

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

DOCKET: UDO-CC16
STAFF: [Tiffany White](#)

REQUEST

This text amendment is proposed by Planning and Development Services staff, in consultation with the City and County Attorney's offices, to eliminate criminal penalties as an enforcement action for various sections of the *Unified Development Ordinances* (UDO), as required by NC Senate Bill 300 (UDO-CC16).

BACKGROUND

In September 2021, the North Carolina General Assembly passed Senate Bill 300 (SB300), a wide-ranging criminal justice reform bill. While most parts of SB300 address areas outside of land use regulation, Part XIII, Decriminalization of Certain Ordinances, enumerates specific instances where City and County development ordinances may not impose criminal penalties. Most significantly, the Bill states that ordinances adopted under NCGS 160D, the state enabling legislation for most land use regulations, may not impose criminal penalties. 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.

ANALYSIS

After reviewing the UDO, staff identified four sections that would need modification to comply with SB300 (Sections 6.2.B.8.b; 8.6.12.C; 10.2.1; and 10.2.2). Language that references criminal penalties was modified or removed in these instances. Staff believes this text amendment will have minimal impact on the ability of Inspections staff to enforce the UDO, as it has been over 20 years since any criminal penalties have been utilized here. The ultimate goal of enforcement staff has always been correction of any violation and compliance with the ordinance, which the UDO's civil penalties have been able to facilitate.

RECOMMENDATION: Approval

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC16
FEBRUARY 10, 2022**

Tiffany White presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Walter Farabee, Clarence Lambe,
Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Chris Murphy, AICP
Acting Director of Planning and Development Services