PROTEST PETITION - Overview
A protest petition allows neighboring or internal property owners to express their opposition to a proposed rezoning. Property owners can protest a proposed rezoning by signing the protest petition. If a protest petition is timely submitted and valid, the proposed rezoning will need 10 affirmative votes by City Council (instead of the seven votes typically required) to approve the rezoning.

What’s in the Protest Petition Guide?
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Helpful Links
- Denver Charter, Section 3.2.9 - Zoning
- Denver Zoning Code, Section 12.4.10.5 Protest Petition - denvergov.org/zoning
- Proposed Rezonings Webpage - denvergov.org/proposedrezonings (i.e. active rezoning applications)
- Rezoning Guide - denvergov.org/rezoning
PROTEST PETITION - Process

Timeframe

Pre-Application Review | Planning Board Public Hearing | 1 Request Protest Petition Packet | 2 Collect Protest Petition Signatures | City Council Public Hearing
3-4 weeks | 1 week | 3 weeks* | 1 week

Rezoning Application Submitted | LUTI Committee | Receive Protest Packet and First Reading of the Ordinance | 3 Deadline to Submit Protest Petition

* This is a summarized version of a rezoning timeframe estimate. Unique circumstances and/or rezoning complexity may alter the overall timeframe. Visit denvergov.org/proposedrezonings to find out dates for the Planning Board Hearing, LUTI Committee, and City Council Public Hearing.

Protest Petition Process Steps

1 Request Protest Petition Packet

- Request the official protest petition by contacting the Community Planning and Development Department (CPD) case manager via email and copying rezoning@denvergov.org or by calling (720) 865-2974. Case manager information can be found online at denvergov.org/proposedrezonings.

- Once requested, the case manager will work with city staff to put together the protest petition packet. This packet will contain the protest petition form (see Image 1), map (see Image 2), legal description and a spreadsheet with data from the Assessor’s records needed to fill out the protest petition form. This may take up to seven business days to compile.

- The CPD case manager will provide the protest petition packet to the person requesting the petition. The circulator, the individual tasked with collecting signatures, is responsible for incorporating the information from the Assessor’s records into the protest petition form so it can be circulated to property owners.

2 Collect Protest Petition Signatures

- After the first reading of the rezoning bill by City Council, the circulator may begin obtaining signatures of property owners within 200 feet of the property proposed to be rezoned; or within the area proposed to be rezoned on the protest petition form. The map provided by CPD will show the properties within 200 feet or within the rezoning. The time frame in which signatures can be collected is typically three weeks.

- Property owners must sign and print their name on the protest petition form exactly as it appears on the deed to the property, or, for owner representatives, exactly as it appears on an applicable authorization document.

- A protest petition must be signed by the owner(s) of 20% or more of the land area included in the rezoning or the area within 200 feet from the perimeter of the proposed rezoning.
PROTEST PETITION - Process

2 Collect Protest Petition Signatures (Continued)
   • After collecting signatures from property owners, the
     circulator must sign the protest petition form under
     “Affidavit of Circulator” and have the affidavit notarized.

3 Deadline to Submit Protest Petition
   • The signed protest petition must be submitted to City Council
     by 12:00 p.m. (noon) seven days prior to the scheduled
     City Council public hearing on the proposed rezoning.
     You may contact the CPD case manager to confirm the
     date of the hearing and the due date for the petition.
   • Staff will only review the protest petition after the 12:00 p.m.
     deadline seven days prior to the scheduled public hearing.
   • Submit completed form to the City and County Building
     at 1437 Bannock Street, Room 451 Denver, CO 80202.
PROTEST PETITION - Example within 200 feet of Proposed Rezoning

Example One: A protest petition can only be signed by the owner(s) of property 200 feet from the perimeter of the area proposed for rezoning. The 200-foot distance is inclusive of streets (right-of-way) and other publicly-owned property.

For a protest petition to be successful, property owners of at least 20% of the land area within 200 feet of the proposed rezoning would need to sign the protest petition.

Example One:

For example, if the property in red is proposed to be rezoned, and the total land area within 200 feet from the perimeter of the property proposed to be rezoned is 7 acres, then a valid protest petition would need to be signed by the owner or owners of at least 1.4 acres (7 acres x 20% = 1.4 acres). There are no requirements for the number of properties that need to be included in the 200-foot boundary or the number of acres comprising the 20% of the total land area.
PROTEST PETITION - Example within the Proposed Rezoning

Example Two: Property owners whose property is included in the rezoning may protest the proposed rezoning.

Example Two:

The properties inside the red boundary line are proposed to be rezoned. To protest the rezoning, property owners of at least 20% of the land area within the proposed rezoning need to sign the protest petition.

For example, if the properties within the red boundary line are proposed to be rezoned, and the total land area proposed to be rezoned is 4 acres, then a valid protest petition would need to be signed by the owner or owners of at least 0.8 acres (4 acres x 20% = 0.8 acres). There are no requirements for the number of properties that need to be included in the 200-foot boundary or the number of acres comprising the 20% of the total land area.
PROTEST PETITION GUIDE

PROTEST PETITION - Frequently Asked Questions

Does the person who circulates the petition, or circulator, have to own property within 200 feet of the proposed rezoning or within the boundaries of the proposed rezoning?

• No. However, all signatures collected for a protest petition must be from property owners within 200 feet of the proposed rezoning. If collecting signatures for a protest petition from property owners within the boundaries of the proposed rezoning, then all signatures collected must be from property owners within the area to be rezoned.

What if the property owner lives out of state?

• If a property owner lives out of state, a form will need to be mailed to them. The out of state property owner will then sign the form, have it notarized, and mail it back to the circulator.

What if there are multiple property owners?

• If a property has more than one property owner, all owners must sign the petition to receive full credit for the property. If only one property owner signs the petition, the property will receive partial credit towards the 20% total land area requirement.

What if multiple people circulate a protest petition?

• Multiple protest petitions will be accepted. During the review, petitions will be combined, and duplicate signatures that are considered valid will only be counted once.

How else can I voice my concerns?

• Written comments are welcome throughout the process for all rezonings. Once the Planning Board public hearing has been set, there are two time windows for submitting comments. We encourage anyone wishing to submit a comment to do so as early in the process as possible.

• Comment Window #1: Opens when public notice goes out and closes at 5 p.m. nine days before the public hearing. Comments submitted during this window are included in the staff report that is distributed to Planning Board members and posted online one week before the public hearing. (Note: If the staff report closing deadline lands on a city holiday, deadlines for comments to be included may change. Contact the CPD case manager for more information.)

• Comments Window #2: Opens at the end of Comment Window #1 and closes at 12 p.m. (noon) on the day before the public hearing. Comments submitted during this window are distributed electronically to Planning Board on a regular basis and by hard copy at the meeting.

• Comments received after the comment period for the Planning Board public hearing are included in all staff reports prepared for subsequent meeting and public hearings on the case. The Land Use, Transportation and Infrastructure Committee (LUTI) meetings are held every Tuesday. Staff reports close for comments at noon the Thursday before the meeting. City Council meetings are held every Monday. Staff reports close for comments at noon the Thursday before the meeting. After noon on that Thursday, comments may be emailed to dencc@denvergov.org until 3 p.m. the day of the City Council public hearing. After 3 p.m. on the day of the hearing, written comments may be submitted at the public hearing to the Council Secretary, who will distribute them to the council. In order to provide council members adequate time to review written comments, members of the public are strongly encouraged to submit their comments prior to the day of the public hearing.

• The public is also welcome to speak at the public hearing.

What if a property owner is a company (LLC, PC, Living Trust, etc.)?

• If the owner is a corporate entity, proof of authorization for an individual to sign on behalf of the organization is required. This may include board resolutions authorizing the signer, bylaws, a Statement of Authority, or other applicable documents. For instance, if a property within the 200-foot boundary is owned by an LLC, proof of authorization may be the LLC’s Articles of Incorporation. The proof of authorization must be attached and submitted with the protest petition form.
What if the ownership information on the protest petition form from the city is not correct?
- CPD provides City Assessor’s records, which can be used to populate the protest petition. However, CPD cannot guarantee the City Assessor’s information is up-to-date. Please confirm accuracy with each signatory. In the case that ownership differs from that in the Assessor’s records, signatory must provide a hard copy of their deed which must be attached and submitted with the petition for their signature to count as valid. Please note any corrections with initials.

What is partial credit?
- There are two types of partial credit. A property can receive partial credit on the protest petition if only a part of it falls within the 200-foot buffer surrounding the site proposed for a rezoning. As in Example 1, property B would only count as partial credit towards the 20% requirement because only a portion of the property falls within 200 feet of the proposed rezoning.
- The second type of “partial credit” occurs when a property is owned by more than one party and not all parties sign the protest petition. For example, when a site has two property owners and only one property owner signs the petition, that property will only receive half credit.

Can a signature be withdrawn?
- Signatures may be withdrawn from the protest petition up until the deadline of 12 p.m. (noon) seven days prior to the scheduled public hearing. A property owner may contact the City Council office at dencc@denvergov.org or (720) 337-2000 to withdraw their name from the protest petition.