

Legislation Details (With Text)

File #:	15-15863	Version:	1	Name:	
Type:	Policy Item	Status:		Agenda Ready	
File created:	5/25/2021	In control:		City Council Business Meeting	
On agenda:	6/28/2021	Final action:			
Title:	Adoption of Proposed Amendments to Development-Related Ordinances				
Attachments:	1. Ordinance, 2. Exhibit A: 160D_Revisions_Chapter_9_FLOODPLAIN_REGULATIONS_Rev1, 3. Exhibit B: Chapter 11 160D changes 2021-6-8 v2, 4. Exhibit C: Chapter 17 - Soil Erosion and Sedimentation Control, 5. Exhibit D: Chapter 18, Article IV - Post-Construction Stormwater, 6. Exhibit E: Chapter 19 - Streets, Sidewalks and Other Public Places				

Date	Ver.	Action By	Action	Result
6/28/2021	1	City Council Business Meeting	Approve	Pass

Adoption of Proposed Amendments to Development-Related Ordinances

Action:

Adopt proposed amendments to the following City Code of Ordinances to bring them into compliance with new North Carolina General Statute legislation (Chapter 160D) related to development by the July 1, 2021, deadline:

- **Chapter 9 - Floodplain Regulations,**
- **Chapter 11 - Housing,**
- **Chapter 17 - Soil Erosion and Sedimentation Control,**
- **Chapter 18 - Article IV - Post-Construction Stormwater, and**
- **Chapter 19 - Streets, Sidewalks and Other Public Places.**

Staff Resource(s):

Patrick Baker, City Attorney's Office
Karen Weatherly, City Attorney's Office

Explanation

- As required by North Carolina General Statute 160D, local development regulations must be updated to comply with the new legislation adopted in 2019 and 2020 and take effect no later than July 1, 2021.
- New regulations include requirements for common processes across all development regulations, updates to evidentiary hearing provisions and quasi-judicial procedures, new conflict of interest standards for boards and administrative staff, updates to all statute references to align with new Chapter 160D references, requirements as to when and under what terms inspections may take place, and clarifications to vested rights and development standards to conform with Chapter 160D.
- A public hearing on the proposed amendments was held on June 14, 2021. No comments from the public were received.

Proposed Changes

- The proposed amendments are for the following changes:
 - Update processes for filing applications and the public notice requirements for legislative and evidentiary public hearings;
 - Update the evidentiary hearing provisions and quasi-judicial procedures;
 - Update the processes for all development approvals, including written notices of decisions

- to both the applicant and the property owner;
 - Add new conflict of interest standards for boards and administrative staff;
 - Update the vested rights and permit choice provisions to include multi-phase developments; and
 - While not required by Chapter 160D or subject to the public hearing requirements, changes to Article XV of Chapter 19 regarding Shared Use Mobility Systems are also being proposed to specifically exclude devices used by individuals with mobility disabilities as recognized by the Americans with Disabilities Act and to expand the purpose statement to clarify that the ordinance applies to all modes of dockless, shared transportation vehicles operated as part of a commercial enterprise.
- The proposed effective date of these changes is July 1, 2021.

Attachment(s)

Ordinance

Exhibit A: Chapter 9 - Floodplain Regulations - Redline

Exhibit B: Chapter 11 - Housing - Redline

Exhibit C: Chapter 17 - Soil Erosion and Sedimentation Control - Redline

Exhibit D: Chapter 18, Article IV - Post-Construction Stormwater - Redline

Exhibit E: Chapter 19 - Streets, Sidewalks and Other Public Places - Redline