

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 1027
PROPOSED COMMITTEE SUBSTITUTE S1027-PCS15273-RR-41

Short Title: Zoning Change/Property Owner Notice.

(Public)

Sponsors:

Referred to:

March 31, 2009

A BILL TO BE ENTITLED

AN ACT RELATING TO THE NOTIFICATION OF PROPERTY OWNERS UPON THE
FILING OF AN APPLICATION FOR A ZONING MAP AMENDMENT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-343(a) reads as rewritten:

"(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 map amendment, 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 a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a county-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the board of commissioners that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons ~~mailing such notices~~ required to provide notice shall certify to the ~~Board of Commissioners~~ board of commissioners that proper notice has been provided in fact, and such certificate shall be deemed conclusive in the absence of fraud."

SECTION 2. G.S. 160A-384(a) reads as rewritten:

"(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 map amendment, 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 a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. Except for a city-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the



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1 parcel of land to which the amendment would apply, the applicant shall certify to the city
2 council that the owner of the parcel of land as shown on the county tax listing has received
3 actual notice of the proposed amendment and a copy of the notice of public hearing. The person
4 or persons ~~mailing such notices required to provide notice~~ shall certify to the ~~City Council~~city
5 council that proper notice has been provided in fact, and such certificate shall be deemed
6 conclusive in the absence of fraud."

7 **SECTION 3.** This act is effective when it becomes law and applies to any
8 application for a zoning map amendment made on or after that date.