

**AN ORDINANCE TO AMEND ARTICLE 11.4.5 PROTESTED ZONING AMENDMENT AND 11.4.7(a)
RECOMMENDATION AND DECISION TO REFLECT THE CHANGES AMENDED BY
SESSION LAW 2015-160**

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

11.4 AMENDMENT PROCESS

.5 Protested Zoning Amendment **Citizen Comments**

If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification, or repeal to a zoning ordinance to the Town Clerk at least two business days prior to the proposed vote on such change, the Town Clerk shall deliver such written statement to the Town Board of Commissioners. If the proposed change is the subject of a quasi-judicial proceeding under G.S. 160A-388, the Town Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the board shall not disqualify any member of the board from voting.

~~a) Written protest against an amendment to the zoning classification of property, excepting amendments which initially zone property added to the territorial coverage of the ordinance, shall require a favorable vote of three-fourths (3/4) of all members of the Town Board. For purposes of this subsection, vacant positions on the Town Board and members who are excused from voting shall not be considered 'members of the Town Board' for calculation of the requisite supermajority. Valid protest shall require one of the following conditions:~~

- ~~1) If written protests are submitted by the owners of twenty percent (20%) or more of the area of the lots included in a proposed change; or~~
- ~~2) If written protests are submitted by the owners of five percent (5%) 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 town may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.~~

~~b) To be valid and effective, protest letters shall:~~

- ~~1) Be presented in writing; and~~
- ~~2) Bear the signature and address of the protesting property owner; and~~
- ~~3) State that the signer does protest the proposed amendment; and~~
- ~~4) Be received by the Town Clerk at least two working days before the date established for a public hearing on the proposed amendment, in order to establish the sufficiency and accuracy of the petition.~~

~~c) Any property owner may withdraw their protest at any time prior to the Board's vote on the rezoning petition. In order to withdraw signatures, the withdrawals must be in writing, identifying the rezoning protested against, and state that the submitted signatures have the purpose of deleting signers from the protest petition. Only those protest petitions that meet the qualifying standards set forth in GS 160A-385 at the time of the vote on the rezoning petition shall trigger the supermajority voting requirement. A withdrawn protest petition may not be reinstated after the deadline for filing protests set forth in (b) (4) above.~~

.7 Recommendation and Decision

a) ~~The Town Board may not vote to rezone property to a conditional zoning district during the time period beginning on the date of a municipal general election and concluding on the date immediately following the date on which the Town Board holds its organizational meeting following a municipal general election unless no person spoke against the rezoning at the public hearing, and no valid protest petition under G.S. 160A-386 was filed. If a valid protest petition under G.S. 160A-386 has been filed against a zoning petition which would otherwise have been scheduled for a public hearing during the period beginning on the first day of October prior to a municipal general election, but prior to the new Town Board taking office, then the public hearing on such petition and any decision on such petition shall be postponed until after the new Town Board takes office.~~

Section 2. That this ordinance shall become effective upon adoption.

PUBLIC HEARING DATE: **June 6, 2016**

PLANNING BOARD MEETING: **June 28, 2016**

PLANNING BOARD RECOMMENDATION: **Approval (unanimous)**

TOWN BOARD DECISION: **Approval (unanimous)**

TOWN BOARD MEETING: **July 18, 2016**