

**AN ORDINANCE TO AMEND VARIOUS PROVISIONS
OF THE *UNIFIED DEVELOPMENT ORDINANCE* Regarding
Development Agreements
(TC2000003)**

WHEREAS, the Durham County Board of Commissioners wishes to amend certain provisions in the *Unified Development Ordinance* to clarify the permissibility of statutory development agreements per NCGS § 160D-1001 *et. seq.*; and

WHEREAS, the City and County recognize the potential for development agreements to serve as an additional regulatory tool to promote and actualize community benefits;

WHEREAS, it is the objective of the Durham County Board of Commissioners to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 1, General, of the *Unified Development Ordinance* is amended to make the following changes set forth in the additions (underlining) below:

Sec. 1.12 Development Agreements

Development agreements may be approved by the applicable governing body, pursuant to NCGS Chapter 160D, Article 10 (formerly §160A-400.20 et seq. and §153A-349.1 et seq.) and the following requirements shall apply:

- A. The proposed development within the agreement shall adhere to the provisions of this Ordinance unless Ordinance requirements or standards are varied by the approved development agreement.
- B. Development agreements shall not:
 - 1. Allow uses and/or housing types that are not allowed in the underlying zoning district of the subject property.
 - 2. Reduce environmental requirements within Article 4, Zoning Districts, and Article 8, Environmental Protection.
- C. A public hearing by the Planning Commission, in accordance with paragraph 3.5.9, Action by the Planning Commission, shall be required for any development agreement application that proposes modification to standards of this Ordinance or is associated with a zoning map change.
- D. The following shall be required prior to the official submittal of a development agreement proposal:
 - 1. A pre-submittal meeting with the Planning Department and any other applicable departments and agencies.
 - 2. A neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting.

PART 2

That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes.

PART 3

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