

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021**

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**HOUSE BILL 712
PROPOSED COMMITTEE SUBSTITUTE H712-PCS30425-BD-19**

Short Title: Preservation of Workforce Housing.

(Public)

Sponsors:

Referred to:

April 29, 2021

A BILL TO BE ENTITLED
AN ACT TO PROHIBIT THE USE OF SUBJECTIVE STANDARDS IN CONDITIONAL USE
PERMITTING BY LOCAL GOVERNMENTS FOR DEVELOPMENTS WITH
AFFORDABLE HOUSING UNITS FOR FAMILIES MEETING CERTAIN INCOME
LEVEL REQUIREMENTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 160D-703 reads as rewritten:

"§ 160D-703. Zoning districts.

(a) Types of Zoning Districts. – A local government may divide its territorial jurisdiction into zoning districts of any number, shape, and area deemed best suited to carry out the purposes of this Article. Within those districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land. Zoning districts may include, but are not be limited to, the following:

- (1) Conventional districts, in which a variety of uses are allowed as permitted uses or uses by right and that may also include uses permitted only with a special use permit.
- (2) Conditional districts, in which site plans or individualized development conditions are imposed.
- (3) Form-based districts, or development form controls, that address the physical form, mass, and density of structures, public spaces, and streetscapes.
- (4) Overlay districts, in which different requirements are imposed on certain properties within one or more underlying conventional, conditional, or form-based districts.
- (5) Districts allowed by charter.

(b) Conditional Districts. – Property may be placed in a conditional district only in response to a petition by all owners of the property to be included. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the exercise of the authority granted by this section, a local government may not require, enforce, or incorporate into the zoning regulations any condition or requirement not authorized by otherwise applicable law, including, without limitation, taxes, impact fees, building design elements within the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or use of land. Conditions and site-specific standards imposed in a conditional district shall be limited to those that address the conformance of the development and use of the site to local



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1 government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably
2 expected to be generated by the development or use of the site. The zoning regulation may
3 provide that defined minor modifications in conditional district standards that do not involve a
4 change in uses permitted or the density of overall development permitted may be reviewed and
5 approved administratively. Any other modification of the conditions and standards in a
6 conditional district shall follow the same process for approval as are applicable to zoning map
7 amendments. If multiple parcels of land are subject to a conditional zoning, the owners of
8 individual parcels may apply for modification of the conditions so long as the modification would
9 not result in other properties failing to meet the terms of the conditions. Any modifications
10 approved apply only to those properties whose owners petition for the modification.

11 (c) Uniformity Within Districts. – Except as authorized by the foregoing, all regulations
12 shall be uniform for each class or kind of building throughout each district but the regulations in
13 one district may differ from those in other districts.

14 (d) Standards Applicable Regardless of District. – A zoning regulation or unified
15 development ordinance may also include development standards that apply uniformly
16 jurisdiction-wide rather than being applicable only in particular zoning districts.

17 (e) Limitations. – If a local government establishes conditional districts, the local
18 government shall not impose conditions or standards other than the following for permit approval
19 if the development contains affordable housing units for families or individuals with incomes
20 below eighty percent (80%) of area median income:

21 (1) Height, number of stories, and size of buildings and other structures.

22 (2) The percentage of lots that may be occupied.

23 (3) The size of yards, courts, and other open spaces.

24 (4) The density of population.

25 (5) The location and use of buildings, structures, and land."

26 **SECTION 2.** This act is effective when it becomes law and applies to permit
27 applications submitted on or after that date.