

March 22, 2001

**S 602. DURHAM ZONING/CAPITAL FACILITIES FEES. AMENDING PROVISIONS OF THE CHARTER OF THE CITY OF DURHAM RELATED TO DEVELOPMENT AND SITE PLANS, ZONING AUTHORITY, AND CAPITAL FACILITIES FEES.** Makes several changes in the Durham city charter: (1) Sec. 92 of the charter now provides that in approving development plans, site plans, and subdivision plats (this bill extends that provision to “other development requests”), the city may require on-site and off-site street and utility rights of way to be dedicated to the public, necessary street and utility improvements be constructed, and provision made for recreational space and facilities. This bill amends the last provision to include “educational” space and facilities and “other necessary public facilities.” (2) The bill adds a new section to the charter providing that with respect to all new development in the city and expansions of existing development, however denominated, the city may impose the requirements of GS 160A-372 (which specifies contents and requirements of subdivision ordinances), the requirements of Sec. 98 of the charter (regarding dedication of recreation areas), and the conditions on use permits as provided in GS 160A-381(c) (regarding dedication of recreational areas and procedures for review of use permits). (3) Sec. 115.3 of the charter specifies purposes for which facilities fees may be imposed. The bill adds a new paragraph specifying that facilities fees may be imposed for providing educational facilities, including land and buildings. Such fees could be imposed only if the city and the board of education have entered into a written agreement regarding the transfer of fees collected for educational facilities to the board of education and the board has adopted plans assuring the fees will be used only for the specified purposes. (4) Sec. 115.4 of the charter specifies how facilities fees are to be set. The bill adds a provision specifying that the city council may have the fees vary according to the adequacy of the public facilities available or projected to serve the new development

**Intro. by Gulley and Lucas.**

Ref. to Finance	DURHAM
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