

PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND

- I. Description of property proposed to be rezoned.
- II. Names and signatures of property owners.
- III. Date and time of receipt by Town Clerk (Clerk's Certification).
- IV. Information on requirements for validity of protest petitions under State law and the Chapel Hill Development Ordinance.

I. DESCRIPTION OF PROPERTY PROPOSED TO BE REZONED:

Note: Tax map, block and lot information is required.

To get tax map, block, and lot information, please write to, call or visit the Planning Department (306 N. Columbia Street, Chapel Hill, NC 27516; (919) 968-2728 or 682-8636 from Durham exchanges; top floor of the Municipal Building next to the Fire Station at Airport Road and N. Columbia Street).

<u>County</u>	<u>Tax Map</u>	<u>Block</u>	<u>Lot(s)</u>



(Please attach additional sheets if necessary.)

*** ADDITIONAL OPTIONAL INFORMATION ON LAND PROPOSED TO BE REZONED:**

Owner(s) of land proposed to be rezoned:

Current Zoning: _____ Proposed Zone: _____

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III. TOWN CLERK'S CERTIFICATION OF RECEIPT OF PROTEST PETITION:

I hereby certify that I received this protest petition on _____ at _____
(Date of Receipt) (Time of Day)

Town Clerk

(H)

(5)

IV. INFORMATION ON REQUIREMENTS FOR PROTEST PETITIONS

- A. Introduction:** North Carolina law and Chapel Hill zoning regulations allow citizens to formally protest zoning actions. When the criteria described below are met, protest petitions alter the requisite vote necessary to enact zoning regulations.
- B. Deadline for Submittal:** To be valid under State Law, a protest petition must be received by the Town Clerk (306 N. Columbia St., Chapel Hill, N.C. 27516) at least two normal work days (excluding Saturdays, Sundays and legal holidays) before the date established for a public hearing. For example, the Town Clerk must receive your protest petition by 5 p.m. of the Wednesday before the date established for a public hearing on a Monday, if the Thursday, Friday and Monday are not holidays.
- C. Signature Requirements for a Valid Protest Petition:** If a partnership or corporation wishes to protest a rezoning, it should consult the Town Clerk well in advance of the protest petition deadline concerning proper signature. Generally, when there are co-owners (including husband and wife), **each individually** must sign. If a corporation wishes to protest, the person signing must be authorized by the Board of Directors and evidence of such authorization (such as a Certified Resolution) must be attached to the protest petition. If a protest petition is signed by a person with power of attorney for someone else, evidence of the power of attorney must be included with the petition. Photo copies or faxes of signatures are not acceptable as valid signatures.
- D. Requirements for an Effective Protest Petition:** The requirements for an effective protest petition include having signatures (see C above) of owners of either at least 20% of:
 - Twenty percent (20%) of the land area proposed to be rezoned, or
 - Five percent (5%) of a 100-foot-wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. ~~The land area of the lots immediately adjacent thereto either in the rear or on either side of the land proposed to be rezoned extending 100 feet; A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the 'owners' of potentially qualifying areas.~~
 - The land area of the lots directly opposite from the area proposed to be rezoned (extending 100 feet from the street frontage of the opposite lots).

Please refer to the attached illustrative diagrams.

For other requirements in the State law on rezoning protest petitions, please see N.C. General Statutes G.S. 160A-385 and -386. The related section of the Chapel Hill Development Ordinance is attached.

E. Effect of Valid and Effective Protest Petition: If a valid protest petition is determined by the Town to have the signatures sufficient for it to constitute an effective protest petition, then rezoning can occur only if three-fourths of all the 7 of the 9 members of the governing body (Mayor and Council) vote in favor of the rezoning. For the purposes of this subsection, vacant positions on the governing body and members who are excused from voting shall not be considered 'members of the governing body' for calculation of the requisite supermajority.

F. Withdrawing Name from Protest Petition: A person who has signed a protest petition may withdraw his or her name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in G.S. 160A-385 at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

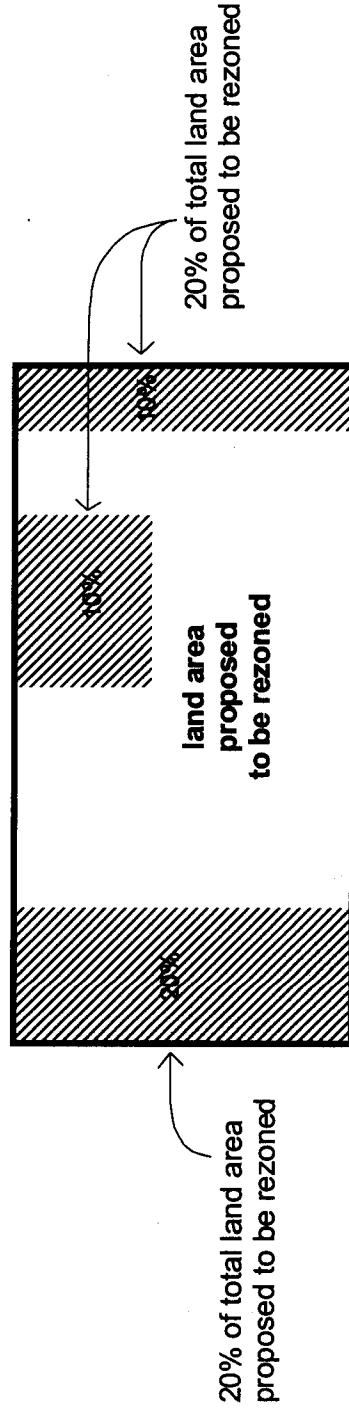
F.G. Exception: The above provisions concerning protest do not apply to any amendment which initially zones property added to the territorial coverage of the Town's ordinance as a result of annexation or otherwise, and under certain other circumstances provided by law.

G.H. These notes and the attached ordinances were current as of September, 2002 December, 2005. State statutes and Town ordinances may change and this information may become out of date. These notes are for information purposes and do not alter any provision of NC Statutes or Town Ordinances as they have been, or may in the future be interpreted by the Courts.

Attachments: Illustrative Diagrams I and II
Excerpt from the Chapel Hill Development Ordinance Land Use Management Ordinance



Illustrative Diagram I Requirements for an Effective Protest Petition by Owners of Land Proposed to be Rezoned

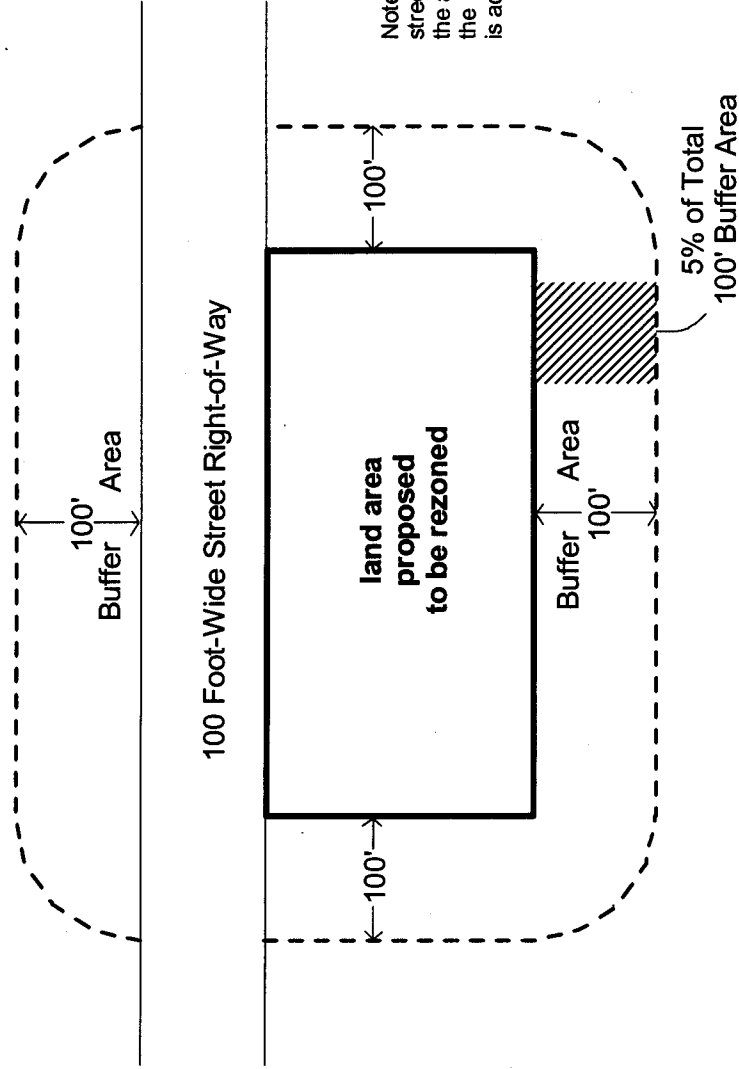


In order to trigger a Town Council three-fourths vote for approval:

An effective protest petition needs the signatures of owners of at least 20% of the land area proposed to be rezoned.

Note: Individual lot lines are not shown in diagram.

Illustrative Diagram II Requirements for an Effective Protest Petition by Neighboring Owners to Land Proposed to be Rezoned



Note: If there are other street right-of-ways abutting the area to be rezoned, the 100 foot-wide buffer is adjusted to them also.

In order to trigger a Town Council three-fourths vote for approval:

An effective protest petition needs the signatures of owners of at least 5% of the land area within a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned.

Note: Individual lot lines are not shown in diagram.

January 1, 2006
Diagram by Chapel Hill
Planning Department