

## ORDINANCE #09-XX

*The following ordinance was adopted by the City Council of the City of Greensboro on the 16th day of June 2009 and will become effective upon the date of adoption.*

### AMENDING CHAPTER 30

#### AN ORDINANCE AMENDING THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO ZONING, PLANNING AND DEVELOPMENT

(Editor's Note: Added text shown with underlines and deleted text shown with strikethroughs.)

Section 1. That Section 30-3-12.2, Procedures, is hereby amended by adding Subsection (L) to read as follows:

(L) Protest Petition Sufficiency and Procedures:

(1) *Protest Petition Defined:* A petition in opposition to a rezoning, which triggers a supermajority vote for City Council approval, shall be considered a "valid protest petition" if the petition meets the requirements of applicable law.

(2) *Applicability:*

(a) These provisions shall be applicable to any zoning map amendment, except a zoning map amendment that initially establishes the City's zoning designation (original zoning) on property that has been added to the City's jurisdiction as a result of annexation, or otherwise.

(b) Protest petitions shall only be applicable to an amendment to an adopted conditional district which increases the development intensity and/or changes the uses permitted, in any of the following areas:

(i) Changes the type of uses that are permitted;

(ii) Increases the approved density for residential development;

(iii) Increases the total approved size of nonresidential development; or

(iv) Reduces the size of any buffers or screening.

(3) *Standards:* To be judged sufficient, the protest petition must meet the substantive requirements of NCGS 160A-385(2), and in particular must be signed by the owners of either (See Appendix 5: Illustrations):

(a) 20% or more of the area included in the rezoning; or

(b) 5% or more of the area of a 100-foot wide buffer ("base area") extending along the entire boundary of each discrete or separate area proposed to be rezoned.

(4) Evaluation of Sufficiency: In evaluating the sufficiency of a protest petition under Section (3) (b) above, the “base area” to be considered in the calculations shall be a 100-foot-wide buffer extending along the entire boundary of the rezoning with the following exceptions:

- (a) If the area to be rezoned abuts street right-of-way that is 100 feet wide or less, said right-of-way shall not be considered in establishing the base area and the entire 100-foot-wide buffer shall be located on the opposite side of said right-of-way.
- (b) If the area to be rezoned abuts street right-of-way that is more than 100 feet wide, the buffer shall extend into said right-of-way.
  
- (c) If there is non-abutting street right-of-way within 100 feet of the area to be rezoned that is 100 feet wide or less, the buffer shall extend into said right-of-way.
- (d) If there is non-abutting street right-of-way within 100 feet of the area to be rezoned that is more than 100 feet wide, said right-of-way shall not be considered nor shall the area located on the opposite side of said right-of-way be considered in computing the base area.
- (e) When less than an entire parcel of land is being rezoned, the 100-foot buffer shall be measured from the property line of the entire parcel.

(5) Property Ownership: Property ownership shall be determined based on that listed on the county tax abstracts. In the event of records that are incomplete or in conflict, properly recorded property records may be considered to determine ownership.

(6) Other Required Information: The protest petition shall contain all information required on the form supplied by the Planning Department.

(7) Procedure:

- (a) Completed protest petitions shall be submitted to the City Clerk at least two working days, excluding Saturdays, Sundays and City of Greensboro legal holidays, prior to the day of the City Council public hearing.
- (b) The City Attorney, in consultation with the Planning Director, shall determine if the protest petition meets the criteria for classification of "valid protest petition". The City Attorney shall inform City Council that a protest petition has been filed and indicate the determination whether the protest petition is valid or invalid. The Planning Director shall notify the petitioner as to the validity of the protest petition.
- (c) A rezoning for which a protest petition has been determined to be valid shall require a three-fourths vote of City Council for approval rather than a simple majority. Vacant positions on the City Council and members who have been excused from voting shall not be considered in computing City Council membership.

(8) Withdrawal: Persons or entities who have signed a protest petition may withdraw their signatures at any time prior to City Council’s vote on the rezoning. Any withdrawal must be in writing, signed by the owners and meet the standards established for such withdrawals by the Planning Department. Withdrawals submitted less than two working days prior to City Council’s public hearing may result

in a continuance of the public hearing if the effect of the withdrawal on the validity of the protest petition cannot be determined prior to City Council's public hearing.

Section 2. That the Table of Contents for Appendix 5, Illustrations, is hereby amended and replaced with Exhibit "A" contained herein.

Section 3. That Appendix 5, Illustrations, is hereby amended by adding Exhibit "B" contained herein as Illustration A-5.43.

Section 4. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 5. This ordinance shall become effective upon adoption.