

## Summary of Changes to Kill Devil Hills Town Code to meet the new NCGS 160D

### Chapter 10 General Provisions

- 10.19 Appeal of Civil Citation
  - Modify to exclude Land Use Section of the Code because appeals to the Land Use Section of the Code are heard by the Board of Adjustments.
- 10.99 General Penalty
  - Add 10.99(D) to outline the violation notification process based on General Statutes language.

### Chapter 30 Board of Commissioners

- 30.05 – reference to Conflict of Interest Statement (required)

### Chapter 31 Board and Commissions

- Generally – Changed references from 160A to 160D including
  - 31.04(A) – Change Reference from 160A-387 to 160D-604
  - 31.04(E) – 1560A-387 to 160D-301
- Planning Board
  - 31.04(D) Add Section to Establish Planning Board role in Special Use permit review – Quasi-judicial procedures.
  - 31.03 Add an Oath of Office requirement
  - 31.04 Add Conflict of Interest statement
- Community Appearance Commission
  - 31.20 Reference addition 160D-304 authorizing establishment of Commission
  - 31.25 Add oath of Office
  - 31.26 Add Conflict of Interest statement
- Historic Landmark Commission
  - Reference Correction - 160A, Article 19, Part 3 changed to 160D-303 authorizing formation of the commission
  - 31.42(C)(4) and (5) Designation Procedure Clarifying legislative procedure for ordinance adoption and Notification procedures.
  - 31.43(E)(1) Certificate of Appropriateness – Designating Certificates of Appropriateness as Quasi-Judicial procedures
  - Add 31.49 Oath of Office
  - Add 31.50 Conflict of Interest
- Board of Adjustment
  - 31.60 Reference correction 160A-388 to 160D-302 authorizing establishment of the Board of Adjustments
  - Add 31.67 Oath of Office
  - Add 31.68 Conflict of Interest Statement

### Chapter 150 Building Regulations

- 150.01 Compliance with Zoning Regulations – Add Chapter 151 Flood Damage Prevention Ordinance to conformity requirements
- Duties and Responsibility
  - Add section 150.06 for Duties and Responsibility of the Code Enforcement Officer based on 160D -1104. Re-number sections accordingly
- Building Inspectors
  - 150.05 reference correction 160A-420 and 160A-424 to 160D-1113 and 160D-1117
  - Add 150.05(C) Conflict of Interest Statement
- Building Code
  - 150.07(B)(2) Penalties reference correction 160A-389 to 160D-1119
  - Add (3) for enforcement section based on 160D regulations
  - Add 150.30 Inspections – Add inspection authorization language based on 160D-1113

### **Chapter 152 Subdivision**

- 152.02 – reference Correction – Change GS Ch. 153A, Art. 18, part 2.C to GS 160D, Article 8
- 152.17 Subdivision Committee – Eliminate this section. Outdated
- 152.28 Final Plat
  - 152.28(B)(2) Delete existing phasing/vesting language to the revised Site Specific Vesting to meet Chapter 160D. Renumbering following accordingly
  - 152.28(D)(2) Add Adoption and Notification for subdivisions. This will be by reference to the added section in Chapter 153 Zoning
  - 152.28(D)(5) Add section for appeals of subdivision decisions to reference the process outlined in 160D-1403.
- 152.58 Reference correction from G.S. 160A-376 to 160D-807
- 152.59 Reference correction from GS 160A-376 to 160D-802

### **Chapter 153 Zoning**

- Generally - All reference to Conditional Use have been removed/changed to Special Use as required by 160D.
- 153.001 Authority of Purpose – reference correction 160A-301 to 160D-301
- 153.002 Definition
  - Development - Add subdivision as a form a development to meet the 160D definition of development.
  - Site Plan – reference correction from 160A-385 to GS 160D-108
- 153.020 Zones Created – corrected existing zoning districts to include Government and Institution Public and Private Ownership
- 153.021 Zoning map
  - Added language regarding methods of zoning map retention
- 153.038 Amendments
  - 153.038(A) Outline procedure for ordinance amendment. This is current practice being put in ordinance form in accordance with 160D.

- 153.038(B) Add section for require Consistency statements from Planning Board and Board of Commissioners. (already in practice)
  - Renumber accordingly in section
- 153.117(B) Residential Low – Overhead Transmission add NCGS authorization 160D-932.
- Board of Adjustments
  - 153.321(B) Duties and responsibilities – Clarify appeals for administrative decisions to mirror 160D. Syntax change not procedural and add procedure and process for appeals to comply with 160D-405 and 406.
  - Appeals 153.322
    - 153.322 (A)(2) add subdivision to the appeal process that is referenced in 152 Subdivisions
    - 153.322 (A)(2)(a) reference correction 160A-393(d) to 160D-1402(c)
    - 153.322 (A)(2)(e) clarify that in event of appeal of violation there is a stay on enforcement and fines.
    - 153.322 (A)(2)(f) defining appeals as a quasi-judicial hearing
    - 153.322 (A)(2)(g) Modifying the hearing procedure by reference to new section of 153.363 to meet requirements of 160D
    - 153.322 (A)(2)(j) reference correction 160A-400.9 to 160D-1402 and 160A-393(k) to 160D-1402
    - 153.322(3) Add procedure for distributing materials for review
    - 153.322(6) Add procedure for Judicial Challenges
  - Variances
    - 153.323(A)(4) clarify the notice regulations by reference to new section of 153.363 to meet requirements of 160D.
  - Action of Board of Adjustments
    - 153.324(B) add Conflict of Interest Statement
    - 153.324(E) reference correction from 160A-393(d) to 160D-406(g)
  - Granting of Variances
    - 153.325(C) reference correction 160A-393 to 160D-406(k)
- Site Plan Requirements
  - 153.-355(C) Change “staff” to “administrative” for consistency
- Vesting of Rights
  - 153.360(A) modify vest period to one year for administrative review and Board of Commissioners approved plans. To be consistent with 160D-208 Vesting
  - 153.360(A) reference corrections 160A-385(b)(5) to 160D-108
  - 153.360(B) and (C) Vesting - add regulations of Permit Choice in accordance with 160D-108(b)
  - 153.360(C) Vesting – add regulations for site specific vesting plans in accordance with 160D-108(d)
  - 153.360(D) Vesting – add regulations for vesting of a multi-phase development plan.
  - 153.360(E)-(I) Add approval procedures for various site specific vesting development types
  - 153.360 Remove previous language regarding Phasing (formally 153.360(C))
- Permit Applications for Special Use Permits –Procedure modifications for Quasi-judicial process

- 153-362(C) Review. Delete Planning Board recommendation requirements.
- 153-362(D) Approval Process - Outline the Quasi-judicial hearing requirements by the Board of Commissioners with reference to the Quasi-Judicial Hearing process by reference to new section 153.363

New Sections:

- 153.363 Decisions and Notification Procedures
  - New section of the Code that outlines the specific notification and decision procedures for Administrative decisions, legislative decisions, and Quasi-judicial decisions. This is then cross referenced through the code to create uniform procedures for all Boards and committees
- 153.364 Conflict of Interest
  - Add Section outlining new Conflict of Interest regulations in accordance with 160D-109
- 153.365 Enforcement
  - Add Section to outline violation procedures for violation to the code. This is cross referenced in other chapters.