

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1081

Short Title: Change Zoning Protests.

(Public)

Sponsors: Representative Stamey.

Referred to: Judiciary II.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE SCOPE OF AND REQUIREMENTS PERTAINING TO PROTESTS OF AMENDMENTS TO MUNICIPAL ZONING REGULATIONS, ZONING RESTRICTIONS, AND ZONE BOUNDARIES.

The General Assembly of North Carolina enacts:

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

"(a) Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, or of fifty percent (50%) or more of the area of the lots immediately adjacent thereto, in the front and rear thereof and on either side thereof, and extending 100 feet therefrom, an amendment shall not become effective except by favorable vote of three-fourths of all two-thirds of the members of the city council. council voting on the change. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted special use district or conditional use district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use or conditional use district. the following:

(1) An amendment which is in accordance with the current applicable land-use plan or which complies with zoning regulations and

- 1 restrictions that provide or permit specific conditions for adjoining
2 dissimilar uses;
- 3 (2) An amendment which the city council finds (i) to result in a reasonable
4 use of property included in the proposed amendment or (ii) will not
5 result in a substantial adverse change in the character of the area
6 affected by the amendment. Those protesting the amendment shall
7 have the burden of proof on these issues and may not rest solely on
8 their protest;
- 9 (3) An amendment which initially zones property added to the territorial
10 coverage of the ordinance as a result of annexation or otherwise; or
- 11 (4) An amendment to an adopted special use district or conditional use
12 district if the amendment does not (i) change the types of uses that are
13 permitted within the district, (ii) increase the approved density for
14 residential development, (iii) increase the total approved size of
15 nonresidential development, or (iv) reduce the size of any buffers or
16 screening approved for the special use or conditional use district."
- 17 Sec. 2. This act is effective upon ratification.