

**AN ORDINANCE TO AMEND THE *UNIFIED DEVELOPMENT ORDINANCE*  
TO ESTABLISH AN ALTERNATIVE STREETScape PLAN  
FOR DESIGN DISTRICTS (TC1700007)**

**WHEREAS**, the Durham Board of County Commissioners wishes to amend provisions in the *Unified Development Ordinance* to establish alternatives to required streetscape amenities, and associated additional technical provisions, within Design Districts; and

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

**NOW, THEREFORE**, be it ordained that Article 16, Design Districts, of the *Unified Development Ordinance* are amended to make the following changes set forth in the additions (underlining) below:

**PART 1**

[Amend Sec. 16.4, Streetscape, Right-of-Way, and Block/Lot Standards, to establish standards for alternative streetscape amenities, and to add additional, clarifying standards to existing streetscape amenity standards.]

**Sec. 16.4 Streetscape, Right-of-Way, and Block/Lot Standards**

**16.4.2 Streetscape**

**D. Required Streetscape Amenities**

9. Streetscape furnishings shall be anchored to the pavement.

**F. Construction Specifications**

6. Bicycle Racks

For bicycle rack specifications, see paragraph 10.4.4E, Standards for Design Districts.

**G. Alternative Streetscape Plan (ASP)**

1. General

a. Alternative streetscape requirements to the standard requirements of this section can be established within an approved alternative streetscape plan (ASP).

b. Amenities that are on private property and are not required for satisfying streetscape standards are not subject to this plan.

c. Plan applications and any amendments shall be signed by all property owners, or legally designated representatives, within the plan area.

2. Applicability

a. A plan can be approved for an area consisting of at least 10 contiguous acres. Additions to a plan area can be made at any increment.

(1) Right-of-way shall not be included within the area calculation.

(2) For the purposes of this paragraph, properties shall be considered contiguous if right-of-way is intervening.

b. Plan areas shall include entire block faces, and block faces shall be contiguous.

### **3. Approval**

An ASP shall be approved through the site plan approval process, either as part of the first site plan for the plan area or as a separate plan. In either case, the ASP shall be applicable to all development and plan approvals within the plan area.

### **4. Standards**

The following shall consist of the allowable alternative amenities and associated standards for an ASP.

#### **a. General**

- (1) The ASP shall specify alternative colors(s), design(s), and materials of each alternative streetscape amenity or sidewalk standard identified in the plan.
- (2) Amenity design, color, and other construction specifications shall be provided within the plan.
- (3) Unless specifically indicated otherwise within the standards below, the standard streetscape requirements and any other applicable Ordinance requirements shall apply.
- (4) Signs  
Signs shall be allowed on amenities in the right-of-way in accordance with paragraph 11.5.1E. Additionally:
  - (a) Only one sign per amenity shall be allowed; and
  - (b) The maximum size shall be 36 square inches.

#### **b. Sidewalk**

- (1) A landscape area between the building and sidewalk, with a minimum sidewalk width of 12 feet from back of curb, is allowed if the landscape area functions as a stormwater BMP and complies with the City Code Stormwater Performance Standards for Development and is approved by the City Public Works Department.
- (2) Lighting within sidewalk pavement shall be allowed.

#### **c. Seating**

An alternative bench design from 16.4.2F.3, Benches, is allowed. Materials shall consist of concrete, metal, and/or wood composite.

#### **d. Solid Waste Receptacles**

An alternative design for trash and recycling receptacles from paragraph 16.4.2F.4, Trash/Recycling Receptacles, is allowed subject to the following:

- (1) The receptacles shall be of metal construction.
- (2) The receptacles shall have openings that are covered by a horizontal surface. No uncovered openings shall be allowed on top of the receptacles.
- (3) Trash and recycling receptacles shall be distinguished by color and signage indicating the type of receptacle.

#### **e. Decorative Street Lights**

Alternative street lights to those of paragraph 16.4.2F.5, Street Lights and Mast Arms, are allowed within pedestrian malls if they are a minimum of 10 feet from the public right-of-way.

**f. Street Trees**

(1) An alternative to the suspended sidewalk system required pursuant to paragraph 16.4.2E.2.d, Suspended Sidewalk System, is allowed if approved with a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

(2) In addition to the review factors in paragraph 3.9.8B, Review Factors, the approving authority shall also find that the alternative provides equal or better stormwater treatment and overall design functionality, including but not limited to supporting pedestrian movement and minimizing impact upon root systems, to that of suspended sidewalk systems designed pursuant to paragraph 16.4.2F.2, Suspended Sidewalks.

**g. Bicycle Racks**

An alternative ground-mounted bicycle rack from the required rack pursuant to paragraph 10.4.4E, Standards for Design Districts, is allowed.

**5. Locations**

Amenity locations shall be specified on the plan.

**6. Servicing, Maintenance, and Replacement**

a. All maintenance, servicing, replacement, and modification of location of alternative streetscape amenities shall be the sole responsibility of the property owners and their successors, including due to any governmental action or work that impacts the amenity.

b. For the purposes of this alternative streetscape plan, a property owners' association shall be legally established when the alternative streetscape plan will be applied to more than one parcel.

c. A legally binding agreement with the City, reviewed and approved by the City Attorney's Office and the Public Works Department, shall be in place prior to plan approval and shall be attached to the approved plan. The agreement shall include language that indemnifies the City from and against all charges and any other liabilities pertaining to any of the alternative amenities included in the alternative streetscape plan.

d. The agreement shall be between the City and the property owner or an owners association, and their successors.

**PART 2**

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

**PART 3**

That this amendment of the Unified Development Ordinance shall become effective upon May 1, 2018.