



**Date:** February 6, 2023

**To:** Wanda Page, City Manager  
**Through:** Sara M. Young, AICP, Planning Director  
**From:** Alexander D. Cahill, Senior Planning Manager  
**Subject:** *Unified Development Ordinance* Text Amendment  
Development Plan Revisions (TC2200002)

**Executive Summary**

The purpose of this amendment is to revise the requirements within the Unified Development Ordinance (UDO) for Zoning Map Changes with a Development Plan to provide more transparency in the process to the community and governing bodies, shorten the length of the process, and make the process more accessible to local or small-scale developers. The draft proposal was discussed at the February 2022 and October 2022 Joint City-County Planning Committee (JCCPC) meetings. The Durham Planning Commission (DPC) acted upon the item at the December 13, 2022, meeting.

**Motions**

Two motions are required to approve the text amendment:

**Motion #1:** To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3, Zoning Map Change; Section 5, Development Plan effective March 1, 2023; and

**Motion #2:** To adopt the appropriate consistency statement as required per NCGS § 160D-605.

**Background**

Staff initially brought the concept of this amendment to the JCCPC in February of 2022. Over the past few years, Planning staff has heard several complaints and concerns regarding the zoning map change process. This amendment is intended to work in concert with departmental process improvements to improve outcomes in the development plan and zoning map change processes. At the October 5, 2022, JCCPC meeting, the committee unanimously recommended staff move forward with the UDO Text Amendment to the Planning Commission with only a minor edit.

Staff then brought this amendment to the Planning Commissions' November 15, 2022, meeting. A public hearing was held, and there was a discussion around the implications of the textual development plan. Staff committed to (load testing the amendment, testing how scenarios would play out under the new ordinance), and to provide that information to the Planning Commission.

At the December 13, 2022, Durham Planning Commission (DPC) meeting, the DPC recommended approval by a vote of 12-0.

### *Accessibility*

Much of the cost of a development plan is not the application fee, but rather the expense of having a professional prepare the plan, which can cost up to \$50,000 for a graphic development plan. Allowing more commitments to be proffered in a textual development plan will reduce the overall cost and make the process more accessible to folks who may otherwise find it cost prohibitive to rezone their property.

### *Strategy*

Staff is proposing to add more flexibility and to simplify the development plan requirements through the following primary changes:

1. Allowing textual development plans to be used for any commitments that can be adequately described through text, to remove the barrier of a cost prohibitive graphic development plan, and allow for less resourced applicants to still have a mechanism to address community concerns with a zoning map change request; and
2. Requiring that graphic development plans show basic UDO requirements in a chart or table, and only show graphically those elements that are committed above and beyond ordinance requirements to eliminate confusion and potentially misleading drawings; and
3. Removing mandatory design commitments as most add little value, are recycled from project to project by applicants, and generally do not reflect community character or concerns.

### **Issues and Analysis**

This UDO Text Amendment is a revision to the requirements for development plans, as found in Section 3.5.7. The proposed text amendment is provided in Attachment A. The following summarizes the changes found in the attachment:

- Article 3, Applications and Permits
  - Revise Section 3.5.6, Development Plan, to
    - provide a timing and enforcement mechanism requirement to all commitments; and
    - consolidate references to the Planning Director's authority to make interpretations to one section of the UDO; and
    - restructure the ordinance section so it flows with how community members, applicants, and staff should read it; and
    - clarify the Contiguous Development section; and
    - remove the existing information requirements to allow for a development plan to identify what is being proposed in excess of UDO requirements on and be reduced to one sheet.
  - Revise Section 3.5.6, Development Plan, to

- eliminate the minimum commitments section and restructure under graphic or textual development plan sections; and
- remove the Additional Commitments – Graphic or Text; and
- redefine the Types of Development Plan section to amend how graphic and textual plans can and should be used; and
- remove the design commitments section; and
- simplify the Phasing Plan section; and
- revise the Required elements of a Graphic Development Plan to capture what is most beneficial for transparency to community members and elected officials; and
- clarify the *C. Procedures* section for textual and graphic development plans; and
- expand section *D. Commitments Allowable Under Development Plans* to expand what is allowed under graphic and textual development plan commitments.

**Consistency with the *Comprehensive Plan*; Reasonableness and in the Public Interest.** The purpose of this text amendment is to enact changes to a significant regulatory tool (the UDO) that implements various development policies found within the *Comprehensive Plan*, a reasonable undertaking and in the public interest. Furthermore, the amendments are intended to further the *Community Goals and Objectives of the Comprehensive Plan, including Intentional Planning and Decision-Making*.

**Equal Business Opportunity Summary**

This is an amendment to the Unified Development Ordinance It was not reviewed by the Finance Department for compliance with the Ordinance to Promote Equal Business Opportunities in City Contracting.

**Contractor Workforce Diversity & Hiring Practices**

Due to the nature of this agenda item, obtaining Contractor Workforce Diversity & Hiring Practices information is not applicable.

**Staff Contact**

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**Attachment(s)**

**Attachment A:** *Unified Development Ordinance Text Language*

**Attachment B:** An Ordinance to Amend the *Unified Development Ordinance*, Development Plan Revisions (TC2200002) with Track Changes

**Attachment C:** Consistency Statement

**Attachment D:** Planning Commission Written Comments