



DURHAM CITY-COUNTY PLANNING DEPARTMENT

Unified Development Ordinance (UDO)

Text Amendment Application



Applicant Information

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Address: 101 West Main Street	City/State/Zip: Durham/NC/27701

Proposed Amendment(s)

In the space below, provide details of the proposed amendment(s), including:

1. Current UDO Reference: (List Articles, Sections, and paragraphs affected);
2. Current and proposed text (with strike-out of deleted text and underline of proposed text), diagram, and/or illustration; OR detailed description of desired change; and
3. Justification for the amendment(s), including:
 - a. How the proposal is consistent with the *Comprehensive Plan* citing applicable goals, objectives, and/or policies;
 - b. How the proposal is reasonable and in the public interest; and
 - c. How the proposal may affect other portions of the UDO, as applicable.

1. Proposed text addition to sections 16.4.1 and creation of new section for 'Cultural Subdistrict'.
2. Proposed text addition on separate attached pages to this application.
3. The purpose of this text amendment is to create subdistricts within the downtown development design districts to allow for alternative street scape amenities such as benches, trash cans, tree pits, etc. The proposed text is consistent with the Comprehensive Plan as it will still require street scape amenities but will allow created subdistrict's to have a brand identity that is different from other locations within the downtown design districts.

(attach additional sheets as needed)

Contact Information: For questions regarding text amendment applications, please contact Michael Stock, Senior Planner at 919-560-4137 ext.28227 or Michael.Stock@DurhamNC.gov.

Submit To: Durham City-County Planning Department, 101 City Hall Plaza, Durham, NC 27701.

Signature of Applicant (Required)

Tim Summerville

Signature of Applicant

10/5/17
Date

Tracking Information (Staff Only)

Assigned Case #: TC1700007	Date Received: 10/5/17
Received By: DP	Fees Paid: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

16.4.1.X – ALTERNATIVES TO STREETSCAPE REQUIREMENTS:

A. APPLICABILITY

1. ALTERNATIVE STREETSCAPE AMENITIES SHALL BE PERMITTED WHEN THE FOLLOWING CRITERIA ARE MET:
 - a. THE SUBJECT PROPERTY LIES WITHIN AN APPROVED CULTURAL SUBDISTRICT AS PER UDO XX.X.X.
 - b. ALTERNATIVE MATERIALS ARE SHOWN TO MEET THE QUALITY STANDARDS SET FORTH IN UDO SECTION 16.4.1.X.B
2. THE USE OF ALTERNATIVE STREETSCAPE AMENITIES SHALL APPLY ONLY TO THOSE REQUIREMENTS SET FORTH IN UDO SECTIONS 10.4.4.E BICYCLE STANDARDS FOR DESIGN DISTRICTS, 16.4.2.A SIDEWALK STANDARDS AND 16.4.2.F CONSTRUCTION SPECIFICATIONS. THOSE SITES SEEKING ALTERNATIVE STREETSCAPE AMENITY ALLOWANCES SHALL MEET ALL QUANTITY REQUIREMENTS SET FORTH IN SECTION 16.4.2.D AND ALL OTHER APPLICABLE SECTIONS OF THIS ORDINANCE.
3. ALL MAINTENANCE OF ALTERNATIVE STREETSCAPE AMENITIES SHALL BE THE RESPONSIBILITY OF LAND OWNERS. A LEGALLY BINDING MAINTENANCE AGREEMENT SHALL BE IN PLACE PRIOR TO CERTIFICATE OF OCCUPANCY.
4. APPROVAL OF AN ALTERNATIVE STREETSCAPE AMENITY ON A PROPERTY SHALL ENSURE THAT SAME ALTERNATIVE AMENITY WILL BE PERMITTED ELSEWHERE IN THE CULTURAL SUBDISTRICT.

B. CRITERIA FOR APPROVAL

1. ALTERNATIVE STREETSCAPE AMENITIES SHALL MEET THE FOLLOWING REQUIREMENTS:
 - a. ALL STREETSCAPE AMENITIES WITHIN A CULTURAL SUBDISTRICT SHALL BE CONSISTENT IN DESIGN AND QUALITY. TO BE CONSIDERED CONSISTENT AMENITIES SHALL BE OF THE SAME MATERIAL, COLOR, AND STYLE – VARIATIONS IN ARRANGEMENT SHALL BE PERMITTED.
 - b. SIDEWALK:
 - i. ALTERNATIVES TO REQUIREMENT FOR CONTINUOUS SIDEWALK FROM BACK OF CURB TO BUILDING FACE AND BRICK BAND ON BACK OF CURB SHALL ONLY BE PERMITTED IF THE ALTERNATIVE PROVIDES PERVIOUS AREAS THAT ALLOW FOR INTEGRATED STORMWATER MANAGEMENT STRATEGIES.
 - c. SEATING:
 - i. PRIMARY MATERIALS OF PROPOSED BENCH ALTERNATIVES SHALL BE CONCRETE, METAL OR WOOD. NO PLASTIC BENCHES SHALL BE CONSIDERED AND SHALL HAVE A MAXIMUM CAPACITY OF NO LESS THAN 500LB.
 - ii. INDIVIDUAL BENCHES SHALL BE NO LESS THAN 6 FEET IN LENGTH
 - iii. BENCHES SHALL BE SURFACE MOUNTED TO THE SIDEWALK. MOVEABLE FURNISHINGS SHALL NOT QUALIFY FOR STREETSCAPE REQUIREMENTS
 - d. SOLID WASTE:
 - i. MATERIALS FOR SOLID WASTE RECEPTACLES SHALL PRIMARILY CONSIST OF METAL
 - ii. SOLID WASTE RECEPTACLES SHALL BE BOLTED DOWN. MOVEABLE FURNISHINGS SHALL NOT QUALIFY FOR STREETSCAPE REQUIREMENTS.

- iii. ALL SOLID WASTE RECEPTACLES SHALL HAVE OPENINGS THAT ARE COVERED BY A HORIZONTAL SURFACE. NO UNCOVERED OPENINGS SHALL BE ALLOWED ON TOP OF THE SOLID WASTE RECEPTACLES.
- e. DECORATIVE STREET LIGHTS:
 - i. NO ALTERNATIVE STREET LIGHTS SHALL BE PERMITTED WITHIN PUBLIC RIGHTS OF WAY.
 - ii. ALTERNATIVE STREET LIGHTS MAY BE PROPOSED WITHIN PEDESTRIAN MALLS AND PRIVATE DRIVES IF THEY ARE A MINIMUM OF 10 FEET FROM THE PUBLIC RIGHT OF WAY.
- f. STREET TREES:
 - i. ALTERNATIVES TO THE SUSPENDED SIDEWALK SYSTEM AND SOIL REQUIREMENTS SHALL BE PERMITTED IF THE ALTERNATIVE PROVIDES FOR GREATER STORMWATER TREATMENT AS VERIFIED BY THE CITY OF DURHAM PUBLIC WORKS DIRECTOR
 - ii. ALTERNATIVES THAT DON'T PROVIDE GREATER STORMWATER INFILTRATION SHALL BE ONLY PERMITTED IF THE URBAN FORESTRY DIVISION OF GENERAL SERVICES APPROVES OF THE ALTERNATIVE.
- g. BIKE RACKS:
 - i. ALTERNATIVES TO THE STANDARD U-RACKS SHALL BE PERMITTED WITHIN THE RIGHT OF WAY OF CULTURAL SUBDISTRICTS SO LONG AS THE ALTERNATIVE PROVIDES AN EQUIVALENT AMOUNT OF ROOM FOR BIKES AS THE U-RACK (24"X72" CLEAR)
 - ii. THESE ALTERNATIVES SHALL BE CONSTRUCTED OF METAL.
 - iii. BIKE RACKS THAT ARE USED FOR BRANDING PURPOSES OF A CULTURAL SUBDISTRICT SHALL BE PERMITTED WITHIN THE RIGHT OF WAY, HOWEVER BIKE RACKS THAT ARE USED FOR MARKETING/ADVERTISING OF INDIVIDUAL BUSINESSES SHALL ONLY BE PROVIDED ON PRIVATE PROPERTY.
- h. VERTICAL ELEMENTS
 - i. BOLLARDS AND FLAG POLES SHALL BE PERMITTED IN THE PUBLIC RIGHT OF WAY SUBJECT TO APPROVAL BY THE PUBLIC WORKS DEPARTMENT.
- i. DECORATIVE LIGHTING
 - i. UPLIGHTING OF TREES, LIGHTING WITHIN PAVEMENTS, AND BOLLARD LIGHTS SHALL ALL BE PERMITTED WITHIN CULTURAL SUBDISTRICTS.
 - ii. IF TRANSPORTATION STAFF OR PLANNING STAFF FIND THAT THE PROPOSED LIGHTING WILL CAUSE HAZARDOUS CONDITIONS FOR EITHER DRIVERS OR PEDESTRIANS, THE PROPOSED LIGHTING MAY BE DENIED.
FOR EXAMPLE, IF RED OR GREEN BOLLARD LIGHTS WERE PROPOSED CLOSE TO AN INTERSECTION, AND THE TRANSPORTATION DEPARTMENT DETERMINED THE USE OF THESE LIGHTS WOULD UNNECESSARILY DISORIENT DRIVERS, THESE PARTICULAR BOLLARD LIGHTS WOULD NOT BE PERMITTED IN THE PROPOSED LOCATION.
- 2. OWNER ACKNOWLEDGEMENT FORMS SHALL BE PROVIDED FOR ALL PROPERTIES ENCUMBERED BY A CULTURAL SUBDIVISION PRIOR TO APPROVAL OF EACH ALTERNATIVE AMENITY THAT HAS NOT PREVIOUSLY BEEN APPROVED WITHIN THE DISTRICT.

X.X.X. CULTURAL SUBDISTRICTS:

A. PURPOSE

CULTURAL SUBDISTRICTS SHALL BE CREATED TO FOSTER THE CREATION OF INDEPENDENT IDENTITIES FOR LARGE SCALE DEVELOPMENTS WITHIN THE DOWNTOWN DESIGN DISTRICTS.

B. DESCRIPTION

A CULTURAL SUBDISTRICT SHALL CONSIST OF ONE OR MORE PARCELS WITH 3 OR MORE INDIVIDUAL STRUCTURES. ALL PARCELS WITHIN A SUBDISTRICT SHALL CREATE A CONTIGUOUS LAND AREA ALONG RIGHTS OF WAYS. AS PARCELS WITHIN A SUBDISTRICT REDEVELOP, THEY MUST UTILIZE THE ALTERNATIVE AMENITIES AND NOT THE CITY OF DURHAM STANDARD STREETScape AMENITIES TO CREATE A COHESIVE FEEL THROUGHOUT THE DISTRICT.

C. APPROVAL PROCESS

1. IT IS AT THE DISCRETION OF THE PLANNING DIRECTOR AND/OR THEIR REPRESENTATIVE TO APPROVE THE DESIGNATION OF A PROPERTY/COLLECTION OF PROPERTIES AS A CULTURAL SUBDISTRICT.
2. OWNER ACKNOWLEDGEMENT FORMS SHALL BE PROVIDED FOR ALL PROPERTIES LYING WITHIN A PROPOSED CULTURAL AT THE TIME OF APPLICATION FOR THE CREATION OF A SUBDISTRICT TO ENSURE ALL PROPERTY OWNERS ARE AWARE THAT THE INCLUSION OF THEIR PROPERTY WITHIN A CULTURAL SUBDISTRICT REQUIRES THAT ANY CHANGES TO THEIR PROPERTY REQUIRING SITE PLAN APPROVAL WILL REQUIRE THAT THEY MEET THE SUBDISTRICT STANDARDS FOR ALTERNATIVE STREETScape ELEMENTS.

D. CULTURAL SUBDISTRICT REQUIREMENTS

1. LOCATION:
 - a. ALL PROPERTIES WITHIN A SUBDISTRICT SHALL BE ZONED EITHER DD-C OR DD-S1. PROPERTIES WITHIN DD-S2 ZONING DISTRICTS SHALL NOT BE CONSIDERED FOR INCLUSION WITHIN A CULTURAL SUBDISTRICT
2. DIMENSIONAL REQUIREMENTS:
 - a. SUBDISTRICTS SHALL BE A MINIMUM OF 3 ACRES IN SIZE, NOT INCLUDING EXISTING PUBLIC RIGHTS OF WAYS.
 - b. MINIMUM FRONTAGE LENGTH IN ANY DIRECTION SHALL BE 200' OR THE LENGTH OF AN ENTIRE BLOCK, WHICHEVER DISTANCE IS SHORTER
3. USE RESTRICTIONS:
 - a. AT LEAST 2 USES MUST BE PROVIDED WITHIN A PROPOSED CULTURAL SUBDISTRICT.
 - b. SINGLE USE BUILDINGS SHALL CONSUME NO MORE THAN 60% OF THE AREA OF THE DISTRICT.
 - c. PARKING SHALL NOT QUALIFY AS A USE WITHIN A CULTURAL SUBDISTRICT.