

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE DRS65127-LM-49 (03/11)

Short Title: Durham Development Plans.

(Local)

Sponsors: Senator Gulley.

Referred to:

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO CLARIFY
THE CITY'S AUTHORITY TO REQUIRE SIDEWALKS OR PAYMENTS
INSTEAD OF SIDEWALKS WHEN APPROVING DEVELOPMENT PLANS,
SITE PLANS, AND SUBDIVISION PLATS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 92 of the Charter of the City of Durham, being
Chapter 671 of the 1975 Session Laws, as amended by S.L. 1999-70, reads as rewritten:

"Sec. 92. Development Plans and Site Plans. – In exercising the zoning power
granted to municipalities by G.S. 160A-381, the City Council may require that a
development plan showing the proposed development of property be submitted with any
request for rezoning of such property. The City Council may consider such development
plan in its deliberations and may require that any site plan subsequently submitted be in
conformity with any such approved development plan. The City Council may also
consider any limitations an applicant who submits a development plan may propose on
the number, range, or type of uses to be made of the property and may limit its
consideration of uses to those proposed uses. Such use proposals, where approved, shall
be binding as part of the zoning of the property. In considering development plans and
developer-proposed use limitations, the City Council shall use the legislative public
hearing procedures applicable to general use district rezonings.

In addition, the Council is authorized to require that a site plan be submitted and
approved prior to the issuance of any building permit. The Council may specify the
information to be set forth in a site plan and may require that such site plan be prepared
by a professional engineer, architect, or land surveyor licensed to practice in North
Carolina. The Council may prescribe procedures for the review of such site plans to
ensure that development of property shall conform to applicable zoning and building
laws and regulations or any other relevant law or regulation. The Council may require

1 that site plans be in conformity with previously approved development plans for the
2 same property. In approving development plans, site plans, ~~and~~-subdivision plats, and
3 other zoning, subdivision, and development requests, the City may require that on-site
4 and off-site ~~street-street, sidewalk,~~ and utility rights-of-way be dedicated to the public,
5 that necessary ~~street-street, sidewalk,~~ and utility improvements be constructed, and that
6 provision be made for fees instead of sidewalk construction, and recreational space and
7 facilities where appropriate."

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