

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 1136**

Short Title: Durham Protest Petition.

(Local)

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Sponsors: Senator Hunt.

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Referred to: State Government, Local Government, and Veterans' Affairs.

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May 18, 2004

1                                   A BILL TO BE ENTITLED  
2 AN ACT TO CLARIFY THE AUTHORITY OF THE CITY OF DURHAM TO  
3     ADOPT ORDINANCES AND GUIDELINES CONCERNING PROTEST  
4     PETITIONS.

5 The General Assembly of North Carolina enacts:

6           **SECTION 1.** Section 94.5 of the Charter of the City of Durham, being  
7 Chapter 671 of the 1975 Session Laws, as amended, is further amended by placing the  
8 letter (a) before the existing paragraph and adding a new subsection to read:

9           "(b) In addition to the authority given in G.S. 160A-386 to adopt ordinances  
10 regarding the submission of protest petitions, the City may adopt ordinances and  
11 guidelines to implement the provisions of G.S. 160A-385. Those ordinances and  
12 guidelines may define the manner of calculating the number and configuration of the  
13 sides of the tract(s) under consideration for rezoning, the method of calculating the area  
14 eligible to protest under the 100-foot standard provided in G.S. 160A-385, and the  
15 manner and procedures by which signers must execute a protest petition and withdraw  
16 their signatures on a protest petition. In addition, the City may adopt ordinances and  
17 guidelines to allow proposed development plan rezoning to be treated in the same  
18 manner as proposed rezoning to special use or conditional use districts under  
19 G.S. 160A-385, and to exclude from consideration as "opposite" lots those lots that are  
20 separated from the tract(s) proposed for rezoning by designated State or federal  
21 multilane limited access highways."

22           **SECTION 2.** This act is effective when it becomes law.