

**PROTEST PETITION
IN PROTEST OF A PROPOSED ZONING MAP AMENDMENT
CITY OF WILSON, NORTH CAROLINA**

TO THE CITY COUNCIL OF THE CITY OF WILSON:

By the signing of this protest petition, we, the undersigned property owners of real property, do hereby object to the proposed change in zoning as herein described:

APPLICANT: _____

PROPERTY OWNER: _____

PROPERTY ADDRESS: _____

GENERAL LOCATION: _____

PRESENT ZONE: _____

REQUESTED ZONE: _____

Requirements for protest petitions as per NCGS 160A-385 and 386, and as per Section 22.E of the City of Wilson Zoning Ordinance:

1. *Qualified protests – effect of same.* In case of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the City Council. For the purposes of this subsection, vacant position on the council, and members who are excused from voting, shall not be considered “members of the council” for calculation of the requisite supermajority.
2. *Qualified protests – determination of.* To qualify as a protest under this section, the petition must be signed by the owners of **either:**
 - a. twenty percent (20%) or more of the **area** included in the proposed change; or
 - b. five percent (5%) of a 100-foot-wide buffer **extending along the entire boundary of each discrete or separate area proposed to be zoned.** A street right-of-way shall not be counted as part of the 100-feet 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 tax parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the outer property lien(s) 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.

When real property is owned concurrently by more than one person, the “owner,” for purposes of this section, shall mean **all of the owners** (joint tenants, tenants-in-common, or tenants by the entireties).

3. *Contents, form of petition.* Protest petitions filed hereunder shall be **on this form** and shall actually bear the signatures of the requisite number of property owners and state that the signers do protest the proposed change or amendment. This form shall be accompanied by a map, clearly and legibly drawn, of **a minimum size** not less than **eight and one-half (8½ inches by eleven (11) inches**, and upon which, or attached thereto, are shown the following:

- a. Names and addresses of the owners of the property sought to be rezoned, and the names and addresses of all of the owners of the property described in paragraph 2.b, above.
- b. Lot boundaries, with those segments adjoining the property to be rezoned accurately labeled as to length, showing the entire extent of those properties described in paragraphs 2.a and 2.b, above, all of which are required to determine the validity of the protest petition.

A petition shall be complete, in all respects, at the time of filing, and no additions, corrections, revisions, or other amendments shall be allowed subsequent to the filing deadline as described, below, except as follows: 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 herein at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.**

4. *Time for filing.* A qualified protest petition must be received by the city clerk in sufficient time to allow the city at least two (2) normal workdays, excluding Saturdays, Sunday, and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. For purposes of this ordinance, “two (2) normal workdays” shall mean at least forty-eight (48) hours prior to the date of the hearing. The hours prior to the time of the hearing on the scheduled date of the hearing shall not be added to the requisite forty-eight (48) hours to determine if such protest petition has been filed on time. “Legal holidays” shall mean all those days set forth in North Carolina General Statute 103-4 and shall also include all approved state, county, or city holidays since some of the required public records to determine the sufficiency of a petition may be unavailable for inspection due to office closings on these days.

5. *Exceptions.* The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted conditional use district if the amendment does not change the types of uses that are permitted within the district, 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 approved for the conditional use district.

