



2025 Legislative and Case Law Update
2025 NCAZO Mid-Winter Conference

Jim Joyce and Adam Lovelady

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Quasi-Judicial Board Workshops – Coming Up!
[HTTPS://WWW.SOG.UNC.EDU/COURSES/REGIONAL-BOARD-WORKSHOP](https://www.sog.unc.edu/courses/regional-board-workshop)

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The Legislative Calendar

WHERE WE ARE

- Business began in Long Session January 29
- Bill introduction deadlines:
 - Senate: Feb 27 (local), Mar 25 (public)
 - House: Mar 6 (local), Apr 3(public)
- Crossover deadline (most bills must pass House or Senate by this date):
 - May 8, 2025
- End of session:
 - ?

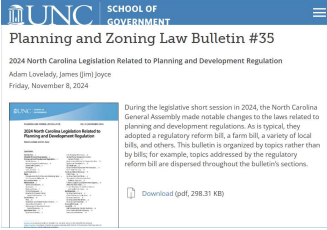
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For More Information on Legislation

FOR MORE ON PLANNING AND ZONING

- <https://www.sog.unc.edu/publications/bulletins/2024-north-carolina-legislation-related-planning-and-development-regulation>



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Permitting
Signs
Subdivisions
Infrastructure
Agricultural
Building Code
Helene Recovery

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Permitting

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Permit Delivery

SESSION LAW 2024-45 (SB 607) SEC. 22.1

- New G.S. 143-162.6 (for state agencies), 153A-461 (for counties), and 160A-499.6 (for cities).
- No more requiring permittees to pick up permits in person BUT they can choose to do so if the agency allows it.
- Must send permits via US Mail, delivery service, or (if permittee consents in advance) by e-mail BUT can charge for cost of delivery.
- No change to permit application methods.
- Adopt a policy for permit delivery that is consistent with the statute by **September 1, 2024**.

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Security Fences

SESSION LAW 2024-45 (SB 607) SEC. 22.1

- Clarifies and expands last year's battery powered security fence legislation
 - City or county cannot prohibit the use of a battery-charged fence in property zoned *exclusively* for nonresidential use AND cannot enforce current regulations that prohibit installing battery-charged fence on property zoned exclusively for nonresidential.
 - Translated:
 - In Nonresidential districts: must allow battery-charged fence, can't enforce existing bans
 - In Residential or mixed res/nonres districts: can ban battery charged fences

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Drone Traffic Control

SESSION LAW 2024-45 (SB 607) SEC. 23

- New Part 6 to Article 9 of Chapter 160D of the General Statutes (sections 160D-970 through -973), effective October 1, 2024.
- North Carolina nonprofits whose primary purpose is the promotion and growth of advanced air mobility technology can apply. Government must approve or deny within 30 days of receiving complete application
- No fee for application, installation, or use
- Can require applicant to evaluate collocation, provide collocation agreement (if feasible), construct within a reasonable time (but can't require less than 24 months)
- Can require applicant to remove system within 180 days of abandoning it. If they do not, remove it and get cost from applicant

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Coastal Areas

S.L. 2024-45 (SB 607)

- Multiple provisions in SB 607 related to coastal matters, all effective on the first day of a month 60 days after Secretary certifies NOAA approval to the Revisor of Statutes.
- Piers (sec. 15.1 and 15.2): No CAMA permit required for rebuilding of docks, piers, and walkways that are damaged or destroyed by natural causes. Instead, inspection department must notify DEQ DCM of the replacement of a dock, pier, catwalk, or walkway that has been replaced within 60 days of inspection.
- Aquaculture exemption (sec. 16.1): exempts floating structures used primarily for aquaculture and associated with an active shellfish cultivation lease from the definition of "development" that triggers CAMA permitting requirements.

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Signs

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On-Premises Sign removal

SESSION LAW 2024-45 (SB 607) SEC. 23.1

- Adds a new G.S. 160D-912.1
 - "on-premises advertising" -- "A sign **visible from** any local or State road or highway that **advertises activities** conducted **on the property** ... or **advertises the sale or lease** of the property upon which it is located."
- May relocate or reconstruct
 - Comply with rules when constructed
 - No increase in "total advertising surface area"
 - Relocation / reconstruction begins within 24 months of removal

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On-Premises Sign removal

SESSION LAW 2024-45 (SB 607) SEC. 23.1

- If local government requires removal of a lawfully-erected on-premises sign, must pay compensation equal to
 - (i) greater of FMV prior to removal OR diminution in value of property from removing sign PLUS
 - (ii) cost of a new conforming sign
- Local government then owns the sign and is responsible for removing it.
- Applies to on-premises advertising signs **removed on or after October 1, 2021**. For signs removed between that date and July 9, 2024, relocation or reconstruction must begin by July 9, 2026.

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Tree Clearing for Billboards

SESSION LAW 2024-15 (HB 198)

- Session Law 2024-15 (H.B. 198) revises the statutes concerning tree cutting near billboards to allow more vegetative cutting and removal along NCDOT roads.

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Subdivisions

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Subdivision Performance Guarantees

S.L. 2024-49 (SB 166) SEC. 1.12

- Amends G.S. 160D-804.1 (authorizing subdivision performance guarantees) as follows
 - Must inspect improvements within 30 days of the developer request and advise if the improvements meet applicable standards
 - If there is a dispute about meeting applicable standards, the developer may obtain a certification under seal from a licensed professional engineer.
 - A local government must return or release a performance guarantee within 30 days of acknowledging completion or receipt of an engineer's certification.
 - Performance guarantees may not be required for maintenance of an improvement after completion.

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Subdivision -- Curb and Gutter Standards

S.L. 2024-49 (SB 166) SEC. 1.8

- Amends G.S. 160D-804 relating to subdivision standards, adding a new subsection (k).
- Developer can use NCDOT curb and gutter design standards for subdivision roads "adjacent to, and serving, dwellings subject to the North Carolina Residential Code" regardless of ordinance standards.

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Sidewalks in ETJ

S.L. 2024-49 (SB 166) SEC. 1.9

- Amends G.S. 160D-804(c)
- Applies to
 - Subdivisions of 20 lots or less
 - In a municipal extraterritorial jurisdiction
- For these subdivisions,
 - Municipal subdivision ordinance may not require sidewalks unless the city accepts long-term maintenance responsibilities by written agreement with NCDOT.
 - For such sidewalks required after January 1, 2020, a local government must coordinate with NCDOT to accept long-term maintenance responsibility.

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Stormwater

MAINTENANCE FUND REIMBURSEMENT [S.L. 2024-49 (SB 166) SEC. 4.1]

- Background (S.L. 2023-108 s 13)
 - NO collecting funds for maintenance of private stormwater facilities (G.S. 160D-925)
 - Local governments must make funds available for maintenance, repair, replacement
- New (S.L. 2024-49 s 4.1):
 - Local government must “upon request of the owner ... immediately refund the monies to the owner of the stormwater control project...”

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Stormwater

BUILT UPON AREA [S.L. 2024-49 (SB 166) SEC. 4.48]

- New G.S. 143-214.7D reorganizes definition of “built-upon area” and its exemptions
- New exemption:
 - (6) Artificial turf, manufactured to allow water to drain through the backing of the turf, and installed according to the manufacturer’s specifications over a pervious surface.
- Local governments must use this definition and may not enact or implement an ordinance that establishes a different definition of ‘built-upon area’ or impervious surface.

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Water and Sewer

CONDITIONS FOR RESIDENTIAL [S.L. 2024-45 (SB 607) SEC. 12 AND 2024-49 (SB 166)] SEC. 4.49

- New G.S. 162A-900
- **Illegal requirements and conditions:** Cannot require an applicant for water or sewer services for residential development to agree to a condition not otherwise authorized by law nor may an applicant offer to consent to such a condition. These include:
 - (1) Payment of taxes, impact fees or other fees, or contributions to any fund.
 - (2) Adherence to any restrictions related to land development or land use, including those in G.S. 160D-702(c) [minimum square footage for residential structures, parking space size, fire apparatus access roads].
 - (3) Adherence to any restrictions related to building design elements

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Water and Sewer

SCORING SYSTEMS [S.L. 2024-45 (SB 607) SEC. 12 AND 2024-49 (SB 166)] SEC. 4.49

- No scoring or preference system for allocating water and sewer service that:
 - (1) Includes consideration of building design elements, as defined in G.S. 160D-702(b).
 - (2) Sets a minimum square footage of any structures subject to the North Carolina Residential Code.
 - (3) Requires a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.
 - (4) Requires additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings set forth in the Fire Code of the North Carolina Residential Code.
- For more on the authority and limits for mandating water and sewer connections, see Kara Millonzi's blog post "[Mandating Water & Sewer Connections](#)."

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On-Site Wastewater

2024-49 (SB 166)

- Misc. on-site wastewater changes:
 - Specify requirements for wastewater contractors and Authorized On-Site Wastewater Evaluators, and to establish the category of Private Compliance Inspectors (Sec. 4.4)
 - Authorize on-site wastewater system inspections by Private Compliance Inspectors (Sec. 4.5)
 - Liability for registered environmental health specialists (Sec. 4.7)
 - Water supply setbacks (Sec. 4.8)
 - Changes to statutory requirements and rules for on-site wastewater (Sec. 4.9 - 4.46)
 - S.L. 2024-1 (SB 508) also clarified language in S.L. 2023-90 regarding permitting and reporting requirements for on-site wastewater systems

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C-PACE

S.L. 2024-44 (SB 802)

- Authorizes a statewide Commercial Property Assessed Capital Expenditure (C-PACE) program that local governments may join.
- C-PACE program allows owners of commercial property to obtain low-cost, long-term financing (secured by an assessment or lien on the property) for certain improvements such as energy efficiency, water conservation, renewable energy, and resilience.
- The new statutes, G.S. 160A-239.11 et seq., provide for a statewide administrator to consult with stakeholders, provide form documentation, and establish an application and review process. Local governments are authorized to participate through a prescribed process and resolution. The statutes set forth details on immunity and foreclosure, assessments and liens, scope of financing, and more.

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Agricultural

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Agricultural Uses

S.L. 2024-32 (S355)

- Horse boarding an agricultural use:
 - Section 1 adds “boarding of horses” to definition of “agriculture” in G.S. 106-581.1, which also applies to the zoning exemption in G.S. 160D-903.
 - Also adds “the rearing, feeding, training, caring, boarding, and managing of horses” to operations that qualify for a right to farm defense to nuisance actions under G.S. 106-701 and to the list of agricultural activities to which sedimentation and erosion control regulations do not apply.
 - Became law on July 3, 2024.
- Right-to-farm defense for compost facilities: Section 5.3 adds Type I compost facilities to the list of agricultural operations that can claim a right-to-farm defense against a nuisance action under G.S. 106-701. This provision applies to actions filed on or after July 3, 2024.
- No beehive regulation in municipal ETJ: Section 12 of the law amends G.S. 106-645(b), which previously explicitly allowed beehives to be regulated in areas of extraterritorial jurisdiction. Now those regs only apply in city limits.

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Agricultural Uses

S.L. 2024-32 (S355)

- **GIS disclaimer:** Section 13 adds G.S. 153A-463 (for counties) and G.S. 160A-499.8 (for cities) to require GIS tools offered to the public to include a disclaimer that the tool is provided without warranty and customers should consult primary sources to confirm the accuracy of any data provided. The disclaimer needs to be displayed as of January 1, 2025.
- **Bona fide farm stormwater fee exemption:** Section 14 modifies G.S. 153A-277 and G.S. 160A-314 to prohibit cities and counties from imposing stormwater utility fees on any property used for bona fide farm purposes. Unlike the zoning exemption in G.S. 160D-903, this fee exemption applies everywhere in county and municipal jurisdiction, including within city limits. It applies to fees levied on or after July 3, 2024.
- **Great Trails State Day:** the third Saturday in October of each year, beginning in 2024, will be North Carolina Great Trails State Day. First was October 19, 2024.

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Local Legislation

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Local Legislation

BOUNDARY CHANGES: S.L. 2024-20 (HB909) AND S.L. 2024-21 (HB 911/SB 770)

- **Deannexations** of property from the Town of Fuquay-Varina, City of Kannapolis, Town of Summerfield, City of Washington, Town of Andrews, City of Asheville, City of Boiling Spring Lakes, and Town of Newport.
- **Annexations** of property into the City of High Point, Town of Mount Gilead, and Town of Edenton.
- **Repeal of extraterritorial jurisdiction** authority for the City of Kings Mountain and the City of Southport.

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Local Legislation

OTHER AUTHORITY CHANGES

- Rail transportation corridor authority (S.L. 2024-45 sec 19.4): Catawba County, together with two or more of Burke, Caldwell, and Lincoln counties, should consider whether to create a rail transportation corridor authority to manage the rail corridor(s) in their communities.
- Repeal of Dare County affordable housing allocation of funds in S.L. 2022-74 and zoning exemption in S.L. 2023-134 (S.L. 2024-1 sec. 24.1)
- Other various and sundry modifications of authority, including occupancy tax, vacant positions, ABC funds, and several others, for the Town of Beaufort, City of Hendersonville, Town of Northwest, Beaufort County, Currituck County, Town of Woodfin, Pender County, McDowell County, Town of Stanley, the City of Concord, and Wake County (S.L. 2024-20 and 2024-21).

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Building Code

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Building Code Changes

SESSION LAW 2024-49 (SB166)

- New composition for Building Code Council
 - New Permit Technician Certification
 - Rules of Model Homes
 - Local fire code must comply with Residential Code
 - Technical Code Changes
- State Building Code not published in NC Admin Code (Session Law 2024-45 (SB 607))

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Local Government Review of Seals of Design

SESSION LAW 2024-49 (SB166)

- new statute, G.S. 160D-111 to specify that

“[a]dministrative staff, Code-enforcement officials, or other local government personnel charged with reviewing plans required by this Chapter shall not make administrative decisions on the scope of work covered by architect or engineer seals of designs affixed to work.”

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Building Code Changes: Fees

SESSION LAW 2024-49 (SB166)

- Inspections fees must support inspections department
 - Clarifies 160D-402
 - aligns with the reporting requirements under G.S. 159-33.1(a) and G.S. 160D-1102(c)
 - Open question about zoning and subdivision fees (refers only to Article 11)
- New Permit Technician Certification

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Building Code Changes: Residential Plan Review

SESSION LAW 2024-49 (SB166)

- If local gov performs Residential Plan Review, must perform concurrently with other permit reviews from other agencies
- Initial review within 20 business days of submission
- 10% refund for each business day after 20

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Building Code Changes: Enforcement

SESSION LAW 2024-49 (SB166)

- Limits on withholding CO; can't withhold for following
 - (1) Landscaping around dwellings subject to the North Carolina Residential Code within individual lots.
 - (2) Landscaping within common areas within a subdivision development.
 - (3) Street lighting fixtures within common areas of a subdivision development.
- If 1-3 not complete, developer must submit to the local government "a signed affidavit detailing the reasons why the required site improvements are not complete, the expected date of completion and compliance, and a statement promising to complete the required site improvements."

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Building Code Changes: Enforcement

SESSION LAW 2024-49 (SB166)

- Inspectors may not require an affidavit of code compliance in lieu of conducting required inspections
- Limit on Rights of Entry: "Administrative staff are prohibited from requiring unrestricted written consent from a permit applicant to enter any premises or areas not open to the public as a condition to accepting an application for, or the issuance of, development approvals."

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Hurricane Helene Recovery

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The Disaster Recovery Act of 2024, Part III (S.L. 2024-57)

DOWN-ZONING

- Modifies G.S. 160D-601(d):
 - Removes exemption for down-zonings initiated by local government
 - Considers any zoning amendment that creates a nonconformity to be a down-zoning!
 - Applies to ordinances adopted within 180 days prior to becoming law (i.e., June 14, 2024)
- See Adam Lovelady's "Limits on 'Down-Zoning'" blog post for more
- Several proposed repeals filed – Stay Tuned!

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The Disaster Recovery Act of 2024 (S.L. 2024-51)

CONSTRUCTION FEE MORATORIUM

SECTION 16.2.(a) Notwithstanding any other provision of law, for any single commercial or residential project, the Department of Insurance, counties, and cities shall not impose any fee associated with a permit, inspection, or certificate of occupancy required by law for construction, reconstruction, alteration, repair, movement to another site, removal, or demolition of a manufactured home, building, dwelling, or structure damaged as a direct result of Hurricane Helene.

SECTION 16.2.(b) The moratorium provided in subsection (a) of this section applies in North Carolina counties designated under a major disaster declaration by the President of the United States under the Stafford Act (P.L. 93-288) as a result of Hurricane Helene. A person is allowed a refund of any fee assessed and collected that is subject to the moratorium imposed by this section. The Department of Insurance, counties, and cities shall post a notice of the availability of a refund on their websites.

SECTION 16.2.(c) This section is effective when it becomes law and applies to applications for issuance of a permit dated on or after September 26, 2024. This section expires December 31, 2024.

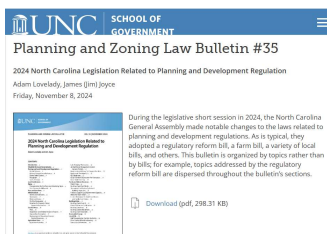
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...and Many More...

FOR MORE ON PLANNING AND ZONING

- <https://www.sog.unc.edu/publications/bulletins/2024-north-carolina-legislation-related-planning-and-development-regulation>



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Schooldev E., LLC v. Town of Wake Forest

NC SUPREME COURT (2024)

- Charter school proposed new campus
- Required subdivision plat and site plan (both quasi-judicial)
- Connectivity Requirement:
 - "Connectivity (vehicular and pedestrian) to surrounding residential areas is required. Where a full vehicular connection is impractical, a multi-use trail connection shall be provided."
 - Dispute: connectivity to *all* "surrounding residential areas" or to *some*

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Schooldev E., LLC v. Town of Wake Forest

NC SUPREME COURT (2024)

- Court majority found ambiguity
 - "resolve any 'well-founded doubts' about a provision's meaning 'in favor of the free use of property.'"

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Schooldev E., LLC v. Town of Wake Forest

NC SUPREME COURT (2024)

- Quasi-judicial reminders
 - "Competent evidence is evidence that is relevant and admissible. Material evidence has 'some logical connection with the facts of the case or the legal issues presented.' Substantial evidence consists of 'more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.'"
- Prima facie case
 - "applicant has produced competent, material, and substantial evidence tending to establish the existence of the facts and conditions which the ordinance requires for the issuance of [the requested] permit"

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Arter v. Orange County

229A23 NC SUPREME COURT

"Local governments have a responsibility to enact clear, unambiguous zoning rules. The increasing complexity of many local zoning ordinances can make that a difficult task. Zoning ordinances often contain pages upon pages of indices, headings, text, tables, and illustrative figures, all cross-referencing each other. Ensuring that this thicket of rules is free from ambiguity and internal inconsistency is a daunting task."

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Arter v. Orange County

229A23 NC SUPREME COURT

“zoning laws ‘are in derogation of common law rights,’ they ‘cannot be construed to include or exclude by implication that which is not clearly their express terms.’”

“when there are ‘well-founded doubts’ about the proper meaning of a zoning law—that is to say, an ambiguity—courts must choose the reasonable interpretation that favors ‘the free use of property.’”

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Arter v. Orange County

229A23 NC SUPREME COURT

- Developer proposed to build subdivision on rural property; access road would run beside neighbor’s horse farm

• Zoning ordinance text:

“Land use buffers will be required based on the zoning district of the proposed use and the zoning district of the adjacent uses.”

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TABLE 6.8.6.D: LAND USE BUFFERS

| Zoning or Use of Subject Property | ZONING OR USE OF ADJACENT PROPERTIES | | | | | | | | | | | |
|-----------------------------------|--------------------------------------|----------|----------|-----------|-------|-----------------|------------------|------------------------|--------------------|-----------------|------------------|--------------------------|
| | RB, AR, R1 | R-2, R-3 | R-4, R-5 | R-8, R-13 | HP-CD | ORM, NC-2, LC-1 | CC-3, GC-4, EC-5 | EI, I-1, I-2, I-3, PID | INTERSTATE HIGHWAY | ARTERIAL STREET | COLLECTOR STREET | ACTIVE FARM/ AGRICULTURE |
| RB, AR, R1 | - | A | A | B | F | E | F | F | F | E | B | B |
| R-2 & R-3 | A | - | A | B | F | D | F | F | F | D | B | B |
| R-4 & R-5 | A | A | - | B | F | C | E | E | F | C | B | B |
| R-8 & R-13 | B | B | B | - | F | B | D | D | F | C | B | B |
| HP-CD | F | F | F | F | - | F | F | F | F | F | F | F |
| ORM, NC-2, LC-1 | E | D | C | B | F | - | - | - | F | B | B | D |
| CC-3, GC-4, EC-5 | F | F | E | D | F | - | - | F | B | B | B | D |
| EI, I-1, I-2, I-3, PID | F | F | E | E | F | - | - | - | F | B | B | D |
| AS, ASE-CD | D | A | A | A | F | A | A | A | F | B | B | B |

Note: MPO-CD, R-CD, and NR-CD buffers to be determined at time of approval.

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Arter v. Orange County

229A23 NC SUPREME COURT

Interpretive Rules Matter

"Headings and illustrations contained herein are provided for convenience and reference only and do not define or limit the scope of any provision of this Ordinance. In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, figure, or illustration, the text controls."

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Hotel or single family detached structure?



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Currituck County v. LeTendre

102 F.4TH 252 (4TH CIR. 2024)

- 15,000 square foot vacation structure
- three connected buildings
- 24 bedrooms, 25 bathrooms, and a pool
- Long-running dispute
 - County and state courts ruled not a single family detached dwelling for zoning
 - Building Code Council ruled project is one family dwelling subject to Residential Building Code

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Currituck County v. LeTendre

102 F.4TH 252 (4TH CIR. 2024)

- 2019 Statutory Amendment
- G.S. 160D-706
- "When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of those terms in another statute or in a rule adopted by a State agency, including the State Building Code Council [or Residential Code Council]"

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Currituck County v. LeTendre

102 F.4TH 252 (4TH CIR. 2024)

- 2019 Statutory Amendment
- G.S. 160D-706
- "When adopting regulations under this Article, a local government may not use a definition of building, dwelling, dwelling unit, bedroom, or sleeping unit that is inconsistent with any definition of those terms in another statute or in a rule adopted by a State agency, including the State Building Code Council [or Residential Code Council]"
- Owner argued that overruled prior cases (zoning must allow same as building code)

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Currituck County v. LeTendre

102 F.4TH 252 (4TH CIR. 2024)

- Court agreed with owner
 - Building Code Council was interpreting a state agency rule
 - under the Code's definitions a "one family dwelling" consists of one building.
 - "Simply put, 'building' can't mean one thing under the Code and something else under the Ordinance."

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Zander v. Orange County

NC SUPREME COURT 426A18-2 (2024)

- County had local legislation for school impact fees
- Class action lawsuit challenged fees as ultra vires and challenged the calculation for specific reimbursements
- Trial court ruled for county's motion for summary judgment
- Court of appeals ruled for county in part and class in part
- Supreme Court adopted reasoning of COA dissent to rule for class
 - Legitimate question about lawfulness of impact fees and calculation of refund (so summary judgment inappropriate)

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Durham Green Flea Mkt. v. City of Durham

COA24-246 (2024)

- City issued an NOV for failure to develop according to approved site plan
- Owner appealed claiming due process violations

Informal notice

- Ordinance: "When a violation is discovered, and is not remedied through informal means, written notice of the violation shall be given."
- Court: this is option, not requirement

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Durham Green Flea Mkt. v. City of Durham

COA24-246 (2024)

Specificity of NOV

- Ordinance: "The notice shall include a description of the violation and its location, the measures necessary to correct it[.]"
- Court: notice with reference to required site plan was sufficient

Due Process

- Court: city notice and process was sufficient . . .
 - the NOV listed the violation, the NOV provided contact information for staff, and the Petitioner had an opportunity to be heard before the board of adjustment

UNC SCHOOL OF GOVERNMENT

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Schooldev v. Wake Forest (NC SC)
 Arter v. Orange County (NC SC)
 Currituck Cnty v. LeTendre (4th Circ.)
 Zander v. Orange County (NC SC)
 Durham Green Flea Mkt. v. Durham (NC COA)
 Proctor v. City of Jacksonville (NC COA)

UNC SCHOOL OF GOVERNMENT

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Proctor v. City of Jacksonville

COA24-305(2024)

- Food truck operator challenged zoning provisions for food trucks
- (procedure, not substance)

UNC SCHOOL OF GOVERNMENT

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Proctor v. City of Jacksonville

COA24-305(2024)

- Freedom of Speech clause
- Equal Protection clause
- Fruits of Their Own Labor clause and the Law of the Land clause
- Permit fees as unreasonably high
- Trial court dismissed pursuant to Rule 12(b)(6)

UNC SCHOOL OF GOVERNMENT

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Proctor v. City of Jacksonville

COA24-305(2024)

- Court of appeals overruled and remanded for further proceedings with distinct tests for constitutional claims
 - strict or intermediate scrutiny for Freedom of Speech;
 - whether business distinction are rationally related to permissible government interests for Equal Protection;
 - the Corum three-prong test for Fruits of Their Own Labor and Law of Land
- Need additional facts to determine reasonableness of fees

UNC SCHOOL OF GOVERNMENT

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- Schooldev v. Wake Forest (NC SC)
- Arter v. Orange County (NC SC)
- Currituck Cnty v. LeTendre (4th Circ.)
- Zander v. Orange County (NC SC)
- Durham Green Flea Mkt. v. Durham (NC COA)
- Proctor v. City of Jacksonville (NC COA)

UNC SCHOOL OF GOVERNMENT

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UNC SCHOOL OF GOVERNMENT

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