

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1997**

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**SENATE BILL 739**

Short Title: Durham City Zoning Protests.

(Local)

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Sponsors: Senators Gulley and Lucas.

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Referred to: State Government, Local Government and Personnel.

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April 7, 1997

**A BILL TO BE ENTITLED**

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2 AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO  
3 AUTHORIZE THE CITY TO INTERPRET THE PROVISIONS OF G.S. 160A-385,  
4 CONCERNING ZONING PROTEST PETITIONS, TO MAKE THE  
5 INTERPRETATIONS CONCLUSIVE IN THE ABSENCE OF ARBITRARY OR  
6 CAPRICIOUS ACTIONS; AND, TO REQUIRE THAT PROTEST PETITIONS BE  
7 SUBMITTED TO THE CITY AT LEAST FOUR NORMAL WORKING DAYS  
8 BEFORE THE DATE OF THE REZONING PUBLIC HEARING.

9 The General Assembly of North Carolina enacts:

10 Section 1. The Charter of the City of Durham, being Chapter 671, 1975  
11 Session Laws, is amended by adding the following new section:

12 "Section 94.4. Protest Petitions.

13 (a) For purposes of interpreting G.S. 160A-385, the City's determinations  
14 concerning the eligibility of owners of property to protest rezonings shall be conclusive  
15 in any judicial appeal, in the absence of arbitrary or capricious action.

16 (b) The provisions of G.S. 160A-386, as applied to the City of Durham, are  
17 modified to require that protest petitions be received by the city clerk in sufficient time to  
18 allow the City at least four normal work days, excluding Saturdays, Sundays, and legal  
19 holidays, before the date established for a public hearing on the proposed charge or  
20 amendment to determine the sufficiency and accuracy of the petition."

1           Section 2. This act is effective when it becomes law.