

Required Changes

G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices

HC Code Change?	Ordinance Section		NOTES
Requires Amendments "Must"			
1. Terminology and Citations [Chapter 1, Section III]			
Yes	Reference changed in all ordinances	Must update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. (See appendixes B and C in the Chapter 160D book.)	Other NSGS referenced in 160D were amended in LDC
Yes	42-391 Definitions (LDC)	Must align ordinance terminology with Chapter 160D terminology for conditional zoning and special use permits; must delete use of the terms conditional use permit, special exception, conditional use district zoning, and special use district zoning. (See G.S. 160D-102.)	
Yes	42-391 Definitions (LDC)	Must ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: building, dwelling, dwelling unit, bedroom, and sleeping unit. (S.L. 2019-111, § 1.17.)	
2. Boards [Chapter 2, Section II]			
<i>A. In General</i>			
Yes	42-322 (LDC)	Must adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.)	
3. Land Use Administration [Chapter 2, Section III]			
<i>A. In General</i>			
Yes	42-322 (LDC)	Must incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.)	
Yes	GoMaps Digital Layer	Must maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.)	
<i>B. Enforcement</i>			
Yes	42-377 A (LDC)	Must issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.) (G.S. 160D-404(a).)	
Yes	42-376 (LDC)	If inspecting, must enter the premises during reasonable hours and upon presenting credentials; must have consent of premises owner or an administrative search warrant to inspect areas not open to the public. (G.S. 160D-403(e).)	
Yes	42-380 B (LDC)	For revocation of development approval, must follow the same process as was used for the approval. (G.S. 160D-403(f).)	
4. Substance of Other Development Ordinances [Chapter 3, Section II]			
Yes	42-68 (1.11.18) (LDC)	Must not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)	
Yes	48-10 D (MHC)	*Must follow standardized process for housing-code enforcement to determine owner's abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).)	
<i>A. Development Agreements</i>			
Yes	42-391 Definitions (LDC)	Must process a development agreement as a legislative decision. (G.S. 160D-105.)	
Yes	42-391 Definitions (LDC)	Must have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently). (G.S. 160D-1001(b).)	
5. Comprehensive Plan [Chapter 4, Section I]			
Yes	42-345 C & 42-370 C (LDC)	Must adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).)	
Yes	42-345 C (LDC)	Must reasonably maintain a plan. (G.S. 160D-501(a).)	
6. Legislative Decisions [Chapter 4, Section II]			

Required Changes			
<i>A. Notice</i>			
Yes	42-370 B (5) (LDC)	For zoning-map amendments, must provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).)	
<i>B. Planning Board Comment</i>			
Yes	42-346 C (4) (LDC)	Must have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).)	
7. Quasi-Judicial Decisions [Chapter 4, Section III]			
<i>A. Certain Quasi-Judicial Decisions</i>			
Yes	42-356 H(2) (LDC)	Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (S.L. 2019-111, Pt. I.)	
Yes	42-356 H(2) (LDC)	Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability. (S.L. 2019-111, Pt. I.)	
Yes	42-379 (LDC)	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)	
8. Administrative Decisions [Chapter 4, Section IV]			
<i>A. Development Approvals</i>			
Yes	42-362 E (LDC)	Must provide development approvals in writing; may provide in print or electronic form; if electronic form is used, then it must be protected from further editing. (G.S. 160D-403(a).)	
Yes	42-362 C (LDC)	Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)	
Yes	42-347 (LDC)	Must provide that development approvals run with the land. (G.S. 160D-104.)	
<i>B. Determinations</i>			
Yes	42-391 Definitions (LDC) & 42-323 (LDC)	Must provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)	
Yes	42-379 A (LDC)	Must require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)	
Yes	42-379 B (LDC)	Must pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.)	
9. Vested Rights and Permit Choice [Chapter 5, Section I]			
<i>A. Vested Rights</i>			
Yes	42-364 G (LDC)	Must recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(d)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)	
<i>B. Permit Choice</i>			
Yes	42-373 (LDC)	Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 160D-108(b).)	

Required Changes

Existing "Must"

1. Boards [Chapter 2, Section II]

A. In General

Existing	Individual Board/Committee Rules of Procedures	Must keep minutes of proceedings of each board. (G.S. 160D-308.)	
Existing		Must have each board member take an oath of office before starting his or her duties. (G.S. 160D-309)	

2. Land Use Administration [Chapter 2, Section III]

A. In General

Existing	GoMaps Digital Layer	Must maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.)	
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3. Substance of Zoning Ordinance [Chapter 3, Section I]

Existing	42-6 (LDC)	Must maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); may adopt and maintain in paper or digital format. (G.S. 160D-105.)	
Existing	N/A	Must eliminate conditional-use-district zoning; existing conditional-use-district zoning converts to conditional district on January 1, 2021. (G.S. 160D-703; S.L. 2019-111, § 2.9(b).)	

4. Substance of Other Development Ordinances [Chapter 3, Section II]

Existing	42-115 (LDC)	Must conform subdivision performance guarantee requirements with statutory standards. (S.L. 2019-79 (S.B. 313), to be incorporated into G.S. Chapter 160D.)	
Existing	42-93&94 (LDC)	Must conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.)	

5. Comprehensive Plan [Chapter 4, Section I]

Existing	42-3 (LDC)	Must adopt a comprehensive plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).)	
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A. Notice

Existing	42-370 (LDC)	Must follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; must adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.)	
Existing	42-370 B 3 (LDC)	For zoning-map amendments, must provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.)	

B. Planning Board Comment

Existing	42-346 C (LDC)	Must refer zoning amendments to the planning board for review and comment; must not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).)	
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C. Plan Consistency

Existing	42-346 C (7) (LDC)	When adopting an amendment to the zoning ordinance, must adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) (*This eliminates the 2017 requirement that statements take one of three particular forms.)	
Existing	42-346 C (7) (LDC)	Must adopt a statement of reasonableness for zoning-map amendments; for such statements, may consider factors noted in the statutes. (G.S. 160D-605(b).)	

D. Certain Legislative Decisions

Existing	42-346 C (1) (LDC)	Must prohibit third-party down-zonings; may process local government-initiated down-zonings (S.L. 2019-111, Pt. I.)	
Existing	42-48 (LDC)	Must obtain applicant's/landowner's written consent to conditions related to a conditional-zoning approval to ensure enforceability. (S.L. 2019-111, Pt. I.)	

Required Changes

6. Quasi-Judicial Decisions [Chapter 4, Section III]

A. Procedures

Existing	42-371 (LDC)	Must follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).)	
Existing	42-356 H (1) (LDC)	Must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing must have testimony under oath; must establish written findings of fact and conclusions of law. (G.S. 160D-406.)	
Existing	42-305 F (LDC)	Board chair must rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling may be appealed to the full board. (G.S. 160D-406(d).)	
Existing	42-305 F (LDC)	Must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; may allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).)	

7. Administrative Decisions [Chapter 4, Section IV]

A. Development Approvals

Existing	42-380 (LDC)	For revocation of development approval, must follow the same process as was used for the approval. (G.S. 160D-403(f).)	
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B. Determinations

Existing	42-379 (LDC)	Must allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building-code and housing-code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.)	
Existing	42-379 (LDC)	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).)	

8. Vested Rights and Permit Choice [Chapter 5, Section I]

A. Vested Rights

Existing	NC Administrative Codes and Policies	Must recognize that building permits are valid for six months, as under prior law. (G.S. 160D-108(d)(1).)	
Existing	42-362 E (LDC)	Must recognize the default rule that development approvals are valid for twelve months, unless adjusted by statute or local rule. (G.S. 160D-108(d)(2).)	
Existing	42-362 E (LDC)	Must identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108(d)(3);108(f).)	

B. Appeals of Quasi-Judicial Decisions

Existing	49-11 (Preservation of Historic Resources)	*Must update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)	
Existing	49-11 (Preservation of Historic Resources)	Must provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; -1405.)	

Required Changes

Not Applicable "Must"

1. Boards [Chapter 2, Section II]

A. In General

N/A	N/A	Must update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)	
N/A	N/A	Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)	
2. Substance of Other Development Ordinances [Chapter 3, Section II]			
N/A	N/A	Must exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).)	
3. Legislative Decisions [Chapter 4, Section II]			
<i>A. Voting</i>			
N/A	N/A	*Must permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, §	