



# HOUSE BILL 237: Brunswick County Zoning Procedure Changes.

2019-2020 General Assembly

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| <b>Committee:</b>     | Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate | <b>Date:</b>        | June 17, 2019        |
| <b>Introduced by:</b> | Reps. Butler, Iler   | <b>Prepared by:</b> | Bill Patterson*      |
| <b>Analysis of:</b>   | Second Edition   |                     | Committee Co-Counsel |

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**OVERVIEW:** *House Bill 237 would authorize the Brunswick County Board of Commissioners to delegate to the Brunswick County Planning Board, authority to conduct the public hearing for, and to make the final decision on, zoning map amendment proposals.*

**CURRENT LAW:** Article 18 of Chapter 153A of the General Statutes provides the procedure for counties to adopt, amend, repeal, and enforce zoning regulations, restrictions, and boundaries. For zoning map amendments, the role of the county planning board is limited to review and comment upon whether the proposed zoning map amendment is consistent with any county comprehensive plan or unified development ordinance and to provide written recommendations to the county board of commissioners (BOC). Final decisions on zoning map amendments are made by the BOC after a public hearing and adoption of a statement on whether the amendment is consistent with a comprehensive plan or unified development.<sup>1</sup>

**BILL ANALYSIS:** House Bill 237 would do all of the following:

- Authorize, but not require, the Brunswick County Board of Commissioners to enact an ordinance to:
  - Delegate to the Brunswick County Planning Board the authority to conduct the required public hearing, to adopt the statement of plan consistency, and to make the final decision on zoning *map* amendments.
  - Prescribe the planning board's public hearing procedures.
- Require a majority vote of the planning board to make a final decision.
- Authorize any person with standing to appeal the planning board decision to the Brunswick County Board of Commissioners by providing written notice of appeal to the county manager within 15 days of the final decision.
- Authorize the Brunswick County Board of Commissioners to rescind or modify any authority delegated to the planning board pursuant to this act.

**EFFECTIVE DATE:** The act would become effective when the bill becomes law.

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

- City of Durham: S.L. 1993-264
- Cabarrus County & its various municipalities: S.L. 1993-247

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<sup>1</sup> G.S. 153A-341; G.S. 153A-343; and G.S. 153A-344.

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578

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- Davidson County: S.L. 2018-124
- City of Gastonia: S.L. 1993-247
- City of Greensboro: S.L. 1969-142
- Guilford County: S.L. 1985-485
- Randolph County & its various municipalities: S.L. 2017-19

*\*Billy Godwin, Staff Attorney for the Legislative Analysis Division, substantially contributed to this summary.*