



Town of Chapel Hill
405 Martin Luther King Jr. Blvd.
Chapel Hill, NC 27514

Communications and Public Affairs Department (Town Clerk)

(919) 968-2743

Planning Department (919) 968-2728

www.townofchapelhill.org

PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND

4.4.2 Procedures

***Excerpt from
Land Use Management Ordinance
Chapel Hill, North Carolina***

(i) Protest Petition

A petition protesting a proposed amendment shall be subject to the provisions of North Carolina General Statutes Sections 160A-385 and 386, as may be amended from time to time. Any petition shall:

- (1) be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed amendment;
- (2) be received by the Town Clerk at least two (2) normal work days prior to the date established for the public hearing on the proposed amendment; and
- (3) be on a form prescribed and provided by the Town Manager and contain all the information requested on the form.

PROTEST PETITION CONCERNING PROPOSED REZONING OF LAND

			<u>Parcel Identifier Number (PIN) or Tax Map, Block, Lot (TMBL)</u>	<u>District(s) Protested</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

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

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 (405 Martin Luther King Jr. Blvd., Chapel Hill, N.C. 27514) 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:
- 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. 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.

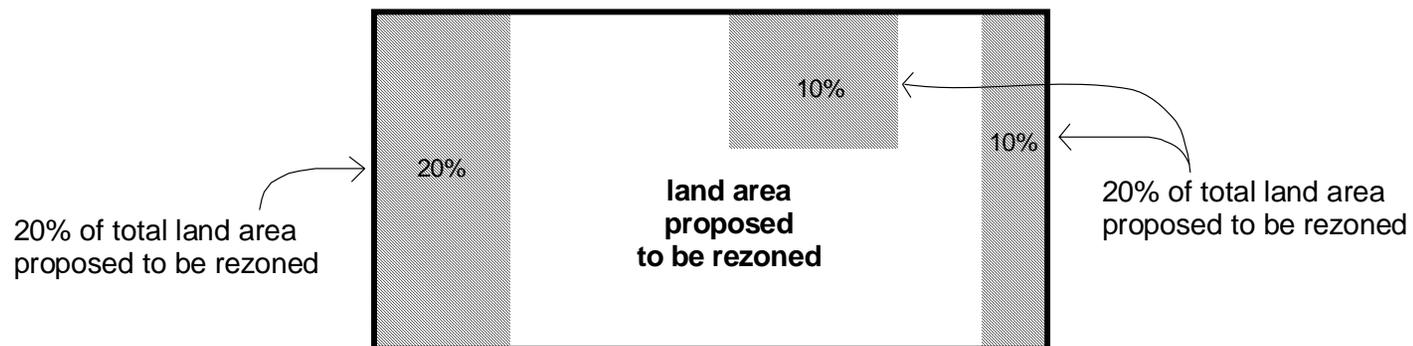
Please refer to the attached illustrative diagrams.

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 Land Use Management Ordinance is contained on page one of this handout.

- 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 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.
- 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.
- H.** These notes and the attached ordinances were current as of October 11, 2007. 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

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



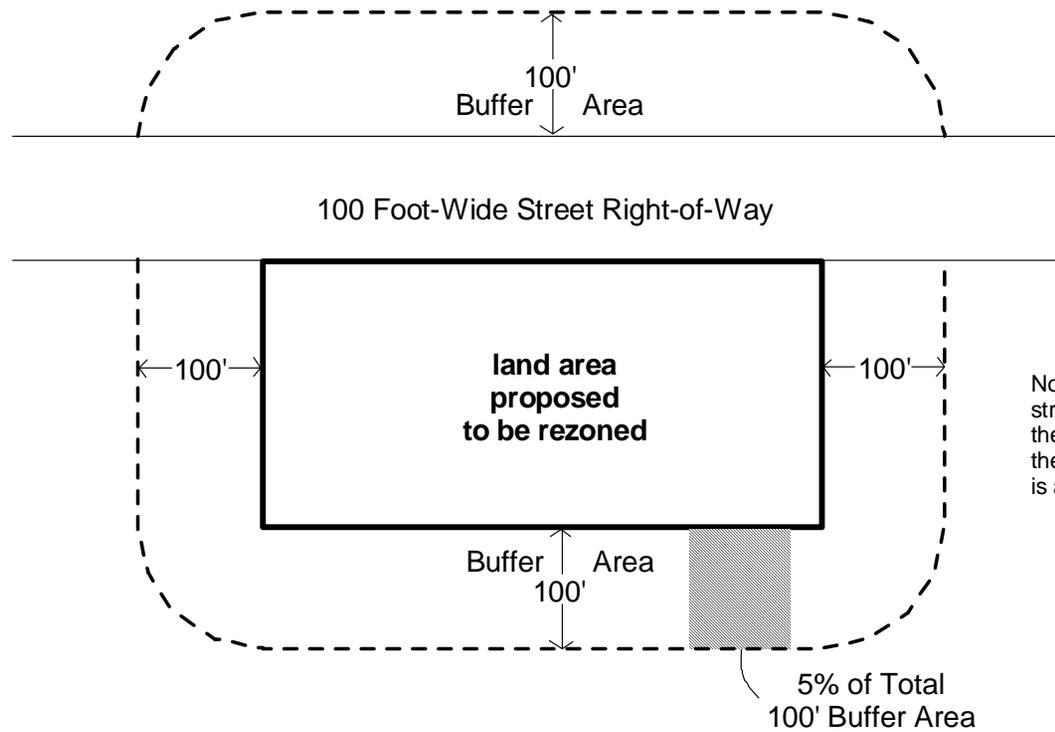
In order to trigger a Town Council three-fourths vote for approval:

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.

January 1, 2006
Diagram by Chapel Hill
Planning Department

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