

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 799

Short Title: Burke/Zoning Notice.

(Local)

Sponsors: Representatives Flaherty, Church; and G. Thompson.

Referred to: Local and Regional Government I.

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO EXEMPT BURKE COUNTY AND THE MUNICIPALITIES THEREIN
FROM CERTAIN ZONING NOTICE REQUIREMENTS.

The General Assembly of North Carolina enacts:

Section 1. (a) Notwithstanding G.S. 153A-343 or any other provision of law, in lieu of mailing a notice of proposed zoning classification actions to any party or other person, a county may 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 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 G.S. 153A-343. 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.

(b) Notwithstanding G.S. 153A-323 or any other provision of law, when a county is adopting or amending a zoning ordinance, the county shall hold a public hearing on the proposed ordinance or amendments. Notice of public hearing shall be published along with the notice required by Section 1(a) of this act. The hearing shall be held not less than 10 days nor more than 25 days after the day of last publication required by Section 1(a) of this act. In computing such period, the day of last publication is not to be included but the day of hearing shall be included.

1 Sec. 2. (a) Notwithstanding G.S. 160A-384 or any other provision of law, in
2 lieu of mailing a notice of proposed zoning classification actions to any party or other
3 person, a city may publish once a week for four successive calendar weeks in a
4 newspaper having general circulation in the area maps showing the boundaries of the
5 area affected by the proposed ordinance or amendment. The map shall not be less than
6 one-half of a newspaper page in size. The notice shall only be effective for property
7 owners who reside in the area of general circulation of the newspaper which publishes
8 the notice. Property owners who reside outside of the newspaper circulation area,
9 according to the address listed on the most recent property tax listing for the affected
10 property, shall be notified by mail pursuant to G.S. 153A-343. The person or persons
11 mailing the notices shall certify to the city council that fact, and the certificates shall be
12 deemed conclusive in the absence of fraud.

13 (b) Notwithstanding G.S. 160A-364 or any other provision of law, when a city is
14 adopting or amending a zoning ordinance, the city shall hold a public hearing on the
15 proposed ordinance or amendment. Notice of the hearing shall be published along with
16 the notice required by Section 2(a) of this act. The hearing shall be held not less than 10
17 days nor more than 25 days after the day of last publication required by Section 2(a) of
18 this act. In computing such period, the day of last publication is not to be included but
19 the day of hearing shall be included.

20 Sec. 3. Section 1 of this act applies to the County of Burke only.

21 Sec. 4. Section 2 of this act applies only to municipalities located within
22 Burke County.

23 Sec. 5. This act is effective upon ratification.