
Coates' Canons Blog: Chapter 160D and Other Zoning Legislation

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The General Assembly has enacted significant legislation affecting planning and development regulations in North Carolina. A newly released legislative bulletin summarizes the changes already enacted. The most significant land use legislation is the adoption of Chapter 160D, a new chapter of the General Statutes that consolidates the prior city- and county-enabling authority and implements a range of consensus clarifications and reforms. These changes will require updates to all local government development regulations by 2021. Chapter 160D legislation will be summarized in a forthcoming book and other resources, as well as covered in upcoming trainings.

2019 Legislative Bulletin

The newly released bulletin, *2019 North Carolina Legislation Relating to Planning and Development Regulation*, outlines the legislation adopted thus far. The legislature enacted bills revising the law on third-party requests to downzone property, permit choice, vested rights, and judicial review of zoning decisions. Significant legislation was also enacted affecting regulation of short-term rentals and performance guarantees for subdivision improvements. Chapter 160D is briefly summarized in this bulletin, but due to its length and complexity, it is the subject of a separate book and training discussed more below.

You can find the general legislative bulletin here: <https://www.sog.unc.edu/publications/bulletins/2019-north-carolina-legislation-related-planning-and-development-regulation>.

The timing on this is a bit tricky. Many of the 2019 legislative changes are already effective so local governments need to incorporate those into their ordinances and policies. But the General Assembly is still in session, so additional legislation could be forthcoming. This 2019 legislative bulletin summarizes the legislation thus far, and we will provide updates or addenda if there is additional legislation affecting planning and zoning.

Chapter 160D

The new Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes now in Chapters 153A and 160A into a single, unified chapter, and places these statutes into a more logical, coherent organization. Provisions that affect all development regulations (such as definitions and provisions on moratoria, vested rights, and conflicts of interest) are placed together in one article, followed by articles that address geographic jurisdiction, creation and duties of boards, administration of regulations, the process for adoption and amendment of regulations, and judicial review of regulations. There are also detailed articles for major functions, including planning, zoning, subdivision, building and housing codes, environmental regulation, historic preservation, and community development.

While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that will need to be incorporated into local development regulations.

In order to provide time for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law, Chapter 160D is not effective until January 1, 2021. All city and county zoning, subdivision, and other development regulations, including unified development ordinances, will need to be updated by that date to conform to the new law. This delayed effective date also allows time for other legislation enacted in 2019 to be incorporated into the new Chapter 160D framework during the 2020 legislative session.



There is one extension to the effective date. G.S. 160D-5-1(a) requires adoption of a comprehensive plan in order to exercise the authority to adopt development regulations. Cities and counties that currently have zoning regulations but that have not adopted a comprehensive plan are required to adopt a plan by July 1, 2022, to retain their authority to have a zoning ordinance.

Forthcoming Chapter 160D Resources and Training

Given the length and complexity of Chapter 160D—as well as the need for local governments to update their ordinances accordingly—the School of Government will be providing a book, resources, and training on the new law. The current plan includes the following:

- Informational Website: nc160D.sog.unc.edu
- On-Demand Training (November 2019)
- Explanatory Book (Winter 2020)
- Regional Workshops (Winter 2020)
- Conference Sessions (Fall 2019-Winter 2020)
- Annotated Bill (prior version available; update with concurrent changes available by November 2019)
- Checklist for Ordinance Update (November 2019)
- Cross-Over Chart (November 2019)

Check the website (nc160D.sog.unc.edu) for available and forthcoming resources.

Links

- www.sog.unc.edu/publications/bulletins/2019-north-carolina-legislation-related-planning-and-development-regulation
- www.sog.unc.edu/resources/microsites/planning-and-development-regulation/ch-160d-2019
- www.sog.unc.edu/courses/chapter-160d-regional-workshops