



Future Land Use Map Amendment

Application Information

Planning

City-County Development Services Center

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WHAT IS THE FUTURE LAND USE MAP?

The Durham Comprehensive Plan was adopted in 2005 by the City and the County as a guide for property owners and developers about how Durham should develop in order to sustainably manage land and resources. An important element of the Plan is the Future Land Use Map, showing desired patterns of land use, with different colors indicating different land uses (e.g. commercial, industrial, office, etc.). Though the Future Land Use Map is closely allied with the Zoning Map, they serve different functions. While the Future Land Use Map reflects policy (statements about how development should occur), the Zoning Map is a regulatory tool (a legal document articulating how the property can develop) that is used to implement the Future Land Use Map's policy vision.

WHEN IS A PLAN AMENDMENT REQUIRED?

Most often, an amendment to the Future Land Use Map of the Comprehensive Plan ("Plan Amendment") is required when either a private entity or a government agency proposes to change the Zoning Map in a way that does not conform to the adopted Future Land Use Map. A table describing compatible Future Land Use Designations and Zoning Districts can be found on the Planning Department's website here.

WHAT IS THE PROCESS FOR AMENDING THE FUTURE LAND USE MAP?

The decision to amend the Future Land Use Map is made by Durham's elected officials on either the City Council or the Board of County Commissioners, depending on which jurisdiction the property is located in. Prior to making the decision, however, a completed application must be submitted to the Planning Department (see requirements below). Staff evaluates the Plan Amendment request using criteria described in Section 3.4.7 of the Unified Development Ordinance (UDO) and prepares a recommendation. The recommendation is presented to the Planning Commission during an open public hearing. The Planning Commission votes to recommend approval or denial of the Plan Amendment request to elected officials. The timeline for changing the Future Land Use Map is varied, depending on the complexity of the application; however, the process will take a minimum of 4 months.

WHAT IS A VALID REASON TO REQUEST A LAND USE PLAN AMENDMENT?

- The proposed use is more compatible with surrounding uses and/or designated future land use patterns than the current designation.
- The site area is not of sufficient size or shape for development under the adopted Future Land Use Map designation.
- A change in land use designation will contribute to the implementation of a specific adopted goal, objective, or policy.
- Environmental conditions (on the site) make the proposed designation more appropriate than the adopted designation.
- The proposed use would provide a better transition between less compatible uses than the adopted designation.
- Recent development patterns preclude the area from developing as designated on the adopted Future Land Use Map.

WHAT IS NOT A VALID REASON TO REQUEST A LAND USE PLAN AMENDMENT?

- Increased profitability for property owner or developer.
- Increased tax base.
- Applicant intends to proffer committed elements on a development plan related to
- Zoning Map Change.
- Parcels owned by the same owner should have the same designation.
- Parcel was designated something else under Small Area Plans and was changed during the Comprehensive Plan adoption.
- The representation that there is no market for the existing land use designation.

HOW ARE LAND USE PLAN AMENDMENT REQUESTS EVALUATED BY STAFF?

The UDO contains criteria for the Planning Commission to use in considering proposals to amend the Durham Comprehensive Plan (See Section 3.4.7). Staff uses these criteria in evaluating Plan Amendment requests. Staff will only recommend approval for proposed Plan Amendments that meet all four criteria.

1. **Consistency.** The criterion is “whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans.”
2. **Compatibility.** The criterion is “whether the proposed change would be compatible with the existing land use pattern or the designated future land uses.”
3. **Substantial Adverse Impact.** The criterion is “whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general.”
4. **Adequate Shape and Size.** The criterion is “whether the subject site is of adequate shape and size to accommodate the proposed change.”

APPLICATION INFORMATION

1. **Pre-submittal Meeting Requirement:** Prior to submitting an application, the applicant is required to meet with staff to review the proposed request. Presubmittal meetings for Plan Amendments are typically paired with pre-submittal meetings for Zoning Map changes, if necessary. To schedule a pre-submittal meeting please fill out and return a request form here.
2. **Neighborhood Meeting Requirement:** Prior to submitting an application, the applicant is required to hold a meeting, at a venue approved by the Planning Director or the Director's designee, to notify property owners in the area of their intent to change the Future Land Use Map. The applicant must email the staff a copy of the letter that will be sent announcing the neighbored meeting and location, to be approved by the Planning Director. Please allow four business days for approval of your location and letter. Further requirements for this meeting can be found in UDO Section 3.2.3. The purpose of the neighborhood meeting shall be to inform the neighborhood of the nature of the proposed land use and development features, explain the site plan if any, and solicit comments. This requirement shall not mean that all association members, owners or tenants are required to attend such a meeting. The applicant shall provide notice by mail at least ten days prior to the date of the neighborhood meeting to each owner of record of any land within 600 feet of the property for which the development approvals are sought and to neighborhood associations located within 1,000 feet of the site which have registered with the Planning Department to receive notice. The notice shall include at a minimum the following:
 - The applicant's name and telephone number;
 - The street address of the site with an identification map;
 - A clear explanation of what the applicant is proposing; and
 - The date, time and location of the meeting.

For an application to be considered complete the following items must be included in the application packet:

- A copy of the letter sent to neighbors;
- A copy of the mailing labels;
- A copy of the sign in sheet from the meeting; and
- A summary of issues discussed at the meeting.

- 3. Justification Statement:** A written statement describing how the proposed Plan Amendment is justified and in the public interest must be submitted after the staff has completed the review of the application and issued comments to the applicant (within 3 weeks of submittal). Please reference Justification Statement Guidelines below.

Justification Statement Guidelines

The decision to change the Future Land Use Map is primarily based on the questions: How is the proposed land use change in the public interest? What benefit to the public will accrue from a change in the adopted policy for futures uses of land in Durham? The answer to these questions is central to the staff recommendation to the Planning Commission and to the governing boards to approve or deny the request. Without a valid justification, the staff will recommend denial of the Plan Amendment.

- 4. Submittal Deadlines:** Applications are accepted at the Planning Department on the 2nd Monday of each month before noon (12 pm). All other submittals require an appointment.

WHO CAN I CALL OR EMAIL IF I HAVE QUESTIONS?

Please contact the Development Services Center at DSC@durhamnc.gov if you need additional information.