

April 9, 2003

H 984. ZONING/NONCONFORMING USES. RELATING TO THE AMORTIZATION OF PROPERTY AND TO LIMIT THE PHASING OUT OF NONCONFORMING USES. Adds new GS 160A-384.1 providing that certain property uses (including characteristics) may continue despite subsequent adoption of a zoning ordinance that renders property nonconforming, but authorizing cities to restrict the expansion, repair (over 50% of structure), or resumption of a nonconforming use or to require minor modifications within a reasonable period. New GS 160A-384.2 authorizes cities to adopt ordinances that permit certain voluntary modifications of nonconforming uses and establishes a procedure cities must follow and factors they must consider before approving those modifications. Notwithstanding provisions of GS 160A-384.1, GS 160A-384.3 authorizes cities to immediately eliminate certain nonconforming uses that are dangerous or detrimental to public health or safety after complying with certain procedures. New GS 160A-384.4 further permits cities to phase out nonconforming uses including signs, adult establishments, and junkyards after complying with specified procedures, but requires that cities make time-limited variances available to such property owners. New GS 160A-384.5 prohibits cities from phasing out existing residential uses unless it is necessary to protect public health or safety. New GS 160A-384.6 requires that if a city is unable to eliminate a nonconforming use through zoning, it may do so through purchase or condemnation of that property in accordance with GS Ch. 40A. Adds new GS 153A-343.1 through 153A-343.6, adopting identical provisions applicable to counties.

Intro. by Rapp, L. Allen.

Ref. to Rules	GS 153A, 160A
---------------	---------------