

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1161*
State Government, Local Government, and Veterans' Affairs Committee
Substitute Adopted 6/9/04
House Committee Substitute Favorable 6/16/04

Short Title: Military Planning Notices.

(Public)

Sponsors:

Referred to:

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY BASES TO
GIVE NOTICE OF LAND-USE PLANNING CHANGES TO THE MILITARY
BASES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323 reads as rewritten:

**"§ 153A-323. Procedure for adopting or amending ordinances under this Article
and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or
Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the
ordinance or amendment. The board shall cause notice of the hearing to be published
once a week for two successive calendar weeks. The notice shall be published the first
time not less than 10 days nor more than 25 days before the date fixed for the hearing.
In computing such period, the day of publication is not to be included but the day of the
hearing shall be included.

(b) If the adoption or modification of the ordinance would result in changes to
the zoning map or would change or affect the permitted uses of land located five miles
or less from the perimeter boundary of a military base, the board of commissioners shall
provide written notice of the proposed changes by certified mail, return receipt
requested, to the commander of the military base not less than 10 days nor more than 25
days before the date fixed for the public hearing. If the military provides comments or
analysis regarding the compatibility of the proposed ordinance or amendment with
military operations at the base, the board of commissioners shall take the comments and
analysis into consideration before making a final determination on the ordinance."

SECTION 2. G.S. 160A-364 reads as rewritten:

"§ 160A-364. Procedure for adopting or amending ordinances under Article.

1 (a) Before adopting or amending any ordinance authorized by this Article, the
2 city council shall hold a public hearing on it. A notice of the public hearing shall be
3 given once a week for two successive calendar weeks in a newspaper having general
4 circulation in the area. The notice shall be published the first time not less than 10 days
5 nor more than 25 days before the date fixed for the hearing. In computing such period,
6 the day of publication is not to be included but the day of the hearing shall be included.

7 (b) If the adoption or modification of the ordinance would result in changes to
8 the zoning map or would change or affect the permitted uses of land located five miles
9 or less from the perimeter boundary of a military base, the governing body of the local
10 government shall provide written notice of the proposed changes by certified mail,
11 return receipt requested, to the commander of the military base not less than 10 days nor
12 more than 25 days before the date fixed for the public hearing. If the military provides
13 comments or analysis regarding the compatibility of the proposed ordinance or
14 amendment with military operations at the base, the governing body of the local
15 government shall take the comments and analysis into consideration before making a
16 final determination on the ordinance."

17 **SECTION 3.** This act becomes effective July 1, 2004.