

***New text is indicated by underlined text, strikethrough text indicates wording to be deleted from the Ordinance.***

## **ARTICLE 6: SUBDIVISION REGULATIONS**

### **Section 6.4 ADMINISTRATIVE PROCEDURE**

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one (1) week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda at least ~~fourteen (14)~~ twenty-one (21) days in advance of a regularly scheduled meeting by contacting the Town Planner ~~Code Officer~~.

### **Section 6.5 PRE-APPLICATION SKETCH PLAN PHASE**

- A. **Sketch Plan Submissions:** ~~Ten (10)~~ Five (5) printed copies and one (1) digital PDF of the sketch plan and all supporting materials must be submitted ~~fourteen (14)~~ twenty-one (21) days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Board's agenda. The sketch plan does not need to be prepared by a registered professional engineer but must be accurate and contain all the following information submittals to help the Board and applicant fully understand the project site and issues related to it:

### **Section 6.6 PRELIMINARY PLAN APPLICATION PHASE**

- A. **To Be Filed Within 12 6 Months of Sketch Plan:** Within ~~twelve (12)~~ six (6) months after the pre-application sketch plan review by the Board, the applicant shall submit an application for approval of a preliminary plan at least ~~fourteen (14)~~ twenty-one (21) days prior to a scheduled meeting of the Board. Failure to submit an application within six (6) months of pre-application review shall require resubmission of the sketch plan to the Board. The preliminary plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Board.

### **Section 6.7 MANDATORY SUBMISSIONS FOR PRELIMINARY PLAN**

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Planning Board, pursuant to Section 6.7.D or 6.35.A. ~~Ten (10)~~ Five (5) printed copies and one (1) digital PDF of all the following materials shall be delivered to the Town Office, at least ~~fourteen (14)~~ twenty-one (21) days prior to a regularly scheduled Planning Board meeting in order for the application to be placed on the Board's agenda for

Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2021, 2022, 2023, 2024, 2025

completeness review. Resubmission of updated or supplemental materials shall be submitted at least fourteen (14) days prior to a regularly scheduled meeting:

- A. **Application Form:** ~~Ten (10)~~ Five (5) printed copies and one (1) digital PDF of the application form and all accompanying information.

## **Section 6.8 FINAL PLAN APPLICATION PHASE**

- A. **To Be Filed Within 6 Months of Preliminary Approval:** Within six (6) months after the approval of the preliminary plan, the applicant shall submit ~~ten (10)~~ five (5) copies of an application for approval of the final plan with all supporting materials, at least ~~fourteen (14)~~ twenty-one (21) days prior to a scheduled meeting of the Board. Resubmission of updated or supplemental materials shall be submitted at least fourteen (14) days prior to a regularly scheduled meeting. If the application for the final plan is not submitted within six (6) months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

## **Section 6.9 MANDATORY SUBMISSIONS FOR FINAL PLAN**

- A. **Final Plan Format:** The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred (100') feet to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred (200') feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than twenty-four inches (24"X36") by thirty-six inches in size and shall have a margin of two (2") inches outside of the border line on the left side for binding and a one (1") inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. ~~One reproducible, stable-based Mylar transparency of the recording plan to be recorded at the Registry of Deeds, and~~ ten (10) Five (5) full sized paper copies and one (1) digital PDF of all the final plan sheets and any supporting documents shall be submitted.

## **Section 6.11 REVISIONS TO APPROVED PLANS**

- A. **Revision Procedure:** An applicant for a revision to a previously approved plan shall, at least ~~fourteen (14)~~ twenty-one (21) days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. Resubmission of updated or supplemental materials shall be submitted at least fourteen (14) days prior to a regularly scheduled meeting. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.
- B. **Revision Submissions:** The applicant shall submit a copy of the approved plan as well as ~~ten (10)~~ five (5) printed copies and one (1) digital PDF of the proposed revisions. The application shall also include enough supporting information to allow

Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2021, 2022, 2023, 2024, 2025

the Board to make a determination that the proposed revisions meet the standards of these regulations and the review criteria of Section 6.2 and the performance standards of Section 6.14. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

## **ARTICLE 7: CONDITIONAL USE**

### **Section 7.2. CONDITIONAL USE REVIEW PROCESS**

- B. Receipt of Application:** The completed conditional use application shall be submitted to the Town Office, and a receipt shall be issued to the applicant by the Town Office, at least ~~fourteen (14)~~ twenty-one (21) days before the Planning Board's next meeting date to be included on the Board's agenda. Resubmission of updated or supplemental materials shall be submitted at least fourteen (14) days prior to a regularly scheduled meeting. Any application submitted after the submission deadline will be carried over to the next available meeting.
- D. Distribution of Application Materials:** When the Town Planner Code Enforcement Officer, determines that ~~ten (10)~~ five (5) printed copies and one (1) digital PDF of all material required to constitute the application have been submitted, they shall promptly notify the applicant of the time and place for such meeting, and they shall transmit to each Planning Board member a copy of the application material.

## **ARTICLE 8: SITE PLAN REVIEW**

### **Section 8.4. SITE PLAN REVIEW PROCESS**

- C. Receipt of Application:** The completed site plan review application shall be submitted to the Town Office, and a receipt shall be issued to the applicant by the Town Office, at least ~~fourteen (14)~~ twenty-one (21) days before the Planning Board's next meeting date to be included on the Board's agenda. Resubmission of updated or supplemental materials shall be submitted at least fourteen (14) days prior to a regularly scheduled meeting. Any application submitted after the submission deadline will be carried over to the next meeting.
- E. Distribution of Application Materials:** When the Town Planner Code Enforcement Officer, determines that ~~ten (10)~~ five (5) printed copies and one (1) digital PDF of all material required to constitute the application have been submitted, they shall promptly notify the applicant of the time and place for such meeting, and they shall transmit to each Planning Board member a copy of the application material.

## **ARTICLE 18: ADMINISTRATION, ENFORCEMENT, & PENALTIES**

### **Section 18.1. ADMINISTERING AGENCIES**

Durham Land use Ordinance Adopted 4-2-2005, updated, 2006, 2007, 2008, 2009, 2016, 2019, 2021, 2022, 2023, 2024, 2025

A. **Code Enforcement Officer:** Unless otherwise provided in this Ordinance, the Code Enforcement Officer (CEO) shall administer and enforce this Ordinance. No permit application shall be approved by the Code Enforcement Officer except in compliance with the provisions of this Ordinance. The Code Enforcement Officer shall have the following duties:

~~7. Process and review the applications, which are under the jurisdiction of the Planning Board, as set forth in this Ordinance.~~