

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

2

HOUSE BILL 1297
Second Edition Engrossed 6/13/89

Short Title: Procedure for Complete Rezoning.

(Public)

Sponsors: Representative Grimmer.

Referred to: Government.

April 12, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR A PROCEDURE WHEN THE COMPLETE
3 REZONING OF A JURISDICTION INVOLVES "DOWN ZONING".

4 The General Assembly of North Carolina enacts:

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

6 "**§ 160A-384. Method of procedure.**

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

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

23 "**§ 153A-343. Method of procedure.**

1 The board of commissioners shall, in accordance with the provisions of this Article,
2 provide for the manner in which zoning regulations and restrictions and the boundaries
3 of zoning districts shall be determined, established, and enforced, and from time to time
4 amended, supplemented, or changed. The procedures adopted pursuant to this section
5 shall provide that whenever there is a zoning classification action involving a parcel of
6 land, the owner of that parcel of land as shown on the county tax listing, and the owners
7 of all parcels of land abutting that parcel of land as shown on the county tax listing,
8 shall be mailed a notice of the proposed classification by first class mail at the last
9 addresses listed for such owners on the county tax abstracts; provided that this sentence
10 does not apply in the case of a total rezoning of all property within the boundaries of a
11 county unless the rezoning involves zoning of parcels of land to less intense uses or
12 'down zoning' in which case notification to owners of those parcels shall be made by
13 mail in accordance with this section. The person or persons mailing such notices shall
14 certify to the Board of Commissioners that fact, and such certificate shall be deemed
15 conclusive in the absence of fraud."

16 Sec. 3. This act is effective October 1, 1989. This act shall not be construed
17 to affect pending litigation.