

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 1136  
State Government, Local Government, and Veterans' Affairs Committee  
Substitute Adopted 6/17/04**

Short Title: Durham Protest Petition.

(Local)

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Sponsors:

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Referred to:

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May 18, 2004

A BILL TO BE ENTITLED

1  
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 94.4 of the Charter of the City of Durham, being  
7 Chapter 671 of the 1975 Session Laws, as enacted by Chapter 452 of the 1997 Session  
8 Laws and recodified as Section 94.5 by the codifier of the Charter of the City of  
9 Durham, is amended by placing the letter (a) before the existing paragraph and adding a  
10 new subsection to read:

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

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