

Petition No.: 2009-015
Petitioner: City Attorney/City Clerk

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 6: AMENDMENTS

1. PART 1: Provisions of General Applicability

- a. Amend Section 6.113, subsection (1), (2), and (3) to clarify that either a form prescribed by the City or a form created by an individual containing all the required information must be submitted to the City Clerk. In addition, list the specific information that must be submitted to the Clerk to deem the protest petition “complete”. And last, submittal of a map is no longer necessary. The revised text shall read as follows:

Section 6.113. Protest petitions.

- (1) In the event that the City Council receives a petition protesting any reclassification of property, and signed by the owners of either 20 percent or more, of the area included in the proposed change, or 5% or more of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned, the amendment shall become effective only upon an affirmative vote of three-fourths (3/4) of the members of the City Council, including the Mayor, who are not excused from voting. For the purposes of this subsection, vacant positions on the Council and members who are excused from voting shall not be considered “members of the Council” for calculation of the requisite supermajority.

Street right-of-ways 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. The protest petition shall be on the form prescribed by the City or on a document containing all of the information on the City’s form. All

protest petitions shall include the following information to be considered complete:

- Name, address, daytime phone number of the person filing the protest petition with the City Clerk.
 - Rezoning petition number.
 - Statement of the reason for the protest petition.
 - Legible printed name of property owner(s).
 - Tax parcel identification number of the property included in the protest petition.
 - Address of the property included in the protest petition.
 - Daytime phone number of property owner(s) or authorized agent signing the protest petition.
 - Signature of legal property owner(s) or authorized agent (indicate representative capacity) of the property included in the protest petition.
 - Number of pages submitted.
 - Clerk's certification.
- (2) No protest against any change or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. § 160A-385, unless it 1) meets the requirements of subsection (1) of this section, and, 2) has been received by the City Clerk in sufficient time to allow the City at least two normal work days, excluding Saturdays, Sundays and City of Charlotte legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. (For example, a petition must be filed by 5:00 p.m. on Wednesday for a hearing taking place the following Monday.)
- (3) Any property owner may withdraw their protest at any time prior to the Council's vote on the rezoning petition. Such a withdrawal deletes the subject properties from the computation pursuant to G.S. § 160A-385. In order to effectively withdraw signatures, the withdrawals must be in writing, identify the rezoning petition protested against, state that the submitted signatures have the purpose of deleting the signers from the protest petition, and be submitted to the City Clerk. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the rezoning petition shall trigger the supermajority voting requirement. A withdrawn protest may not be reinstated after the deadline for filing protests set forth in subsection (2).
(Petition No. 2006-16 §6.113(3), 03/20/06)

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

Approved as to form:

City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 20th day of April, 2009, the reference having been made in Minute Book _____, and recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this _____ day of _____, 2009.
