

# Protest Petitions



Any person may oppose the zoning of property by speaking at a meeting of the City-County Planning Board or the City Council, or by presenting an ordinary petition to either group. Following either of these methods of opposition, a simple majority vote of the City Council can decide a rezoning request.

However, subject to a few exceptions, the filing of a special kind of petition – called a qualified protest petition – will require more than a simple majority vote of the City Council for approval of a rezoning request.

This brochure answers questions on how to file a qualified protest petition.

**Q:** Will any petition mean that an affirmative vote of three-fourths of the City Council is required for passage of the proposed zoning change?

**A:** No. The petition must be what is called a qualified protest petition. Only this kind of petition will require that three-fourths (or six) of the eight members of the City Council approve the proposed zoning change before it passes.

**Q:** What is a qualified protest petition?

**A:** One that meets the following requirements:

The petition must be signed by the owners of: (1) At least 20% of the property proposed to be rezoned; OR (2) 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 wide 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 proposed to be rezoned, the 100-foot wide buffer is measured from the property line of that parcel.]

**Q:** Who must sign a qualified protest petition to insure that the property is counted towards meeting the requirements?

**A:** All owners of the property must each sign. If property is not owned by an individual, the petition must be signed by that person authorized to sign a deed on behalf of the owner.

Tax maps must be attached to the petition to identify the property proposed for rezoning and the property owned by the signers of the protest petition. Tax maps are available in the County Tax Office for a small cost.

The qualified protest petition:

1. Must bear original signatures, not photocopies, of all property owners;
2. Must list the tax lot and block number or pin numbers (from tax map) and street address of each property; and
3. Must be received in the City Secretary's Office no later than two full working days before the date set for public hearing. Example: If the public hearing is on Monday, the petition would have to be received by 8 a.m. on the previous Thursday.

**Q:** How does a qualified protest petition affect the required vote by the City Council to approve a proposed rezoning?

**A:** If a qualified protest petition is filed, a proposed rezoning must be approved by a favorable vote of at least three-fourths of an eight-member City Council, i.e., 6 votes in favor. If there is any vacancy on the City Council, the required number of favorable votes may be reduced to five.

If no qualified protest petition is filed, a rezoning can be approved by not less than five votes. If a proposed rezoning garners only five votes, City Council must vote on it twice at separate meetings. If there is a tie vote of the City Council, the Mayor can vote to break the tie.

**Q:** What is the first step in preparing a qualified protest petition?

**A:** First, get in touch with the City Secretary's Office. Visit the office in Suite 140 at City Hall, or call the office at **(336) 727-8000**, from 8 a.m. to 5 p.m., Monday through Friday.

**Q:** Are "fill-in-the-blanks" forms for a **qualified** protest petition available?

**A:** Yes. Anyone may get the forms and ask questions about filing a qualified protest petition at the City Secretary's Office. To be sure it is signed properly and filed on time, the City recommends that it be delivered in person to the City Secretary's Office rather than sent by mail (fax is not acceptable).

**Q:** Are all rezonings subject to qualified protest petitions?

**A:** No. A qualified protest petition does not apply to: (1) the initial zoning of property added to the City's territorial jurisdiction as a result of annexation or otherwise; and (2) amendment to an adopted special-use district, conditional-use district or conditional district if the rezoning would not change the types of uses permitted or increase the approved density for residential development or increase the total approved size of nonresidential development or reduce the size of any buffers or screening approval for the special-use district, conditional-use district, or conditional district.