

LEGISLATIVE UPDATES.....

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, and 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.)

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 ridge tops) 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.

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 3rd 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.

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 rezoning. 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 rezoning, 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 3rd reading. Referred to Senate Rules and Operations 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 3rd reading. Referred to House Education Committee.

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.