

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

2

HOUSE BILL 1009
Committee Substitute Favorable 6/20/91

Short Title: Amortization Moratorium/Up Sign Fee.

(Public)

Sponsors:

Referred to:

April 19, 1991

A BILL TO BE ENTITLED

1 AN ACT TO SET A MORATORIUM ON THE ELIMINATION OF NON-
2 CONFORMING USES OF PROPERTY BY THE METHOD OF
3 AMORTIZATION, TO AUTHORIZE THE LEGISLATIVE RESEARCH
4 COMMISSION TO STUDY AMORTIZATION, AND TO INCREASE THE
5 OUTDOOR ADVERTISING PERMIT FEES.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Effective July 1, 1991, a city, county, or other political subdivision
9 of the State may not adopt an ordinance that makes a previously conforming use of
10 property non-conforming and phases out the non-conforming use of the property
11 through the method referred to as amortization, by which non-conforming uses are
12 required to be terminated over a specified period of time.

13 Sec. 2. Effective July 1, 1991, any amortization period affecting a non-
14 conforming use of property under an ordinance adopted before that date is tolled and
15 shall remain at the level reached as of July 1, 1991, until July 1, 1993.

16 Sec. 3. Sections 1 and 2 of this act do not affect a non-conforming use that is
17 subject to an amortization provision that has expired as of July 1, 1991. Sections 1 and
18 2 of this act do not apply to an ordinance that eliminates non-conforming signs located
19 on the premises of the business or activity advertised by the sign.

20 Sec. 4. The Legislative Research Commission may study the method of
21 amortization as a means of eliminating uses of property that have been declared by an
22 ordinance adopted by a unit of local government to be non-conforming uses of the
23 property. In conducting this study, the Commission may consider how amortization of

1 non-conforming uses can be constitutionally applied and the extent to which State law
2 should regulate use of the method. The Commission may make an interim or a final
3 report to the 1992 Regular Session of the 1991 General Assembly and may make a final
4 report to the 1993 General Assembly.

5 Sec. 5. G.S. 136-133 reads as rewritten:

6 **"§ 136-133. Permits required.**

7 No person shall erect or maintain any outdoor advertising within 660 feet of the
8 nearest edge of the right-of-way of the interstate or primary highway system, except
9 those allowed under G.S. ~~136-129, subdivisions (2) and (3) in this Article, 136-129(2)~~
10 or (3), or beyond 660 feet of the nearest edge of the right-of-way of the interstate or
11 primary highway system, except those allowed under G.S. ~~136-129.1, subdivisions (2) and~~
12 ~~(3), 136-129.1(2) or (3),~~ without first obtaining a permit from the Department of
13 Transportation or its agents pursuant to the procedures set out by rules and regulations
14 promulgated by the Department of Transportation. The permit shall be valid until
15 revoked for nonconformance with this Article or rules and regulations promulgated by
16 the Department of Transportation thereunder. Any person aggrieved by the decision of
17 the Department of Transportation or its agents in refusing to grant or in revoking a
18 permit may appeal the decision in accordance with the rules and regulations enacted by
19 the Department of Transportation pursuant to this Article to the Secretary of
20 Transportation who shall make the final decision on the agency appeal.

21 The Department of Transportation ~~shall have the authority to~~ may charge permit fees
22 to defray the costs of administering the permit procedures under this Article. The fees
23 for directional signs as set forth in G.S. 136-129(1) and G.S. 136-129.1(1) shall not
24 exceed a twenty dollar (\$20.00) initial fee and a fifteen dollar (\$15.00) annual renewal
25 fee. The fees for outdoor advertising structures, as set forth in G.S. 136-129(4) and ~~(5)~~
26 (5), shall not exceed a sixty dollar (\$60.00) an initial fee of two hundred dollars (\$200.00)
27 and a thirty dollar (\$30.00) annual renewal fee. an annual renewal fee of thirty dollars
28 (\$30.00)."

29 Sec. 6. This act becomes effective July 1, 1991. Section 1 of this act expires
30 July 1, 1993.