

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 1161\*

Short Title: Military Planning Notices.

(Public)

Sponsors: Senators Hargett; Kerr, Lucas, Moore, and Thomas.

Referred to: State Government, Local Government, and Veterans' Affairs.

May 19, 2004

A BILL TO BE ENTITLED

AN ACT TO REQUIRE COUNTIES AND CITIES NEAR MILITARY  
INSTALLATIONS TO GIVE NOTICE OF LAND-USE PLANNING CHANGES  
TO THE MILITARY INSTALLATIONS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 153A-323 reads as rewritten:

"§ 153A-323. **Procedure for adopting or amending ordinances under this Article and Chapter 160A, Article 19.**

(a) Before adopting or amending any ordinance authorized by this Article or Chapter 160A, Article 19, the board of commissioners shall hold a public hearing on the ordinance or amendment. The board shall cause notice of the hearing to be published once a week for two successive calendar weeks. 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.

(b) If the adoption or modification of the ordinance will affect property in the vicinity of a military installation, the board of commissioners shall provide written notice of the proposed changes to the commander of the military installation at least 30 days prior to the public hearing. If the military provides comments or analysis regarding the compatibility of the proposed ordinance or amendment with military operations at the installation, the board of commissioners shall take the comments and analysis into consideration before making a final determination on the ordinance. For purposes of this section, the phrase 'property within the vicinity of a military installation' means land located five miles or less from the perimeter boundary of a military installation.

**SECTION 2.** G.S. 160A-364 reads as rewritten:

"§ 160A-364. **Procedure for adopting or amending ordinances under Article.**

(a) Before adopting or amending any ordinance authorized by this Article, the city council 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

1 circulation in the area. The notice shall be published the first time not less than 10 days  
2 nor more than 25 days before the date fixed for the hearing. In computing such period,  
3 the day of publication is not to be included but the day of the hearing shall be included.

4 (b) If the adoption or modification of the ordinance will affect property in the  
5 vicinity of a military installation, the city council shall provide written notice to the  
6 commander of the military installation of the proposed changes at least 30 days prior to  
7 the public hearing. If the military provides comments or analysis regarding the  
8 compatibility of the proposed ordinance or amendment with military operations at the  
9 installation, the city council shall take the comments and analysis into consideration  
10 before making a final determination on the ordinance. For purposes of this section, the  
11 phrase 'property within the vicinity of a military installation' means land located five  
12 miles or less from the perimeter boundary of a military installation."

13 **SECTION 3.** This act becomes effective July 1, 2004.