



The following list summarizes planning-related legislation and bills of interest to the planning community proposed during the 2015 legislative session. Bills are roughly organized by number. Readers should consult the “Legislation” tab of the APA-NC webpage (<http://www.nc-apa.org/>) to ensure they have the most recent version of this update. The list is current through 4.9.15. Questions related to this material should be directed to Chad Meadows, Legislative Chair, at [chad@codewright.info](mailto:chad@codewright.info).

**Bills with orange banners** are of special interest to planners and the APA-NC.

## Eminent Domain

### HB3/SB74

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H3>

This bill seeks to amend the Constitution to prohibit condemnation of private property except for a public use, to provide for payment of just compensation with right of trial by jury in all condemnation cases, and to make similar statutory changes. There was an amendment offered in the house to include economic development as a public use, but the amendment failed.

STATUS: Passed 3<sup>rd</sup> reading in the House on 2.10.15 (113 to 5). Referred to Senate Rules and Operations Committee.

## Seating for Food Stand Customers

### SB7/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S7>

This bill allows a “food stand” to provide tables and chairs for customer use on the premises without obtaining a restaurant permit unless DHHS demonstrates the seating poses a threat to public health/safety.

STATUS: Passed Senate Health Care Committee, referred to Senate Commerce Committee. Failure to establish a corresponding House bill by April 30 will halt this bill’s progress.

## Distilleries & Tasting Rooms

### SB24/HB107

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S24>

This bill clarifies that distilleries may establish tasting rooms and sell alcohol (spirituous liquor) to customers for consumption on the premises.

STATUS: Referred to Senate Rules and Operations Committee.

## ABC Stores and Tasting Rooms

### SB236/HB178

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S236>

This bill would allow tasting events at ABC stores between the hours of 1:00 PM and 7:00PM up to three times per week.

STATUS: Referred to Senate Rules and Operations Committee.

## Zoning/Design Aesthetic Controls

### HB36/SB25

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H36>

This bill is the third version of the design controls bill. The text is similar to proposed bills from previous years. Key elements:

- Bars all local governments from regulation building elements except in some cases like historic districts, manufactured homes, or as needed for NFIS participation;
- Building design elements = exterior building color, type of exterior cladding, style or materials on roof, exterior nonstructural ornamentation, location or styling of windows/doors (including garage doors), number and type of rooms, interior layouts of rooms;
- Applied to one- and two-family dwellings (including townhouses); and

- Regulations affecting building elements only allowed if the owner consents to follow them (as in the case of a conditional rezoning).

- The proposed bill retains the ability to regulate the height, bulk, orientation, location of a structure on a lot, buffering or screening to minimize visual impacts, actions to mitigate the impacts of light and noise, or to protect the privacy of neighbors. The language related to owner consent is slightly different from previous versions.

- The NC League of Municipalities is floating alternative bill text that would remove the prohibition on applying building design element control to townhouses and to any development of more than four units per acre. Contact the NC League of Municipalities <http://www.nclm.org/> for additional details .

STATUS: Referred to House Local Government Committee. (The APA-NC Legislative Committee has requested the opportunity to address the Local Government Committee when this bill comes up for discussion.)

## **Overgrown Vegetation Notice**

### **HB44/SB53**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H44>

This bill allows local governments to send notice of violations regarding overgrown vegetation to a chronic violator by both registered/certified AND regular mail once per calendar year. Notice shall be considered served even if registered/certified attempt is refused.

STATUS: Passed House Local Government Committee, referred to House Regulatory Reform Committee.

## **Extraterritorial Jurisdiction (Justice for Rural Citizens)**

### **HB51/ No SB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H51>

This bill seeks to remove the ability of a city to regulate land use or apply zoning control outside its corporate limits (including mountain ridgetops) and removes references to extraterritorial jurisdiction throughout the statutes.

- This bill was proposed last session, but never made it to the House for consideration.

STATUS: Referred to House Local Government Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## **MPO/RPO Oversight**

### **HB74/ No SB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H74>

This bill creates a 10-member study committee of legislators to review how MPOs and RPOs function, with a goal of providing a report to the General Assembly in 2016.

STATUS: Referred to House Transportation Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## **Stormwater/Flood Control Activities**

### **HB141/ No SB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H141>

This bill requires larger cities (cities with a population of 500,000 or cities in a county with a population of 910,000 where at least one city has a population of 500,000 or more) to adopt a policy statement related to flood control before it may implement standards requiring elevation of structures, demolition of flood-prone structures, or retrofitting of flood-prone structures. The bill also requires establishment of a stormwater advisory committee to review and approve flood hazard reduction activities.

STATUS: Referred to House Environmental Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## **Regulate Commercial Dog Breeders**

### **HB159/ No SB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H159>

This bill establishes new definitions for what constitutes a commercial dog breeding operation, requires state registration for commercial dog breeders, and establishes new minimum facility requirements for these operations (including standards for fencing, walks, and enclosures).

STATUS: Referred to House Judiciary Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## Legal Notices/Internet Publication

### HB156/SB129

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=H156>

This bill limits the amount that can be charged by a newspaper for the second (and subsequent) advertisements when more than one legal notice is required. It also requires newspapers to place the advertisement on its corresponding internet or on-line version at no additional charge. Unintended errors in legal notice posted on the internet shall be considered harmless. The bill also clarifies that if legal notice is provided via internet or on-line posting in addition to publication, as long as the internet or on-line posting complies with minimum statutory timing requirements, the legal notice is acceptable even if the published version of the notice does not meet minimum statutory timing requirements.

STATUS: Passed 3<sup>rd</sup> reading in the House. Referred to Senate Local Government Committee.

## Notice Publication by Counties and Cities

### SB210/ No HB filed

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=S210>

This bill allows local governments to provide ANY required published or advertised public notice electronically in addition to or in lieu of publication. The bill does not allow electronic notice in favor of mailed notice. Electronic notices are to be published on the jurisdiction's website, and copies of the notice must be maintained in a specific "notice book" for at least 12 months.

STATUS: Referred to Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Historic Preservation Tax Credit

### HB152/SB287

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=H152>

This bill re-establishes the expired state tax credits for historic preservation. The bill caps the maximum amount of tax credit available at 15% of up to \$10 million in "qualified" expenditures and an additional 10% credit for qualified expenditures more beyond \$10 million up to \$20 million. There is also an addition 5% bonus credit for rehabilitation of properties in a poorer Tier 1 or 2 county, if the project is a target investment (e.g., an old mill or factory), or a certified historic structure that has been 65% or more vacant for two or more years. The program is proposed to expire in 2021.

- Note: another bill, HB89 was filed to establish historic tax credits for mills and historic structures was proposed, but has stopped as part of consideration of other bills.
- Note: SB 202 seeks to reenact the state's prior historic tax credit program through 1/1/2021, but there is no corresponding house bill as of yet.
- Note: SB472 seeks to standardize how local governments can apportion funds for economic development, including historic preservation.

STATUS: Passed 3<sup>rd</sup> reading in the House. Senate has referred it to the Senate Ways and Means Committee. Most insiders expect the bill to not move forward in 2016.

## Reenact Preservation Tax Credits

### SB202/ No HB filed

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=S202>

This bill seeks to reenact the historic tax credits that expired last year, and continue them unchanged through 1/1/2021.

STATUS: Referred to the Senate Finance Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Reenact Film Credits

### SB204/ No HB filed

<http://www.ncleg.net/gascripts/BillLookUp/BillLookUp.pl?Session=2015&BillID=S204>

This bill seeks to reenact the film industry credits that expired last year, and continue them unchanged through 1/1/2021.

STATUS: Referred to the Senate Finance Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## **Modify Film Grant Fund**

### **SB193/HB171**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S193>

This bill modifies the amount of grant funds currently made available to people or companies making films or television programs.  
STATUS: Referred to Senate Commerce Committee.

## **Delineate Coastal Wetlands/Riparian Buffers**

### **SBI30/ No HB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S130>

This bill establishes new definitions for coastal wetlands and marshlands located in the Neuse River or Tar-Pamlico River Basins.

The bill includes these wetland and marsh areas as being within the riparian buffer, not within surface water buffers.

STATUS: Referred to the Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## **Exempt Builder's Inventory**

### **HB168/SB321**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H168>

This bill exempts improvements made to real property from tax increases that result from revaluation as long as the real property remains for sale, or a maximum of five years. Builders or owners must apply for the exemption annually.

STATUS: Referred to the House Finance Committee.

## **Fracking-Protecting the Public**

### **HB172/ No SB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H172>

This bill requires the EMC to adopt new standards aimed at minimizing emissions of toxins and VOCs from exploration, development, production, processing, and compression of natural gas (aka fracking).

STATUS: Referred to House Environmental Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## **Limitation on Bee-Keeping Regulations (The Birds and the Bees Act)**

### **SB225/ No HB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S225>

This bill bars local governments from adopting or enforcing any rule barring an individual from owning five or fewer bee hives.

- The bill does not appear to prevent local governments from regulating bee-keeping generally.

STATUS: Referred to Senate Agriculture/Environment/Natural Resources Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## **Zoning/Protest Petition Changes**

### **SB285/ No HB filed**

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S285>

This bill modifies some of the current protest petition requirements for rezonings. Specifically, it changes the supermajority requirement from  $\frac{3}{4}$  to two-thirds, and increases the minimum number of owners located within the buffer around the proposed land to be rezoned from 5% to 15%.

STATUS: Referred to Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Zoning Changes/Citizen Input

### HB201/SB (see Senate 3/26/15)

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H201>

This bill removes the protest petition process associated with rezonings, and requires a city or county clerk to provide any written statements regarding a rezoning to the elected officials within two days of the hearing.

STATUS: Passed the House on 3<sup>rd</sup> reading. Referred to Senate Rules and Operations Committee.

## Building Code Regulatory Reform

### HB 255/SB324

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H255>

This bill raises the minimum cost threshold for exemption from building permit requirements for certain kinds of construction associated with a single-family home or a farm building from \$5,000 to \$15,000. The bill also clarifies that cities and counties must review and approve construction plans submitted for commercial and multi-family structures; AND that city and counties shall not review and approve construction plans for one- and two-family dwellings (though a local government may require construction plans be maintained on the construction site and be available for inspection). The bill also establishes a Residential Code Committee who will review and approve changes to the building code associated with one- and two-family homes. It limits the use of funds collected as inspection fees to activities that support the inspection department.

STATUS: Referred to the House Finance Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## Healthy Food Small Retailer/Corner Store Act

### HB250/SB296

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H250>

This bill establishes a fund to assist small food retailers in providing fresh fruits and vegetables to local residents at affordable prices in so-called "food desert zones".

STATUS: Referred to House Appropriations Committee.

## Increase Small Brewery Limits

### HB278/ No SB Filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H278>

This bill raises the threshold of production for small breweries from 25,000 barrels per year to 100,000 barrels per year before the use is considered a wholesale use.

STATUS: referred to House Alcoholic Beverage Control Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## Revisions to Outdoor Advertising Laws

### SB320/HB304

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S320>

This bill extends greater authorization to outdoor advertising providers. There are new policy statements declaring that outdoor advertising and its visibility to the travelling public must be preserved and fostered. The bill pre-empts local regulation of any billboard adjacent to an interstate, primary highway, or national highway provided the billboard does not exceed 1,200 square feet in size or a height of 50 feet. It requires payment of just compensation for removal of any billboard and allows maintenance of any billboard with a DOT permit (even nonconforming billboards). This includes reconstruction, relocation, and even increases in height to clear noise walls. The bill allows conversion to a digital billboard, and allows increased vegetation clearing.

STATUS: Referred to Senate Commerce Committee.

## Land Use Regulatory Changes

### HB483/ No SB Filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H483>

This bill amends the permit choice rules that allow an applicant to decide which rules to follow if development provisions change between the time of application and the time of approval. The current provisions do not allow an applicant to choose when the type of a permit is a zoning permit. This bill seeks to remove this limitation, just like SB617.

The bill requires written consent from an applicant to apply ordinance changes to development with a valid unexpired permit that is subject to prior ordinance provisions, or if vested rights are established.

This bill allows an aggrieved party to bypass appeal of an administrative decision to a board of adjustment in favor of a filing an action directly with superior court.

This bill allows an applicant one year to file its action within superior court AND one year to file an appeal of a BOA decision with superior court.

The bill allows applicants to file for compensation for attorney's fees.

STATUS: Referred to House Judiciary Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## School Playgrounds Available to Public

### SB315/ HB539

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S315>

Allows local school boards to choose whether or not to make school playgrounds or other outdoor equipment available to the public.

STATUS: Passed Senate 3<sup>rd</sup> reading. Referred to House Education Committee.

## Sales Tax Fairness Act

### SB369/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=SB369&submitButton=Go>

This bill seeks to change how sales tax revenue is distributed at the county level from a system based on where it is collected to a system based on population. It removes the ability of local county commissions to determine how to apportion sales tax rebates to cities based on property tax collections in favor of a population-based system only. The bill also allows counties to raise sales taxes by a quarter-cent without voter approval.

STATUS: Referred to Senate Finance Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Limit Number of Studies for MPOs/RPOs

### SB396/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S396>

This bill limits the ability of an MPO or RPO to undertake a study except for projects where the MPO or RPO has the funding to complete the project being studied.

STATUS: Referred to Senate Transportation Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## North Carolina Farm Act of 2015

### SB513/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S513>

This bill, among many other things, adds commercial horse farms to the list of uses that may claim taxation under the present value standard. The bill also establishes a procedure for the termination of conservation agreements.

STATUS: Referred to Senate Agriculture/Environment/Natural Resources Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Ordinances Regulating Animals

### HB553/ No SB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H553>

This bill prohibits cities and counties from adopting ordinances that regulate the shelter of farm animals, including cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry.

STATUS: Referred to House Agriculture Committee. Failure to establish a corresponding Senate bill by April 30 will halt this bill's progress.

## NC Infrastructure Development Act

### SB 500/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S500>

This bill establishes a NC Infrastructure Development Authority to facilitate public/private partnerships for the construction and maintenance of public infrastructure (including information technology projects). The authority may acquire land, levy taxes, issue bonds, and contract with service providers.

STATUS: Referred to Senate Transportation Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Zoning/Modernize & Reorganize

### HB548/ SB \_\_\_\_\_

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H548>

This bill reorganizes, clarifies, and modernizes the statutes related to local planning and development regulations for all cities and counties in the state. APA-NC has been working with the NC Bar Association on the draft bill text. Planners are advised to become familiar with the bill, as if passed, every development ordinance in the state will require at least some modification.

## Regulatory Reform Act of 2015

### SB453/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S453>

This bill, among many other things, repeals the Sedimentation Control Commission and replaces it with the Environmental Management Commission.

STATUS: Referred to Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Local Government/Inspection Buildings & Structures

### SB442/HB530

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S442>

This bill limits the ability of local governments to conduct inspections for unsafe or hazardous conditions in buildings. The bill increases the reasonable cause provision related to a habitual offender from two prior instances to seven prior instances, reduces the size of an inspection target area (for prevention of blight) to the greater of: 1 square mile or 5% of the local government's jurisdiction. There are additional changes to the provisions for registration by landlord violators or landlords who own property in areas of high crime.

STATUS: Referred to Senate Rules and Operations Committee.

## Urban/Rural Growth and Development Task Force

### SB645/ no HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S645>

This bill establishes a task force to study how the growth and develop with balanced growth between urban and rural areas. It shall create and file a report prior to the commencement of the 2017 General Assembly.

STATUS: Referred to Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Transportation Funding Bill

### SB639/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S639>

This bill establishes a flat tax rate for motor fuel, establishes an annual weight-based infrastructure access charge for every vehicle and establishes a new fee structure for motor carriers. The bill also requires approval, by local referendum, for any new road, bridge, tunnel, or HOV lane that will be subject to a toll.

STATUS: Referred to Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.



## State and Local Government Transparency Act (Mandatory Web Page content)

### SB 633 / No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S633>

This bill establishes new minimum requirements for posting of various information by every local government with a web page. Mandatory items include contact information, details on the budget, procedures for obtaining any permits, salary of all employees, detailed list of all taxes and fees, information on contracts over \$25,000, and several other items.  
STATUS: Referred to Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Local Government Regulatory Reform

### SB617/ No HB filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S617>

This bill amends the permit choice rules that allow an applicant to decide which rules to follow if development provisions change between the time of application and the time of approval. The current provisions do not allow an applicant to choose when the type of a permit is a zoning permit. This bill seeks to remove this limitation.  
This bill prohibits local governments from requiring compliance with a state agency law when the state agency states compliance is voluntary.  
The bill also allows an owner of development on land that is located partially within a county and partially within a city to decide whether county or city requirements will apply to the development.  
The bill exempts signage associated with a hospital or free-standing emergency room from all local government regulations pertaining to signage.  
The bill requires local governments to charge a fee for electricity provided at an electrical vehicle charging station owned or operated by a local government.  
The bill requires a two-thirds supermajority vote by the Board of Transportation for a reduction in the number of lanes on a state roadway located within a municipality in order to accommodate bicycle lanes.  
The bill includes the same prohibitions on local governments preventing a person from owning and maintaining five or fewer bee hives as is contained in SB225.  
STATUS: Referred to Senate Rules and Operations Committee. Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

## Sedimentation Control Civil Penalty Reform

### SB552 / No HB Filed

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S552>

This bill caps the total amount of civil penalty assessed to a first-time sedimentation control offender, creates a process for request of remission of civil penalties to the Sedimentation Control Commission, and requires local governments to assist first-time violators in developing corrective measures.  
STATUS: Referred to Senate Agriculture/Environment/Natural Resources Committee. . Failure to establish a corresponding House bill by April 30 will halt this bill's progress.

Additional bills of interest:

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### SB20/HB40: IRC Update/Motor Fuel Tax Changes - Signed by Governor S.L. 2015-2

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=S20>

### HB151/SB\_\_ : Property Insurance Rate-Making Reform – Passed House 115-0

<http://www.ncleg.net/gascripts/BillLookup/BillLookup.pl?Session=2015&BillID=H151>