

TOWN OF BROADWAY  
BOARD OF COMMISSIONERS  
PLANNING BOARDS AND GOVERNING BOARDS  
WORKSHOP MINUTES  
MARCH 30, 2021

A workshop was held on Tuesday, March 30, at 6:00 p.m. in the Exhibition Hall of the Dennis A. Wicker Conference & Civic Center at 1801 Nash Street, Sanford, NC for the Planning Boards and Governing Boards for Sanford, Lee County and Broadway to provide information about the proposed changes to the City of Sanford/Lee County/Town of Broadway Unified Development Ordinance (UDO) as a result of changes in the North Carolina General Statutes (commonly referred to as "160D"). This meeting is being held as a workshop only. There are no cases to be reviewed and no public hearings will be held.

Board members present were Mayor Donald Andrews, Commissioners Tommy Beal, Janet Harrington, and Teresa Kelly. Also, Town Manager Eddie Thomas was present.

The meeting was called to order by Mayor Andrews.

City of Sanford Attorney Susan Patterson thanked everyone for attending and introduced the presenter, Mr. DeWitt F. "Mac" McCarley, Esquire, of Parker Poe, Attorneys & Counselors at law, 620 South Tryon Street, suite 800, Charlotte, NC 28202. Attorney McCarley stated that this work session is intended to provide information about the proposed changes to the City of Sanford/Lee County/Town of Broadway Unified Development Ordinance (UDO) as a result of changes in the North Carolina General Statutes, commonly referenced as "160D." A PowerPoint presentation was used as McCarley explained the proposed UDO changes. Specific discussion items included the following:

The changes are a consolidation of Chapters 153A and 160A of the North Carolina General Statutes.

The City hired a law firm that specializes in land use matters to revise, edit, and add to the language in the UDO to make it comply with the new 160D state law.

The changes make the city and county provisions the same, which is more helpful for everyone who references them, such as developers and attorneys.

Each use has been reorganized to provide a more logical flow and to make it easier to find what you are looking for.

It clarifies definitions to more usable and clearer. For example, there is now one statute for vested rights.

The changes modernize certain language and procedures. For example, it allows notifications to be emailed for certain matters.

There are procedural changes for staff. For example, staff is allowed to approve site plan changes associated with conditional zoning projects if the changes meet certain criteria.

There are new regulations applicable to a parcel that has a split jurisdiction. For example, if part of the parcel is within the jurisdiction of the City of Sanford and part of the parcel is within the jurisdiction of Lee County.

The deadline for adoption of the proposed UDO changes to ensure compliance with state law is July 1, 2021.

There is a website link to each of the UDO articles with each different item that was changes identified that anyone is welcome to reference.

If you have questions, you are welcome to contact Planning staff; however, these changes are required to ensure compliance with state law.

With no further business to come before the Town Board. Mayor Pro Tem Beal made the motion to adjourn the meeting. The motion was seconded by Commissioner Kelly. Motion carried unanimously to adjourn.

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Donald F. Andrews  
Mayor

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Laura K. Duval, Town Clerk

## Additional Information

In July of 2019 the Governor signed into law a new Chapter 160D of the North Carolina General Statutes. 160D is the first major recodification and modernization of municipal and county development regulations since 1905. The drafting and legislative consideration of various versions of the final product took over five years, and the result is a single, reorganized chapter of the General Statutes that consolidates all the municipal land use regulations from Chapter 160A and the county land use regulations from Chapter 153A into one chapter. Related statutes on municipal and county development previously scattered throughout the General Statutes are also included in the consolidation. Additional goals of the legislation were to have a uniform set of laws applicable to both cities and counties, to create a more logical and user friendly organization for the regulations, to make clarifying amendments where necessary, and to modernize the language to match current practice in local government land use law. There are some modest substantive changes to make major policy shifts.

As a result of the adoption of Chapter 160D, every local government in North Carolina will need to update their land use regulations to comply with Chapter 160D changes. The simplest of those changes is to confirm statutory references in the UDO to the new 160D citations. There are some new substantive and procedural requirements that require amendments to existing ordinance provisions that were based on the previous statutes.

It is important to note that nothing about the enactment of Chapter 160D repeals any prior local acts or makes any previously issued permits or development approvals invalid.

The work required to bring the UDO into compliance with Chapter 160D was an Article by Article review of existing regulations to make conforming changes as necessary to comply with Chapter 160D. To assist in this task Sanford, Broadway and Lee County hired Mac McCarley of the Parker Poe law firm to draft the revisions to the Sanford-Broadway-Lee County UDO. The process required comparing the UDO language to Chapter 160D and to the language of Session Law 2019-111 and Session Law 2019-79, which contained additional modifications to local government land use law. The task was to review, revise, edit, delete and add provisions as necessary to achieve compliance. The guiding principles for the revisions were that each of the changes was for one of the following purposes:

\*To conform the UDO to the changes required by the 2019 adoption of Chapter 160D of the General Statutes,

\*To conform the UDO to the changes required by the 2019 adoption of Session Laws 2019-111 and 2019-79 by the General Assembly,

\*To conform terminology in the UDO to the changed terminology used in Chapter 160D,

\*To take advantage of new or improved procedures or authority authorized by Chapter 160D, and

\*To correct minor errors and typos discovered in the UDO in the 160D review process.

The revisions proposed by Mr. McCarley have been reviewed and refined by the Planning staff of the City of Sanford and by the attorneys for Sanford, Broadway, and Lee County. The proposed amendments are now ready for consideration by the Planning Boards and governing bodies of the three jurisdictions. The amendments will be reviewed by the Planning Boards and then forwarded to the governing bodies with the recommendations from the Planning Boards. Each of the governing bodies will need to hold a public hearing and adopt the revised UDO before the statutory deadline of July 1, 2021.

For purposes of review, the Planning Boards and governing bodies will receive a revised document with track changes and also a clean version.

By way of example, but certainly not an exhaustive list, here are some representative changes to the UDO made necessary by the adoption of the UDO:

1. Update all references to provisions of G.S. Chapter 160A or 153A to the corresponding provision in Chapter 160D.
2. Update definitions in the UDO and Appendix A to align with new or amended definitions in Chapter 160D.
3. Add new provisions on prohibited conflicts of interest for staff member making administrative decisions (See new Section 2.1.5).
4. Modify types of performance guarantees for subdivision improvements and specify new procedures for developer's choice of guarantee (See Section 6.3.5.1.1).
5. Requirement that applications for development approvals be made by a person with a property interest in the land, or a contract to purchase, and specifically may not be a third-party application for down-zoning.
6. Provides that written notices may be delivered by personal delivery, electronic mail, or first class mail.