



Key Takeaways: Planning and Development Regulation – Chapter 160D

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Chapter 160D of the North Carolina General Statutes consolidates current enabling legislation for planning regulation and represents the first major recodification and modernization of the city and county development regulations since 1905. Five years in the making, this legislation will become effective on August 1, 2021.

Last month, the UNC School of Government provided training on these significant changes that will impact municipal and county governments statewide. Centralina Council of Governments hosted two workshops, on January 30 and 31, training over 100 planners, attorneys, and code officers from across the region. Participants received the new book, Chapter 160D, A New Land Use Law for North Carolina, written by David W. Owens and Adam S. Lovelady, along with a half day of instruction and an informative checklist for moving forward.



If you are an elected official, manager, planner, or other local government staff working in the development arena, here are the key points that you need to know.

- This legislation impacts you. Every jurisdiction in North Carolina will need to update their unified development ordinances, including zoning, subdivision, and other development regulation ordinances, by January 1, 2021.
- Comprehensive plans are mandatory. Communities that want to regulate development through zoning must “adopt and reasonably maintain a comprehensive plan that sets forth goals, policies, and programs intended to guide the present and future physical, social, and economic development of the jurisdiction.” The comprehensive plan must be in place by July 1, 2022. No plan equals no authority to regulate land with zoning. “Reasonably maintained” generally refers to a plan that is updated every 5-10 years. Fast-growing communities should err on the side of updating their plan more regularly than every 10 years.



- Organization and record keeping is critical. Systems will need to be in place to track, document, and display map and code amendments and conditions. Current and past zoning maps must be available for public inspection. In addition, with broadened permit choice, it is critical that jurisdictions can document the regulations (and map) that were in place at any given point in time. The statutes also reiterate that changes to the zoning map that are inconsistent with the land use map, automatically change the land use map and all conditions developed during a hearing are not effective until the applicant agrees in writing. These are just a few of the components that require tracking.
- “Public hearing” announcements are no longer enough. It is advisable that legal advertisements for hearings now specify the type of hearing that will occur (legislative versus evidentiary) to improve communication to all parties involved and to forecast the type of inputs, communications, and decisions allowed by law.
- 160D is not a model ordinance. These updates and clarifications should be incorporated into your local codes, but because each ordinance is unique, the sections of your codes that will be impacted will likely be different than your neighboring jurisdiction.
- Plan now for implementation. It is important to develop a framework and timeline for how your community will comply with the statutory changes, keeping in mind the time needed to educate your advisory and governing boards and send the amendments through the revision process.



In the training evaluation, over 72% of survey respondents requested a follow up meeting to continue the conversation. As such, CCOG will plan a spring 2020 event to further discuss Chapter 160D. In the meantime, please visit the [School of Government 160D website](#) and review the resources available including video training modules and an implementation checklist.