GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1999

SESSION LAW 1999-70
SENATE BILL 719

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

The General Assembly of North Carolina enacts:

Section 1. Section 92 of Chapter 671 of the 1975 Session Laws, being the Charter of the City of Durham, as amended by Chapter 380 of the 1991 Session Laws, 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 ~~insure~~ 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 that site plans be in conformity with previously approved development plans for the same property. In approving development ~~plans and~~ plans, site plans, and subdivision plats, the City may require that on-site and off-site street and utility rights-of-way be dedicated to the public, that necessary street and utility improvements be constructed, and that provision be made for recreational space and facilities where appropriate."

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

"Section 1.(a) Development Plans and Site Plans. In exercising the zoning power granted to counties by G.S. 153A-340, G.S. 153A-341, and G.S. 153A-342, the Durham County Board of Commissioners may require a development plan showing the proposed development of property be submitted along with any request for the rezoning of that property. The Board may consider the development plan in its deliberations on the rezoning action. The Board may require that any site plan submitted after the rezoning action conform with the previously approved development plans for the same property. The Board may adopt procedures and guidelines for the preparation and presentation of these development plans. The Board 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 Board shall use the legislative public hearing procedures applicable to general use district rezonings.

(b) The Durham County Board of Commissioners may require that a site plan be submitted and approved prior to the issuance of any building permit. The Board may specify the information to be included in a site plan and may require that the site plan be prepared by a professional engineer, architect, surveyor, or landscape architect licensed to practice in North Carolina. The Board may adopt procedures for the preparation and review of the site plans to ~~insure~~ ensure that development of property shall conform to applicable zoning and building laws and regulations. The Board may require that site plans conform with previously approved development plans for the same property. In approving development plans, site plans, and subdivision plats, the Board may require that on-site and off-site street and utility rights-of-way be dedicated to the public, that necessary street and utility improvements be constructed, and that provision be made for recreational space and facilities where appropriate."

Section 3. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 20th day of May, 1999.