

TOWN OF MAXTON

Zoning and Subdivision Ordinance Text Amendment to Incorporate N.C.G.S. Chapter 160D				
	G.S. 160D Section(s)	Description	Priority (Must or May)	Updated Ordinance Sections
Terminology and Citations				
1		Update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D.	Must	Entire Document
2	160D-102	Align ordinance terminology with Chapter 160D terminology for conditional zoning and special use permits; must delete use of the terms conditional use permit, special exception, conditional use district zoning, and special use district zoning.	Must	Entire Document
3	160D-706; S.L. 2019-111, § 1.17	Ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: building, dwelling, dwelling unit, bedroom, and sleeping unit.	Must	Article I, Section 44-2: Definitions
4	160D-102	Align ordinance terminology with Chapter 160D terminology, including for the following terms: administrative decision, administrative hearing, determination, developer, development, development approval, development regulation, dwelling, evidentiary hearing, legislative decision, legislative hearing, planning and development regulation jurisdiction, and quasijudicial decision.	May	Entire Document
Geographic Jurisdiction				
5	160D-202(d)	For extension of extraterritorial jurisdiction (ETJ), a municipality must provide mailed notice thirty days prior to ETJ hearing; municipality may hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment.	Must	Article I, Section 44-21: Jurisdiction
6	160D-202 and 160D-204	Municipality may hold hearings in anticipation of change in jurisdiction.	May	Article I, Section 44-21: Jurisdiction
7	160D-203	For a parcel in two jurisdictions, the owner and the jurisdictions may agree for development regulations from one jurisdiction to apply to the entire parcel.	May	Article I, Section 44-21: Jurisdiction
8	160D-202(b)	In ETJ, the county may elect to exercise development regulations that the municipality is not exercising	May	Article I, Section 44-21: Jurisdiction

TOWN OF MAXTON

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9	160D-201; S.L. 2020-25	Cities with zoning must apply zoning jurisdiction-wide.	May	Article I, Section 44- 21: Jurisdiction
Boards				
10	160D-109	Must adopt broadened conflict-of-interest standards for governing and advisory boards.	Must	Article IV Section 44- 116: Rules of Conduct for Members
11	160D-308	Must keep minutes of proceedings of each board.	Must	Article IV Section 44- 112: General Rules
12	160D-309	Must have each board member take an oath of office before starting his or her duties	Must	Article IV, Section 44-112: General Rules
13	160D-307	Must update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified).	Must	Article IV Section 44- 120: Proportional Representation
14	160D-307	Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ.	Must	NEW Article XX: Historic Preservation
15	160D-308	May have detailed rules of procedure for each board; may be adopted by governing board; if not, then may be adopted by individual board; if adopted, must maintain board rules of procedure (by clerk or other officer as set by ordinance) and must post board rules of procedure to website, if the jurisdiction has a website.	May	Article IV Section 44- 112: General Rules.
16	160D-310	May establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority.	May	Did Not Include
17	160D-306	May establish additional advisory boards related to development regulations.	May	Did Not Include
Planning Board				
18	160D-301	May assign to planning board the coordination of citizen engagement for planning.	May	Did Not Include

TOWN OF MAXTON

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19	160D-301	May assign planning board to serve as preliminary forum for review and comment on quasijudicial decisions, provided that no part of the preliminary forum or recommendation may be used as a basis for the deciding board.	May	Did Not Include
Board of Adjustment				
20	160D-302	May assign Board of Adjustment to hear and decide matters under any development regulation, not just zoning.	May	Did Not Include - Not Applicable
21	160D-305	May assign duties of housing appeals board to Board of Adjustment.	May	Did Not Include - Not Applicable
Land Use Administration				
22	160D-109	Must incorporate new staff conflict-of-interest standards into ordinance or policy.	Must	Article I Section 44-3: Zoning Administrator; Administrative Staff, Conflict of Interest
23	160D-105	Must maintain in paper or digital format current and prior zoning maps for public inspection.	Must	Article VIII Section 44-261: Zoning Map
24	160D-105	Must maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map.	Must	Article VIII Section 44-269: Incorporation by Reference and Other Reference Maps
25	160D-402(b)	May enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations.	May	Article I Section 44-22: Administrative Staff General Authority and Duties
26	160D-402(d)	May charge reasonable fees for support, administration, and implementation of development regulation; must use any such fees for that purpose, not for other purposes.	May	Article VI Section 44-193: Fees in General
Enforcement				

TOWN OF MAXTON

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27	160D-404(a)	Must issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.	Must	NEW Article XVIII, Section 44-600: Notices of Violation
28	160D-403(e)	If inspecting, must enter the premises during reasonable hours and upon presenting credentials; must have consent of premises owner or an administrative search warrant to inspect areas not open to the public.	Must	NEW Article XVIII, Section 44-601: Inspections by Administrative Staff
29	160D-403(f)	For revocation of development approval, must follow the same process as was used for the approval.	Must	NEW Article XVIII, Section 44-602(a): Revocations of Development Approvals
30	160D-1113; 160D-403(e)	May perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; must perform (or contract for) inspections for building permits.	May	Did Not Include - Not Applicable
31	160D-402 (b)	May perform inspections for general code compliance and enforcement (inspections unrelated to a development approval).	May	Did Not Include - Not Applicable
32	160D-403(g)	May require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still must require certificate of occupancy for work requiring a building permit.	May	NEW Article XVIII, Section 44-603: Certificate of Occupancy
33	160D-404(b)	May issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not.	May	NEW Article XVIII, Section 44-602(b): Stop Work Orders
34	160D-404(c)	May continue to use general enforcement methods, including civil penalties, fines, court ordered actions, and criminal prosecution.	May	NEW Article XVIII, Section 44-602: Remedies
35	G.S. 1-49 & 1-51	Be aware that a local government must bring a court action in advance of the applicable five and seven-year statutes of limitation.	Be aware	NEW Article XVIII, Section 44-604: Statute of Limitations

TOWN OF MAXTON

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36	160D-1405(c1)	Be aware that a local government must comply with existing rules for uses that were previously nonconforming situations. If a use loses its nonconforming status, by amortization or change of use or otherwise, the local government must bring an enforcement action within ten years of the loss of nonconforming status.	Be aware	NEW Article XVIII, Section 44-605: Non-Conforming Uses
Substance of Zoning Ordinance				
37	160D-105	Must maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); may adopt and maintain in paper or digital format.	Must	Article VIII Section 44-261: Zoning Map
38	160D-703; S.L. 2020-25; S.L. 2019-111, Section 2.9(b)	Must eliminate conditional-use-district zoning; existing conditional-use-district zoning converts to conditional district upon adoption of updated local ordinances or July 1, 2021.	Must	Did Not Include - Not Applicable
39	160D-703; S.L. 2019-174	Must not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code.	Must	Article I Section 44-23: General Regulations and Article IX Section 44-321: Zoning Districts- Dimensional and Other Standards
40	160D-105	May incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; may incorporate the most recent officially adopted version of such maps so that there is no need for ordinance amendment for subsequent map updates; must maintain current effective map for public inspection; may maintain in paper or digital format.	May	Article VIII Section 44-269: Incorporation by Reference and Other Reference Maps
41	160D-702	May require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals.	May	Did Not Include - Not Applicable
42	160D-703(a)(3)	May use form-based codes.	May	Did Not Include - Not Applicable

TOWN OF MAXTON

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43	160D-403(d); 160D-703(b); 160D-705(c)	May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, must define "minor modification" by ordinance, must not include modification of use or density, and major modifications must follow standard approval process.	May	Article IV, Section 44-121: Special Use Permits; Section 44-121(a): Minor Modifications; Article IV, Section 44-122: Variances; Section 44-122(a): Modifications to Variances.
44	160D-703(d)	May apply zoning standards jurisdiction-wide, not just on a zoning-district-by-zoning-district basis.	May	Did Not Include - Not Applicable
45	160D-702(a)	May regulate development over navigable waters, including floating homes.	May	Did Not Include - Not Applicable
Substance of Other Development Ordinances				
46	160D-804.1; S.L.2020-25; S.L. 2019-79(S.B.313)	Must conform subdivision performance guarantee requirements with statutory standards.	Must	Subdivision Regulations
47	160D-802	Must conform subdivision procedures for expedited review of certain minor subdivisions.	Must	Subdivision Regulations
48	160D-804; S.L. 2019-174	Must not require a developer, as a condition to subdivision approval, to bury a powerline existing above ground and outside of property to be subdivided.	Must	Subdivision Regulations
49	160D-903 (c)	Must exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply.	Must	Article I, Section 44-24: Bona Fide Farms

TOWN OF MAXTON

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50	160D-910	Must not exclude manufactured homes based on the age of the home.	Must	Article I, Section 44-25: Manufactured Homes on Individual Lots; Article XVII, Section 44-557: Manufactured Homes.
51	160D-1203(6)	Must follow standardized process for housing-code enforcement to determine owner's abandonment of intent to repair and need for demolition.	Must	NEW Article XIX: Enforcement
52	160D-107	May adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule.	May	Article VII, Section 44-226: Moratoria
53	160D-1130	May petition the court to appoint a receiver for vacant structures.	May	Did Not Include
Historic Preservation				
54	160D-947(c)	Must follow standard quasi-judicial procedures for preservation certificates of appropriateness	Must	NEW Article XX: Historic Preservation
55	160D-947(c)	Must frame preservation district provisions as "standards" rather than "guidelines."	Must	NEW Article XX: Historic Preservation
56	160D-947(e)	May choose for appeals of preservation commission decisions to go to Board of Adjustment. Default rule is that preservation appeals go directly to superior court rather than to board of adjustment.	May	Did Not Include
Development Agreements				
57	160D-105	Must process a development agreement as a legislative decision.	Must	NEW Article XXI: Development Agreements
58	160D-1001(b)	Must have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently).	Must	NEW Article XXI: Development Agreements

TOWN OF MAXTON

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59	160D-1001(d)	May consider a development agreement concurrently with a rezoning, subdivision, or site plan; may consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement.	May	NEW Article XXI: Development Agreements
60	160D-1006	May address fewer topics in development agreement content (list of mandated topics is shortened)	May	Did Not Include
61	160D-1006(d)	May mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement.	May	NEW Article XXI: Development Agreements
62	160D-1008	May include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an injunction to enforce a development agreement.	May	NEW Article XXI: Development Agreements
Comprehensive Plan				
63	160D-501(a)	Must adopt a comprehensive plan or Land Use Plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan)	Must	Article II, Section 44-54: Comprehensive Plan
64	160D-501(c)	Must adopt a plan or a plan update following the procedures used for a legislative decision.	Must	Article II, Section 44-54: Comprehensive Plan
65	160D-501(a)	Must reasonably maintain a plan.	Must	Article II, Section 44-54: Comprehensive Plan
66	160D-501(a)	May coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans.	May	Article II, Section 44-54: Comprehensive Plan
67	160D-503(a)	May coordinate with other local governments, state agencies, or regional agencies on planning processes.	May	Article II, Section 44-54: Comprehensive Plan
Legislative Decisions - Notice				

TOWN OF MAXTON

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68	160D-601; S.L. 2020-25	Must follow applicable procedures for notice of legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; must adopt any development regulation by ordinance, not by resolution.	Must	NEW Article XXII: Legislative Decisions
69	160D-602; S.L. 2020-25	For zoning-map amendments, must provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor.	Must	NEW Article XXII: Legislative Decisions
70	160D-602(c); S.L. 2020-25	For zoning-map amendments, must provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing.	Must	NEW Article XXII: Legislative Decisions
71	160D-202	For extension of ETJ, may use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures.	May	NEW Article XXII: Legislative Decisions
72	160D-602(e)	For zoning-map amendments, may require applicant to notify neighbors and hold a community meeting and may require report on the neighborhood communication as part of the application materials.	May	Did Not Include
Legislative Decisions - Planning Board Comment				
73	160D-604(c), 160D-604(e)	Must refer zoning amendments to the planning board for review and comment; must not have governing board handle planning board duty to review and comment on zoning amendments.	Must	NEW Article XXII: Legislative Decisions
74	160D-604(d)	Must have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency.	Must	NEW Article XXII: Legislative Decisions
75	160D-604(c)	May refer development regulation amendments (other than zoning) to the planning board for review and comment.	May	Did Not Include
Legislative Decisions - Plan Consistency				
76	160D-605(a)	When adopting an amendment to the zoning ordinance, must adopt a brief statement describing whether the action is consistent or inconsistent with approved plans.	Must	NEW Article XXII: Legislative Decisions
77	160D-605(a)	May adopt a plan consistency statement when acting upon the zoning amendment or as a separate motion.	May	NEW Article XXII: Legislative Decisions

TOWN OF MAXTON

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78	160D-605(a)	May meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board reflect that the board was fully aware of and considered the plan statement when acting upon the zoning amendment or as a separate motion.	May	Article 15: Section 15.202
79	160D-605(a)	May concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application fee for the plan amendment.	May	NEW Article XXII: Legislative Decisions
80	160D-605(a)	Must note on the applicable future land use map when a zoning map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.)	Must	NEW Article XXII: Legislative Decisions
81	160D-501	For a future land use map that is deemed amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process.	Must	Did Not Include - Not Applicable
82	160D-605(b)	Must adopt a statement of reasonableness for zoning map amendments; for such statements, may consider factors noted in the statutes; may adopt a statement of reasonableness for zoning text amendments.	Must	NEW Article XXII: Legislative Decisions
83	160D-605 (c)	May consider and approve a statement of reasonableness and a plan consistency statement as a single, combined statement.	May	NEW Article XXII: Legislative Decisions
Legislative Decisions - Voting				
84	160A-75 S.L.2019-111 Sec 2.5(n)	Must permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law.	Must	NEW Article XXII: Legislative Decisions
Certain Legislative Decisions				
85	160D-601; S.L. 2019-111, Pt.1.	Must prohibit third-party down-zonings; may process local government-initiated downzonings or down-zonings initiated by the landowner.	Must	NEW Article XXII: Legislative Decisions
86	160D-703(b); S.L. 2019-111, Pt.1.	Must obtain applicant's/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability.	Must	Did Not Include - Not Applicable

TOWN OF MAXTON

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87	160D-102	May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional-use-district zoning.	May	Did Not Include - Not Applicable
88	160D-703(b); S.L. 2019-111, Pt.1.	With applicant's written consent, may agree to conditional-zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations.	May	Did Not Include - Not Applicable
89	160D-403(d), 160D-703(b), 160D-705(c)	May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, must define "minor modification" by ordinance, must not include modification of use or density, and major modifications must follow standard approval process.	May	NEW Article XXII: Legislative Decisions
Quasi-Judicial Decisions - Procedures				
90	160D-102(28)	Must follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.	Must	NEW Article XXIII: Quasi-Judicial Decisions
91	160D-406	Must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing must have testimony under oath; must establish written findings of fact and conclusions of law.	Must	NEW Article XXIII: Quasi-Judicial Decisions
92	160D-406(d)	Board chair must rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling may be appealed to the full board.	Must	NEW Article XXIII: Quasi-Judicial Decisions
93	160D-406(d)	Must allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; may allow non-parties to present competent, material, and substantial evidence that is not repetitive.	Must	NEW Article XXIII: Quasi-Judicial Decisions
94	160D- 406(b)	May continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice.	May	NEW Article XXIII: Quasi-Judicial Decisions
95	160D-406(c)	May distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then must distribute the same materials to the applicant and landowner at the same time; must present such administrative materials at the hearing and make them part of the hearing record.	May	NEW Article XXIII: Quasi-Judicial Decisions

TOWN OF MAXTON

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96	160D-301	May have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing.	May	Did Not Include
97	160D-705(c)	May require recordation of special use permits with the register of deeds	May	Did Not Include
98	160D- 109(f)	Be aware that the definition of close family relationship as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships).	Be aware	See Conflict of Interest Requirements
99	S.L 2019-111 Sec1.9 Chapter 160D-1402(j)	Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts.	Must	NEW Article XXIII: Quasi-Judicial Decisions
Certain Quasi-Judicial Decisions				
100	160D-705(c);S.L.2019-111 Pt.1; S.L. 2020-25.	Must not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose.	Must	NEW Article XXIII: Quasi-Judicial Decisions
101	160D-1402(k); 160D-1403.2; S.L.2019-111 Pt.2	Must obtain applicant's/landowner's written consent to conditions related to a special use permit to ensure enforceability.	Must	NEW Article XXIII: Quasi-Judicial Decisions
102	160D-405(c)	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent.	Must	NEW Article XXIII: Quasi-Judicial Decisions
103	160D-705(c)	May adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act.	May	NEW Article XXIII: Quasi-Judicial Decisions
104	160D-102	May use purely legislative conditional zoning and/or quasi-judicial special use permitting; must not use combined legislative and quasi-judicial process, such as conditional-use-district zoning.	May	NEW Article XXIII: Quasi-Judicial Decisions

TOWN OF MAXTON

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105	160D-403(d) 160D-703(b) 160D-705(c)	May allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, must define "minor modification" by ordinance, must not include modification of use or density, and major modifications must follow standard approval process.	May	NEW Article XXIII: Quasi-Judicial Decisions
Administrative Decisions - Development Approvals				
106	160D-403(a)	Must provide development approvals in writing; may provide in print or electronic form; if electronic form is used, then it must be protected from further editing.	Must	NEW Article XXIV: Administrative Decisions
107	160D-403(a)	Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property.	Must	NEW Article XXIV: Administrative Decisions
108	160D-104	Must provide that development approvals run with the land.	Must	NEW Article XXIV: Administrative Decisions
109	160D-403(f)	For revocation of development approval, must follow the same process as was used for the approval.	Must	NEW Article XXIV: Administrative Decisions
110	160D-403(h)	May require community notice or informational meetings as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements).	May	Did Not Include
111	160D-403(c); 160D-1111 ; S.L. 2020-25	May set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) Be aware that legislation will clarify the provisions on duration of development approvals.	May	Did Not Include - adopt default rule of 12 months
112	160D-108(d); 160D-1111; S.L. 2020-25	May extend expiration of development approvals for which construction is commenced and then is discontinued; default rule is that such approvals are valid for 24 months after discontinuation. Building permits for which work has been discontinued expire after twelve months, as under prior law (no change to building permits).	May	Did Not Include
113	160D-403(d) 160D-703(b) 160D-705(c)	May authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then must define "minor modifications" by ordinance and must not include modification of permitted use or density of development; major modifications must go through full applicable approval process.	May	NEW Article XXIV: Administrative Decisions

TOWN OF MAXTON

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Administrative Decisions - Development Determinations				
114	160D- 403(b)	Must provide written notice of determination by personal delivery, electronic mail, or firstclass mail to the property owner and party seeking determination, if different from the owner.	Must	NEW Article XXIV: Administrative Decisions
115	160D-403(b)	May designate an official to make determinations for a particular development regulation.	May	Did Not Include
116	160D-403(b)	May require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice.	May	Did Not Include
Administrative Decisions - Apepals of Administrative Decisions				
117	160D-405	Must allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building-code and housing-code violations are not made to the board of adjustment unless specified by local ordinance.)	Must	NEW Article XXIV: Administrative Decisions
118	160D-405(c)	Must set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent.	Must	NEW Article XXIV: Administrative Decisions
119	160D-406	Must require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal.	Must	NEW Article XXIV: Administrative Decisions
120	160D-405	Must pause enforcement actions, including fines, during the appeal.	Must	NEW Article XXIV: Administrative Decisions
121	160D-405	May assign the duty of hearing appeals to another board (other than the board of adjustment); if this is done, such board must follow quasi-judicial procedures.	May	Did Not Include
122	160D-405	May designate that appeals be filed with the local government clerk or another official.	May	Did Not Include
Vested Rights				
123	160D-1111	Must recognize that building permits are valid for six months, as under prior law.	Must	Article VII: Vested Rights and Moratoria
124	160D-180(d)	Must recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule.	Must	Article VII: Vested Rights and Moratoria

TOWN OF MAXTON

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125	160D-108.1	Must identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions.	Must	Article VII: Vested Rights and Moratoria
126	160D-108(c) ; 160D-108(f)	Must recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions. (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.)	Must	Article VII: Vested Rights and Moratoria
127	160D-108(h); 160D-405	May provide for administrative determination of vested rights and for appeal to the board of adjustment.	May	Did Not Include
128	160D-108(h); 160D-405(c)	Be aware that a person claiming vested rights may bring an original civil action in court, skipping administrative determination and board of adjustment consideration.	Be aware	Did Not Include
129	160D-108(i); S.L.2019-111 Pt. I.	Be aware that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit.	Be aware	Article VII: Vested Rights and Moratoria
Permit Choice				
130	143-755; 160D-108(b)	Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules.	Must	Article VII: Vested Rights and Moratoria
131	143-755; 160D-108(b) S.L.2019-111 Pt.I	Be aware that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but may require the applicant to comply with new rules if the applicant delays the application for six months.	Be aware	Article VII: Vested Rights and Moratoria
132	143-755; S.L.2019-111 Pt.I	Be aware that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application.	Be aware	Article VII: Vested Rights and Moratoria
Judicial Review - Declaratory Judgements				
133	160D-1403.1	Be aware that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures.	Be aware	Did Not Include
134	160D-1404	Be aware that other civil actions may be authorized—Chapter 160D does not limit availability of other actions.	Be aware	Did Not Include

TOWN OF MAXTON

	G.S. 160D Section(s)	Description	Priority (Must or May)	Updated Ordinance Sections
Judicial Review - Appeals of Quasi-Judicial Decisions				
135	160D-947	Must update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rules is that such appeals go straight to court; local government may opt for such appeals to go to the Board of Adjustment, as under prior statutes.	Must	NEW Article XXIII: Quasi-Judicial Decisions
136	160D-947 160D-1405	Must provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions.	Must	NEW Article XXIII: Quasi-Judicial Decisions
137	160D-1402(e)	Be aware that on appeal a party may request a stay of the approval or enforcement action.	Be aware	Did Not Include
138	160D-1402(e)	Be aware that a local government may seek a stay in favor of itself to prevent development under an approval.	Be aware	Did Not Include
139	160D-1402(l)	Be aware that if, in absense of a stay, the applicant proceeds with the development, the persons does so at his or her own risk.	Be aware	Did Not Include
140	G.S. 160D-1402; S.L.2019-111 Sec 1.9	Be aware that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority.	Be aware	Did Not Include
141	G.S. 160D-1402;S.L.2019-111 Sec 1.09	Be aware that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts.	Be aware	Did Not Include
142	G.S.160D-1402(k); S.L.2019-111 Sec 1.9	Be aware of specific judicial instructions for decisions of appeals of quasi-judicial decisions.	Be aware	Did Not Include
Judicial Review - Subdivision Decisions				
143	G.S.160D-1405	May establish a rule that administrative subdivision decisions are appealed to the board of adjustment.	May	Did Not Include

TOWN OF MAXTON

	G.S. 160D Section(s)	Description	Priority (Must or May)	Updated Ordinance Sections
144	G.S.160D-1403	Be aware that appeals of administrative subdivision decisions may be appealed directly to superior court.	Be aware	Did Not Include
145	G.S.160D-1402	Be aware that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari.	Be aware	Did Not Include
Judicial Review - Attorney's Fees				
146	G.S.6-21.7 S.L.2019-111 Pt.I	Be aware that a court shall award attorneys' fees if the court finds that a city or county violated a statute or case law setting forth unambiguous limits on its authority.	Be aware	Did Not Include
147	G.S.6-21.7 S.L.2019-111 Pt.I	Be aware that a court shall award attorneys' fees if the court finds that a local government took action inconsistent with, or in violation of, the permit choice and vested rights statutes.	Be aware	Did Not Include
148	G.S.6-21.7 S.L.2019-111 Pt.I	Be aware that a court may award attorneys' fees in other matters of local government litigation.	Be aware	Did Not Include
Judicial Review - Additional Judicial Rules				
149	160D-1402(m)	Be aware that a court may join a civil action challenging an ordinance with an appeal in the nature of certiorari.	Be aware	Did Not Include
150	160D-1403	Be aware that a local government must not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing.	Be aware	Did Not Include
151	160D-1402(j1)	Be aware that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits.	Be aware	Did Not Include