

09-16-2020 Town Council Meeting Responses to Council Questions

ITEM #2: Continued Discussion of Chapter 160D Updates to Land Use Management Ordinance and Town Code of Ordinances

Council Question:

Can we have a copy of a zoning map highlighting or pointing to where the current -C districts are?

Staff Response:

Staff have prepared a zoning map that highlights existing districts with a -C suffix, which is attached.

Council Question:

With other towns in NC that employ conditional zoning, do we have a sense of what districts their conditional zoning applies to and how recent any CZ changes they've made have occurred?

Staff Response:

Municipalities in North Carolina use conditional zoning in many different ways depending upon their specific goals. Some communities create parallel conditional zoning districts for all general use districts. Others create specific conditional zoning districts that can be applied throughout the municipality. It is also common for communities to specify certain uses or developments of a specific size as permissible only through conditional zoning.

In 2012, the School of Government conducted a survey asking about the types of rezoning completed by respondents. At that time, forty-five percent of rezoning done statewide were conditional rezonings. While staff does not have any recent data on the usage or types of conditional zoning districts in North Carolina, the tool will become even more prevalent as communities come into compliance with 160D. However, each community will tailor conditional zoning to meet their community's needs.

Council Question:

How do other towns and cities NC with a HDC handle the appeals of HDC decisions? What is the prevailing trend? Any examples of HDC decisions being appealed straight to superior court?

Staff Response:

Under prior law, decisions of the Historic District Commissions were appealed to the Board of Adjustment prior to appeal to Superior Court. The ability to appeal decisions directly to Superior

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Court was not authorized until June of 2020. Therefore, some communities may have already made the change, but staff is not aware of which communities have done so.

Council Question:

How has public engagement been going on Chp. 160D?

Staff Response:

The current phase of public engagement (Building Familiarity) has a focus on Informing the public by providing web-based information. Staff have launched a project web page and promoted it through Town eNews and social media. To date, the web page has had over 90 unique visitors. When staff receives questions from community members on 160D, we provide an initial response and refer them to the web page for more detailed info. So far, we feel this has been an effective approach.

Council Question:

What does public engagement consist of?

Staff Response:

Public engagement is currently focused around the project web page, which we continue to update and promote. We will also be arranging informational meetings with key stakeholders (e.g. community interest groups and Advisory Boards). Public engagement could be more robust starting in November as we enter the 'Policy Choices' phase of engagement. We will likely hold some meetings for the general public and launch an online survey or comment form for input.

Council Question:

Can you share any demographic information on those who have been engaged?

Staff Response:

Demographic information is not being collected at this stage. If we do an online survey or comment form, we could include some optional demographic questions to meet that interest.

Council Question:

For what other community benefits has conditional use district zoning been employed aside from affordable housing and EV charging stations?

Staff Response:

Community benefits incorporated into conditional use districts have included green building features, multi-use paths, recreation space, other transportation related infrastructure, energy efficiency improvements, and other types of community benefits tailored to specific project

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needs and/or areas of Town. As staff discussed with Council earlier in the summer, conditions related to these types of community benefits may be incorporated into conditional zoning approvals, if the property owner/applicant agrees to the conditions in writing.

Council Question:

Have any of the Development Review Boards been engaged yet on these changes under Chp. 160D?

Staff Response:

Staff has discussed 160D with the Planning Commission as well as provided the Commission with hyperlinks to both the Town webpage and the School of Government resources on 160D.

Council Question:

Will they be offering any feedback or recommendations on options for CZ designations and advisory board review of SUPs earlier than the spring of 2021?

Staff Response:

We plan to do public engagement around 'Policy Choices' starting in October. This will include gathering feedback from the Advisory Boards. Following the Council Work Sessions, we hope to have a better sense of the options under consideration and the areas where Council is interested in stakeholder input. Staff welcomes Council guidance on what topics to cover with Advisory Boards and the general public.

