

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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**HOUSE BILL 124
Committee Substitute Favorable 4/30/03**

Short Title: Durham County Zoning Protest Petitions.

(Local)

Sponsors:

Referred to:

February 27, 2003

A BILL TO BE ENTITLED

1 AN ACT ADOPTING A PROTEST PETITION REQUIREMENT FOR DURHAM
2 COUNTY.
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4 The General Assembly of North Carolina enacts:

5 **SECTION 1.(a)** Zoning regulations and restrictions and zone boundaries
6 may from time to time be amended, supplemented, changed, modified, or repealed. In
7 case, however, of a protest against such change, signed by the owners of twenty percent
8 (20%) or more of the area either of the lots included in a proposed change or of those
9 immediately adjacent thereto either in the rear thereof or on either side thereof,
10 extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet
11 from the street frontage of the opposite lots, an amendment shall not become effective
12 except by favorable vote of three-fourths of all members of the board of commissioners.
13 The foregoing provisions concerning protests shall not be applicable to any amendment
14 which initially zones property added to the territorial coverage of the ordinance. They
15 also shall not apply to an amendment to an adopted special use district or conditional
16 use district if the amendment does not: (i) change the types of uses that are permitted
17 within the district or increase the approved density for residential development, (ii)
18 increase the total approved size of nonresidential development, or (iii) reduce the size of
19 any buffers or screening approved for the special use or conditional use district.

20 **SECTION 1.(b)** Protest petitions must be received by the Clerk to the Board
21 of Commissioners in sufficient time to allow the county at least four normal work days,
22 excluding Saturdays, Sundays, and legal holidays, before the date established for a
23 public hearing on the proposed charge or amendment to determine the sufficiency and
24 accuracy of the petition.

25 **SECTION 2.** This act applies to the County of Durham only.

26 **SECTION 3.** This act is effective when it becomes law.