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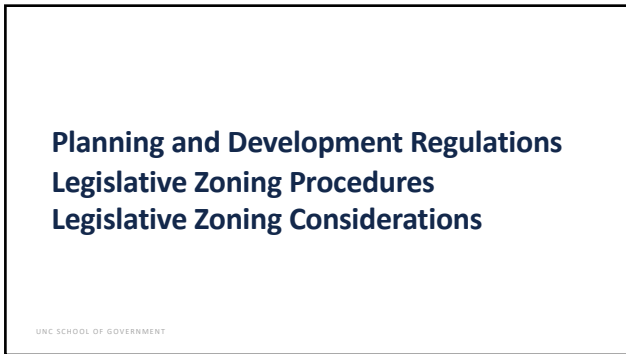
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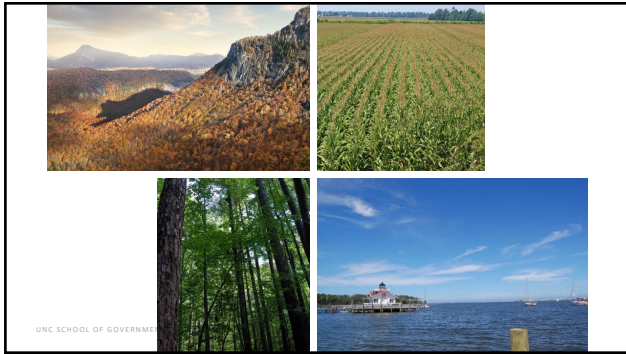
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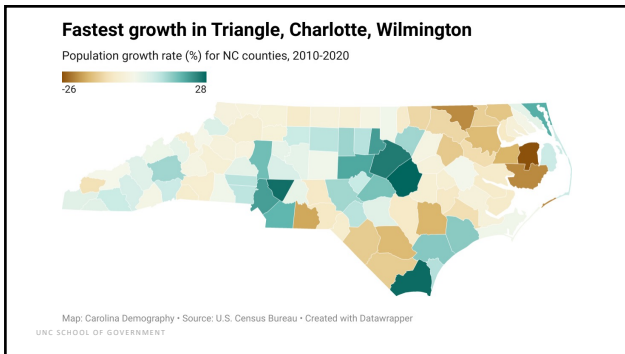
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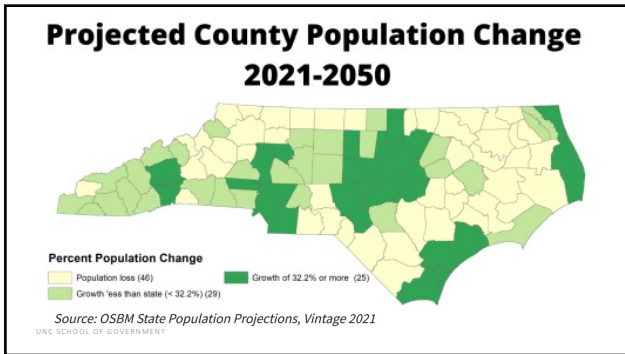
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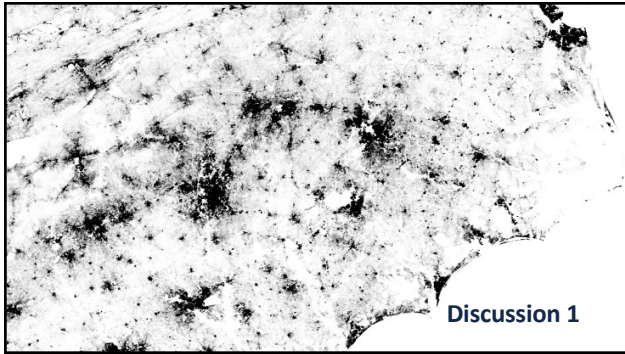
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**Why Plan?**

- Guide development decisions
- Public engagement in policy-making
- Guide efficient public investment
- Technical analysis of conditions
- Identify needs and prioritize actions
- Qualify for certain funding and meet legal mandates
- Establish a vision for the community

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**Plan Requirement**

GS 160D-ARTICLE 5

Article 5.  
Planning.

**§ 160D-501. Plans.**  
(a) Requirements for Zoning. – As a condition of adopting and applying zoning regulations under this Chapter, a local government shall adopt and reasonably maintain a comprehensive plan or land-use plan.

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**Plan process and updates**

- Process is same as legislative zoning decision
- “reasonably maintained”
- Still advisory
- May be coordinated with other plans (CAMA, functional plans, regional plans)

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**Comprehensive Plan**

- Traditional Focus of Local Planning
- Long Range View (10 to 20 years)
- Integrated View of Issues
  - Land use, transportation, housing, recreation; economic development, environment

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**Specialized Plans**

- Neighborhood Plans
- Small Area Plans
- Corridor Plans
- Historic District Plans
- Watershed Plans

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**Functional Plans**

- Transportation and thoroughfare plans
- Public utility plans – water and sewer
- Recreation and open space plans
- Public facility plans
- Capital improvement plans and budgets

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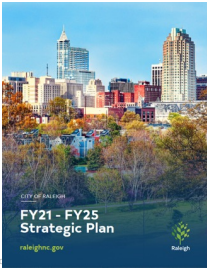
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**Strategic Planning**



- Focuses on a few critical issues
- Emphasizes action (particularly useful for spending decisions)
- Works best for issues like economic development, housing, and education involving a number of players
- Focuses on steps to be taken, who will take them, and how much it will cost

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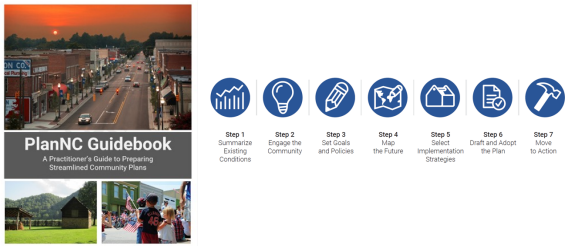
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**Seven-Step Planning Process**



**PlanNC Guidebook**  
A Practitioner's Guide to Preparing Streamlined Community Plans

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**Implementing Plans**  
From Policy to Action

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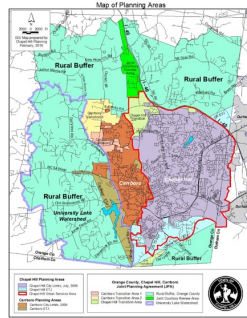
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### Infrastructure & Investments



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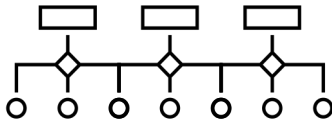
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### Actions and Organization of the Local Government

- Public lands and building
- Departmental organization and work plans



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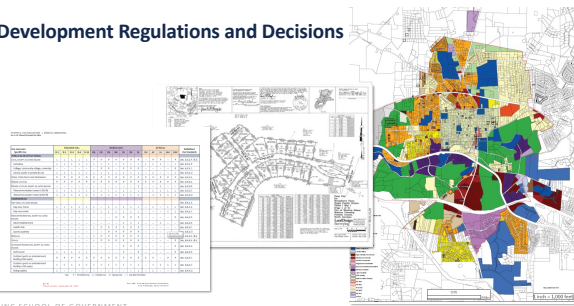
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### Development Regulations and Decisions



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**Local Land Use Planning  
Development Regulations and Decisions  
Role of the Planning Board**

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**Zoning Ordinance = Map + Text**

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**Typical Zoning Requirements**

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Raleigh Unified Dev. Ordinance, Adopted Feb. 18, 2013

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	Administrative	Quasi-Judicial	Legislative
Character			
Example			
Hearing			
Decision-Maker			

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	Administrative	Quasi-Judicial	Legislative
Character	Based on objective standards	Based on discretionary standards and evidence in the record	General policy decision by elected officials
Example	Notice of Violation; Zoning Permit	Variance; Special Use Permit	Rezoning Conditional Zoning
Hearing	Typically none, sometimes Administrative Hearing	Evidentiary	Legislative
Decision-Maker	Typically staff	Typically appointed board	Governing board

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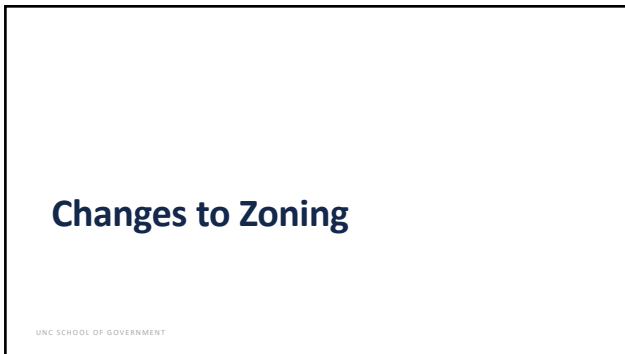
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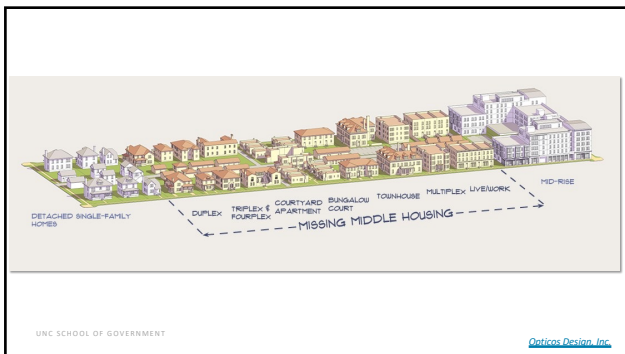
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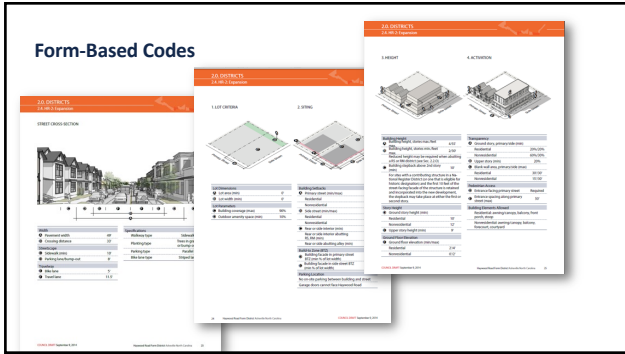
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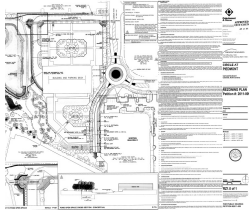
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**Conditional Zoning**

- Zoning district with individualized standards/site plan made a part of the ordinance standards
- Conditions may address compliance with ordinance and plans and the impacts reasonably expected to be generated
- Mutual consent



The diagram is a detailed site plan showing property lines, streets, and building footprints. It includes a north arrow and various annotations. The text 'UNC SCHOOL OF GOVERNMENT' is visible at the bottom left of the slide.

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**Local Land Use Planning  
Development Regulations and Decisions  
Role of the Planning Board**

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**Statutory Duties**

- **Advise** on Comprehensive and Land Use Planning (G.S. 160D-301 & -601)
- **Advise** on Initial Zoning (G.S. 160D-604(a))
- **Advise** on Zoning Amendments (Plan Consistency) (G.S. 160D-604(b))
- May **advise** on other development regulations (G.S. 160D-604(c))

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**Potential Decision-Making**

- Preliminary and final subdivision plats (G.S. 160D-803)
- Special use permits (G.S. 160D-705)
- May serve as
  - Board of Adjustment (variances, appeals, etc.)
  - Historic Preservation Commission (certificates of appropriateness)

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**Composition (G.S. 160D-301)**

- At least three members
- Proportional representation for extraterritorial jurisdiction (G.S. 160D-307)
- Broad local discretion: local rules for composition, terms, process for appointments, etc. (160D-310)
- May establish joint planning board
- May assign duties to another board
- Members
  - Must take an oath of office (G.S. 160D-309)
  - May get compensation (G.S. 160D-301 & -502)

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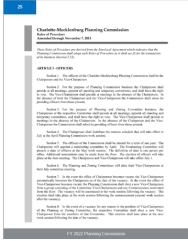
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**Rules of Procedure (G.S. 160D-308)**

- May be adopted by governing board
- If not adopted by governing board, then may be adopted by the board itself
- Maintained by local government clerk (or another authorized official)
- Posted to the website



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**Local Land Use Planning  
Development Regulations and Decisions  
Role of the Planning Board**

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**UNC SCHOOL OF GOVERNMENT**

**Legislative Zoning Procedures**

Spring 2024

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**Legal Framework  
Application and Staff Review  
Planning Board Advice  
Governing Board Decision**

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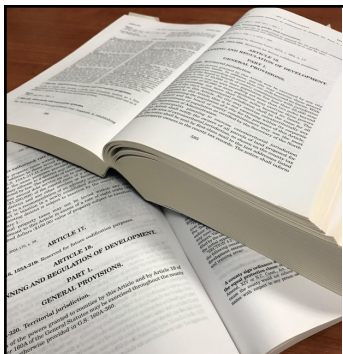
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**NC Authority  
Chapter 160D  
Local Legislation**

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**Open Governance**

- Official Meetings (G.S. 143-318.10(d))  
"a meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business within the jurisdiction, real or apparent, of the public body."
- Public Records (G.S. 132-1)  
"all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received . . . in connection with the transaction of public business . . ."

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**Legal Framework**  
**Application and Staff Review**  
**Planning Board Advice**  
**Governing Board Decision**

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**Process for Legislative Decisions**

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graph LR; A[Amendment Requested] --> B[Planning Board Review]; B --> C[Governing Board Decision]
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**Who makes the request?**

- Local Government Initiated
- Petitioner Request
- Rezoning
  - Landowner Request
  - No Third-Party Down-Zonings

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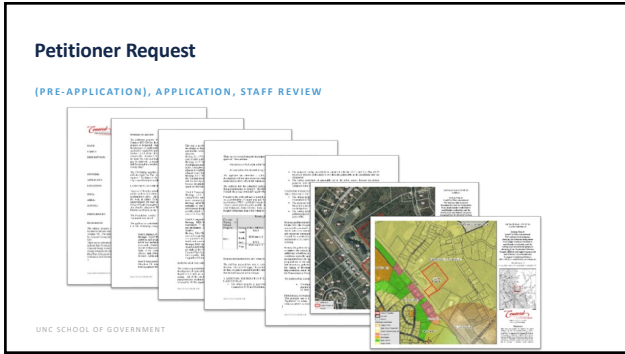
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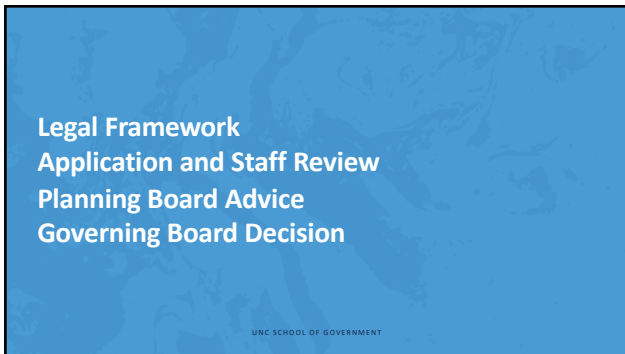
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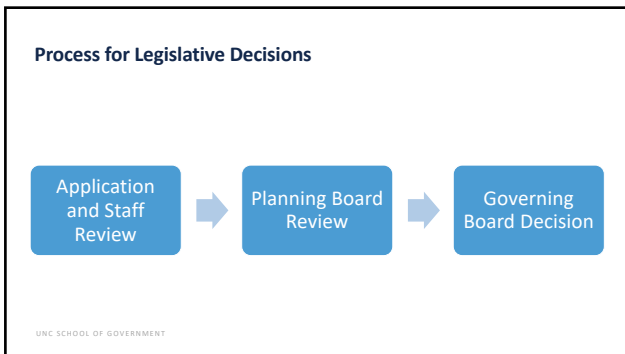
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**Zoning Amendments (160D-604)**

- “all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment.”
- “whether the proposed action is consistent with any comprehensive plan . . . and any other officially adopted plan that is applicable.”
- “The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board . . .”

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**Planning Board Meeting**

- Planning board gets at least 30 days from referral (then governing board may move on without recommendation)
- Public Meeting (standard public meeting notice)
- Legislative Hearing, if required by local ordinance
- Additional Notice (mailed, posted, published), if required by local ordinance

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**Legal Framework  
Application and Staff Review  
Planning Board Advice  
Governing Board Decision**

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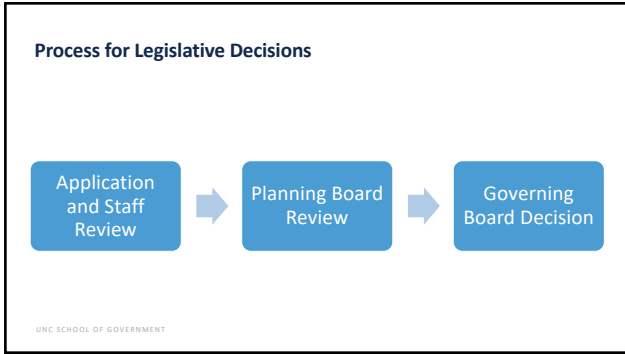
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**Notice**

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**Notice for Legislative Hearing**

**Published/Newspaper Notice**

- Two legal ads
- First 10-25 days before hearing
- Second in separate week

**Additional Notice for Rezonings**

- Posted notice on the site
- Mailed notice to affected parties and abutting landowners (newspaper alternative available)

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**Hearing**

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**Legislative Hearing**

- Reasonable rules acceptable
  - Time limits on speakers
  - Sign up sheets
  - Overall time limits
- Maintain fundamental fairness
- Due process limits for quasi-judicial do not apply
- May continue to a subsequent meeting

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**Statements**

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**Statement of Plan Consistency**

(G.S. 160D-605(A))

- Describe whether action is consistent with an adopted comprehensive plan and any other relevant officially adopted plan
- Required for all zoning decisions (approve or deny), including text amendments
- Can be adopted in the same motion as the zoning action or separately
- Purpose is to ensure that Plan is considered and implemented or modified as appropriate
- Effect of inconsistency: "the zoning amendment has the effect of also amending any future land-use map in the approved plan."

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**Statement of Reasonableness**

(G.S. 160D-605(B))

- Factors to avoid unreasonable spot zoning:
  - the size, physical conditions, and other attributes of the area proposed to be rezoned,
  - the benefits and detriments to the landowners, the neighbors, and the surrounding community,
  - the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment;
  - why the action taken is in the public interest; and
  - any changed conditions warranting the amendment.
- Required for all rezoning / zoning map amendment decisions (approve or deny)
- Can be adopted in the same motion as the zoning action and/or statement of consistency; can be adopted separately

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**Vote**

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**Vote**

- Simple majority of members not excused
- No need for supermajority even on date of introduction (was required under old rule)

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**Legal Framework  
Application and Staff Review  
Planning Board Advice  
Governing Board Decision**

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*Discussion 2*

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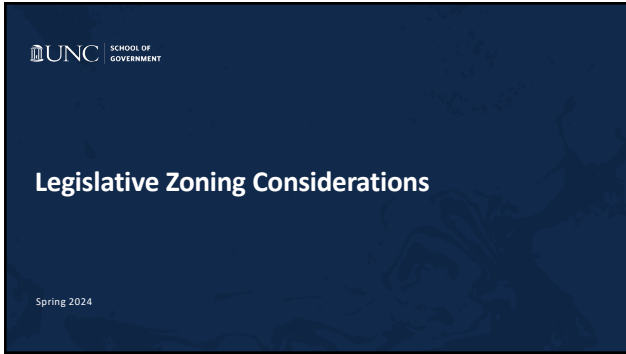
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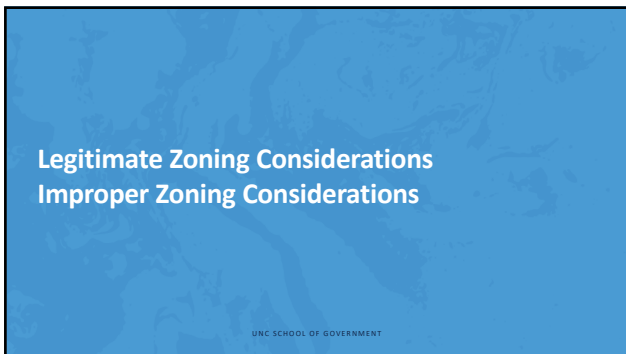
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### General Land Use Impacts

- To the owner/developer
  - Property value, free use of land, investment expectations
- To the neighbors
  - Safety, noise, odor, traffic, aesthetics, stormwater, property value, investment expectations
- To the community
  - Safety, convenience, traffic, appropriateness of use, character of community, property values, availability of housing types
- To the local government
  - Infrastructure costs (capital and maintenance), service costs, tax implications, diversity of economy, mix of housing types

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### Statutory Purposes and Considerations

- “the character of the district and its peculiar suitability for particular uses”
- “a view to conserving the value of buildings”
- “and encouraging the most appropriate use of land”

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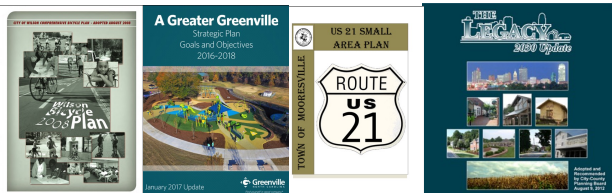
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### Consistency with Applicable Plans



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**Recommendations from Planning Board and Staff**

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**Consider All Uses**

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**Rezoning Case Z-24-03**

- What are the benefits and detriments to the owner, neighbors, and broader community?
- What do the adopted plans call for?
- What are the recommendations of staff and the planning board?
- What are all of the uses this would allow?
- What is in the public interest?

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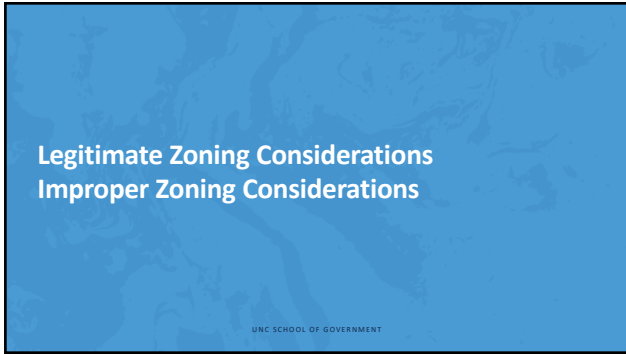
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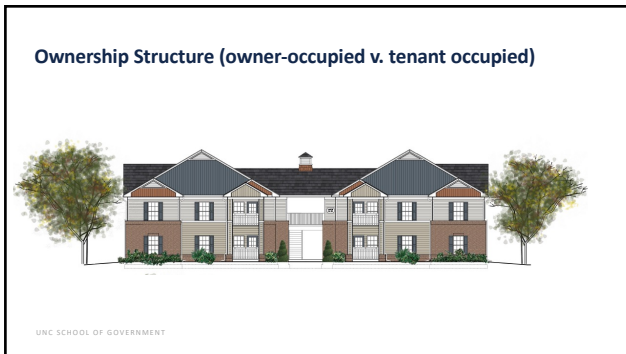
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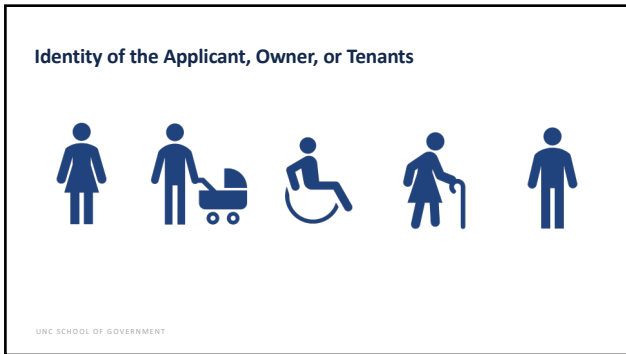
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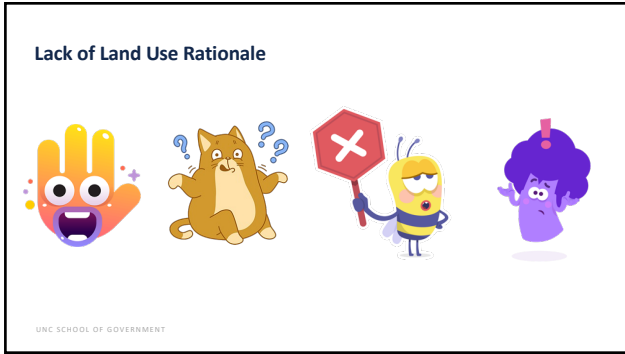
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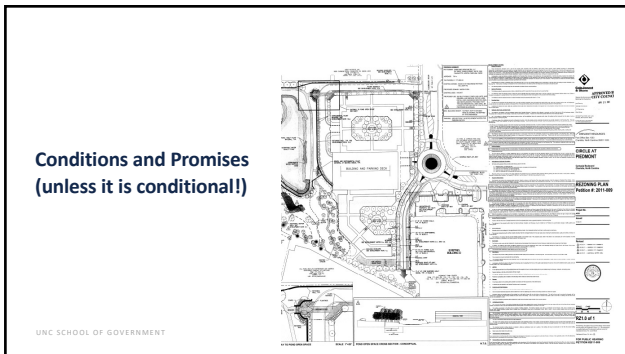
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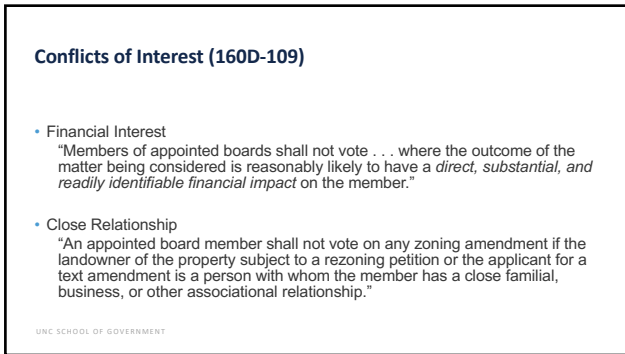
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**Land Uses with Some Legal Protection**

STATE AND FEDERAL LAW PROVIDES PROTECTIONS FOR CERTAIN LAND USES;  
WHILE REGULATIONS MAY STILL APPLY, LEGAL LIMITS ON LOCAL REGULATIONS APPLY

- Religious land uses
- Signs
- Manufactured homes
- Adult businesses
- Cell Towers
- Family Care Homes
- State Fair Housing (inclusion of affordable housing)
- Bona fide farm activities (outside of municipalities)
- And more!

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**Legitimate Zoning Considerations**  
**Improper Zoning Considerations**

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*Discussion 3*

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