

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 469
HOUSE BILL 799

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) 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 publish once a week for four successive calendar weeks in a newspaper having general circulation in the area maps showing the boundaries of the area affected by the proposed ordinance or amendment. The map shall not be less than one-half of a newspaper page in size. The notice 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 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 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, 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 boundaries of a county 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 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 publish once a week for four successive calendar weeks in a newspaper having general circulation in the area maps showing the boundaries of the area affected by the proposed ordinance or amendment. The map shall not be less than one-half of a newspaper page in size. The notice 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 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 immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning."

Sec. 3. (a) The following laws are repealed effective January 1, 1994:

- (1) Chapter 879, Session Laws of 1985;
- (2) Chapter 950, Session Laws of 1985;
- (3) Chapter 247, Session Laws of 1987;
- (4) Chapter 339, Session Laws of 1987;
- (5) Chapter 454, Session Laws of 1987;
- (6) Chapter 455, Session Laws of 1987, except as to Forsyth County and municipalities located in that county;
- (7) Chapter 903, Session Laws of 1987;
- (8) Chapter 915, Session Laws of 1987;
- (9) Chapter 198, Session Laws of 1989;
- (10) Chapter 205, Session Laws of 1989;
- (11) Chapter 237, Session Laws of 1989;
- (12) Chapter 252, Session Laws of 1989;
- (13) Chapter 312, Session Laws of 1989;
- (14) Chapter 314, Session Laws of 1989;
- (15) Chapter 509, Session Laws of 1989;
- (16) Chapter 565, Session Laws of 1989;
- (17) Chapter 568, Session Laws of 1989;
- (18) Chapter 904, Session Laws of 1989;
- (19) Chapter 6, Session Laws of 1991;
- (20) Section 1 of Chapter 596, Session Laws of 1991;
- (21) Chapter 846, Session Laws of 1991;
- (22) Chapter 79, Session Laws of 1993;
- (23) Chapter 101, Session Laws of 1993;
- (24) Chapter 139, Session Laws of 1993;
- (25) Chapter 154, Session Laws of 1993;
- (26) Chapter 156, Session Laws of 1993;

- (27) Chapter 267, Session Laws of 1993;
- (28) Chapter 271, Session Laws of 1993, except for Forsyth County and municipalities located in that county;
- (29) Chapter 296, Session Laws of 1993.
- (30) Section 15 of Chapter 358, Session Laws of 1993; and
- (31) Chapter 411, Session Laws of 1993.

(b) Nothing in this section affects any ordinance adopted under the authority of any act repealed by subsection (a) of this section prior to the effective date of this section.

Sec. 4. (a) Effective January 1, 1995, Chapter 455, Session Laws of 1987, as amended by Chapter 271, Session Laws of 1993, is repealed as to Forsyth County and municipalities located in that county.

(b) Nothing in this section affects any ordinance adopted under the authority of the act repealed by subsection (a) of this section prior to the effective date of this section.

Sec. 5. (a) This act becomes effective January 1, 1994, except that as to any city or county, it becomes effective at any time between the date of ratification of this act and January 1, 1994 if the city or county, as appropriate, adopts an ordinance placing it into effect at such earlier date. Adoption of such ordinance is subject to the procedural requirements of G.S. 160A-364 or G.S. 153A-323, as appropriate, but not to any procedural requirement of the zoning ordinance for adoption of amendments to the zoning ordinance. The ordinance may provide for different dates of applicability based on the stage of the zoning classification action on the effective date.

If the city or county is subject to a local act repealed by Section 3 of this act, the ordinance prevails over some or all of the local act if the ordinance so provides.

(b) This section does not apply to Forsyth County or municipalities located within that county.

Sec. 6. (a) This act becomes effective January 1, 1995 as to Forsyth County or any municipality located within that county, but it becomes effective at any time between the date of ratification of this act and January 1, 1995 if the municipality or Forsyth County, as appropriate, adopts an ordinance placing it into effect at such earlier date. Adoption of such ordinance is subject to the procedural requirements of G.S. 160A-364 or G.S. 153A-323, as appropriate, but not to any procedural requirement of the zoning ordinance for adoption of amendments to the zoning ordinance. The ordinance may provide for different dates of applicability based on the stage of the zoning classification action on the effective date.

The ordinance prevails over some or all of Chapter 455, Session Laws of 1987, as amended by Chapter 271, Session Laws of 1993, if the ordinance so provides.

In the General Assembly read three times and ratified this the 23rd day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives