

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 201

AMENDMENT NO. A1
(to be filled in by
Principal Clerk)

H201-AST-10 [v.3]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date _____, 2015

Representative Avila

1 moves to amend the bill on page 1, line 6, through page 2, line 26, by rewriting those lines to
2 read:

3
4 **"§ 160A-385. Changes.**

5 (a) Qualified Protests.

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7 changed, modified or repealed.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

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

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



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1 development, or reduce the size of any buffers or screening approved for the
2 special use district, conditional use district, or conditional district.";
3
4 and on page 2, by renumbering the Sections accordingly.

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**