RESOLUTION OF THE DURHAM CITY-COUNTY PLANNING COMMISSION IN SUPPORT OF INITIAL "TRANSLATION" ZONINGS BY THE CITY COUNCIL OF NEWLY ANNEXED PROPERTIES AND IN SUPPORT OF BYPASSING RECONSIDERATION OF SUCH ZONINGS BY THE PLANNING COMMISSION

WHEREAS amendments have been made to Section 160A-387 of the North Carolina Statutes by the General Assembly that become effective on January 1, 2006;

WHEREAS those amendments require that all zoning ordinance and zoning map amendments be submitted to the Durham City-County Planning Commission for review and comment:

WHEREAS unique conditions apply to the City and County of Durham in that the incorporated areas of the city and the unincorporated areas of Durham County are governed by the same zoning ordinance and, through interlocal agreement, the governing bodies have created a "merged" Planning Commission to review all zoning amendments in the City and the County;

WHEREAS as a result of the consistency in both the zoning ordinance and the zoning process within the City and the unincorporated areas of the County, zoning actions that have been considered once by the Planning Commission should not have to be reconsidered by the Planning Commission at the time the property may be annexed by the City;

WHEREAS allowing for initial "translation" zonings, wherein a property's existing zoning category in the County is kept intact by the City upon annexation, and remains until the owner requests a change in zoning, promotes many laudable public goals, including but not limited to, continuity in City and County zoning processes and the allowance of protest petitions if a request for a rezoning is made after a translation zoning has initially been given to a property by the City Council;

WHEREAS it is not reasonable to add cases to the Planning Commission's agenda for consideration of "translation" zonings when the recommendation of the Planning Commission will routinely be to allow the current zoning to remain upon annexation by the City of Durham, because such addition: 1) delays the consideration of the translation zoning cases by the City Council; and 2) is not reasonable to burden the land owner with an unnecessary additional public hearing;

NOW, THEREFORE, THE DURHAM CITY-COUNTY PLANNING COMMISSION hereby resolves that:

1. The Commission hereby considers all initial zonings of properties newly annexed to the City to be “submitted” and “referred” to the Durham City-County Planning Commission for purposes of compliance with NCGS 160A-387 as of the date of the City Council work session at which the annexation of the property is first considered on the printed agenda;

2. Without further action on any such individual zonings, the Commission hereby recommends to the Durham City Council that all “translation” zonings -- e.g., initial zonings by the City Council of property that has been previously zoned by the County, where the recommended action is to maintain the same zoning designation as in the County – be approved for zoning action as submitted, with the same zoning designation as such property held in the County, for the reasons stated above; and

3. The Planning Department, as part of its staff report or suggested motions on the City Council agenda, is hereby authorized to justify the Planning Commission’s recommendation regarding “translation” zonings, consistent with this Resolution.