



HOUSE BILL 25: Randolph County Zoning Procedure Changes.

2017-2018 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: May 24, 2017
Introduced by: Reps. McNeill, Hurley	Prepared by: Jessica Sammons
Analysis of: Second Edition	Staff Attorney

OVERVIEW: *House Bill 25 would authorize the Planning Boards of Randolph County and the municipalities located entirely or partially therein to make the final decisions on zoning amendments.*

CURRENT LAW: Article 18 of Chapter 153A (applicable to counties) and Article 19 of Chapter 160A (applicable to cities) establish the procedure under the General Statutes for the governing boards of counties and cities to adopt, amend, and repeal their zoning ordinances.

For zoning amendments, the role of the county (G.S. 153A-341) and of the city (G.S. 160A- 383) planning board is limited to review and comment upon whether the proposed zoning amendment is consistent with any comprehensive plan and to provide written recommendations to the governing board addressing plan consistency. Final decisions on zoning amendments are made by the county board of commissioners (G.S. 153A-344) and the city council (G.S. 160A- 387) after a public hearing and adoption of a statement that the amendment is consistent with a comprehensive plan.

BILL ANALYSIS:

Section 1 would add a new subsection to G.S. 153A-343 *applicable only to Randolph County* that:

- Authorizes but does not require the Randolph County Board of Commissioners to pass an ordinance to:
 - Delegate to its planning board the authority to conduct the required public hearing, to adopt the statement of plan consistency, and to make the final decision on the zoning map amendment.
 - Prescribe the planning board's public hearing procedures.
- Requires a majority vote of the planning board to pass the amendment.
- Provides that persons aggrieved by the final decision of the planning board may appeal to the Randolph County Board of Commissioners who shall then conduct a *de novo* review.
- Authorizes the Randolph County Board of Commissioners to pass an ordinance to rescind or modify the authority delegated to the Planning Board.

Section 2 would add a new subsection to G.S. 160A-384 *applicable only to municipalities located entirely or partially within Randolph County* with identical provisions for those municipalities.

EFFECTIVE DATE: The bill would become effective when it becomes law.

BACKGROUND: The following other local government planning boards, agencies, or commissions have delegated final zoning amendment decisions:

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- City of Fayetteville: S.L. 1995-684
- City of Durham: S.L. 1993-264
- Cabarrus County & its various municipalities: S.L. 1993-247
- City of Gastonia: S.L. 1993-247
- Guilford County: S.L. 1985-485
- City of Greensboro: S.L. 1969-142

Billy Godwin, Staff Attorney in the Legislative Analysis Division, substantially contributed to this summary.