



**Date:** April 23, 2018

**To:** Wendell Davis, County Manager

**Through:** Jay Gibson, General Manager

**From:** Patrick O. Young, AICP, Planning Director

**Subject:** *Unified Development Ordinance* Text Amendment, Design District Streetscape Alternative (TC1700007)

**Summary.** Text amendment TC1700007 is a privately-initiated amendment to the *Unified Development Ordinance* (UDO) to develop alternative design standards for streetscape amenities within Design Districts. The specific text amendment application is found in Attachment A.

**Recommendation.** That the City Council approve the attached Ordinance to amend Article 16, Design Districts, of the *Unified Development Ordinance*; and approve a consistency statement declaring the request consistent with the Durham *Comprehensive Plan* and that the request is reasonable and in the public interest. Information supporting these recommendations is found within this memo, attached documents, and any information provided through the public hearing.

**Background.** The text amendment application is a privately-initiated amendment submitted by Tim Summerville of Stewart, LLC, to coincide with the development of the Durham Innovation District\*. Current Design District standards (Downtown Design District (DD) and Compact Design District (CD)), initially adopted in 2010 with subsequent amendments, prescribe specific amenities for the streetscape within the public right-of-way (benches, receptacles, street trees, etc.) and, in many instances, a specific design or standard for the amenity. The request is to allow for an alternative set of standards for a large, contiguous area within a design district.

The Joint City-County Planning Committee reviewed the request, including a staff-amended draft, at its January 3, 2018, meeting, and indicated no concerns with the proposal. The Planning Commission recommended approval, 14-0, of the text amendment on February 13, 2018. The Planning Commission determined that the Ordinance request is consistent with the adopted *Comprehensive Plan* and that the request is reasonable and in the public interest based on comments received at the public hearing and the information in the staff report. The Durham City Council considered this amendment at its April 16, 2018, meeting.

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\*The Durham Innovation District is a private development project within the Downtown Design zoning district encompassing approximately 22 acres along Corporation, Hunt, Morris, Liggett, Fuller, and Fernway Streets. It is not a separate zoning district or City initiative.

**Issues.** The amendment request would establish a contiguous area where alternative streetscape standards and amenities, primarily for the purposes of “branding” or creating a distinct experience within a particular area of the city, can be provided instead of the standards currently prescribed within the design districts.

The proposed amendment (Attachment B) reflects revisions to the original application and supported by staff, including the City and County Attorney’s Offices, and has been reviewed and accepted by the applicant. The core components of the revised amendment are as follows:

1. The “cultural sub-district” method, as proposed by the applicant, to establish the alternative standards has been deleted in favor of an “alternative streetscape plan” with specific parameters.
2. The plan area should be large enough to meet the intent of the applicant and not have the effect of creating a multitude, or patchwork, of streetscape designs throughout the design districts. Thus, a minimum acreage of 10 acres will be required for any proposed alternative streetscape plan.
3. The plan area should also emphasize continuity to minimize patchwork areas of alternative versus standard streetscape amenities. This is done by requiring the properties in the plan area to be contiguous, that the plan area encompasses entire block faces, and that block faces are contiguous.
4. Agreements with property owners and their successors to maintain, service, and replace the streetscape amenities will be required due to the financial burden on the city to maintain the standard streetscape amenities plus future variations allowed through the alternative streetscape plans.
5. The plan would specify what amenities could be altered, requires design specifications, and would be approved through the site plan process and apply to the entire plan area.
6. As discussed during the Planning Commission public hearing, staff explored limited sign allowances on the streetscape amenities. The proposed amendment has been revised to include limited provisions for signs. Specifically, only signs for recognized developments as currently allowed in the right-of-way would be allowed, with a limit on the number and size of signs.

**Consistency with the *Comprehensive Plan*; Reasonableness and in the Public Interest.** After initial review of the request and consideration of current UDO regulations, staff has determined that this request is reasonable and in the public interest, but with modifications to the initial proposal.

Streetscape design is a component of thoughtful urban design. Streetscape standards focus more on the pedestrian experience within the public realm rather than an auto-oriented experience. This type of development focus is promoted through the objectives and policies within *Chapter 2, Land Use Element* of the *Comprehensive Plan*, for the Compact Neighborhood and Downtown Tiers.

Within *Chapter 4, Community Character and Design Element*, thoughtful streetscape design promoted through the Design District standards address certain primary issues raised within the chapter, and more specifically within *Objective 4.4.1, Streetscape Appearance*.

***From Chapter 4, Community Character and Design Element Summary of Issues:***

- **“Approaches to Community Design.** Durham’s development standards require amendments to produce more attractive new development that is appropriate to its context. In addition, Durham should create regulations that require and incent design characteristics that improve the urban fabric and function of new development and redevelopment.”
- **“Community Maintenance.** While the appearance of new development is a central focus of community design and character, the on-going maintenance of Durham’s built environment makes a greater visual impression. Durham should encourage private property owners to maintain their buildings and land, as well as require the City and County to maintain their public rights-of-way, buildings and grounds to enhance the visual appearance of the community.”
- **“Form Based Zoning/Design District.** In more urban areas, design districts utilizing form based zoning concepts should be applied to create a more urban form, a pedestrian and bicycle friendly character, and to support future potential transit.”

***Objective 4.4.1. Streetscape Appearance:***

**Policy 4.4.1d. Pedestrian Amenities.** Through the Unified Development Ordinance, require pedestrian amenities on streets and in open space in the Downtown, Urban and Compact Neighborhood Tiers, and in mixed-use developments in the Suburban Tier. Amenities may include seating, waste receptacles, information kiosks, shaded areas, water features and landscaping.

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**Attachments:**

**Attachment A:** TC1700007 Application

**Attachment B:** Statement of Consistency Pursuant to NCGS § 153A-341

**Attachment C:** An Ordinance to Amend the *Unified Development Ordinance* to Establish an Alternative Streetscape Plan for Design Districts (TC1700007)

**Attachment D:** Planning Commission Comments