

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

FILED SENATE
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S.B. 256
PRINCIPAL CLERK

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SENATE BILL DRS45125-MQ-20

Short Title: Harmony Req'ment Changes-Town of Huntersville. (Local)

Sponsors: Senator Sawyer (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THE HARMONY REQUIREMENT LIMITATION FOR
3 RESIDENTIAL DEVELOPMENTS THAT CONTAIN AFFORDABLE HOUSING FOR
4 THE TOWN OF HUNTERSVILLE.

5 The General Assembly of North Carolina enacts:

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

7 "§ 160D-703. Zoning districts.

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

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

24 (b) Conditional Districts. – Property may be placed in a conditional district only in
25 response to a petition by all owners of the property to be included. Specific conditions may be
26 proposed by the petitioner or the local government or its agencies, but only those conditions
27 approved by the local government and consented to by the petitioner in writing may be
28 incorporated into the zoning regulations. Unless consented to by the petitioner in writing, in the
29 exercise of the authority granted by this section, a local government may not require, enforce, or
30 incorporate into the zoning regulations any condition or requirement not authorized by otherwise
31 applicable law, including, without limitation, taxes, impact fees, building design elements within
32 the scope of G.S. 160D-702(b), driveway-related improvements in excess of those allowed in
33 G.S. 136-18(29) and G.S. 160A-307, or other unauthorized limitations on the development or
34 use of land. Conditions and site-specific standards imposed in a conditional district shall be
35 limited to those that address the conformance of the development and use of the site to local
36 government ordinances, plans adopted pursuant to G.S. 160D-501, or the impacts reasonably



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

10 (b1) Limitations. – For parcels where multifamily structures are an allowable use, a local
11 government may not impose a harmony requirement for ~~permit-development~~ approval if at least
12 ten percent (10%) of the number of residential units in the development contains ~~are~~ affordable
13 housing units for families or individuals with incomes below eighty percent (80%) of the area
14 median income.

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

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

21 **SECTION 2.(a)** This act applies to the Town of Huntersville only.

22 **SECTION 2.(b)** This act is effective when it becomes law and applies to permit
23 approvals submitted on or after that date.