

## Outline

- I. Planning and Zoning in North Carolina
  - A. North Carolina Trends
  - B. Planning & Development Regulations
- II. Role of the Planning Board
  - A. Duties
  - B. Legal Limits
- III. Legislative Zoning Considerations
  - A. Legitimate Considerations
  - B. Improper Considerations
- IV. Legislative Zoning Procedures
  - A. Application and Staff Review
  - B. Planning Board Review
  - C. Governing Board Decision

## Discussion 1: Planning and Zoning in Your Community

- A. Consider the broad trends happening in North Carolina. How do you see those play out in your community? What does that mean for planning, zoning, and development?

## Discussion 2: Role of the Planning Board

Consider the following scenarios. Any concerns?

- A. One evening, while bored at home, board member Samantha started a text chat with the whole board. “Hey y’all. I am not loving this rezoning application for next week. What do you think?” Within moments, all but one of the board members was responding, debating the pros and cons of the rezoning.
  
- B. Board member James sent an email to a neighbor who is coordinating opposition to the rezoning. James wrote: “I want to get all the dirt on this developer! Don’t worry, I’m using my personal email address, so this won’t get out.”
  
- C. David serves on the planning board. Jane is an applicant for rezoning. David and Jane went to the same high school, live in the same neighborhood, and are second cousins twice-removed. Also, unrelated to the zoning application, David and Jane jointly own a restaurant downtown.
  
- D. Joan is a member of the Normalton Planning Board. She heard about quasi-judicial procedures and ex parte communication and bias. In order to avoid any of that legal stuff, Joan is avoiding any communication about the rezoning request. She refuses a request by a neighbor to meet and discuss the project. She won’t even open the email from planning staff with the application materials and staff report. She arrives at the Planning Board meeting with a clear mind and clean conscience.

## Discussion 3: Making a Legislative Decision

Consider the following scenarios. Any concerns?

- A. During the course of the legislative hearing, the opponents raise many concerns. Which are legitimate issues for the board to consider in making the land use decision?
- “That road is already backed up and dangerous at rush hour. This is gonna make traffic even worse.”
  - “The whole area is single-family residential. This is illegal spot zoning!”
  - “You can’t let *those* people move into our neighborhood. Have you seen the apartments over in Othertown?”
  - “This is just a giveaway to some out of town developer.”
  - “I heard the apartment is gonna have some affordable housing. We don’t that in our neighborhood.”
  - “The sewer system is already stretched thin. We don’t have capacity for this.”
- B. Planning board member Jay is not a fan of the rezoning. He fears the governing board will approve it (“they are all growth, all the time”). Jay suggests “How about we just sit on this another month? And another month after that.”
- C. The applicant is requesting to rezone the property to the RMF district, a conventional zoning district. The applicant provided a detailed site plan for an apartment complex and renderings of the apartment buildings. After discussing the land use impacts of apartments, Council approves the rezoning conditioned upon the site plan and the renderings.
- D. After the public hearing and deliberation by the board, Town council member Jones makes a motion: “I move that the rezoning is consistent with the comprehensive plan and reasonable and in the public interest.” Another council member seconded the motion and it passed 5-2. Any concerns with this statement? If so, how could it be improved?

## Additional Resources

Find more at <https://canons.sog.unc.edu/> and [www.tinyurl.com/SOGplanning](http://www.tinyurl.com/SOGplanning)

### I. Planning and Zoning Basics

#### [Comprehensive Plans and Land Use Plans Required for Zoning](https://canons.sog.unc.edu/2021/08/comprehensive-plans-and-land-use-plans-required-for-zoning/)

<https://canons.sog.unc.edu/2021/08/comprehensive-plans-and-land-use-plans-required-for-zoning/>

#### [Planning Board Basics](https://canons.sog.unc.edu/2022/01/planning-board-basics-2/)

<https://canons.sog.unc.edu/2022/01/planning-board-basics-2/>

#### [Types of Development Decisions](https://canons.sog.unc.edu/2021/08/types-of-development-decisions/)

<https://canons.sog.unc.edu/2021/08/types-of-development-decisions/>

#### [What Conditions Can Be Included in Conditional Zoning?](https://canons.sog.unc.edu/2021/11/what-conditions-can-be-included-in-conditional-zoning/)

<https://canons.sog.unc.edu/2021/11/what-conditions-can-be-included-in-conditional-zoning/>

### II. Zoning Considerations

#### [Considerations for Legislative Development Decisions](https://canons.sog.unc.edu/2021/10/considerations-for-legislative-development-decisions/)

<https://canons.sog.unc.edu/2021/10/considerations-for-legislative-development-decisions/>

#### [Impermissible Considerations for Legislative Development Decisions](https://canons.sog.unc.edu/2021/10/impermissible-considerations-for-legislative-development-decisions/)

<https://canons.sog.unc.edu/2021/10/impermissible-considerations-for-legislative-development-decisions/>

#### [Can We Consider Ownership in a Zoning Decision?](https://canons.sog.unc.edu/can-we-consider-ownership-in-a-zoning-decision/)

<https://canons.sog.unc.edu/can-we-consider-ownership-in-a-zoning-decision/>

#### [Is This Spot Legal?](https://canons.sog.unc.edu/is-this-spot-legal/)

<https://canons.sog.unc.edu/is-this-spot-legal/>

[Zoning and North Carolina's Fair Housing Act](https://canons.sog.unc.edu/zoning-and-north-carolinas-fair-housing-act/), <https://canons.sog.unc.edu/zoning-and-north-carolinas-fair-housing-act/>

### III. Rezoning Process

#### [Procedures for Legislative Development Decisions](https://canons.sog.unc.edu/can-we-continue-this-zoning-hearing/)

#### [Can We Continue this Zoning Hearing?](https://canons.sog.unc.edu/can-we-continue-this-zoning-hearing/)

<https://canons.sog.unc.edu/can-we-continue-this-zoning-hearing/>

#### [Can Time Limits be Imposed on Speakers at a Zoning Hearing?](https://canons.sog.unc.edu/can-time-limits-be-imposed-on-speakers-at-a-zoning-hearing/)

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