

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 873

Short Title: Rezoning Notice Alternatives.

(Public)

Sponsors: Senator Gulley.

Referred to: Judiciary II/Election Laws

April 27, 1995

A BILL TO BE ENTITLED

AN ACT ALLOWING THE USE OF ALTERNATIVE METHODS OF NOTIFICATION OF PROPERTY OWNERS OF PROPOSED ZONING NOTICE CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-343(b) reads as rewritten:

"(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.

1 In any case where this subsection eliminates the notice required by subsection (a) of this
2 section, a county ~~shall~~ may, at its option, provide said notice or publish once a week for
3 four successive calendar weeks in a newspaper having general circulation in the area
4 maps showing the boundaries of the area affected by the proposed ordinance or
5 amendment. The map shall not be less than one-half of a newspaper page in size. The
6 notice shall only be effective for property owners who reside in the area of general
7 circulation of the newspaper which publishes the notice. Property owners who reside
8 outside of the county's jurisdiction or outside of the newspaper circulation area, according
9 to the address listed on the most recent property tax listing for the affected property, shall
10 be notified by mail pursuant to this section. The person or persons mailing the notices
11 shall certify to the board of commissioners that fact, and the certificates shall be deemed
12 conclusive in the absence of fraud. In addition to the ~~published~~ notice, a county shall post
13 one or more prominent signs immediately adjacent to the subject area reasonably
14 calculated to give public notice of the proposed rezoning."

15 Sec. 2. G.S. 160A-384(b) reads as rewritten:

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

- 18 (1) The total rezoning of all property within the corporate boundaries of a
19 municipality unless rezoning involves zoning of parcels of land to less
20 intense or more restrictive uses. If rezoning involves zoning of parcels
21 of land to less intense or more restrictive uses, notification to owners of
22 these parcels shall be made by mail in accordance with subsection (a) of
23 this section;
- 24 (2) The zoning is an initial zoning of the entire zoning jurisdiction area;
- 25 (3) The zoning reclassification action directly affects more than 50
26 properties, owned by a total of at least 50 different property owners;
- 27 (4) The reclassification is an amendment to the zoning text; or
- 28 (5) The city is adopting a water supply watershed protection program as
29 required by G.S. 143-214.5.

30 In any case where this subsection eliminates the notice required by subsection (a) of this
31 section, a city ~~shall~~ may, at its option, provide said notice or publish once a week for four
32 successive calendar weeks in a newspaper having general circulation in the area maps
33 showing the boundaries of the area affected by the proposed ordinance or amendment.
34 The map shall not be less than one-half of a newspaper page in size. The notice shall
35 only be effective for property owners who reside in the area of general circulation of the
36 newspaper which publishes the notice. Property owners who reside outside of the city's
37 jurisdiction or outside of the newspaper circulation area, according to the address listed
38 on the most recent property tax listing for the affected property, shall be notified by mail
39 pursuant to this section. The person or persons mailing the notices shall certify to the city
40 council that fact, and the certificates shall be deemed conclusive in the absence of fraud.
41 In addition to the ~~published~~ notice, a city shall post one or more prominent signs
42 immediately adjacent to the subject area reasonably calculated to give public notice of the
43 proposed rezoning."

1 Sec. 3. This act is effective upon ratification.