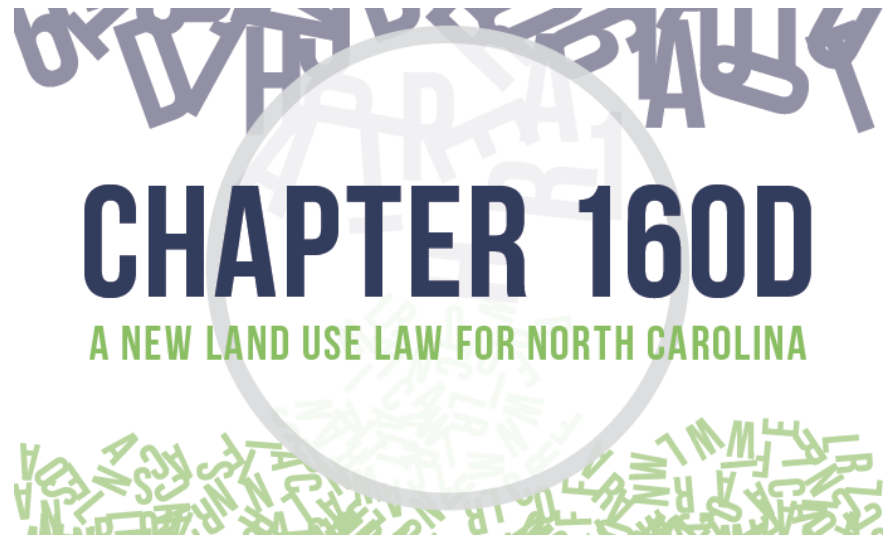


TOWN COUNCIL
WORK SESSION
FEBRUARY 17, 2021



Agenda:

Quick Background on 160D

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

Advisory Board Review of SUP

Appeal of HDC Decisions

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

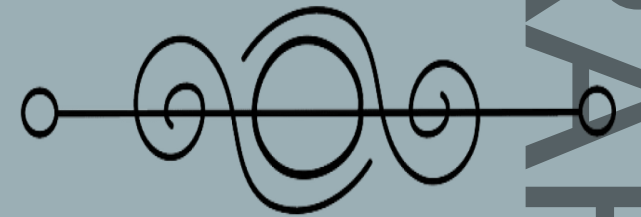
Compliance required by July 2021

Updates to LUMO and Town Code

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TOPICS

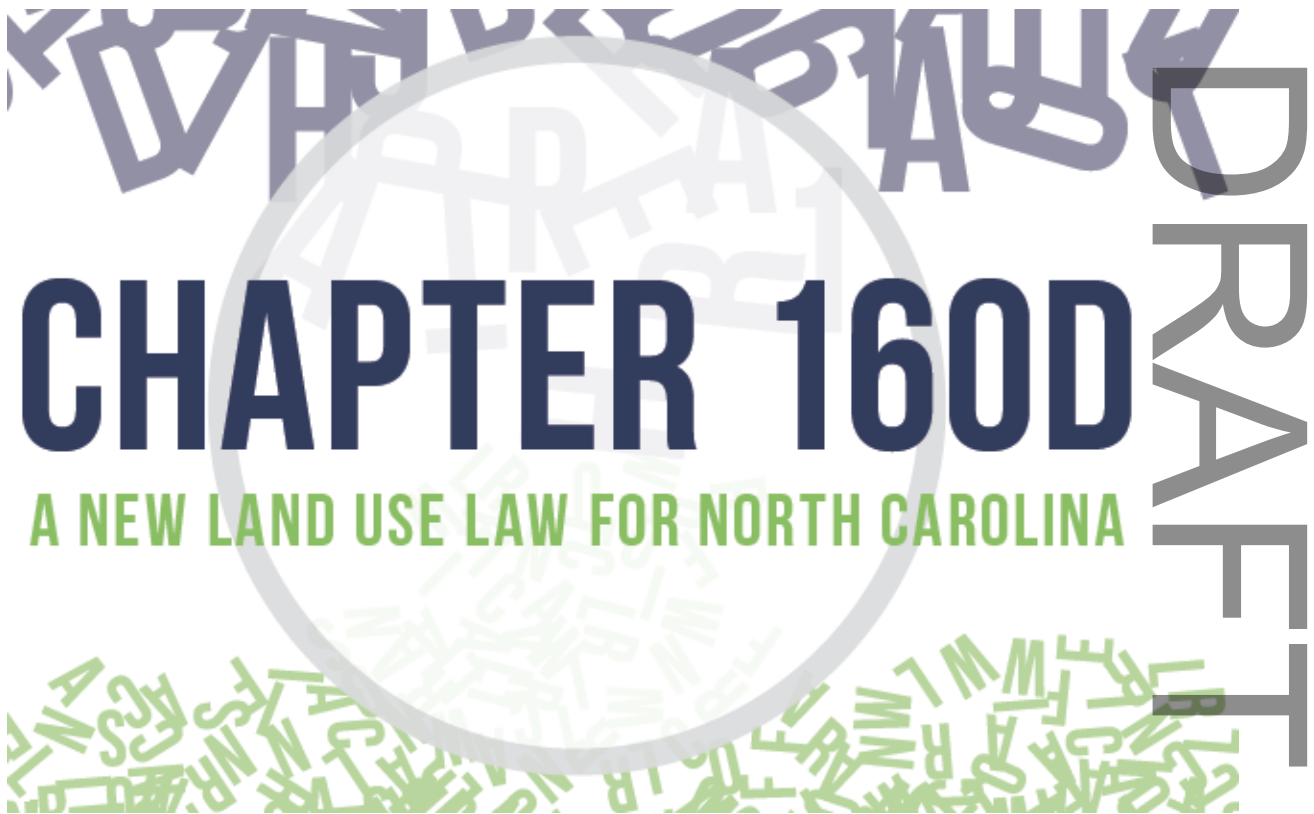
- Advisory Board Review of Special Use Permits
- Appeals of Historic District Decisions



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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



ADVISORY BOARD
REVIEW OF SPECIAL
USE PERMITS

Question:

What should be the future role of
Boards/Commissions?

PREVIOUSLY
DISCUSSED
ALTERNATIVES

- A. Discontinue
Board/Commission Review
- B. Preliminary Forum
- C. Vetted Input

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ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What should be the future role of Boards/Commissions?

PRELIMINARY FORUM

- Boards/Commissions review SUP
- Provide input to applicant
- Input not transmitted to Council
- Forum input NOT used as basis for deciding on the SUP

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PRELIMINARY FORUM

- Helps identify key issues
- Allows applicant to hear from Boards/Commissions
- Provides an avenue for community comment to the applicant

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PRELIMINARY FORUM

- Community may be discouraged from attending, if input not included in formal recommendations
- Could give false impression that community concerns can be considered by Council
- Only provides suggestions to applicant

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ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What should be the future role of Boards/Commissions?

VETTED INPUT

- Boards/Commissions review SUP
- Provide input to staff
- Staff evaluates input
- Appropriate input incorporated into Conditions of the SUP resolution

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VETTED INPUT

- Provides a way for Boards/Commissions to raise unconsidered issues, which could be incorporated into SUP conditions, if appropriate
- Utilizes expertise of Boards/Commissions

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VETTED INPUT

- Boards/Commissions may not appreciate their input being vetted by Staff
- Adds time to the SUP review process – about 1 month for staff evaluation
- Boards/Commission may feel their time is wasted, if input disregarded

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BOARD/COMMISSION ENGAGEMENT

- Joint Advisory Board meeting held December 7, 2020
- **34** attendees representing **7** Boards
- Follow-up survey for written feedback – **15** responses

Participating Advisory Boards

Planning Commission

Community Design Commission

Historic District Commission

Environmental Stewardship

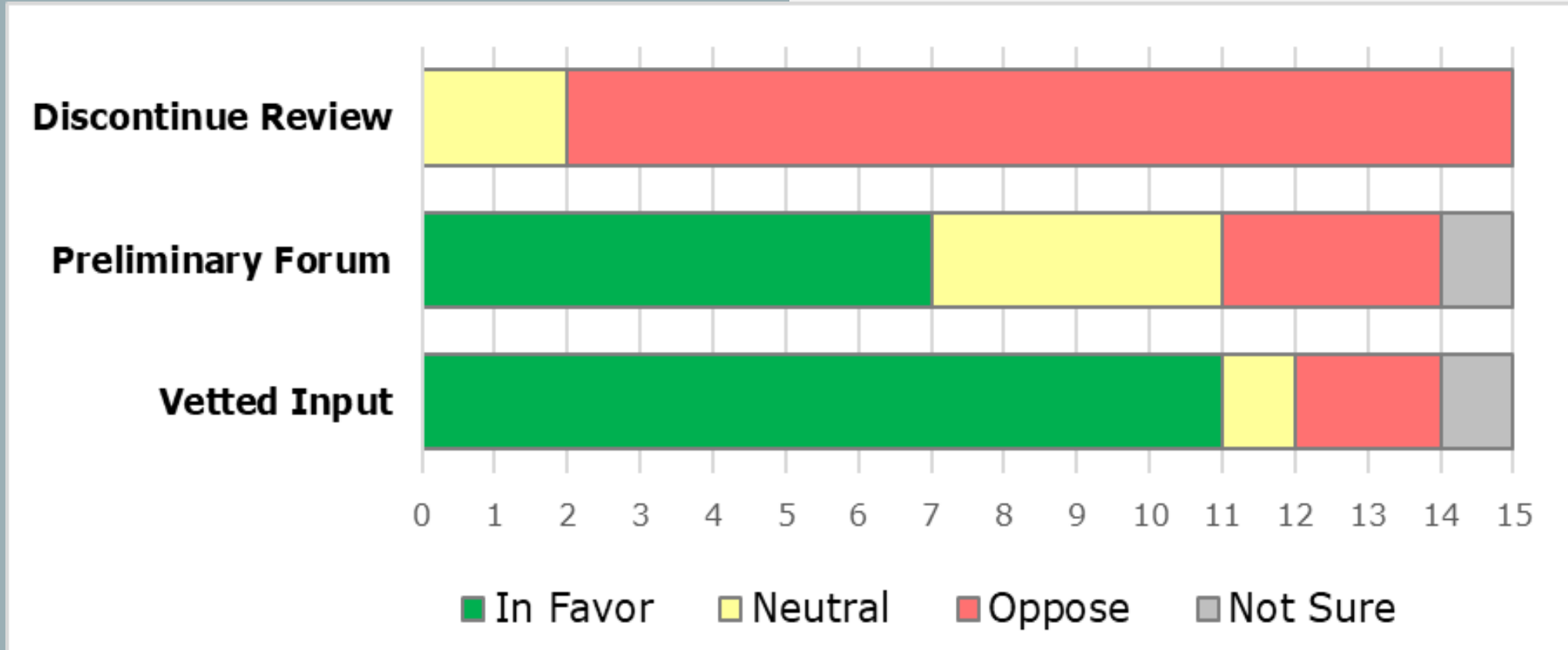
Housing

Transportation & Connectivity

Board of Adjustment

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BOARD/COMMISSION ENGAGEMENT



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ADVISORY BOARD
REVIEW OF SPECIAL
USE PERMITS

Question:

What should be the future role of
Boards/Commissions?

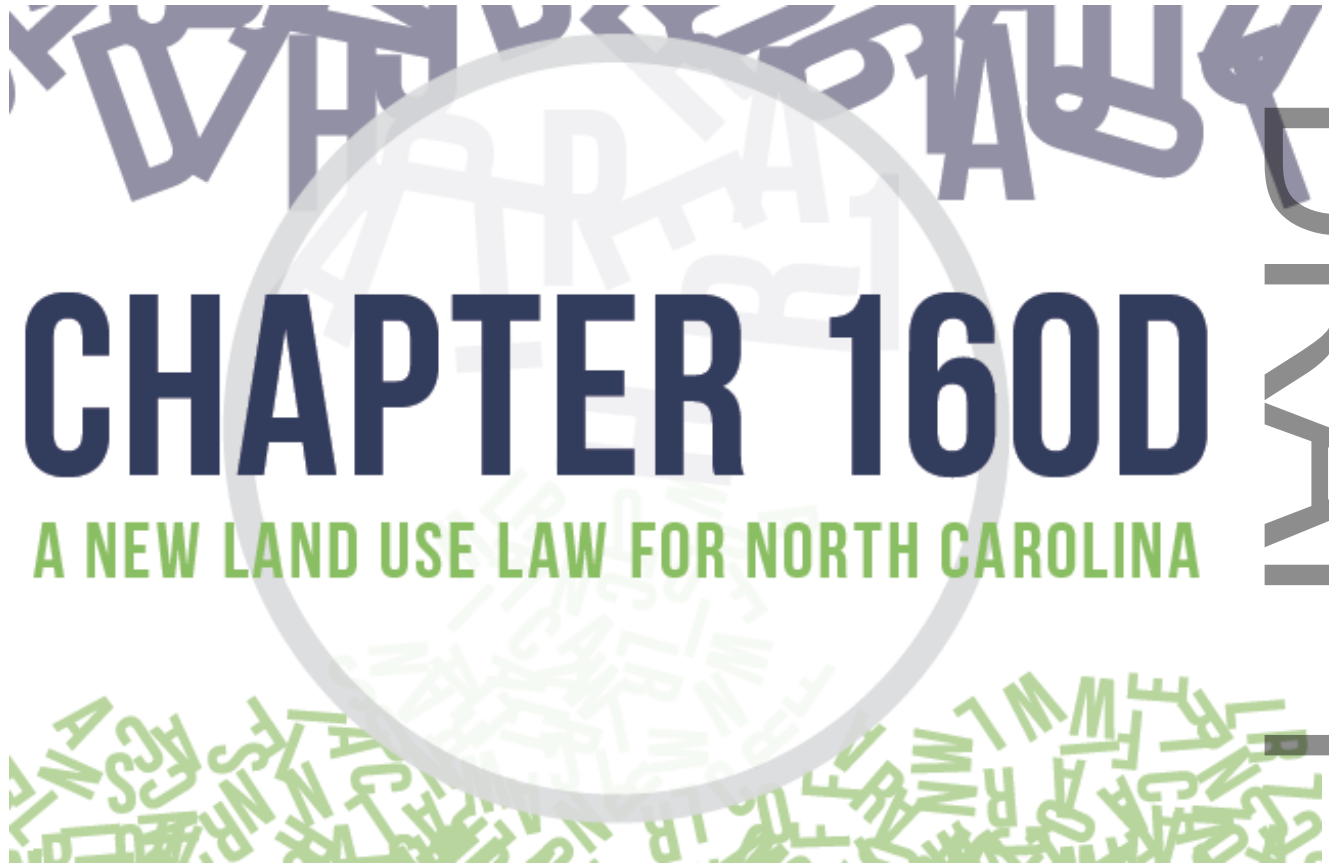
PREVIOUSLY
DISCUSSED
ALTERNATIVES

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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

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Advantages of Each Alternative

Appeals to BOA

Appeals to Superior Court

Avoids Court Costs for Town & Applicant

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

Saves time & money for appeals that are going to Superior Court anyway

Multi-layered appeals process

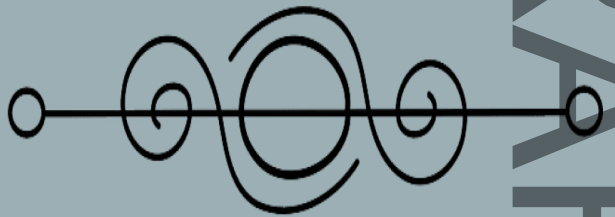
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**NEXT
STEPS**

Dates	Milestones
March 24, 2021	Call Public Hearing
April 2021	Planning Commission consideration
April 21, 2021	Town Council Public Hearing
May 19, 2021	Town Council considers adoption

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**FINAL
QUESTIONS?**



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