

## MEMORANDUM

Memorandum to: NSAPIRC  
From: Mike Brough  
Subject: Rezoning  
Date: July 5, 2007

Trish McGuire has informed me that the committee has requested my opinion as to whether the town can rezone property even though a conditional use rezoning request is pending. The short answer is yes. G.S. 160A-382(b) provides that property may be placed in a conditional use district only in response to a petitioner by the owners of all the property to be included. However, there is no such limitation with respect to the rezoning of property from one general use district to another. Nor is there any prohibition on the Board of Aldermen considering such a general use district rezoning while a conditional use rezoning application is pending.

Please let me know if this does not completely answer the question the committee wanted me to address.