

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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HOUSE BILL 237

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

Sponsors: Representatives Butler and Iler (Primary Sponsors).

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

Referred to: State and Local Government, if favorable, Rules, Calendar, and Operations of the House

March 4, 2019

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR PLANNING BOARDS TO HOLD HEARINGS AND MAKE FINAL DECISIONS FOR ZONING AMENDMENT REQUESTS IN BRUNSWICK 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



1 circulation area, according to the address listed on the most recent property tax listing for the
2 affected property, shall be notified according to the provisions of subsection (a) of this section.

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

11 (c) Repealed by Session Laws 2005-418, s. 4, effective January 1, 2006.

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

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

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

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