

# Staff Report



Department: Planning and Zoning  
Staff contact: Adrienne Isenhower  
Agenda title: Presentation regarding compliance with NCGS §160D  
Requested action: None

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New land use law legislation was adopted by the N.C. General Assembly in 2019 with an original compliance date for local governments of January 2021. Due to COVID-19 and subsequent legislation in response to the pandemic, the new compliance date is July 2021. This means all local ordinances must be updated and amended to include mandatory changes as well as optional authorities provided for in the new statutes.

The previous legislation, Article 19 of NCGS 160A and Article 18 of NCGS 153, split development regulations for cities and counties into separate chapters, but much of the language was identical. While there are some substantive changes, the main goal of the new legislation is to consolidate and reorganize current enabling legislation for development regulations for cities and counties into a single chapter that is more comprehensible and user-friendly. The new legislation seeks to provide clarification on the terminology and the authorities provided to local governments in land use regulation. A few examples of the approved changes include broadened conflict of interest standards for boards and staff, replacement of the term conditional use permit with special use permit, authority for minor modifications to development approvals by staff and the clear authority for implementation of conditional zoning.

As you are aware, the current development ordinances need a comprehensive update and the plan was to address these updates simultaneously with 160D changes. In review of the current ordinance for compliance with 160D, a recommendation of staff will be to divide the planning and zoning board of adjustment into two bodies. This will allow staff to ensure board roles and responsibilities are being followed and give each board more time to focus on their specific tasks. The new recommendation is to utilize the newly appointed planning board to review and make recommendations on the comprehensive ordinance updates after the initial review for 160D compliance. Other than some recommended procedural changes to the Mountain Village zoning district in response to authority provided by 160D, the comprehensive ordinance review will begin once the new boards are appointed.

Updates to the ordinance are in progress and the target date for adoption is April 2021. The School of Government is offering "code scan" assistance and we plan to enter into a contract with them for that service by March. This will assure that all the requirements necessary for compliance with 160D are met. The Planning and Zoning Board of Adjustment will review the amendments and offer recommendations to the Board of Commissioners for review at the April meeting.