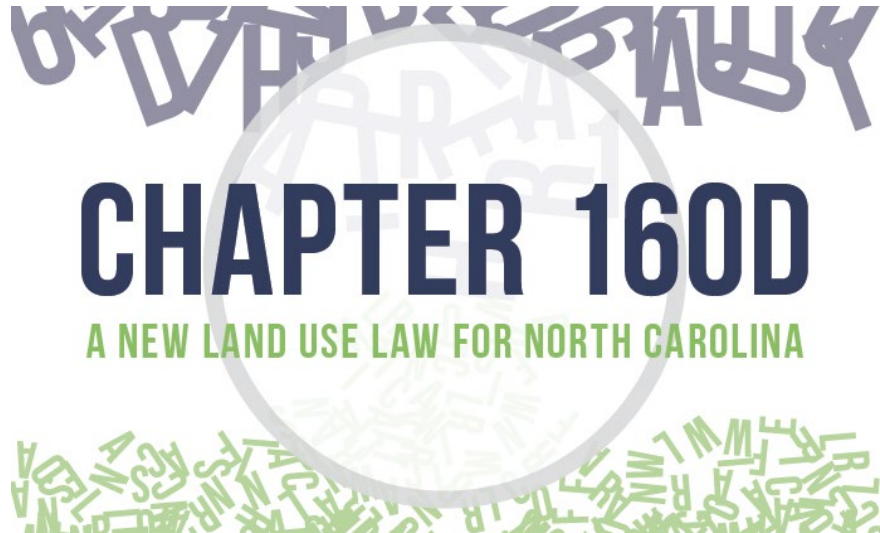


TOWN COUNCIL
WORK SESSION
FEBRUARY 17, 2021



Agenda:

Quick Background on I60D

Policy Considerations for Selected I60D
Provisions including Q & A:

Advisory Board Review of SUP

Appeal of HDC Decisions

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

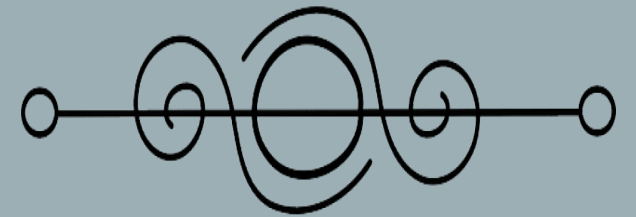
Compliance required by July 2021

Updates to LUMO and Town Code

TOPICS

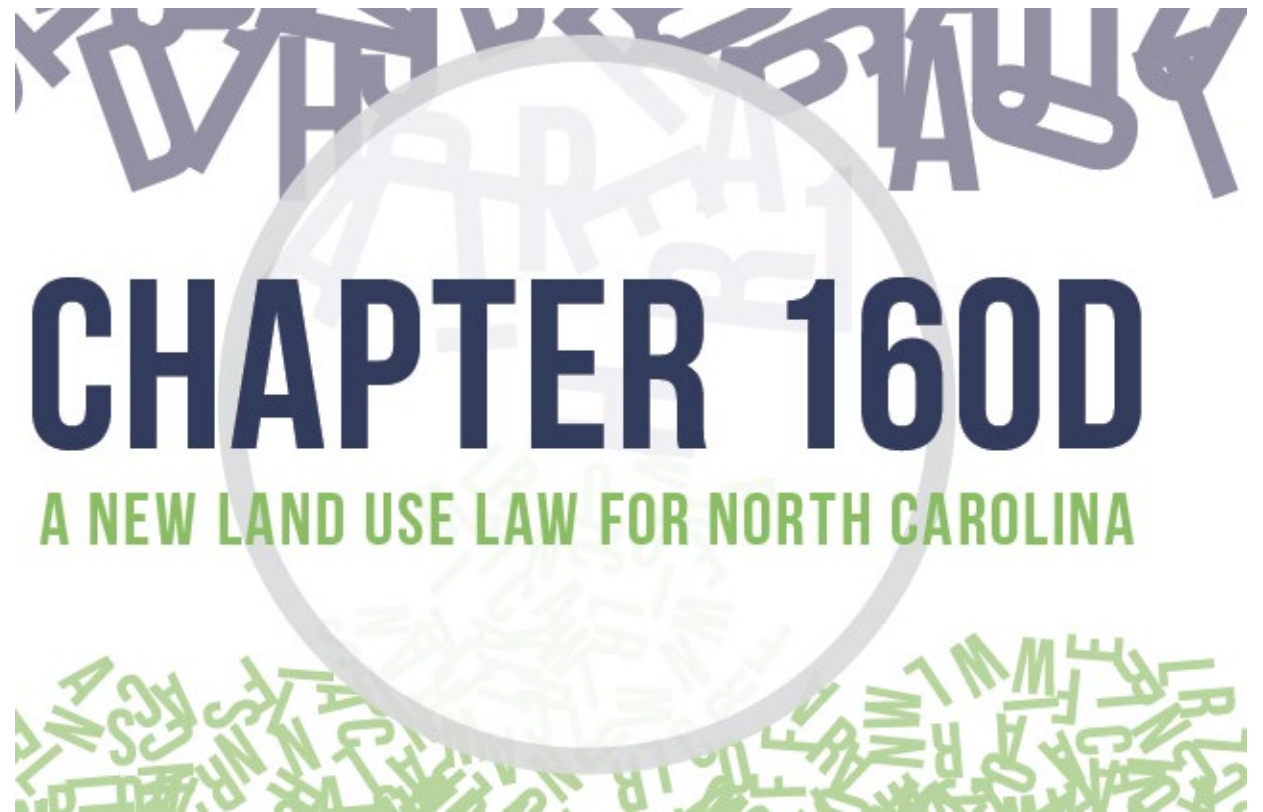
- Advisory Board Review of Special Use Permits
- Appeals of Historic District Decisions

***Seeking Direction on LUMO Updates to
prepare for April 21 Public Hearing***



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

ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What should be the future role of Boards/Commissions?

PRELIMINARY FORUM

- Boards/Commissions review SUP
- Public may comment
- Input provided to applicant
- Input not transmitted to Council
- Input NOT used as basis for deciding on the SUP

PRELIMINARY FORUM

BENEFITS

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

PRELIMINARY FORUM

CHALLENGES

- Community may be discouraged from attending, if input not transmitted to Council
- Could give false impression that community concerns can be considered by Council
- Input to applicant – suggestions only

ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

Question:

What should be the future role of Boards/Commissions?

VETTED INPUT

- Boards/Commissions review SUP
- Public may comment
- Input provided to staff and applicant
- Staff evaluates input
- Appropriate input incorporated into SUP conditions

VETTED INPUT

BENEFITS

- Provides a way for key issues identified by Board/Commissions to be incorporated into SUP conditions, if appropriate
- Utilizes expertise of Boards/Commissions

VETTED INPUT

CHALLENGES

- Boards/Commissions may feel their time is wasted, if input cannot be incorporated into SUP
- Adds time to the SUP review process – about 1 month for staff evaluation
- Staff may face negative reactions from Board members and public

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

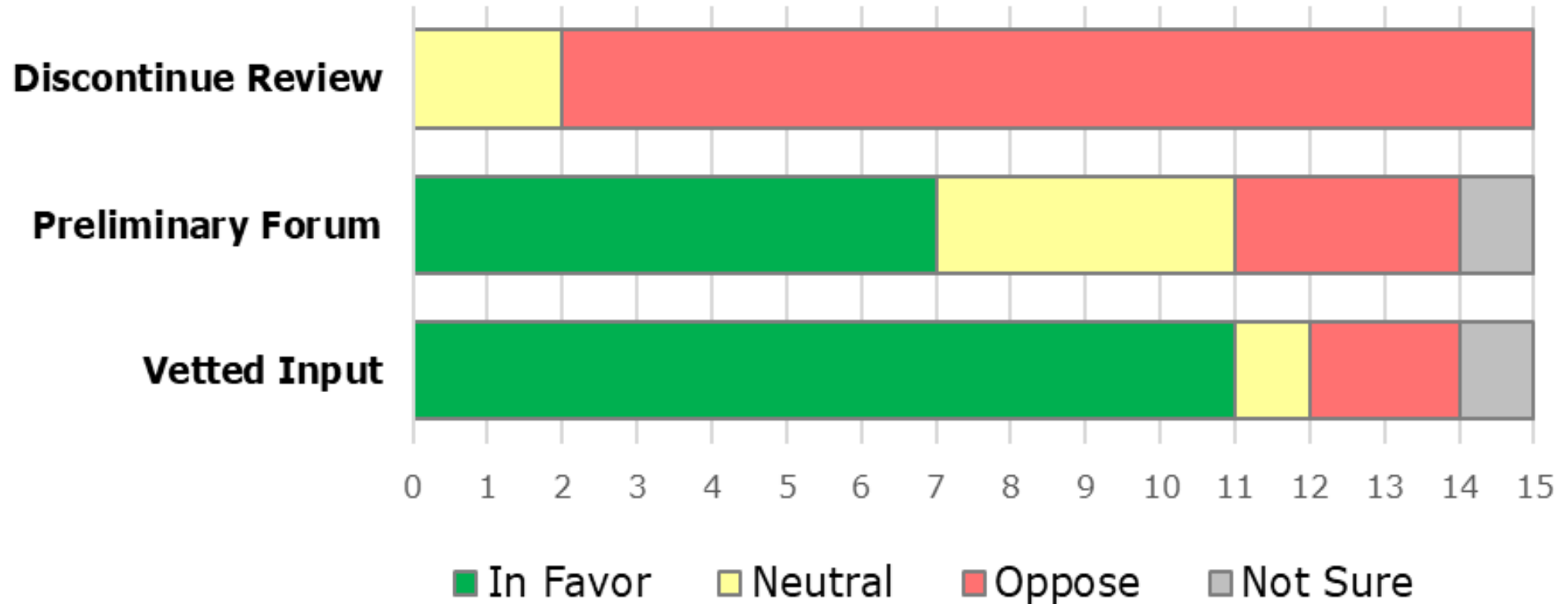
Environmental Stewardship

Housing

Transportation & Connectivity

Board of Adjustment

BOARD/COMMISSION ENGAGEMENT



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

Advantages of Each Alternative

Appeals to BOA

Avoids Court Costs for Town & Applicant

Shorter timeframe for applicant

Opportunity to critically review decision prior to Court

Multi-layered appeals process

Appeals to Superior Court

Less workload for BOA members

Avoids tension between HDC and BOA, if a decision is overturned

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

Lead to more historic preservation & HDC related case law

**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

**FINAL
QUESTIONS?**

