

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 117

Short Title: Neighborhood Preservation Programs.

(Public)

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Sponsors: Representatives Colton; Perdue, Holt, Fletcher, Rogers, N. Crawford, Hasty, B. Ethridge, Hege, and Justus.

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Referred to: Basic Resources.

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February 1, 1989

1 A BILL TO BE ENTITLED  
2 AN ACT TO ENABLE CITIES, TOWNS AND COUNTIES TO PROVIDE FOR  
3 NEIGHBORHOOD, COMMUNITY AND RURAL PRESERVATION.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 19 of Chapter 160A of the General Statutes is amended by  
6 adding the following new Part:

7 **“PART 9.**

8 **“Districts for Neighborhood, Community, and Rural Preservations.**

9 **“§ 160A-459.1. Membership and appointment of commission; joint commission.**

10 (a) Each city and county in the State may create a special commission, to be  
11 known as the community conservation district commission for the city or county. The  
12 commission shall consist of not less than three members, to be appointed by the  
13 governing body of the municipality or county for such terms, not to exceed four years,  
14 as the governing body may by ordinance provide. All members shall be residents of the  
15 city's or county's area of planning or zoning jurisdiction at the time of appointment.  
16 Where possible, appointments shall be made in such a manner as to maintain on the  
17 commission at all times at least two members who have had special training or  
18 experience in a design field, such as architecture, landscape design, landscape  
19 architecture, horticulture, city planning, or a related field. Membership on the  
20 commission is declared to be an office that may be held concurrently with any other  
21 elective or appointive office pursuant to Article VI, Section 9, of the North Carolina  
22 Constitution.

1       **(b) A county and one or more cities in the county may establish a joint**  
2 **community conservation district commission. If a joint commission is established, the**  
3 **county and the city or cities involved shall determine the residence requirements of the**  
4 **joint commission.**

5       **(c) In lieu of establishing a separate community conservation district**  
6 **commission, a city or county may designate as its community conservation district**  
7 **commission either (1) the city or county preservation commission, established pursuant**  
8 **to Part 3 of Chapter 160A of the General Statutes, or (2) a city or county planning**  
9 **agency, or (3) the governing body of the municipality or county, or (4) the city or**  
10 **county appearance commission.**

11 **"§ 160A-459.2. Community conservation district defined.**

12       **A community conservation district is an area that possesses form, character, and**  
13 **visual qualities derived from arrangements or combinations of topography, vegetation,**  
14 **space, scenic vistas, architecture, appurtenant features, distinctive natural habitats,**  
15 **natural formations, or places of natural or cultural significance, that create an image of**  
16 **stability, comfort, local identity, and livable atmosphere.**

17 **"§ 160A-459.3. Powers and duties of commission.**

18       **The governing body may confer upon the community conservation districts**  
19 **commission any or all of the following duties and powers:**

- 20       **(1) To undertake an inventory of areas of scenic, cultural and natural**  
21 **significance within the jurisdiction of the municipality or county to**  
22 **identify for all public officials and public bodies those characteristics**  
23 **which define significant areas within the jurisdiction;**
- 24       **(2) To recommend to the governing body areas to be designated or**  
25 **removed from designation by ordinance as 'Conservation Districts';**
- 26       **(3) To conduct an educational program with respect to the special**  
27 **character of conservation districts;**
- 28       **(4) To prepare studies and plans for consideration by governing bodies in**  
29 **taking action that affects the conservation and enhancement of such**  
30 **districts. Such studies and plans shall consider, but not be limited to,**  
31 **beautification, landscaping, acquisition of easements, streetscapes, and**  
32 **capital improvements;**
- 33       **(5) To recommend to the governing body such action as will enhance and**  
34 **conserve the special character of conservation districts;**
- 35       **(6) To cooperate with public and private officials, organizations, agencies,**  
36 **and groups which are concerned with and have an impact upon**  
37 **conservation districts;**
- 38       **(7) To cooperate with State, federal and local governments in pursuance of**  
39 **the purposes of this Part. The governing body or the commission,**  
40 **when authorized by the governing body, may contract with the State,**  
41 **or with the United States of America, or any agency of either, or with**  
42 **any other public or private organization provided the terms are not**  
43 **inconsistent with State or federal law;**

1           (8) To submit annually to the governing body a written report of its  
2 activities; to identify activities, including violations of ordinances and  
3 plans that affect the district; and, at the request of the deliberating or  
4 issuing authority or officials, to review and comment on plans,  
5 proposals, and applications that affect the districts. All accounts and  
6 funds of the commission shall be administered in accordance with the  
7 requirements of the Local Government Budget and Fiscal Control Act.

8 **"§ 160A-459.4. Required procedures.**

9           As a guide for the identification and evaluation of community conservation district,  
10 the commission shall undertake an inventory of those areas within its jurisdiction that  
11 exhibit scenic, cultural, and natural qualities and which may qualify as conservation  
12 districts as defined in G.S. 160A-459.2. No resolution designating a community  
13 conservation district shall be adopted by the governing body until the following  
14 procedural steps have been taken:

- 15           (1) The community conservation districts commission shall prepare and  
16 adopt rules of procedure not inconsistent with this Part.  
17           (2) The commission shall investigate and prepare a report on the special  
18 scenic, natural, and cultural qualities of the area to be designated.  
19           (3) The commission and the governing body shall hold a public hearing on  
20 the proposed ordinance(s) designating community conservation  
21 districts. Reasonable notice of the time and place thereof shall be  
22 given. All meetings of the commission shall be open to the public, in  
23 accordance with the Open Meetings Law, G.S. Chapter 143, Article  
24 33C.  
25           (4) Following the joint public hearing, the governing body may adopt the  
26 resolution as proposed, adopt it with any amendments it deems  
27 necessary, or reject it.  
28           (5) Following adoption of the resolution, the designation of the  
29 community conservation district shall be publicized through an  
30 appropriate publication(s) and public awareness programs.  
31           (6) Notification of all areas duly designated shall be forwarded to the  
32 Department of Cultural Resources (Division of Archives and History)  
33 and the Department of Natural Resources and Community  
34 Development, showing the inventory, report, and a map of the  
35 boundaries for the purpose of educating the citizens of North Carolina  
36 to the scenic, cultural and natural resources of the State. The  
37 boundaries or geographical data shall give the acreage of the area,  
38 USGS quadrangle reference and UTM reference (Universal Transverse  
39 Mercator)."

40           Sec. 2. This act is effective upon ratification.