



City of Durham

Type 3 Land Use Decision Process

A Type 3 is a process for review and decision by the Planning Commission after notice and a public hearing. The applicant has the burden of proof and persuasion. The Planning Commission may approve or deny a land use application based on standard and criteria in the Durham Development Code. Type 3 decision processes include:

- Commercial Development,
- Multi-Dwelling Design Overlay,
- Conditional Uses, and
- Variances.

Pre-Application Conference

A Type 3 land use decision requires a pre-application conference. A pre-application conference will consider:

- The relevant comprehensive land use plan policies and map designations
- The relevant provisions of the Development Code and of other federal, state and local laws that will be considered during the review of and decision on the application
- Technical data to be included or addressed in the application and the possible sources of such data
- Any other opportunities or constraints that may be relevant

Application Procedure

Following the pre-application conference, the applicant files a complete application. A complete application includes:

- A land use application and fee
- Information and materials specified in the Pre-App meeting
- Site vicinity map showing the street address and zoning of the property
- A summary of the relevant approval criteria
- A narrative statement and supporting materials to show that the application addresses all of The standards and criteria for decision of the Durham Development Code
- 2 sets of address labels for all property owners within 300 ft. of the property

Upon receipt of the application, the City Planner will review it to determine if it is complete and notify the applicant in writing within 30 days that it is deemed complete or additional information is needed.

Notice of the hearing for the application will be sent to property owners within 300 feet of the property and any government agency that is entitled to a notice. Notice will be sent at least 20 days prior to the public hearing. The public will be notified in the form of a published agenda for the Planning Commission meeting.

The Planning Commission makes a decision about a Type 3 application within 120 days after the application is deemed complete. The applicant will be notified in writing of the decision, the findings of facts relied on and the justification for the decision based on the development code criteria, and any conditions. Notice of the decision will be sent to everyone who submitted comments about the application and everyone who was entitled to notice of the application. Once the decision is made, interested parties have 12 days to appeal the decision in writing.

Contact City Hall for specific information about appeals and application expiration dates.