



# HOUSE BILL 201: Zoning Changes/Citizen Input

2015-2016 General Assembly

<b>Committee:</b>	House Local Government	<b>Date:</b>	March 18, 2015
<b>Introduced by:</b>	Reps. Stam, Goodman, Jackson, Fraley	<b>Prepared by:</b>	R. Erika Churchill
<b>Analysis of:</b>	PCS to First Edition H201-CSST-8		Committee Counsel

**SUMMARY:** *The proposed committee substitute for House Bill 201 would remove the qualified protest petition process and implement a mechanism for citizen input into proposed zoning ordinance amendments, changes, modifications, repeals, or supplementations.*

**CURRENT LAW:** The city zoning statutes allow property owners within an area around the parcel affected by a proposed zoning change to sign protest petitions. There is no corresponding county provision. If enough qualified owners sign, the zoning change is subject to a ¾ majority vote of the city council. For calculating the ¾ majority, vacant seats and members excused from voting are not counted.

The ¾ majority vote requirement after submission of a qualified protest petition statute only applies to amendments to the zoning map, except for any amendment that:

- Initially zones property added to the territorial coverage of the ordinance
- Is adopted to amend an existing (i) special use district, (ii) conditional use district, or (iii) conditional district, if that amendment does not do any of the following:
  - Change the types of uses that are permitted within the district.
  - Increase the approved density for residential development.
  - Increase the total approved size of nonresidential development.
  - Reduce the size of any buffers or screening approved for the special use district, conditional use district, or conditional district.

To qualify as a protest under this section, the petition must meet one of the following criteria:

1. Be signed by 20% or more of owners of the area included in the proposed change. OR
2. Be signed by 5% of the owners 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.

**BILL ANALYSIS:** The proposed committee substitute would remove the qualified protest petition, and the resulting ¾ majority vote requirement, from the statutes and substitute a process for citizens to submit comments on the proposed zoning change to the board. Citizens would be allowed to submit written comment to the clerk to the board, and if the clerk receives those comments at least 2 business

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# House Bill 201

*Page 2*

days prior to the meeting in which the proposed change will be voted, the clerk is to provide all the comments to the board prior to the vote. If the proposed change is part of a quasi-judicial proceeding and written comments are submitted, the clerk is to provide only the names and address of those submitting comments and the provision of that information to the board does not disqualify any member of the board from voting on the proposed change.

**EFFECTIVE DATE:** May 1, 2015, and applies to zoning ordinance changes adopted on or after that date.