

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 684
HOUSE BILL 1401

AN ACT AMENDING THE CHARTER OF THE CITY OF FAYETTEVILLE
REGARDING ZONING HEARINGS.

The General Assembly of North Carolina enacts:

Section 1. Section 3 of Chapter 756 of the 1981 Session Laws, being Section 8.17 of the Charter of the City of Fayetteville, reads as rewritten:

"Sec. 3. G.S. 160A-364 is amended by rewriting said paragraph to read as follows:

(1) Before the City of Fayetteville may adopt or amend any ordinance pursuant to Part 3 of this Article, ~~the Cumberland County Joint Planning Board~~ a planning agency as defined by G.S. 160A-361 shall hold a public hearing on it. A notice of the public hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included, but the day of the hearing shall be included.

(2) Any person aggrieved by the recommendation of the ~~Cumberland County Planning Board~~ planning agency shall have the right to appeal the action of the planning board in writing to the Clerk of the City of Fayetteville within 10 days of the action of the ~~planning board~~ agency. If an appeal is timely filed, then the city council shall hold a public hearing with prior notice being published in accordance with subparagraph (1).

(3) If the ~~planning board's~~ agency's recommendation was to rezone the property, and no appeal is filed pursuant to subparagraph (2), then at its next regular council meeting following the expiration of the time provided for appeal in subparagraph (2) above, the city council shall have the right to adopt the rezoning without further public hearing. A rezoning shall be defined as any change in the zoning classification of property, whether it be in whole, in part, or a combination of new classifications, or an initial zoning of property added to the city's jurisdiction by annexation or other action.

(4) If the action of the ~~planning board~~ agency was to recommend denial of the petition, and no appeal is taken within the time prescribed pursuant to subparagraph (2), then, the action recommended by the ~~planning board~~ agency shall be deemed to be the final action of the city council."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives