

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 799

Senate Local Government & Regional Affairs Committee Substitute Adopted 6/30/93

Short Title: Zoning Notice.

(Public)

Sponsors:

Referred to:

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO EXEMPT CITIES AND COUNTIES FROM CERTAIN ZONING NOTICE REQUIREMENTS AND TO REPEAL VARIOUS LOCAL ACTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 160A-384 reads as rewritten:

"§ 160A-384. Method of procedure.

(a) The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, in accordance with the provisions of this Article. The procedures adopted pursuant to this section shall provide that whenever there is a zoning classification action involving a parcel of land, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of the proposed classification by first class mail at the last addresses listed for such owners on the county tax abstracts. ~~abstracts; provided that this sentence does not apply in the case of a total rezoning of all property within the corporate boundaries of a municipality unless the rezoning involves zoning of parcels of land to less intense uses or 'down zoning' in which case notification to owners of those parcels shall be made by mail in accordance with this section.~~ The person or persons mailing such notices shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required in the following situations:

- 1           (1) The total rezoning of all property within the corporate boundaries of a  
2           municipality unless rezoning involves zoning of parcels of land to less  
3           intense or more restrictive uses;
- 4           (2) The zoning is an initial zoning of the entire zoning jurisdiction area;
- 5           (3) The zoning reclassification action directly affects more than 50  
6           properties, owned by a total of at least 50 different property owners;
- 7           (4) The reclassification is an amendment to the zoning text; or
- 8           (5) The city is adopting a water supply watershed protection program as  
9           required by G.S. 143-214.5.

10 In any case where this subsection eliminates the notice required by subsection (a) of this  
11 section, a city shall publish once a week for four successive calendar weeks in a  
12 newspaper having general circulation in the area maps showing the boundaries of the  
13 area affected by the proposed ordinance or amendment. The map shall not be less than  
14 one-half of a newspaper page in size. The notice shall only be effective for property  
15 owners who reside in the area of general circulation of the newspaper which publishes  
16 the notice. Property owners who reside outside of the city's jurisdiction or outside of the  
17 newspaper circulation area, according to the address listed on the most recent property  
18 tax listing for the affected property, shall be notified by mail pursuant to G.S. 153A-  
19 343. The person or persons mailing the notices shall certify to the city council that fact,  
20 and the certificates shall be deemed conclusive in the absence of fraud. In addition to  
21 the published notice, a city shall post one or more prominent signs immediately adjacent  
22 to the subject area reasonably calculated to give public notice of the proposed  
23 rezoning."

24           Sec. 2. G.S. 153A-343 reads as rewritten:

25 **"§ 153A-343. Method of procedure.**

26           (a) The board of commissioners shall, in accordance with the provisions of this  
27 Article, provide for the manner in which zoning regulations and restrictions and the  
28 boundaries of zoning districts shall be determined, established, and enforced, and from  
29 time to time amended, supplemented, or changed. The procedures adopted pursuant to  
30 this section shall provide that whenever there is a zoning classification action involving  
31 a parcel of land, the owner of that parcel of land as shown on the county tax listing, and  
32 the owners of all parcels of land abutting that parcel of land as shown on the county tax  
33 listing, shall be mailed a notice of the proposed classification by first class mail at the  
34 last addresses listed for such owners on the county tax ~~abstracts.~~ ~~abstracts;~~ ~~provided that~~  
35 ~~this sentence does not apply in the case of a total rezoning of all property within the boundaries~~  
36 ~~of a county unless the rezoning involves zoning of parcels of land to less intense uses or 'down~~  
37 ~~zoning' in which case notification to owners of those parcels shall be made by mail in~~  
38 ~~accordance with this section.—~~The person or persons mailing such notices shall certify to  
39 the Board of Commissioners that fact, and such certificate shall be deemed conclusive  
40 in the absence of fraud.

41           (b) The first class mail notice required under subsection (a) of this section shall  
42 not be required in the following situations:

- 1 (1) The total rezoning of all property within the boundaries of a county or  
2 a zoning area as defined in G.S. 153A-342 unless rezoning involves  
3 zoning of parcels of land to less intense or more restrictive uses;
- 4 (2) The zoning is an initial zoning of the entire zoning jurisdiction area;
- 5 (3) The zoning reclassification action directly affects more than 50  
6 properties, owned by a total of at least 50 different property owners;
- 7 (4) The reclassification is an amendment to the zoning text; or
- 8 (5) The county is adopting a water supply watershed protection program  
9 as required by G.S. 143-214.5.

10 In any case where this subsection eliminates the notice required by subsection (a) of this  
11 section, a county may publish once a week for four successive calendar weeks in a  
12 newspaper having general circulation in the area maps showing the boundaries of the  
13 area affected by the proposed ordinance or amendment. The map shall not be less than  
14 one-half of a newspaper page in size. The notice shall only be effective for property  
15 owners who reside in the area of general circulation of the newspaper which publishes  
16 the notice. Property owners who reside outside of the county's jurisdiction or outside of  
17 the newspaper circulation area, according to the address listed on the most recent  
18 property tax listing for the affected property, shall be notified by mail pursuant to G.S.  
19 153A-343. The person or persons mailing the notices shall certify to the board of  
20 commissioners that fact, and the certificates shall be deemed conclusive in the absence  
21 of fraud. In addition to the published notice, a county shall post one or more prominent  
22 signs immediately adjacent to the subject area reasonably calculated to give public  
23 notice of the proposed rezoning."

24 Sec. 3. (a) The following laws are repealed:

- 25 (1) Chapter 879, Session Laws of 1985;
- 26 (2) Chapter 950, Session Laws of 1985;
- 27 (3) Chapter 247, Session Laws of 1987;
- 28 (4) Chapter 339, Session Laws of 1987;
- 29 (5) Chapter 454, Session Laws of 1987;
- 30 (6) Chapter 455, Session Laws of 1987;
- 31 (7) Chapter 903, Session Laws of 1987;
- 32 (8) Chapter 915, Session Laws of 1987;
- 33 (9) Chapter 198, Session Laws of 1989;
- 34 (10) Chapter 205, Session Laws of 1989;
- 35 (11) Chapter 237, Session Laws of 1989;
- 36 (12) Chapter 252, Session Laws of 1989;
- 37 (13) Chapter 312, Session Laws of 1989;
- 38 (14) Chapter 314, Session Laws of 1989;
- 39 (15) Chapter 509, Session Laws of 1989;
- 40 (16) Chapter 565, Session Laws of 1989;
- 41 (17) Chapter 568, Session Laws of 1989;
- 42 (18) Chapter 904, Session Laws of 1989;
- 43 (19) Chapter 6, Session Laws of 1991;
- 44 (20) Section 1 of Chapter 596, Session Laws of 1991;

- 1           (21) Chapter 846, Session Laws of 1991;  
2           (22) Chapter 79, Session Laws of 1993;  
3           (23) Chapter 101, Session Laws of 1993;  
4           (24) Chapter 139, Session Laws of 1993; and  
5           (25) Chapter 154, Session Laws of 1993.  
6       (b) Nothing in this section affects any ordinance adopted under the authority of  
7 any act repealed by subsection (a) of this section prior to the effective date of this act.  
8           Sec. 4. This act becomes effective January 1, 1994.