

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

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HOUSE BILL 765  
PROPOSED COMMITTEE SUBSTITUTE H765-PCS10467-ST-5

Short Title: Local Gov. Development Regulations Omnibus.

(Public)

Sponsors:

Referred to:

April 7, 2025

1 A BILL TO BE ENTITLED  
2 AN ACT TO REFORM LOCAL GOVERNMENT DEVELOPMENT REGULATIONS IN  
3 THIS STATE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** G.S. 160D-601, as amended by Section 3K.1 of S.L. 2024-57, reads  
6 as rewritten:

7 "**§ 160D-601. Procedure for adopting, amending, or repealing development regulations.**

8 ...

9 (d) Down-Zoning. – No amendment to ~~zoning regulations or a zoning map~~ a zoning  
10 regulation that down-zones property shall be initiated, enacted, or enforced without the written  
11 consent of all property owners whose property is the subject of the down-zoning  
12 ~~amendment.~~ amendment, unless the down-zoning amendment is initiated by the local  
13 government.

14 (e) For purposes of this section, "down-zoning" or "down-zone" means a zoning  
15 ~~ordinance~~ regulation that affects an area of land in one of the following ways:

- 16 (1) By decreasing the development density of the land to be less dense than was  
17 allowed under its previous usage.  
18 (2) By reducing the substantive permitted uses of the land that are specified in a  
19 zoning ordinance ~~or land development regulation~~ to fewer uses than were  
20 allowed under its previous usage.  
21 (3) ~~By creating any type of nonconformity on land not in a residential zoning~~  
22 ~~district, including a nonconforming use, nonconforming lot, nonconforming~~  
23 ~~structure, nonconforming improvement, or nonconforming site element."~~

24 **SECTION 1.(b)** This section is effective when it becomes law and applies  
25 retroactively to December 11, 2024. Any development ordinance affected by Section 3K.1 of  
26 S.L. 2024-57 shall be treated as if it remained in effect from June 14, 2024, to December 11,  
27 2024.

28 **SECTION 2.(a)** G.S. 160D-101 reads as rewritten:

29 "**§ 160D-101. Application.**

30 (a) The provisions of this Article shall apply to all development regulations and programs  
31 adopted pursuant to this Chapter or applicable or related local acts. To the extent there are  
32 contrary provisions in local charters or acts, G.S. 160D-111 is applicable unless this Chapter  
33 expressly provides otherwise. The provisions of this Article also apply to any other local  
34 ordinance that substantially affects land use and development.

35 (b) The provisions of this Article are supplemental to specific provisions included in  
36 other Articles of this Chapter. To the extent there are conflicts between the provisions of this



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1 Article and the provisions of other Articles of this Chapter, the more specific provisions shall  
2 control.

3 (c) Local governments may also apply any of the definitions and procedures authorized  
4 by this Chapter to any ordinance that does not substantially affect land use and development  
5 adopted under the general police power of cities and counties, Article 8 of Chapter 160A of the  
6 General Statutes and Article 6 of Chapter 153A of the General Statutes respectively, and may  
7 employ any organizational structure, board, commission, or staffing arrangement authorized by  
8 this Chapter to any or all aspects of those ordinances.

9 ~~(d) This Chapter does not expand, diminish, or alter the scope of authority for planning  
10 and development regulation authorized by other Chapters of the General Statutes.~~

11 (e) Except as provided by local act, notwithstanding any other provision of law, a local  
12 government may not exercise development regulation authority except as expressly authorized  
13 by this Chapter. If State law governs a particular subject matter related to a local development  
14 regulation authority, a local government shall not enact or enforce development regulations more  
15 restrictive than those established by State law, unless the development regulation pertains to  
16 floodplain management regulations as described in G.S. 143-138(e).

17 **SECTION 2.(b)** G.S. 160D-110(a) reads as rewritten:

18 "(a) G.S. 153A-4 and G.S. 160A-4 are not applicable to this Chapter."

19 **SECTION 2.(c)** G.S. 153A-121 is amended by adding a new subsection to read:

20 "(d) This section does not apply to the adoption or enforcement of development  
21 regulations under Chapter 160D of the General Statutes."

22 **SECTION 2.(d)** G.S. 160A-174 is amended by adding a new subsection to read:

23 "(c) This section does not apply to the adoption or enforcement of development  
24 regulations under Chapter 160D of the General Statutes."

25 **SECTION 3.** G.S. 160D-102 is amended by adding the following new subdivisions  
26 to read:

27 "(1a) Acre. – The actual gross acreage of a parcel or parcels. For purposes of  
28 determining allowable residential density, the actual gross acreage shall not  
29 be reduced by subtracting buffers, setbacks, public or private streets, open  
30 space or recreation areas, or other nondevelopable areas.

31 ...

32 (3m) Buffer yard. – A designated landscape area to separate uses or densities; to  
33 reduce impacts of traffic, noise, odor; or to enhance visual appearance.

34 ...

35 (15c) Dwelling unit. – A single unit, subject to the North Carolina Residential Code,  
36 providing complete, independent living facilities for one or more persons,  
37 including permanent provisions for living, sleeping, eating, cooking, and  
38 sanitation.

39 ...

40 (23m) Nonconformity. – Any of the following that was lawfully operated,  
41 established, or commenced in accordance with applicable development  
42 regulations in effect at the time the nonconformity became nonconforming so  
43 long as the nonconformity is not extended, expanded, enlarged, increased, or  
44 intensified:

45 a. A lot, parcel, or tract of land that fails to meet all current development  
46 regulation requirements.

47 b. A structure that no longer complies with all current development  
48 regulation requirements applicable to that structure.

49 c. The use of a property for a purpose or activity, or in a manner, made  
50 unlawful by a current development regulation.

d. Any dwelling, accessory building, accessory structure, outdoor lighting, fence, wall, sign, off-street parking, vehicular surface area, or private access point."

**SECTION 4.** G.S. 160D-108 reads as rewritten:

**"§ 160D-108. Permit choice and vested rights.**

...

(d) Duration of Vesting. – Upon issuance of a development permit, the statutory vesting granted by subsection (c) of this section for a development project is effective upon filing of the application in accordance with G.S. 143-755, for so long as the permit remains valid pursuant to law. Unless otherwise specified by this section or other statute, local development permits expire one year after issuance unless work authorized by the permit has substantially commenced. A local land development regulation may provide for a longer permit expiration period. For the purposes of this section, a permit is issued either in the ordinary course of business of the applicable governmental agency or by the applicable governmental agency as a court directive.

Except where a longer vesting period is provided by statute or land development regulation, the statutory vesting granted by this section, once established, expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months, ~~and the statutory vesting period granted by this section for a nonconforming use of property expires if the use is intentionally and voluntarily discontinued for a period of not less than 24 consecutive months.~~ The 24-month discontinuance period is automatically tolled during ~~the~~ any of the following:

- (1) The pendency of any board of adjustment proceeding or civil action in a State or federal trial or appellate court regarding the validity of a development permit, the use of the property, or the existence of the statutory vesting period granted by this section.
- (2) ~~The 24-month discontinuance period is also tolled during the~~ pendency of any litigation involving the development project or property that is the subject of the vesting.
- (3) The duration of any emergency declaration issued under G.S. 166A-19.20 or G.S. 166A-19.22 for which the defined emergency area includes the property, in whole or in part.

...

(h) Process to Claim Vested Right. – A person claiming a statutory or common law vested right may submit information to substantiate that claim to the zoning administrator or other officer designated by a land development regulation, who shall make an initial determination as to the existence of the vested right. The decision of the zoning administrator or officer may be appealed under G.S. 160D-405. On appeal, the existence of a vested right shall be reviewed de novo. In lieu of seeking such a determination or pursuing an appeal under G.S. 160D-405, a person claiming a vested right may bring an original civil action as provided by G.S. 160D-1403.1. This subsection shall apply to the claiming of vested rights in a nonconformity under G.S. 160D-108.2.

...."

**SECTION 5.** G.S. 160D-108.1 reads as rewritten:

**"§ 160D-108.1. Vested rights – site-specific vesting plans.**

...

(c) Approval and Amendment of Plans. – If a site-specific vesting plan is based on an approval required by a local development regulation, the local government shall provide whatever notice and hearing is required for that underlying approval. A duration of the underlying approval that is less than ~~two~~ five years does not affect the duration of the site-specific vesting plan established under this section. If the site-specific vesting plan is not based on ~~such an~~

1 ~~approval, an approval required by a development regulation,~~ a legislative hearing with notice as  
2 required by G.S. 160D-602 shall be held.

3 A local government may approve a site-specific vesting plan upon any terms and conditions  
4 that may reasonably be necessary to protect the public health, safety, and welfare. Conditional  
5 approval results in a vested right, although failure to abide by the terms and conditions of the  
6 approval will result in a forfeiture of vested rights. A local government shall not require a  
7 landowner to waive the landowner's vested rights as a condition of developmental approval. A  
8 site-specific vesting plan is deemed approved upon the effective date of the local government's  
9 decision approving the plan or another date determined by the governing board upon approval.  
10 An approved site-specific vesting plan and its conditions may be amended with the approval of  
11 the owner and the local government as follows: any substantial modification must be reviewed  
12 and approved in the same manner as the original approval; minor modifications may be approved  
13 by staff, if ~~such~~ the modifications are defined and authorized by local regulation.

14 ...

15 (e) Duration and Termination of Vested Right. –

16 (1) A vested right for a site-specific vesting plan remains vested for a period of  
17 ~~two~~ five years. This vesting shall not be extended by any amendments or  
18 modifications to a site-specific vesting plan unless expressly provided by the  
19 local government.

20 (2) Notwithstanding the provisions of subdivision (1) of this subsection, a local  
21 government may provide for rights to be vested for a period exceeding ~~two~~  
22 five years but not exceeding ~~five~~ eight years where warranted in light of all  
23 relevant circumstances, including, but not limited to, the size and phasing of  
24 development, the level of investment, the need for the development, economic  
25 cycles, and market conditions or other considerations. These determinations  
26 are in the sound discretion of the local government and shall be made  
27 following the process specified for the particular form of a site-specific  
28 vesting plan involved in accordance with subsection (a) of this section.

29 (3) Upon issuance of a building permit, the provisions of G.S. 160D-1111 and  
30 G.S. 160D-1115 apply, except that a permit does not expire and shall not be  
31 revoked because of the running of time while a vested right under this section  
32 is outstanding.

33 (4) A right vested as provided in this section terminates at the end of the  
34 applicable vesting period with respect to buildings and uses for which no valid  
35 building permit applications have been filed.

36 (f) Subsequent Changes Prohibited; Exceptions. –

37 (1) A vested right, once established as provided for in this section, precludes any  
38 ~~zoning action~~ development regulation by a local government which would  
39 change, alter, impair, prevent, diminish, or otherwise delay the development  
40 or use of the property as set forth in an approved site-specific vesting plan,  
41 except under one or more of the following conditions:

42 a. With the written consent of the affected landowner.

43 b. Upon findings, by ordinance after notice and an evidentiary hearing,  
44 that natural or man-made hazards on or in the immediate vicinity of  
45 the property, if uncorrected, would pose a serious threat to the public  
46 health, safety, and welfare if the project were to proceed as  
47 contemplated in the site-specific vesting plan.

48 c. To the extent that the affected landowner receives compensation for  
49 all costs, expenses, and other losses incurred by the landowner,  
50 including, but not limited to, all fees paid in consideration of financing,  
51 and all architectural, planning, marketing, legal, and other consulting

1 fees incurred after approval by the local government, together with  
 2 interest as provided under G.S. 160D-106. Compensation shall not  
 3 include any diminution in the value of the property which is caused by  
 4 the action.

5 d. Upon findings, by ordinance after notice and an evidentiary hearing,  
 6 that the landowner or the landowner's representative intentionally  
 7 supplied inaccurate information or made material misrepresentations  
 8 that made a difference in the approval by the local government of the  
 9 site-specific vesting plan or the phased development plan.

10 e. Upon the enactment or promulgation of a State or federal law or  
 11 regulation that precludes development as contemplated in the  
 12 site-specific vesting plan or the phased development plan, in which  
 13 case the local government may modify the affected provisions, upon a  
 14 finding that the change in State or federal law has a fundamental effect  
 15 on the plan, by ordinance after notice and an evidentiary hearing.

16 (2) The establishment of a vested right under this section ~~does not preclude~~  
 17 precludes the application of overlay zoning or other development regulations  
 18 which impose additional requirements but do not affect the allowable type or  
 19 intensity of use, or ordinances or regulations which are general in nature and  
 20 are applicable to all property subject to development regulation by a local  
 21 government, including, but not limited to, building, fire, plumbing, electrical,  
 22 and mechanical codes. Otherwise applicable new development regulations  
 23 become effective with respect to property which is subject to a site-specific  
 24 vesting plan upon the expiration or termination of the vesting rights period  
 25 provided for in this section.

26 (3) Notwithstanding any provision of this section, the establishment of a vested  
 27 right does not preclude, change, or impair the authority of a local government  
 28 to adopt and enforce development regulations governing ~~nonconforming~~  
 29 situations or uses.

30 ...."

31 **SECTION 6.** Article 1 of Chapter 160D of the General Statutes is amended by  
 32 adding a new section to read:

33 **"§ 160D-108.2. Nonconformities.**

34 (a) Amendments in land development regulations are not applicable or enforceable  
 35 without the written consent of the owner with regard to a nonconformity. All of the following  
 36 shall apply to vested rights in a nonconformity established under this section:

37 (1) The establishment of a vested right under this section does not preclude  
 38 vesting under one or more other provisions of law or vesting by application of  
 39 common law principles.

40 (2) A vested right, once established as provided for in this section or by common  
 41 law, precludes any action by a local government that would change, alter,  
 42 impair, prevent, diminish, or otherwise delay the development or use of the  
 43 property allowed by applicable development regulations, except where a  
 44 change in State or federal law mandating local government enforcement  
 45 occurs after the nonconformity was established that has a fundamental and  
 46 retroactive effect on the development or use.

47 (3) G.S. 160D-108(h) shall apply to the claiming of nonconformities.

48 (4) Unless otherwise specified by this section or another statute, a nonconformity  
 49 may continue until intentionally and voluntarily discontinued.

50 (b) The statutory vesting period granted by this section for a nonconformity expires if the  
 51 nonconformity is intentionally and voluntarily discontinued for a period of not less than 24

1 consecutive months. The 24-month discontinuance period shall be automatically tolled during  
 2 any of the following events:

3 (1) The pendency of any board of adjustment proceeding or civil action in a State  
 4 or federal court regarding the validity of the use of the property or the  
 5 existence of the statutory vesting period granted by this section.

6 (2) The pendency of any litigation involving use of the property that is the subject  
 7 of the vesting.

8 (3) The duration of any emergency declaration issued under G.S. 166A-19.20 or  
 9 G.S. 166A-19.22 for which the defined emergency area includes the property,  
 10 in whole or in part.

11 (c) Reconstruction, re-establishment, repair, and maintenance of a nonconformity shall  
 12 be allowed by right provided the nonconformity is not extended, expanded, enlarged, increased,  
 13 or intensified by the reconstruction, re-establishment, repair, or maintenance.

14 (d) This section shall not apply to G.S. 160D-912 and G.S. 160D-912.1."

15 **SECTION 7.** G.S. 160D-109 reads as rewritten:

16 "**§ 160D-109. Conflicts of interest.**

17 (a) Governing Board. – A governing board member shall not participate in or vote on any  
 18 legislative decision regarding a development regulation adopted pursuant to this Chapter where  
 19 the one or more of the following apply:

20 (1) The outcome of the matter being considered is reasonably likely to have a  
 21 direct, substantial, and readily identifiable financial impact on the member. ~~A~~  
 22 ~~governing board member shall not vote on any zoning amendment if the~~

23 (2) The landowner of the property subject to a rezoning petition or the applicant  
 24 for a text amendment is a person with whom the member has a close familial,  
 25 business, or other associational relationship.

26 (3) The member has expressed or holds a fixed opinion prior to the hearing on the  
 27 matter that appears not susceptible to change.

28 (4) The member has undisclosed ex parte communication about the matter.

29 (b) Appointed Boards. – Members of appointed boards shall not participate in or vote on  
 30 any advisory or legislative decision regarding a development regulation adopted pursuant to this  
 31 Chapter where the one or more of the following apply:

32 (1) The outcome of the matter being considered is reasonably likely to have a  
 33 direct, substantial, and readily identifiable financial impact on the member.  
 34 ~~An appointed board member shall not vote on any zoning amendment if the~~

35 (2) The landowner of the property subject to a rezoning petition or the applicant  
 36 for a text amendment is a person with whom the member has a close familial,  
 37 business, or other associational relationship.

38 (3) The member has expressed or holds a fixed opinion prior to the hearing on the  
 39 matter that appears not susceptible to change.

40 (4) The member has undisclosed ex parte communication about the matter.

41 (c) Administrative Staff. – ~~No~~ If a staff member has a conflict of interest under this  
 42 subsection, the administrative decision shall be assigned to the supervisor of the staff member or  
 43 such other staff member as may be designated by the development regulation. A staff member  
 44 shall not make a final decision on an administrative decision required by this Chapter if the where  
 45 one or more of the following apply:

46 (1) The outcome of that administrative decision would have a direct, substantial,  
 47 and readily identifiable financial impact on the staff member or if the member.

48 (2) The applicant or other person subject to that administrative decision is a  
 49 person with whom the staff member has a close familial, business, or other  
 50 associational relationship. If a staff member has a conflict of interest under  
 51 this section, the decision shall be assigned to the supervisor of the staff person

1 or such other staff person as may be designated by the development regulation  
2 or other ordinance. No

3 (3) The staff member shall be is financially interested or employed by a business  
4 that is financially interested in a development subject to regulation under this  
5 Chapter unless the staff member is the owner of the land or building involved.

6 No

7 (4) The staff member-member, or other individual or an employee of a company  
8 contracting with a local government to provide staff support shall engage  
9 support, is engaging in any work that is inconsistent with his or her duties or  
10 with the interest of the local government, as determined by the local  
11 government.

12 ...."

13 **SECTION 8.** G.S. 160D-203 reads as rewritten:

14 "**§ 160D-203. Split jurisdiction.**

15 (a) If a parcel of land lies within the planning and development regulation jurisdiction of  
16 more than one local government, ~~for the purposes of this Chapter, the local governments may,~~  
17 ~~by mutual agreement pursuant to Article 20 of Chapter 160A of the General Statutes and with~~  
18 ~~the written consent of the landowner, assign exclusive planning and development regulation~~  
19 ~~jurisdiction under this Chapter for the entire parcel to any one of those local governments. Such~~  
20 ~~a mutual agreement government, the following shall apply:~~

21 (1) If only one local government has the ability to provide water and sewer  
22 services to the parcel at the time a site plan for the parcel is submitted, the  
23 local government that has the ability to provide public water and sewer  
24 services shall have planning and development regulation jurisdiction over the  
25 entire parcel.

26 (2) If all of the local governments have the ability to either provide public water  
27 services or public sewer services to the parcel, but not both, at the time a site  
28 plan for the parcel is submitted, the landowner may designate which local  
29 government's planning and development regulations shall apply to the land.

30 (3) If all or none of the local governments have the ability to provide public water  
31 and sewer services to the parcel at the time a site plan for the parcel is  
32 submitted, the local government where the majority of the parcel is located  
33 shall have jurisdiction over the land.

34 (b) The jurisdiction established by this section shall only be applicable to development  
35 regulations and shall not affect taxation or other nonregulatory matters. The mutual agreement  
36 shall be evidenced by a resolution formally adopted by each governing board and recorded with  
37 the register of deeds in the county where the property is located within 14 days of the adoption  
38 of the last required resolution."

39 **SECTION 9.** G.S. 160D-402, as amended by S.L. 2024-49, reads as rewritten:

40 "**§ 160D-402. Administrative staff.**

41 (a) Authorization. – Local governments may appoint administrators, inspectors,  
42 enforcement officers, planners, technicians, and other staff to develop, administer, and enforce  
43 development regulations authorized by this Chapter. Local governments shall designate at least  
44 one staff member charged with making determinations under that local government's  
45 development regulations for purposes of G.S. 160D-703.

46 (b) Duties. – Duties assigned to staff may include, but are not limited to, drafting and  
47 implementing plans and development regulations to be adopted pursuant to this Chapter;  
48 determining whether applications for development approvals are complete; receiving and  
49 processing applications for development approvals; providing notices of applications and  
50 hearings; making decisions and determinations regarding development regulation  
51 implementation; determining whether applications for development approvals meet applicable

1 standards as established by law and local ordinance; conducting inspections; issuing or denying  
2 certificates of compliance or occupancy; enforcing development regulations, including issuing  
3 notices of violation, orders to correct violations, and recommending bringing judicial actions  
4 against actual or threatened violations; keeping adequate records; and any other actions that may  
5 be required in order adequately to enforce the laws and development regulations under their  
6 jurisdiction. A development regulation may require that designated staff members take an oath  
7 of office. The local government shall have the authority to enact ordinances, procedures, and fee  
8 schedules relating to the administration and the enforcement of this Chapter. The administrative  
9 and enforcement provisions related to building permits set forth in Article 11 of this Chapter shall  
10 be followed for those permits.

11 (c) Alternative Local Government Staff Arrangements. – A local government may enter  
12 into contracts with another city, county, or combination thereof under which the parties agree to  
13 create a joint staff for the enforcement of State and local laws specified in the agreement. The  
14 governing boards of the contracting parties may make any necessary appropriations for this  
15 purpose.

16 In lieu of joint staff, a governing board may designate staff from any other city or county to  
17 serve as a member of its staff with the approval of the governing board of the other city or county.  
18 A staff member, if designated from another city or county under this ~~section~~, subsection, shall,  
19 while exercising the duties of the position, be considered an agent of the local government  
20 exercising those duties. The governing board of one local government may request the governing  
21 board of a second local government to direct one or more of the second local government's staff  
22 members to exercise their powers within part or all of the first local government's jurisdiction,  
23 and they shall thereupon be empowered to do so until the first local government officially  
24 withdraws its request in the manner provided in G.S. 160D-202.

25 The contract or designation of staff under this subsection shall specify at least one individual  
26 designated as charged with making determinations under each local government's development  
27 regulations for purposes of G.S. 160D-703.

28 (c1) Alternative Contract Staff Arrangements. – A local government may contract with an  
29 individual, company, council of governments, regional planning agency, metropolitan planning  
30 organization, or rural planning agency to designate an individual who is not a city or county  
31 employee to work under the supervision of the local government to exercise the functions  
32 authorized by this section. The local government shall have the same potential liability, if any,  
33 for inspections conducted by an individual who is not an employee of the local government as it  
34 does for an individual who is an employee of the local government. The company or individual  
35 with whom the local government contracts shall have errors and omissions and other insurance  
36 coverage acceptable to the local government. The contract shall require at least one individual  
37 designated as charged with making determinations under that local government's development  
38 regulations for purposes of G.S. 160D-703.

39 (d) Financial Support. – The local government may appropriate for the support of the  
40 staff any funds that it deems necessary. It shall have power to fix reasonable fees for support,  
41 administration, and implementation of programs authorized by this ~~Chapter~~. Chapter, and those  
42 fees shall not exceed the actual direct and reasonable costs required to support, administer, and  
43 implement programs authorized by this Chapter. All fees collected by a building inspection  
44 department for the administration and enforcement of provisions set forth in Article 11 of this  
45 Chapter shall be used to support the administration and operations of the building inspection  
46 department and for no other purposes. When an inspection, for which the permit holder has paid  
47 a fee to the local government, is performed by a marketplace pool Code-enforcement official  
48 upon request of the State Fire Marshal under G.S. 143-151.12(9)a., the local government shall  
49 promptly return to the permit holder the fee collected by the local government for such inspection.  
50 This subsection applies to the following types of inspection: plumbing, electrical systems,



1 general building restrictions and regulations, heating and air-conditioning, and the general  
2 construction of buildings."

3 **SECTION 10.** G.S. 160D-403, as amended by S.L. 2024-49, reads as rewritten:

4 "**§ 160D-403. Administrative development approvals and determinations.**

5 (a) Development Approvals. – To the extent consistent with the scope of ~~regulatory~~  
6 development regulation authority granted by this Chapter, no person shall commence or proceed  
7 with development without first securing any required development approval from the local  
8 government with jurisdiction over the site of the development. A development approval shall be  
9 in writing and may contain a provision requiring the development to comply with all applicable  
10 State and local laws. A local government may issue development approvals in print or electronic  
11 form. Any development approval issued exclusively in electronic form shall be protected from  
12 further editing once issued. Applications for development approvals may be made by the  
13 landowner, a lessee or person holding an option or contract to purchase or lease land, or an  
14 authorized agent of the landowner. An easement holder may also apply for development approval  
15 for ~~such the~~ development as is authorized by the easement.

16 (a1) Time Period for Approval. – Within 14 calendar days of the filing of an application  
17 for a development approval, a local government or its designated administrative staff, as  
18 described under G.S. 160D-402, shall (i) determine whether the application is complete and  
19 notify the applicant of the application's completeness and, (ii) if the local government or its  
20 designated administrative staff determines the application is incomplete, specify all of the  
21 deficiencies in the notice to the applicant. The applicant may file an amended application or  
22 supplemental information to cure the deficiencies identified by the local government or its  
23 designated administrative staff for a completeness review, which shall be completed within 14  
24 calendar days after receiving an amended application or supplemental application from the  
25 applicant. Upon the date the application is deemed complete, the local government or its  
26 designated administrative staff shall issue a receipt letter or electronic response stating that the  
27 application is complete and that a 90-calendar day review period has started as of that date. The  
28 local government shall approve or deny the application within 90 calendar days of the date the  
29 application was deemed complete by the local government or its designated administrative staff,  
30 except that if the applicant requests a continuance of the application, the review period shall be  
31 tolled for the duration of any continuance. The time period for review may be extended only by  
32 agreement with the applicant if the application cannot be reviewed within the specified time  
33 limitation due to circumstances beyond the control of the local government. The extension shall  
34 not exceed six months. Failure of the local government or its designated administrative staff to  
35 act before the expiration of the time period allowed for review shall constitute an approval of the  
36 application, and the local government shall issue a written approval upon demand by the  
37 applicant.

38 ...

39 (c) Duration of Development Approval. – Unless a different period is specified by this  
40 Chapter or other specific applicable law, including for a development agreement, a development  
41 approval issued pursuant to this Chapter expires one year after the date of issuance if the work  
42 authorized by the development approval has not been substantially commenced. Local  
43 development regulations may provide for development approvals of shorter duration for  
44 temporary land uses, special events, temporary signs, and similar development. Local  
45 development regulations may also provide for development approvals of longer duration for  
46 specified types of development approvals. Nothing in this subsection limits any vested rights  
47 secured under ~~G.S. 160D-108 or G.S. 160D-108.1.~~ G.S. 160D-108, 160D-108.1, or 160D-108.2.

48 ...."

49 **SECTION 11.** G.S. 160D-605(a) reads as rewritten:

50 "(a) Plan Consistency. – When adopting or rejecting any zoning text or map amendment,  
51 the governing board shall approve a brief statement describing whether its action is consistent or

1 inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan  
2 consistency statement may also be met by a clear indication in the minutes of the governing board  
3 that at the time of action on the amendment the governing board was aware of and considered  
4 the planning board's recommendations and any relevant portions of an adopted comprehensive  
5 or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent  
6 with the adopted plan, the zoning amendment has the effect of also amending any future land-use  
7 map in the approved plan, and no additional request or application for a plan amendment is  
8 required. A plan amendment and a zoning amendment may be considered concurrently. The plan  
9 consistency statement is ~~not~~ subject to judicial review. If a zoning map amendment qualifies as  
10 a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement describing plan  
11 consistency may address the overall rezoning and describe how the analysis and policies in the  
12 relevant adopted plans were considered in the action taken."

13 **SECTION 12.** G.S. 160D-702 reads as rewritten:

14 **"§ 160D-702. Grant of power.**

15 (a) A local government may adopt zoning regulations. Except as provided in subsections  
16 (b) and (c) of this section, a zoning regulation may regulate and restrict the height, number of  
17 stories, and size of buildings and other structures; the percentage of lots that may be occupied;  
18 the size of yards, courts, and other open spaces; the density of population; the location and use  
19 of buildings, structures, and land. A local government may regulate development, including  
20 floating homes, over estuarine waters and over lands covered by navigable waters owned by the  
21 State pursuant to G.S. 146-12. A zoning regulation shall provide density credits or severable  
22 development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11.  
23 Where appropriate, a zoning regulation may include requirements that street and utility  
24 rights-of-way be dedicated to the public, that provision be made of recreational space and  
25 facilities, and that performance guarantees be provided, all to the same extent and with the same  
26 limitations as provided for in G.S. 160D-804 and G.S. 160D-804.1.

27 (b) Any regulation relating to building design elements adopted under this Chapter may  
28 not be applied to any structures subject to regulation under the North Carolina Residential Code  
29 except under one or more of the following circumstances:

- 30 (1) The structures are located in an area designated as a local historic district  
31 pursuant to Part 4 of Article 9 of this Chapter.
- 32 (2) The structures are located in an area designated as a historic district on the  
33 National Register of Historic Places.
- 34 (3) The structures are individually designated as local, State, or national historic  
35 landmarks.
- 36 (4) The regulations are directly and substantially related to the requirements of  
37 applicable safety codes adopted under G.S. 143-138.
- 38 (5) Where the regulations are applied to manufactured housing in a manner  
39 consistent with G.S. 160D-908 and federal law.
- 40 (6) Where the regulations are adopted as a condition of participation in the  
41 National Flood Insurance Program.

42 Regulations prohibited by this subsection may not be applied, directly or indirectly, in any  
43 zoning district or conditional ~~district unless voluntarily consented to by the owners of all the~~  
44 ~~property to which those regulations may be applied as part of and in the course of the process of~~  
45 ~~seeking and obtaining a zoning amendment or a zoning, subdivision, or development approval,~~  
46 district, nor may any such regulations be applied indirectly as part of a review pursuant to  
47 G.S. 160D-604 or G.S. 160D-605 of any proposed zoning amendment for consistency with an  
48 adopted comprehensive plan or other applicable officially adopted plan.

49 For the purposes of this subsection, the phrase "building design elements" means exterior  
50 building color; type or style of exterior cladding material; style or materials of roof structures or  
51 porches; exterior nonstructural architectural ornamentation; location or architectural styling of

1 windows and doors, including garage doors; the number and types of rooms; and the interior  
2 layout of rooms. The phrase "building design elements" does not include any of the following:  
3 (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering  
4 or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect  
5 the privacy of neighbors, or (iii) regulations adopted pursuant to this Article governing the  
6 permitted uses of land or structures subject to the North Carolina Residential Code.

7 Nothing in this subsection affects the validity or enforceability of private covenants or other  
8 contractual agreements among property owners relating to building design elements.

9 (c) A zoning or other development regulation shall not do any of the following:

10 (1) Set a minimum width, length, or square footage of any structures subject to  
11 regulation under the North Carolina Residential Code.

12 (2) Require a-or otherwise specify the size of parking space-spaces, placement of  
13 parking spaces, configuration of parking spaces, or allocation of parking  
14 spaces to be larger than 9 feet wide by 20 feet long unless the parking space  
15 is designated for handicap, parallel, or diagonal parking-greater than those  
16 required by the Americans with Disabilities Act.

17 (3) Require additional fire apparatus access roads into developments of one- or  
18 two-family dwellings that are not in compliance with the required number of  
19 fire apparatus access roads into developments of one- or two-family dwellings  
20 set forth in the North Carolina Fire Code of the North Carolina Residential  
21 Code for One and Two Family Dwellings.Code.

22 (4) Except as provided under G.S. 160A-307, set a minimum width, length, or  
23 square footage for driveways within a development unless the driveway abuts  
24 a public road. This subdivision shall not be construed to expand, diminish, or  
25 alter the Department of Transportation's authority to regulate driveways  
26 adjacent to public roads owned by the State.

27 (5) Except as provided in this subdivision, set design standards for public roads  
28 within a development in excess of those required by the Department of  
29 Transportation. A city may set design standards for public roads within a  
30 development in excess of those required by the Department of Transportation  
31 if the city is financially responsible for the cost of the excess and accepts  
32 ownership and maintenance responsibility for the public road prior to, or in  
33 conjunction with, site plan approval. Confirmation of conformity of the  
34 improvements consistent with the city's design standards under this subsection  
35 shall be conducted consistent with G.S. 160D-804.1(1c). Upon confirmation  
36 that the improvements have been made consistent with G.S. 160D-804.1(1c),  
37 the city shall record with the register of deeds a plat evidencing the city's  
38 ownership of the public road.

39 (6) Require installation of sidewalks or improvement of existing sidewalks for  
40 any residential, commercial, or school property unless the sidewalk is either  
41 of the following:

42 a. Connected to an existing sidewalk.

43 b. Will be connected to a planned adjacent sidewalk that the local  
44 government believes, based on a development approval, will be  
45 constructed within two years of the residential, commercial, or school  
46 property site plan approval.

47 (7) For cities with a population of 125,000 or more, according to the most recent  
48 decennial federal census, establish setback or buffer yard requirements for a  
49 multifamily development that exceeds 15 units per acre.

50 (d) In exercising its authority under this section, a local government shall support its  
51 determinations by demonstrating there is a rational and substantial relationship between the

1 zoning map, zoning regulations, or zoning amendment and the health, safety, and welfare of the  
2 public through finding of facts and information, other than mere personal preferences or  
3 speculation, that a reasonable person would accept in support of a conclusion.

4 (e) For purposes of this section, the term "public road" shall mean any road, street,  
5 highway, thoroughfare, or other way of passage that is owned and maintained by a city or the  
6 Department of Transportation."

7 **SECTION 13.** G.S. 160D-703 reads as rewritten:

8 "**§ 160D-703. Zoning districts.**

9 (a) Types of Zoning Districts. – A~~Except as provided in subsection (a1) of this section,~~  
10 a local government may divide its territorial jurisdiction into zoning districts of any number,  
11 shape, and area deemed best suited to carry out the purposes of this Article. Within those districts,  
12 it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of  
13 buildings, structures, or land. ~~Zoning~~ By illustration, zoning districts may include, but are not be  
14 limited to, include any of the following:

15 (1) Conventional districts, in which a variety of uses are allowed as permitted uses  
16 or uses by right and that may also include uses permitted only with a special  
17 use permit.

18 (2) Conditional districts, in which site plans or individualized development  
19 conditions are imposed.

20 (3) Form-based districts, or development form controls, that address the physical  
21 form, mass, and density of structures, public spaces, and streetscapes.

22 (4) Overlay districts, in which different requirements are imposed on certain  
23 properties within one or more underlying conventional, conditional, or  
24 form-based districts.

25 (5) Districts allowed by charter.

26 (a1) Residential Zoning Districts Classified Based on Density. – A local government shall  
27 classify residential zoning districts based on the number of dwelling units allowed per acre. A  
28 local government shall not classify residential zoning districts based on the minimum lot size  
29 allowed in the district.

30 (a2) Permitted Uses in Counties. – In areas zoned for residential use, a county zoning  
31 regulation shall allow the following uses by right in an area with public sewer connections:

32 (1) In a county with a population of 49,999 or less, according to the most recent  
33 decennial federal census, the siting of no fewer than four dwelling units per  
34 acre.

35 (2) In a county with a population between 50,000 and 274,999, according to the  
36 most recent decennial federal census, the siting of no fewer than five dwelling  
37 units per acre.

38 (3) In a county with a population of 275,000 or more, according to the most recent  
39 decennial federal census, the siting of no fewer than six dwelling units per  
40 acre.

41 (a3) Permitted Uses in Cities. – A city zoning regulation shall allow the following uses by  
42 right in an area with public sewer connections:

43 (1) In areas zoned for residential use in a city with a population of 19,999 or less,  
44 according to the most recent decennial federal census, the siting of no fewer  
45 than four dwelling units per acre.

46 (2) In areas zoned for residential use in a city with a population between 20,000  
47 and 124,999, according to the most recent decennial federal census, the siting  
48 of no fewer than five dwelling units per acre.

49 (3) In areas zoned for residential use in a city with a population of 125,000 or  
50 more, according to the most recent decennial federal census, the siting of no

1 fewer than six dwelling units per acre. The minimum dwelling unit  
2 requirement may be met by duplexes, triplexes, and quadruplexes.

3 (4) In areas zoned for non-agricultural commercial, business, or industrial use in  
4 a city with a population of 125,000 or more, according to the most recent  
5 decennial federal census, the siting of buildings and structures subject to the  
6 North Carolina Residential Code and multifamily housing structures with  
7 more than four residential dwelling units, with a maximum height restriction  
8 of not less than 60 feet.

9 (a4) Exemption from Local Design Standards and Buffer Yards. – In a city with a  
10 population of 125,000 or more, according to the most recent decennial federal census, buildings  
11 and structures subject to the North Carolina Residential Code and uses allowable under  
12 subdivision (3) or (4) of subsection (a3) of this section shall not be subject to either of the  
13 following:

14 (1) Local design standards, except those adopted as a condition of participation  
15 in the National Flood Insurance Program.

16 (2) Buffer yards or other landscape buffering regulations.

17 (a5) Applicability of Permitted Uses. – Subsections (a2) and (a3) of this section do not  
18 apply to land used for a bona fide farm purpose as described in G.S. 160D-903 or an open space  
19 land purpose as described in G.S. 160D-1307.

20 (b) Conditional Districts. – Property may be placed in a conditional district only in  
21 response to a petition by all owners of the property to be included. Specific conditions may be  
22 proposed by the petitioner or the local government or its agencies, but only those conditions  
23 approved by the local government and consented to by the petitioner in writing may be  
24 incorporated into the zoning regulations. ~~Unless consented to by the petitioner in writing,~~  
25 Notwithstanding any other provision of law, in the exercise of the authority granted by this  
26 section, a local government may not (i) require, enforce, or incorporate into the zoning  
27 regulations any condition or requirement not authorized by otherwise applicable law, regulations  
28 any condition, requirement, or deed restriction not specifically authorized by law, (ii) require,  
29 enforce, or incorporate into the zoning regulations any condition or requirement that the courts  
30 have held to be unenforceable if imposed directly by the local government, or (iii) accept any  
31 offer by the petitioner to consent to any condition not specifically authorized by law, including,  
32 without limitation, taxes, impact fees, building design elements within the scope of  
33 G.S. 160D-702(b), driveway-related improvements in excess of those allowed in  
34 G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or  
35 use of land. This subsection shall also apply to the approval of any site plan, development  
36 agreement, conditional zoning permit, or any other instrument under this Chapter. Conditions  
37 and site-specific standards imposed in a conditional district shall be limited to those that address  
38 the conformance of the development and use of the site to local government ordinances, plans  
39 adopted pursuant to G.S. 160D-501, or the impacts reasonably expected to be generated by the  
40 development or use of the site. The zoning regulation may provide that defined minor  
41 modifications in conditional district standards that do not involve a change in uses permitted or  
42 the density of overall development permitted may be reviewed and approved administratively.  
43 Any other modification of the conditions and standards in a conditional district shall follow the  
44 same process for approval as are applicable to zoning map amendments. If multiple parcels of  
45 land are subject to a conditional zoning, the owners of individual parcels may apply for  
46 modification of the conditions so long as the modification would not result in other properties  
47 failing to meet the terms of the conditions. Any modifications approved apply only to those  
48 properties whose owners petition for the modification.

49 (b1) Limitations. – For parcels where multifamily structures are an allowable use, a local  
50 government may not impose a harmony requirement for permit approval if the development

1 contains affordable housing units for families or individuals with incomes below eighty percent  
2 (80%) of the area median income.

3 (c) Uniformity Within Districts. – Except as authorized by the foregoing, all zoning  
4 regulations shall be uniform for each class or kind of building throughout each district but the  
5 zoning regulations in one district may differ from those in other districts.

6 (d) Standards Applicable Regardless of District. – A zoning regulation or unified  
7 development ordinance may also include development standards that apply uniformly  
8 jurisdiction-wide rather than being applicable only in particular zoning districts.

9 (e) Staff Approvals. – Development approvals for a development that is a permitted use  
10 in the zoning district where the development is located shall be made only by the designated staff  
11 member as described in G.S. 160D-402.

12 (f) Basis for Conditional District. – In exercising its authority under subsection (b) of this  
13 section, a local government shall support its determinations with facts and information, other  
14 than mere personal preferences or speculation, that a reasonable person would accept in support  
15 of a conclusion there is a rational and substantial relationship between the conditional district and  
16 the health, safety, and welfare of the public."

17 **SECTION 14.** Article 7 of Chapter 160D of the General Statutes is amended by  
18 adding a new section to read:

19 "**§ 160D-707. Review period for rezoning decisions.**

20 Within 14 calendar days of the filing of an application for amendment of a zoning map or  
21 zoning regulations, a local government or its designated administrative staff, as described under  
22 G.S. 160D-402, shall (i) determine whether the application is complete and notify the applicant  
23 of the application's completeness and, (ii) if the local government or its designated administrative  
24 staff determines the application is incomplete, specify all the deficiencies in the notice to the  
25 applicant. The applicant may file an amended application or supplemental information to cure  
26 the deficiencies identified by the local government or its designated administrative staff for a  
27 completeness review, which shall be completed within 14 calendar days after receiving an  
28 amended application or supplemental application from the applicant. Upon the date the  
29 application is deemed complete, the local government or its designated administrative staff shall  
30 issue a receipt letter or electronic response stating that the application is complete and that a  
31 90-calendar day review period has started as of that date. The local government shall approve or  
32 deny the application within 90 calendar days of the date the application was deemed complete  
33 by the local government or its designated administrative staff, except that if the applicant requests  
34 a continuance of the application, the review period shall be tolled for the duration of any  
35 continuance. The time period for review may be extended only by agreement with the applicant  
36 if the application cannot be reviewed within the specified time limitation due to circumstances  
37 beyond the control of the local government. The extension shall not exceed six months. Failure  
38 of the local government or its designated administrative staff to act before the expiration of the  
39 time period allowed for review shall constitute an approval of the application, and the local  
40 government shall issue a written approval upon demand by the applicant."

41 **SECTION 15.** G.S. 160D-803 reads as rewritten:

42 "**§ 160D-803. Review process, filing, and recording of subdivision plats.**

43 (a) Any subdivision regulation adopted pursuant to this Article shall contain provisions  
44 setting forth the procedures and standards to be followed in granting or denying approval of a  
45 subdivision plat prior to its registration.

46 (b) A subdivision regulation shall provide that the following agencies be given an  
47 opportunity to make recommendations concerning an individual subdivision plat before the plat  
48 is approved:

- 49 (1) The district highway engineer as to proposed State streets, State highways,  
50 and related drainage systems.

- 1 (2) The county health director or local public utility, as appropriate, as to  
2 proposed water or sewerage systems.
- 3 (3) Any other agency or official designated by the governing board.
- 4 (c) The subdivision regulation ~~may~~ shall provide that final decisions on preliminary plats  
5 and final plats are administrative and to be made by any of the following:
- 6 (1) ~~The governing board.~~
- 7 (2) ~~The governing board on recommendation of a designated body.~~
- 8 (3) ~~A designated planning board, technical review committee of local government~~  
9 ~~staff members, or other designated body or staff person.~~

10 ~~If the final decision on a subdivision plat is administrative, the decision may be assigned to a~~  
11 ~~staff person or committee comprised entirely of staff persons, and notice of the decision shall be~~  
12 ~~as provided by G.S. 160D-403(b). If the final decision on a subdivision plat is quasi-judicial, the~~  
13 ~~decision shall be assigned to the governing board, the planning board, the board of adjustment,~~  
14 ~~or other board appointed pursuant to this Chapter, and the procedures set forth in G.S. 160D-406~~  
15 ~~shall apply.~~

16 (d) After the effective date that a subdivision regulation is adopted, no subdivision within  
17 a local government's planning and development regulation jurisdiction shall be filed or recorded  
18 until it shall have been submitted to and approved by ~~the governing board or appropriate body,~~ a  
19 staff person or committee comprised entirely of staff persons, as specified in the subdivision  
20 regulation, and until this approval shall have been entered on the face of the plat in writing by an  
21 authorized representative of the local government. Within 10 days after approving a preliminary  
22 or final plat, an authorized representative of the local government shall enter the approval on the  
23 face of the preliminary or final plat. The review officer, pursuant to G.S. 47-30.2, shall not certify  
24 a subdivision plat that has not been approved in accordance with these provisions nor shall the  
25 clerk of superior court order or direct the recording of a plat if the recording would be in conflict  
26 with this section.

27 (e) Notwithstanding G.S. 160D-403(c), once approval has been entered on the face of the  
28 plat in accordance with this section, the approval shall be valid and not expire unless the  
29 landowner applies for, and receives, a subsequent development approval."

30 **SECTION 16.** G.S. 160D-912 reads as rewritten:

31 **"§ 160D-912. Outdoor advertising.**

32 (a) As used in this section, the term "off-premises outdoor advertising" includes  
33 off-premises outdoor advertising signs visible from the main-traveled way of any road.

34 (b) A local government may require the removal of an off-premises outdoor advertising  
35 ~~sign that is noneonforming under a local ordinance not in compliance with a development~~  
36 regulation and may regulate the use of off-premises outdoor advertising within its planning and  
37 development regulation jurisdiction in accordance with the applicable provisions of this Chapter  
38 and subject to G.S. 136-131.1 and G.S. 136-131.2.

39 (c) A local government shall give written notice of its intent to require removal of  
40 off-premises outdoor advertising not in compliance with a development regulation by sending a  
41 letter by certified mail to the last known address of the owner of the off-premises outdoor  
42 advertising and the owner of the property on which the off-premises outdoor advertising is  
43 located.

44 (d) No local government may enact or amend an ordinance of general applicability to  
45 require the removal of any ~~noneonforming,~~ lawfully erected off-premises outdoor advertising  
46 ~~sign that is not in compliance with a development regulation~~ without the payment of monetary  
47 compensation to the owners of the off-premises outdoor advertising, except as provided below.  
48 The payment of monetary compensation is not required if:

- 49 (1) The local government and the owner of the ~~noneonforming~~ off-premises  
50 outdoor advertising enter into a relocation agreement pursuant to subsection  
51 (g) of this section.

- 1           (2)    The local government and the owner of the ~~noneonforming~~ off-premises  
2           outdoor advertising enter into an agreement pursuant to subsection (k) of this  
3           section.  
4           (3)    The off-premises outdoor advertising is determined to be a public nuisance or  
5           detrimental to the health or safety of the populace.  
6           (4)    The removal is required for opening, widening, extending, or improving  
7           streets or sidewalks, or for establishing, extending, enlarging, or improving  
8           any of the public enterprises listed in G.S. 160A-311, and the local  
9           government allows the off-premises outdoor advertising to be relocated to a  
10          comparable location.  
11          (5)    The off-premises outdoor advertising is subject to removal pursuant to  
12          statutes, ordinances, or regulations generally applicable to the demolition or  
13          removal of damaged structures.

14          (d1) ~~This subsection~~ Subsection (d) of this section shall be construed subject to and  
15          without any reduction in the rights afforded to owners of off-premises outdoor advertising signs  
16          along interstate and federal-aid primary highways in this State as provided in ~~Article 13 of~~  
17          Chapter 136 of the General Statutes. Nothing in this section shall be construed to diminish the  
18          rights given to owners or operators of nonconformities as set forth in G.S. 160D-108 and  
19          G.S. 160D-108.2 or the rights of owners or operators of outdoor advertising signs in Article 11  
20          of Chapter 136 of the General Statutes.

21          (e)    Monetary compensation is the fair market value of the off-premises outdoor  
22          advertising in place immediately prior to its removal and without consideration of the effect of  
23          the ordinance or any diminution in value caused by the ordinance requiring its removal. Monetary  
24          compensation shall be determined based on the following:

- 25               (1)    The factors listed in G.S. 105-317.1(a).  
26               (2)    The listed property tax value of the property and any documents regarding  
27               value submitted to the taxing authority.

28          (f)    If the parties are unable to reach an agreement under subsection (e) of this section on  
29          monetary compensation to be paid by the local government to the owner of the ~~noneonforming~~  
30          off-premises outdoor advertising ~~sign~~ for its removal and the local government elects to proceed  
31          with the removal of the ~~sign, off-premises outdoor advertising,~~ the local government may bring  
32          an action in superior court for a determination of the monetary compensation to be paid. In  
33          determining monetary compensation, the court shall consider the factors set forth in subsection  
34          (e) of this section. Upon payment of monetary compensation for the ~~sign, off-premises outdoor~~  
35          advertising, the local government shall own the ~~sign, off-premises outdoor advertising.~~

36          (g)    In lieu of paying monetary compensation, a local government may enter into an  
37          agreement with the owner of a ~~noneonforming~~ off-premises outdoor advertising ~~sign~~ to relocate  
38          and reconstruct the ~~sign, off-premises outdoor advertising.~~ The agreement shall include the  
39          following:

- 40               (1)    Provision for relocation of the ~~sign, off-premises outdoor advertising~~ to a site  
41               reasonably comparable to or better than the existing location. In determining  
42               whether a location is comparable or better, the following factors shall be taken  
43               into consideration:  
44               a.     The size and format of the ~~sign, off-premises outdoor advertising.~~  
45               b.     The characteristics of the proposed relocation site, including visibility,  
46               traffic count, area demographics, zoning, and any uncompensated  
47               differential in the ~~sign owner's cost~~ to the owner of the off-premises  
48               outdoor advertising to lease the replacement site.  
49               c.     The timing of the relocation.



1 (2) Provision for payment by the local government of the reasonable costs of  
2 relocating and reconstructing the ~~sign, off-premises outdoor advertising~~  
3 including the following:

- 4 a. The actual cost of removing the ~~sign, off-premises outdoor advertising.~~  
5 b. The actual cost of any necessary repairs to the real property for  
6 damages caused in the removal of the ~~sign, off-premises outdoor~~  
7 ~~advertising.~~  
8 c. The actual cost of installing the ~~sign, off-premises outdoor advertising~~  
9 at the new location.  
10 d. An amount of money equivalent to the income received from the lease  
11 of the ~~sign, off-premises outdoor advertising~~ for a period of up to 30  
12 days if income is lost during the relocation of the ~~sign, off-premises~~  
13 ~~outdoor advertising.~~

14 (h) For the purposes of relocating and reconstructing a ~~nonconforming~~ off-premises  
15 outdoor advertising ~~sign~~ pursuant to subsection (g) of this section, a local government, consistent  
16 with the welfare and safety of the community as a whole, may adopt a resolution or adopt or  
17 modify its ordinances to provide for the issuance of a permit or other approval, including  
18 conditions as appropriate, or to provide for dimensional, spacing, setback, or use variances as it  
19 deems appropriate.

20 (i) If a local government has offered to enter into an agreement to relocate a  
21 ~~nonconforming~~ off-premises outdoor advertising ~~sign~~ pursuant to subsection (g) of this section  
22 and within 120 days after the initial notice by the local government the parties have not been able  
23 to agree that the site or sites offered by the local government for relocation of the ~~sign~~  
24 ~~off-premises outdoor advertising~~ are reasonably comparable to or better than the existing site,  
25 the parties shall enter into binding arbitration to resolve their disagreements. Unless a different  
26 method of arbitration is agreed upon by the parties, the arbitration shall be conducted by a panel  
27 of three arbitrators. Each party shall select one arbitrator, and the two arbitrators chosen by the  
28 parties shall select the third member of the panel. The American Arbitration Association rules  
29 shall apply to the arbitration unless the parties agree otherwise.

30 (j) If the arbitration results in a determination that the site or sites offered by the local  
31 government for relocation of the ~~nonconforming sign, off-premises outdoor advertising~~ are not  
32 comparable to or better than the existing site, and the local government elects to proceed with the  
33 removal of the ~~sign, off-premises outdoor advertising,~~ the parties shall determine the monetary  
34 compensation under subsection (e) of this section to be paid to the owner of the ~~sign, off-premises~~  
35 ~~outdoor advertising.~~ If the parties are unable to reach an agreement regarding monetary  
36 compensation within 30 days of the receipt of the arbitrators' determination and the local  
37 government elects to proceed with the removal of the ~~sign, off-premises outdoor advertising~~ then  
38 the local government may bring an action in superior court for a determination of the monetary  
39 compensation to be paid by the local government to the owner for the removal of the ~~sign,~~  
40 ~~off-premises outdoor advertising.~~ In determining monetary compensation, the court shall  
41 consider the factors set forth in subsection (e) of this section. Upon payment of monetary  
42 compensation for the ~~sign, off-premises outdoor advertising,~~ the local government shall own the  
43 ~~sign, off-premises outdoor advertising.~~

44 (k) Notwithstanding the provisions of this section, a local government and an  
45 off-premises outdoor advertising ~~sign~~ owner may enter into a voluntary agreement allowing for  
46 the removal of the ~~sign, off-premises outdoor advertising~~ after a set period of time in lieu of  
47 monetary compensation. A local government may adopt an ordinance or resolution providing for  
48 a relocation, reconstruction, or removal agreement.

49 (l) A local government has up to three years from the effective date of an ordinance  
50 enacted under this section to pay monetary compensation to the owner of the off-premises

1 outdoor advertising provided the affected ~~property off-premises outdoor advertising~~ remains in  
2 place until the compensation is paid.

3 (m) This section does not apply to any ordinance in effect on July 1, 2004. A local  
4 government may amend an ordinance in effect on July 1, 2004, to extend application of the  
5 ordinance to off-premises outdoor advertising located in territory acquired by annexation or  
6 located in the extraterritorial jurisdiction of the city. A local government may repeal or amend  
7 an ordinance in effect on July 1, 2004, so long as the amendment to the existing ordinance does  
8 not reduce the period of amortization in effect on June 19, 2020.

9 (n) The provisions of this section shall not be used to interpret, construe, alter, or  
10 otherwise modify the exercise of the power of eminent domain by an entity pursuant to Chapter  
11 40A or Chapter 136 of the General Statutes.

12 (o) Nothing in this section shall limit a local government's authority to use amortization  
13 as a means of phasing out nonconforming uses other than off-premises outdoor advertising."

14 **SECTION 17.** G.S. 160D-912.1 reads as rewritten:

15 **"§ 160D-912.1. On-premises advertising.**

16 (a) As used in this section, the following definitions apply:

17 (1) Monetary compensation. – An amount equal to the sum of (i) the greater of  
18 the fair market value of the ~~nonconforming on-premises advertising sign that~~  
19 is not in compliance with a development regulation in place immediately prior  
20 to the removal or the diminution in value of the real estate resulting from the  
21 removal of the on-premises advertising sign and (ii) the cost of a new  
22 on-premises advertising sign that conforms to the local government's  
23 development regulations.

24 (2) On-premises advertising sign. – A sign visible from any local or State road or  
25 highway that advertises activities conducted on the property upon which it is  
26 located or advertises the sale or lease of the property upon which it is located.

27 (3) Reconstruction. – Erecting or constructing anew, including any new or  
28 modern instrumentalities, parts, or equipment that were allowed under the  
29 local development rules in place at the time the on-premises advertising sign  
30 was erected.

31 (b) Notwithstanding any local development regulation to the contrary, a lawfully erected  
32 on-premises advertising sign may be relocated or reconstructed within the same parcel so long  
33 as the square footage of the total advertising surface area is not increased, and the on-premises  
34 advertising sign complies with the local development ~~rules-regulations~~ in place at the time the  
35 on-premises advertising sign was erected. The construction work related to the relocation of the  
36 lawfully erected on-premises advertising sign shall commence within two years after the date of  
37 removal. The local government shall have the burden to prove that the on-premises advertising  
38 sign was not lawfully erected.

39 (c) A local government may require the removal of a lawfully erected on-premises  
40 advertising sign under a local development regulation only if the local government pays the  
41 owner of the on-premises advertising sign monetary compensation for the removal. Upon  
42 payment of monetary compensation, the local government shall own the on-premises advertising  
43 sign and remove it in a timely manner.

44 (d) Nothing in this section shall be construed to diminish the rights given to owners or  
45 operators of ~~nonconforming uses, including nonconforming structures, nonconformities~~ as set  
46 forth in ~~G.S. 160D-108~~ G.S. 160D-108 and G.S. 160D-108.2 or the rights of owners or operators  
47 of outdoor advertising signs in Article 11 of ~~Chapter 136~~ Chapter 136 of the General Statutes."

48 **SECTION 18.** G.S. 160D-944 reads as rewritten:

49 **"§ 160D-944. Designation of historic districts.**

50 (a) Any local government may, as part of a zoning regulation adopted pursuant to Article  
51 7 of this Chapter or as a development regulation enacted or amended pursuant to Article 6 of this

1 Chapter, designate and from time to time amend one or more historic districts within the area  
2 subject to the development regulation. Historic districts established pursuant to this Part shall  
3 consist of areas that are deemed to be of special significance in terms of their history, prehistory,  
4 architecture, or culture and to possess integrity of design, setting, materials, feeling, and  
5 association.

6 A development regulation may treat historic districts either as a separate use district  
7 classification or as districts that overlay other zoning districts. Where historic districts are  
8 designated as separate use districts, the ~~zoning-development~~ regulation may include as uses by  
9 right or as special uses those uses found by the preservation commission to have existed during  
10 the period sought to be restored or preserved or to be compatible with the restoration or  
11 preservation of the district.

12 (b) No historic district or districts shall be designated under subsection (a) of this section  
13 until all of the following occur:

14 (1) An investigation and report describing the significance of the buildings,  
15 structures, features, sites, or surroundings included in the proposed district and  
16 a description of the boundaries of the district have been prepared.

17 (2) The Department of Natural and Cultural Resources, acting through the State  
18 Historic Preservation Officer or his or her designee, has made an analysis of  
19 and recommendations concerning the report and description of proposed  
20 boundaries. Failure of the Department to submit its written analysis and  
21 recommendations to the governing board within 30 calendar days after a  
22 written request for the analysis has been received by the Department relieves  
23 the governing board of any responsibility for awaiting the analysis, and the  
24 governing board may at any subsequent time take any necessary action to  
25 adopt or amend its zoning regulation.

26 (3) Seventy-five percent (75%) of the property owners in the proposed district  
27 sign a petition requesting designation of the district.

28 (c) The governing board may also, in its discretion, refer the report and proposed  
29 boundaries under subsection (b) of this section to any local preservation commission or other  
30 interested body for its recommendations prior to taking action to amend the ~~zoning-development~~  
31 regulation. With respect to any changes in the boundaries of a district, subsequent to its initial  
32 establishment, or the creation of additional districts within the jurisdiction, the investigative  
33 studies and reports required by subdivision (1) of subsection (b) of this section shall be prepared  
34 by the preservation commission and shall be referred to the planning board for its review and  
35 comment according to procedures set forth in the ~~zoning-development~~ regulation. Changes in the  
36 boundaries of an initial district or proposal for additional districts shall also be submitted to the  
37 Department of Natural and Cultural Resources in accordance with the provisions of subdivision  
38 (2) of subsection (b) of this section.

39 On receipt of these reports and recommendations, the local government may proceed in the  
40 same manner as would otherwise be required for the adoption or amendment of any appropriate  
41 ~~zoning regulation.~~ development regulation, except that the governing board shall unanimously  
42 approve the adoption of the district.

43 (d) G.S. 160D-914 applies to ~~zoning or other~~ development regulations pertaining to  
44 historic districts, and the authority under that statute for the ordinance to regulate the location or  
45 screening of solar collectors may encompass requiring the use of plantings or other measures to  
46 ensure that the use of solar collectors is not incongruous with the special character of the district."

47 **SECTION 19.** Article 9 of Chapter 160D of the General Statutes is amended by  
48 adding the following two new sections to read:

49 **"§ 160D-974. Tiny houses in residential districts in certain cities.**

1       (a) Tiny Housing in Residential Zones. – A city shall allow tiny housing in areas zoned  
2 for residential or mixed-use residential, including those that allow for the development of  
3 detached single-family dwellings.

4       (b) Regulation and Scope. – Nothing in this section affects the validity or enforceability  
5 of private covenants or other contractual agreements among property owners relating to dwelling  
6 type restrictions. Any development regulation adopted pursuant to this section shall not apply to  
7 an area designated as a local historic district (i) pursuant to Part 4 of this Article or (ii) on the  
8 National Register of Historic Places, unless approved by the local historic preservation authority.  
9 For septic systems, a city may require a new system or an upgrade to an existing system if it is  
10 determined that the existing system is incapable of handling increased capacity.

11       (c) Definitions. – As used in this section, the term "tiny housing" means a detached  
12 single-family dwelling unit that is no greater than 600 square feet, built to standards applicable  
13 to the North Carolina Residential Code, and is either constructed or mounted on a foundation and  
14 is connected to utilities. The term does not include a recreational vehicle or manufactured home  
15 that has not been affixed to real property.

16       (d) Applicability. – This section applies only to cities with a population of 125,000 or  
17 more, according to the most recent decennial federal census.

18 **"§ 160D-975. Accessory dwelling units in certain cities.**

19       (a) A city shall allow the development of at least one accessory dwelling unit which  
20 conforms to the North Carolina Residential Code, including applicable provisions from the North  
21 Carolina Fire Code, for each detached single-family dwelling that is greater than 600 square feet,  
22 in areas zoned for residential use that allow for development of detached single-family dwellings.  
23 An accessory dwelling unit may be built or sited concurrently with the primary dwelling or after  
24 the primary dwelling has been constructed or sited. Nothing in this section shall prohibit a local  
25 government from permitting accessory dwelling units in any area not otherwise required under  
26 this section.

27       (b) Development and permitting of an accessory dwelling unit shall not be subject to any  
28 of the following requirements:

29           (1) Owner-occupancy of any dwelling unit, including an accessory unit.

30           (2) Minimum parking requirements or other parking restrictions, including the  
31 imposition of additional parking requirements where an existing structure is  
32 converted for use as an accessory dwelling unit.

33           (3) Conditional use zoning.

34       (c) In permitting accessory dwelling units under this section, a city shall not do any of  
35 the following:

36           (1) Prohibit the connection of the accessory dwelling unit to existing utilities  
37 serving the primary dwelling unit.

38           (2) Charge any fee, other than a building permit fee, that exceeds the amount  
39 charged for any single-family dwelling unit similar in nature.

40       (d) Except as otherwise provided in this section, a city may regulate accessory dwelling  
41 units pursuant to this Chapter, provided that the development regulations do not act to discourage  
42 development or siting of accessory dwelling units through unreasonable costs or delay. Nothing  
43 in this section shall affect the validity or enforceability of private covenants or other contractual  
44 agreements among property owners relating to dwelling type restrictions.

45       (e) A city may impose a setback minimum for accessory dwelling units of 5 feet or the  
46 setback minimum imposed generally upon lots in the same zoning classification, whichever is  
47 less.

48       (f) For the purposes of this section, the term "accessory dwelling unit" means an attached  
49 or detached residential structure that is used in connection with or that is accessory to a primary  
50 single-family dwelling and that has less total square footage than the primary single-family  
51 dwelling.

1       (g) This section applies only to cities with a population of 125,000 or more, according to  
2 the most recent decennial federal census."

3       **SECTION 20.** G.S. 160D-1102(c) reads as rewritten:

4       (c) No later than October 1 of 2023, 2024, and 2025, each year, every local government  
5 shall publish an annual financial report on how it used fees from the prior fiscal year for the  
6 support, administration, and implementation of its building code enforcement program as  
7 required by G.S. 160D-402(d). This report is in addition to any other financial report required by  
8 law."

9       **SECTION 21.** G.S. 160D-1110(d) is amended by adding a new subdivision to read:

10       "(3) Require more than a shell permit for the construction of a multifamily  
11 development. Upon the request of the permittee, the local government shall  
12 issue certificates of occupancy for individual units in a multifamily  
13 development permitted under a shell permit as the units meet the criteria for  
14 issuance of a certificate of occupancy. For purposes of this subdivision, "shell  
15 permit" means a permit that allows for the structural construction of a building  
16 but does not result in the issuance of a certificate of occupancy."

17       **SECTION 22.** G.S. 160D-1403 reads as rewritten:

18       "**§ 160D-1403. Appeals of decisions on subdivision plats.**

19       ~~(a) When a subdivision regulation adopted under this Chapter provides that the decision~~  
20 ~~whether to approve or deny a preliminary or final subdivision plat is quasi-judicial, then that~~  
21 ~~decision of the board is subject to review by the superior court by a proceeding in the nature of~~  
22 ~~certiorari. G.S. 160D-406 and this section apply to those appeals.~~

23       ~~(b) When a subdivision regulation adopted under this Chapter provides that the decision~~  
24 ~~whether to approve or deny a preliminary or final subdivision plat is administrative, or for~~ For  
25 any other administrative decision implementing a subdivision regulation, the following applies:

26       ~~(1) If made by the governing board or planning board, the decision is subject to~~  
27 ~~review by filing an action in superior court seeking appropriate declaratory or~~  
28 ~~equitable relief within 30 days from receipt of the written notice of the~~  
29 ~~decision, which shall be made as provided in G.S. 160D-403(b).~~

30       ~~(2) If made by the staff or a staff committee, the decision is subject to appeal as~~  
31 ~~provided in G.S. 160D-405.~~

32       ~~(c) For purposes of this section, a subdivision regulation is deemed to authorize a~~  
33 ~~quasi-judicial decision if the decision-making entity under G.S. 160D-803(c) is authorized to~~  
34 ~~decide whether to approve or deny the plat based not only upon whether the application complies~~  
35 ~~with the specific requirements set forth in the regulation but also on whether the application~~  
36 ~~complies with one or more generally stated standards requiring a discretionary decision to be~~  
37 ~~made."~~

38       **SECTION 23.** G.S. 160D-1403.1 reads as rewritten:

39       "**§ 160D-1403.1. Civil action for declaratory relief, injunctive relief, other remedies; joinder**  
40 **of complaint and petition for writ of certiorari in certain cases.**

41       (a) Civil Action. – Except as otherwise provided in this section for claims involving  
42 questions of interpretation, in lieu of any remedies available under G.S. 160D-405 or  
43 G.S. 160D-108(h), a person with standing, as defined in subsection (b) of this section, may bring  
44 an original civil action seeking declaratory relief, injunctive relief, damages, or any other  
45 remedies provided by law or equity, in superior court or federal court to challenge the  
46 enforceability, validity, or effect of a ~~local land~~ development regulation or development approval  
47 for any of the following claims:

48       (1) ~~The ordinance, development regulation,~~ either on its face or as applied, is  
49 unconstitutional.

1           (2)    The ~~ordinance, development regulation,~~ either on its face or as applied, is ultra  
2           vires, preempted, arbitrary or capricious, or is otherwise in excess of statutory  
3           authority.

4           (3)    The ~~ordinance, development regulation,~~ either on its face or as applied,  
5           constitutes a taking of property.

6           (4)    The development approval is ultra vires, preempted, in excess of its statutory  
7           authority, made upon unlawful procedure, made in error of law, arbitrary and  
8           capricious, or an abuse of discretion.

9           (a1) Appeals of Administrative Decisions. – If the ~~decision~~ development approval being  
10          challenged under subsection (a) of this section is from an administrative official charged with  
11          enforcement of a ~~local land~~ development regulation, the party with standing must first bring any  
12          claim that the ~~ordinance development regulation~~ was erroneously interpreted to the applicable  
13          board of adjustment pursuant to G.S. 160D-405. An adverse ruling from the board of adjustment  
14          may then be challenged in an action brought pursuant to this subsection with the court hearing  
15          the matter de novo together with any of the claims listed in this subsection.

16          (b)    Standing. – Any of the following criteria provide standing to bring an action under  
17          this section:

18               (1)    The person has an ownership, leasehold, or easement interest in, or possesses  
19               an option or contract to purchase the property that is the subject matter of a  
20               final and binding decision made by an administrative official charged with  
21               applying or enforcing a ~~land~~ development regulation.

22               (2)    The person was a development permit applicant before the decision-making  
23               board whose decision is being challenged.

24               (3)    The person was a development permit applicant who is aggrieved by a final  
25               and binding decision of an administrative official charged with applying or  
26               enforcing a ~~land~~ development regulation.

27               (4)    An association, organization, society, or entity whose membership is  
28               comprised of an individual or entity identified in subdivision (2) or (3) of this  
29               subsection.

30          ...

31          (g)    Definitions. – The ~~definitions~~ definition of "development permit" in G.S. 143-755  
32          shall apply in this section."

33          **SECTION 24.** Article 14 of Chapter 160D of the General Statutes is amended by  
34          adding a new section to read:

35          "**§ 160D-1403.3. Private remedies.**

36          In addition to any other remedy otherwise provided by law, any person with standing under  
37          G.S. 160D-1403.1(b) may bring a civil action to enforce the provisions of this Chapter and  
38          recover damages, costs, and disbursements, including costs of investigation and reasonable  
39          attorneys' fees, and receive other equitable relief as determined by the court."

40          **SECTION 25.(a)** Article 14 of Chapter 160D of the General Statutes is amended by  
41          adding a new section to read:

42          "**§ 160D-1406. Civil liability in certain instances.**

43          (a)    In addition to any other remedy available, actual damages resulting from any  
44          development decision, or lack thereof, may be recovered by civil action naming a member or  
45          members of the decision-making board individually. A civil action under this section may be  
46          instituted by any person with standing as described in G.S. 160D-1402(c) to recover civil  
47          damages from any member or members of the decision-making board who did any of the  
48          following with respect to the development decision:

49               (1)    Engaged in impermissible violations of due process.

50               (2)    Considered evidence or other material gained outside of an evidentiary  
51               hearing when making a quasi-judicial decision.

1           (3)    Acted maliciously, arbitrarily and capriciously, or unlawfully.

2           (4)    Acted grossly negligent or wrongfully.

3       (b)    If a court determines that a member of a decision-making board is liable under  
4 subsection (a) of this section, the court may also award punitive damages.

5       (c)    Notwithstanding the common law of legislative privilege and legislative immunity, a  
6 court may compel disclosure of information if, in the presiding judge's opinion, the disclosure is  
7 necessary to a proper administration of justice.

8       (d)    Attorneys' fees and costs shall be awarded in accordance with G.S. 6-21.7."

9       **SECTION 25.(b)** G.S. 6-21.7 reads as rewritten:

10   "**§ 6-21.7. Attorneys' fees; cities or counties acting outside the scope of their authority.**

11       (a)    In any action in which a city or county is a party, upon a finding by the court that the  
12 city or county violated a statute or case law setting forth unambiguous limits on its authority, the  
13 court shall award reasonable attorneys' fees and costs to the party who successfully challenged  
14 the city's or county's action. In any action in which a member of a decision-making board under  
15 Chapter 160D of the General Statutes is found to be liable under G.S. 160D-1406, the court shall  
16 award reasonable attorneys' fees and costs to the party who successfully challenged the acts of  
17 the member of a decision-making board under Chapter 160D of the General Statutes.

18       (b)    In any action in which a city or county is a party, upon finding by the court that the  
19 city or county took action inconsistent with, or in violation of, G.S. 160D-108(b) or  
20 G.S. 143-755, the court shall award reasonable attorneys' fees and costs to the party who  
21 successfully challenged the local government's failure to comply with any of those provisions.

22       (c)    In all other ~~matters~~, matters not covered by subsection (a) or (b) of this section, the  
23 court may award reasonable attorneys' fees and costs to the prevailing private litigant.

24       (d)    For purposes of this section, "unambiguous" means that the limits of authority are not  
25 reasonably susceptible to multiple constructions."

26       **SECTION 26.** G.S. 63-31(e) reads as rewritten:

27       (e)    All airport zoning regulations adopted under this Article shall be reasonable, and none  
28 shall require the removal, lowering, or other change or alteration of any structure or tree not  
29 conforming to the regulations when adopted or amended, or otherwise interfere with the  
30 continuance of any ~~nonconforming use~~, nonconformity as defined in G.S. 160D-102 except as  
31 provided in G.S. 63-32, subsection (a)."

32       **SECTION 27.** G.S. 63-36 reads as rewritten:

33   "**§ 63-36. Acquisition of air rights.**

34       (a)    In any case in which:

35           (1)   It is desired to remove, lower, or otherwise terminate a ~~nonconforming use~~;  
36               nonconformity; or

37           (2)   The approach protection necessary cannot, because of constitutional  
38 limitations, be provided by airport zoning regulations under this Article; or

39           (3)   It appears advisable that the necessary approach protection be provided by  
40 acquisition of property rights rather than by airport zoning regulations,

41 the political subdivision within which the property or ~~nonconforming use~~ nonconformity is  
42 located or the political subdivision owning the airport or served by it may acquire, in the manner  
43 provided by the law under which municipalities are authorized to acquire real property for public  
44 purposes, such an air right, easement, or other estate or interest in the property or ~~nonconforming~~  
45 use-nonconformity in question as may be necessary to effectuate the purposes of this Article.

46       (b)    If any political subdivision, or if any board or administrative agency appointed or  
47 selected by a political subdivision, shall adopt, administer or enforce any airport zoning  
48 regulations which results in the taking of, or in any other injury or damage to any existing  
49 structure, such political subdivision shall be liable therefor in damages to the owner or owners of  
50 any such property and the liability of the political subdivision shall include any expense which  
51 the owners of such property are required to incur in complying with any such zoning regulations.

1 (c) For purposes of this section, "nonconformity" shall have the same meaning as in  
2 G.S. 160D-102."

3 **SECTION 28.(a)** G.S. 120-36.7 is amended by adding a new subsection to read:

4 "(e) Proposed Increases Affecting Home Affordability. – Every bill and resolution  
5 introduced in the General Assembly proposing any change in the law that could cause a net  
6 increase in the cost of constructing, purchasing, owning, or selling a building or structure subject  
7 to the North Carolina Residential Code, either directly or indirectly, shall have attached to it at  
8 the time of its consideration by the General Assembly a fiscal note prepared by the Fiscal  
9 Research Division. The fiscal note shall identify and estimate, for the first five fiscal years the  
10 proposed change would be in effect, all anticipated effects on costs of the proposed change. The  
11 fiscal note shall be prepared on the basis of a median priced single-family residence and may  
12 include an estimate for a larger development as an analysis of the long-range effect of a measure.  
13 If, after careful investigation, the Fiscal Research Division determines that no dollar estimate is  
14 possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar  
15 estimate can be given. No comment or opinion shall be included in the fiscal note with regard to  
16 the merits of the measure for which the note is prepared. However, technical and mechanical  
17 defects may be noted.

18 The sponsor of each bill or resolution to which this subsection applies shall present a copy of  
19 the bill or resolution with the request for a fiscal note to the Fiscal Research Division. Upon  
20 receipt of the request and the copy of the bill or resolution, the Fiscal Research Division shall  
21 prepare the fiscal note as promptly as possible. The Fiscal Research Division shall prepare the  
22 fiscal note and transmit it to the sponsor within two weeks after the request is made, unless the  
23 sponsor agrees to an extension of time.

24 This fiscal note shall be attached to the original of each proposed bill or resolution that is  
25 reported favorably by any committee of the General Assembly but shall be separate from the bill  
26 or resolution and shall be clearly designated as a fiscal note. A fiscal note attached to a bill or  
27 resolution pursuant to this subsection is not a part of the bill or resolution and is not an expression  
28 of legislative intent proposed by the bill or resolution.

29 If a committee of the General Assembly reports favorably a proposed bill or resolution with  
30 an amendment that proposes a change in the law that could cause a net increase in the cost of  
31 constructing, purchasing, owning, or selling a building or structure subject to the North Carolina  
32 Residential Code, either directly or indirectly, the chair of the committee shall obtain from the  
33 Fiscal Research Division and attach to the amended bill or resolution a fiscal note as provided in  
34 this section."

35 **SECTION 28.(b)** Article 3 of Chapter 159 of the General Statutes is amended by  
36 adding a new section to read:

37 **§ 159-42.2. Fiscal note required for ordinances affecting housing affordability.**

38 (a) Prior to adopting, amending, or repealing an ordinance that could cause a net increase  
39 in the cost of constructing, purchasing, owning, or selling a building or structure subject to the  
40 North Carolina Residential Code, either directly or indirectly, the governing body of a county or  
41 city shall have a fiscal note prepared by its planning department or another department designated  
42 by the governing body. The fiscal note shall be submitted to the governing body at least five days  
43 prior to the meeting at which the ordinance is to be introduced and shall be made available to the  
44 public at that meeting. For purposes of this section, the term "introduced" has the same meaning  
45 as in G.S. 160A-75(c). In preparing the fiscal note, the planning department or other department  
46 may consult with relevant trade organizations representing the real estate or home building  
47 industries. The fiscal note shall identify and estimate, for the first five fiscal years the ordinance,  
48 or the amendment or repeal thereof, would be in effect, all anticipated effects on costs of the  
49 proposed change. The fiscal note shall be prepared on the basis of a median priced single-family  
50 residence and may include an estimate for a larger development as an analysis of the long-range  
51 effect of a measure. If, after careful investigation, the planning or other department determines



1 that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting  
2 forth the reasons why no dollar estimate can be given. No comment or opinion shall be included  
3 in the fiscal note with regard to the merits of the measure for which the note is prepared. However,  
4 technical and mechanical defects may be noted.

5 (b) Any resident of the county or city may bring a civil action in the superior court of the  
6 county for failure of the governing body to have a fiscal note prepared as required by this section  
7 or for failure to prepare an accurate or sufficient fiscal note. If the court determines the governing  
8 body failed to have a fiscal note prepared as required by this section or failed to prepare an  
9 accurate or sufficient fiscal note, the court shall order that a fiscal note be prepared. The court  
10 shall have authority to determine the sufficiency of a fiscal note."

11 **SECTION 29.** Article 11 of Chapter 130A of the General Statutes is amended by  
12 adding a new section to read:

13 **"§ 130A-343.5. Wastewater systems for property within service area of a public or**  
14 **community wastewater system.**

15 (a) Notwithstanding G.S. 130A-55(16), 153A-284, 160A-317, 162A-6(a)(14d), and  
16 162A-14(2), a property owner may install a wastewater system in accordance with this Article to  
17 serve any undeveloped or unimproved property located so as to be served by a public or  
18 community wastewater system.

19 (b) Notwithstanding G.S. 130A-55(16), 153A-284, 160A-317, 162A-6(a)(14d), and  
20 162A-14(2), a property owner of developed or improved property located so as to be served by  
21 a public or community wastewater system may install a wastewater system in accordance with  
22 this Article if the public or community wastewater system has not yet installed sewer lines  
23 directly available to the property or otherwise cannot provide wastewater service to the property  
24 at the time the property owner desires wastewater service.

25 (c) Upon compliance with this Article, the property owner installing a wastewater system  
26 pursuant to subsection (a) or (b) of this section shall not be required to connect to the public or  
27 community wastewater system for so long as the wastewater system installed in accordance with  
28 this Article remains compliant and in use. A property owner may opt to connect to the public or  
29 community wastewater system if the property owner so desires.

30 (d) Nothing in this section shall require a property owner to install a wastewater system  
31 in accordance with this Article if the property is located so as to be served by a public or  
32 community wastewater system and the public or community wastewater system is willing to  
33 provide wastewater service to the property.

34 (e) This section shall not apply, and a public or community wastewater system may  
35 mandate connection to that public or community wastewater system, in any of the following  
36 situations:

- 37 (1) The wastewater system in accordance with this Article serving the property  
38 has failed and cannot be repaired.
- 39 (2) The public authority or unit of government operating the public water system  
40 is being assisted by the Local Government Commission.
- 41 (3) The public authority or unit of government operating the public or community  
42 wastewater system is in the process of expanding or repairing the public or  
43 community wastewater system and is actively making progress to having  
44 wastewater lines installed and directly available to provide wastewater service  
45 to that property within the 24 months of the time the property owner applies  
46 for a permit under this Article."

47 **SECTION 30.** G.S. 136-102.6 is amended by adding a new subsection to read:

48 "(c1) Notwithstanding anything to the contrary in this section, the Division of Highways  
49 shall accept a performance guarantee as provided under G.S. 160D-804.1 to ensure completion  
50 of streets that are required by a development regulation under Chapter 160D of the General

1 Statutes. On receipt of the performance guarantee, the Division of Highways shall issue a  
2 certificate of approval to the municipality or county as to those streets."

3 **SECTION 31.** G.S. 136-131.5(c) reads as rewritten:

4 "(c) A nonconforming sign not conforming to State standards shall not be relocated  
5 pursuant to this section unless the nonconformity is removed nonconforming sign is brought into  
6 conformity with State law, rules, and regulations as part of the relocation."

7 **SECTION 32.** The catch line of G.S. 136-131 reads as rewritten:

8 "**§ 136-131. Removal of certain existing nonconforming advertising signs.**"

9 **SECTION 33.** G.S. 136-133.1(d) reads as rewritten:

10 "(d) Except as provided in subsection (e) of this section, trees existing at the time the  
11 outdoor advertising sign was erected may only be removed within the zone created in subsection  
12 (a) of this section if the applicant satisfies one of the following two options selected by the  
13 applicant: (i) reimbursement to the Department pursuant to G.S. 136-93.2 or (ii) trees that existed  
14 at the time of the erection of the outdoor advertising sign may be removed if the applicant agrees  
15 to remove two nonconforming ~~outdoor advertising signs~~ for each outdoor advertising sign at  
16 which removal of existing trees is requested. The surrendered nonconforming signs must be fully  
17 disassembled before any removal of existing trees is permitted and shall not be eligible for future  
18 outdoor advertising permits in perpetuity."

19 **SECTION 34.** G.S. 160A-31(h) reads as rewritten:

20 "(h) A city council which receives a petition for annexation under this section may by  
21 ordinance require that the petitioners file a signed statement declaring whether or not vested  
22 rights with respect to the properties subject to the petition have been established under  
23 ~~G.S. 160D-108 or G.S. 160D-108.1~~ G.S. 160D-108, 160D-108.1, or 160D-108.2. If the  
24 statement declares that such rights have been established, the city may require petitioners to  
25 provide proof of such rights. A statement which declares that no vested rights have been  
26 established under ~~G.S. 160D-108 or G.S. 160D-108.1~~ G.S. 160D-108, 160D-108.1, or  
27 160D-108.2 shall be binding on the landowner and any such vested right shall be terminated."

28 **SECTION 35.** G.S. 160A-58.1(d) reads as rewritten:

29 "(d) A city council which receives a petition for annexation under this section may by  
30 ordinance require that the petitioners file a signed statement declaring whether or not vested  
31 rights with respect to the properties subject to the petition have been established under  
32 ~~G.S. 160D-108 or G.S. 160D-108.1~~ G.S. 160D-108, 160D-108.1, or 160D-108.2. If the  
33 statement declares that such rights have been established, the city may require petitioners to  
34 provide proof of such rights. A statement which declares that no vested rights have been  
35 established under ~~G.S. 160D-108 or G.S. 160D-108.1~~ G.S. 160D-108, 160D-108.1, or  
36 160D-108.2 shall be binding on the landowner and any such vested rights shall be terminated."

37 **SECTION 36.** G.S. 160A-307 reads as rewritten:

38 "**§ 160A-307. Curb cut regulations.**

39 (a) ~~A~~ Except as expressly permitted by Chapter 160D of the General Statutes, a city may  
40 not regulate by ordinance ~~regulate~~ the size, location, direction of traffic flow, and manner of  
41 construction of driveway connections into any street or alley. ~~The~~ To the extent allowed by  
42 Chapter 160D of the General Statutes, the ordinance may require the construction or  
43 reimbursement of the cost of construction and public dedication of medians, acceleration and  
44 deceleration lanes, and traffic storage lanes for driveway connections into any street or alley if  
45 all of the following apply:

46 (1) The city has shown through substantial evidence the need for such ~~the~~  
47 improvements is reasonably attributable to the traffic using the driveway.

48 (2) The city has shown through substantial evidence the improvements serve the  
49 traffic of the driveway.

50 (b) No street or alley under the control of the Department of Transportation may be  
51 improved without the consent of the Department of Transportation. A city shall not require the

1 applicant to acquire right-of-way from property not owned by the applicant. However, an  
2 applicant may voluntarily agree to acquire such right-of-way.

3 (c) For purposes of this section, "substantial evidence" means facts and information,  
4 other than mere personal preferences or speculation, that a reasonable person would accept in  
5 support of a conclusion."

6 **SECTION 37.(a)** Chapter 162A of the General Statutes is amended by adding a new  
7 Article to read:

8 "Article 12.

9 "Water and Sewer Allocation.

10 **§ 162A-1000. Short title and purpose.**

11 (a) This Article shall be known and may be cited as the "Water and Sewer Capacity  
12 Allocation and Planning Act."

13 (b) The purpose of this Article is to require all public water and sewer service providers  
14 to plan for future growth and allocate water and wastewater system capacity in a fair, transparent,  
15 and accountable manner. This act will ensure that sufficient water supply and wastewater  
16 treatment capacity is available for anticipated development and that capacity is allocated without  
17 discrimination or abuse.

18 **§ 162A-1001. Definitions.**

19 For the purposes of this Article, the following definitions apply:

- 20 (1) Allocation or capacity allocation. – A reservation of a specific quantity of  
21 water or sewer capacity for a particular project.
- 22 (2) Applicant. – Any person, business, developer, property owner, or entity that  
23 has received preliminary or final site plan approval, as defined under  
24 G.S. 160D-102(29), for a project and submits an application for allocation for  
25 a new development or expansion of an existing development to a public water  
26 or sewer provider.
- 27 (3) Approved applicant. – An applicant whose application for allocation has been  
28 approved.
- 29 (4) Available capacity. – The portion of a facility's capacity that is not currently  
30 being used by existing customers and is not already reserved by prior  
31 allocations. Available capacity is determined by establishing a facility's  
32 capacity minus the sum of current actual usage and any outstanding  
33 allocations for projects in their reservation period.
- 34 (5) Capacity or system capacity. – The actual capacity of a facility. For  
35 wastewater systems, actual capacity refers to hydraulic capacity, meaning the  
36 maximum volume of wastewater that can be collected, conveyed, and treated  
37 under the facility's permit limits without violation. For water systems, actual  
38 capacity refers to the actual available water supply, meaning the reliable  
39 quantity of water that can be treated and delivered, accounting for permitted  
40 withdrawal limits and treatment plant output, wells, or other sources,  
41 including any contractual or bulk supply capacity available to the local  
42 governmental unit.
- 43 (6) Department. – The Department of Environmental Quality.
- 44 (7) Facility. – As defined in G.S. 162A-201(4).
- 45 (8) Local governmental unit. – As defined in G.S. 162A-201(5) and any  
46 third-party persons who own or operate a facility on behalf of a local  
47 governmental unit.
- 48 (9) Project. – A development, as defined by G.S. 160D-102(12), for which water  
49 or sewer service is requested. This includes new developments, and expansion  
50 or additions to existing developments, that require new or additional water or  
51 sewer service.

1           (10) Substantial expenditure. – A significant or considerable outlay of money,  
2           resources, or financial investment, viewed in light of the stage in which the  
3           project exists, that is not merely nominal or trivial.

4 **"§ 162A-1002. Allocation process.**

5           (a) Allocation Request. – A local governmental unit shall approve capacity allocation  
6           requests in accordance with this Article. Once approved, a capacity allocation guarantees the  
7           local governmental unit shall provide water service or sewer service for that project up to the  
8           approved allocation amount.

9           (b) Form of Application. – A local governmental unit may request only the following  
10           information from an applicant, and may not require any other information that is not necessary  
11           for the local governmental unit to determine whether it has available capacity to serve the project:

12           (1) The name, address, and other relevant contact information of the applicant.

13           (2) Documentation evidencing that the applicant has received preliminary or final  
14           approval for a site plan, as defined under G.S. 160D-102(29), for the project.

15           (3) The amount of capacity allocation requested in gallons per day or other  
16           similarly objective measurement.

17           (4) The anticipated date the project will begin utilizing the capacity allocation.

18           (c) Approval of Allocation Request. – Not later than 10 days after receiving an  
19           application for allocation, a local governmental unit shall approve the allocation if available  
20           capacity exists and the application is complete. Upon approving the allocation, the local  
21           governmental unit shall provide the applicant with written documentation specifying (i) the  
22           allocation reserved, (ii) the amount of allocation reserved, (iii) the project for which the allocation  
23           has been reserved, (iv) the date of the allocation approval, and (v) the date the reservation period  
24           expires. The local governmental unit shall approve or deny applications for allocation according  
25           to the following process:

26           (1) The local governmental unit shall approve the total allocation requested by the  
27           applicant unless the request for allocation exceeds the local governmental  
28           unit's available capacity, in which case the local governmental unit shall,  
29           within 10 days after receiving the application for allocation, offer to provide  
30           the applicant with allocation equivalent to the available capacity, if any. The  
31           local governmental unit shall reserve the reduced allocation for a project under  
32           this subsection provided the applicant agrees, in writing, to the reduced  
33           allocation.

34           (2) Except as expressly provided in this section, a local governmental unit may  
35           not deny, reduce, or otherwise modify the amount of an allocation requested  
36           through an application if available capacity exists sufficient to accommodate  
37           an application's allocation request.

38           (3) A local governmental unit shall not require an applicant to agree to any  
39           condition not otherwise authorized by this section, or to accept any offer by  
40           the applicant to consent to any condition not otherwise authorized by law.  
41           These conditions include, without limitation, any of the following:

42           a. Payment of taxes, impact fees, or other fees or contributions to any  
43           fund.

44           b. Adherence to any restrictions related to development regulations under  
45           Chapter 160D of the General Statutes, including those within the scope  
46           of G.S. 160D-702(c).

47           c. Adherence to any restriction related to building design elements within  
48           the scope of G.S. 160D-702(b).

49           (4) A local governmental unit shall not implement a scoring or preference system  
50           to allocate water service or sewer service among applicants, except as  
51           specifically authorized by this section.

1       (d) Reservation Period. – The initial reservation period shall be for 24 months after the  
2 date the allocation is approved. A local governmental unit shall extend the initial reservation  
3 period or extension reservation period for an additional 12 months provided (i) the applicant  
4 notifies the local governmental unit that it requires an extension of the initial reservation period  
5 or extension reservation period not later than 90 days prior to the expiration of the initial  
6 reservation period or extension reservation period and, (ii) concurrent with its notification, the  
7 applicant provides the local governmental unit with documentation demonstrating that the  
8 applicant has made substantial expenditure towards the completion of the project or the applicant  
9 provides documentation of a valid building permit.

10       (e) Allocations Approved in Chronological Order. – Except for requests to reserve  
11 capacity in accordance with G.S. 115C-521 and under subsection (k) of this section, allocations  
12 shall be granted in the chronological order that completed applications are received by the local  
13 governmental unit.

14       (f) Denial of Allocation Request. – A local governmental unit shall deny an application  
15 for allocation, within 10 days after receiving an application for allocation, only if one of the  
16 following applies:

- 17           (1) The applicant cannot demonstrate approval of a preliminary or final site plan,  
18           as defined in G.S. 160D-102(29).
- 19           (2) The local governmental unit does not have any available capacity.
- 20           (3) The applicant has rejected, in writing, the local governmental unit's offer to  
21           provide allocation equivalent to its available capacity as provided in  
22           subdivision (1) of subsection (c) of this section, if any.

23       (g) Modification of Allocation. – In the event an approved applicant determines that the  
24 allocation necessary to serve the project increases or decreases by more than ten percent (10%)  
25 of the approved allocation, the approved applicant shall immediately notify the local  
26 governmental unit, and the following shall apply:

- 27           (1) If the allocation approved by the local governmental unit decreases by more  
28           than ten percent (10%), the local governmental unit shall adjust its available  
29           capacity accordingly and the local governmental unit shall honor the approved  
30           allocation, less the decrease in necessary allocation.
- 31           (2) If the allocation approved by the provider increases by more than ten percent  
32           (10%), the local governmental unit shall increase the allocation provided  
33           available capacity exists. In the event available capacity does not exist, the  
34           local governmental unit shall notify the approved applicant that the local  
35           governmental unit does not have available capacity and extend an offer to the  
36           approved applicant to increase the allocation in an amount equivalent to the  
37           available capacity. If the approved applicant determines that the existing  
38           allocation or the offer by the local governmental unit to increase the allocation  
39           in an amount equivalent to the local governmental unit's available capacity  
40           does not meet the needs of the project, the approved applicant shall  
41           immediately notify the local governmental unit that it intends to terminate the  
42           allocation.
- 43           (3) In the event the allocation is terminated by the applicant, the provider shall  
44           adjust its available capacity accordingly.

45       (h) Expiration or Termination of Allocation. – Upon expiration or termination of  
46 allocation, including allocations that are not used in full, the local governmental unit shall return  
47 the expired, terminated, or unused capacity to its available capacity balance. Upon a return of the  
48 expired, terminated, or unused capacity to the local governmental unit's available capacity  
49 balance, the local governmental unit shall recalculate its available capacity and shall make it  
50 available to future applicants for allocation.

1       (i) Vested Right. – Allocation approved under this section shall be deemed a vested  
2 element of the project for the duration of the reservation period. The vested right to allocation  
3 during the reservation period shall be in addition to any other vested rights the project may have  
4 by law and shall run with the land for the benefit of the project. During the vesting period, the  
5 local governmental unit may not revoke or reduce the allocation except by request of the  
6 applicant or as described in this section.

7       (j) Transferability of Allocation. – Allocation shall be provided to the project described  
8 in the application. An approved applicant may not transfer an unused allocation to a different  
9 project. If the project for which an allocation has been reserved is sold or the development rights  
10 are assigned to a successor in interest, the allocation shall transfer to the successor in interest and  
11 the allocation and reservation period shall be honored and may not be terminated or revoked by  
12 the local governmental unit. In the event the project for which the allocation was reserved is sold  
13 or transferred to a successor in interest, the approved applicant shall immediately notify the local  
14 governmental unit of the sale or transfer.

15       (k) Emergency Allocations. – Notwithstanding any other provision of this section, a local  
16 governmental unit shall provide priority in allocation to applications demonstrating a substantial  
17 threat to public health, safety, or welfare that can be mitigated only by the immediate provision  
18 of water service or sewer service. An applicant seeking an emergency allocation must present  
19 competent evidence to the local governmental unit of the risk to the public health, safety, or  
20 welfare. Upon verifying that the application constitutes an emergency, the local governmental  
21 unit shall approve allocation in the minimum amount necessary to abate the emergency on a  
22 priority basis.

23       (l) Use of Allocation. – A local governmental unit shall not unreasonably delay an  
24 approved applicant's ability to connect the approved applicant's project to the local governmental  
25 unit's infrastructure. A local governmental unit shall begin providing water service or sewer  
26 service to an approved applicant within 90 days after receiving a request from the approved  
27 applicant to begin providing water service or sewer service, provided (i) the project is connected  
28 to the local governmental unit's infrastructure and (ii) the request is made within the reservation  
29 period described in subsection (d) of this section.

30 **"§ 162A-1003. Planning and reporting.**

31       (a) Each local governmental unit shall prepare an annual report not later than October 1  
32 of each year documenting facility capacity and available capacity. The report shall include, at a  
33 minimum, all of the following information for each facility of the local governmental unit:

34           (1) The current system capacity.

35           (2) The current available capacity.

36           (3) The amount of capacity allocated to approved developments or projects not  
37 yet connected to the local governmental unit's infrastructure.

38           (4) The remaining available capacity for new allocations.

39           (5) Any changes in capacity since the last report.

40           (6) Any planned improvements or expansions and the expected impact on  
41 capacity.

42           (7) The current actual usage of the facility, including average daily demand and  
43 peak daily demand over the year immediately preceding the preparation of the  
44 report.

45           (8) If the local governmental unit receives State or federal funding for water or  
46 sewer infrastructure, a description of efforts to expand capacity to meet  
47 growth, including progress on any State-funded projects.

48       (b) The Department shall make the annual reports available to the public. Each local  
49 governmental unit shall also post the annual report on the website of that local governmental unit,  
50 if any.

51 **"§ 162A-1004. Enforcement and remedies.**

1       (a)     State Enforcement Authority. – If the Department finds that a local governmental unit  
2 has violated any requirement of this Article, the Department may take appropriate preventive or  
3 remedial enforcement action authorized by Part 1 of Article 21 of Chapter 143 of the General  
4 Statutes.

5       (b)     Civil Penalties. – A local governmental unit that fails to comply with the provisions  
6 of this Article or willfully fails to administer or enforce the provisions of this Article shall be  
7 subject to a civil penalty pursuant to G.S. 143-215.6A(e).

8       (c)     Judicial Review. – Any applicant whose application was denied by a local  
9 governmental unit, or who is otherwise aggrieved or injured by the action of a local governmental  
10 unit, may file an action in the superior court of the county where the local governmental unit is  
11 located or where the project is located. In any civil action brought under this section, the court  
12 may award reasonable attorneys' fees to a prevailing plaintiff who brought the action."

13       **SECTION 37.(b)** G.S. 162A-900, as enacted by S.L. 2024-45 and S.L. 2024-49, is  
14 repealed.

15       **SECTION 37.(c)** For applicants that, on or after July 1, 2020, received a service  
16 commitment from a public water system, public sewer system, or public water and sewer system  
17 confirming availability of capacity for the applicant's development project, but whose capacity  
18 needs have not been provided, the system shall reserve, allocate, and provide those applicants  
19 with the capacity assured in the system's service commitment in the chronological order that the  
20 service commitment was issued before the system reserves, allocates, or provides capacity to  
21 another applicant.

22       **SECTION 37.(d)** The annual report required by G.S. 162A-1003, as enacted by this  
23 act, shall be due October 1, 2026.

24       **SECTION 38.** If any provision of this act or the application thereof to any person or  
25 circumstances is held invalid, such invalidity shall not affect other provisions or applications of  
26 this act that can be given effect without the invalid provision or application and, to this end, the  
27 provisions of this act are declared to be severable.

28       **SECTION 39.** Except as otherwise provided, this act becomes effective October 1,  
29 2025, and applies to applications, approvals, and actions filed on or after that date. Any local  
30 government ordinance in effect on, or adopted subsequent to, October 1, 2025, that is inconsistent  
31 with this section is void and unenforceable.