



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 1027

S1027-ARU-5 [v.3]

ADDC

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

Page 1 of 3

Comm. Sub. [YES]
Amends Title [NO]
Second Edition

Date 6-9, 2009

Representative Stam

1 moves to amend the bill on page 1, line 5 through page 2, line 3, by rewriting the lines to read:

2 **SECTION 1.** G.S. 153A-343 reads as rewritten:

3 **"§ 153A-343. Method of procedure.**

4 (a) The board of commissioners shall, in accordance with the provisions of this Article,
5 provide for the manner in which zoning regulations and restrictions and the boundaries of
6 zoning districts shall be determined, established, and enforced, and from time to time amended,
7 supplemented, or changed. The procedures adopted pursuant to this section shall provide that
8 whenever there is a zoning map amendment, the owner of that parcel of land as shown on the
9 county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on
10 the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment
11 by first class mail at the last addresses listed for such owners on the county tax abstracts. This
12 notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of
13 the public hearing. Except for a county-initiated zoning map amendment, when an application
14 is filed to request a zoning map amendment and that application is not made by the owner of
15 the parcel of land to which the amendment would apply, the applicant shall certify to the board
16 of commissioners that the owner of the parcel of land as shown on the county tax listing has
17 received actual notice of the proposed amendment and a copy of the notice of public hearing.
18 ~~The person or persons mailing such notices required to provide notice shall certify to the Board~~
19 ~~of Commissioners~~ board of commissioners that proper notice has been provided in fact, and
20 such certificate shall be deemed conclusive in the absence of fraud.

21 (b) The first class mail notice required under subsection (a) of this section shall not be
22 required if the zoning map amendment directly affects more than 50 properties, owned by a
23 total of at least 50 different property owners, and the county elects to use the expanded
24 published notice provided for in this subsection. In this instance, a county may elect to either
25 make the mailed notice provided for in subsection (a) of this section or may as an alternative
26 elect to publish notice of the hearings required by G.S. 153A-323, but provided that each of the
27 advertisements shall not be less than one-half of a newspaper page in size. The advertisement
28 shall only be effective for property owners who reside in the area of general circulation of the
29 newspaper which publishes the notice. Property owners who reside outside of the newspaper
30 circulation area, according to the address listed on the most recent property tax listing for the
31 affected property, shall be notified according to the provisions of subsection (a) of this section.

32 (b1) Actual notice of the proposed amendment and a copy of the notice of public hearing
33 required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1,



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1 Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or
2 certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. §
3 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This
4 subsection applies only to an application to request a zoning map amendment where the
5 application is not made by the owner of the parcel of land to which the amendment would
6 apply. This subsection does not apply to a county-initiated zoning map amendment.

7 (c) Repealed by Session Laws 2005-418, s. 4, effective January 1, 2006.

8 (d) When a zoning map amendment is proposed, the county shall prominently post a
9 notice of the public hearing on the site proposed for rezoning or on an adjacent public street or
10 highway right-of-way. When multiple parcels are included within a proposed zoning map
11 amendment, a posting on each individual parcel is not required, but the county shall post
12 sufficient notices to provide reasonable notice to interested persons."

13 **SECTION 2.** G.S. 160A-384 reads as rewritten:

14 **""§ 160A-384. Method of procedure.**

15 (a) The city council shall provide for the manner in which zoning regulations and
16 restrictions and the boundaries of zoning districts shall be determined, established and
17 enforced, and from time to time amended, supplemented or changed, in accordance with the
18 provisions of this Article. The procedures adopted pursuant to this section shall provide that
19 whenever there is a zoning map amendment, the owner of that parcel of land as shown on the
20 county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on
21 the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment
22 by first class mail at the last addresses listed for such owners on the county tax abstracts. This
23 notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of
24 the public hearing. Except for a city-initiated zoning map amendment, when an application is
25 filed to request a zoning map amendment and that application is not made by the owner of the
26 parcel of land to which the amendment would apply, the applicant shall certify to the city
27 council that the owner of the parcel of land as shown on the county tax listing has received
28 actual notice of the proposed amendment and a copy of the notice of public hearing. The person
29 or persons mailing such notices required to provide notice shall certify to the City Council
30 council that proper notice has been provided in fact, and such certificate shall be deemed
31 conclusive in the absence of fraud.

32 (b) The first class mail notice required under subsection (a) of this section shall not be
33 required if the zoning map amendment directly affects more than 50 properties, owned by a
34 total of at least 50 different property owners, and the city elects to use the expanded published
35 notice provided for in this subsection. In this instance, a city may elect to either make the
36 mailed notice provided for in subsection (a) of this section or may as an alternative elect to
37 publish notice of the hearing as required by G.S. 160A-364, but provided that each
38 advertisement shall not be less than one-half of a newspaper page in size. The advertisement
39 shall only be effective for property owners who reside in the area of general circulation of the
40 newspaper which publishes the notice. Property owners who reside outside of the newspaper
41 circulation area, according to the address listed on the most recent property tax listing for the
42 affected property, shall be notified according to the provisions of subsection (a) of this section.

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1 (b1) Actual notice of the proposed amendment and a copy of the notice of public hearing
2 required under subsection (a) of this section shall be by any manner permitted under G.S. 1A-1,
3 Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or
4 certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. §
5 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This
6 subsection applies only to an application to request a zoning map amendment where the
7 application is not made by the owner of the parcel of land to which the amendment would
8 apply. This subsection does not apply to a city-initiated zoning map amendment.

9 (c) When a zoning map amendment is proposed, the city shall prominently post a notice
10 of the public hearing on the site proposed for rezoning or on an adjacent public street or
11 highway right-of-way. When multiple parcels are included within a proposed zoning map
12 amendment, a posting on each individual parcel is not required, but the city shall post sufficient
13 notices to provide reasonable notice to interested persons."

SIGNED Stamm
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 115-0 EV FAILED _____ TABLED _____

JUN 9 2009

Denise Wecker

ADOPTED