

**AN ORDINANCE TO AMEND THE UNIFIED
DEVELOPMENT ORDINANCE REGARDING THE ANNUAL EVALUATION AND ASSESSMENT
REPORT OF THE DURHAM COMPREHENSIVE PLAN**

WHEREAS, the Board of County Commissioners wishes to amend certain provisions in the Unified Development Ordinance by making minor technical revisions; and

WHEREAS, it is the objective of the Board of County Commissioners to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 2, Review Authority, and Article 3, Applications and Permits, of the Unified Development Ordinance is amended to make the following changes set forth in the strikethroughs and underlining below:

PART 1

[Amend the requirements of the annual Evaluation and Assessment Report of the Durham Comprehensive Plan.]

Sec. 2.1 Governing Bodies

[Paragraph 2.1 remains unchanged.]

2.1.2 Powers and Duties

The governing bodies shall be responsible for final action regarding the following:

- A. Amendments to the adopted Comprehensive Plan, including the annual Evaluation and Assessment Report;

[Paragraphs B-G remain unchanged.]

Sec. 2.2 Joint City-County Planning Committee (JCCPC)

[Paragraphs 2.2.1 and 2.2.2 remain unchanged.]

2.2.3 Powers and Duties

[Paragraph A remains unchanged.]

- B. The JCCPC shall also be responsible for review and recommendation regarding amendments to the text of this Ordinance and policies of the Durham Comprehensive Plan that affect both the City and County jurisdictions.

[Paragraph C remains unchanged.]

Sec. 3.2 Common Review Procedures

[Paragraphs 3.2.1-3.2.4 remain unchanged.]

3.2.5 Notice and Public Hearings

C. Summary of Notice Required

Notice shall be required for applications for development approval as shown in the table below.

Procedure	Published	Mailed	Posted
Comprehensive Plan Amendment	✓	✓	
Zoning Map Change	✓	✓	✓
Site Plan		✓ ¹	
Minor Special Use Permit	✓	✓	✓
Major Special Use Permit (including TIA special use permit)	✓	✓	✓
Variance	✓	✓	✓
Appeal of Administrative Decision	✓	✓	
Historic District Designation	✓	✓	
Historic Landmark Designation	✓	✓	
Certificate of Appropriateness			
Minor		✓	
Major	✓	✓	
UDO Text Amendment	✓	✓	
Vested Rights Determination	✓	✓	✓
Rectification of Plans <u>Evaluation and Assessment Report</u>	✓		

¹ Mailed notice shall be required whenever an applicant for a site plan is seeking approval of any of the modifications to standards specified in ~~Sec. paragraph~~ 3.7.1B.3, Major Site Plans that are granted at the discretion of a governing body.

[Paragraphs B-E remain unchanged.]

[Paragraph 3.2.6 remains unchanged.]

Sec. 3.4 Comprehensive Plan Adoption/Amendment

3.4.1 Applicability

[Paragraphs A and B remain unchanged.]

- C. Adoption of or amendments to the Comprehensive Plan shall only apply to the jurisdiction in which the subject property is located unless the property is the subject of an annexation petition; ~~or through the rectification process established in Sec.~~ the amendment is pursuant to paragraph 3.4.10, Rectification of County and City Plans~~Evaluation and Assessment Report.~~

[Paragraphs 3.4.2 and 3.4.3 remain unchanged.]

3.4.4 Neighborhood Meeting

All applicants applying for a plan amendment shall hold a neighborhood meeting in accordance with ~~See-paragraph~~ 3.4.4, Neighborhood Meeting, except for changes made pursuant to paragraph 3.4.10, Evaluation and Assessment Report.

[Paragraphs 3.4.5-3.4.9 remain unchanged.]

3.4.10 ~~Rectification of County and City Plans~~ Evaluation and Assessment Report

- ~~A.~~ Annually, the Planning staff will ~~prepare~~ conduct a public hearing before each governing body for the purpose of addressing and possibly rectifying any differences between the adopted plans of the City and County. There shall be public notification of the hearing in accordance with paragraph 3.2.5B.1, Published Notice, and public participation shall be allowed. an Evaluation and Assessment Report (EAR) for review and approval by the governing bodies. The EAR will include, at a minimum, the following:
1. A rectification of any differences between the adopted Future Land Use Map of the City and County;
 2. A report on the progress of policies within the Durham Comprehensive Plan;
 3. Proposed changes to the policies of the Durham Comprehensive Plan that are primarily technical in nature, if any;
 4. A summary of land use trends and issues that developed over the previous year; and
 5. Technical updates to the Future Land Use Map:
 - a. Amendments to the Recreation and Open Space layer, if needed, to conform to the most recent Special Flood Hazard Area designation by the Federal Emergency Management Agency;
 - b. Amendments to the Recreation and Open Space layer to include those properties for which a conservation easement has been recorded with the Register of Deeds; and
 - c. Amendments to the Agricultural layer to include those properties for which an agricultural easement has been recorded with the Register of Deeds.
- ~~B.~~ The governing bodies shall hold public hearings for the approval of the EAR. Notification of the public hearings shall be pursuant to paragraph 3.2.5, Notice and Public Hearings.

PART 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

PART 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.