

ORDINANCE NO. 2021-_____
AN ORDINANCE TO AMEND SECTIONS OF THE CODE OF ORDINANCES RELATED
TO ZONING AND SUBDIVISIONS
TO COMPLY WITH THE REQUIREMENTS OF N.C.G.S. Chapter 160D

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SCOTLAND COUNTY AS FOLLOWS:

Section 1. That Sections 1 through Section 45 of the Zoning Ordinance is hereby amended as shown immediately below with new sections being shown on the Chart entitled, "Amendments to Zoning Ordinance and Subdivision Ordinance to Reflect Requirements of NCGS Chapter 160D;

Section 2. That Sections 1.0 through Section 5.0 of the Subdivision Ordinance is hereby added as shown immediately below with amended sections being shown on the Chart entitled, "Amendments to Zoning Ordinance and Subdivision Ordinance to Reflect Requirements of NCGS Chapter 160D;

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed and should any remain the restrictions of NCGS Chapter 160D shall govern.

Section 4. Effective Date. This ordinance shall be effective on July 1, 2021.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the _____ day of _____, 2021

Chairman of the Board

ATTEST

Clerk to the Board

APPROVED AS TO FORM:

County Attorney

SCOTLAND COUNTY
Revised 160D Checklist per SOG Update of August 2020 per Session Law 2020-25

	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
Terminology and Citations					
1		Update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D.	Required	Entire Document	
2	160D-102	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.	Required	Entire Document	
3	160D-706; S.L. 2019-111, § 1.17	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.	Required	Entire Document	
4	160D-102	Align ordinance terminology with Chapter 160D terminology, including for the following terms: administrative decision, administrative hearing, determination, developer, development, development approval, development regulation, dwelling, evidentiary hearing, legislative decision, legislative hearing, planning and development regulation jurisdiction, and quasi-judicial decision.	Recommended	Entire Document	
Geographic Jurisdiction					
5	160D-202(d)	For extension of extraterritorial jurisdiction (ETJ), a municipality must provide mailed notice thirty days prior to ETJ hearing; municipality may hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment.	Required	N/A	N/A
6	160D-202 and 160D-204	Municipality may hold hearings in anticipation of change in jurisdiction.	Recommended	N/A	N/A
7	160D-203	For a parcel in two jurisdictions, the owner and the jurisdictions may agree for development regulations from one jurisdiction to apply to the entire parcel.	Recommended		Section 21
8	160D-202(b)	In ETJ, the county may elect to exercise development regulations that the municipality is not exercising	Recommended		Section 22
	160D-201; S.L. 2020-25	For counties, the county may apply zoning and subdivision regulations to all or part of the county's planning and development regulation jurisdiction. Cities with zoning must apply zoning jurisdiction-wide. (G.S. 160D-201; S.L. 2020-25.)	Recommended		Section 23
9	160D-201; S.L. 2020-25	Cities with zoning must apply zoning jurisdiction-wide.	Recommended	N/A	N/A
10	160D-109	Must adopt broadened conflict-of-interest standards for governing and advisory boards.	Required	Section 3 - Planning Board; Section 40 - Board of Adjustment	
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section

Boards					
11	160D-308	Must keep minutes of proceedings of each board.	Required	Section 3 - Planning Board; Section 41 - Board of Adjustment	
12	160D-309	Must have each board member take an oath of office before starting his or her duties	Required	Section 3 - Planning Board; Section 41 - Board of Adjustment	
13	160D-307	Must update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified).	Required	N/A	N/A
14	160D-307	Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ.	Required	N/A	N/A
15	160D-308	May have detailed rules of procedure for each board; may be adopted by governing board; if not, then may be adopted by individual board; if adopted, must maintain board rules of procedure (by clerk or other officer as set by ordinance) and must post board rules of procedure to website, if the jurisdiction has a website.	Recommended	Section 3 - Planning Board; Section 41 - Board of Adjustment	
16	160D-310	May establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority.	Recommended	N/A	N/A
17	160D-306	May establish additional advisory boards related to development regulations.	Recommended	Section 3 - Planning Board; Section 46 - Board of Adjustment	
18	160D-301	May assign to planning board the coordination of citizen engagement for planning.	Recommended	N/A	N/A
19	160D-301	May assign planning board to serve as preliminary forum for review and comment on quasijudicial decisions, provided that no part of the preliminary forum or recommendation may be used as a basis for the deciding board.	Recommended	N/A	N/A
Board of Adjustment					
20	160D-302	May assign Board of Adjustment to hear and decide matters under any development regulation, not just zoning.	Recommended	N/A	N/A
21	160D-305	May assign duties of housing appeals board to Board of Adjustment.	Recommended	N/A	N/A
Land Use Administration					
22	160D-109	Must incorporate new staff conflict-of-interest standards into ordinance or policy.	Required		Section 3.2
23	160D-105	Must maintain in paper or digital format current and prior zoning maps for public inspection.	Required		Section 4.1
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section

Planning Board					
24	160D-105	Must maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map.	Required		Section 4.1
25	160D-402(b)	May enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations.	Recommended		Section 3.3
26	160D-402(d)	May charge reasonable fees for support, administration, and implementation of development regulation; must use any such fees for that purpose, not for other purposes.	Recommended		Section 3.3.1.
Enforcement					
27	160D-404(a)	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.	Required		Section 23.2
28	160D-403(e)	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.	Required		Section 23.3
29	160D-403(f)	For revocation of development approval, must follow the same process as was used for the approval.	Required		Section 23.4
30	160D-1113; 160D-403(e)	May perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; must perform (or contract for) inspections for building permits.	Recommended	N/A	N/A
31	160D-402 (b)	May perform inspections for general code compliance and enforcement (inspections unrelated to a development approval).	Recommended	N/A	N/A
32	160D-403(g)	May require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still must require certificate of occupancy for work requiring a building permit.	Recommended	N/A	N/A
33	160D-404(b)	May issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not.	Recommended		Section 23.5
34	160D-404(c)	May continue to use general enforcement methods, including civil penalties, fines, court ordered actions, and criminal prosecution.	Recommended		Section 23.6
Substance of Zoning Ordinance					
37	160D-105	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.	Required		Section 4.1
38	160D-703; S.L. 2020-25; S.L. 2019-111, Section 2.9(b)	Must eliminate conditional-use-district zoning; existing conditional-use-district zoning converts to conditional district upon adoption of updated local ordinances or July 1, 2021.	Required	N/A	N/A
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
39	160D-703; S.L. 2019-174	Must not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code.	Required		Section 23.7
40	160D-105	May incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps	Recommended		Section 4.1

		(FIRMs)) into the zoning map; may incorporate the most recent officially adopted version of such maps so that there is no need for ordinance amendment for subsequent map updates; must maintain current effective map for public inspection; may maintain in paper or digital format.			
41	160D-702	May require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals.	Recommended	N/A	N/A
42	160D-703(a)(3)	May use form-based codes.	Recommended	N/A	N/A
43	160D-403(d); 160D-703(b); 160D-705(c)	May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, must define "minor modification" by ordinance, must not include modification of use or density, and major modifications must follow standard approval process.	Recommended		Section 23.8
44	160D-703(d)	May apply zoning standards jurisdiction-wide, not just on a zoning-district-by-zoning-district basis.	Recommended	N/A	N/A
45	160D-702(a)	May regulate development over navigable waters, including floating homes.	Recommended	N/A	N/A
Substance of Other Development Ordinances					
46	160D-804.1; S.L.2020-25; S.L. 2019-79(S.B.313)	Must conform subdivision performance guarantee requirements with statutory standards.	Required	Subdivision Ordinance Section 2.3	
47	160D-802	Must conform subdivision procedures for expedited review of certain minor subdivisions.	Required	Subdivision Ordinance Section 3.1	
48	160D-804; S.L. 2019-174	Must not require a developer, as a condition to subdivision approval, to bury a powerline existing above ground and outside of property to be subdivided.	Required		Subdivision Ordinance Section 2.8
49	160D-903 (c)	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.	Required	N/A	N/A
50	160D-910	Must not exclude manufactured homes based on the age of the home.	Required		Section 5.1.2.
51	160D-1203(6)	Must follow standardized process for housing-code enforcement to determine owner's abandonment of intent to repair and need for demolition.	Required		Section 23.9
52	160D-107	May adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule.	Recommended		Section 46
53	160D-1130	May petition the court to appoint a receiver for vacant structures.	Recommended	N/A	N/A
Historic Preservation					
54	160D-947(c)	Must follow standard quasi-judicial procedures for preservation certificates of appropriateness	Required	N/A	N/A
55	160D-947(c)	Must frame preservation district provisions as "standards" rather than "guidelines."	Required	N/A	N/A
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
56	160D-947(e)	May choose for appeals of preservation commission decisions to go to Board of Adjustment. Default rule is that preservation appeals go directly to superior court rather than to board of adjustment.	Recommended	N/A	N/A
Development Agreements					

57	160D-105	Must process a development agreement as a legislative decision.	Required		Article VII - Development Agreements, Section 46
58	160D-1001(b)	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).	Required		Section 46.1
59	160D-1001(d)	May consider a development agreement concurrently with a rezoning, subdivision, or site plan; may consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement.	Recommended		Section 46.2
60	160D-1006	May address fewer topics in development agreement content (list of mandated topics is shortened)	Recommended		Section 46.3
61	160D-1006(d)	May mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement.	Recommended		Section 46.4
62	160D-1008	May include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an injunction to enforce a development agreement.	Recommended		Section 46.5
Comprehensive Plan					
63	160D-501(a)	Must adopt a comprehensive plan or Land Use Plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan)	Required	Section 3.1.5.1	
64	160D-501(c)	Must adopt a plan or a plan update following the procedures used for a legislative decision.	Required	Section 3.1.5.1	
65	160D-501(a)	Must reasonably maintain a plan.	Required	Section 3.1.5.1	
66	160D-501(a)	May coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans.	Recommended	Section 3.1.5.1	
67	160D-503(a)	May coordinate with other local governments, state agencies, or regional agencies on planning processes.	Recommended	Section 3.1.5.1	
Legislative Decisions - Notice					
68	160D-601; S.L. 2020-25	Must follow applicable procedures for notice of legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; must adopt any development regulation by ordinance, not by resolution.	Required	Section 34.1	
69	160D-602; S.L. 2020-25	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.	Required	Section 34.1	
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
70	160D-602(c); S.L. 2020-25	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.	Required	Section 34.1	
71	160D-202	For extension of ETJ, may use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures.	Recommended	N/A	N/A

72	160D-602(e)	For zoning-map amendments, may require applicant to notify neighbors and hold a community meeting and may require report on the neighborhood communication as part of the application materials.	Recommended	N/A	N/A
Legislative Decisions - Planning Board Comment					
73	160D-604(c), 160D-604(e)	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.	Required	Section 33.1	
74	160D-604(d)	Must have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency.	Required	Section 33.1	
75	160D-604(c)	May refer development regulation amendments (other than zoning) to the planning board for review and comment.	Recommended	N/A	N/A
Legislative Decisions - Plan Consistency					
76	160D-605(a)	When adopting an amendment to the zoning ordinance, must adopt a brief statement describing whether the action is consistent or inconsistent with approved plans.	Required	Section 34.2	
77	160D-605(a)	May adopt a plan consistency statement when acting upon the zoning amendment or as a separate motion.	Recommended	Section 34.2	
78	160D-605(a)	May meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board reflect that the board was fully aware of and considered the plan statement when acting upon the zoning amendment or as a separate motion.	Recommended	Section 34.2	
79	160D-605(a)	May concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application fee for the plan amendment.	Recommended	Section 34.2	
80	160D-605(a)	Must note on the applicable future land use map when a zoning map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.)	Required	Section 34.2	
81	160D-501	For a future land use map that is deemed amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process.	Required	N/A	N/A
82	160D-605(b)	Must adopt a statement of reasonableness for zoning map amendments; for such statements, may consider factors noted in the statutes; may adopt a statement of reasonableness for zoning text amendments.	Required	Section 34.2	
83	160D-605(c)	May consider and approve a statement of reasonableness and a plan consistency statement as a single, combined statement.	Recommended	Section 34.2	
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
Legislative Decisions - Voting					
84	160A-75 S.L.2019-111 Sec 2.5(n)	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.	Required	N/A	N/A
Certain Legislative Decisions					

85	160D-601; S.L. 2019-111, Pt.1.	Must prohibit third-party down-zonings; may process local government–initiated downzonings or down-zonings initiated by the landowner.	Required	Section 34.2	
86	160D-703(b); S.L. 2019-111, Pt.1.	Must obtain applicant’s/landowner’s written consent to conditions related to a conditional zoning approval to ensure enforceability.	Required	N/A	N/A
87	160D-102	May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional-use-district zoning.	Recommended	N/A	N/A
88	160D-703(b); S.L. 2019-111, Pt.1.	With applicant’s written consent, may agree to conditional-zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations.	Recommended	N/A	N/A
89	160D-403(d), 160D-703(b), 160D-705(c)	May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, must define “minor modification” by ordinance, must not include modification of use or density, and major modifications must follow standard approval process.	Recommended	Section 34.2	
Quasi-Judicial Decisions - Procedures					
90	160D-102(28)	Must follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.	Required	Section 44	
91	160D-406	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.	Required	Section 44	
92	160D-406(d)	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.	Required	Section 44	
93	160D-406(d)	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.	Required	Section 44	
94	160D- 406(b)	May continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice.	Recommended	Section 44	
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
95	160D-406(c)	May distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then must distribute the same materials to the applicant and landowner at the same time; must present such administrative materials at the hearing and make them part of the hearing record.	Recommended	Section 44	
96	160D-301	May have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearingbut must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing.	Recommended	N/A	N/A
97	160D-705(c)	May require recordation of special use permits with the register of deeds	Recommended	N/A	N/A

Certain Quasi-Judicial Decisions					
100	160D-705(c); S.L. 2019-111 Pt.1; S.L. 2020-25.	Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose.	Required	Section 38	
101	160D-1402(k); 160D-1403.2; S.L. 2019-111 Pt.2	Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability.	Required	Section 38	
102	160D-405(c)	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.	Required	Section 44	
103	160D-705(c)	May adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act.	Recommended	Section 44	
104	160D-102	May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional-use-district zoning.	Recommended	N/A	N/A
105	160D-403(d) 160D-703(b) 160D-705(c)	May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, must define "minor modification" by ordinance, must not include modification of use or density, and major modifications must follow standard approval process.	Recommended	N/A	N/A
Administrative Decisions - Development Approvals					
106	160D-403(a)	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.	Required	Section 21	
107	160D-403(a)	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.	Required	Section 21	
108	160D-104	Must provide that development approvals run with the land.	Required	Section 21	
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
109	160D-403(f)	For revocation of development approval, must follow the same process as was used for the approval.	Required	Section 21	
110	160D-403(h)	May require community notice or informational meetings as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements).	Recommended	N/A	N/A
111	160D-403(c); 160D-1111; S.L. 2020-25	May set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) Be aware that legislation will clarify the provisions on duration of development approvals.	Recommended	N/A	N/A
112	160D-108(d);	May extend expiration of development approvals for which construction is commenced and then is	Recommended	N/A	N/A

	160D-1111; S.L. 2020-25	discontinued; default rule is that such approvals are valid for 24 months after discontinuation. Building permits for which work has been discontinued expire after twelve months, as under prior law (no change to building permits).			
113	160D-403(d) 160D-703(b) 160D-705(c)	May authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then must define "minor modifications" by ordinance and must not include modification of permitted use or density of development; major modifications must go through full applicable approval process.	Recommended	Section 21	
Administrative Decisions - Development Determinations					
114	160D-403(b)	Must provide written notice of determination by personal delivery, electronic mail, or firstclass mail to the property owner and party seeking determination, if different from the owner.	Required	Section 21	
115	160D-403(b)	May designate an official to make determinations for a particular development regulation.	Recommended	N/A	N/A
116	160D-403(b)	May require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice.	Recommended	N/A	N/A
Administrative Decisions - Appeals of Administrative Decisions					
117	160D-405	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.)	Required	Section 42	
118	160D-405(c)	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.	Required	Section 42	
119	160D-406	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.	Required	Section 42	
120	160D-405	Must pause enforcement actions, including fines, during the appeal.	Required	Section 42	
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
121	160D-405	May assign the duty of hearing appeals to another board (other than the board of adjustment); if this is done, such board must follow quasi-judicial procedures.	Recommended	N/A	N/A
122	160D-405	May designate that appeals be filed with the local government clerk or another official.	Recommended	N/A	N/A
Vested Rights					
123	160D-1111	Must recognize that building permits are valid for six months, as under prior law.	Required		Article VIII - Vested Rights and Permit Choice, Section 47
124	160D-180(d)	Must recognize the default rule that development approvals/permits are valid for twelve months, unless altered	Required		Section 47.1

		by statute or extended by local rule.			
125	160D-108.1	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.	Required		Section 47.2
126	160D-108(c); 160D-108(f)	Must recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions. (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)	Required		Section 47.3
127	160D-108(h); 160D-405	May provide for administrative determination of vested rights and for appeal to the board of adjustment.	Recommended		Section 47.4
Permit Choice					
130	143-755; 160D-108(b)	Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules.	Required		Section 47.5
131	143-755; 160D-108(b) S.L.2019-111 Pt.I	Be aware that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but may require the applicant to comply with new rules if the applicant delays the application for six months.	Be aware		Section 47.5
132	143-755; S.L.2019-111 Pt.I	Be aware that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application.	Be aware		Section 47.5
Judicial Review - Declaratory Judgements					
133	160D-1403.1	Be aware that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures.	Be aware	N/A	N/A
134	160D-1404	Be aware that other civil actions may be authorized—Chapter 160D does not limit availability of other actions.	Be aware	N/A	N/A
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
Judicial Review - Appeals of Quasi-Judicial Decisions					
135	160D-947	Must update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rules 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.	Required	N/A	N/A
136	160D-947 160D-1405	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.	Required	N/A	N/A
137	160D-1402(e)	Be aware that on appeal a party may request a stay of the approval or enforcement action.	Be aware	N/A	N/A

138	160D-1402(e)	Be aware that a local government may seek a stay in favor of itself to prevent development under an approval.	Be aware	N/A	N/A
139	160D-1402(l)	Be aware that if, in absense of a stay, the applicant proceeds with the development, the persons does so at his or her own risk.	Be aware	N/A	N/A
140	G.S. 160D-1402; S.L.2019-111 Sec 1.9	Be aware that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority.	Be aware	N/A	N/A
141	G.S. 160D-1402;S.L.2019-111 Sec 1.09	Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts.	Be aware	N/A	N/A
142	G.S.160D-1402(k); S.L.2019-111 Sec 1.9	Be aware of specific judicial instructions for decisions of appeals of quasi-judicial decisions.	Be aware	N/A	N/A
Judicial Review - Subdivision Decisions					
143	G.S.160D-1405	May establish a rule that administrative subdivision decisions are appealed to the board of adjustment.	Recommended	N/A	N/A
144	G.S.160D-1403	Be aware that appeals of administrative subdivision decisions may be appealed directly to superior court.	Be aware	N/A	N/A
	G.S. 160D Section(s)	Description	Required or Recommended	Updated Ordinance Sections	New Ordinance Section
145	G.S.160D-1402	Be aware that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari.	Be aware	N/A	N/A
Judicial Review - Attorney's Fees					
146	G.S.6-21.7 S.L.2019-111 Pt.I	Be aware that a court shall award attorneys' fees if the court finds that a city or county violated a statute or case law setting forth unambiguous limits on its authority.	Be aware	N/A	N/A
147	G.S.6-21.7 S.L.2019-111 Pt.I	Be aware that a court shall award attorneys' fees if the court finds that a local government took action inconsistent with, or in violation of, the permit choice and vested rights statutes.	Be aware	N/A	N/A
148	G.S.6-21.7 S.L.2019-111 Pt.I	Be aware that a court may award attorneys' fees in other matters of local government litigation.	Be aware	N/A	N/A
Judicial Review - Additional Judicial Rules					

149	160D-1402(m)	Be aware that a court may join a civil action challenging an ordinance with an appeal in the nature of certiorari.	Be aware	N/A	N/A
150	160D-1403	Be aware that a local government must not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing.	Be aware	N/A	N/A
151	160D-1402(j1)	Be aware that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits.	Be aware	N/A	N/A