

**Durham City/County Planning**  
**Zoning Map Change Protest Petition**

<b>Clerk Use:</b>	<input type="checkbox"/> Clerk to City Council <input type="checkbox"/> Clerk to the Board of County Commissioners	<b>Date/Time Submitted:</b> _____ <b>Total Number of Pages Received:</b> _____ <b>Clerk's Initials:</b> _____
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**Petition Submitted in Opposition to:**

<b>Zoning Map Change Case Number:</b>	<b>Existing Zone(s):</b>
<b>Location (address or general location):</b>	<b>Proposed Zone(s):</b>

**Submittal Requirements**

**Official Form:** The protest petition shall be completed, in full, on this official form provided by the Planning Department (available online: [http://www.durhamnc.gov/forms/planning\\_zoning\\_protest\\_petition.pdf](http://www.durhamnc.gov/forms/planning_zoning_protest_petition.pdf)). The form submitted shall include *original signatures* (i.e. not a copied or faxed form).

**Deadline:** As required by State law, the deadline for analysis and determination of a valid protest petition shall be four full working days prior to the established public hearing for the proposed zoning map change. This excludes Saturdays, Sundays, and official holidays observed by either jurisdiction. Typically, the appropriate clerk must receive the petition prior to the close of work on the Monday prior to the Monday of the scheduled hearing. If you have any questions about the deadline date and time of submittal of a protest petition, please contact the Clerk of the appropriate jurisdiction or the Durham City-County Planning Department.

**Where to File:** The protest petition shall be filed with the Clerk to the governing board for the jurisdiction that is considering the zoning map change.

<b>City Clerk:</b> 2 <sup>nd</sup> floor City Hall 101 City Hall Plaza Durham, NC 27701 Phone: 919-560-4166	<b>County Clerk:</b> 2 <sup>nd</sup> floor, County Administrative Building 200 East Main Street Durham, NC 27701 Phone: 919-560-0027
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**Petition Contact**

<b>Filed by:</b> (Please Print)	_____ <b>Signature</b>
<b>Address</b>	
<b>Phone :</b>	<b>Email:</b>

**Requirements for a Valid Protest Petition**

**Statutory Requirements:** This protest petition form must be used to qualify a zoning map change protest under NC General Statute 160A-385 and 386 for the City and similar special legislation for the County (SL2010-80). Further requirements for City and County are provided in UDO Section 3.5.13, Protest Petition Sufficiency Procedures.

**Signature(s):** All persons having a legal interest in each qualified property must sign the protest petition (i.e. husband and wife, partners, etc.). Persons signing on behalf of a corporation, home owners association (or other associations), or by power of attorney must submit documentation granting them authority to sign, at the time of initial submission of the protest petition. If documentation establishing authority to sign a protest petition is not provided at the time of initial submission of the protest petition, the signature will be considered invalid.

**Qualified Property:** Properties that are eligible to qualify as valid must meet the requirements of a signature (above) and have the following locational requirements:

- Located within the area that is being considered for the zoning map change; or
- Located within a 100-foot buffer from the *property line* of the parcel(s) considered for a zoning map change

**Validation Requirements for City and County:**

The petition must be signed by the owners of either 20% or more of the area included in the proposed change OR 5% of the area of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. In evaluating the sufficiency of a protest under this provision:

- 1) a discrete or separate area shall be calculated for any noncontiguous part of an area proposed for zoning map change that is physically separated from other areas proposed for change by property (not including right-of-way) that is not part of the requested zoning map change;
- 2) a street right of way shall not be considered in computing the 100 foot buffer area as long as the street right of way is 100 feet wide or less.
- 3) When less than an entire parcel of land is being rezoned, the 100 foot buffer shall be measured from the property line of the entire parcel.



**Statement of Opposition:** Include a statement of opposition on each page of signatures at the top of the petition as provided on the official form.

**Exemption:** Initial zoning of newly annexed land (“initial zoning”) is not subject to a protest petition under State law.

**Effect of a Valid Protest Petition**

**Voting Requirement:** A zoning map change request for which a valid protest petition applies requires an affirmative vote of three-fourths (3/4) of the governing body for approval (6 of 7 Council Members and 4 of 5 County Commissioners).

**Amended Zoning Map Change Requests:** A valid protest petition applies to amendments to the current zoning map change request unless such amendment is deemed significant by the Planning Director. When significant changes to an application require resubmission to the Planning Commission, the Petition Contact will be notified in writing that a new protest petition is required.

**Expiration:** A valid protest petition shall expire after the governing body has voted on the zoning map change.

**Withdrawal of Signature:** Removal of a signature from a petition after it is filed requires a notarized statement signed by all owners of a property as indicated on the original petition. Signatures may be removed any time before the governing body has voted.

**Statement of Opposition**

**We, the undersigned property owners, hereby protest the proposed zoning map change for  
Case Number \_\_\_\_\_ as identified on page one of this petition form.**

Signature of Property Owner	Printed Name	Street Address	Date of Signature

**This page may be duplicated as necessary to accommodate signatories on the petition.**