



Legislation Details (With Text)

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Type: Informational Report **Status:** Public Hearing

File created: 9/16/2020 **In control:** Board of County Commissioners

On agenda: 9/28/2020 **Final action:**

Title: Unified Development Ordinance Text Amendment, Development Agreements (TC200003) (45min)

Sponsors:

Indexes:

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Attachments: 1. BOC Memo TC200003 final, 2. Attachment A Article 10 Development Agreements, 3. Attachment B_TC2000003_BOC_Consistency statement, 4. Attachment C BOC ORDINANCE TC2000003 9-21-20 revised final, 5. Attachment D Planning Commission comments

Date	Ver.	Action By	Action	Result
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Item:

Unified Development Ordinance Text Amendment, Development Agreements (TC200003) (45min)

Date of BOCC Meeting: September 28, 2020

Request for Board Action:

The Board is requested to conduct a public hearing and receive public comments on the *Unified Development Ordinance* Text Amendment, Development Agreements (TC2000003), and consider the following motions:

First Motion: Adopt the appropriate Statement of Consistency pursuant to NCGS §153A-341; and

Second Motion: Adopt an ordinance amending the *Unified Development Ordinance*, incorporating revisions to amend Article 1, General.

Summary. Development agreements, as allowed by NCGS 160D Article 10 Development Agreements (formerly NCGS § 160A-400.20 through 400.32 (for municipalities) and 153A-349.1 through 349.13 (for counties)), authorize a city or county to enter into a contract with a person or entity that specifies development requirements, standards, and conditions that will govern the development of a property (see Attachment A for full statute). A development agreement can work in tandem with zoning requirements or in lieu of zoning requirements. The *Unified Development Ordinance* (UDO) prohibited such agreements until the prohibition was removed in 2016. Although the text prohibiting development agreements was removed, no text was added stating that they are affirmatively allowed. The proposed amendment adds an affirmative statement, limitations on development agreements, and process.

Attachments:

Attachment A: Development Agreement statutory authority (*NCGS Chapter 160D Article 10 Development Agreements*)

Attachment B: Statement of Consistency Pursuant to NCGS § 153A-341

Attachment C: An Ordinance to Amend Provisions of the *Unified Development Ordinance* Regarding

Development Agreements (TC2000003)

Attachment D: Planning Commission comments

Alignment with Strategic Plan: The text amendment emphasizes Goal 4 (Community Prosperity) by offering fair and reasonable regulations for the citizens and business community of Durham while adhering to Goal 5 (Accountable, Efficient, and Visionary Government) by maintaining a transparent government and welcoming public input.

Resource Persons: Michael Stock, AICP, Senior Planner, and Sara M. Young, AICP, Planning Director

County Manager's Recommendation: The County Manager recommends that the Board conduct a public hearing on the proposed Unified Development Ordinance text amendment and, if appropriate based on the comments received during the hearing, adopt the appropriate Statement of Consistency and approve the amendment.

County Manager: _____