

Draft ORD. No.	Chapt 160D Subject/Topic	Status	Purpose	Recommended Action	LUO Article or Town Code Chapter	Specific Citation(s)
	Boards	Required	<u>Chapter 160D Requirement.</u> Must keep minutes of proceedings of each board. (G.S. 160D-308.)	No change needed.		
	Boards	Required	<u>Chapter 160D Requirement.</u> Must have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.)	Amend LUO Article III, PART VII. Membership Limitations on Boards, Committees, Advisory Groups, and Commissions with a new provision to require incoming advisory board members to receive the oath of office before begining to serve their duties. Requirement is provided in one central place for all advisory boards in association with the appointment process rather than repeated under the appointment language for each board. A less formal option would be to amend the Rules of Procedures for Advisory Board Rules to reflect this requirement.	Article III	Part VII
	Boards	Required	<u>Chapter 160D Requirement.</u> Must update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)	Amend Article III,with new provisions (a1) under the appointments and terms for the planning board (15-21(a1) and board of adjustment(15-29(a1) to meet this requirement; boards where ETJ membership is a requirement part of the make up of the board. Consulting with Town Attorney as to whether similar language is needed for other advisory boards, such as the appearance commission and boards described in the Town Code.	Article III	15-21(a1) 15-29(a1)
	Boards	Required	<u>Chapter 160D Requirement.</u> Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)	Add a new provision 15-42(d1) under the Article III, Part V. for the appointment and terms of Appearance Commission, to include an ETJ membership requirement when a local historic district(s) is located in the ETJ.	Article III	15-42(d1)
	Boards	Required	Chapter 160D Requirement. Must adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)	Amend LUO Section 15-322(d), to expand the conflict of interest provisions for advisory board review of legislative decisions (text & map amendments) to include close familial, business or other associational relationship. Amend LUO Section 15-324(e) to expand the conflict of interest provisions for advisory board review of legislative decisions (text & map amendments) to include close familial, business or other associational relationship.	Article XX	15-322(d) 15-324(e)
	Land Use Administration General	Required	<u>Chapter 160D Requirement.</u> Must have each staff member take an oath of office before starting his or her duties.	Add a new provision under the Land Use Administrator to include this new requirement.	Article III	15-37
			Town administrative update.	Amend LUO Section 15-22 to change CUP and SUP to Class A SUP and Class B SUP	Article III	15-22(e); 15-25(a) in three places; 15-40(a); 15-40(c)
			Town administrative update.	Amend LUO Section 15-25(a) to add a new provision (4) to include make recommendations to Board of Adjustment concerning class B sup to list of Planning Board duties.	Article III	15-25(a)(4)
			Town administrative update.	Amend LUO Section 15-26 to update list of examples of long range planning documents	Article III	15-26(a)

			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article III	15-21(a), in two places; 15-25(a)(1); 15-25(a)(2); 15-25(a)(3); 15-25(a)(5); 15-26(a) in two places; 15-26(b); 15-26(c) in two places; 15-26(d); 15-27(a) in three places; 15-27(h)(1), 15-27(h)(4); 15-27(h)(8); 15-29(a) in three places; 15-29(e); 15-38(b) in two places Part IV title; 15-40; 15-40(a); 15-40(b); 15-40(c) 14-52(a); 15-42(d) in two places; 15-44(a)(3); 15-44(a)(4); 15-44(a)(6); 15-44(b); 15-44(c); 15-45(a); 15-45(c)(3); 15-45.2(a); 15-45.2(d)
			Town administrative update.	Use gender neutral language. Remove references for chairman and vice chairman and replace with chair and vice chair.	Article III	15-21(e)(1); 15-21(e)(2) in four places; 15-24(a); 15-29(d)(1); 15-29(d)(2) in four places; 15-30(b); 15-33(a); 15-33(b); 15-42(c)(2) in three places 15-30(b); 15-29(d)(1); 15-29(d)(2) in four places; 15-33(a); 15-33(b);
	Substance of Zoning Ordinance	Required	<u>Chapter 160D Requirement.</u> Must maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); may adopt and maintain in paper or digital format. (G.S. 160D-105.)	Minor amendment provided in Article IX, Zoning Districts and Zoning Map, Part II. Zoning Map. New phrase or sentence under either 15-143(b) of 15-143(d) to clarify the historical and current copies of the zoning map shall be maintained in paper and digital forms.	Article IX	15-143(b)
	Substance of Zoning Ordinance	Required	<u>Chapter 160D Requirement.</u> Must eliminate conditional use district zoning; existing conditional use district zoning converts to conditional district on January 1, 2021 upon adoption of updated local ordinances or July 1, 2021. (G.S. 160D-703; S.L. 2020-25; S.L. 2019-111, § 2.9(b).)	Amendments needed. New provision (a1) added under 15-46 in Article IV, Permits and Final Plat Approvals, to indicate the automatic conversation to Conditional Districts. Add a new provision under the Section 141.3 Conditional Use Districts to indicate the automatic conversation to Conditional Districts--to match language in 15-46(a1) and repeal section. Review districts in Article IX, Zoning Districts and Zoning Maps and modify as needed, 3, specific districts such as the O/A, conditional use district and associated references throughout the ordinance. Scan LUO and make other updates as needed.	Article IV Article IX	15-46(a1) 15-141.3

	Substance of Zoning Ordinance	Required	<u>Chapter 160D Requirement.</u> Must not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code. (G.S. 160D-703; S.L. 2019-174.)	Possible amendment to Chapter 17 of the Town Code, Housing Code, 17-6, Space and Use	Chapter 17 of Town Code	17-6
	Substance of Zoning Ordinance	Optional	<u>Chapter 160D Option.</u> May incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; may incorporate the most recent officially adopted version of such maps so that there is no need for ordinance amendment for subsequent map updates; must maintain current effective map for public inspection; may maintain in paper or digital format. (G.S. 160D-105.)	No change needed. 15-251.2(b)(1) provides for such incorporation. (1) Those Special Flood Hazard Areas that are identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Orange County, dated 09/26/2017, which are adopted by reference and declared to be a part of this ordinance. (AMENDED 09/26/17)	Article XVI	15-251.2(b)(1)
	Substance of Zoning Ordinance	Optional	<u>Chapter 160D Option.</u> May require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)	Amendments needed. G.S. 160D-702 allows local governments to use performance guarantees for zoning approvals, consistent with the provisions for performance guarantees for subdivision approvals, as provided for in G.S. 160D-804(g). Additional language needed to conform the existing standards for performance guarantees for zoning permits (15-53) and SUPs (15-60(s), and subdivisions (15-60(b)) to the standards in 160D-804.	Article IV	15-53 (zoning permits) 15-60(a) (special use permits)
	Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must conform subdivision performance guarantee requirements with statutory standards. (G.S. 160D-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)	Language added in 15-60(b) to clarify maximum amount and allowable uses for bond money.	Article IV	15-60(b) subdivisions
	Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)	Amendment needed. New section 15-78.1 added which provisions related to expedited review provided directly from the language in 160D-802.	Article IV	15.78.1

Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of property to be subdivided. (G.S. 160D-804(h); S.L. 2020-25.)	Amendment needed. Add new provision (c) under 15-246 to list exemptions as provided in 160D as amended in S.L. 202-25.	Article XVI	15-246
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)	Amendments needed. Bona fide farm definition added to Section 15-15. New provision 15-46(f) added with language clarifying exemption.	Article III	15-46(f)
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)	Add definition of manufactured home from 160D to definitions in Article II. Amend table of permissible uses in Section 15-146 to allow manufactured homes.	Article II Article X	15-15 15-146
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> Must follow standardized process for housing code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)	Review language in the Housing Code, Chapter 17 of the Town Code. Amendment may be needed.	Chapter 17 of Town Code	
Substance of Other Development Ordinances	Required	<u>Chapter 160D Requirement.</u> May adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)	No amendment needed. The Town will follow requirements if a future moratoria is considered/adopted.	NA	
Development Agreements	Required	<u>Chapter 160D Requirement.</u> Must process a development agreement as a legislative decision. (G.S. 160D-105.)	Consider adding a reference to development agreements and requirement for legislative hearing procedures in Article XX. Note in Article IV and X for "breadcrumbs."	Article IV	
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Must follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)	Minor amendment provided to include the word "evidentiary" for hearings subject to quasi-judicial proceedings. The existing language described in Article VI describes a quasi-judicial process. This amendment seems to be sufficient for this requirement. Reference to administrative decisions and certificates of appropriateness added for clarity.	Article VI; Article IV; Article V; Article XXI	15-101(a)
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing must have testimony under oath; must establish written findings of fact and conclusions of law. (G.S. 160D-406.)	Consistent with the emphasis in 160D that hearings are either evidentiary for quasi-judicial proceedings or legislative hearings for amendments, the terms 'evidentiary' and 'quasi-judicial' have been added throughout Article VI. No substantive change needed. The existing language in 15-101 and 15-103 describes the elements of an evidentiary hearing.	Article VI	15-101
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Board chair must rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling may be appealed to the full board. (G.S. 160D-406(d).)	Amendment needed. New subsection added to 15-103, Evidence.	Article VI	15-103(d)
Quasi-Judicial Decisions Procedures	Required	<u>Chapter 160D Requirement.</u> Must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; may allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)	Amendment needed. New provisions (1) & (2) added to 15-103(b) for clarity.	Article VI	15-103(b)(1) & 15-103(b)(2)

Quasi-Judicial Decisions Procedures	Optional	<u>Chapter 160D Option.</u> May continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).)	No amendment needed for continuation; existing language in Section 101(d) provides for this. New provision (e) added to provide for continuation if a quorum is not present.	Article VI	15-101(d) 15-101(e)
Quasi-Judicial Decisions Procedures	Optional	<u>Chapter 160D Option.</u> May distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then must distribute the same materials to the applicant and landowner at the same time; must present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).)	Amended added for clarity. New subsection added as 15-102.1 added under the procedure for evidentiary hearing in Article VI.	Article VI	15-102.1
Quasi-Judicial Decisions Procedures	Optional	<u>Chapter 160D Option.</u> May have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing, but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing. (G.S. 160D-301.)	No change needed. Existing provisions in the LUO provide for the Planning Board and other advisory boards to review SUP/CUP--revised as Class B Special Use Permits in 15-56 (Board of Adjustment) and Class A Special Use Permits in 15-57 (Town Council).	Article IV	15-56(c); 15-57
Quasi-Judicial Decisions Procedures	Be Aware	<u>Additional Information.</u> Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)	No change needed. Included in the table for information. Language could be added for clarity to members of the public.	Article VI	15-103
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (G.S. 160D-705(c); S.L. 2019-111, Pt. I.)	The existing language in 15-59, seems to state this limit, but an additional provision (1) has been added for clarity.	Article IV	15-59(b)(1)
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (G.S. 160D-1402(k); G.S. 160D-1403.2; S.L. 2019-111, Pt. I.)	Additional provision (2) has been added under 15-59(b) to clarify this requirement.	Article IV	15-59(b)(2)
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)	No change needed. Subsection 15-91 seems to cover all decisions. Addition of "administrative decisions" to 15-101(a) provides "bread crumb" to the articles relating to appeals. Can add language relating to the three day mailing if needed.	Article V	15-91(d) 15-101(a)
Quasi-Judicial Decisions Certain Quasi-Judicial Decisions	Required	May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)	Amendments needed. New provision (a1) added under 15-46, Permits Required, stating that existing conditional use districts automatically converted to conditional districts. Existing subsection 15-59(d) repealed. Additional language added in Article IX, Zoning Districts and Zoning Map.	Article IV	15-46(a1)

	Administrative Decisions Development Approvals	Required	Must provide development approvals in writing; may provide in print or electronic form; if electronic form is used, then it must be protected from further editing. (G.S. 160D-403(a).)	Amendment added for clarity. New sentence at the end of provision 15-46(b) added. Existing Section 15-106 currently requires written decisions for quasi-judicial descisions. The language in 160D-403 suggests that a written decision is needed for administrative decisions--zoning permits as well.	Article IV Article VI	15-46(b) 15-106
	Administrative Decisions Development Approvals	Required	Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)	Additional language added to Section 15-48, Who May Submit Permit Application, to list all the potential applicants stated in the Chapter 160D.	Article IV	15-48
	Administrative Decisions Development Approvals	Required	Must provide that development approvals run with the land. (G.S. 160D-104.)	No change needed. Section 15-63, Effect of Permit on Successors and Assigns provides for permits to runs with the land so long as the permit continues to be used for the purposes for which the permit was granted.	Article IV	15-63
	Administrative Decisions Development Approvals	Required	For revocation of development approval, must follow the same process as was used for the approval. (G.S. 160D-403(f).)	No change needed. Section 15-115, Permit Revocation and Building Permit Denial speaks to the process for revocation. Subsection (b) speaks to the same process for special use permits as the approval process in Article VI.	Article VII	15-115(b)
	Administrative Decisions Determinations	Required	Must provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)	No change needed. Relating to special use permits, the process is described in 15-115(b) as the same for approval which includes written and posted notice and written determination. Provisions relating to notice outlined in 15-115(b) for SUPs and 15-115 (c) for zoning permits. New language added to 15-46(b) clarifies written approval for zoning permits.	Article VII	15-115(b); 15-115(c)
	Administrative Decisions Determinations	Optional	May require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b).)	No change needed. Article 15-91(e) speaks to the posting of a sign meeting specific criteria.	Article V	15-91(e)
	Administrative Decisions Appeals of Administrative Decisions	Required	Must allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building code and housing code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)	No change needed. The existing language under Section 15-91, Appeals, seems to cover all decisions. For clarity, however, "administrative decisions" has been added to the list of matters in subsection 15-101(a), Hearing Required on Appeals and Applications.	Article V Article VI	15-91 15-101(a)
	Administrative Decisions Appeals of Administrative Decisions	Required	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)	No change needed. Existing language under Section 15-91 sufficient.	Article V	15-91(d)
	Administrative Decisions Appeals of Administrative Decisions	Required	Must require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)	No change needed. Existing language in 15-91(i) states that the administrator shall be present at the hearing as a witness.	Article V	15-91(i)
	Administrative Decisions Appeals of Administrative Decisions	Required	Must pause enforcement actions, including fines, during the appeal. (G.S. 160D-405(f).)	Amendment needed. Section 15-114(b)(3)(a) currently provides for the collection of civil penalties to be stayed, but not the accrual. Subsection 15-114 to be rewritten to align with the new language is 160D and S.L. 2020-25.	Article VII	15-114(b)(3)
	Administrative Decisions Vested Rights	Optional	May designate that appeals be filed with the local government clerk or another official. (G.S. 160D-405.)	No change needed. Section 15-91(c) provides for an appeal to be filed with the Town Clerk.	Article V	15-91(c)
	Administrative Decisions Vested Rights	Required	Must recognize that building permits are valid for six months, as under prior law. (G.S. 160D-1111 G.S. 160D-108(d)(1).)	No change needed. The Land Use Ordinance does not speak to building permits. Period of approval noted.	NA	

	Administrative Decisions Vested Rights	Required	Must recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule adjusted by statute or local rule. (G.S. 160D-108(d)(2).)	No change needed. The LUO provides for approved land use permits to be valid for a period of two years and, subsequently, extended for another period of two years.	Article IV	15-62(a) and 15-62(c)
	Administrative Decisions Vested Rights	Required	Must identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108.1 G.S. 160D-108(d)(3); -108(f).)	Amendment needed. Provisions for vested rights are outlined in Section 15-128.2, under Article VIII, Nonconforming Situations. See also related vested rights upon issuance of building permits-15-128.3	Article VIII	15-128.2
	Administrative Decisions Vested Rights	Required	Must recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(c)(d)(4); 108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)	Amendment needed. New language added as subsection (d) under 15-61. Further consultation with the Town Attorney may be needed for addressing all of the elements of this requirement. The existing language relating to phased developments, is in Article IV under permits, and speaks more to the completion of requirements such as recreation facilities that are intended to either serve the entire development versus a particular phase. Vested Rights are discussed in Article VIII under nonconforming situations. It appears that the existing language should be repealed and replaced with the new requirements in 160D.	Article IV; Article VIII	15-61; 15-128.2
	Administrative Decisions Vested Rights	Optional	May provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(h)(c), -405.)	The existing language for vested rights in Article VIII provides for zoning permits-in subsection 15-128.2(b). This provision can be reworked into the updated language for vesting.	Article VIII	15-128.2
	Administrative Decisions Permit Choice	Required	Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)	Amendment needed. New section 15-49.1 added with language in S.L. 2020-25.	Article IV	15-49.1
	Administrative Decisions Permit Choice	Be Aware	Be aware that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but may require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2020-25.)	Amendment needed. New section 15-49.1 added with language in S.L. 2020-25.	Article IV	15-49.1
	Administrative Decisions Permit Choice	Be Aware	Be aware that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)	Article IV, phasing section or Article IV, 15-61. New language will be added in the rewritten section on vested rights: Article VIII.	Article VIII	15-128.2
			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article IV	
			Town administrative update.	Changes for gender neutral language.	Article IV	
			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article V	
			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article VI	
			Town administrative update.	Amend LUO sections 15-271, 15-273 to change CUP and SUP to Class A SUP and Class B SUP	Article XVII	15-15-271(b) in two places; 15-273

			Town administrative update.	Amend LUO Subsection 15-271(d) to update the provisons associated with a master sign permits approved as part of a CUP to class A SUP and a new provision to clarify that existing CUPs will automatically be converted to SUPs.	Article XVII	15-271(d); 15-271(d)(1) in three places;
			Town administrative update.	Change references for the Board of Aldermen to the Town Council.	Article XVII	15-271(d); 15-271(d)(1); 15-271(d)(2) in two places; 15-271(d)(3); 15-272(4)
	Comprehensive Plan	Required	<u>Chapter 160D Requirement.</u> Must adopt a comprehensive plan or land-use plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)	No change needed. Work on the Town's comprehensive plan is underway and scheduled for adoption in time to meet this requirement. The legislative descision process for amendments (text and map) require a deteetermination of consistency/ Once adopted, the comprehensive plan will be a key document for determining consistency	Article XX	
	Comprehensive Plan	Required	<u>Chapter 160D Requirement.</u> Must adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)	Amend Article I, General Provisions, with a new Section 15-10, Relationship to Comprehensive Plan, or establish a subsection to 15-6, Relationship to Land Use Plan, to describe the comprehensive plan and its purpose, the topics it may address and the manner in which it can be adopted and amended--the procedure for legislative decisions set out in Article XX. Include a sentence that the plan must be updated at regular intervals. Amend 15-320(a) to include the comprehensive plan.	Article I Article XX	15-10 or 15-6 15-320
	Comprehensive Plan	Required	<u>Chapter 160D Requirement.</u> Must reasonably maintain a plan. (G.S. 160D-501(a).)	Include a sentence at the end of the new subsection on the comprehensive plan in Article I, that the plan must be updated at regular intervals.	Article I	15-10 or 15-6
	Legislative Decisions Notice	Required	<u>Chapter 160D Requirement.</u> Must follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; must adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)	No change needed. The Town currently adopts amendments by ordinance, as is noted under 15-321(a). If needed, 15-325 could be rewritten to say, "In deciding whether to adopt a <u>proposed ordinance to amend</u> this chapter" instead of "In deciding whether to adopt a proposed amendment to this chapter."	Article XX	15-321(a)
	Legislative Decisions Notice	Required	<u>Chapter 160D Requirement.</u> For zoning map amendments, must provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)	Amend the area subject to receive written notice to include the owners of abutting properties while retaining the existing provisions of 1000 feet of the property so as not to reduce the area if "abutting" properties creates a smaller area for notice. Since the provision for renters is described as a reasonable effort the 1000 feet is left as is.	Article XX	15-323(c)
	Legislative Decisions Notice	Required	<u>Chapter 160D Requirement.</u> For zoning map amendments, must provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)	Amend the Section 15-323(e) to include the 10-25 day window for posting notice.	Article XX	15-323(e)

Legislative Decisions Notice	Optional	<u>Chapter 160D Option.</u> For extension of ETJ, may use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)	No change needed.	Article XX	
Legislative Decisions Notice	Optional	<u>Chapter 160D Option.</u> For zoning map amendments, may require applicant to notify neighbors and hold a community meeting and may require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)	The Council has discussed whether to include a neighborhood meeting as part of the conditional zoning process. This could be incorporated into the process as a policy (recommendation listed on a standard checklist), or formally incorporated into the ordinance. If the latter, the description of the conditional zoning process under Article IX, Zoning Districts & Zoning Map seems to be an more appropriate location than Article XX.	Article IX Article XX	
Legislative Decisions Planning Board Comment	Required	<u>Chapter 160D Requirement.</u> Must refer zoning amendments to the planning board for review and comment; must not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)	No change needed. Section 15-322 refers amendments (zoning or map, and text) to the planning board and other advisory boards.	Article XX	15-322
Legislative Decisions Planning Board Comment	Required	<u>Chapter 160D Requirement.</u> Must have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)	No change needed. Subsection 15-322(a) refers amendments to the Planning Board and other advisory boards when the matter involves an issue relating to their purview; subsections 15-322(b) directs the Planning Board and other advisory boards to advise and comment on consistency with adopted plans. This section will be amended to reflect the comprehensive plan--underway.	Article XX	15-322(b).
Legislative Decisions Planning Consistency	Required	<u>Chapter 160D Requirement.</u> When adopting an amendment to the zoning ordinance, must adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) (This eliminates the 2017 requirement that statements take one of three particular forms.)	Amendment needed. Subsection 15-324(d) describes the required elements of the consistency statement for considering text/map amendments. As noted in the 160D bullet, this language was rewritten in 2017 with three specific options: 15-324(d)-(1) through 15-324(d)(3) including provisions a.-c. This section will need to be rewritten again to go back to the earlier verision--a statement of consistency with adopted plans for text and map amendments, and an additional statement of reasonableness for map amendments.	Article XX	15-324(d)(1) thru 15-324(3)
Legislative Decisions Planning Consistency	Required	<u>Chapter 160D Requirement.</u> Must adopt a statement of reasonableness for zoning map amendments; for such statements, may consider factors noted in the statutes; may adopt a statement of reasonableness for zoning text amendments. (G.S. 160D-605(b).)	Amendment needed. See note above regarding changes to Subsection 15-324(d). There may be interest in keeping the rational language for both types of amendments-map and text, although the requirement only applies to map.	Article XX	15-324(d)
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May consider and approve a statement of reasonableness and a plan consistency statement as a single, combined statement. (G.S. 160D-605(c).)	No change needed. The current practise is to include both elements in a single consistency statement.	Article XX	15-324
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May adopt plan consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)	No change needed. The current practice is to adopt the consistency statement first, followed by the amendment.	Article XX	15-324

Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).)	No change needed. This is a policy question, but the formal adoption of a statement of consistency provides clarity to the motion and decision.	Article XX	15-324
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May adopt plan consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).)	No change needed.	Article XX	15-324
Legislative Decisions Planning Consistency	Optional	<u>Chapter 160D Option.</u> May concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).)	Amendment needed. A separate statement for changes to the comprehensive plan, seems appropriate.	Article XX	15-324
Legislative Decisions Planning Consistency	Required	<u>Chapter 160D Requirement.</u> Must note on the applicable future land use map when a zoning map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) (This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.)	Amendment needed. Rewriting the existing provisions of 15-324(d) to include a new provision for this purpose.	Article XX	15-324
Legislative Decisions Voting	Required	<u>Chapter 160D Requirement.</u> Must permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, § 2.5(n).)	Subsection 15-324(c), under Council Action on Amendments, should be amended to remove the existing reference to 15-326 and the supermajority vote required with a protest petition, since the provisions for protect petitions were removed in 2016.	Article XX	15-324
Legislative Decisions Certain Legislative Decisions	Required	<u>Chapter 160D Requirement.</u> Must prohibit third-party down-zonings; may process down-zonings initiated by the local government or landowner (G.S. 160D-601; S.L. 2019-111, Pt. I.)	Amendment needed. A new sentence has been added to the end of 15-321, Initiation of Amendments which clarifies that requests for downzoning can only be made by the property owner or the Town.	Article XX	15-323(d)
Legislative Decisions Certain Legislative Decisions	Required	<u>Chapter 160D Requirement.</u> Must obtain applicant's/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability. (G.S. 160D-703(b); S.L. 2019-111, Pt. I)	Existing provisions under conditional zoning districts, 15-141.4(e) speak to mutually approved conditions. New language needed to add requirement for written consent.	Article IX	15-141.4
Legislative Decisions Certain Legislative Decisions	Required	<u>Chapter 160D Requirement.</u> May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)	Amendment needed. Existing conditional use districts will be automatically converted to conditional districts will the adoption of this amendment process. The existing provisions for conditional use zoning, 15-141.3 will be largely deleted. Certain conditional use districts that have special standards may need to be modified.	Article IX	14-141-3(e)
Legislative Decisions Certain Legislative Decisions	Optional	<u>Chapter 160D Option.</u> With applicant's written consent, may agree to conditional zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)	The existing provisions under 15-141.4(e) limits conditions to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site.	Article IX	14-141-3(e)

