



HOUSE BILL 509: Davidson County Zoning Procedure Changes.

2017-2018 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 19, 2017
Introduced by:	Reps. Watford, Potts	Prepared by:	Brad Krehely
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 509 authorizes the planning board of Davidson County to hold hearings and make the final decisions on zoning amendments.*

CURRENT LAW: Article 18 of Chapter 153A (applicable to counties) establishes the procedure under the General Statutes for the governing boards of counties to adopt, amend, and repeal their zoning ordinances. For zoning amendments, the role of the county 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 after a public hearing and adoption of a statement that the amendment is consistent with a comprehensive plan.

BILL ANALYSIS: House Bill 509 adds a new subsection to G.S. 153A-343, *applicable only to Davidson County*, which would do the following:

- Authorize the board of commissioners to pass an ordinance delegating the authority to conduct the required public hearing, adopt the statement of plan consistency, and make the final decision on zoning map amendments to its planning board. The board of commissioners also may prescribe the planning board's public hearing procedures.
- Require a majority vote of the planning board to pass the amendment.
- Provide that a person with standing may appeal a decision of the planning board to the board of commissioners, who then must conduct a *de novo* review.
- Authorize the board of commissioners to pass an ordinance to rescind or modify the authority delegated to the planning board.

EFFECTIVE DATE: This act is effective when it becomes law, and applies only to Davidson County.

BACKGROUND: The following other local government planning boards, agencies, or commissions have been delegated final zoning amendment decision-making authority:

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

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- City of Durham: S.L. 1993-264
- Randolph County and its various municipalities: S.L. 2017-19.

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