

UDO-CC16

Request Summary

- Petitioner: Planning and Development Services staff, in conjunction with City and County Attorney's Offices
- Request: Amend sections 6, 8, and 10 of the UDO in response to the NC General Assembly's passage of SB300 Part XIII, Decriminalization of Certain Ordinances

UDO-CC16

Background

- In September 2021, the North Carolina General Assembly passed Senate Bill 300 (SB300), a wide-ranging criminal justice reform bill.
- Part XIII, Decriminalization of Certain Ordinances, details specific situations where development ordinances may not impose criminal penalties, including enforcement of any provisions which draw their legal basis from NCGS 160D (the land use enabling statutes for the bulk of the UDO).

UDO-CC16

Analysis

- Planning and Attorney's Office staff reviewed the UDO to determine areas where criminal penalties would need to be removed in order to comply with SB300.
- Staff identified four Sections that would need modifications to comply with SB300 (Sections 6.2.B.8.b, 8.6.12.C, 10.2.1 and 10.2.2), and language that referenced criminal penalties was removed or modified.

UDO-CC16

Summary

- Staff believes this text amendment will have minimal impact on our ability to enforce UDO standards, as it has been over 20 years since any criminal penalties have been used here.
- Civil Penalties will remain the primary tool for correcting any violation and ensuring compliance with the UDO.

UDO-CC16

Recommendation

- After holding a public hearing in February 2022, the Planning Board unanimously recommended approval of UDO-CC16.