

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 719  
House Committee Substitute Favorable 5/13/99

Short Title: Durham City Development Plans.

(Local)

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Sponsors:

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Referred to:

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April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT ALLOWING THE CITY OF DURHAM AND THE COUNTY OF DURHAM  
2 TO CONSIDER LIMITATIONS ON USES AS REQUESTED IN THE  
3 DEVELOPMENT PLANS SUBMITTED FOR REZONINGS AND TO MAKE  
4 OTHER CHANGES REGARDING THE CONSIDERATION OF DEVELOPMENT  
5 PLANS.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 92 of Chapter 671 of the 1975 Session Laws, being the  
9 Charter of the City of Durham, as amended by Chapter 380 of the 1991 Session Laws,  
10 reads as rewritten:

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

1 the zoning of the property. In considering development plans and developer-proposed  
2 use limitations, the City Council shall use the legislative public hearing procedures  
3 applicable to general use district rezonings.

4 In addition, the Council is authorized to require that a site plan be submitted and  
5 approved prior to the issuance of any building permit. The Council may specify the  
6 information to be set forth in a site plan and may require that such site plan be prepared  
7 by a professional engineer, architect, or land surveyor licensed to practice in North  
8 Carolina. The Council may prescribe procedures for the review of such site plans to ~~insure~~  
9 ensure that development of property shall conform to applicable zoning and building  
10 laws and regulations or any other relevant law or regulation. The Council may require  
11 that site plans be in conformity with previously approved development plans for the same  
12 property. In approving development ~~plans and plans~~, site plans, and subdivision plats, the  
13 City may require that on-site and off-site street and utility rights-of-way be dedicated to  
14 the public, that necessary street and utility improvements be constructed, and that  
15 provision be made for recreational space and facilities where appropriate."

16 Section 2. Section 1 of Chapter 950 of the 1989 Session Laws, reads as  
17 rewritten:

18 "Section 1. (a) Development Plans and Site Plans. In exercising the zoning power  
19 granted to counties by G.S. 153A-340, G.S. 153A-341, and G.S. 153A-342, the Durham  
20 County Board of Commissioners may require a development plan showing the proposed  
21 development of property be submitted along with any request for the rezoning of that  
22 property. The Board may consider the development plan in its deliberations on the  
23 rezoning action. The Board may require that any site plan submitted after the rezoning  
24 action conform with the previously approved development plans for the same property.  
25 The Board may adopt procedures and guidelines for the preparation and presentation of  
26 these development plans. The Board may also consider any limitations an applicant who  
27 submits a development plan may propose on the number, range, or type of uses to be  
28 made of the property and may limit its consideration of uses to those proposed uses.  
29 Such use proposals, where approved, shall be binding as part of the zoning of the  
30 property. In considering development plans and developer-proposed use limitations, the  
31 Board shall use the legislative public hearing procedures applicable to general use district  
32 rezonings.

33 (b) The Durham County Board of Commissioners may require that a site plan be  
34 submitted and approved prior to the issuance of any building permit. The Board may  
35 specify the information to be included in a site plan and may require that the site plan be  
36 prepared by a professional engineer, architect, surveyor, or landscape architect licensed to  
37 practice in North Carolina. The Board may adopt procedures for the preparation and  
38 review of the site plans to ~~insure~~-ensure that development of property shall conform to  
39 applicable zoning and building laws and regulations. The Board may require that site  
40 plans conform with previously approved development plans for the same property. In  
41 approving development plans, site plans, and subdivision plats, the Board may require  
42 that on-site and off-site street and utility rights-of-way be dedicated to the public, that

- 1 necessary street and utility improvements be constructed, and that provision be made for  
2 recreational space and facilities where appropriate."  
3           Section 3. This act is effective when it becomes law.