



# HOUSE BILL 263: High Point/Council Delegate Rezoning Powers.

2021-2022 General Assembly

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| <b>Committee:</b>     | House Local Government - Land Use, Planning and Development. If favorable, refer to Rules, Calendar, and Operations of the House | <b>Date:</b>        | April 1, 2021        |
| <b>Introduced by:</b> | Reps. Faircloth, Hardister, Brockman, Quick  | <b>Prepared by:</b> | Jonathan Zator       |
| <b>Analysis of:</b>   | First Edition  |                     | Committee Co-Counsel |

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**OVERVIEW:** *HB 263 would amend the Charter of the City of High Point (City) to allow the City Council to delegate its authority to change the zoning classification of property to the City's Planning and Zoning Commission.*

**CURRENT LAW:** Article 6 of Chapter 160D of the General Statutes establishes the procedure for the governing boards of local governments to adopt, amend, and repeal their zoning ordinances. For zoning amendments, the role of a local government's 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 on plan consistency (G.S. 160D-604). Final decisions on zoning amendments are made by the governing board after a public hearing (G.S. 160D-604(a)) and adoption of a statement that the amendment is consistent with a comprehensive plan (G.S. 160D-605). Article 14 of Chapter 160D of the General Statutes provides for judicial review of zoning decisions made by governing boards.

**BILL ANALYSIS:** House Bill 263 would allow the City Council to delegate its authority to change the zoning classification of property to the City's Planning and Zoning Commission. The City Council may establish the rules, regulations, and guidelines for the commission to exercise that authority. The bill would require certain rights of appeal and review before the City Council.

**EFFECTIVE DATE:** The act would be effective when it becomes law.

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

- City of Greensboro: S.L. 1969-142
- Guilford County: S.L. 1985-485
- City of Gastonia: S.L. 1993-247
- Cabarrus County and its various municipalities: S.L. 1993-247
- City of Durham: S.L. 1993-264
- City of Fayetteville: S.L. 1995-684
- Randolph County and its various municipalities: S.L. 2017-19
- Davidson County: S.L. 2018-124
- Brunswick County: S.L. 2019-99

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