

## **Durham City and County Official Zoning Map Change Protest Petition**

### **NOTE:**

- This protest petition form must be used to qualify a rezoning protest under NC General Statute 160A-385 and 386 for the City, and similar special legislation for the County.
- It must be filed with the City Clerk or County Clerk at least four workdays prior to the date established for the governing body's public hearing on the proposed zoning map change, to allow sufficient time to determine the sufficiency of the petition. (This excludes Saturdays, Sundays and holidays taken by either jurisdiction, and typically means the protest petition must be filed with the appropriate Clerk by close of work on Monday of week 1 before hearing on Monday of week 2.)
- Initial zoning of newly annexed land cannot be protested.

Zoning districts applicable to individual properties may be proposed for amendment by the filing of a zoning map change request. Similarly, significant amendment of development plans approved as part of a zoning map change may also be proposed. In accordance with state statutes and/or special legislation, when a valid protest petition against such a change is filed, such change shall not become effective except by favorable vote of three-fourths of all members of the governing body. (At present, this means 4 of 5 County Commissioners, or 6 of 7 Council Members.)

To be valid, a protest 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.

The petition must be signed by all persons having an ownership interest in the property, as represented by the signatures on the property deed – i.e., both spouses, the managing partner of a partnership, etc.

Removal of signatures from this petition after it is filed requires a notarized statement signed by all owners of a property as indicated on the protest petition.



