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# Planning Commission



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# Planning vs. Zoning

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# Policy vs. Ordinance

(Planning) (Zoning)

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# Planning Commission

## Powers and Duties

- The Planning Commission is responsible for reviewing and making recommendations regarding the following:
  - ***Adoption of or amendments to the Comprehensive Plan and related plans***
  - ***Amendments to the text of the UDO***
  - ***Applications for zoning map change***
  - ***Applications for historic district/landmark designation***
  - ***Adoption of or amendment to redevelopment plans***
  - ***Planning Department Annual Work Plan***

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## Typical Planning Commission Process (Legislative)

- *Pre-Submittal Conference*
- *Application*
- *Agency Review and Recommendation*
- *Planning Commission Public Hearing and Recommendation*
- *Governing Body Public Hearing and Decision*



# Common Review Procedures



- ***Pre-Application Conference mandatory for Plan Amendments and Zoning Map Changes***



# Common Review Procedures

## Neighborhood Meetings



- Amendments to the Comprehensive Plan; and
- Zoning map changes that require a Traffic Impact Analysis
  - ***The applicant must provide notice by mail ten days prior to the date of the neighborhood meeting to property owners within 600 feet and to neighborhood associations located within 1,000 feet of the site.***



# Common Review Procedures

## Application Requirements

- ***Application forms - completed***
- ***Supporting Information (i.e. stormwater analysis, TIA, etc.)***
- ***Fee***
- ***Application Deadlines***

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# Common Review Procedures

## Notification Requirements

- ***Summary of Notice Required***
  - Long Range Plans:
    - Published
  - Comprehensive Plan Amendment:
    - Published and mailed
  - Zoning Map Change:
    - Published, posted and mailed
  - Zoning Text Amendment:
    - Published and mailed
  - Historic Landmark Designation:
    - Published and mailed



# Common Review Procedures Published Notice

- Notice must be in a local newspaper of general circulation.
- Once a week for two successive weeks
- The first notice being published not less than ten days nor more than 25 days before the date fixed for the public hearing

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## Common Review Procedures Mailed Notice

- Notice shall be mailed at least 14 but not more than 25 days prior the date of the public hearing.
- Notice by first class mail to all property owners, as indicated by County tax listings of property ownership within notification distance:
  - ***Plan Amendment – 1000 feet***
  - ***Zoning Map Change – 600 feet***
  - ***Both require notice to neighborhood associations within 1000 feet***

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## Common Review Procedures Posting

- A sign noticing the public hearing is posted not less than 14 days prior to the public hearing at which the application shall be reviewed.
- The sign is posted on the property or at a point visible from the nearest public street.
- In the case of multiple parcels, sufficient signs are posted to provide reasonable notice to interested persons.



# Common Review Procedures

## Minor Defect In Notice

- Minor defects in notice do not prejudice the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements

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# Long Range Plans



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## Long Range Plans

- *Comprehensive Plans*
- *Open Space Plans*
- *Redevelopment Plans*
- *Neighborhood (Small Area) Plans*
- *Historic Preservation Plans*

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# Comprehensive Plan Adoption and Amendment

## Action by the Planning Commission

- The Planning Commission considers recommendations from the Planning Director and shall conduct a public hearing.
- Notice and public hearing requirements must be in accordance with Sec. 3.2.5, Notice and Public Hearings.
- The applicant or a representative is expected to appear at the meetings to explain why the Plan should be changed.
- Following the public hearing, the Planning Commission must make a recommendation on the application to the governing body.
- The Planning Commission must make its recommendation within 90 days of its initial public hearing



# Comprehensive Plan Adoption and Amendment

## Criteria for Planning Commission Recommendations

- The recommendations of the Planning Commission to the governing body must show that the Planning Commission has studied and considered the proposed change in relation to the following, where applicable:
  - Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and programs of any adopted plans;
  - Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
  - Whether the proposed change would create substantial adverse impacts in the adjacent area or the City or County in general; and
  - Whether the subject parcel is of adequate shape and size to accommodate the proposed change.



# Comprehensive Plan Adoption and Amendment Rectification of County and City Plans

- Annually, the Planning staff conducts a public hearing before each governing body for the purpose of rectifying any differences between the adopted plans of the City and County.

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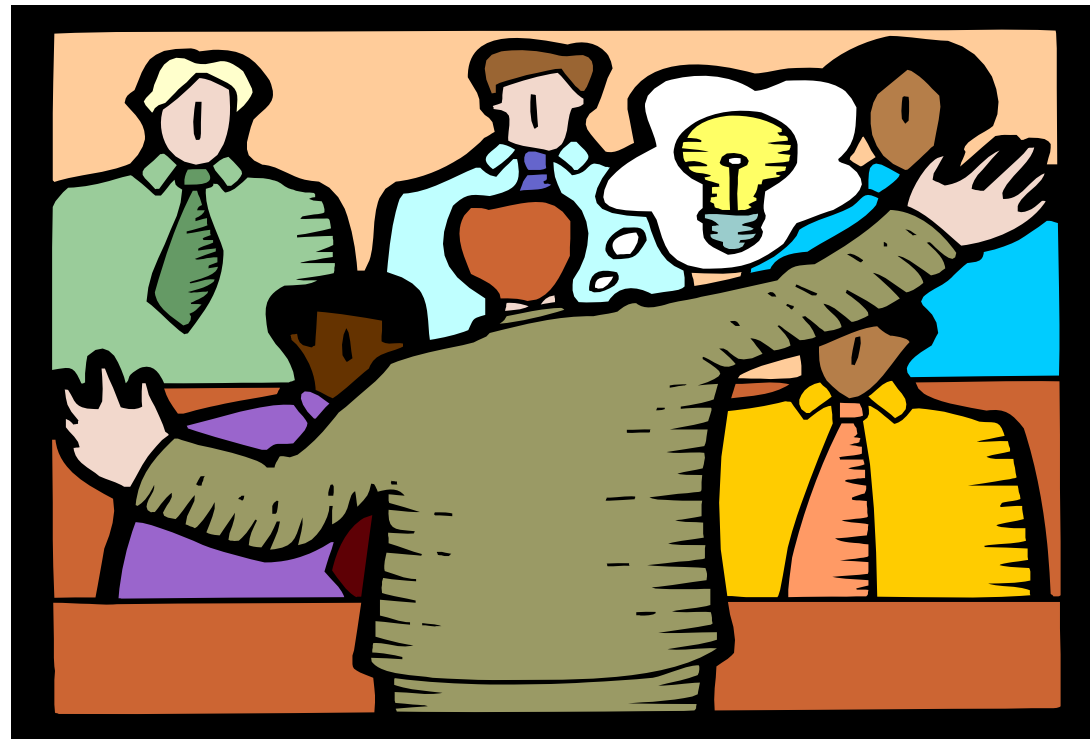


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# Zoning Map Changes (Rezoning)



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# Zoning Map Changes (Rezoning)

- A procedure to process amendments to the zoning district boundaries of the Official Zoning Map
- A zoning map change may be initiated by the governing body, the Planning Commission, the Board of Adjustment, the Planning Director or designee, a citizen or the property owner or their agent, except that a petition for a zoning map change with a development plan may only be initiated by the property owner or their agent

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# Zoning Map Changes

## Development Plans

- The development plan procedure allows property owners to provide more information than would typically be found with just a zoning map change petition
- A development plan establishes the maximum development that will be allowed on the property

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# Zoning Map Changes Development Plans

A development plan is intended to:

- Demonstrate compliance with Ordinance requirements
- Specify the maximum scale and intensity of the proposed development
- Demonstrate that the provisions of all Ordinance requirements have been considered
- Provide appropriate protections for sensitive areas
- Identify limitations on uses, where appropriate;
- Commit to dedications prior to site plan or plat review;
- Identify additional design specifications, where required or committed as part of the development plan;
- Identify the timing and sequencing of phases or uses of projects, where required or committed as part of a development plan;
- Identify commitments that are greater than Ordinance requirements (**committed elements**); and
- Provide information sufficient to demonstrate that the proposed project can be developed as proposed

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# Zoning Map Changes Development Plans

- A development plan may be used by the petitioner in any zoning district
- A development plan is required in the following districts:
  - ***PDR***
  - ***CC***
  - ***MU***
  - ***IP districts***
  - ***In the RS-M district if a building greater than 35 feet in height or a density greater than eight units per acre is proposed***

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# Zoning Map Changes

## Development Plans -TIA

- A traffic impact analysis may be required if the proposed zoning map change generates at least 150 vehicle trips at the peak hour

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# Zoning Map Changes

## Staff Report

- Reviews the zoning map change request in light of any applicable plans and the general requirements of the UDO
- Considers the entire range of permitted uses in the requested classification regardless of any representations made that the use will be limited, unless a development plan is submitted that restricts the permitted range of uses to specific uses
- Evaluates request for consistency with adopted plans and the impact of the requested classification on public infrastructure, as well as any specific requirements of the requested classification

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# Zoning Map Changes

## Public Hearing

- Complete zoning map change requests and any related materials are forwarded to the Planning Commission for a hearing and recommendation at the first regularly scheduled meeting following completion of the technical reviews by staff

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# Zoning Map Changes

## Action of the Planning Commission

- Before making any recommendation on a petition for zoning map change, the Planning Commission must consider any recommendations from the Planning staff, and shall conduct a public hearing where interested parties may be heard
- Notice and public hearing requirements must be in accordance with Sec. 3.2.5, Notice and Public Hearings
- The Commission must make its recommendation within 90 days of its initial public hearing
- When a recommendation is not made within the time periods established the governing body will process the request without a Commission recommendation.

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# Zoning Map Changes Development Plans Significant Modifications

- Increase in the number of residential units or approved density
- Decrease by more than 20% in total density
- Decrease by more than 5% in total density in residential projects in the Compact Neighborhood Tier
- A cumulative increase of more than 5%, or 1,000 square feet, whichever is greater, or a cumulative decrease of more than 20% in the total square footage within a nonresidential or mixed use development;
- Any reduction or deletion of a committed element.
- Elimination or reduction of a dedication of right-of-way, greenway, or other public component
- A change in the proposed phasing of the project where phasing plans are required
- A change from one general category of uses to another category
- A significant change in the number, location or configuration of access points to the development, or significant changes to previously shown public road improvements



# Zoning Map Changes

## Deferral and Withdrawal Requests



- **Deferral Requests Approved by the Planning Director**
- **Withdrawal Request by Applicant**
- **Administrative Withdrawal**
- **Resubmittal of Withdrawn Applications**

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# Zoning Map Changes

## Protest Petitions - City

- The petition must meet the substantive requirements of GS 160A-385(2), and in particular must be signed by the owners of either:
  - ***20% or more of the area included in the proposed change or***
  - ***5% of the area of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned.***

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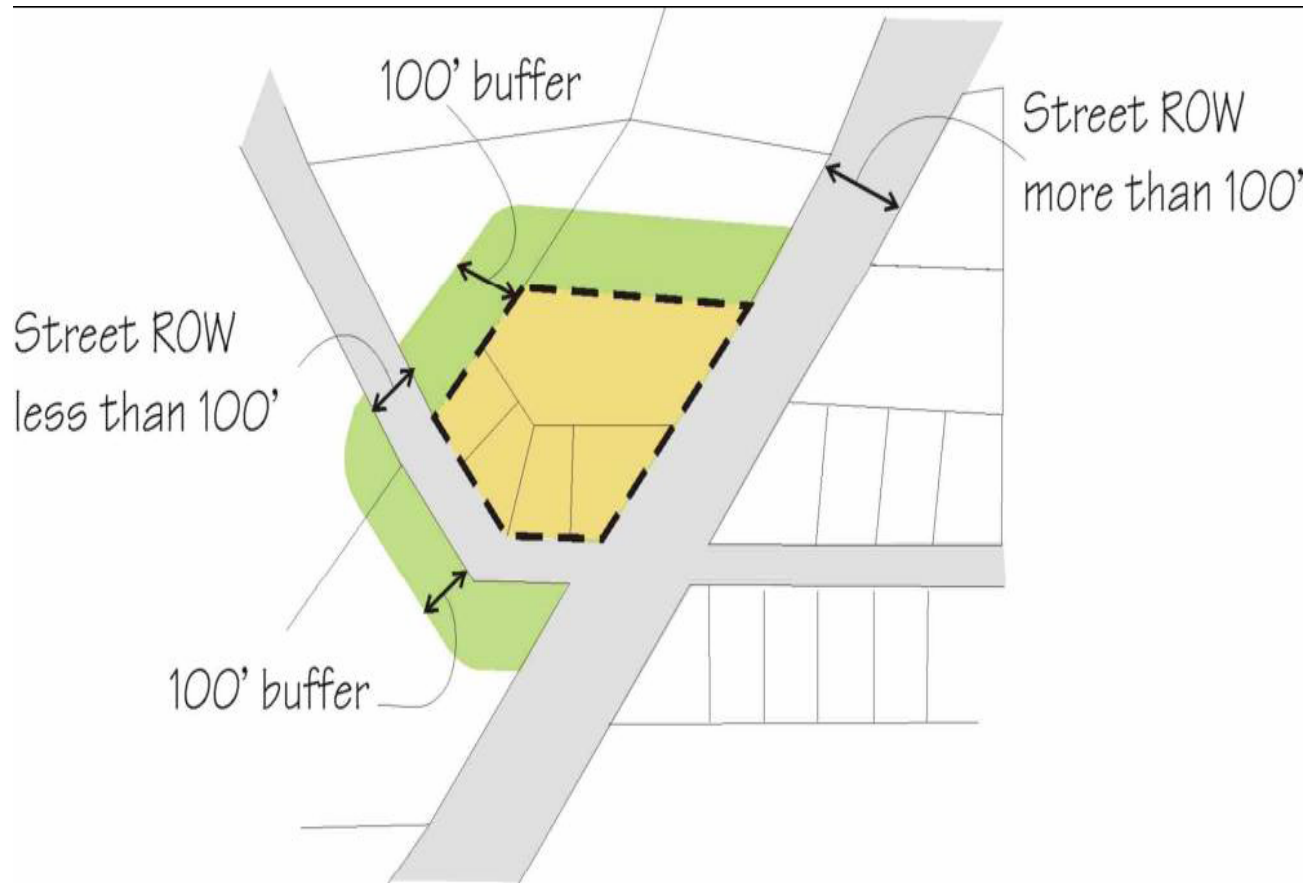
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# Zoning Map Changes

## Protest Petitions - City



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# Zoning Map Changes

## Protest Petitions - County

- The petition shall be submitted on time and contain the signatures of property owners comprising of 20% of either:
  - ***The area of the property under consideration; or***
  - ***The area within 100 feet of either side or the rear of the subject property; or***
  - ***The area directly across the street from the subject property and extending 100 feet from the street frontage of the properties across the street***

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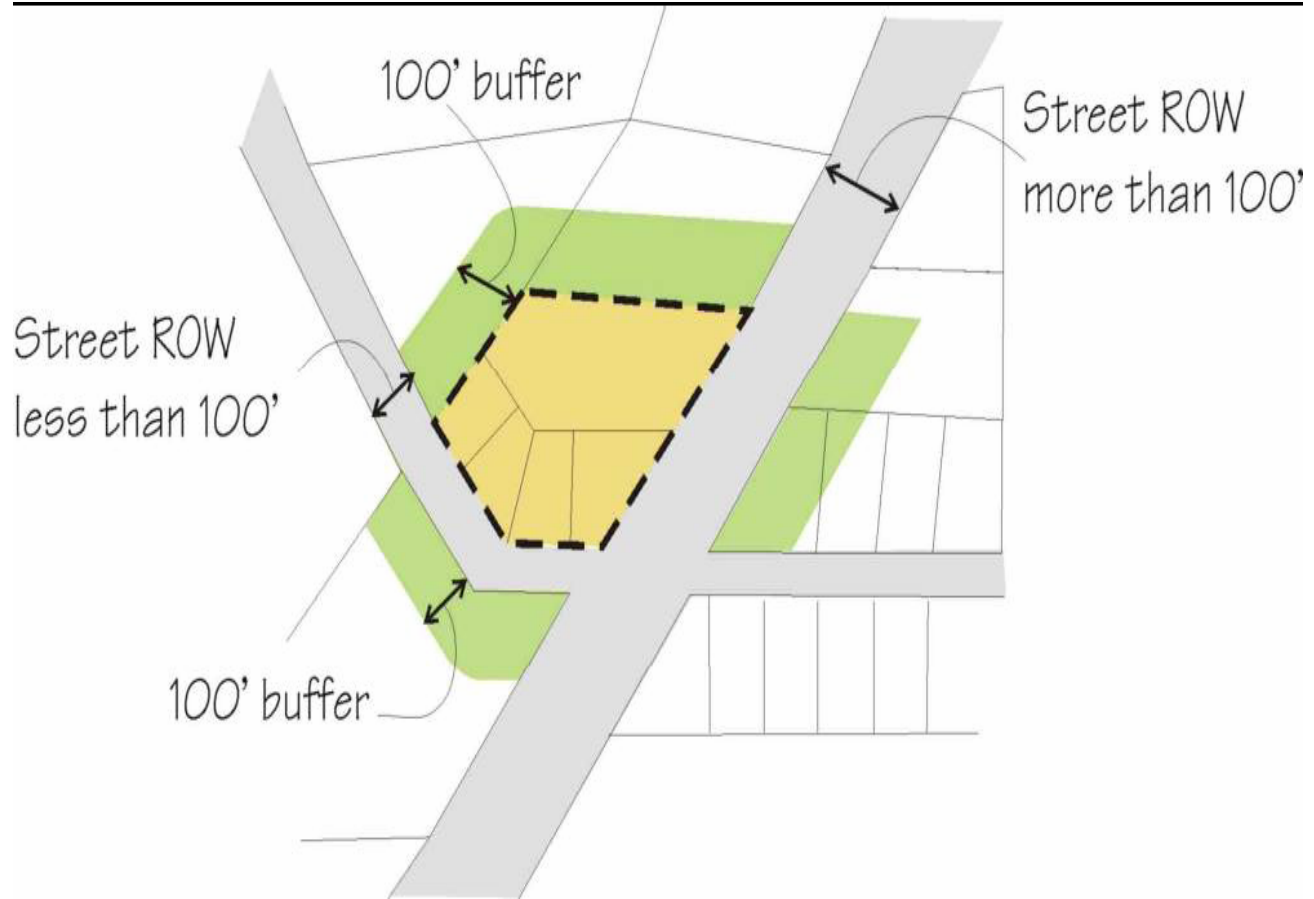
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# Zoning Map Changes

## Protest Petitions - County



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# Zoning Text Amendments



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# Zoning Text (UDO) Amendments

- *Initiation*
- *Amendment Development*
- *Public Hearing*
- *Adoption*
- *Distribution*

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## Zoning Text (UDO) Amendments

- ***The Planning Commission must consider any recommendation of the Planning Director and shall conduct a public hearing***
- ***Public hearings must be in accordance with Sec. 3.2.5***
- ***The Planning Commission must make their recommendation within 90 days of its initial public hearing***
- ***If a recommendation is not made within 90 days the governing body will consider it without a Planning Commission recommendation.***

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# Historic District or Landmark Designations



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## Historic District or Landmark Designations

- ***Area may be considered only after the HPC finds that the area is of special significance***
  - Prehistorical
  - Historical
  - Architectural
  - Cultural



# Historic District or Landmark Designations



- ***Planning Commission Action***

- Hold public hearing and notice in accordance with Sec. 3.2.5
- Review the request and recommend denial or designation of the area

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# Planning Commission

- *Questions*

