

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 684

Short Title: Durham/City Development Review Bd.

(Local)

Sponsors: Senators Lucas and Gulley.

Referred to: State Government, Local Government, and Personnel.

April 3, 1997

A BILL TO BE ENTITLED

1 AN ACT AMENDING THE DURHAM CITY CHARTER TO RENAME THE
2 SUBDIVISION REVIEW BOARD AND INCREASING THE NUMBER OF
3 PERSONS WHO MAY SERVE ON THAT BOARD.
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5 The General Assembly of North Carolina enacts:

6 Section 1. Subsection (3) of Section 97 of the Charter of the City of Durham,
7 being Chapter 671 of the 1975 Session Laws, reads as rewritten:

8 "(3) The City Council may provide for the appointment of a board to be known as a
9 ~~Subdivision Review Board consisting of not less than four nor more than six members~~
10 Development Review Board consisting of four or more members who shall serve without
11 pay as such members, each of whom shall be appointed by the Council for a term of years
12 or for a term at the will of the Council, as may be determined by the Council; in the event
13 the Council appoints such Board for a term of years, the term of the office of each
14 member shall be three years. ~~Such Subdivision~~ The Development Review Board shall
15 hear and decide appeals from and review any order, requirement, decision or
16 determination made by any administrative official charged with the enforcement of any
17 ordinance adopted pursuant to this section. It shall also hear and decide all matters
18 referred to in or upon which it is required to pass under any such ordinance. The
19 affirmative vote of a majority of members of the Board shall be necessary to reverse any
20 order, requirement, decision or determination of any administrative official, or to decide

1 in favor of the applicant any matter upon which it is required to pass under any such
2 ordinance or to effect any variation in any of the provisions of such ordinance. Every
3 decision of such Board shall, however, be subject to review by proceedings in the nature
4 of certiorari. Such appeal may be taken by any person aggrieved or by an officer,
5 department, board or bureau of the City. Such appeal shall be taken within such time as
6 shall be prescribed by the ~~Subdivision~~Development Review Board by general rule, by
7 filing with the officer from whom the appeal is taken and with the ~~Subdivision~~
8 Development Review Board a notice of appeal, specifying the grounds thereof. The
9 officer from whom the appeal is taken shall forthwith transmit to the Board all the papers
10 constituting the record upon which the action appealed from was taken. An appeal from
11 the administrative official to the ~~Subdivision~~Development Review Board stays all
12 proceedings in furtherance of the action appealed from until the decision of the
13 ~~Subdivision~~Development Review Board is rendered, at which time the stay of
14 proceedings shall cease, unless the proceedings shall be further stayed by a restraining
15 order granted by a court of record or by the ~~Subdivision~~Development Review Board. The
16 ~~Subdivision~~Development Review Board shall fix a reasonable time for the hearing of the
17 appeal from the administrative official and shall give due notice thereof to the parties,
18 and decide the same within a reasonable time. Upon the hearing, any party may appear in
19 person or by agent or by attorney. The ~~Subdivision~~Development Review Board may
20 reverse or affirm, wholly or partly, or may modify the order, requirement, decision,
21 action or determination appealed from, and shall make such order, requirement, decision
22 or determination as in its opinion ought to be made in the premises, and to that end shall
23 have all of the powers of the officer from whom the appeal is taken. Where there are
24 practical difficulties or unnecessary hardships in the way of carrying out the strict letter
25 of such ordinances, the ~~Subdivision~~Development Review Board shall have the power, in
26 passing upon appeals, to vary or modify any of the regulations or provisions of such
27 ordinances relating to subdivisions, plats, maps and all other requirements of the
28 ordinance, in harmony with the general purpose and intent of this section, so that the
29 spirit of the ordinance may be observed, public safety, convenience and welfare secured
30 and substantial justice done."

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