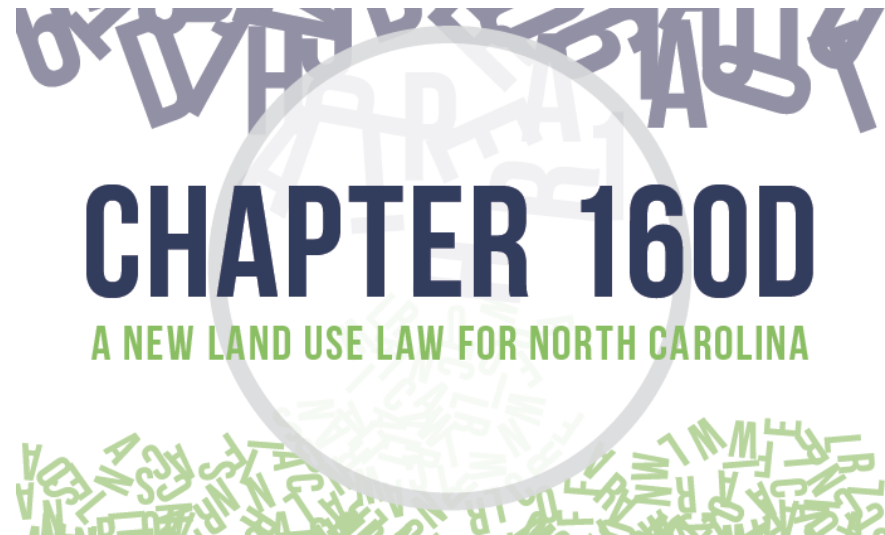


TOWN COUNCIL
WORK SESSION
OCTOBER 21, 2020



Agenda:

Quick Background on I60D

Policy Considerations for Selected I60D
Provisions including Q & A:

Advisory Board Review of SUP

Vested Rights

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

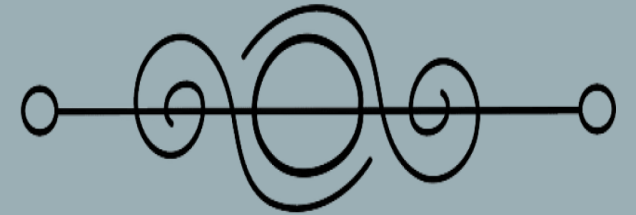
PART II

Compliance required by July 2021

Updates to LUMO and Town Code

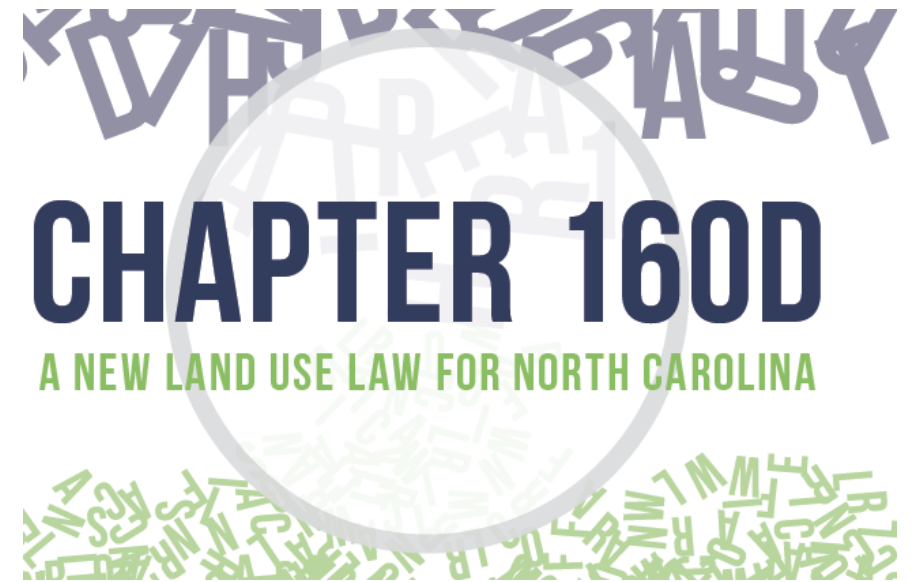
TOPICS

- Advisory Board Review of Special Use Permits
- Approvals with Vested Rights



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

ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What should be the future role of Boards/Commissions?

SUGGESTED ALTERNATIVE

- Advisory Boards Review SUP
- Provide Input to Staff (*not Recommendations to Council*)
- Staff Evaluates Input
- Appropriate Conditions Included in SUP Resolution of Approval

ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What are the pros/cons of the suggested alternative?

SUGGESTED ALTERNATIVE - CONSIDERATIONS

- Provides a way for Boards/Commissions to raise unconsidered issues
- Adds time to the review process for staff evaluation
- Boards/Commissions may not appreciate their input being vetted by Staff

ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

Are there other considerations for the suggested alternative?

SUGGESTED ALTERNATIVE – ADDITIONAL CONSIDERATIONS

- Public input as part of Board/Commission preliminary forum?
 - May give false impression that community concerns can be incorporated into suggested conditions
 - Does provide additional avenue for unconsidered issues

**ADVISORY BOARD
REVIEW OF SPECIAL
USE PERMITS**

- **Questions for Consideration:**
 - Is Staff Evaluation of Advisory Board Input a good approach?
 - If so, should Advisory Boards hear community concerns?

APPROVALS WITH
VESTED RIGHTS



CHAPTER 160D

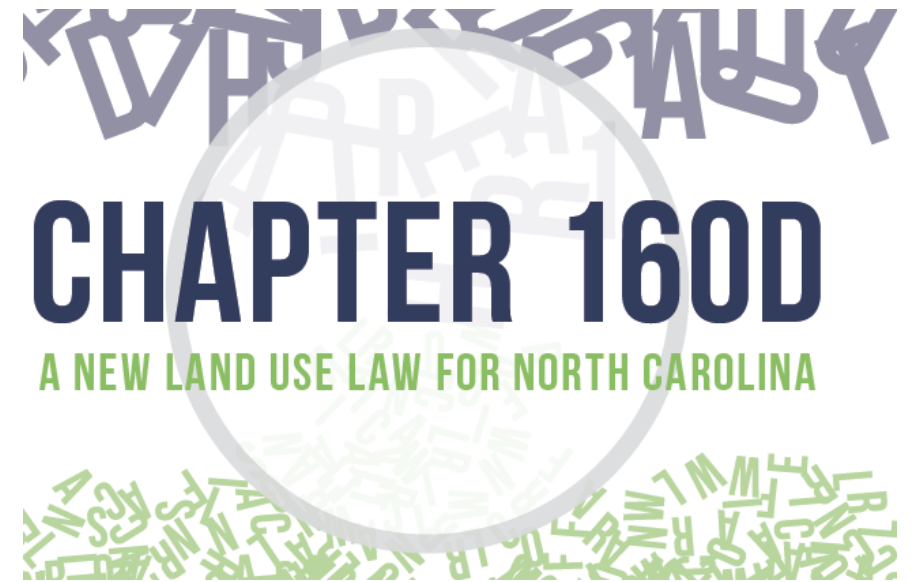
A NEW LAND USE LAW FOR NORTH CAROLINA

APPROVALS WITH VESTED RIGHTS

A vested right precludes any action by a local government that would change, alter, impair, prevent, diminish, or otherwise delay the development of an approved project

APPROVALS WITH VESTED RIGHTS

Included in 160D to protect approved projects from changes in development regulations



APPROVALS WITH VESTED RIGHTS

TWO OPTIONS

- Default Rule
- Site Specific Vesting Plans

APPROVALS WITH VESTED RIGHTS

Question:

- Which development approvals should be considered site specific vesting plans?

CONSIDERATIONS

- Length of Development Review Process
- Detail required on Submitted Plans

**SITE SPECIFIC
VESTING PLANS**

Possibilities

Site Plans	Final Plat
Conditional Zoning	Minor Subdivision
Form District Permits	Special Use Permits
Preliminary Plat	

APPROVALS WITH VESTED RIGHTS

Question:

- How long should Site Specific Vesting Plan be valid?

TIME FRAMES

- Two years
- Three – Five years

PROPOSED PROCESS

Public engagement underway
and continuing throughout
process

Text amendments enacted in
Spring 2021

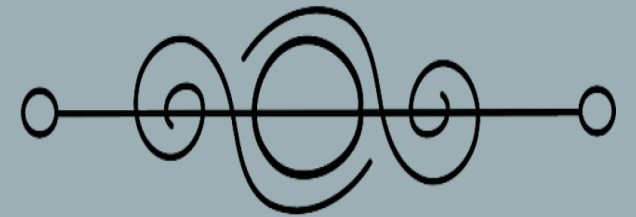
1	Staff Assessment of Necessary Changes	March - July 2020
2	Council Introduction	June 2020
3	Public Engagement – Building Familiarity	July – Sept 2020
4	➤ <u>Council Discussion</u>	<u>Sept – Oct 2020</u>
5	Public Engagement – Policy Choices	Oct 2020 - Jan 2021
6	Draft Text Amendments	Feb 2021
7	Planning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

NEXT STEPS

Future Work Session

– Spoiler Alert!

- Changes to LUMO Definitions
- Additional Conversation about HDC Appeals
- Other Interesting, Technical Zoning Topics!?



**FINAL
QUESTIONS?**

