



Legislation Details (With Text)

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Title: Update on Chapter 160D
PURPOSE: The purpose of this agenda item is to provide the Town Council with an update on the adoption of Chapter 160D of the N.C.G.S. and to discuss a tentative schedule for bringing Town regulations into compliance.

Indexes:

Code sections:

Attachments: 1. Attachment A - Resolution

Date	Ver.	Action By	Action	Result
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TITLE:

Update on Chapter 160D

PURPOSE: The purpose of this agenda item is to provide the Town Council with an update on the adoption of Chapter 160D of the N.C.G.S. and to discuss a tentative schedule for bringing Town regulations into compliance.

DEPARTMENT: Planning

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INFORMATION: Legislation adopted as Part II of the S.L. 2019-111 (Senate Bill 355), and updated as S.L. 2020-25, reorganized the state's planning and development regulation statutes, combining the previously separate county (G.S. Chapter 153A) and municipal statutes (G.S. 160A) (for cities) into one article, and relocating some regulations previously located in separate sections such adult businesses and family care homes into the same article.

Some of the key elements of the legislation include:

- The removal of conditional use districts as a rezoning mechanism (rezoning & conditional use permits at the same time); existing conditional use districts will automatically become conditional districts as of January 1, 2021
- The use of conditional use permits will also be removed. All quasi-judicial permits will become special use permits; this change will also occur automatically.
- Comprehensive plans will become required.
- Provisions relating to development agreements have been moved to 160D as part of the legislation. The

use of development agreements will become legislative decisions. The Town does not currently use this tool for development.

- Conflict of interest provisions will apply to staff.
- Notice for letters of enforcement can be sent via email.
- Citations for legislative authority in the Land Use Ordinance, other chapters of the Town Code and the Town Charter will need to be updated.

Staff has been reviewing the legislation to identify the necessary amendments to the Land Use Ordinance, Town Code and Town Charter to comport local regulations to the state legislation. The process also provides an opportunity to make other updates: changing references to the Board of Aldermen to the Town Council, checking that language is gender neutral and correcting any clerical errors that may have inadvertently occurred over the years, such as minor typos, or formatting errors.

While much of this update will be methodical editing there will be a lot of material to review in order to go through all of the articles of the LUO and to talk through the substantive changes such as the removal of conditional use zoning. With that in mind, staff is recommending that the amendments be presented to the Town Council in clusters of 4-5 articles at a time each month during the spring of 2021. This approach will allow for Council members to ask questions or seek clarification along the way. A public hearing to adopt all of amendments would be scheduled for May-June, to allow for the adoption to be completed in time for the July 2021 deadline.

FISCAL & STAFF IMPACT: There are no costs associated with the discussion of this item, future costs will be associated with public hearing process for formal consideration of amendments to the Land Use Ordinance.

RECOMMENDATION: Staff recommends that the Town Council receive the update, ask questions and provide input as desired.