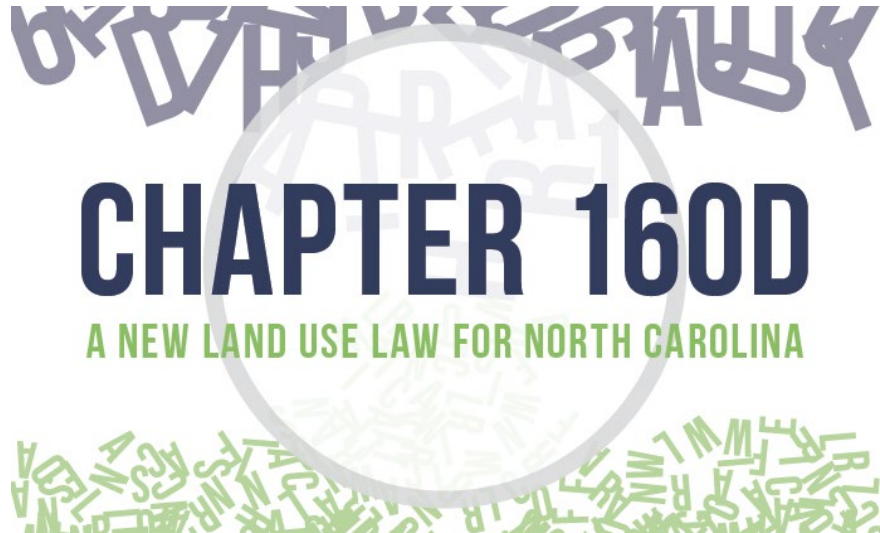


# JOINT ADVISORY BOARD MEETING DECEMBER 7, 2020



## Agenda:

Background on I60D

Selected I60D Topics:

Conditional Use District Zoning

Conditional Zoning

SUP Conditions

SUP Review Process

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*

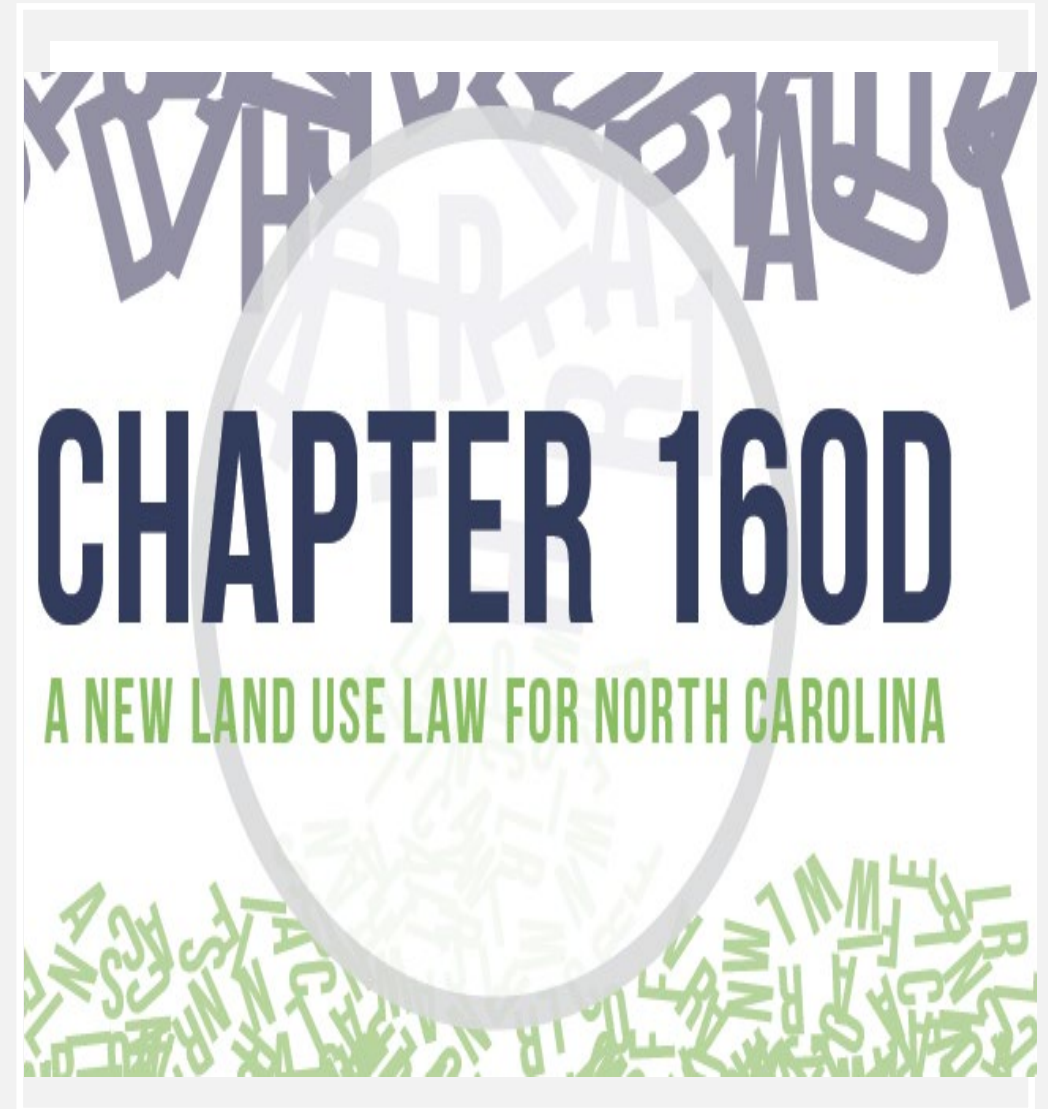
## PART II

Compliance required by July 2021

Updates to LUMO and Town Code

## CONDITIONAL USE DISTRICT ZONING

- I 60D eliminates this development review option
- Combines Legislative Rezoning with Quasi-judicial Special Use Permit
- Developed to place conditions on rezonings



## CONDITIONAL USE DISTRICT ZONING

- Problematic since combines legislative & quasi-judicial actions
- Still retain Special Use Permits



# CHAPTER 160D

A NEW LAND USE LAW FOR NORTH CAROLINA

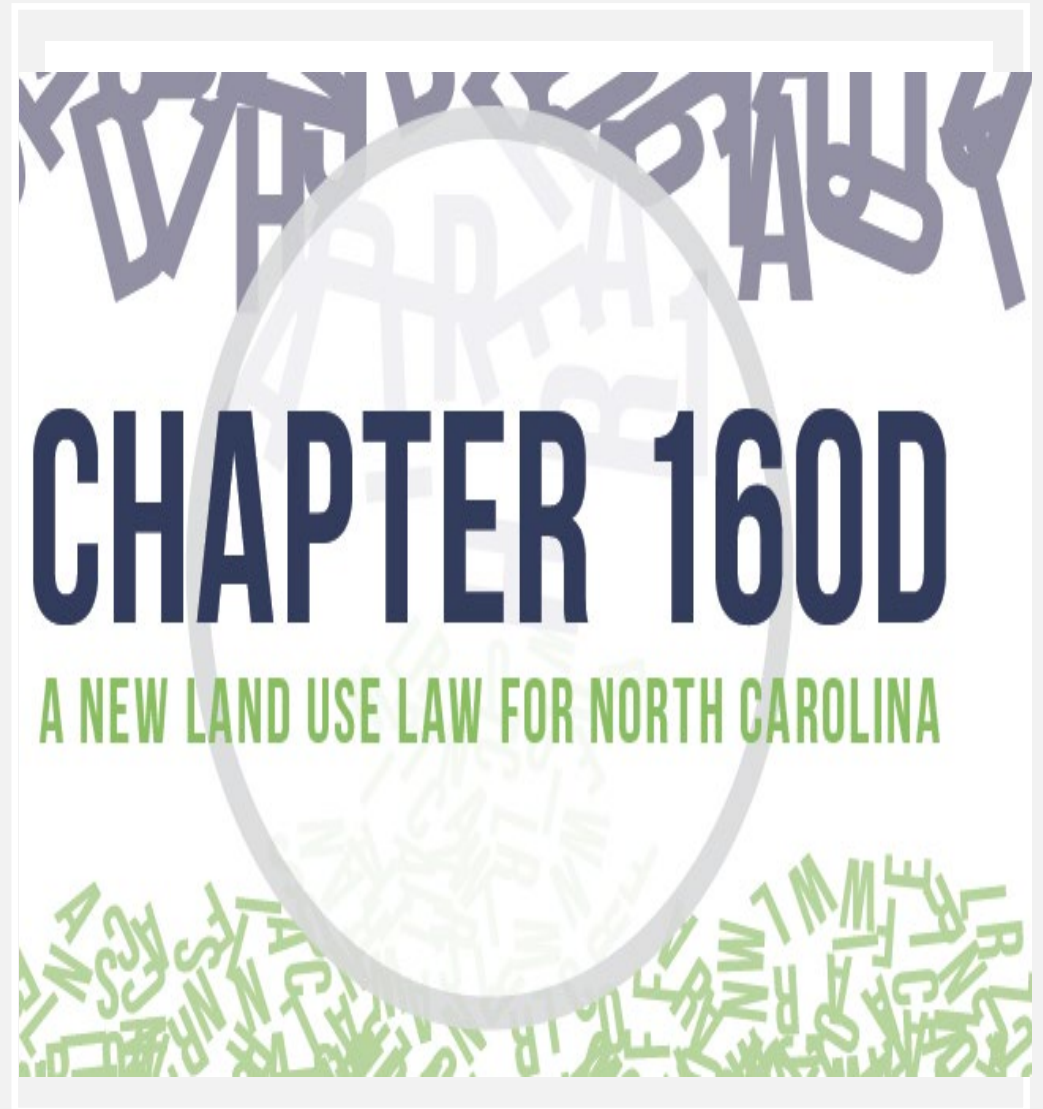
WHY DID THE STATE  
ELIMINATE  
CONDITIONAL USE  
DISTRICT ZONING?

## Constraints of Quasi-Judicial Proceedings

- Council must make decisions solely on evidence presented at evidentiary hearing
- Limitations on those permitted to speak at evidentiary hearings

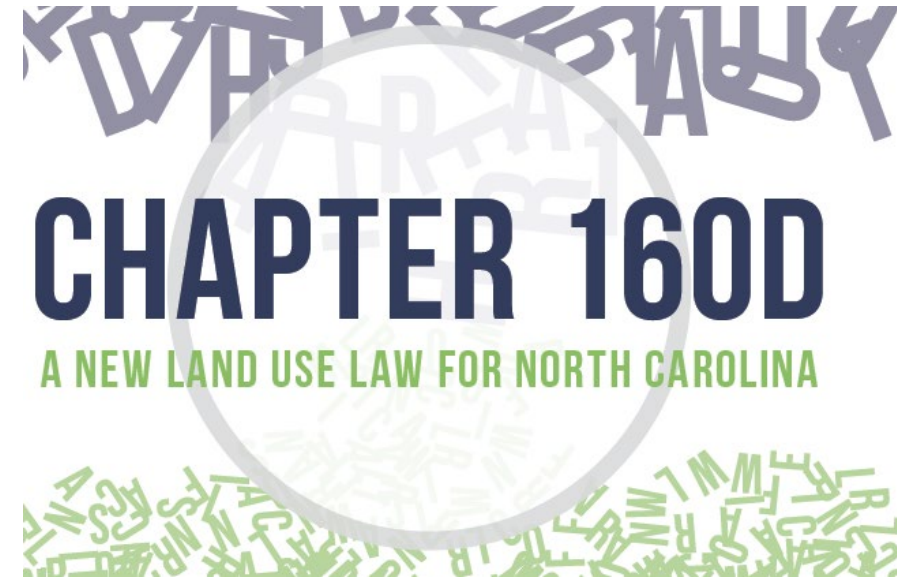
# CONDITIONAL ZONING

- Replaces Conditional Use District Zoning under 160D
- Written Consent to Conditions for Conditional Zoning Applications
- Latitude on Placing Conditions on Conditional Zoning Applications



## SPECIAL USE PERMITS

- When can Special Use Permits be utilized after 160D Implementation?
  - Use Matrix
  - 20/40 Rule





## SPECIAL USE PERMITS

- Restrictions on Placing Conditions on SUP's - **Must** fall under Town's basic zoning authority
- **May** address compliance with adopted long-range plans, within zoning authority
- Written Consent to Conditions
- Part I change – *in effect now*

### **What is the Town's Basic Zoning Authority?**

1. Height & size of buildings
2. Percent of lot covered
3. Size of yards, courts & other open spaces
4. Density of population
5. Location & use of buildings & land



## SPECIAL USE PERMITS

- Restrictions on Placing Conditions on SUP's - **Must** fall under Town's basic zoning authority
- **May** address compliance with adopted long-range plans, within zoning authority
- Written Consent to Conditions
- Part I change — *in effect now*

## What is **NOT** expressly part of Basic Zoning Authority? *(key examples)*

1. Targets for green building or energy management
2. Affordable housing exactions
3. Design standards for single-family
4. Road improvements not identified in a TIA
5. Impact Fees

**Conditions also can't be used to exceed LUMO requirements or mandate improvements not shown in adopted plans**

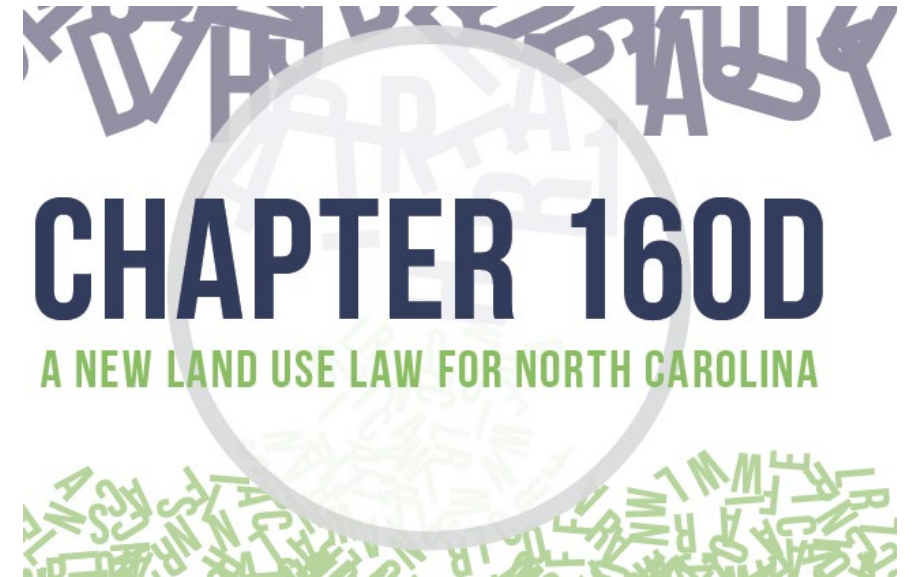
## HOW DOES CONDITIONAL ZONING COMPARE?

- Everything listed here is an allowable condition in a Legislative Process
- Written Consent to Conditions still required

- ✓ Targets for green building or energy management
- ✓ Affordable housing
- ✓ Design standards for single-family
- ✓ Road improvements not identified in a TIA
- ✓ Impact Fees
- ✓ **Conditions that exceed LUMO requirements or mandate improvements not shown in adopted plans**

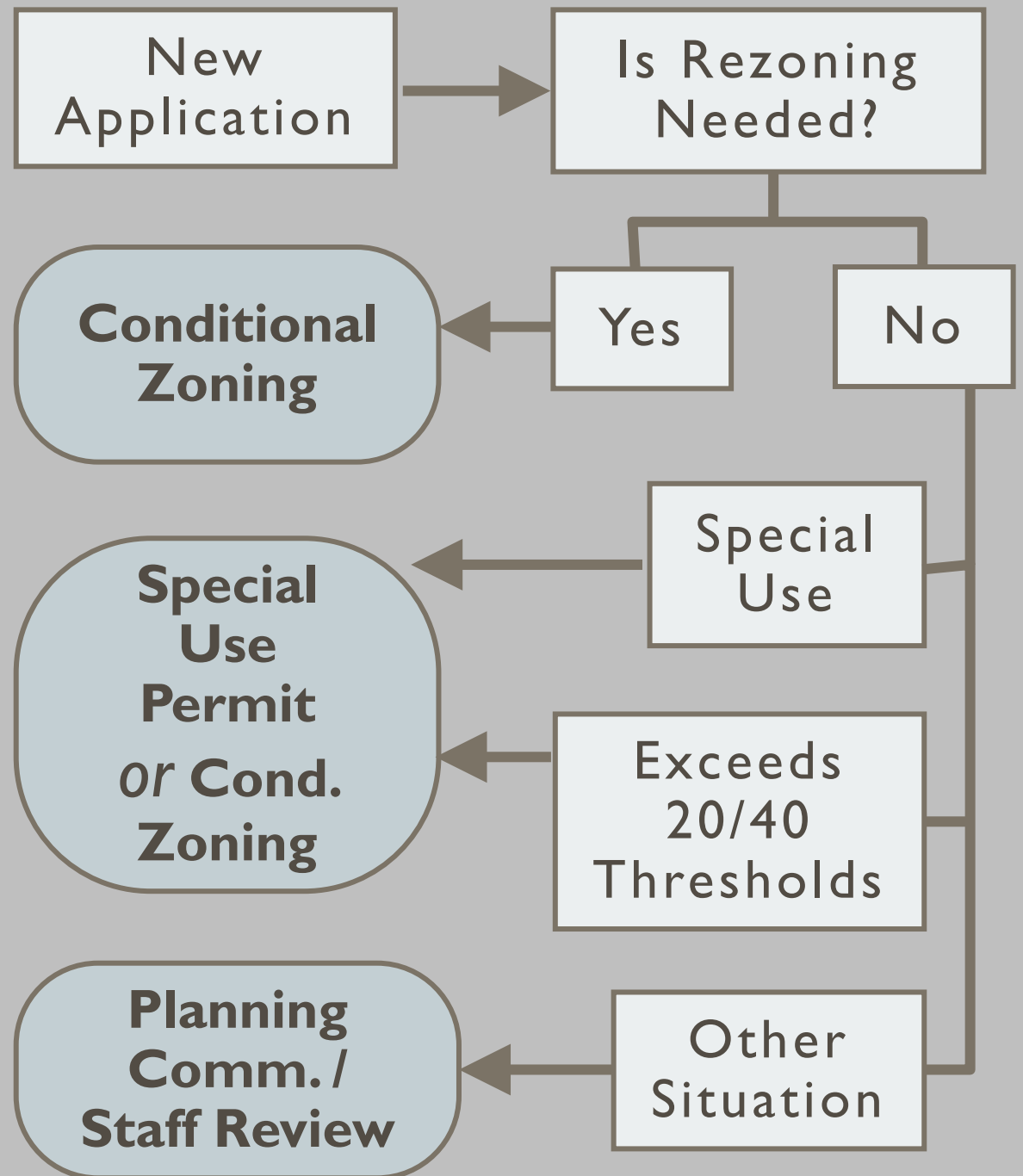
## ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

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



## HOW COMMON WILL SPECIAL USE PERMITS BE?

- No Conditional Use District Zoning
- SUPs still utilized based on Use Matrix and 20/40 rule
- Around half of Council Reviews could be new standalone SUPs (based on historical data)



# **ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS**

**Question:**

What should be the future role of  
Boards/Commissions?

## ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

### Question:

What should be the future role of Boards/Commissions?

## ALTERNATIVES

- Preliminary Forum
- Discontinue Board/Commission Review
- Vetted Input
  - Advisory Board Review provided to & vetted by staff
  - Input informs the Conditions transmitted to Council

## ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

### Question:

What should be the future role of  
Boards/Commissions?

## VETTED BOARD/COMMISSION INPUT ALTERNATIVE

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



## NEXT STEPS

Report back to Council on  
Advisory Board input

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	Council Discussion	Sept 2020 - Jan 2021
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

**FINAL  
QUESTIONS?**

