

**Municipal Code**  
**Chapter 16A Land Use Code**

**Section that relates to the Comp Plan:**

**Sec. 16A-1-50. Comprehensive Plan.**

(a) Designation of Official Plan. Whenever in this Development Code a finding of consistency with the Comprehensive Plan is required, or reference is made to the Comprehensive Plan, the Town's Comprehensive Plan (hereinafter the Comprehensive Plan) adopted by the Town Council on November 16, 1998 (Ordinance 7, Series of 1998), as such plan may from time to time be amended, shall constitute the official Comprehensive Plan for the purpose of such finding or reference.

**(b) Purpose and Effect of Comprehensive Plan. The Comprehensive Plan is intended to be a comprehensive statement of the Town's current growth and development and overall land use philosophy which, by its very nature, is a dynamic statement that can and should be updated and amended over the years in response to changing community needs.** Section 1.7 of the Charter requires the Town Council to adopt and maintain a comprehensive plan of the Town and provides further that no subdivision of land, zoning change or land development significantly affecting the Town shall be approved by the County without considering the effect of such approval on the Comprehensive Plan as amended. Specific sections of this Development Code require a finding, at certain stages in the review of a development, subdivision or rezoning review, of consistency with the Comprehensive Plan. For the purpose of determining consistency, the following standards shall apply:

- (1) **Consistency.** An action is consistent if it is generally compatible with the principles and policies stated in the Comprehensive Plan and if the action is proposed in a location not precluded by the Land Use Plan, although specific aspects or details of the action may not have been contemplated. Exact or precise adherence to the Comprehensive Plan is not required in order to find consistency. If an action is determined to be consistent with the Comprehensive Plan, it means that approval of the action can be considered, not that the action must be approved.
- (2) **Interpretation.** Since the Comprehensive Plan is, by definition, a general statement of the Town's current growth and development and overall land use philosophy, it is anticipated and assumed that circumstances will change to the extent that such philosophy will, from time to time, need to be revised and that the provisions of the Comprehensive Plan will be subject to interpretation by the Town Council.

(3) **Inconsistency.** If a determination of inconsistency is made at any stage of development review, the application shall be either denied, or in the alternative, with the consent of the applicant, the time for action on the application may be suspended for a specific period of time to be agreed upon by the Town and the applicant in order to consider an amendment to the Comprehensive Plan.

**(c) Periodic Review.** The Planning Commission shall conduct a review of the Comprehensive Plan at such time as the Planning Commission may determine, but not later than twenty-four (24) months following the most recent review. Following such review, the Planning Commission shall submit a written "State of the Comprehensive Plan" report to the Town Council including, among other things, recommendations for amendments to the Comprehensive Plan. The Planning Commission shall submit its report to the Town Council at a joint meeting with the Town Council. The Town Council shall conduct a public hearing on the "State of the Comprehensive

Plan" within forty-five (45) days after the Planning Commission's presentation. A notice of the public hearing shall be published in a newspaper of general circulation in the Town at least thirty (30) days prior to the hearing.

(d) **Amendment to Comprehensive Plan.** Following the periodic review, the Planning Commission and the Town Council may conduct such additional hearings and investigation as they deem appropriate and may amend the provisions of the Comprehensive Plan. An amendment to the Comprehensive Plan shall be accomplished by ordinance. The Planning Commission shall submit its comments and recommendations in writing to the Town Council prior to first reading of the ordinance. Prior to second reading and final adoption of such ordinance, the Town Council shall hold a public hearing. Public notice of the hearing shall be given by publication of notice, pursuant to Section 16A-5-60(b), Manner and Timing of Notice. (Ord. 4-1998 §1; Ord. 23-1999 §1)