



CITY OF BELMONT

PLANNING & ZONING

Application number: TA-2021.04 160D Text Amendment

Request: The planning and zoning board requests city council receive and consider its recommendation to approve an amendment to chapters 2, 15, 18, 19, and 20 of the Land Development Code (LDC) to bring codes into compliance with state law.

Background: Chapter 160D of the North Carolina General Statutes is a major recodification and modernization of city and county development regulations signed enacted on July 11, 2019. Cities and counties were required to amend regulations in compliance with these changes by January 1, 2021; however, due to the pandemic, the compliance date was extended to July 2021. Due to the sheer size of the needed amendment, staff divided the changes into two phases. The initial amendment phase was approved by council in May of 2020. The following amendment will bring all local development regulations into compliance with the adopted statutes.

Analysis: Staff is proposing an amendment of chapter 2—Definitions, chapter 15—Development Plan Review Process, chapter 18—Administration, chapter 19—Boards and Committees, and chapter 20—Amendments.

Chapter 2—Definitions: 160D identified some terms that need to be consistent with building code.

- Added “Sleeping Unit.”
- Modified “Bedroom Unit” and “Building.”

Chapter 15.6—Conditional Districts: 160D clarified approval time periods for certain types of development approvals.

- Added minor modification to clarify; if it is not on the substantial list, then it is minor modification.
- Modified rescission language consistent with 160D-108 that authorizes a minimum two-year approval period for a conditional district with the ability to be up to seven if it is a phased plan.

Chapter 18—Administration

- There are a couple of other general statute references changed from 160A to 160D associated with appeals and variance related procedures.

Chapter 19—Boards and Committees

- A couple of general statute references related to the planning board and board of adjustment are changed from 160A to 160D.

Chapter 20—Amendments: 160D clarified actions needed associated with both map and text amendments.

- The Planning Board ~~shall take two separate actions for each petition~~ *shall make the required findings and said action may be considered and approved in a single statement: (160D-605)*
- Adopt a consistency statement in one of the following formats:
 - A statement ~~approving~~ *describing whether* the zoning amendment ~~and describing its consistency with an adopted comprehensive~~ *is consistent or inconsistent with approved plans* and explaining why the action taken is reasonable and in the public interest.
 - ~~A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.~~
 - A statement ~~approving~~ *describing whether* the zoning *map* amendment *is consistent or inconsistent with approved plans. If a map amendment is approved that is not consistent with the future land use map of an adopted plan, that plan map is deemed amended. When adopting or rejecting a petition, a statement of reasonableness is required that may consider:*
 - *The size, physical conditions, and other attributes of the area proposed to be rezoned.*
 - *The benefits and detriments to the landowners, the neighbors, and surrounding community.*
 - *The relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment.*
 - *Why the action taken is in the public interest.*
 - ~~A declaration that the approval is also deemed an amendment to the comprehensive plan. The city council shall not require any additional request or application for amendment to the comprehensive plan.~~
 - ~~An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.~~
 - ~~Why the action was reasonable and in the public interest.~~
- **City Council Public Hearing Notification and Written Statements**
 - There are a couple of other general statute references changed from 160A to 160D.

Planning and Zoning Board Meeting: The board received and considered the amendment at its regular June meeting. After deliberations, it recommended to modify Chapter 2 by:

1. Defining “*bedroom*” as stated in the state building code by referring to the definition of “*sleeping room.*”
2. Adding the definition of sleeping room to chapter 2 as defined in the 2018 N.C. Residential Code: *A room designated as a sleeping room or bedroom on the plans and permit application.*

A motion was made to approve as modified and was unanimously approved. The consistency findings were also approved:

- The proposed text amendment is reasonable, and in the best interest of the public, because it aligns city land use regulations in compliance with state law as required; and
- The proposed text amendment is consistent with comprehensive land use plan goal #8— Intergovernmental Relations—because these modifications are mandated by the state.

City Council Action: Hold the public hearing receiving the planning and zoning board’s recommendation to approve the amendment, receive public comment, and render a decision.

Attachment A – Draft amendment

Attachment B – Statement of consistency