

NAIOP

COMMERCIAL REAL ESTATE
DEVELOPMENT ASSOCIATION

OF NORTH CAROLINA

Charlotte | NC Piedmont Triad | Raleigh-Durham

June 26, 2015

Dear Senator,

On behalf of the hundreds of commercial developer members of NAIOP North Carolina, we urge you to vote YES for **HB 201, 'Zoning Changes/Citizen Input,'** when it comes to the Senate floor. This bill will repeal the Protest Petition statute, a mechanism that establishes unreasonable barriers to new development, hinders job creation, and slows that revitalization of economically distressed communities.

When a Protest Petition is filed against a rezoning request, the applicant must obtain a supermajority vote for approval, even when their proposed project is in full compliance with the local Land Use Plan and has widespread community support. Thus, the petition provides a small group of adjacent property owners (in many cases ONE adjacent property owner) with an undue amount of leverage over the rezoning process by allowing them to effectively control specific votes on a City Council or Town Board.

As a result, Protest Petitions are sometimes used to force financial concessions from a property owner or developer, and have become one more reason that an increasing number of developers are taking their projects to other states — they can add months of approval time and thousands of dollars to the cost of a project.

There is NO other council action that requires a supermajority vote – not a tax hike, not an annexation, not even a rental registration ordinance that impacts thousands of citizens. But if just a single property owner files a protest petition against a rezoning request – even one that complies fully with an adopted land use plan – the applicant has to obtain almost unanimous support from council to exercise their constitutional rights to see their property developed for its highest and best use.

We don't oppose neighbors having a voice in the rezoning process. But the Protest Petition is a tool that has outlived its usefulness, and now serves only to allow a small minority of residents to hinder economic development that would benefit the larger community.

HB 201 passed the House by a wide margin (81 – 31) in March, and we ask for your support when it comes before the Senate in the coming weeks.

Sincerely,



David Green
NAIOP Triangle



Charlie McCurry
NAIOP Triad



Chris Thomas
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