

FAILED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 734

AMENDMENT NO. A6
(to be filled in by
Principal Clerk)

S734-AST-219 [v.2]

Page 1 of 2

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

Date _____, 2014

Representative Meyer

1 moves to amend the bill on page 22, lines 9-29, by rewriting those lines to read:

2
3 **"PROTEST PETITION AMENDMENTS**

4 **SECTION 3.5.** G.S. 160A-385(a) reads as rewritten:

5 **"§ 160A-385. Changes.**

6 (a) Qualified Protests.

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8 changed, modified or repealed.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

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

26 (3) The foregoing provisions concerning protests shall not be applicable to any
27 amendment which initially zones property added to the territorial coverage
28 of the ordinance as a result of annexation or otherwise, or to an amendment
29 to an adopted (i) special use district, (ii) conditional use district, or (iii)
30 conditional district if the amendment does not change the types of uses that
31 are permitted within the district or increase the approved density for
32 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 **SECTION 3.5.** This section becomes effective October 1, 2014, and applies to
4 petitions submitted on or after that date."

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

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and vote information, is available in the
House Principal Clerk's Office**