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THE TOWN OF KILL DEVIL HILLS
NORTH CAROLINA

PLANNING DEPARTMENT

February 16, 2021

Memorandum

To: Planning Board

From: Meredith Guns, Planning Director, 

Subject: Upcoming Amendments to Town Code - Update on Status of Code Compliance with NC General Statute 160D Local Planning and Development Regulations - Staff Briefing

In 2019, the North Carolina General Assembly adopted Part II of S.L.2019-111 which completely reorganizes the statutes related to Planning and Development regulations. The new 160D of the North Carolina General Assembly consolidates current city and county enabling statutes currently located in 153A (county regulations) and 160A (city regulations) into a single unified chapter.

Chapter 160D reorganizes Planning and Development regulations and clarifies several aspects of the previous chapters. All Towns and Counties are required to update local development regulations no later than July 1, 2021 to meet the new terminology and procedures outlined in 160D. Some of those changes include:

- Change all references in Town Code from 160A references to 160D.
- Align terminology and definitions of 160D into ordinances including change "Conditional Use" permits to "Special Use" permits.
- Changing the procedures of quasi-judicial approvals to include Special Use permits and Certificates of Appropriateness for Historic Landmarks.
- Adopt an expanded Conflict of Interest for all Boards and Staff
- Update the Enforcement procedures for Town Code Violations.
- Changes in the legislative and quasi-judicial procedure and notification requirements.
- Clarify and define Administrative Decisions
- Update Vesting of Rights for building permits and legislative approval

These upcoming amendments are required and will be presented to the Planning Board in March as a comprehensive amendment to all affective sections of the Town Code.