

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 802

Short Title: Durham City Development Plans.

(Local)

Sponsors: Representatives Michaux; and Luebke.

Referred to: Local Government II.

April 1, 1999

A BILL TO BE ENTITLED

1 AN ACT ALLOWING THE CITY OF DURHAM TO CONSIDER LIMITATIONS ON
2 USES AS REQUESTED IN THE DEVELOPMENT PLANS SUBMITTED FOR
3 REZONINGS AND TO MAKE OTHER CHANGES REGARDING THE
4 CONSIDERATION OF DEVELOPMENT PLANS.
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6 The General Assembly of North Carolina enacts:

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

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

1 use limitations, the City Council shall use the legislative public hearing procedures
2 applicable to general use district rezonings.

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

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