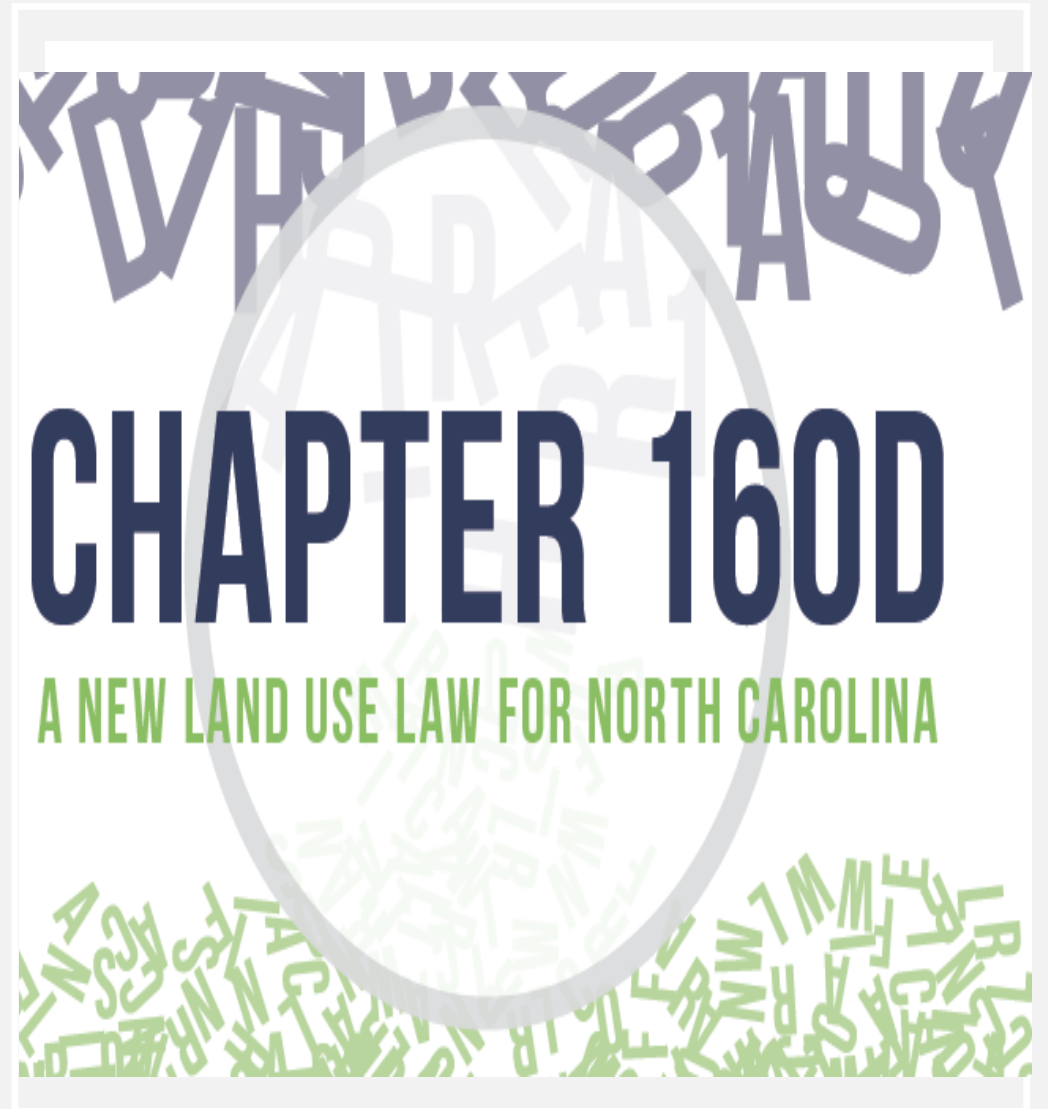
CONDITIONAL USE DISTRICT ZONING

- I60D eliminates this development review option
- Combines Legislative Rezoning with Quasi-judicial Special Use Permit
- Developed to place conditions on rezonings
- Problematic since combines legislative & quasi-judicial actions
- Still retain Special Use Permits



CONDITIONAL ZONING

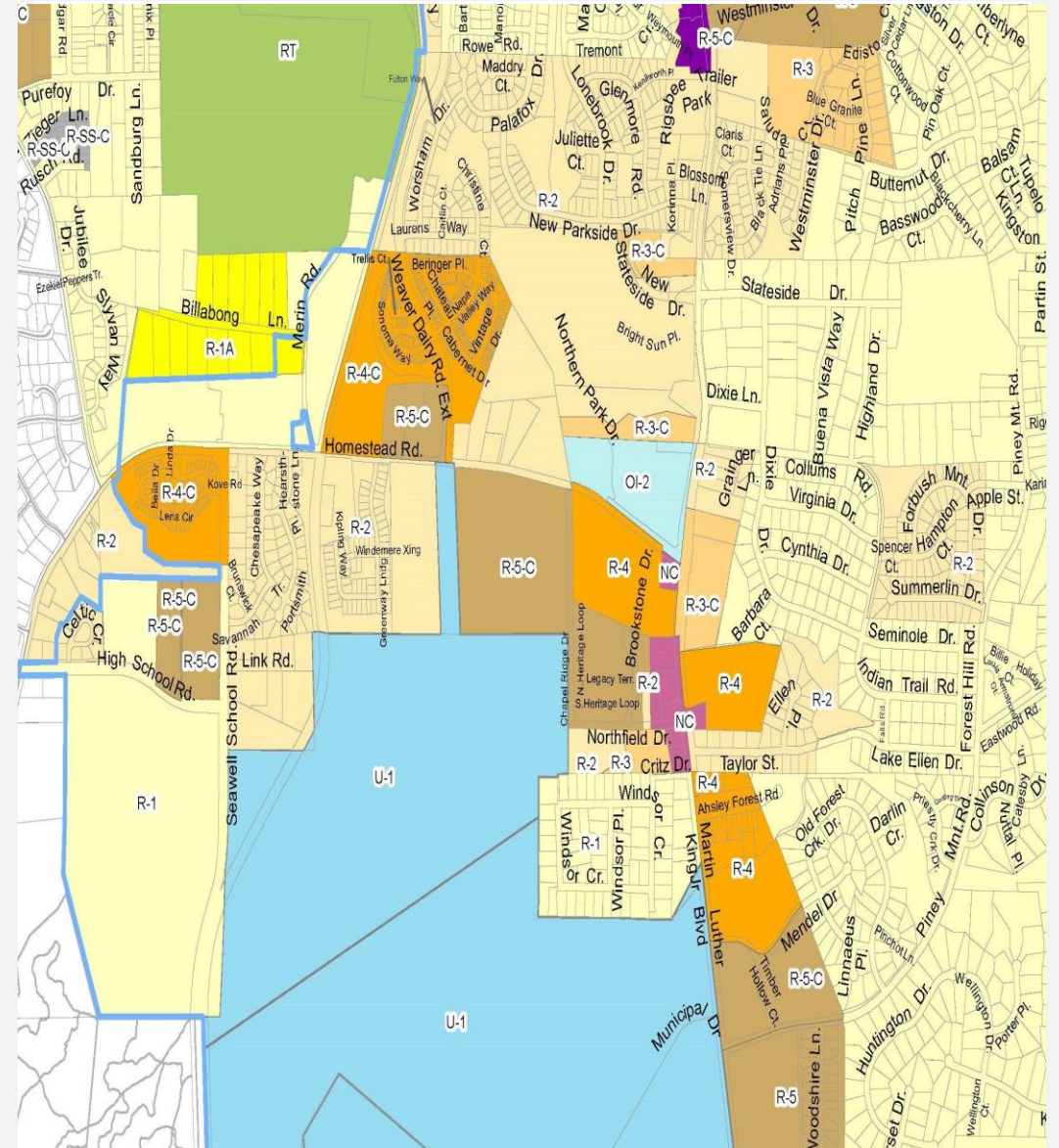
- Replaces Conditional Use District Zoning under 160D
- Written Consent to Conditions for Conditional Zoning Applications
- Latitude on Placing Conditions on Conditional Zoning Applications



ELIMINATION OF CONDITIONAL USE DISTRICT ZONING

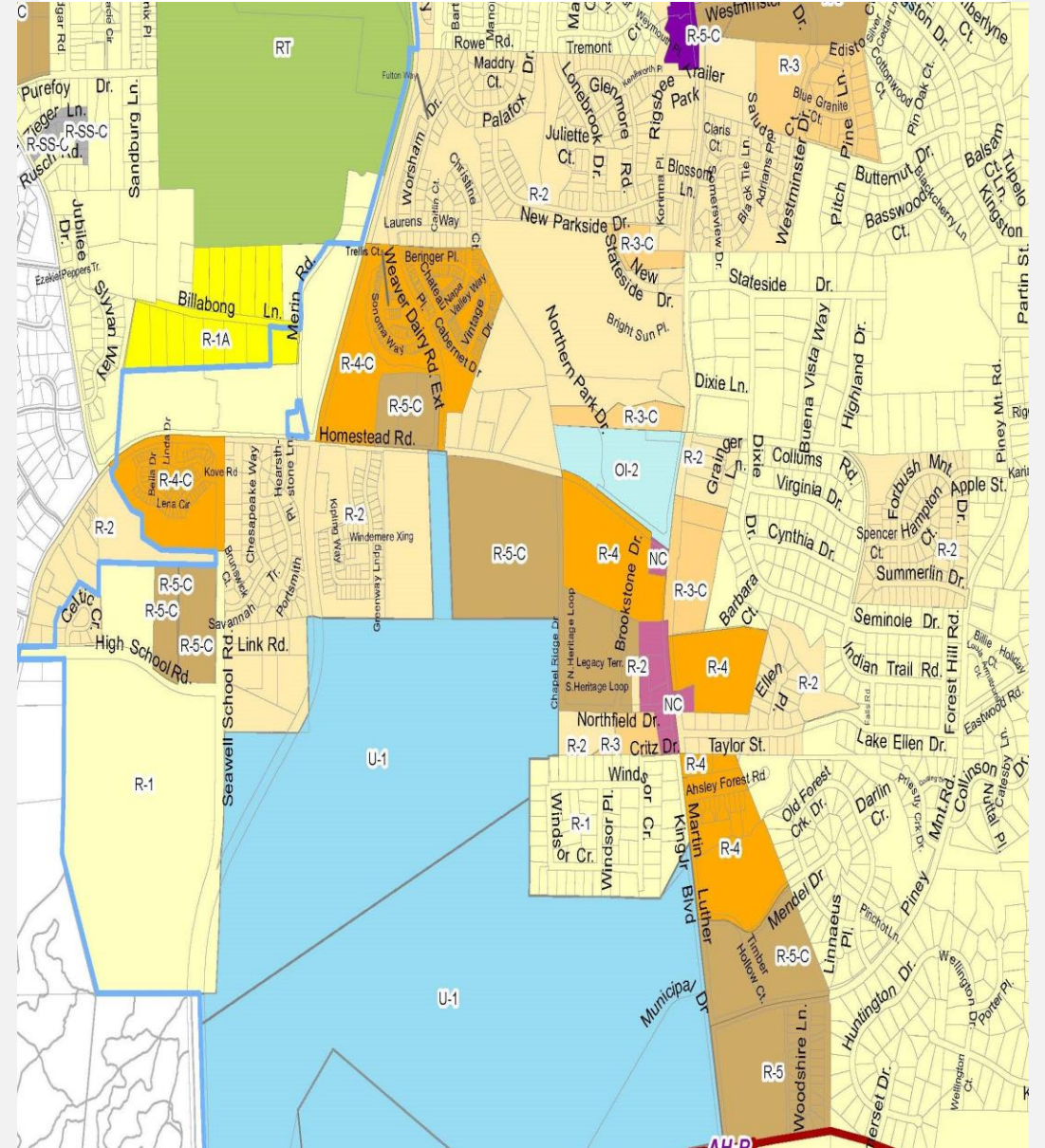
Practical Considerations:

1. Must Replace –C Districts on Zoning Atlas with –CZD
2. Lack CZD Districts for existing –C Districts
3. Conditional Use Only Districts, like R-SS-C & MU-V



CONDITIONAL USE DISTRICT VS. CONDITIONAL ZONING

- Lack R-3-CZD & R-4-CZD but have R-3 & R-4 Conditional Use Districts



CONDITIONAL USE
DISTRICT
VS.
CONDITIONAL
ZONING

Other Conditional Use Districts

R-1-C	R-1A-C
R-2-C	R-2A-C
HR-L-C	HR-M-C
R-LD1-C	R-LD5-C

**CONDITIONAL USE
DISTRICT
VS.
CONDITIONAL
ZONING**

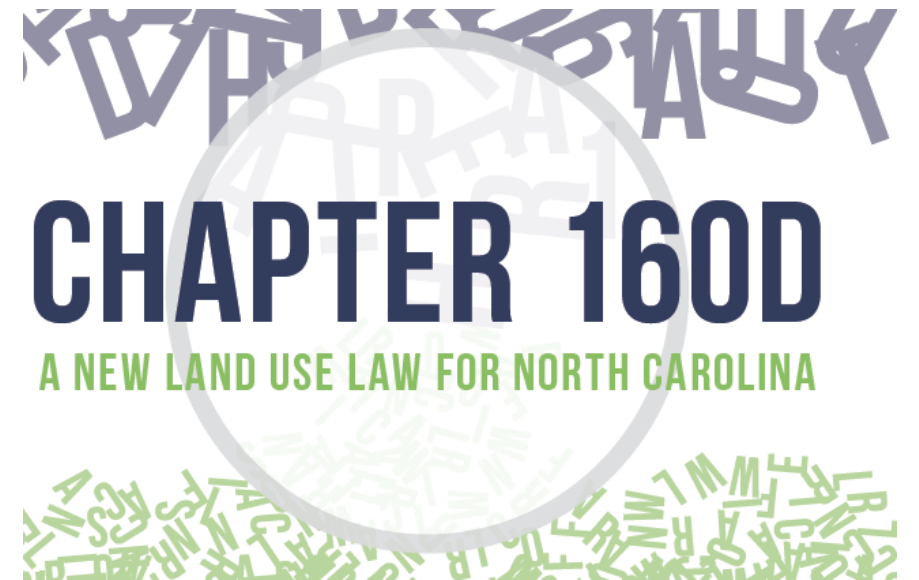
- **Questions:**
 - Should we only create CZ Districts for R-3-C & R-4-C?

OR
 - Should we create CZ Districts for all existing conditional use districts?

 - Should we create CZ Districts for R-SS-C & MU-V?

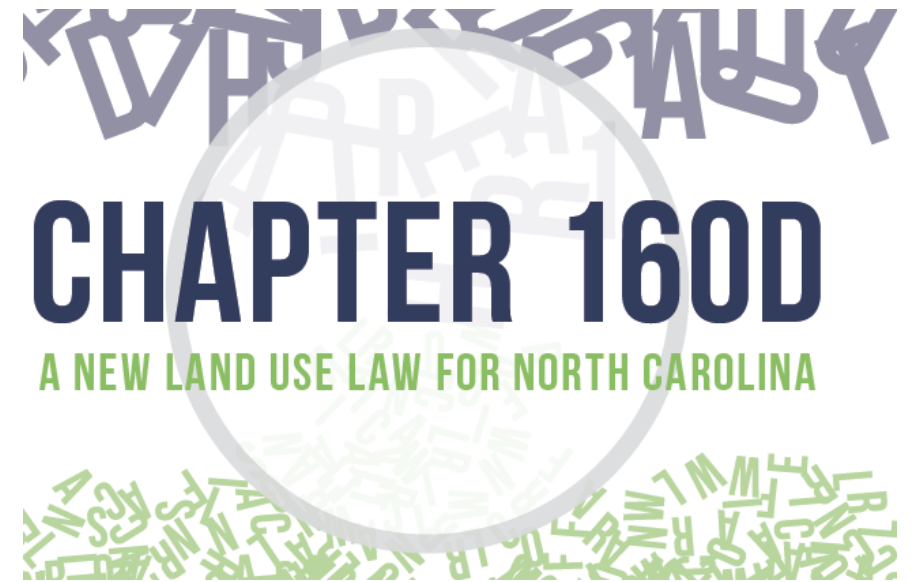
SPECIAL USE PERMITS

- When can Special Use Permits be utilized after 160D Implementation?
 - Use Matrix
 - 20/40 Rule



ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

- Advisory board recommendations may **NOT** be used by Council as the basis for deciding Special Use Permits



ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

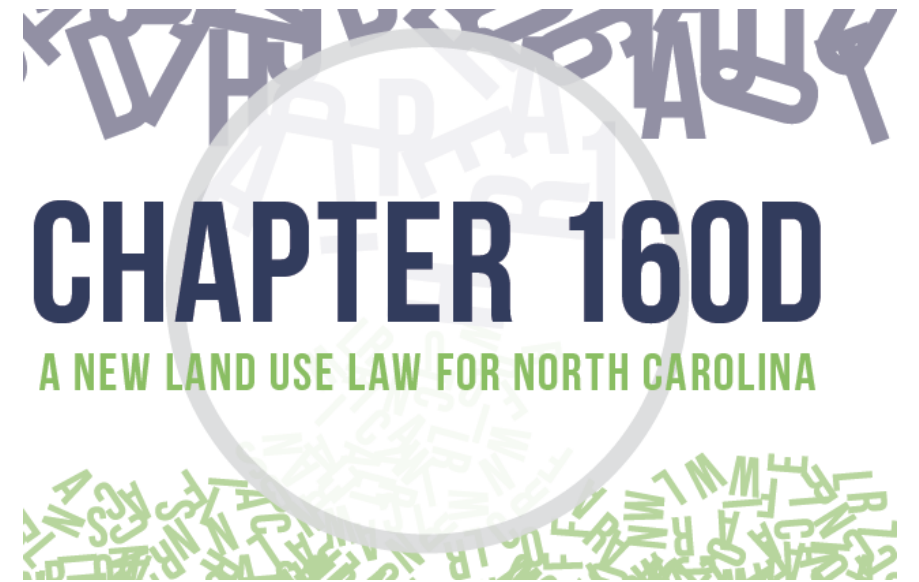
What should be the future role of Boards/Commissions?

ALTERNATIVES

- Preliminary Forum
- Discontinue Board/Commission Review
- Other ideas

APPEALS OF HISTORIC DISTRICT DECISIONS

Option to send appeals directly
to NC Superior Court



APPEALS OF HDC DECISIONS

- Appeals currently proceed to the Board of Adjustment

ALTERNATIVES

- NO change to existing process
- Amend LUMO to send appeals to Superior Court

Advantages of Each Alternative

Appeals to BOA

Appeals to Superior Court

Avoids Court Costs for Town

Less workload for BOA members

Shorter timeframe for applicant

Avoids tension between HDC and BOA, if a decision is overturned

Opportunity to critically review decision prior to Court

APPEALS OF HDC DECISIONS

- Question? Should appeals from the HDC proceed to BOA or Superior Court?

ALTERNATIVES

- NO change to existing process
- Amend LUMO to send appeals to Superior Court

PROPOSED PROCESS

Public engagement underway
and continuing throughout
process

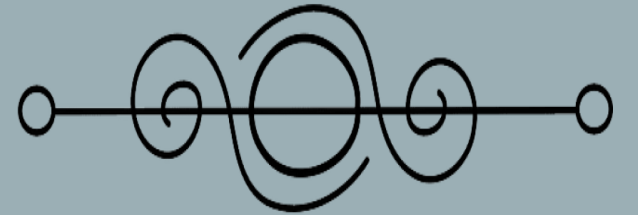
Text amendments enacted in
Spring 2021

1	Staff Assessment of Necessary Changes	March - July 2020
2	Council Introduction	June 2020
3	Public Engagement – Building Familiarity	July – Sept 2020
4	➤ <u>Council Discussion</u>	<u>Sept – Oct 2020</u>
5	Public Engagement – Policy Choices	Oct 2020 - Jan 2021
6	Draft Text Amendments	Feb 2021
7	Planning Commission Review	Feb - March 2021
8	Council Review and Adoption	April - May 2021
9	Effective Date of Part II	July 1, 2021

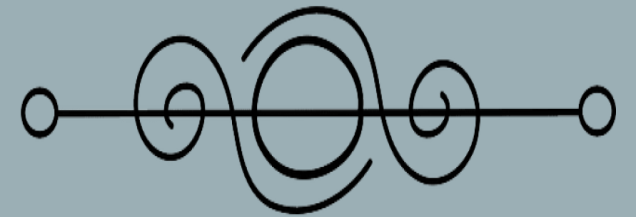
NEXT STEPS

Work Session in October – Spoiler Alert!

- Changes to LUMO Definitions
- Development Agreements – New Options
- Vesting Rights Plans
- Other Interesting, Technical Zoning Topics!?



**FINAL
QUESTIONS?**



Existing -C Zoning Districts in Chapel Hill

