

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2015**

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**SENATE BILL 285**

Short Title: Zoning/Protest Petition Changes. (Public)

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

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Referred to: Rules and Operations of the Senate.

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March 16, 2015

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

The General Assembly of North Carolina enacts:

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

**"§ 160A-385. Changes.**

(a) Qualified Protests.

(1) Zoning ordinances may from time to time be amended, supplemented, changed, modified or repealed.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

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

(3) 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 (i) special use district, (ii) conditional use district, or (iii) conditional 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 district, conditional use district, or conditional district."



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