

Durham City-County Planning Department FY23 Work Program Part B, Program Descriptions

Draft: March 2022

1 Land Use

Process legislative and quasi-judicial applications for public and private land development and make timely recommendations to advisory and elected boards. Manage physical and digital records and public notification in accordance with State statutes and UDO requirements.

1.1 Planning Commission Support (Ongoing)

Description: The Planning Commission reviews and makes recommendations to the governing boards on the following types of items: *Comprehensive Plan* amendments, UDO text amendments, zoning map changes, historic districts, redevelopment plans, and other long-range plans.

Responsibility: Provide ongoing support for the Planning Commission. Prepare agendas, prepare meeting notices and advertisements, arrange and attend meetings, prepare meeting minutes or notes, maintain records, and provide public information.

Authority: UDO Section 2.3, Planning Commission, and the latest version of the “State of North Carolina, County of Durham Interlocal Cooperation Agreement” between the City and County for planning.

1.2 Zoning Map Changes (Ongoing)

Description: Zoning is the process of legally establishing allowable uses of land pursuant to State statutes and the Durham UDO. A zoning map change occurs when a petitioner wishes to change the allowable uses of land as established by the adopted City-County zoning map. An initial zoning is applied when the City Council annexes property into the City’s corporate area.

State statute enables the City and County to require and authorize zoning with a development plan. A development plan specifies commitments that are beyond minimum UDO requirements. Commitments can include density and intensity, tree coverage, setbacks, or any other site development characteristic. The development plan becomes part of the zoning of a property and is reviewed concurrently with the zoning map change request. Subsequent site plans or plats may not deviate from the plan unless otherwise allowed or required by the UDO. The deviation may require a zoning map change. A development plan may be used by the petitioner in any zoning district, but is required in the PDR, CC, MU, and IP districts. A development plan is also required in the RS-M District if the applicant proposes to develop a building greater than 35 feet in height or proposes a density greater than eight units per acre, and in the RU-M District if the applicant proposes a density greater than 12 units per acre. Petitioners may request an administratively approved deviation from an approved development plan under certain conditions.

Responsibility: Process applications for a Zoning Map Change in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice,

managing Planning Commission review and recommendation, managing governing board consideration, and maintaining public records.

Authority: UDO Section 3.5, Zoning Map Change.

1.3 Comprehensive Plan Amendments (Ongoing)

Description: The current *Durham Comprehensive Plan* was adopted by the City and County in 2005 to guide the physical growth and development of the City. The Plan's Future Land Use Map provides guidance on desired patterns of land use. When proposed zoning map changes are in significant conflict with the Future Land Use Map, as determined by the Planning Director, the petitioner is required to submit a petition for a plan amendment. The UDO establishes required procedures for neighborhood meetings, application submittal, and review and consideration by advisory and governing bodies.

Responsibility: Process applications for Plan Amendments in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, preparing summary reports for the Joint City-County Planning Committee (JCCPC), preparing staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing Planning Commission review and recommendation, managing governing board review and decision, and maintaining public records. City- or County-initiated Plan Amendments also include conducting neighborhood meetings.

Authority: UDO Section 3.4, Comprehensive Plan Adoption/Amendment.

1.4 Annexation Petitions (Ongoing)

Description: Coordinate multi-departmental review of voluntary annexation petitions.

Responsibility: Serve as the lead agency for consolidated annexation agenda items, including processing applications for voluntary annexation in a timely manner and accordance with State statute and Department procedures. This includes pre-submittal conferences, application intake, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing governing board consideration, and maintaining public records. It also includes incorporating Utility Impact Analysis (UIA) information from Public Works, Fiscal Impact Analysis (FIA), and initial zoning information into the coordinated recommendation to City Council.

Authority: NCGS § 160A-31 and Coordinated Annexation Strategy resolution, adopted by City Council in October 2012.

1.5 Statutory Vested Rights Determinations (Ongoing)

Description: The UDO establishes a procedure for obtaining a statutory vested right in conformance with NCGS § 153A-344.1 and NCGS § 160A-385.1. A vested right may be established upon approval of a "site specific development plan" after a public hearing by the governing board. New or amended zoning regulations shall not apply to a property with an established vested right until the vested right expires or is terminated.

Responsibility: Process applications for Statutory Vested Rights Determinations in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing governing board consideration and notification of the decision, and maintaining public records.

Authority: UDO paragraph 3.20, Statutory Vested Rights Determination.

1.6 Watershed Determinations (Ongoing)

Description: When the precise location of a water supply watershed boundary is unclear, a formal determination by the Planning Director with the concurrence of the relevant governing board and the State of North Carolina is required. The North Carolina Administrative Code requires that the North Carolina Environmental Management Commission (EMC) approve all expansions and deletions to protected and critical watershed area boundaries before adoption by the local government.

Responsibility: Process private requests for watershed determinations in accordance with UDO requirements and Department procedures. This includes preparation of staff reports and recommendations, routing the request to the EMC for approval, ongoing applicant contact and information, managing governing board consideration, and maintaining public records.

Authority: UDO paragraph 4.11.3, Rules for Interpretation of Overlay Boundaries, and the North Carolina Administrative Code.

1.7 Unified Development Ordinance Text Amendments

Description: Development issues give rise to changes in Durham’s development regulations. Citizens may apply for zoning text amendments, or the City or County may initiate zoning text amendments.

Responsibility: Propose and process amendments to the *Unified Development Ordinance* (UDO) as necessary to respond to development and regulatory issues in a timely manner and accordance with the UDO. This includes pre-submittal conferences as needed; application intake; ongoing applicant contact and information, as applicable; coordination of review by other Planning staff, other City, County, and State agencies, and the public. It also includes preparation of policy guidance documents for review by the Joint City-County Planning Committee (JCCPC); preparation of staff reports and recommendations; managing public notice and holding public informational meetings as needed; managing Planning Commission review and recommendation; managing governing board reviews and notice of decisions, and maintaining public records.

Authority: UDO Section 3.19, Text Amendments.

1.7.1 Respond to Legislative Mandates (Ongoing)

Description: Propose amendments to the UDO to comply with changes to local, State, and federal regulations.

1.7.2 City- and County-Initiated Text Amendments (Ongoing)

Description: Process City and County requests for zoning text amendments in a timely manner and keeping with the UDO.

1.7.3 Privately-Initiated Text Amendments (Ongoing)

Description: Process private applications for zoning text amendments in a timely manner and keeping with the UDO.

1.7.4 Omnibus Changes (Ongoing)

Description: Process technical and minor changes to the UDO in keeping with direction from the City and County Managers and the Joint City-County Planning Committee.

1.7.5 Natural and Historic Resources Standards (Multi-Year Project)

Description: Propose amendments to the UDO to provide clear standards for the protection of natural and historic resources identified in the Durham County Inventory of Important Natural Areas, Plants, and Wildlife, the North Carolina Heritage Program, the National Register for Historic Places, adopted open space plans, and other identified sites of historic, cultural, or environmental significance.

Deliverable: Draft ordinance presented for public hearings by end of calendar year 2022.

1.7.6 Block Length and Connectivity Standards (NEW)

Description: The Durham Planning Commission initiated a draft ordinance to create more connected and walkable communities. The recommendations, for review and modification by Planning staff, include the addition of street requirements for maximum average block lengths, maximum block lengths, and maximum block perimeters within Section 13.6 of the UDO.

Deliverable: Draft ordinance presented for public hearings by end of fiscal year 2023.

1.7.7 Comprehensive Plan Implementation (NEW)

Description: Propose amendments to the UDO to implement policy direction from the new Comprehensive Plan.

Deliverable: Initial round of text amendments drafted by end of fiscal year 2023.

2 Policy and Urban Design

Prepare plans, policies, programs, and recommendations about land use, historic preservation, urban design, environmental protection, trails and greenways, and open spaces to preserve Durham's natural and cultural resources.

2.1 Comprehensive Plan

The Comprehensive Plan is the City and County's land use plan to guide future growth and development, including prioritization of infrastructure investments.

2.1.1 Durham Comprehensive Plan (Multi-Year Project)

Description: Develop a new Comprehensive Plan to replace the one from 2005. The Plan will guide development in Durham and accommodate future growth with a focus on infrastructure and service delivery planning, implementation steps and costs, and equity and access. The Plan will set a cohesive vision for the community with a plan to provide the necessary infrastructure to support new development.

Deliverable: Final draft of plan presented for adoption by end of calendar year 2022.

2.1.2 Comprehensive Plan Implementation (NEW)

Description: Implement policy direction from new Comprehensive Plan through further detailed land use projects, including but not limited to small-area plans, environmental or open space plans, corridor plans, or other studies. Project

details and prioritization will be established once the Comprehensive Plan is complete.

Deliverable: Project details and prioritization will be established once the Comprehensive Plan is complete.

2.2 Historic Preservation Commission (HPC)

2.2.1 HPC Support (Ongoing)

Description: The HPC is the quasi-judicial approving authority for Certificates of Appropriateness and appeals of Demolition by Neglect findings, and reviews and makes recommendations to the governing boards about historic districts and historic landmarks.

Responsibilities: Provide ongoing support for the HPC. Prepare agendas, prepare meeting notices and advertisements, arrange and attend meetings, prepare meeting minutes or notes, maintain records, and provide public information.

Authority: UDO Section 2.5, Historic Preservation Commission (HPC), and the “Interlocal Cooperation Agreement Between Durham County and the City of Durham” establishing a joint historic planning effort.

2.2.2 Certified Local Government Management (Ongoing)

Description: Certified Local Government (CLG) status allows a jurisdiction with a qualifying historic preservation program access to technical assistance from the State Historic Preservation Office, participation in the National Register nomination process, and eligibility to apply for Historic Preservation Fund matching grants.

Responsibilities: Continue to maintain CLG status. Prepare annual reports for the State Historic Preservation Office; apply for and administer grants for historic preservation studies; review nominations for the National Register of Historic Places; review Section 106 inquiries; and participate in training for staff and Historic Preservation Commission members.

Authority: National Historic Preservation Act of 1966, as amended, and 36 CFR Part 61.

2.2.3 Certificates of Appropriateness (COAs) (Ongoing)

Description: The City Council and the Board of County Commissioners are authorized to establish local historic districts and local landmarks. Proposed exterior changes in the appearance of properties in local historic districts and local landmarks require the approval of a Certificate of Appropriateness from the HPC. For local historic districts, the HPC uses the review criteria in the adopted historic preservation plan to guide their quasi-judicial determination of COAs. For local historic landmarks, the HPC uses the Secretary of Interior’s Standards to guide their determination of COAs. The HPC delegates administrative approval to staff for certain activities with insignificant impact on the exterior appearance of the historic structures.

Responsibilities: Process applications for COAs in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing HPC review and issuance of the decision, and maintaining public records.

Authority: UDO Section 3.17, Certificate of Appropriateness, and adopted Historic District Preservation Plans.

2.2.4 Historic Landmarks and Landmark Signs (Ongoing)

Description: The City Council and the Board of County Commissioners are authorized to establish local historic landmarks and landmark signs. Local landmarks are designated with the consent of the property owner and subject the property to Certificate of Appropriateness requirements. Local landmarks are eligible for a deferral of local property taxes equal to one-half of their appraised value.

Responsibilities: Process application for Historic Landmarks and Landmark Signs in a timely manner and in keeping with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, submission of the application to the NC State Historic Preservation Office for comment, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing Historic Preservation Commission review and recommendation. It also includes managing governing board review and notice of the decision, maintaining public records, and follow-up with the County Tax Administrator's Office.

Authority: UDO Section 3.16, Historic District or Landmark Designation.

2.2.5 Demolition by Neglect Investigations (City Only) (Ongoing)

Description: Owners of certain historic properties within the City limits are required to maintain their properties and not allow them to fall into disrepair. The UDO in paragraph 3.18.1A, Conditions of Neglect Defined and Prohibited, describes the conditions of neglect that must be remedied within the time set by an administrative determination. Property owners and staff may formally request the Planning Director's determination that a property is being demolished by neglect.

Responsibilities: Respond to petitions for a Demolition by Neglect determination in a timely manner and accordance with UDO requirements and Department procedures.

Authority: UDO Section 3.18, Demolition by Neglect (City Only).

2.2.6 Section 106 Review (Ongoing)

Description: Section 106 of the National Historic Preservation Act requires that federal agencies consider the effects of their projects on properties listed (or eligible for listing) in the National Register of Historic Places and allow certain parties the opportunity to comment on the proposed action to resolve any adverse effect.

Responsibilities: Respond to notices of potential adverse effect within specified timeframe in accordance with Department procedures.

Authority: National Historic Preservation Act of 1966.

2.2.7 Historic Preservation Fund Grant Administration (Ongoing)

Description: Administer any awarded Historic Preservation Fund (HPF) grants issued by the National Park Service, through the State Historic Preservation office, for partner non-profit groups.

Responsibility: Administer HPF grants in accordance with federal, state, and local standards.

Authority: Historic Preservation Act Amendments of 1980 (P. L. 96-515), Durham County Certification Agreement for Local Governments (1987), and City of Durham Certification Agreement for Local Governments (1989).

2.3 Transportation Planning

Provide transportation planning services to the City, the County, and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO). This includes representing Durham County on the DCHC MPO Technical Coordinating Committee and preparing socioeconomic projections for the long-range transportation plan.

2.3.1 Regional and State Transportation Planning (Ongoing)

Description: Participate in regional transportation planning with the DCHC MPO. Participate with GoTriangle and other jurisdictions in the region to plan a regional transit system, including locating transit-oriented neighborhoods around proposed transit stations.

2.3.2 County Transportation Planning (Ongoing)

Description: Represent Durham County on the DCHC MPO Technical Coordinating Committee and various subcommittees, including but not limited to the Unified Planning Work Program (UPWP) Oversight Committee, and Comprehensive Transportation Plan and Metropolitan Transportation Plan committees. Assist the DCHC MPO on behalf of the County with analyses of various land use, demographic, and transportation models and scenarios to better inform land use and transportation policy, and assist in the development of policies that improve transportation choices and regional mobility. Submit annual budgets and quarterly reports for the UPWP.

2.3.3 City Transportation Planning (Ongoing)

Description: Represent the City of Durham on the DCHC MPO Technical Coordinating Committee. Assist the DCHC MPO with analyses of various land use, demographic, and transportation models and scenarios to better inform land use and transportation policy. Assist with development of policies that improve transportation choices and regional mobility.

2.3.4 County Transit Plan Update Coordination (Multi-Year Project)

Description: Participate in the development of the Transit Plan to identify specific investment priorities for transit service in Durham County to be implemented through the half-cent sales tax for public transportation improvements. The Durham County Transit Plan is a collaborative effort between Durham County, the City of Durham, the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization, the Triangle J Council of Governments, GoTriangle, and GoDurham. The role of the Planning Department is to coordinate the Comprehensive Plan with the County Transit Plan, and to coordinate on community engagement between the two plans.

2.4 Demographic Support (Ongoing)

Description: Manage and maintain population estimates for the City and the County of Durham. Provide basic demographic information and project future population growth.

2.5 Planning Academy Program (Ongoing)

Description: Continue to offer a follow-up course to City College and Neighborhood College for community members and local government employees to explore planning issues in greater detail. Graduates of the Planning Academy may serve as community ambassadors to their respective neighborhoods and as points of contact for the Planning Department. A virtual Planning Academy curriculum will be developed to further expand the program's reach and increase accessibility.

2.6 Educational Institution Partnerships (Ongoing)

Description: Develop a plan to more effectively interact with nearby universities, including North Carolina Central University, Durham Technical Community College, Duke University, and the University of North Carolina at Chapel Hill. Develop a more formal internship and mentoring program to strengthen the bond between the Department and the University community. Identify and publicize opportunities for student volunteers in partnership with local schools.

2.7 Advisory Body Support

Provide ongoing support for advisory bodies appointed by the Durham City Council and Board of County Commissioners.

2.7.1 Durham Open Space and Trails Commission (DOST) (Ongoing)

Description: The DOST provides advice to the City Council and Board of County Commissioners on matters relating to open space preservation and trail development. To provide recreational and environmental benefits for the citizens of Durham County, the DOST promotes the preservation of valuable open spaces, natural vegetation, and stream valleys within the urban and rural environment, and the development of trails and other appropriate recreational and transportation facilities for pedestrians and bicycles.

Responsibility: Provide ongoing support for the DOST. Prepare agendas, prepare meeting notices and advertisements, arrange and attend meetings, maintain records of meeting minutes or notes, and provide public information.

Authority: City of Durham and County of Durham Interlocal Cooperation Agreement for Open Space and Trails Planning.

2.7.2 Appearance Commission (Ongoing)

Description: The Appearance Commission’s mission is to enhance and improve the visual quality and aesthetic character of Durham City and County. They provide advice to the City and County on matters of community beautification.

Responsibility: Provide ongoing support for the Appearance Commission. Prepare agendas, prepare meeting notices and advertisements, arrange and attend meetings, maintain records including meeting minutes or notes, and provide public information.

Authority: The Interlocal Agreement between the City of Durham and Durham County Creating a Durham City-County Appearance Commission.

2.8 Inter-Agency Coordination

Provide support and share information with a variety of inter-agency and inter-governmental bodies.

2.8.1 Durham-Chapel Hill-Orange Work Group (Ongoing)

Description: Update elected and appointed officials of this intergovernmental work group at quarterly meetings. Provide liaison services on behalf of Durham County and the City of Durham.

2.8.2 Center of the Region Enterprise (Ongoing)

Description: Represent the City and County of Durham from a land use planning perspective for this intergovernmental work group.

2.8.3 Raleigh-Durham International Airport (Ongoing)

Description: Represent the City and County of Durham from a land use planning perspective at quarterly coordination meetings with the Airport Authority.

3 Development Services Center

The Development Services Center (DSC) provides a one-stop-shop for development services, including application intake, in-person customer service, and quick turn-around for minor building projects and planning approvals. The mission of the DSC is to improve the coordination, predictability, timeliness, and quality of customer service delivery and the development review process. The DSC is staffed by employees from City-County Planning, City-County Inspections, and Public Works Departments. The DSC staff coordinates with over 20 City and County Departments to administer over 70 different permits and/or review types.

3.1 Customer Service

Customer service functions include receiving permits and development applications, routing materials for review, tracking the status of permit and development applications, cashiering services, coordinating interdepartmental meetings, helping customers navigate the development process and answering minor questions that do not involve substantial staff research or analysis.

3.1.1 Public Education and Outreach (Ongoing)

Description: Help customers navigate the development process and engage with stakeholders. This includes helping customers define what they are trying to accomplish, helping customers understand which development application or permit they will need, and assisting with the completion of an application or permit. This also includes notifying customers of operational changes, providing customer self-help information online, and periodically meeting with customers or stakeholder groups to receive feedback related to any aspect of Durham's development process.

3.1.2 Public Information Requests (Ongoing)

Description: Provide customers with information on property zoning and applicable development regulations (ranging from high-level summaries to more in-depth analyses) prior to initiating a formal application. Information may be provided as due diligence letters that verify zoning district, current land use, Certificate of Occupancy, and/or pending or prior zoning code enforcement actions. Also includes fulfilling public records requests, either by directing customers to information online or retrieving and scanning documents.

3.1.3 Development Review Support (Ongoing)

Description: This includes receiving permits and development applications, routing materials for review, and tracking the status of permit and development applications.

3.1.4 Family Care Homes and Group Homes Monitoring and Compliance (Ongoing)

Description: Family care homes are dwellings defined in NCGS § 168-21; group homes are dwellings that are operated under State regulations, that provide room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort.

Responsibility: The Planning Department: a) maintains a database of family care homes and group homes within Durham City and County; b) coordinates the database with the North Carolina Department of Health and Human Services, Division of Health Service Regulation (NCDHSR) listings, and the County Health Department on a regular basis; c) works with the County Health Department to require verification of zoning and compliance with UDO separation standards for family care and group homes. Additionally, the Planning Department processes requests for business verification letters for new family care and group homes, including pre-submittal conferences as needed, application intake, verifying the proposed location meets the UDO separation requirements, investigating complaints and performing enforcement actions as needed, and maintaining public records.

Authority: Directives from the City and County Managers, and UDO paragraph 5.3.2C, Family Care Homes and Group Homes.

3.1.5 Home Occupation Permits and Inspections (Ongoing)

Description: Commercial enterprises undertaken from residential structures must meet City-County standards and require a home occupation permit from the Planning Director or designee.

Responsibility: Process applications for Home Occupation Permits in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences as needed, application intake, review of proposals for home occupation permits, conducting site visits as necessary, issuing required permits, and maintaining public records.

Authority: UDO Section 3.13, Home Occupation Permit, and paragraph 5.4.4, Home Occupations.

3.1.6 Street Vendor Registration and Compliance (City Only) (Ongoing)

Description: Durham City Code establishes standards for street vendors operating in the public rights-of-way and requires that they be registered annually with the City. The Planning Department has been delegated the tasks related to street vendor registration and compliance by the City Manager.

Responsibility: Process applications for Street Vendor Registration in a timely manner and in accordance with City code requirements and Department procedures. These include informing the street vendors of the requirements, processing Street Vendor Registration initial requests and annual renewals, conducting pre-submittal conferences as needed, application intake, coordination with the County Health Department as needed, investigating complaints, performing enforcement actions as needed, and maintaining public records.

Authority: City Code, Section 54-91, Right of Way Sales Activities; designated to administer the program by the City Manager.

3.2 Minor Development Review

Minor development review includes administrative quick turn-around review and approval of development permits of limited scope and complexity.

3.2.1 Common and Way-Finding Signage Plans (Ongoing)

Description: A Common Signage Plan is required when multiple signs are associated with a project that consists of several buildings in a single development. The common signage plan includes all signs within the development, including out parcels. Way-finding signs are solely for the purpose of providing directional information along rights-of-way from sub-sections, tenants, or areas of the development to other sub-sections, tenants, or areas of the development.

Responsibilities: Process applications for Common Signage Plans and Way-Finding Signage Plans in a timely manner and accordance with UDO requirements and Department procedures. This includes application intake, managing review by multiple departments and agencies, ongoing applicant contact and information, and maintaining public records. The Planning Director or designee is the approving authority for common and way-finding signage plans. The Planning Director or designee may approve modifications to the lettering style of a common signage plan to accommodate State and federally registered trademarks (logos) if the intent of the common signage plan requirements is maintained.

Authority: UDO Section 3.11, Common and Way-Finding Signage Plans; paragraph 11.6.2A.9, Way-Finding Signs; Section 11.8, Elements of Common and Way-Finding Signage Plans; and Section 11.2, General Requirements for Signs.

3.2.2 Sign Permits (Ongoing)

Description: Sign permits are required for a variety of different sign types and ensure that signs comply with established regulations in terms of size, location, number, landscaping, and lighting.

Responsibility: Process applications for sign permits in a timely manner and in accordance with UDO requirements and Department procedures. This includes application intake, issuance of the permit, inspection of the sign(s) and any required landscaping upon installation and maintaining public records.

Authority: UDO Section 3.10, Sign Permit; and Section 11.6, Signs Requiring Permits.

3.2.3 Temporary Use Permits (Ongoing)

Description: Temporary uses occurring on property outside of the public right-of-way are allowed upon the issuance of a temporary use permit, with some exceptions. The Planning Department coordinates the review and approval of temporary use permits.

Responsibility: Process applications for Temporary Use Permits in a timely manner and accordance with UDO requirements and Department procedures. This includes a pre-submittal conference as needed, application intake, soliciting comments from other departments and agencies, issuance of the permit, monitoring compliance, and maintaining public records.

Authority: UDO Section 3.12, Temporary Use Permit; and Section 5.5, Temporary Uses.

3.2.4 Selective Vegetation Removal Permit Review (Ongoing)

Description: A property owner may submit a request to the N.C. Department of Transportation (NCDOT) for a selective vegetation removal permit to open up views to a building or a legally-erected billboard located directly adjacent to limited- or controlled-access State or federal highway right-of-way that is also within City limits. In addition, all beautification and replanting plans within a State or federal highway right-of-way, except mitigation plans, must be submitted to either the City or County of Durham, as appropriate. The Planning Department coordinates the reviews of these requests and responses to NCDOT.

Responsibility: Review Selective Vegetation Removal Permits and Beautification and Replanting Plans in a timely manner and in accordance with State law. This includes maintaining registration with the NCDOT for the City and County, receipt of requests, soliciting comments from other departments and agencies, issuance of a response letter to NCDOT, maintaining public records, and keeping the elected officials informed when new requests are received.

Authority: NCGS § 19A NCAC 02E.0600.

3.2.5 Exempt Plats (Ongoing)

Description: Plats include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for sale or building development, pursuant to State statutes and the Durham UDO. Subdivision of land occurs through the submittal and approval of a map called a “plat” and the recordation of that plat with the Office of the Durham County Register of Deeds.

Responsibility: Process applications for exempt plat approval in a timely manner and accordance with UDO requirements and Department procedures. This includes application intake, managing review by multiple departments and agencies, ongoing applicant contact and information, extension requests, and maintaining public records.

Authority: UDO Section 3.6, Subdivision Review, and Article 13, Additional Requirements for Subdivisions.

3.2.6 Level 1 Site Plans and Architectural Reviews (Ongoing)

Description: A site plan is an approval that ensures that any future development will occur in a planned and orderly manner. All proposed development in Durham requires review and approval of a site plan, except single-family and two-family development on single lots or improvements that are solely interior to an existing building and not associated with proposed or potential change of use. Architectural Review is required for changes to building elevations where compliance with architectural standards is required, but no site plan approval or certificate of appropriateness is otherwise required. The requirements of UDO paragraph 3.23.2B, General Requirements, also apply where architectural drawings are required for site plan approval.

Responsibility: Process applications for Site Plan and Architectural Review approval in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake and triage, managing review by multiple departments and agencies, ongoing applicant contact and information, extension requests, and maintaining public records.

Authority: UDO Section 3.7, Site Plan Review; and Section 3.23, Architectural Review.

3.2.7 Planning Review of Building Permits (Ongoing)

Description: Building permits are reviewed by Planning staff to verify compliance with applicable standards established in the UDO or approved site plan, development plan, or Certificate of Appropriateness.

Responsibility: Review building permits in a timely manner and in accordance with UDO requirements and Department procedures.

Authority: Durham Unified Development Ordinance, sections as applicable.

3.3 Minor Engineering Review

Minor engineering review includes administrative review and approval of development in the floodplain and of right-of-way permits of limited scope and complexity.

3.3.1 Outdoor Seating Permits (City Only) (Ongoing)

Description: Outdoor dining areas located in the public right-of-way require a permit that must be renewed annually.

Responsibility: Process applications for Outdoor Seating Permits in a timely manner and in accordance with City Code and Department procedures. This includes pre-submittal conferences as needed, providing background information to applicants, application intake, conducting administrative reviews for compliance with standards, issuing required permits, conducting site compliance investigations including at the time of annual renewal, and maintaining public records.

Authority: City Code, Section 54-110, Outdoor Dining Area.

3.3.2 Small Cell Wireless Permits (Ongoing)

Description: Small cell wireless facilities are allowed by state law to be installed and operated within the public right-of-way. Activities associated with the small cell wireless program include permit review, field inspection, and enforcement.

Responsibility: Perform primary intake, review, and inspections functions for this program.

Authority: Durham City Code Section 62-58, NCGS § 160A-400.54 through 400.57, and NCGS § 136-18.3A.

3.3.3 Temporary Right-of-Way Closure Permits (Ongoing)

Description: Temporary closures of rights-of-way associated with construction, or other temporary activities, require review, approval, and monitoring.

Responsibility: Perform primary intake, review, and inspections functions for this program.

Authority: Durham City Code Sections 66-429- to 66-437.

3.3.4 Floodplain Reviews (Ongoing)

Description: Pursuant to the requirements of the National Flood Insurance Program (NFIP) and the Durham UDO, development activities in the 100-year floodplain and floodway are restricted. Permissible development in the floodplain requires additional review and approval to ensure that there is no substantial, negative impact on flooding of adjacent properties. Reviews include: Floodplain Development Permits, Floodplain Administrator's (MT-2) compliance signoff of Conditional Letters of Map Revision (CLOMR), floodplain review determination letters, no-impact certifications and calculations, No Practical Alternative Applications (NPAA), and floodplain as-builts, and tracking of floodplain inquiries.

Responsibility: Process reviews in a timely manner and in accordance with UDO requirements, FEMA regulations, and Department procedures.

Authority: Section 8.4 of the Durham UDO. Please note that the City-County Director of Inspections is the Floodplain Administrator and retains final authority regarding floodplain development pursuant to the UDO.

3.3.5 NFIP Community Rating System (County Only) (Ongoing)

Description: The National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from community actions. The goals of the CRS program are to reduce flood losses, facilitate accurate insurance rating, and promote the awareness of flood insurance. The objective of the CRS is to reward communities that are doing more than meeting the minimum NFIP requirements to help their citizens prevent or reduce flood losses. The CRS also provides an incentive for communities to initiate new flood protection strategies.

Responsibility: Process annual application for certification of Durham County's National Flood Insurance Program Community Rating System (NFIP CRS) program. Implement public outreach and education related to floodplain issues; enforce applicable floodplain regulations; and develop and implement enhancements to open space acquisition, repetitive loss reduction strategy, and maintenance of streams and other waterways.

Authority: Direction from the County Manager.

3.3.6 Construction and Stormwater As-Built Drawings Triage (City-Only) (Ongoing)

Description: Construction Drawings (CDs) are infrastructure plans required for all multifamily and nonresidential development. Stormwater As-builts are plans submitted when Stormwater Control Measures are required for multifamily and nonresidential development. Construction and As-Built drawings are received and triaged by the DSC, then reviewed by the DSC's Partner Work Units.

Responsibility: Provide intake, triage (completeness review), routing, tracking, and records management for CDs. Review and approval is performed by Partner Work Unit staff.

Authority: City of Durham Reference Guide for Development; Durham Municipal Code Chapter 62, Streets and Sidewalks and Chapter 70, Utilities.

3.3.7 Right-of-Way Permits (City-Only) (Ongoing)

Description: A permit is required within Durham City limits for any construction done in the Right-of-Way (residential/commercial driveway or sidewalk, storm drainage, water or sewer service, and irrigation). This is done to ensure that there is no negative impact on the City Right-of-Way and that all Right-of-Way is restored to City standards.

Responsibility: Process applications for Construction in the Right-of-Way permits in a timely manner and in accordance with Public Works requirements and procedures. This includes application intake, reviewing plans and documents submitted, issuance of the permit, inspection of the driveway upon installation, and maintaining public records.

Authority: Durham City Code. Please note that the City Public Works Department retains final authority regarding driveway permit issuance.

3.4 Major Development Review

Major development review includes administrative review and approval of large proposals for public and private land development for consistency with adopted plans, policies, and ordinances, including managing physical and digital records.

3.4.1 Subdivisions (Ongoing)

Description: Plats include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for sale or building development, pursuant to State statutes and the Durham UDO. Subdivision of land occurs through the submittal and approval of a map called a “plat” and the recordation of that plat with the Office of the Durham County Register of Deeds.

A preliminary plat is a map indicating the proposed layout of a development and related information that is submitted for preliminary review. A final plat is the map of all or a portion of a subdivision, presented for final approval.

Responsibility: Process applications for Subdivision plat approval in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, managing review by multiple departments and agencies, preparation of staff reports and recommendations if applicable, ongoing applicant contact and information, extension requests, managing public notice, managing governing board review and decision, if applicable, and maintaining public records. These may include conservation subdivisions.

Authority: UDO Section 3.6, Subdivision Review, and Article 13, Additional Requirements for Subdivisions.

3.4.2 Level 2, 3, 4, and Major Site Plans (Ongoing)

Description: A site plan is an approval that ensures that any future development will occur in a planned and orderly manner. All proposed development in Durham requires review and approval of a site plan, except single-family and two-family development on single lots or improvements that are solely interior to an existing building and not associated with proposed or potential change of use.

Responsibility: Process applications for Site Plan review approval in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake and triage, managing review by multiple departments and agencies, preparation of staff reports and recommendations if applicable, ongoing applicant contact and information, site plan extension requests, managing public notice, managing governing board consideration if applicable, and maintaining public records.

Authority: UDO Section 3.7, Site Plan Review.

3.4.3 Street Withdrawals (Ongoing)

Description: Under State statute, a dedicated right-of-way that was never actually opened, or used by the public within 15 years after the dedication, may be withdrawn from dedication under certain circumstances.

Responsibilities: The Planning Department reviews the information provided by the property owner, verifies that the right-of-way has not been opened or used by consulting aerial photos, and that the street is not shown on the adopted future street plan and verifies the applicant's legal relationship to the original dedicator. Once this has been verified, the Planning Department reviews the recombination plat for compliance with NCGS § 47-30, as amended, manages review by multiple departments and agencies, and ongoing applicant contact and information.

Authority: NCGS § 136-96.

3.4.4 Street Closings (Ongoing)

Description: The Planning Department coordinates the review and approval of the petitioned closure of publicly dedicated streets in the City and County, except those under the jurisdiction of the NC Department of Transportation, pursuant to State law. Street closings require public hearings and approval by the governing board.

Responsibility: Process applications for street closings in a timely manner and accordance with State statute and Department procedures. This includes pre-submittal conferences, managing review by multiple departments and agencies, preparation of staff reports and recommendations, and ongoing applicant contact and information. It also includes managing public notice, managing governing board consideration and notice of the decision, recordation of the street closing plat, maintaining public records, and notification of appropriate local, State, and federal agencies after the street closing plat is recorded.

Authority: UDO paragraph 12.3, Streets; NCGS § 160A-299 (City); and NCGS § 153A-241 (County).

3.4.5 Street Renaming (Ongoing)

Description: The Planning Department coordinates the review and approval of the petitioned renaming of streets in the City and County pursuant to State statute and the UDO. Street renaming requires a public hearing and approval by the governing board.

Responsibility: Process applications for street renaming in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, managing review by multiple departments and agencies, the holding of neighborhood information meetings, preparation of staff reports and recommendations, ongoing applicant contact and information. It also includes managing public notice, managing governing board consideration and notice of the decision, recordation of the street renaming plat, maintaining public records, and notification of surrounding property owners and appropriate local, State, and federal agencies after approval of the street name change.

Authority: UDO paragraph 12.3.2, Street Names.

3.4.6 UDO Administrative Interpretations (Ongoing)

Description: The requirements of the UDO cannot anticipate the variety of real-world, on-the-ground conditions. On numerous occasions, an interpretation of UDO requirements is necessary to achieve the regulatory objectives while accommodating unorthodox situations.

Responsibility: According to the UDO, the Planning Director is authorized to interpret the Ordinance and make an administrative adjustment to the specified development standards in the UDO.

Authority: UDO paragraph 2.7.4, Powers and Duties.

3.4.7 Board of Adjustment (BOA)

3.4.7.1 BOA Support (Ongoing)

Description: The BOA is the quasi-judicial approving authority for variances, minor special use permits, reasonable accommodations, and appeals of administrative decisions.

Responsibility: Provide ongoing support for the BOA. Prepare agendas, prepare meeting notices and advertisements, arrange and attend meetings, prepare meeting minutes or notes, maintain records, and provide public information.

Authority: UDO Section 2.4, Board of Adjustment (BOA), and the latest version of the “State of North Carolina, County of Durham Interlocal Cooperation Agreement” between the City and County for planning.

3.4.7.2 Special Use Permits (Ongoing)

Description: A Special Use Permit is required for certain uses within certain zoning districts that have significant potential for incompatibility with adjacent and nearby uses and, therefore, require individual, quasi-judicial review. A Special Use Permit must be obtained when a property owner wishes to undertake one of the specified uses.

Minor Special Use Permits (mSUPs) are required for all uses identified as minor special uses within UDO Section 5.1, Use Table; paragraph 8.4.4C, Development Requiring a Minor Special Use Permit; and other provisions of the Ordinance. Minor Special Use Permits are issued by the Durham City-County Board of Adjustment based on a quasi-judicial hearing as specified in UDO paragraph 3.9.6, Approval of a Minor Special Use Permit.

Major Special Use Permits (MSUPs) are required for all uses identified as major special uses within UDO Section 5.1, Use Table; and paragraph 3.3.8, Transportation Special Use Permit. The governing board issues Major Special Use Permits based on a quasi-judicial hearing as specified in UDO paragraph 3.9.7, Approval of a Major or Transportation Special Use Permit.

Transportation Special Use Permits are required for development projects with corresponding site plans and preliminary plats that are expected to generate vehicle trips that meet the thresholds in

paragraph 3.9.9, Transportation Special Use Permit. The governing board issues Transportation Special Use Permits based on a quasi-judicial hearing as specified in UDO paragraph 3.9.7, Approval of a Major or Transportation Special Use Permit, and the criteria in paragraph 3.9.8, Criteria for Approval of Major or Minor Special Use Permits.

Responsibility: Process applications for Special Use Permits in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, managing review by multiple departments and agencies, preparation of staff reports and recommendations, on-going applicant contact and information, managing public notice, managing Board of Adjustment review and decision if applicable, managing governing board review and issuance of the decision, if applicable and maintaining public records.

Authority: UDO Section 3.9, Special Use Permit.

3.4.7.3 Variances (Ongoing)

Description: The Board of Adjustment may vary certain requirements of the UDO, in harmony with the general purpose of these regulations, where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in hardship in making reasonable use of the property. Per State law, a use variance is not allowed.

Responsibilities: Process applications for Variances in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, managing review by multiple departments and agencies, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing Board of Adjustment review and issuance of the decision, and maintaining public records.

Authority: UDO Section 3.14, Variance.

3.4.7.4 Appeals of Administrative Decision (Ongoing)

Description: Any person aggrieved by a final order, interpretation, or decision of any administrative official authorized to make decisions under the UDO may appeal those decisions to the Board of Adjustment.

Responsibilities: Process applications for Appeals of Administrative Decision in a timely manner and accordance with UDO requirements and Department procedures. This includes application intake, managing review by multiple departments and agencies, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing Board of Adjustment review and issuance of the decision, and maintaining public records.

Authority: UDO Section 3.15, Appeal of Administrative Decision.

3.4.7.5 Reasonable Accommodations (Ongoing)

Description: Any person with a disability or handicap may request a modification or exception to the rules, standards, and/or practices for the siting, development, and use of housing or housing-related facilities in the UDO to eliminate regulatory barriers and provide an equal opportunity to a dwelling of choice.

Responsibilities: Process applications for Reasonable Accommodations in a timely manner and accordance with UDO requirements and Department procedures. This includes pre-submittal conferences, application intake, managing review by multiple departments and agencies, preparation of staff reports and recommendations, ongoing applicant contact and information, managing public notice, managing Board of Adjustment review and issuance of the decision, and maintaining public records.

Authority: UDO Section 3.23, Reasonable Accommodation

3.5 Development Coordination

Development coordination services include coordinating and improving the development process and answering, routing, and tracking development-related inquiries.

3.5.1 Development Management Team (Ongoing)

Description: The Development Management Team is an interdepartmental working group whose purpose is to share information about the development process, identify and facilitate development review process improvements, and implement the Memorandums of Understanding (MOU) between the Development Services Center and its Partner Work Units.

3.5.2 Development Process Management and Improvements (Ongoing)

Description: The development review processes mandated by law are complex and involve a variety of reviewers and decision makers in numerous City and County departments. Staff from Planning and other departments administer Durham's development review process, and continually evaluate the process for opportunities to educate applicants, reduce unnecessary procedural steps, and improve the process for the applicant and the City and County. This task also involves participation in a City- and County-wide effort to implement a full digital submittal, review, and approval option.

3.6 Partner Work Unit Development Services Center Functions

The DSC, as part of its mission to provide a one-stop-shop for development services, houses employees and functions from two other departments in addition to City-County Planning: City-County Inspections and City Public Works. Both partner departments (referred to as "partner work units") operate several key development services through the DSC, as listed below.

4 Zoning Administration

Ensure compliance with adopted regulations and in conformance with granted approvals. Manage physical and digital records in accordance with State statutes and UDO requirements.

4.1 Site Compliance (Ongoing)

Description: Each development in Durham that has an associated site plan must receive a sign-off on the Certificate of Compliance from the City-County Inspections Department and other City and County Departments before occupancy. The UDO requires that new development must be built in accordance with approved site plans to remain valid. Planning staff enforces these provisions by performing site evaluations. Planning sign offs on Certificates of Compliance are based on site visits (and follow-up visits) conducted by Planning Department staff.

The Planning Department also responds to citizen complaints regarding non-compliance with approved site plans through site investigations and follow-up reports and, when violations are found, enforcement actions.

Responsibility: Perform site visits to evaluate whether building and site construction comply with the adopted site plan, in a timely manner and accordance with UDO requirements and Department procedures.

Authority: UDO Article 15, Enforcement; paragraph 3.7.9, Inspections of Required Improvements; and paragraph 3.7.10, Issuance of Certificate of Compliance.

4.2 Zoning Enforcement

Enforce provisions of the Unified Development Ordinance proactively and on a complaint basis. Track all enforcement actions taken by updating the database and hard copy files.

4.2.1 Response to Complaints (Ongoing)

Description: In response to complaints, work with citizens and staff to ensure compliance with development ordinances.

Responsibility: Investigate complaints in accordance with the Planning Director's Guidelines for Enforcement. Issue Notices of Violation, as appropriate. Maintain records in the database, referencing specific complaints and any enforcement actions taken. Communicate with the complainant and violator regarding case status. Issue fines, as appropriate, and provide testimony in court, as needed.

Authority: UDO Article 15, Enforcement.

4.2.2 Proactive Enforcement (Ongoing)

Description: In response to observations from patrol, work with citizens and other staff to ensure compliance with the UDO and other ordinances.

Responsibility: Patrol assigned area and enforce UDO provisions as necessary. Follow the Planning Director's Guidelines for Enforcement. Issue Notices of Violation, as appropriate. Maintain records in the database referencing specific complaints and any enforcement actions taken. Communicate with the complainant and violator regarding case status. Remove and dispose of illegally placed signs. Issue fines, as appropriate, and provide testimony in court as needed.

Authority: UDO Article 15, Enforcement.

5 Department Management

5.1 Department Management and Administration

- Prepare the annual Department budget for the City and County.
- Monitor and report on performance measures.
- Monitor Department spending and accounts. Monitor timely deposit of receipts, including development application fees. Maintain fiscal records for audit and review. Serve as departmental liaison to the Finance Department.
- Prepare the annual work program and quarterly reports on work program progress. Secure review and approval of annual work program from the Planning Commission, the Joint City-County Planning Committee, the City and County Managers, and the governing boards.
- Develop scope of services, prepare requests for proposals, evaluate proposals, prepare contracts, and secure governing board approval, as needed, to enter into a contract. Develop and execute contracts and manage consultant projects.
- Monitor Interlocal cooperation agreements.
- Work with Risk Management Division to improve employee safety. Educate staff on OSHA requirements.
- Maintain planning-related documents to meet State requirements, including document filing and scanning.
- General office management, including handling mail and ordering supplies.
- Serve as liaison to the Human Resources Department to keep departmental staff informed about City policy and benefits changes.
- Consult with the City and County Attorney's Offices as needed on matters related to City and County codes and litigation.
- Engage in quality assurance activities, including review of staff reports, agendas, advertisements and notices, and progress reports; respond to management inquiries from the City and County Managers, members of governing and advisory boards, customers, and citizens.

5.2 Performance and Personnel Management

Prepare and maintain performance standards for each employee, conduct and participate in annual coaching sessions, and conduct and participate in annual performance evaluations in a timely manner. Conduct and attend Section, Division, and Department staff meetings. Conduct regular staff meetings to facilitate the flow of management information and monitor work performance.

5.3 Professional Development

Provide opportunities and funding for the professional development, professional certification, and certification maintenance of Department staff, such as State and national professional conferences and web seminars. Coordinate training programs for departmental staff.

5.4 Intergovernmental Coordination

Provide ongoing support/planning coordination among neighboring jurisdictions. This includes the Durham-Chapel Hill-Work Group, the Center of the Region Enterprise (CORE), and Triangle J Council of Governments (TJCOG) Committees.

5.5 City, County, and Planning Department Strategic Plans

Develop, update, and implement the Planning Department Strategic Plan for the next two to three years. Participate in staff initiatives to implement the adopted City Strategic Plan. Participate in staff initiatives to implement the adopted County Strategic Plan.

5.6 Culture of Service Initiatives

Conduct staff initiatives to implement the City's Culture of Service goals and respond to concerns raised by the Employee Opinion Survey.

5.7 Governing Board Support

Provide ongoing support for the governing boards, including preparing agendas or agenda items, arranging and attending meetings, preparing meeting minutes or notes as applicable, maintaining records, and providing public information.

5.7.1 Board of County Commissioners

5.7.2 City Council

5.7.3 Joint City-County Planning Committee

5.8 Web-based Platform Support

- Develop and maintain the Planning Department's website, the Development Services Center's sub-site, and work with other departments to maintain the ENGAGEDurham website to provide information to citizens about planning and development activities and engagement opportunities. Continue to expand the Department's website to be as complete and as interactive as possible. Serve as Web Content Administrator for the Department.
- Develop and maintain the Department's City of Durham Intranet (CODI) and SharePoint sites to provide inter- and intra-departmental staff resources related to planning and departmental activities. Serve as CODI Content Administrator for the Department.
- Develop and maintain the Department's Social PinPoint site to provide a digital platform for public engagement on projects and land use cases. Serve as Social PinPoint Administrator for the Department.
- Develop and maintain the Department's official online Unified Development Ordinance.

5.9 Computer, GIS, Graphics, and Data Support

Manage and maintain geospatial databases of planning-related information. Provide mapping support and research for staff. Create and manage databases of planning-related topics. Manage the Land Development Office (LDO) database used by multiple City and County departments to coordinate the review of development proposals. Provide graphic support to the Department. Provide basic hardware and software support for Planning staff, including input and quotes for new technology. Serve as liaison to the Technology Solutions Department.

5.10 Customer Satisfaction Feedback

Solicit feedback on the Planning Department's performance in serving its numerous and diverse customers, including elected boards, advisory boards, development review applicants and consultants, comprehensive and neighborhood planning stakeholders, and citizens.

5.11 Internship Program

Provide internship opportunities for students to engage in a variety of planning and administrative projects and experiences.

5.12 Digital Records Conversion

Description: In accordance with City, County, and North Carolina Records Management statutes, assist in the ongoing effort to convert paper files to digital records by scanning file contents, indexing them according to a standard protocol, uploading them to the Land Development Office, and purging paper files of extraneous materials in preparation for offsite storage and in accordance with the adopted Records Retention Schedule.

5.13 Departmental Racial Equity Work Plan

Description: Develop and implement a racial equity work plan that seeks to build partnerships with communities of color, redress elements of racial inequities related to past planning principles, and review both internal and external policies through a racial equity lens.

5.14 Language Access Plan Implementation

Description: Implement priorities from the departmental Language Access Plan in support of the City's Language Access Plan policy.