

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 509

Short Title: Davidson County Zoning Procedure Changes. (Local)

Sponsors: Representatives Watford and Potts (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: State and Local Government II

March 29, 2017

A BILL TO BE ENTITLED
AN ACT TO ALLOW FOR PLANNING BOARDS TO HOLD HEARINGS AND MAKE
FINAL DECISIONS FOR ZONING AMENDMENT REQUESTS IN DAVIDSON
COUNTY.

The General Assembly of North Carolina enacts:

SECTION 1. 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 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 required to provide notice shall certify to the board of commissioners that proper notice has been provided in 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 if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the county elects to use the expanded published notice provided for in this subsection. In this instance, a county may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish notice of the hearings required by G.S. 153A-323, but provided that each of the advertisements shall not be less than one-half of a newspaper page in size. The advertisement 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 according to the provisions of subsection (a) of this section.



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 county-initiated zoning map amendment.

9 ...

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

15 (e) The board of commissioners may, by ordinance, delegate to the planning board the
16 authority to conduct the public hearing required under this Article and make the final decision
17 on zoning map amendment proposals, including the adoption of a consistency statement
18 pursuant to G.S. 153A-341. The board of commissioners may prescribe procedures for the
19 public hearing that are not inconsistent with this Article. The planning board shall make its
20 final decision by majority vote of the members of the planning board. Any person with standing
21 may appeal a decision of the planning board made pursuant to this subsection to the board of
22 commissioners by providing written notice to the county clerk within 15 days of the final
23 decision. The board of commissioners may charge the costs of the hearing on appeal to the
24 appealing party. On appeal, the board of commissioners shall review the decision of the
25 planning board de novo. If no notice of appeal is provided within 15 days of the final decision,
26 the zoning map amendment proposals may be placed on the consent agenda for discussion or
27 action at the next regular meeting of the board of commissioners. The board of commissioners
28 may, by ordinance, rescind or modify any authority delegated to the planning board pursuant to
29 this subsection."

30 **SECTION 2.(a)** Section 1 of this act applies to Davidson County.

31 **SECTION 2.(b)** This act is effective when it becomes law.