



Date: May 12, 2025

To: Claudia Hager, County Manager
Through: Maurice Jones, Deputy County Manager
From: Sara M. Young, AICP, Planning Director
Subject: TC2400003: A Privately Initiated *Unified Development Ordinance (UDO)* Text Amendment

Executive Summary

Text Amendment TC2400003 is a privately initiated request to amend Section 3.26, *Statutory Development Agreement*, of the Unified Development Ordinance (UDO), in order to allow flexibility within the limitations imposed upon statutory development agreements.

The draft language of the TC2400003 Text Amendment has been posted on the City's website and public notice of its posting has been shared through the Planning Notification Service (weekly emails). The Planning Commission reviewed this item at their March 11, 2025, meeting and voted 6-3 to recommend approval. This text amendment was reviewed and approved unanimously (7-0) at the City Council on April 21, 2025.

Motions

To conduct a public hearing to receive comments and consider the following motions:

Motion 1: To adopt an ordinance amending the Unified Development Ordinance, incorporating revisions to Article 3 *Applications and Permits*.

Motion 2: To adopt a Consistency Statement as required by N. C. G. S. Sec. 160D-605.

Background

Per Unified Development Ordinance Section 3.26.1: statutory development agreements are intended "to provide for community benefits within developments that are difficult to accommodate within traditional zoning processes". The intent of this amendment is to provide further flexibility for applicants by allowing the requirements held within Section 8.3, *Tree Protection and Tree Coverage*, of the Unified Development Ordinance to be altered through statutory development agreements; any changes in tree protection and tree coverage would apply *only* to the sites explicitly included within any such agreement. The terms of any changes included within such agreements would also be subject to the discretion of the appropriate legislative governing body, dependent upon jurisdiction.

Note that although this privately initiated text amendment request was initiated as part of a specific statutory development agreement within the city limits (Z2400007, Page Corners), it is broadly applicable to any future development agreements and is not specific to a single project. This amendment does not automatically change tree coverage requirements for any project, it merely allows applicants to propose such a change as part of a development agreement, which would then be up to the governing body to

consider and either approve or deny that development agreement.

Since the *Unified Development Ordinance* regulates development within both the City and the County, staff brings text amendments to both the City Council and the Board of County Commissioners in order to ensure that land use regulations within Durham are uniform across jurisdictional bounds, where appropriate. If this text amendment is not approved by the county, then this option for development agreements will only apply in the city. Only applications for development agreements in the city would be able to request flexibility regarding tree protection and tree coverage requirements.

Consistency with the *Comprehensive Plan*; Reasonableness and in the Public Interest.

Since this is a privately initiated text amendment, please see *Attachment A, Application Materials Submitted by the Applicant*, for the *Comprehensive Plan* alignment justification included within their application.

Alternatives

A. *Modify and Approve the Proposed Unified Development Ordinance (UDO) Text Amendment.*

The Durham Board of County Commissioners may elect to modify the text of the proposed UDO text amendment prior to approval. This could potentially cause a situation where the adopted language differs between the city and the county.

B. *Deny the Unified Development Ordinance (UDO) Text Amendment.*

The Durham Board of County Commissioners may elect to deny the UDO text amendment. This will create a situation in which the city has approved the change but the county has not. In this situation, statutory development agreements entered into between an applicant and the county will not be able to make adjustments to Sec. 8.3 of the *Unified Development Ordinance*.

Staff Contact

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Attachments

- A. Application Materials Submitted by the Applicant
- B. TC2400003 Draft Ordinance Language (Track Changes Version)
- C. Planning Commission Written Comments