

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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SENATE BILL 480

Short Title: Durham Development Plans.

(Local)

Sponsors: Senator Gulley.

Referred to: Finance.

March 20, 2003

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO CLARIFY
2 THE CITY'S AUTHORITY TO REQUIRE SIDEWALKS OR PAYMENTS
3 INSTEAD OF SIDEWALKS WHEN APPROVING DEVELOPMENT PLANS,
4 SITE PLANS, AND SUBDIVISION PLATS.
5

6 The General Assembly of North Carolina enacts:

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

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

21 In addition, the Council is authorized to require that a site plan be submitted and
22 approved prior to the issuance of any building permit. The Council may specify the
23 information to be set forth in a site plan and may require that such site plan be prepared
24 by a professional engineer, architect, or land surveyor licensed to practice in North
25 Carolina. The Council may prescribe procedures for the review of such site plans to
26 ensure that development of property shall conform to applicable zoning and building
27 laws and regulations or any other relevant law or regulation. The Council may require
28 that site plans be in conformity with previously approved development plans for the
29 same property. In approving development plans, site plans, ~~and~~ subdivision plats, and

1 other zoning, subdivision, and development requests, the City may require that on-site
2 and off-site ~~street~~street, sidewalk, and utility rights-of-way be dedicated to the public,
3 that necessary ~~street~~street, sidewalk, and utility improvements be constructed, and that
4 provision be made for fees instead of sidewalk construction, and recreational space and
5 facilities where appropriate."

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