

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 445

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

S445-ABR-77 [v.4]

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Amends Title [NO]
Fourth Edition

Date _____, 2026

Representative Riddell

1 moves to amend the bill on page 5, line 32, through page 6, line 3, by deleting those lines;

2
3 and on page 7, lines 12–18, by rewriting the lines to read:

4 "(c) The State Board of Education and public school units shall allow students with
5 parental consent as required by G.S. 115C-76.65(c) to complete any surveys included as part of
6 the administration of the nationally norm-referenced college admissions test required by this
7 section. Prior to the administration of the nationally norm-referenced college admissions test,
8 public school units shall provide notice regarding the information collected in the surveys to
9 parents of children in eleventh grade.";

10
11 and on page 9, lines 45–46, by rewriting the lines to read:

12 "years. Projects for a local school administrative unit for which a grant has not been
13 awarded under this Article in the previous three years.";

14
15 page 10, line 1, through page 11, line 39 by rewriting the lines to read:

16
17 "**§ 160D-108.1. Vested rights – site-specific vesting plans.**

18 ...

19 (c) Approval and Amendment of Plans. – If a site-specific vesting plan is based on an
20 approval required by a local development regulation, the local government shall provide
21 whatever notice and hearing is required for that underlying approval. A duration of the underlying
22 approval that is less than ~~two~~-five years does not affect the duration of the site-specific vesting
23 plan established under this section. If the site-specific vesting plan is not based on ~~such an~~
24 ~~approval,~~ an approval required by a development regulation, a legislative hearing with notice as
25 required by G.S. 160D-602 shall be held.

26 A local government may approve a site-specific vesting plan upon any terms and conditions
27 that may reasonably be necessary to protect the public health, safety, and welfare. Conditional
28 approval results in a vested right, although failure to abide by the terms and conditions of the
29 approval will result in a forfeiture of vested rights. A local government shall not require a
30 landowner to waive the landowner's vested rights as a condition of developmental approval. A
31 site-specific vesting plan is deemed approved upon the effective date of the local government's
32 decision approving the plan or another date determined by the governing board upon approval.



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1 An approved site-specific vesting plan and its conditions may be amended with the approval of
2 the owner and the local government as follows: any substantial modification must be reviewed
3 and approved in the same manner as the original approval; minor modifications may be approved
4 by staff, if ~~such~~ the modifications are defined and authorized by local regulation.

5 ...

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

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

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

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

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

27 (f) Subsequent Changes Prohibited; Exceptions. –

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

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

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

39 c. To the extent that the affected landowner receives compensation for
40 all costs, expenses, and other losses incurred by the landowner,
41 including, but not limited to, all fees paid in consideration of financing,
42 and all architectural, planning, marketing, legal, and other consulting
43 fees incurred after approval by the local government, together with

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- 1 interest as provided under G.S. 160D-106. Compensation shall not
2 include any diminution in the value of the property which is caused by
3 the action.
- 4 d. Upon findings, by ordinance after notice and an evidentiary hearing,
5 that the landowner or the landowner's representative intentionally
6 supplied inaccurate information or made material misrepresentations
7 that made a difference in the approval by the local government of the
8 site-specific vesting plan or the phased development plan.
- 9 e. ~~Upon the enactment or promulgation of aAs required by~~ State or
10 federal law or regulation that precludes development as contemplated
11 in the site-specific vesting plan or the phased development plan, in
12 which case the local government may modify the affected provisions,
13 upon a finding that the change in State or federal law has a
14 fundamental effect on the plan, by ordinance after notice and an
15 evidentiary hearing.
- 16 f. Due to site conditions resulting from a natural disaster in an area with
17 a declared disaster declaration pursuant to Chapter 166A of the
18 General Statutes the local government determines that under current
19 site conditions the site no longer meets applicable State or federal
20 safety, environmental, or engineering standards, or that preclusion of
21 the development regulation would present a material risk to life,
22 health, or property.
- 23 g. Upon adoption of a floodplain ordinance adopted by the local
24 government for the purposes of compliance with the National Flood
25 Insurance Program.
- 26 (2) The establishment of a vested right under this section ~~does not preclude~~
27 ~~precludes~~ the application of overlay zoning or other development regulations
28 which impose additional requirements but do not affect the allowable type or
29 intensity of use, or ordinances or regulations which are general in nature and
30 are applicable to all property subject to development regulation by a local
31 government, including, but not limited to, building, fire, plumbing, electrical,
32 and mechanical codes. Otherwise applicable new development regulations
33 become effective with respect to property which is subject to a site-specific
34 vesting plan upon the expiration or termination of the vesting rights period
35 provided for in this section.
- 36 (3) Notwithstanding any provision of this section, the establishment of a vested
37 right does not preclude, change, or impair the authority of a local government
38 to adopt and enforce development regulations governing ~~noneonforming~~
39 ~~situations or uses.~~nonconformities.
- 40";
- 41
- 42 and to amend the bill on page 14, lines 43–44, by rewriting the lines to read:

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1 "regulation shall allow all of the following as a use by right on property undergoing
2 redevelopment, except for properties that are on or adjacent to sites with known contamination
3 that have not been remediated, in all areas zoned for nonagricultural commercial, business, or
4 light industrial use:";

5
6 and on page 15, line 39, by rewriting the line to read:

7 "(6) Set a maximum accessory dwelling unit size of less than 800 square feet or
8 greater than 1000 square feet."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**