

# 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

## 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

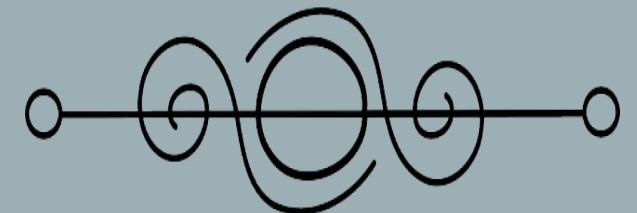
Compliance required by July 2021

Updates to LUMO and Town Code

## TOPICS

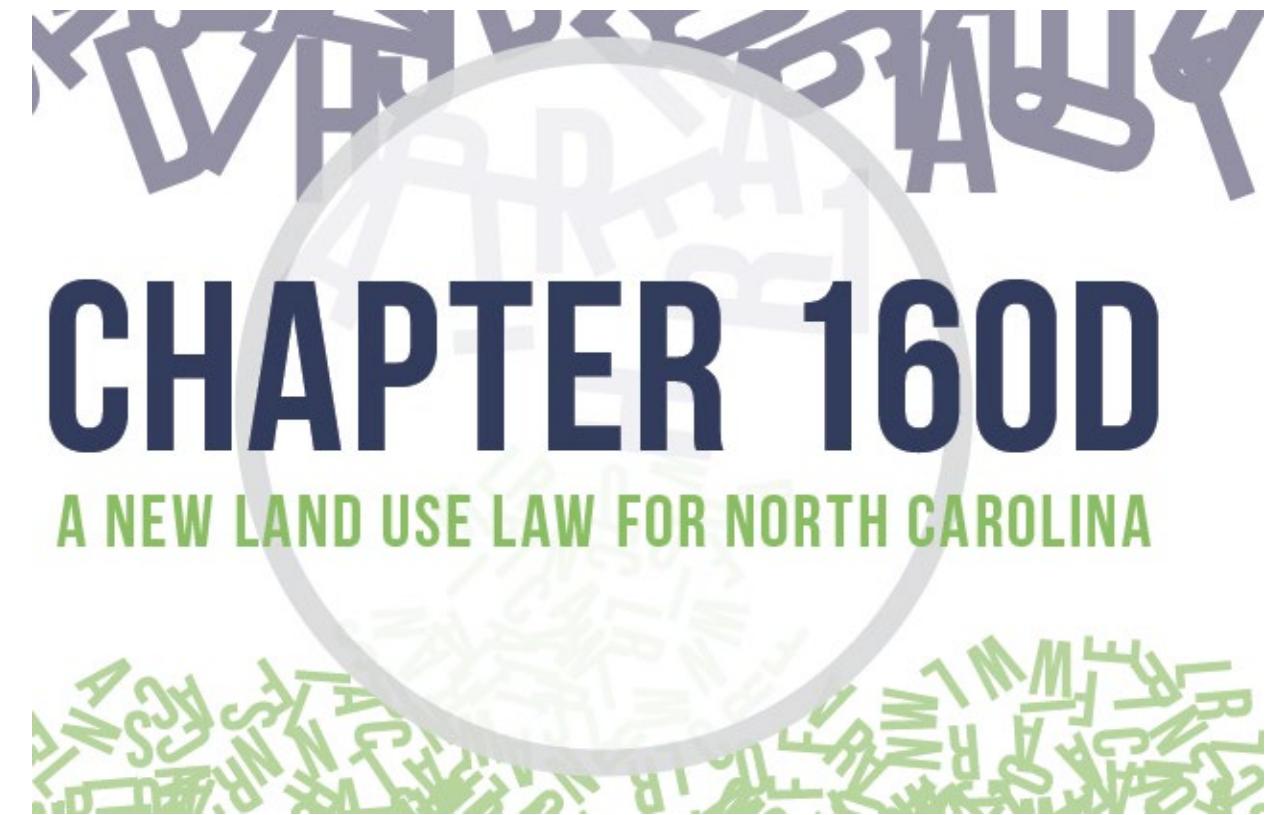
- Advisory Board Review of Special Use Permits
- Appeals of Historic District Decisions

***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

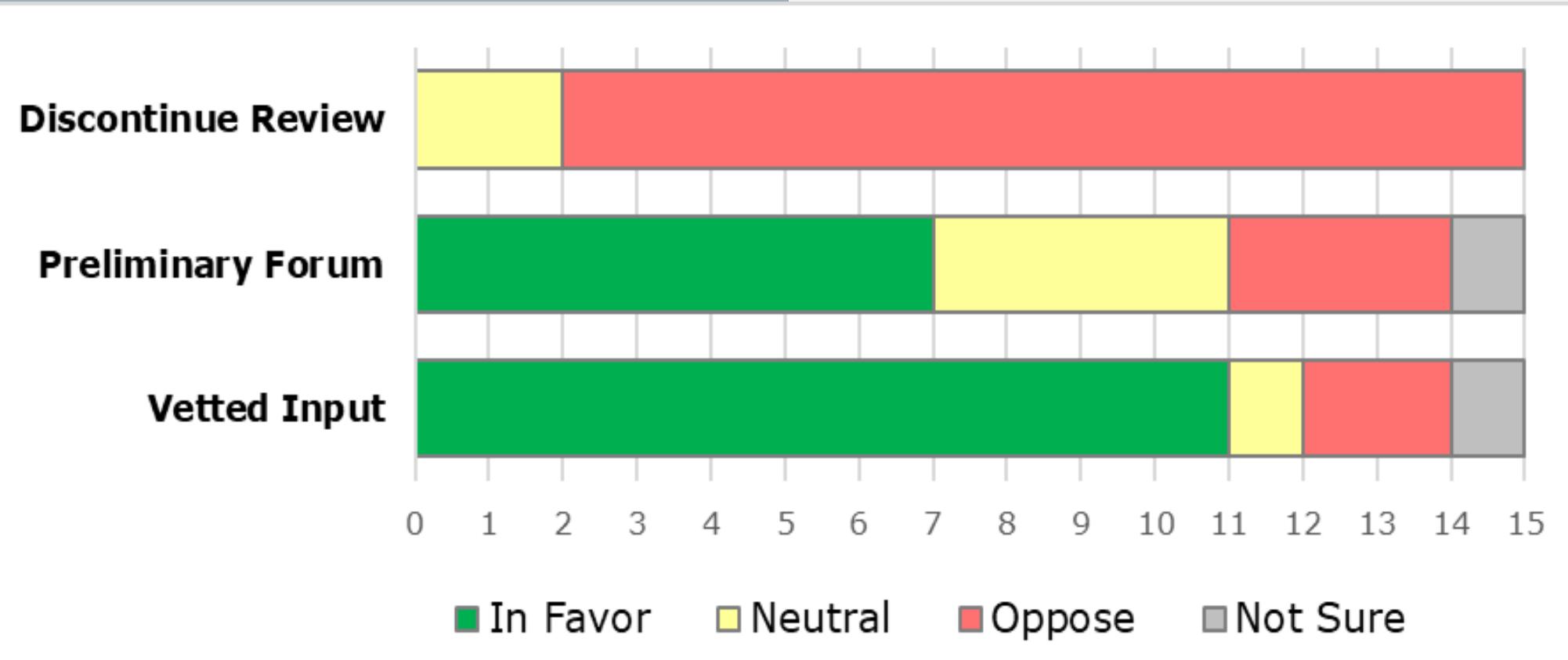
Environmental Stewardship

Housing

Transportation & Connectivity

Board of Adjustment

# BOARD/COMMISSION ENGAGEMENT



## ADVISORY BOARD REVIEW OF SPECIAL USE PERMITS

### Question:

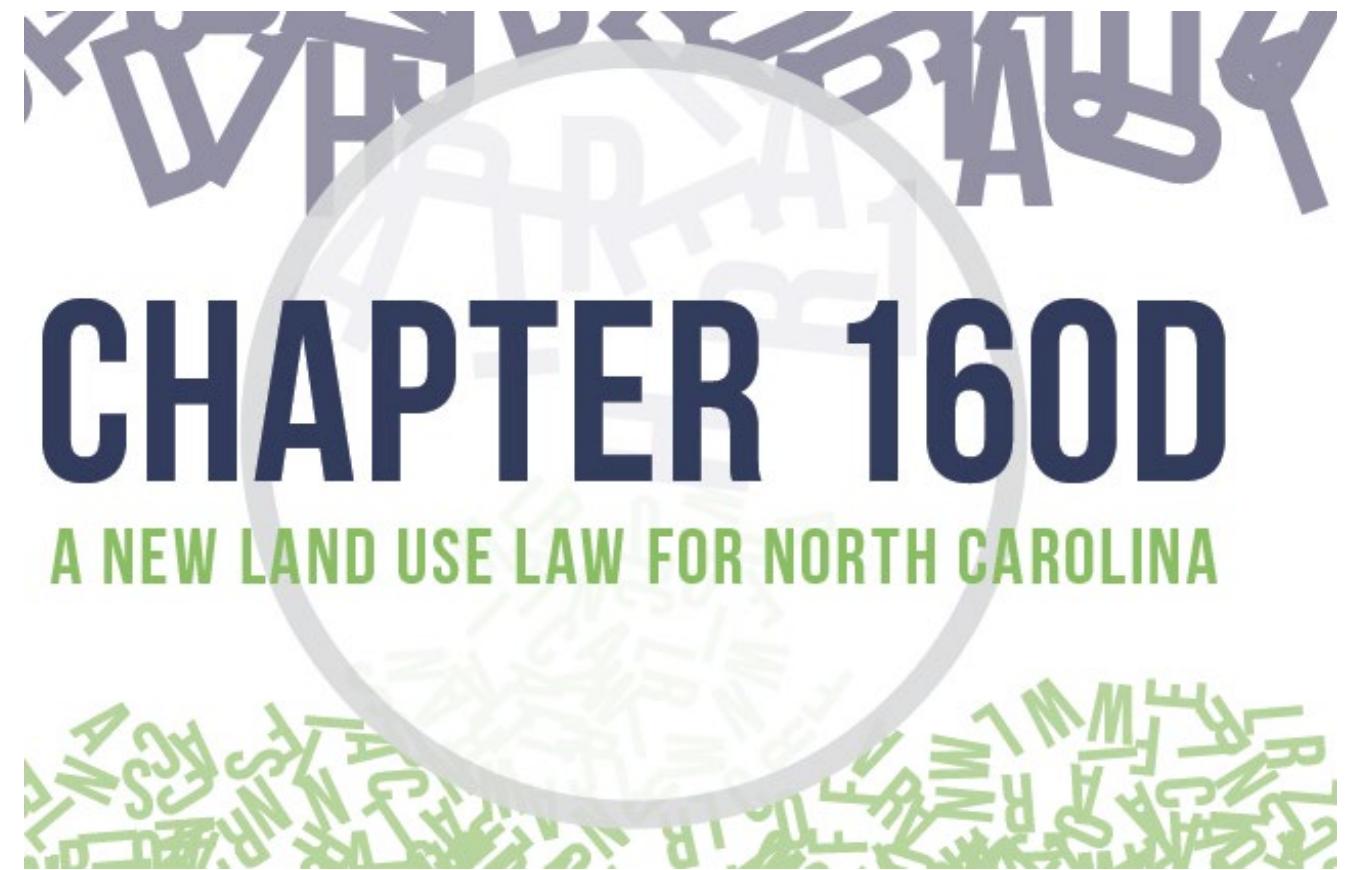
What should be the future role of  
Boards/Commissions?

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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?**

