

## MEMORANDUM

To: Northampton County Board of Commissioners  
From: Roger Waldon, Northampton Planning Consultant  
Date: April 12, 2021  
Subject: Draft Zoning Ordinance Amendments

At the Board of Commissioners Meeting scheduled for Monday, April 19, 2021, the Board of Commissioners will be opening a Public Hearing to consider a recommendation for adoption of proposed amendments to the Northampton County Zoning Ordinance. This memorandum offers an overview of the proposed Zoning Ordinance Amendments and requests that the Northampton County Board of Commissioners conduct the Public Hearing and consider adopting the recommended amendments.

### **Requirements for a Zoning Ordinance Amendments**

In response to a new State requirement that NC jurisdictions amend zoning ordinances in order to align with new NC General Statutes, Northampton County has prepared a series of Technical **Amendments to its Zoning Ordinance**, for consideration. Changes have been made to the NC General Statutes that give authority to county and municipal jurisdictions to adopt and administer zoning regulations. Local ordinances are required to be amended and adopted by June 30, 2021, in order for each jurisdiction to continue administering its regulations.

### **Summary of Changes Required by NC General Statutes**

The new NC legislation requires that local governments make ordinance amendments in order to administer zoning regulations. Many of the required changes involve changing references to Statutes that have been repealed/amended. There are also many adjustments to language and terminology.

One of the biggest changes is that the State no longer recognizes/authorizes a process referred to as Conditional Use Zoning and Conditional Use Permits. That category of regulations has now been merged with rules and processes for Special Use Permits. Northampton County currently uses both Conditional Use and Special Use frameworks. Those need to be consolidated into one category called Special Use Permits. This will mean some processing changes for Northampton County.

Another major change is that the State now requires jurisdictions to have Comprehensive Plans, and review of proposed zoning ordinance and zoning map and zoning map changes needs to

include consideration of consistency and reasonableness in comparison to an adopted Comprehensive Plan. Following is a summary of the types of amendments that are currently required to be adopted, to align with General Statutes provisions:

- *Update any references to provisions in G.S. Chapter 160A or 153A to align with Chapter 160D.*
- *Align ordinance terminology with Chapter 160D.*
- *Ensure that ordinance definitions for terms used are not inconsistent with definitions provided in state law and regulation.*
- *Broaden conflict-of-interest standards for governing and advisory boards and staff.*
- *Include requirements for keeping minutes of proceedings, and having each board member take an oath of office.*
- *Include provisions for maintaining paper or digital format current and prior zoning maps for public inspection, and any state or federal agency maps incorporated by reference.*
- *Clarify issuance of notices of violation in conformance with statutory procedures.*
- *Specify rules for inspecting properties.*
- *Specify processes for revocation of development approvals that follow the same process as was used for initial approval.*
- *Conform subdivision performance guarantee requirements with statutory standards.*
- *Must process development agreements as legislative decisions, and have a local government as a party to such agreements.*
- *Align procedures for legislative decisions and zoning map amendments with provisions in Chapter 160D.*
- *Procedures to refer proposed zoning amendments to the planning board for review and making comments on plan consistency.*
- *Require adoption of statement of plan consistency as part of adoption of any amendment to the zoning ordinance.*
- *Include provision that automatically updates adopted Land Use Plan when any rezoning is approved that is deemed inconsistent with the Land Use Plan.*
- *Must prohibit third-party down-zonings.*
- *Must specify statutory procedures for all quasi-judicial development decisions.*
- *Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property.*
- *Must include procedures for appeal of administrative decisions.*
- *Must establish provisions for recognition of vested rights related to building permits, development approvals, site-specific vesting plans, and multi-phase developments.*

Following is a list of key locations in the Draft Zoning Ordinance Amendments document where significant changes occur:

- *Deletions of term and regulations regarding Conditional Uses: ..... Throughout*
- *Definitions: ..... Beginning p. 122*
- *Change from “Public Hearing” to “Hearing” ..... Throughout*
- *Change Conditional Use process from Board of Adjustment to Commissioners ..... Beginning p. 32*
- *Links to Comprehensive Plan ..... p. 148*

### **Recommendation for Adoption**

The Planning Board has recommended that the Board of Commissioners adopt the proposed amendments to the Northampton Zoning Ordinance. Once adopted by the Board of Commissioners, the ordinances will be re-formatted and ready for distribution.