

Instructions for Formal Protest Against Proposed Zone Change

Introduction

Generally, a zoning map change requires approval of a simple majority (more than 50%) of the members of the Common Council in order for the zone change to become effective. State law and City ordinance provides, however, that if a certain percentage of the property owners within or **immediately** adjacent to the area proposed to be rezoned sign a **formal protest petition**, then an overwhelming majority (75 percent) of the Common Council who vote must vote in favor of the zone change for it to become effective. Thus, owners of property within the area proposed to be rezoned or neighboring the property proposed to be rezoned, whether they own property across the street or their property adjoins the area proposed to be rezoned, can trigger a requirement that the zone change not be approved unless at least 75% of the Common Council members voting on the rezoning vote in favor of the change.

This formal protest petition is not a “popularity contest” where many signatures are needed. **Generally**, only a one or a two adjoining property owners need to sign this type of petition to require a super majority approval by the Common Council.

If you own property within the area proposed to be rezoned or adjacent to or across the street from property proposed to be rezoned and you are opposed to the proposed zone change, the attached petition should be completed and returned according to the instructions below.

Instructions for Preparing Formal Petition

On the attached petition, please identify the address of the property proposed to be rezoned and the address of the property you own. If you own several properties in close proximity to the area proposed to be rezoned, please list all of those addresses in the space provided. Then, print your name in the appropriate location on the petition, **take the petition to a notary public, sign the petition in the presence of the notary, and have your signature notarized**. For your convenience, notary services are available at City Hall in the Clerk/Customer Service Office (1st Floor), City Attorney Office (2nd Floor), and Engineering/Planning Department (3rd Floor). After your petition has been notarized, please be sure to turn it in to the City Clerk/Customer Service Office at least three (3) business days before the Common Council is scheduled to act on the rezoning. If you have neighbors who are against the proposed zone change and own property adjacent to or across the street from property being considered for rezoning they should also complete the same petition and may be “needed” for the 20 percent rule.

Questions regarding this process can be directed to the City Clerk/Customer Service Office at City Hall by calling 261-6620 or can be directed to the City Attorney Office at 261-6590.

Prepared by: Joe Pribanich, City Planner
Date: November 28, 2007
Revised: December 4, 2007
December 13, 2007

ZoneChangeProtestPetitionInstructions JMP:ca

Formal Protest Petition Against Proposed Zone Change

To the Common Council of the City of Wausau:

Please consider this as a formal protest against the proposed zone change amendment for:

(Address or Addresses of Property Proposed for Rezoning)

It is my understanding that, if a sufficient number of property owners adjacent to this proposed rezoning submit this type of petition, the zone change can only be approved if not less than a three-fourths of the Common Council members voting on this rezoning vote in favor of the change.

I own the property at the following address(es): _____

(Address/Addresses of Property/Properties Owned by Protest Petitioner)

I believe this qualifies me as a formal protest petitioner.

Below is my signature in protest against this zone change, witnessed and notarized by a notary public.

(Signature of Protest Petitioner)

(Signature of Protest Petitioner)

(Print Name)

(Print Name)

(Date Signed)

(Date Signed)

State of Wisconsin

} ss.

_____ County }

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

ZoningFormalProtestPetition.frm

Drafted by: Joe Pribanich, City Planner
Date: December 4, 2007
Revised: December 13, 2007

Notification to Withdraw Name From Formal Protest Petition Against Proposed Zone Change

To the Common Council of the City of Wausau:

Please consider this as a **formal withdrawal** of my name from a formal protest against the proposed zone change amendment for:

(Address or Addresses of Property Proposed for Rezoning)

I had previously signed and submitted a formal protest petition against the proposed zoning for the above address. I have changed our mind on this issue and wish to have my name removed from the formal protest petition.

I own the property at the following address(es): _____

(Address/Addresses of Property/Properties Owned by Protest Petitioner)

Below is my signature, witnessed and notarized by a notary public to confirm my desire to have my name removed from the earlier petition,

(Signature of Protest Petitioner)

(Signature of Protest Petitioner)

(Print Name)

(Print Name)

(Date Signed)

(Date Signed)

State of Wisconsin

} ss.

_____ County }

On the above date, this instrument was acknowledged before me by the named person(s).

(Signature, Notary Public, State of Wisconsin)

(Print or Type Name, Notary Public, State of Wisconsin)

(Date Commission Expires)

ZoningFormalProtestPetitionwithdrawal.frm

Drafted by: Joe Pribanich, City Planner
Date: December 13, 2007
Revised:

Evaluating Formal Protest Petitions Against Proposed Zone Changes

One of three criteria must be met by protest petitioners in order to trigger the requirement that a proposed zone change be approved by a three-fourths vote of the members of the Common Council voting on the proposed change. The petition(s) must be signed and notarized by the owners of:

1. Twenty percent (20%) or more of the area of the land included in the proposed zoning amendment; OR
2. Twenty percent (20%) or more of the area of land immediately adjacent and extending 100 feet from the area proposed to be rezoned; OR
3. Twenty percent (20%) or more of the land directly opposite the area proposed to be rezoned extending 100 feet from the street frontage of such opposite land.

The above language is taken almost verbatim from Section 62.23(7)(d)2m of the State Statutes and Section 23.78.080 of the *Wausau Municipal Code*. To help with the interpretation of these criteria, attached are examples of the types of situations and the calculations that may need to be performed to determine if a protest petition meets at least one of the above criteria. This type of evaluation should be performed with input from Engineering Department staff as well as the City Attorney's Office, which will make the final determination as to whether or not the protest petition(s) meets the statutory requirement of a formal protest.

Prepared by: Joe Pribanich, City Planner
Date: November 28, 2007
Revised:

ZoneChangeProtestPetitionEvaluation
JMP:ca

Illustrations/Examples for Determining Validity of Protest Petitions Against a Proposed Zone Change

Criterion 1: 20% or more of the area included within the proposed amendment.

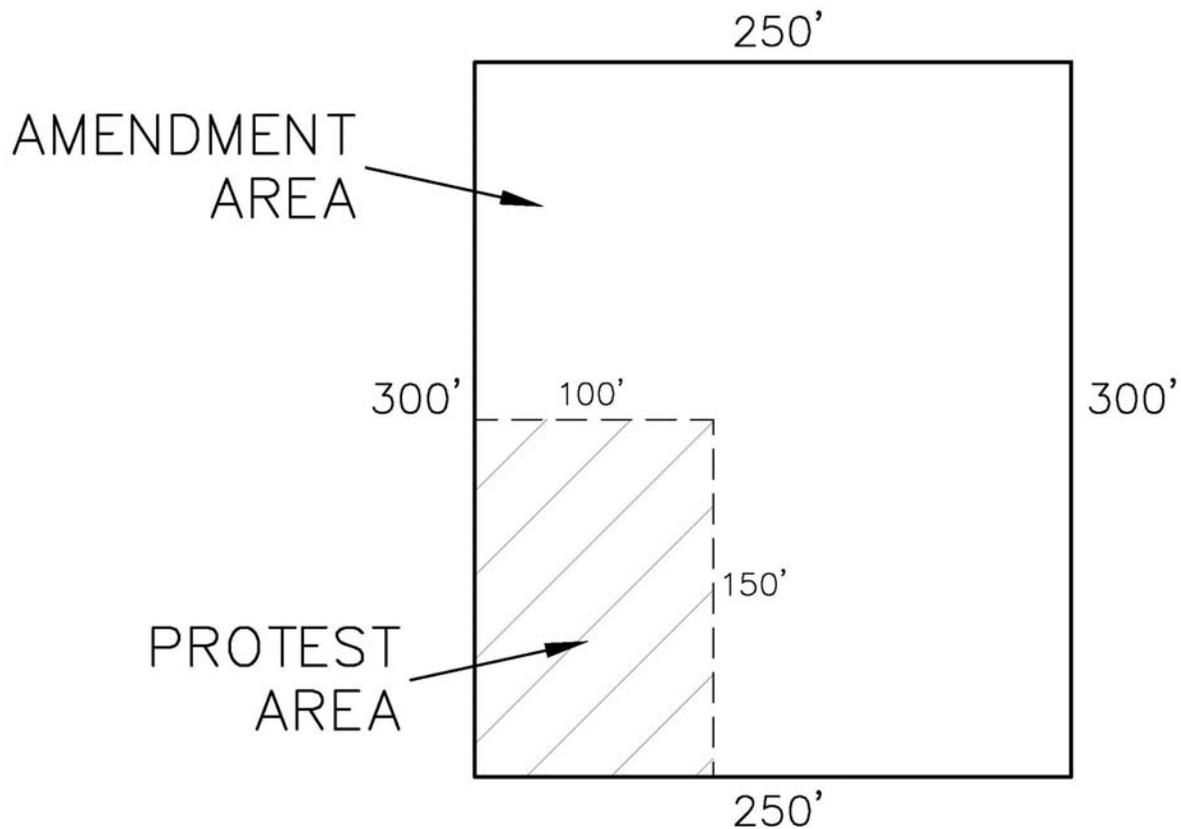
Total Area of Proposed Amendment = 250 feet X 300 feet = 75,000 Square Feet.

Area Owned by Protest Petitioner = 100 feet X 150 feet = 15,000 Square Feet.

15,000 Square Feet (divided by) 75,000 Square Feet = 20%

Petitioner Meets Criterion 1.

Illustration:



OR **Criterion 2:** 20% or more of the area of the land immediately adjacent extending 100 feet therefrom.

Example 1:

Total area including the petitioner's = 200 feet X 200 feet = 40,000 Square Feet.

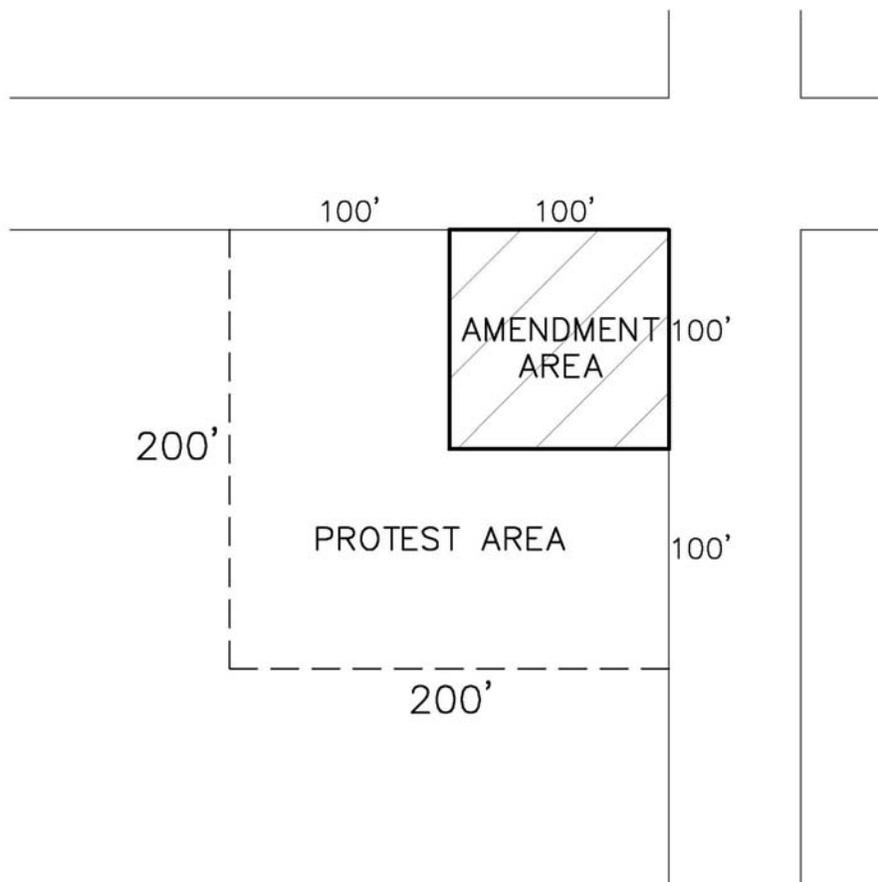
Amendment Area = 100 feet X 100 feet = 10,000 Square Feet.

Difference = 30,000 Square Feet (40,000 Square Feet - 10,000 Square Feet).

20% of 30,000 Square Feet = 6,000 Square feet.

Protest petitioners owning 6,000 square feet of land or more within the 30,000 square foot area would qualify.

Illustration:



Example 2:

Total area including the petitioner's = 200 feet X 250 feet = 50,000 Square Feet.

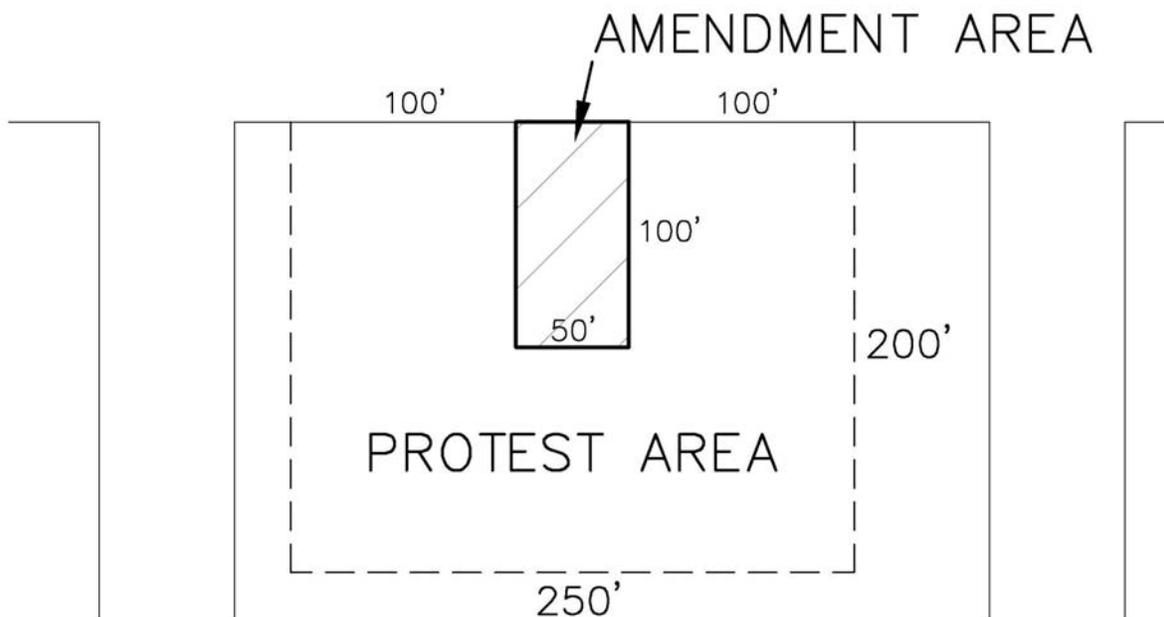
Amendment Area = 100 feet X 50 feet = 5,000 Square Feet.

Difference = 45,000 Square Feet (50,000 Square Feet - 5,000 Square Feet).

20% of 45,000 Square Feet = 9,000 Square feet.

Protest petitioners owning 9,000 square feet or more within the 45,000 square foot area would qualify.

Illustration:



OR Criterion 3: 20% or more of the land directly opposite from the petitioner's extending 100 feet from the street frontage of such opposite land.

Example 1:

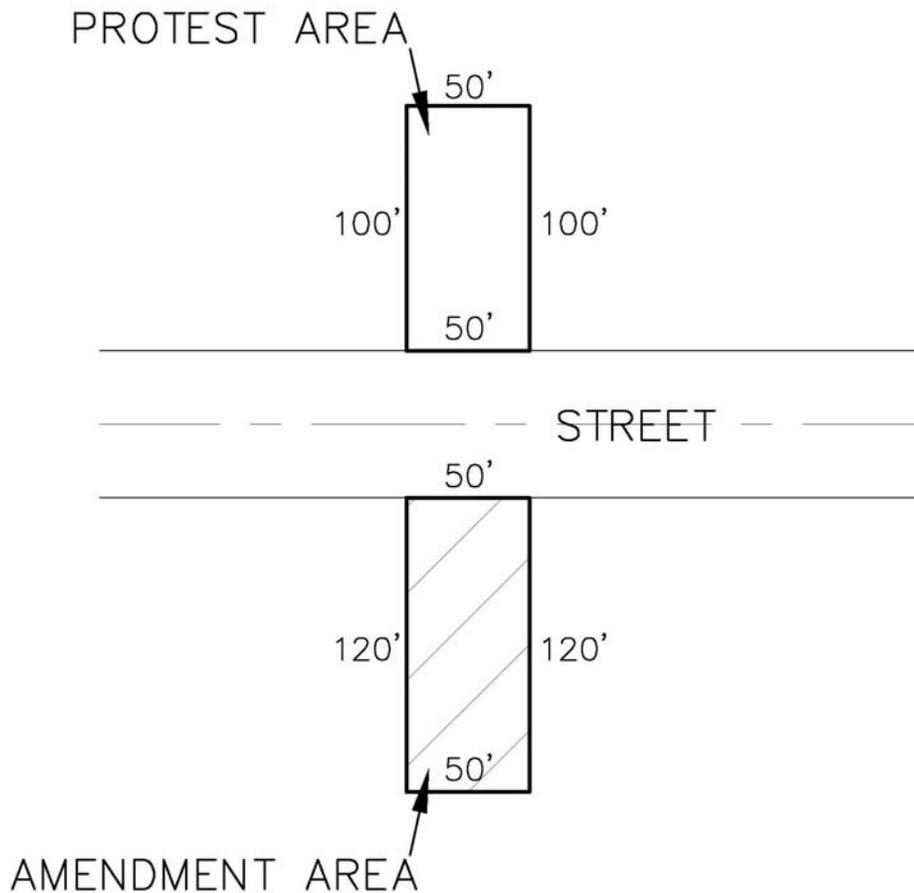
Petitioner's frontage across the street = 50 feet of street frontage.

Area extending 100 feet from street frontage = 50 feet X 100 feet
= 5,000 square feet.

20% of 5,000 square feet = 1,000 square feet.

Protest petitioners owning at least 1,000 square feet of property within the 50 foot by 100 foot area across the street would qualify.

Illustration:



Example 2:

Petitioner's frontage across the street = 100 feet + 100 feet = 200 feet of street frontage.

Area extending 100 feet from street frontage = 100 feet X 100 feet + 100 feet X 100 feet
= 20,000 square feet.

20% of 20,000 square feet = 4,000 square feet.

Protest petitioners owning at least 4,000 square feet of property within either or both of the two 100 foot by 100 foot areas across the street would qualify.

Illustration:

