

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 201

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

H201-AST-111 [v.1]

Page 1 of 2

Amends Title [YES]
Fourth Edition

Date _____, 2015

Senator Woodard

1 moves to amend the bill on page 1, line 2, through page 2, line 50, by rewriting those lines to
2 read:

3
4 "AN ACT TO AMEND ARTICLE 19 OF CHAPTER 160A OF THE GENERAL STATUTES
5 TO ALTER QUALIFICATION REQUIREMENTS FOR ZONING PROTEST
6 PETITIONS.

7 The General Assembly of North Carolina enacts:

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

9 "§ 160A-385. Changes.

10 (a) Qualified Protests.

11 (1) Zoning ordinances may from time to time be amended, supplemented,
12 changed, modified or repealed. In case, however, of a qualified protest
13 against a zoning map amendment, that amendment shall not become
14 effective except by favorable vote of ~~three-fourths~~ a majority of all the
15 members of the city ~~council~~ council if the city council consists of five or
16 fewer members. If the city council has six or more members, that
17 amendment shall not become effective except by favorable vote of a
18 majority plus one of all the members of the city council. ~~For the purposes of~~
19 ~~this subsection, vacant positions on the council and members who are~~
20 ~~excused from voting shall not be considered "members of the council" for~~
21 ~~calculation of the requisite supermajority.~~

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



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Page 2 of 2

1 (3) The foregoing provisions concerning protests shall not be applicable to any
2 amendment which initially zones property added to the territorial coverage
3 of the ordinance as a result of annexation or otherwise, or to an amendment
4 to an adopted (i) special use district, (ii) conditional use district, or (iii)
5 conditional district if the amendment does not change the types of uses that
6 are permitted within the district or increase the approved density for
7 residential development, or increase the total approved size of nonresidential
8 development, or reduce the size of any buffers or screening approved for the
9 special use district, conditional use district, or conditional district."
10 **SECTION 2.** This act is effective when it becomes law."

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
Senate Principal Clerk's Office**