

## **Section 1108 Procedure for Petition of Protest**

A written petition of protest may be filed with reference to any proposed change to the zoning map. In case of a protest against such change, an amendment shall not become effective except by three-fourths (3/4) vote of the Village Council. For purposes of this subsection, vacant positions on the Council and members who are excused from voting shall not be considered 'members of council' for calculation of the requisite three-fourths vote. To qualify as a protest, the petition must be signed by the owners of either (i) twenty percent (20%) or more of the area included in the proposed change or (ii) five percent (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 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 subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Village may rely on the county tax listing to determine the 'owners' of potentially qualifying areas. 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 in this Ordinance at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement. This section shall not be applicable to any amendment which initially zones property added to the territorial coverage of this Ordinance as a result of annexation or otherwise.

(A) No protest against any proposed change shall be valid or effective unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment and unless it shall have been received by the Village Clerk in sufficient time to allow the Village at least two (2) normal work days excluding Saturdays, Sundays 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. All protest petitions shall be on a form prescribed and furnished by the Zoning Administrator and such form may prescribe any reasonable information deemed necessary to permit the Zoning Administrator to determine the sufficiency and accuracy of the petition. No fees for processing any such petition shall be assessed by the Village.