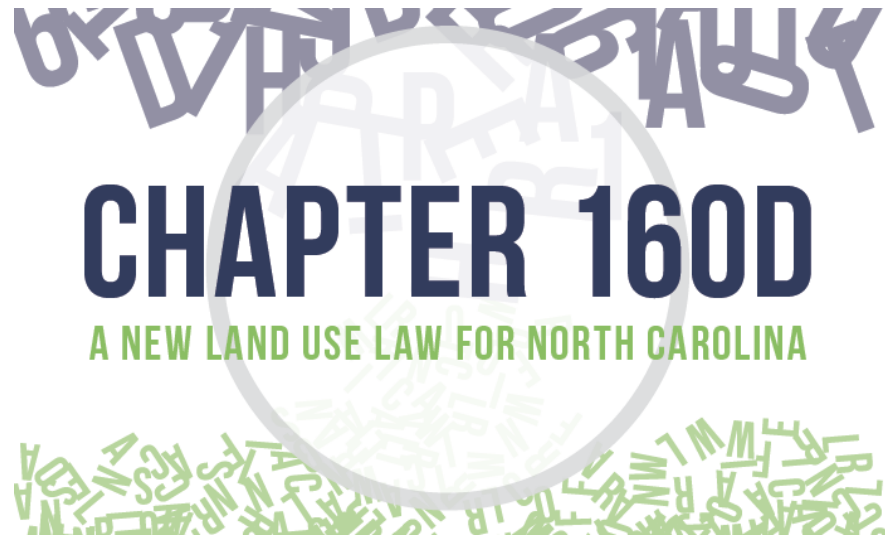


TOWN COUNCIL
MAY 19, 2021



Agenda:

- Process for I60D Amendments
- Background on I60D
- Overview of I60D changes
- Staff Recommendation

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
Legislative
Hearing



Council Action

CHAPTER 160D

A NEW LAND USE LAW FOR NORTH CAROLINA

**PUBLIC COMMENT
PROPOSED 160D AMENDMENTS**

**STAFF
RECOMMENDATION**

**For LUMO Text
Amendments:**

- Adopt the Resolution of Consistency
- Enact Ordinance A

STAFF
RECOMMENDATION

**For Town Code Text
Amendments:**

Enact Ordinance B

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

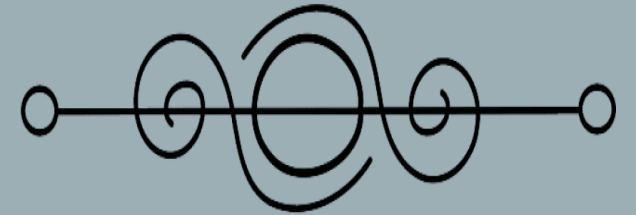
CHAPTER 160D

A NEW LAND USE LAW FOR NORTH CAROLINA

MANY LUMO CHANGES ARE MINOR AND
TECHNICAL AMENDMENTS

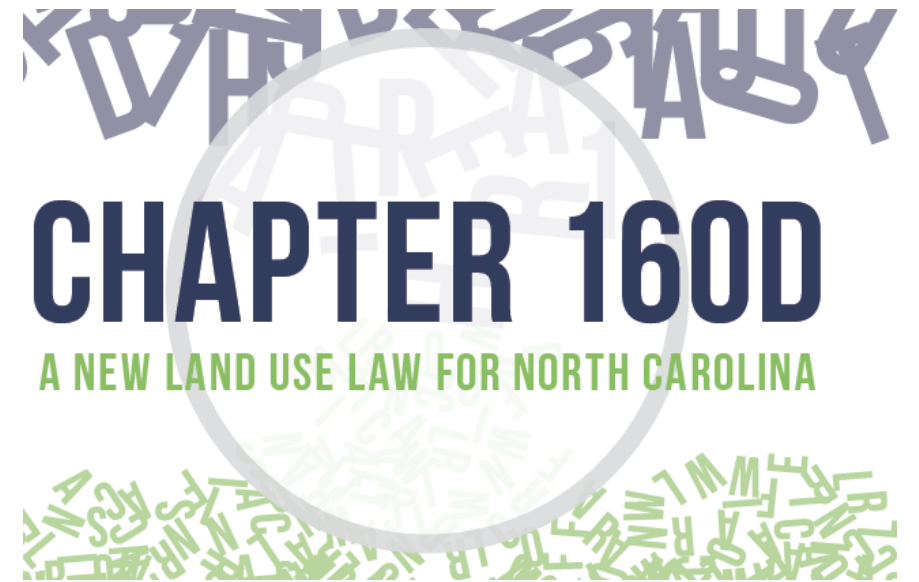
SUBSTANTIVE CHANGES

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



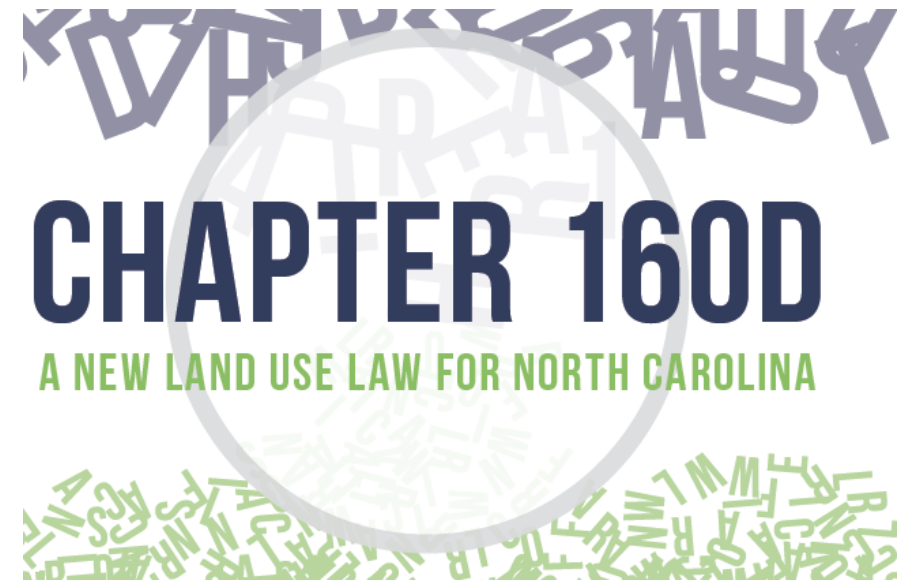
OTHER LUMO AMENDMENTS

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



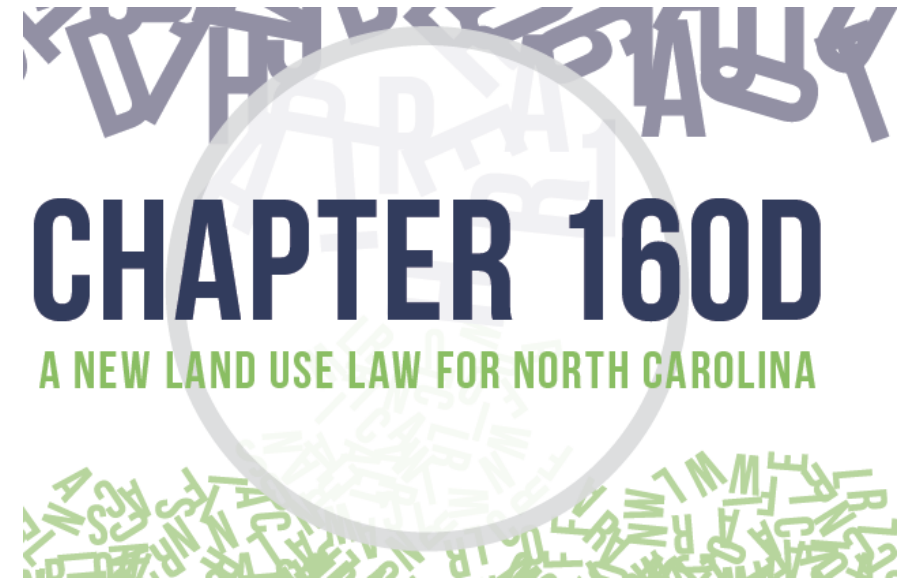
OTHER LUMO AMENDMENTS

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



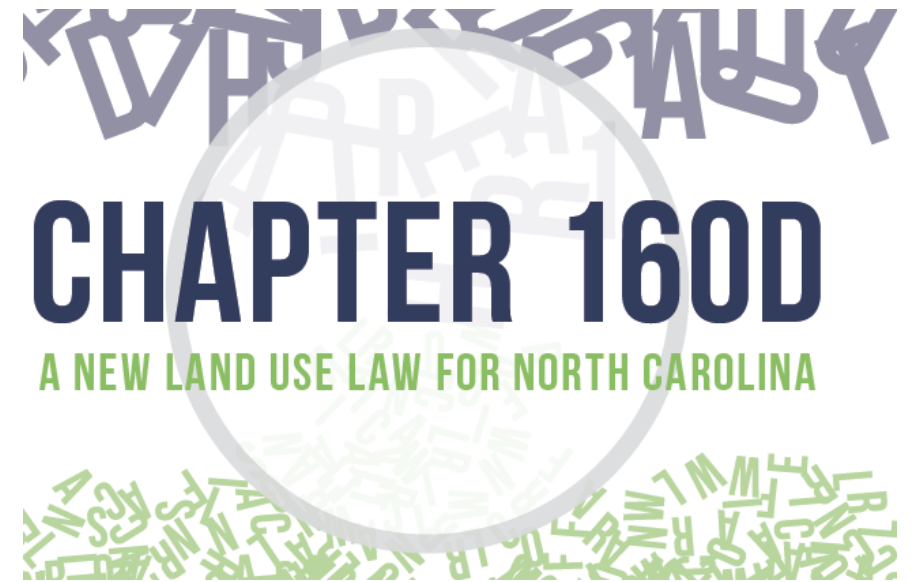
OTHER LUMO AMENDMENTS

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



OTHER LUMO AMENDMENTS

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



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 • Town Council (Major Subdivisions)
Type of Hearing	Legislative	Evidentiary	Administrative
Decision Examples	<ul style="list-style-type: none"> • Consideration of Zoning Regulations (LUMO) • Rezoning (Conventional 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

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

**STAFF
RECOMMENDATION**

**For Town Code Text
Amendments:**

Enact Ordinance B