



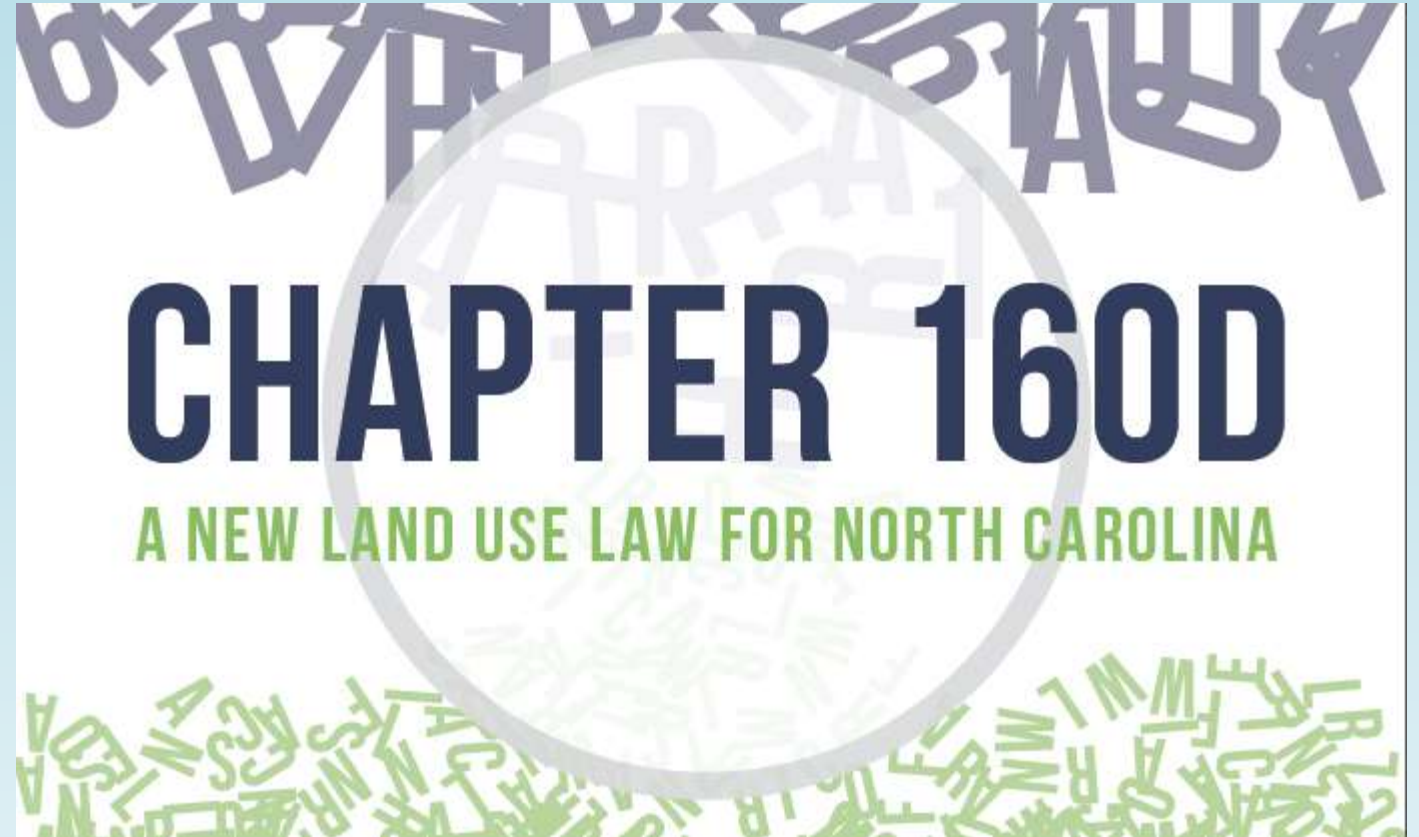
Text Amendment: Chapters 6, 30, 36, & 40 160D Update

JUNE 8TH, 2021

MILES MURPHY – SENIOR PLANNER

Background

- Consolidates Chapters 153A and 160A into one unified chapter “160D” which
- Must be adopted by all cities and counties by July 1, 2021
 - Pushed back due to Covid-19
- Primarily affects Subdivisions and Zoning ordinances, but there are some small updates to Building and Flood regulations



Definitions, Protocols, and References

Outside of Conditional Zoning the biggest changes were:

- Addition of required definitions to Chapters 6, 36, and 40
- New procedures for special use permits
- Updated requirements for public hearings
- Required Conflict of Interest Statements
- Every former 160A/153A reference which must reference 160D

Local Ordinance Implications



- No more conditional use permits or conditional use districts
- Changes to notification requirements
- Updated Special Use Permit procedures to Conditional Zoning
- Requirement for a recent Comprehensive or Land-Use Plan is already met

Amend Chapter 6, 30, 36 and 40

- (1) It is recommended that Planning and Zoning open the public hearing for comments.
- (2) Close the public hearing
- (3) Consider approval or denial of the proposal and make a motion according to the appropriate statement.

New Statutory Requirements

The General Assembly amended G.S. 153A-341 and 160A-383 to add more specificity to the law regarding the mandated plan consistency statements. The amended statute still requires approval of a statement and the statement still must describe plan consistency and explain why the proposed action is **reasonable and in the public interest**. However, the form of the required statement has changed. The statement must take one of these forms:

- A Statement of Approval – The Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 6, 30, 36 & 40 to reflect 160D State Statute changes is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans. (If applicable - List any recommended restrictions or requirements)
- A Statement of Denial – Town Council deny the adoption of the following ordinance amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.