160D – Code of Ordinances Integration

Presented by
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Chapters Most Affected

- Chp. 1   General Provisions
- Chp. 10 Buildings and Building Regulations
- Chp. 26 Environment
- Chp. 58 Planning and Development
- Chp. 70 Subdivisions
- Chp. 78 Zoning
What 160D Does and Does Not Do

Does

• Unifies enabling legislation for cities and counties into one chapter.
• Reorganizes development regulation statutes into a more logical, coherent organization.
• Remove archaic and confusing language, makes a number of clarifications (i.e. Conditional Use Permits become Special Use Permits).

Does Not

• The intent was not to make major policy changes
• Shift the scope of authority granted to local governments.
Sample Actions

(3) **Conditional Special** uses. The board of adjustment shall grant in particular cases and subject to appropriate conditions and safeguards, permits for **conditional special** uses as authorized in division 6 of this article set forth as conditional special uses under the various use districts. The board of adjustment shall follow the requirements and procedures outlined in division 6 prior to issuance of a conditional-use-permit:special-use-permit.

(b) **Procedure for filing appeals.** All statute of limitations and procedures for filing an appeal to the board of adjustment are set forth in G.S. 153A-345:1160D-406 or as amended.

(c) **Hearings.** All board of adjustment hearings shall be conducted in accordance with G.S. 160D:406453A-345.4 or as amended.
Additional Text Amendment Items

- Transfer duties for variance review and administrative appeals and any other quasi-judicial functions to the Board of Adjustment – legislative/quasi-judicial separation.

- Clean up references to departments that do not currently function in ordinance administration capacities (i.e. Multiple General Services references should be Permits and Inspections and Planning).

- Correct references to administration of junk vehicles 26-278 and coordination of receptacle placement in manufactured home parks 46-66.
Action By the Planning Board

- Reviewed on March 22\textsuperscript{nd}, and voted to forward a recommendation to the BOC to approve the changes on April 5, 2021