

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 247
HOUSE BILL 575

AN ACT TO ALLOW SPECIFIED CITIES AND COUNTIES TO DELEGATE
CERTAIN REZONING AUTHORITY TO THE DESIGNATED PLANNING
AGENCY.

The General Assembly of North Carolina enacts:

Section 1. A City Council may, by ordinance, delegate or assign to the designated planning agency the authority to take final action on applications to rezone property in the City's zoning jurisdiction. The designated planning agency shall have such authority only if and when the approval or denial of a rezoning application is by vote of at least three-fourths of the members of the planning agency present and not excused from voting and no appeal of this decision is made. If an approval or denial is by a vote of less than three-fourths of the members of the planning agency or if an appeal is taken, then the City Council shall have the authority to make final decisions on rezoning applications. Any person aggrieved by the recommendation of the designated planning agency shall have the right to appeal the action of the planning agency to the City Council by giving notice in writing to the City Manager within 15 days of the action of the planning agency. In the case of an appeal, the City Council shall hear the application **de novo**. The City Council may, by ordinance, rescind any and all authority so delegated or assigned to the designated planning agency at any time that the City Council deems it advisable or appropriate to do so. Any authority so delegated shall be exercised by the planning agency under such rules, regulations, and guidelines as may be established by the City Council.

Sec. 2. A Board of County Commissioners may, by ordinance, delegate or assign to the designated planning agency the authority to take final action on applications to rezone property in the County's zoning jurisdiction. The designated planning agency shall have such authority only if and when the approval or denial of a rezoning application is by vote of at least three-fourths of the members of the planning agency present and not excused from voting and no appeal of this decision is made. If an approval or denial is by a vote of less than three-fourths of the members of the planning agency or if an appeal is taken, then the County Commissioners shall have the authority to make final decisions on rezoning applications. Any person aggrieved by the recommendation of the designated planning agency shall have the right to appeal the action of the planning agency to the County Commissioners by giving notice in writing to the County Manager within 15 days of the action of the planning agency. In the case of an appeal, the Board of County Commissioners shall hear the application **de novo**. The Board of County Commissioners may, by ordinance, rescind any and all authority

so delegated or assigned to the designated planning agency at any time that the County Commissioners deems it advisable or appropriate to do so. Any authority so delegated shall be exercised by the planning agency under such rules, regulations, and guidelines as may be established by the County Commissioners.

Sec. 3. Section 1 of this act applies only to the City of Gastonia and municipalities located wholly or partly within Cabarrus County. Section 2 of this act applies only to Cabarrus County.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 30th day of June, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives