

REQUEST	Text amendment to Section 6.109 of the Zoning Ordinance.
SUMMARY OF PETITION	The petition proposes to comply with the North Carolina General Statutes 160A-384 and Session Law 2009-178 by adding new notification requirements for third-party rezoning petitions.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with adopted policies and to be reasonable and in the public interest, by a unanimous vote of the Zoning Committee (motion by Commissioner Phipps seconded by Commissioner Dodson).

ZONING COMMITTEE ACTION	The Zoning Committee voted unanimously to recommend APPROVAL of this petition.
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VOTE	Motion/Second:	Walker/Phipps
	Yeas:	Dodson, Fallon, Firestone, Rosenburgh, and Walker
	Nays:	None
	Absent:	Lipton
	Recused:	None

ZONING COMMITTEE DISCUSSION	Staff summarized the text amendment and provided a revised copy of the text amendment. A statement has been added to the text amendment to clarify that for all city-initiated third-party rezonings, staff will provide notice of the proposed rezoning petition and notice of the public hearing to all property owners and adjacent owners, in accordance with the North Carolina General Statutes and rules and procedures adopted by City Council.
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STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.
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FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW

- **Background**
Zoning petitions to reclassify property to a conventional zoning district may be initiated by the City Council or Planning Commission, or by any owner with a legal interest in the property, anyone else authorized in writing to act on the owner's behalf, or by any non-owner. A "third-party" rezoning is defined as a conventional rezoning filed by a person(s) or entity that is not an owner with a legal interest in the property being petitioned for rezoning. The State has added a new notification requirement for third-party rezoning petitions.
- **Proposed Request Details**
 - The text amendment contains the following provisions:
Modifies the Zoning Ordinance to comply with Session Law 2009-178 and the North Carolina General Statutes, Chapter 160A-384 by adding the following requirements for third-party rezoning applications:
Actual notice of a third-party rezoning petition and a copy of the notice of public hearing

shall be delivered to the property owner of land subject to a rezoning petition if that person did not initiate the petition. The requirement for actual notice does not apply if the rezoning petition was initiated by the City;

The third-party requesting the rezoning will be responsible for ensuring delivery of the required notice;

The process for the required notice delivery is detailed in the North Carolina General Statutes, and includes personal delivery, registered or certified mail, or delivery by a designated delivery service.

- A certification form must be submitted by the third-party petitioner to the Planning Department certifying to City Council that the property owner(s) of the parcel of land have received actual notice of the proposed rezoning petition and a copy of the notice of public hearing.
 - **Public Plans and Policies**
 - The petition is consistent with the North Carolina Statutes and Session Law 2009-178.
 - **Staff Recommendation (Updated)**
 - Staff recommends approval of this text amendment.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:** Not applicable.
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OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Pre-Hearing Staff Analysis
- Site Plan
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review
- Mecklenburg County Parks and Recreation Review

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