

# WHAT IS YOUR RIGHT TO PROTEST?

Under State Law, property owners have the right to protest proposed changes to zoning regulations. This document answers the following questions:

- What are the criteria for a valid protest?
- Am I eligible to protest?
- How do I submit a petition?
- How do I fill out the petition form?
- What does the City do with the petitions?
- What is the deadline to submit my petition?
- How do petitions impact the voting process?
- What else do I need to know?

## WHAT ARE THE CRITERIA FOR A VALID PROTEST?

To protest changes to zoning regulations, a property owner must sign a written document explaining why they are against the change. This written document is called a “petition.”

For a petition to be valid, the City must verify the following:

- The person signing the petition:
  - Currently owns the property; AND
  - Is an affected property owner;
- The person is an affected property owner because they are someone:
  - Whose property will be subject to the change; or
  - Whose property is located within 200 feet of a property that will be subject to the change;
- The petition is on or consistent with the petition form provided by the City.

## AM I ELIGIBLE TO PROTEST?

Before signing a petition, it is recommended you verify if you are eligible to protest.

Under State Law, only property owners have the right to protest changes to zoning regulations. You are eligible to sign a petition if you own property that will be affected by the proposed changes or if you own property within 200 feet of property that will be affected by the proposed changes.

To see the protest eligibility criteria for specific code amendments, visit [speakupaustin.org/LDCupdates](http://speakupaustin.org/LDCupdates) or see the petition forms for individual code amendments:

- [Citywide Compatibility](#)
- [HOME Phase 2](#)

- [Electric Vehicle Charging](#)
- [Equitable Transit Oriented Development \(ETOD\) Overlay](#)

You can use the City's [Property Profile](#) website to find the zoning on your property and other properties in the city.

## HOW DO I SUBMIT A PETITION?

1. Download and print the petition form.
2. Fill out the petition according to the instructions below.
3. Mail or hand deliver the petition to the City of Austin Planning Department.

### **Mailing instructions:**

Please mail your petition to the following address:

**City of Austin, Planning Department**

**ATTN: Lauren Middleton-Pratt**

**P.O. Box 1088**

**Austin, TX 78767**

### **Delivery instructions:**

Please deliver your petition to the **City of Austin Permitting and Development Center (PDC) at 6310 Wilhelmina Delco Dr, Austin, TX 78752.**

Drop off the petition at the front desk, located on the first floor of the building. The front desk will also have printed copies of this petition form that you may fill out in person. Visit the [Permitting and Development Center](#) website for business hours, a building map, and directions.

Please note that PDC front desk workers will not be able to answer questions about the petition process or the code amendments. Please direct these questions to Planning Department staff at [LDCupdates@austintexas.gov](mailto:LDCupdates@austintexas.gov) or (512) 974-7220.

## HOW DO I FILL OUT THE PETITION FORM?

### **Fill out the petition by:**

- Writing in ink; or
- Typing (with property owner signature(s) written in ink)

### **1. Include the following information:**

- The date the petition was signed
- Phone number and email of property owner or petition sender, if petition contains multiple property owners
- Signature(s) in ink of property owner(s)
- Printed name(s) of property owner(s)
- The address(es) of the affected property or property within 200 feet of affected property

## 2. Briefly state the reasons for the protest.

## WHAT IS THE DEADLINE TO SUBMIT MY PETITION?

Hand-delivered petitions must be submitted no later than **4:45 pm** the day before the City Council public hearing. Mailed petitions should be postmarked at least 7 business days prior to the City Council public hearing to ensure that they arrive prior to the deadline. You are encouraged, however, to submit your petition earlier to ensure that validation occurs in a timely manner.

## HOW DO PETITIONS IMPACT THE VOTING PROCESS?

A minimum number of petitions with verified signatures against a proposed change can impact how many votes in favor of the change are required from the City Council.

Reaching the minimum number of petitions with verified signatures can happen in two ways:

- Owners of 20% of the area of lots or land covered by the proposed change submit verified signatures; OR
- Owners of 20% of the area of lots or land within 200 feet of the area covered by the proposed change submit verified signatures.

A simple majority of the City Council (typically 6 out of 11 votes) is required to approve the change if the City does not receive the minimum number of petitions with verified signatures against the proposed change.

A super majority or three-quarters of the City Council (typically 9 out of 11 votes) is required to approve the change if the City receives the minimum number of petitions with verified signatures against the proposed change.

## WHAT ELSE DO I NEED TO KNOW?

- **The City does not accept petitions via email or any other form of electronic submission.** To ensure that your petition is submitted with all the necessary information, the City does not recommend using a third-party website to submit a petition.
- **City staff must verify the property owner information provided in each petition with county appraisal districts records.** If there has been a recent sale of the property, the

current owner may not be shown in appraisal district records; if this is the case, please provide a copy of the deed or closing statement with the petition to establish ownership. If a protester signs for someone other than the owner of record, a Power of Attorney should accompany the petition.

- **Condominiums may protest the rezoning if the petition is signed by the appropriate officer of the governing body of the condominium.** An individual condominium owner shall not be included when calculating the petition unless the documents governing the condominium clearly establish the right of an individual owner to act with respect to his or her respective undivided interest in the common elements of the condominium.

If you need additional information or assistance concerning petitions, please contact the Planning Department at [LDCupdates@austintexas.gov](mailto:LDCupdates@austintexas.gov) or (512) 974-7220.