

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

**SESSION LAW 2013-59
HOUSE BILL 254**

AN ACT AMENDING THE REQUIREMENTS RELATED TO NOTICE OF LAND-USE PLANNING AND ZONING CHANGES TO BE GIVEN TO A MILITARY BASE BY COUNTIES OR CITIES NEAR THE MILITARY BASE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-323(b) reads as rewritten:

"(b) ~~If the adoption or modification of the ordinance would result in any of the changes to the zoning map or would change or affect the permitted uses of land listed in this subsection and those changes would be located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, return receipt requested, or by any other written means reasonably designed to provide actual notice, to the commander of the military base or the commander's designee not less than 10 days nor more than 25 days before the date fixed for the public hearing. Prior to the date of the public hearing, the military may provide comments or analysis to the board regarding the compatibility of the proposed changes with military operations at the base. If the board does not receive a response within 30 days of the notice, the military is deemed to waive the comment period. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. The proposed changes requiring notice are:~~

- (1) Changes to the zoning map.
- (2) Changes that affect the permitted uses of land.
- (3) Changes relating to telecommunications towers or windmills.
- (4) Changes to proposed new major subdivision preliminary plats.
- (5) An increase in the size of an approved subdivision by more than fifty percent (50%) of the subdivision's total land area including developed and undeveloped land."

SECTION 2. G.S. 160A-364(b) reads as rewritten:

"(b) ~~If the adoption or modification of the ordinance would result in any of the changes to the zoning map or would change or affect the permitted uses of land listed in this subsection and those changes would be located five miles or less from the perimeter boundary of a military base, the board of commissioners shall provide written notice of the proposed changes by certified mail, return receipt requested, or by any other written means reasonably designed to provide actual notice, to the commander of the military base or the commander's designee not less than 10 days nor more than 25 days before the date fixed for the public hearing. Prior to the date of the public hearing, the military may provide comments or analysis to the board regarding the compatibility of the proposed changes with military operations at the base. If the board does not receive a response within 30 days of the notice, the military is deemed to waive the comment period. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the base, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. The proposed changes requiring notice are:~~

- (1) Changes to the zoning map.
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(5) An increase in the size of an approved subdivision by more than fifty percent (50%) of the subdivision's total land area including developed and undeveloped land."

SECTION 3. This act is effective when it becomes law and applies to planning and zoning changes initiated on or after that date.

In the General Assembly read three times and ratified this the 22nd day of May, 2013.

s/ Daniel J. Forest
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 04:32 p.m. this 30th day of May, 2013