



# TOWN OF CARRBORO

NORTH CAROLINA

## TRANSMITTAL

## PLANNING DEPARTMENT

DELIVERED VIA: ☐ HAND ☐ MAIL ☐ FAX ☒ EMAIL

**To:** David Andrews, Town Manager  
Mayor and Board of Aldermen

**From:** Patricia J. McGuire, Planning Director

**Date:** April 29, 2016

**Subject:** Changes to North Carolina Legislation related to Planning and Development

There were a number of changes to applicable laws in 2015. The table below presents the session law, bill number, description and action needed. Some bills include many provisions, some of which apply to areas of the state, such as the beach, that do not occur in Carrboro. The descriptions note those portions of the bill that staff interprets to apply to activities in Town. Staff anticipates working with Town Attorneys over the summer to prepare needed amendments for the Board's consideration in the early fall. In the meantime, compliance with provisions of the Town Code that are inconsistent with the Session Laws is not required.

| Session Law/Bill #/<br>Effective Date                                                                        | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Town Action                                                                                                                                                                                                                                                                                                                                                                 |
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| 2015-246/<br>H.44/<br>9-21-15<br>except for development agreement provision which was made effective 10-1-15 | <a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H44v5.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H44v5.pdf</a><br>Local government regulatory reform.<br>1. Authorize cities to provide annual notice to chronic violators or overgrown vegetation;<br>2. Prohibit requiring compliance with state voluntary rules;<br>3. Options for owners of tracts with split regulatory jurisdiction;<br>4. Exempt fence wraps at construction sites from sign regulations;<br>5. Provide choice of regulation rule to zoning permits;<br>6. Limit reduction in travel lanes to accommodate bike lanes on high traffic volume | 1. Town Code amendment,<br>2.-5 LUO Amendments<br>6.No action<br>7.No action<br>8. Previous report on stream buffer provides status report/response. Follow-up scheduled for June 21 <sup>st</sup> .<br>9 – 10.Under review<br>11.No action<br>12. Act in accordance with provision of G.S.<br>13. Town Code amendment; notice of construction projects<br>14. Under review |

Planning Department

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| Session<br>Law/Bill #/<br>Effective<br>Date | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Town Action                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                             | roads;<br>7. Require density credits for dedicated rights of way;<br>8. Local riparian buffers;<br>9. Enforcement of ordinances outside ETJ<br>10. Permits for wells within service area of public water system<br>11. Leases for communication towers.<br>12. Notice to property owners of city construction<br>13. Prohibit definition of dwelling units that exceed state statute or rule;<br>14. Remove size and term limits on development agreements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2015-160/<br>H.201/8-1-<br>2015             | <a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H201v6.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H201v6.pdf</a><br>1. Replace zoning protest petition with written citizen comment;<br>2. Remove affirmative vote provision for abstentions on zoning amendments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1.LUO amendment<br>2.Town Code amendment                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 2015-145/<br>H.255/10-1-<br>15              | <a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H255v8.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H255v8.pdf</a><br>1. Local inspectors shall make as many inspections as needed.<br>2. NC Building Code Council shall study procedures and policies for approval of alternative materials, designs or methods and report to the 2016 Regular session of the GA.<br>3. Clarification of official misconduct for code officials.<br>4. Raise threshold for building permit requirement from \$5,000 to \$15,000.<br>5. Create Building Code Council – 17 members appointed by Governor. Council shall include a Residential Code for One- and Two-Family Dwellings Committee and a Building Code Committee, which will review code amendments and appeals and interpretations.<br>6. Schedule for revisions to Building Code: Residential Code for One- and Two-Family dwellings once every six years starting in 2019.<br>7. Web posting of Building Code Council appeal decisions, interpretations and variations of the Code.<br>8. Inspections fees to be spent only for activities of inspections department.<br>9. Inspections to be completed in a full and timely | Procedural changes in administration of permitting and inspections services. Change to standard process made following enactment. Inspections staff had previously required deeper and wider building footings based on long-standing knowledge of local soil conditions. New definition of misconduct prohibits this. Staff has taken a proactive approach and now notifies applicants via informational stamps on plans of Town's recommendations. (see Attachment B for examples of previous and current notes). |

| Session<br>Law/Bill #/<br>Effective<br>Date | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Town Action                                  |
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|                                             | manner and include all items failing to meet requirements.<br>Revise building permit inspections, fees, reviews                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                              |
| 2015-192/<br>H.553/<br>8-5-2015             | <a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H553v5.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H553v5.pdf</a><br>1) Prohibit town from setting standards of care for farm animals, which includes the following domesticated animals: cattle, oxen, bison, sheep, swine, goats, horses, ponies, mules, donkeys, hinnies, llamas, alpacas, lagomorphs, ratites, and poultry flocks of greater than 20 birds."<br>2) Noted standards related to Construction, repair, or improvement of farm animal shelter or housing; restrictions on the types of feed or medicines that may be administered to farm animals; and exercise and social interaction requirements.                                                                                                                                                                                                                                                                                                     | 1. and 2. Town Code amendments.              |
| 2014-149/<br>H.634/<br>8-16-15              | <a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H634v6.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H634v6.pdf</a><br>1) For purposes of implementing stormwater programs, "built-upon area" means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck or deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; or a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour)."<br>2) Environmental Management Commission shall adopt rules for implementing the requirement by December 1, 2015. | Under review.                                |
| 2015-194/<br>H638/<br>8-5-2015              | <a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H638v4.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H638v4.pdf</a><br>1) Encourage wetland mitigation practices that maximize opportunities habitat areas.<br>2) Requires Department of Environment and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Awareness of change in statutory provisions. |

| Session<br>Law/Bill #/<br>Effective<br>Date | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Town Action                              |
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|                                             | <p>Natural Resources and the Wildlife Resources Commission to work together to maximize public recreational opportunities, including hunting, in conservation easements or purchased mitigation areas, to promote wildlife and biological diversity.</p> <p>3) Identifies mechanisms for inventorying and purchasing from lands held by DENR's Office of Land and Water Stewardship.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                          |
| 2015-19/<br>H.706/<br>5-14-2015             | <p><a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H706v4.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H706v4.pdf</a></p> <p>Exempts open-air cabins of limited occupancy from requirements of Building Code. Requires BC amendment to comply/allow this law to sunset.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Awareness of change in building code.    |
| 2015-187/<br>H.721/<br>8-5-2015             | <p><a href="http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H721v6.pdf">http://www.ncleg.net/Sessions/2015/Bills/House/PDF/H721v6.pdf</a></p> <p>1.Modify performance guarantee provisions of subdivision statute;<br/>2.Limit withholding building permits due to completion of separate permit of compliance with land use regulations.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Minor change to LUO may be needed        |
| 2015-86/<br>S.25/<br>6-19-15                | <p><a href="http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S25v3.pdf">http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S25v3.pdf</a></p> <p>1) Establishes prohibition on regulation of building design elements for one- and two-family dwellings unless excepted.<br/>2) Defines building design elements as "exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase "building design elements" does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot; (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors; or (iii) regulations adopted pursuant to this Article governing the permitted uses of land or structures subject to the North Carolina Residential Code for One- and Two-Family Dwellings."</p> | 1. And 2. Land Use Ordinance amendments. |

| Session Law/Bill #/<br>Effective Date | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Town Action                                                                                                                |
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|                                       | 3) Does not affect covenants or private agreements that regulate such features.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                            |
| 2015-64/S.315/<br>6-11-2015           | <a href="http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S315v4.pdf">http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S315v4.pdf</a><br>Allow local school boards to make playgrounds available for other public recreational uses.                                                                                                                                                                                                                                                                                                                                                                                               | None anticipated.                                                                                                          |
| 2015-277/<br>S.472/<br>10-20-2015     | <a href="http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S472v3.pdf">http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S472v3.pdf</a><br>1) Changes language pertaining to economic development appropriations.<br>2) Authorizes specific actions related to economic development; adds grants or loans to support rehabilitation of historic, public or private, commercial or non-commercial buildings.<br>3) Requires public hearing for any economic development activities.<br>4) Describes interest, cost estimating for new employment resulting from appropriations, applicability of Local Government Fiscal Control Act. | Awareness of amended provisions and definitions.                                                                           |
| 2015-217/<br>S.581/<br>8-18-2015      | <a href="http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S581v4.pdf">http://www.ncleg.net/Sessions/2015/Bills/Senate/PDF/S581v4.pdf</a><br>1) Study of NCDOT process for acceptance of subdivision streets<br>2) Report to Joint Legislative Transportation Oversight Committee<br>3) Changes percentage requirement for traffic calming requests from 70 percent to 60 percent.                                                                                                                                                                                                                                                     | Information/awareness of state policies and procedures. Communication with citizens eligible for requesting NCDOT actions. |