

CLAYTON COUNCIL MEETING – 101

Clayton citizens are welcomed and encouraged to attend town council meetings. Attending a council meeting allows you to be informed about the issues before the Clayton Town Council.

This issue of “Clayton Council Meeting – 101” will give an overview of a rezoning request and a protest petition.

Municipal zoning was first authorized for cities in North Carolina in 1923 and originally dealt mostly with urban issues, such as land use conflict. Today, zoning is intended to:

- Separate incompatible uses of land
- Preserve the character of neighborhoods
- Protect natural resources
- Promote economic development

Suppose you are a property owner with a parcel of land that is zoned RE for residential purposes, but you would like to have it rezoned as O-I for nonresidential development. As the property owner, you may request to “amend” the official zoning map or “rezone” your parcel by following the procedures explained in the Town of Clayton Code of Ordinances, 155.704 – REZONING. If all the initial steps have been followed as outlined, the Planning Board will review your request and recommend approval, modification, or denial of your rezoning petition. The next step is having your request scheduled for a public hearing before the Town Council. This means that a legal notice must run in a newspaper of local circulation for two weeks and “the owners of all parcels of land abutting that parcel of land as shown on the county tax maps, shall be mailed a notice of the proposed change in classification by first-class mail at the last addresses listed for such owners in the county tax records” [155.704(F)]. The first class letters to the abutting property owners give notice of your rezoning request and their right to submit a protest petition.

If the adjoining property owners believe your rezoning request will negatively impact their property, they may request a protest petition form from the Town Clerk [Town Ordinance 155.704(K) and NC G.S. 160A-385]. A protest petition in itself does not stop the rezoning request. If a protest petition is signed by owners of either (i) 20% or more of the area included in the proposed change or (ii) 5% of a 100-foot wide perimeter of the subject property extending along the entire boundary of each discrete or separate area proposed to be rezoned, then the rezoning request **shall not** be passed except by a favorable vote of at least three-fourths of the Town Council.

In the event an owner or citizen wants to remove his/her name from the protest petition that has been submitted to the Town Clerk, the owner or citizen may do

so by either submitting a signed written request to the Town Clerk or by appearing before the Council requesting his/her name be removed from the protest petition prior to the Council making a vote on the rezoning request.

At the public hearing, the applicant for a rezoning change **shall not** be required to offer any testimony or evidence at the public hearing concerning the specific manner in which the property is to be used or developed, except when a Planned Development District is involved. Before voting, the Council considers all the permitted uses listed for a particular zoning district as a basis for the appropriateness of the request.

Citizens may view the Clayton Town Code of Ordinances online at www.townofclaytonnc.org or www.amlegal.com/clayton_nc, or by visiting the Town Clerk's Office or Clayton Library during regular business hours.

The Council agenda may be viewed online at www.townofclaytonnc.org the Friday before a scheduled meeting. If you do not have access to the Internet, please call 919.553.5002 and request a copy of the agenda.

If you have suggestions for the next "Clayton Council Meeting – 101" article, please contact the Town Clerk.

We look forward to seeing you at Town Council meetings.