

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 237
Feb 27, 2019
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40103-MQ-3

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

Sponsors: Representatives Butler and Iler (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW FOR PLANNING BOARDS TO HOLD HEARINGS AND MAKE
3 FINAL DECISIONS FOR ZONING AMENDMENT REQUESTS IN BRUNSWICK
4 COUNTY.

5 The General Assembly of North Carolina enacts:

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

7 "§ 153A-343. Method of procedure.

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

25 (b) The first class mail notice required under subsection (a) of this section shall not be
26 required if the zoning map amendment directly affects more than 50 properties, owned by a total
27 of at least 50 different property owners, and the county elects to use the expanded published
28 notice provided for in this subsection. In this instance, a county may elect to either make the
29 mailed notice provided for in subsection (a) of this section or may as an alternative elect to
30 publish notice of the hearings required by G.S. 153A-323, but provided that each of the
31 advertisements shall not be less than one-half of a newspaper page in size. The advertisement
32 shall only be effective for property owners who reside in the area of general circulation of the
33 newspaper which publishes the notice. Property owners who reside outside of the newspaper
34 circulation area, according to the address listed on the most recent property tax listing for the
35 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. § 7502(f)(2),
5 notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies
6 only to an application to request a zoning map amendment where the application is not made by
7 the owner of the parcel of land to which the amendment would apply. This subsection does not
8 apply to a county-initiated zoning map amendment.

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

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

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

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