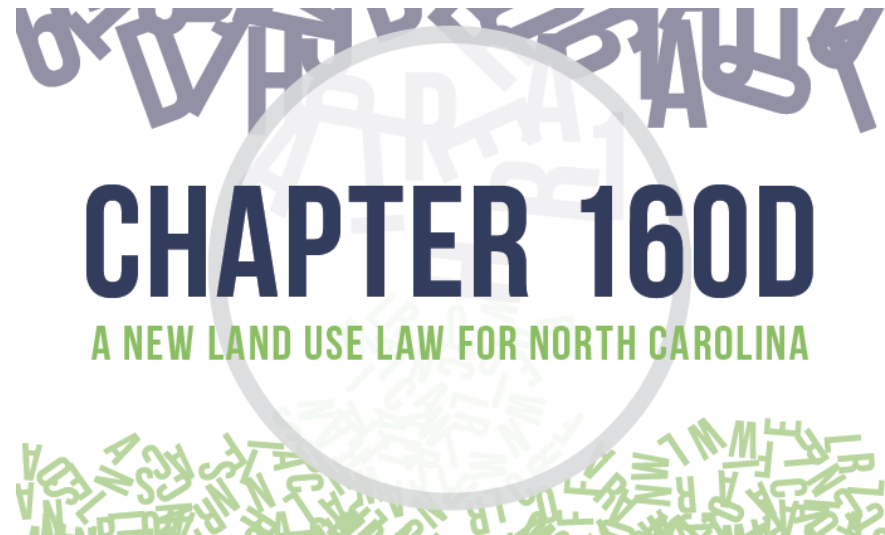


TOWN COUNCIL
MAY 19, 2021



Agenda:

- Process for I 60D Amendments
- Background on I 60D
- Overview of I 60D changes
- Staff Recommendation

DRAFT

PROCESS

**March 24,
2021**

**April 6,
2021**

**April 21,
2021**

**May 19,
2021**

Town Council
Calls the Public
Hearing



Planning
Commission
Consideration



Town Council
Open & Close
Public Hearing



Council Action

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**STAFF
RECOMMENDATION**

**For LUMO Text
Amendments:**

- Adopt the Resolution of Consistency
- Enact Ordinance A

DRAFT

**STAFF
RECOMMENDATION**

**For Town Code Text
Amendments:**

Enact Ordinance B

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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

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CHAPTER 160D

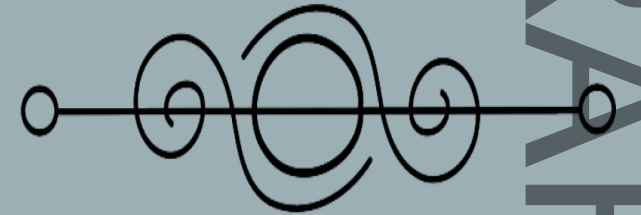
A NEW LAND USE LAW FOR NORTH CAROLINA

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MANY LUMO CHANGES ARE MINOR AND
TECHNICAL AMENDMENTS

SUBSTANTIVE CHANGES

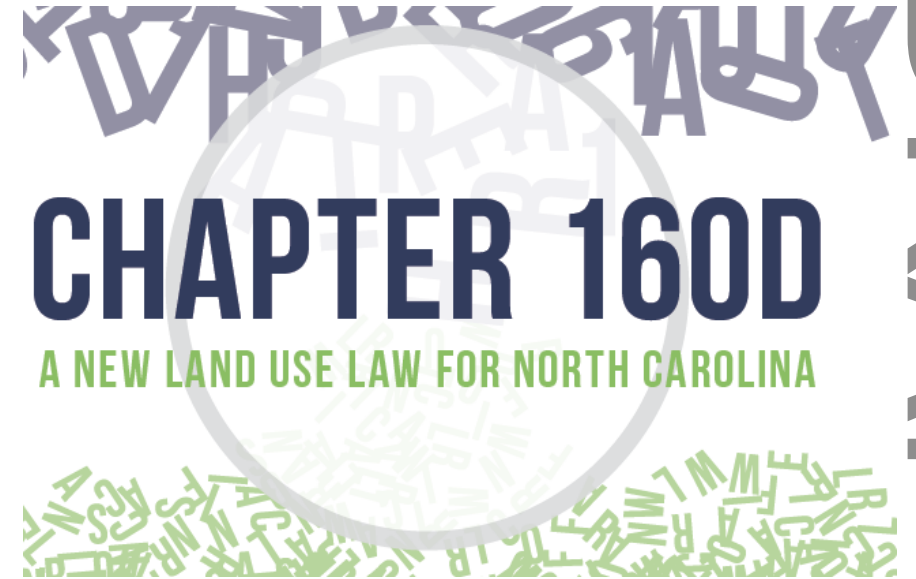
- Advisory Board Review of Special Use Permits
- Elimination of Conditional Use District Zoning



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OTHER LUMO AMENDMENTS

- Define minor & modifications to approved plans and the approval process for consideration
- Permit variances for persons with a disability



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OTHER LUMO AMENDMENTS

- Update the Master Land Use Plan provisions to include conditional zoning
- Add definitions for clarity & as required by 160D



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OTHER LUMO AMENDMENTS

- Remove the minimum square footage requirement in the Inclusionary Zoning provisions

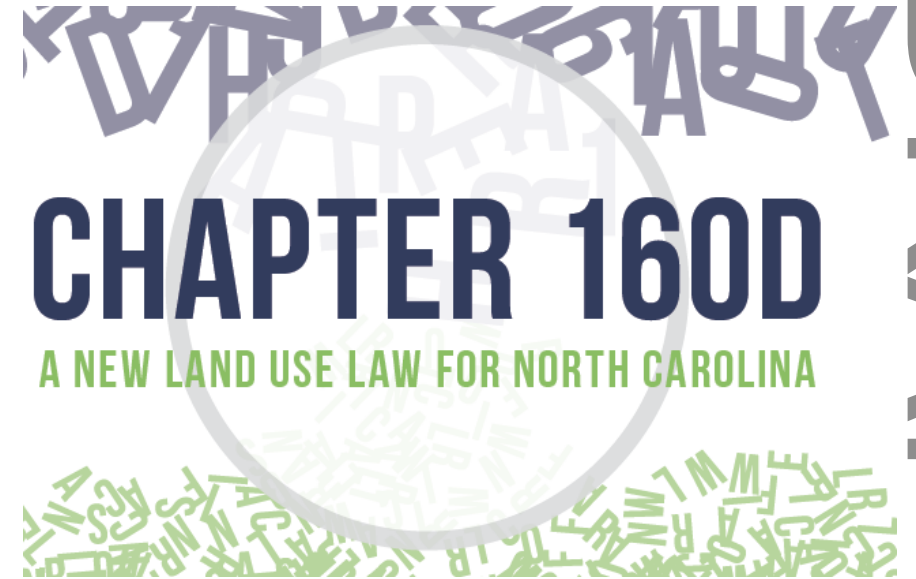
CHAPTER 160D

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OTHER LUMO AMENDMENTS

- Distinguish between administrative, legislative, & evidentiary hearings
- Distinguish between administrative, legislative, & quasi-judicial decisions



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Mechanics of Land Use Decisions

	Legislative	Quasi-Judicial	Administrative
Characteristics	<ul style="list-style-type: none"> • Decisions on Ordinances (Adoption, amendment, Repeal of regulations) • Involves policy considerations 	<ul style="list-style-type: none"> • Rules of evidence & procedure apply • Utilized for discretionary decisions • Involves the finding of facts to make a decision on an application • Discretion needed when applying regulatory rules 	<ul style="list-style-type: none"> • Utilized for non-discretionary approvals • Administration & enforcement of regulations adopted by Council • Application of objective standards
Responsible Body	Town Council	<ul style="list-style-type: none"> • Board of Adjustment • Town Council (Special Use Permits) • Historic District Commission 	<ul style="list-style-type: none"> • Staff • Planning Commission
Type of Hearing	Legislative	Evidentiary	Administrative
Decision Examples	<ul style="list-style-type: none"> • Consideration of Zoning Regulations (LUMO) • Rezoning (General or Conditional Zoning Districts) • Development Agreements 	<ul style="list-style-type: none"> • Special Use Permits • Variances • Appeals • Certificates of Appropriateness 	<ul style="list-style-type: none"> • Site Plans • Subdivisions • Zoning Compliance Permits

PETITION REGARDING I 60D

- Suggested path forward for
I 60D Petition



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CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendments promote the following *Chapel Hill 2020* Comprehensive Plan goals:

- A community that welcomes and supports change and creativity (GPNS.6)
- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (GPNS.3)

**STAFF
RECOMMENDATION**

**For LUMO Text
Amendments:**

- Adopt the Resolution of Consistency
- Enact Ordinance A

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**STAFF
RECOMMENDATION**

**For Town Code Text
Amendments:**

Enact Ordinance B

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