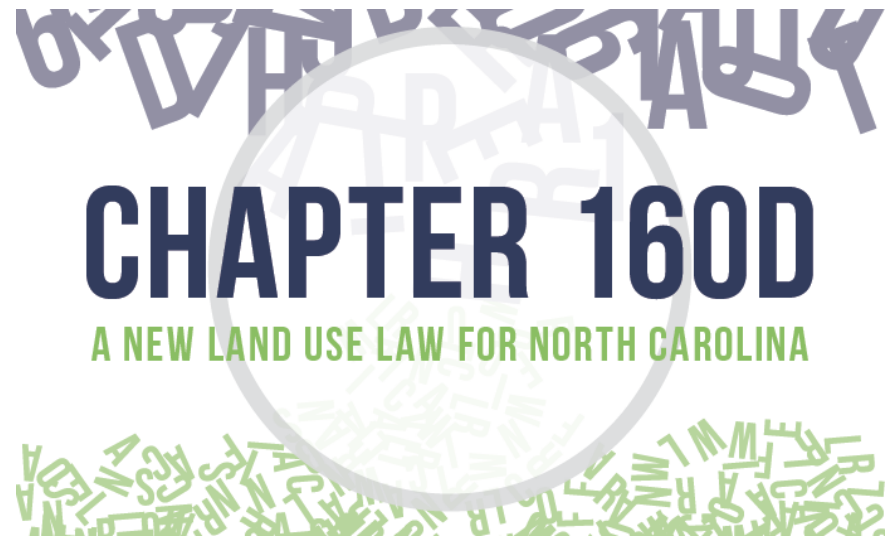


TOWN COUNCIL
WORK SESSION
OCTOBER 21, 2020



Agenda:

Quick Background on 160D

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

Advisory Board Review of SUP

Vested Rights

Next Steps

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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

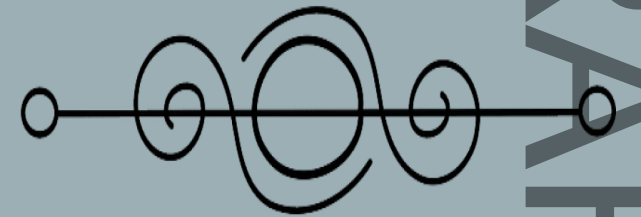
Compliance required by July 2021

Updates to LUMO and Town Code

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TOPICS

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



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ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

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

CHAPTER 160D

A NEW LAND USE LAW FOR NORTH CAROLINA

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ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What should be the future role of Boards/Commissions?

PREVIOUSLY DISCUSSED ALTERNATIVES

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

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ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What should be the future role of Boards/Commissions?

SUGGESTED ALTERNATIVE

- Boards/Commissions Review SUP
- Provide Input to Staff
- Staff Evaluates Input
- Appropriate Input Incorporated into Resolution of Approval

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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
- Boards/Commissions may not appreciate their input being vetted by Staff

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ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

Are there other considerations for the suggested alternative?

SUGGESTED ALTERNATIVE – ADDITIONAL CONSIDERATIONS

- Should boards/commissions hold a preliminary forum to hear community concerns?
 - Doing so may give false impression that community concerns can be incorporated into suggested conditions
 - Provides additional avenue for unconsidered issues

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**ADVISORY BOARD
REVIEW OF SPECIAL
USE PERMITS**

- **Questions for Consideration:**
 - Is the suggested alternative workable?
 - If so, should boards/commissions hear community concerns?

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APPROVALS WITH
VESTED RIGHTS

CHAPTER 160D

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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

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APPROVALS WITH VESTED RIGHTS

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

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APPROVALS WITH
VESTED RIGHTS

TWO OPTIONS

- Default Rule
- Site Specific Vesting Plans

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APPROVALS WITH VESTED RIGHTS

Question:

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

CONSIDERATIONS

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

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**SITE SPECIFIC
VESTING PLANS**

Possibilities

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

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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

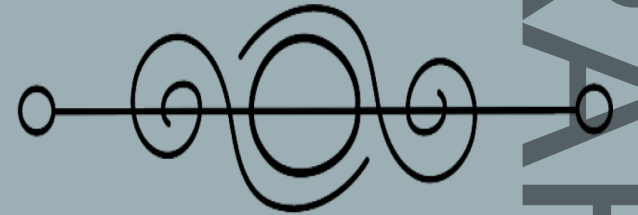
| | | |
|---|--|------------------------|
| 1 | Staff Assessment of Necessary Changes | March - July 2020 |
| 2 | Council Introduction | June 2020 |
| 3 | Public Engagement – Building Familiarity | July – Sept 2020 |
| 4 | ➤ <u>Council Discussion</u> | <u>Sept – Oct 2020</u> |
| 5 | Public Engagement – 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 |

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NEXT STEPS

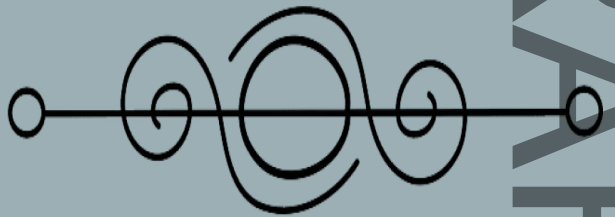
Work Session in December – Spoiler Alert!

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



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**FINAL
QUESTIONS?**



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