

AMENDING CHAPTER 30 (LDO)
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 30-4-5.8, Protest Petitions, is hereby deleted in its entirety and to read as follows:

30-4-5.8 Protest Petitions [Reserved]

A. Applicability

- ~~1. The protest petition provisions of this subsection apply to all zoning map amendments heard by City Council, except zoning map amendments that establish a property original city zoning designation (original zoning) and those described in subsection 2 below.~~
- ~~2. Protest petitions are only be applicable to an amendment to an adopted conditional district when such amendment:
 - a. changes the uses categories of uses that are permitted;
 - b. increases the approved density for residential development;
 - c. increases the total approved size of nonresidential development; or
 - d. reduces the size of any buffers or screening.~~

B. Standards of Sufficiency

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:

- ~~1. 20% or more of the area included in the rezoning; or~~
- ~~2. 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 as described below in subsection C.~~

C. Evaluation of Sufficiency

In evaluating whether the standards of sufficiency have been met, 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:

- ~~1. If the area to be rezoned abuts street right of way that is 100 feet wide or less, that 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 the subject right of way.~~
- ~~2. If the area to be rezoned abuts street right of way that is more than 100 feet wide, the buffer shall extend into that right of way.~~
- ~~3. 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 that right of way.~~
- ~~4. 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, that right of way shall not be considered nor shall the~~

~~area located on the opposite side of that right-of-way be considered in computing the base area.~~

- ~~5. 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.~~

~~D. 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.~~

~~E. Other Required Information~~

~~The protest petition must contain all information required on the form supplied by the Planning and Community Development Department.~~

~~F. Procedure~~

- ~~1. Completed protest petitions must be submitted to the City Clerk at least 2 business days before the day of the City Council public hearing.~~
- ~~2. The City Attorney, in consultation with the Planning and Community Development Director, shall determine if the protest petition meets all requirements of applicable law and therefore represents a valid protest petition. The City Attorney shall inform City Council that a protest petition has been filed and indicate whether the protest petition has been judged valid or invalid. The Planning and Community Development Director shall notify the petitioner of the City Attorney's determination.~~
- ~~3. If a protest petition has been determined to be valid, approval of the subject zoning map amendment shall require a three-fourths vote of City Council membership 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.~~
- ~~4. A protest petition may only be accepted by the City Clerk once the related zoning map amendment request has been placed on a City Council agenda. Protest petitions filed before the Zoning Commission public hearing will not be accepted and will be returned to the petitioner.~~
- ~~5. If multiple protest petitions are received on the same zoning map amendment, they will be considered as one petition, for purposes of meeting validity requirements.~~

~~G. 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 zoning map amendment. Any withdrawal must be in writing, signed by the owners and meet the standards established for such withdrawals by the Planning and Community Development Department. Withdrawals submitted less than 2 business 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 Section 30-15-16, Terms Beginning with "P," is hereby amended by deleting the term "Protest Petition" as follows:

Protest Petition

~~A formal petition filed in opposition to a zoning map amendment (rezoning) that triggers a requirement for a supermajority affirmative vote of City Council to approve the protested zoning map amendment. Protest petitions are valid and trigger such requirements only if the petition meets all requirements of applicable law. (See also 30-4-5.8)~~

Section 3. All ordinances in conflict with the provisions of this ordinance are repealed to the extent of such conflict.

Section 4. This ordinance shall become effective upon adoption.

THE FOREGOING ORDINANCE WAS ADOPTED
BY THE CITY COUNCIL OF THE CITY OF
GREENSBORO ON THE 15TH DAY
OF SEPTEMBER, 2015 AND WILL BECOME
EFFECTIVE UPON ADOPTION.

ELIZABETH H. RICHARDSON
CITY CLERK

APPROVED AS TO FORM


CITY ATTORNEY