



HOUSE BILL 1156: Caswell Cty/Referendum on Countywide Zoning.

2019-2020 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 16, 2020
Introduced by:	Rep. Meyer	Prepared by:	Jonathan Zator and Brad Krehely, Staff Attorneys
Analysis of:	Second Edition		

OVERVIEW: House Bill 1156 would authorize the Caswell County Board of Commissioners to call for an advisory referendum regarding whether the county should implement countywide zoning regulations.

CURRENT LAW: Under North Carolina law, only those elections specifically authorized by the State's constitution or by statute may be held. In the absence of such authorization, any particular kind of referendum may not be placed upon a ballot in an election. There is no statute authorizing counties or cities to have an advisory referendum regarding the exercise of discretionary powers, such as land-use planning and zoning.

"There is no inherent power in any governmental body to hold an election for any purpose. In consequence, an election held without affirmative constitutional or statutory authority is a nullity, no matter how fairly and honestly it may be conducted." (State v. A.B.C. Board, 240 N.C. 177, 1954)

BILL ANALYSIS: House Bill 1156 would authorize Caswell County to conduct an advisory referendum on whether the county should implement countywide zoning regulations. The results of the advisory referendum would be used to determine residents' desires on zoning unincorporated areas of Caswell County, but not legally bind the Caswell County Board of Commissioners.

If the advisory referendum is called, the question would be on the November 2020 general election ballot, and the question on that ballot would be:

"Should the Caswell County Board of Commissioners adopt a countywide zoning ordinance to implement zoning regulations for all unincorporated areas of Caswell County?

[] YES [] NO"

Nothing in the bill would alter or amend Caswell County's zoning authority.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: Similar local legislation has been enacted previously, including:

- S.L. 1991-724, authorizing the Caswell County Commissioners to hold a referendum "for the purpose of submitting to the registered voters of Caswell County several options for satisfying the long term solid waste disposal needs" of the county.

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- S.L. 1993-610, authorizing a referendum among the voters resident in the Duck Area Beautification District of Dare County to permit the county commissioners to impose a special property tax in their district.
- S.L. 2001-10, authorizing the City of Charlotte to conduct an advisory referendum on making capital investments in certain identified sports and cultural facilities, mainly a minor league baseball stadium.

**Staff Attorney Erika Churchill substantially contributed to this bill summary.*