G.S. 160D-601(d), as amended, sets a new, broader definition of "down-zoning" and greatly limits local government authority to amend zoning ordinances and maps without property owner consent. Many questions remain about the precise meaning of the law, the breadth of the implications, and whether the General Assembly may revisit the legislation.

In the meantime, here is a simple list of questions for evaluating "down-zonings."

Is it a "down-zoning"?

- Is the change an amendment to the zoning text or map?
    - If yes, continue to next question. If no, evaluate if the amendment is effectively a zoning amendment (like in the case of floodplain ordinances).
- Does the text or map amendment reduce development density?
    - If yes, it's a "down-zoning" (jump down to next section). If no, continue to next question.
- Does the text or map amendment limit a use that was previously permitted and/or reduce the number of uses allowed? (Reminder: There is ambiguity as to whether this is substantive, numeric, or both.)
    - If yes, it's a "down-zoning" (jump down to next section). If no, continue to next question.
- Does the text or map amendment affect property in a nonresidential zoning district?
    - If yes, continue to next question. If no, it likely is not a "down-zoning."
- For text or map amendments affecting nonresidential zoning districts, does the text or map amendment create a nonconforming situation?
    - If yes, it's a "down-zoning" (jump down to next section). If no, it likely is not a "down-zoning."

If it is a "down-zoning":

- Can the local government get written consent from all affected property owners?
    - If yes, then the amendment may proceed with proper written consent. If no, then the amendment cannot be initiated, enacted, or enforced.