

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 1390

Short Title: Greensboro Conditional Zoning.

(Local)

Sponsors: Senator Hagan.

Referred to: State and Local Government.

June 13, 2002

A BILL TO BE ENTITLED

1 AN ACT TO PERMIT THE CITY OF GREENSBORO TO ENGAGE IN
2
3 CONDITIONAL ZONING.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** In addition to other types of zoning districts permitted by
6 G.S. 160A-382, the City Council may provide for the establishment of conditional
7 zoning districts, including parallel conditional zoning districts. For purposes of this act,
8 a "conditional zoning district" shall be defined as a zoning district in which the
9 development and use of the property included in the district is subject to predetermined
10 ordinance standards and the rules, regulations, and conditions, imposed as part of the
11 legislative decision creating the district and applying it to the particular property.
12 "Parallel conditional zoning district" shall mean a conditional zoning district in which
13 the potential permitted use or uses are, except as limited by the conditions imposed on
14 the district, of the same character or type as the use or uses permitted in a general use
15 district having a parallel designation or name. In contrast to conditional use district or
16 special use district zoning, conditional zoning shall not require the issuance of a
17 conditional use or special use permit or permitting process apart from the establishment
18 of the district and its application to particular properties. Rules, regulations, and
19 conditions applicable to any conditional zoning district need not be uniform in all
20 respects for all properties within the same classification of conditional zoning district
21 but may differ based on the unique aspects of each conditional zoning district
22 development, site, and surrounding area.

23 **SECTION 1.(b)** Property may be rezoned to a conditional zoning district
24 only in response to and consistent with a petition of the owners of all of the property to
25 be included in the district. A petition for conditional zoning must include a site plan
26 and supporting information that specifies the actual use or uses intended for the property
27 and any rules, regulations, and conditions that, in addition to all predetermined
28 ordinance requirements, will govern the development and use of the property. If a
29 petition for conditional zoning is approved, the development and use of the property

1 shall be governed by the predetermined ordinance requirements applicable to such
2 district category, the approved site plan for the district, and any additional rules,
3 regulations, and conditions, all of which shall constitute the zoning regulations for the
4 approved district.

5 **SECTION 1.(c)** Conditional zoning decisions shall be made in consideration
6 of identified relevant adopted land-use plans for the area including, but not limited to,
7 comprehensive plans, strategic plans, district plans, area plans, neighborhood plans,
8 corridor plans, and other land-use policy documents.

9 **SECTION 1.(d)** Before a public hearing may be held on a petition for
10 conditional zoning, the petitioner must file in the Office of the City Clerk a written
11 report of at least one community meeting held by the petitioner. Notice of such a
12 meeting shall be given to the property owners and organizations entitled to notice as
13 determined by city policy. The report shall include, among other things, a listing of
14 those persons and organizations contacted about the meeting and the manner and date of
15 contact, the date, time, and location of the meeting, a roster of the persons in attendance
16 at the meeting, a summary of issues discussed at the meeting, and a description of any
17 changes to the rezoning petition made by the petitioner as a result of the meeting. In the
18 event the petitioner has not held at least one meeting pursuant to this subsection, the
19 petitioner shall file a report documenting efforts that were made to arrange such a
20 meeting and stating the reasons such a meeting was not held. The adequacy of a
21 meeting held or report filed pursuant to this subsection shall be considered by the City
22 Council but shall not be subject to judicial review.

23 **SECTION 1.(e)** Conditional zoning decisions under this act are a legislative
24 process subject to judicial review using the same procedures and standard of review as
25 apply to general use district zoning decisions.

26 **SECTION 1.(f)** Except as specifically modified by this act, the procedures
27 to be followed by the City Council in reviewing, granting, or denying any petition for
28 conditional zoning shall be the same as those established for general use district zoning
29 petitions under Article 19 of Chapter 160A of the General Statutes.

30 **SECTION 1.(g)** The City Council may not vote to rezone property to a
31 conditional zoning district during the time period beginning on the date of a municipal
32 general election unless no person spoke against the rezoning at the public hearing and
33 no valid protest petition under G.S. 160A-386 was filed. If a valid protest petition under
34 G.S. 160A-386 has been filed against a zoning petition which would otherwise have
35 been scheduled for a public hearing during the period beginning on the first day of
36 October prior to a municipal general election, but prior to the new City Council taking
37 office, then the public hearing on such petition and any decision on such petition shall
38 both be postponed until after the new City Council takes office.

39 **SECTION 2.(a)** This act applies only to conditional zoning petitions filed on
40 or after July 31, 2002. Notwithstanding the foregoing, this act shall not apply to
41 conditional zoning petitions that were approved or denied by the City Council prior to
42 July 31, 2002, and shall not affect any rezoning case that is the subject of pending
43 litigation.

1 Notwithstanding the foregoing, petitions seeking either conditional district
2 rezoning or conditional use district rezoning which were pending and not yet decided as
3 of July 31, 2002, may be treated by the city as petitions for conditional zoning under
4 this act. Such petitions need not be refiled, but all other processes specified in this act,
5 including the mandatory neighborhood meeting and report and a new public hearing,
6 must be followed as to such petitions.

7 **SECTION 2.(b).** Chapter 1283 of the 1973 Session Laws and Chapter 488
8 of the 1983 Session Laws are repealed as to the City of Greensboro only.

9 **SECTION 3.** This act applies to the City of Greensboro only.

10 **SECTION 4.** This act is effective when it becomes law.