



HOUSE BILL 794: Allow Schools in All Zoning Districts.

2021-2022 General Assembly

Committee: House Local Government - Land Use, Planning and Development. If favorable, refer to Rules, Calendar, and Operations of the House **Date:** May 6, 2021

Introduced by: Reps. Arp, Saine, Brody, Torbett **Prepared by:** Billy R. Godwin
Analysis of: PCS to First Edition Staff Attorney
H794-CSBD-15

OVERVIEW: *House Bill 794 would require that schools be designated as a permitted use in all zoning districts, would prohibit development regulations from limiting schools to locations contiguous to State-maintained roads, and would define schools to include public, charter, and private schools.*

The PCS would make a technical change to remove an unnecessary phrase.

CURRENT LAW: Chapter 160D of the General Statutes contains procedures local governments utilize for development approvals under their planning and development regulations. Zoning is a type of development regulation authorizing local governments to establish zoning districts in accordance with a comprehensive plan designed to promote public health, safety, and general welfare. For these purposes, zoning regulations may address matters pertaining to light and air, overcrowding, population concentration, street congestion, transportation, water, sewerage, schools, parks, and other public requirements taking into consideration the zoning district's character and suitability for particular uses. Local government development regulations may not deny a zoning or rezoning request from a school based upon the level of road service abutting or proximately located to the school.

Before adopting, amending, or repealing a zoning regulation, a local government's planning board must first review and make a written recommendation to the jurisdiction's governing board on the proposed zoning change. The governing board must hold a public hearing before making a final decision on the proposed zoning change. Notice of that hearing must be posted on the site, published in a newspaper, and be given by first class mail to owners of the affected parcels and of the abutting parcels. Notice of proposed zoning changes affecting land within five miles or less from the perimeter of a military base must also be sent by certified mail to the base commander.

BILL ANALYSIS: House Bill 794 would do all of the following:

- Require that schools be designated as a permitted use in all zoning districts.
- Exempt schools from statutory zoning procedures.
- Prohibit development regulations from limiting schools to locations contiguous to State-maintained roads.
- Require schools to notify local governments 60 days prior to commencement of any construction.
- Define schools to include public, charter, and private schools.

EFFECTIVE DATE: The act is effective July 1, 2021, and applicable to school zoning applications pending or submitted on or after that date.

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578