

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE
REGARDING MASS GRADING BUFFERS (TC1600006)**

WHEREAS, the Durham Board of County Commissioners wishes to amend certain provisions in the Unified Development Ordinance by making revisions regarding mass grading buffers and definitions; and

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

NOW, THEREFORE, be it ordained that Article 9, Landscaping and Buffering; and Article 16, Definitions, of the *Unified Development Ordinance* is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

Sec. 9.5 Mass Grading Buffers and Revegetation

[Paragraphs not listed remain unchanged]

9.5.1 Mass Grading Buffers

A. Applicability

1. Mass grading buffers shall only apply to activity within the city jurisdiction.

~~12.~~ Mass grading, as defined in Sec. 16.3, in the Rural, Suburban and Urban Tiers where no other site improvements are proposed, shall require perimeter mass grading buffers at all exterior lot lines pursuant to this section.

~~23.~~ Buffers required by this section shall no longer be required upon approval of a site plan for other site improvements, although buffers may be required by other provisions of this Ordinance. If such a site plan or a final plat is approved, the required mass grading buffer shall be retained until a project boundary buffer pursuant to Sec. 9.4, Project Boundary Buffers, is installed. A preliminary plat does not relieve the applicant of the requirements of this paragraph.

~~34.~~ A site plan for buildings, not just utilities, must be approved to be relieved of the requirements of this section.

B. Buffer Standards

2. Adjoining Other Properties

a. Perimeter mass grading buffers adjoining other properties (along exterior property lines), shall be a minimum of ~~32–65~~ feet in width if the adjoining property is developed, or 32 feet if the adjoining property is undeveloped, measured perpendicular to the boundary of the site, and shall be in place prior to ~~any mass gradingsuch grading activity, unless the adjoining property is undeveloped and has had no applications for development filed, in which case no mass grading buffers shall be required on those sides of the site proposed for disturbance.~~

b. Such buffers, ~~when required,~~ shall consist of preserve existing vegetation, ~~with supplemental vegetation added, when necessary, that meets or exceeds an average~~

~~opacity of 60% every 100 feet as determined through use of the interactive buffer model pursuant to paragraph 9.4.7, Interactive Buffer Model, or use of the appropriate table in paragraph 9.4.5, Constructed Buffer.~~

3. Adjoining Public Rights-of-Way

- a. Mass grading buffers along public rights-of-way shall be at least ~~50-65~~ feet in width measured perpendicular to the boundary of the site, and shall be in place prior to ~~any land disturbing such grading~~ activity.
- b. Such buffers shall ~~consist of preserved~~ preserve existing vegetation, ~~with supplemental vegetation added, when necessary, that meets or exceeds an opacity of 80% on average every 100 feet, as determined through use of the interactive buffer model pursuant to paragraph 9.4.7, Interactive Buffer Model, exclusive of areas for reasonable access or for utility installation.~~

Sec. 16.3 Defined Terms

[Definitions not listed remain unchanged]

Grading: A land disturbing activity that modifies the contours of the land.

PART 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

PART 3

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