

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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SENATE DRS35097-LR-40A (02/04)

Short Title: Zoning/Protest Petition Changes.

(Public)

Sponsors: Senators Woodard, Foushee, and McKissick (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND ARTICLE 19 OF CHAPTER 160A OF THE GENERAL STATUTES
3 TO ALTER QUALIFICATION REQUIREMENTS FOR ZONING PROTEST
4 PETITIONS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 160A-385(a) reads as rewritten:

7 "§ 160A-385. Changes.

8 (a) Qualified Protests.

9 (1) Zoning ordinances may from time to time be amended, supplemented,
10 changed, modified or repealed. In case, however, of a qualified protest
11 against a zoning map amendment, that amendment shall not become
12 effective except by favorable vote of ~~three-fourths~~ two-thirds of all the
13 members of the city council. ~~For the purposes of this subsection, vacant~~
14 ~~positions on the council and members who are excused from voting shall not~~
15 ~~be considered "members of the council" for calculation of the requisite~~
16 ~~supermajority.~~

17 (2) To qualify as a protest under this section, the petition must be signed by the
18 owners of either (i) twenty percent (20%) or more of the area included in the
19 proposed change or (ii) ~~five percent (5%)~~ fifteen percent (15%) of a
20 100-foot-wide buffer extending along the entire boundary of each discrete or
21 separate area proposed to be rezoned. A street right-of-way shall not be
22 considered in computing the 100-foot buffer area as long as that street
23 right-of-way is 100 feet wide or less. When less than an entire parcel of land
24 is subject to the proposed zoning map amendment, the 100-foot buffer shall
25 be measured from the property line of that parcel. In the absence of evidence
26 to the contrary, the city may rely on the county tax listing to determine the
27 "owners" of potentially qualifying areas.

28 (3) The foregoing provisions concerning protests shall not be applicable to any
29 amendment which initially zones property added to the territorial coverage
30 of the ordinance as a result of annexation or otherwise, or to an amendment
31 to an adopted (i) special use district, (ii) conditional use district, or (iii)
32 conditional district if the amendment does not change the types of uses that
33 are permitted within the district or increase the approved density for
34 residential development, or increase the total approved size of nonresidential
35 development, or reduce the size of any buffers or screening approved for the
36 special use district, conditional use district, or conditional district."



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SECTION 2. This act is effective when it becomes law.