

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 546
SENATE BILL 873

AN ACT TO CLARIFY AND SIMPLIFY THE PUBLIC NOTICE REQUIREMENTS
FOR THE REZONING OF PROPERTY.

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, map amendment,~~ 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 a public hearing on the proposed ~~classification amendment~~ by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. 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) The total rezoning of all property within the corporate boundaries of a municipality unless rezoning involves zoning of parcels of land to less intense or more restrictive uses. If rezoning involves zoning of parcels of land to less intense or more restrictive uses, notification to owners of these parcels shall be made by mail in accordance with subsection (a) of this section;~~
- ~~(2) The zoning is an initial zoning of the entire zoning jurisdiction area;~~
- ~~(3) The zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners;~~
- ~~(4) The reclassification is an amendment to the zoning text; or~~
- ~~(5) The city is adopting a water supply watershed protection program as required by G.S. 143-214.5.~~

~~In any case where this subsection eliminates the notice required by subsection (a) of this section, a city shall if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects~~

to use the expanded published notice provided for in this subsection. In this instance, a city may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish once a week for four successive calendar weeks in a newspaper having general circulation in the area maps showing an advertisement of the public hearing that shows the boundaries of the area affected by the proposed ordinance or amendment. zoning map amendment and explains the nature of the proposed change. The final two advertisements shall comply with and be deemed to satisfy the provisions of G.S. 160A-364. The map advertisement shall not be less than one-half of a newspaper page in size. The notice advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the city's jurisdiction or outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The person or persons mailing the notices shall certify to the city council that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, a city shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning."

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

"§ 153A-343. Method of procedure.

(a) The board of commissioners shall, in accordance with the provisions of this Article, 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. The procedures adopted pursuant to this section shall provide that whenever there is a zoning ~~classification action involving a parcel of land,~~ map amendment, 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 a public hearing on the proposed ~~classification amendment~~ by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the Board of Commissioners 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) ~~The total rezoning of all property within the boundaries of a county or a zoning area as defined in G.S. 153A-342 unless rezoning involves zoning of parcels of land to less intense or more restrictive uses. If rezoning involves zoning of parcels of land to less intense or more restrictive uses, notification to owners of these parcels shall be made by mail in accordance with subsection (a) of this section;~~
- (2) ~~The zoning is an initial zoning of the entire zoning jurisdiction area;~~
- (3) ~~The zoning reclassification action directly affects more than 50 properties, owned by a total of at least 50 different property owners;~~

- (4) ~~The reclassification is an amendment to the zoning text; or~~
- (5) ~~The county is adopting a water supply watershed protection program as required by G.S. 143-214.5.~~

~~In any case where this subsection eliminates the notice required by subsection (a) of this section, a county shall if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, a county may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish once a week for four successive calendar weeks in a newspaper having general circulation in the area ~~maps showing an advertisement of the public hearing that shows the boundaries of the area affected by the proposed ordinance or amendment.~~ zoning map amendment and explains the nature of the proposed change. The final two advertisements shall comply with and be deemed to satisfy the provisions of G.S. 153A-323. The ~~map advertisement~~ shall not be less than one-half of a newspaper page in size. The ~~notice advertisement~~ shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside ~~outside of the county's jurisdiction or~~ outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The person or persons mailing the notices shall certify to the board of commissioners that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, a county shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.~~

(c) The provisions of this section shall not be applicable to any zoning map adoption that initially zones property added to the territorial coverage of the ordinance."

Sec. 2.1. Any local act in conflict with this act is repealed to the extent of the conflict.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of July, 1995.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives