




CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



Date: March 12, 2012

To: Durham County Board of Commissioners

Through: Mike Ruffin, County Manager

From: Steven L. Medlin, AICP, City-County Planning Director 
Lisa Miller, Senior Planner

Subject: Text Amendment to the Unified Development Ordinance (UDO) -
Compact Design District (TC1000005)

Summary. This text amendment would create requirements in the Unified Development Ordinance (UDO) for design districts within the Compact Neighborhood Tier. The primary intent is to implement policies established with the adoption of the Ninth Street Plan in November of 2008. The Durham County Board of Commissioners' adoption of this text amendment will ensure continued unification of the City and County ordinances although the regulations proposed will not affect properties outside the City's jurisdiction.

Recommendation. Planning staff recommends approval. The Planning Commission recommended approval with modifications at their October 11, 2011 meeting (7-5). The City Council unanimously adopted the text amendment and zoning map change at its January 17, 2012 meeting (5-0).

Background. After two years of development, the Ninth Street Plan (the Plan) was adopted by the Durham City Council on November 17, 2008. The Plan called for revisions to the Durham Comprehensive Plan, the Future Land Use Map, the Unified Development Ordinance, and policies impacting the area. Since the adoption of the Plan, Planning staff has been implementing many of those Comprehensive Plan amendments, UDO text changes, and policy directions.

One of the implementation strategies in the Plan is to create a hybrid form-based zoning district for the Ninth Street Compact Neighborhood. The associated form-based code would allow new development in the area to complement the existing development patterns, allow for the greater densities needed to support future transit, and respect the scale and character of the surrounding historic neighborhoods. Many details regarding the regulations to be included in this new zoning district were established in the Plan. However, many areas regulated by the Unified Development

Ordinance were not discussed in detail in the Plan and therefore, additional input from the community and development by staff were required. Planning staff held a public workshop on April 29, 2010, where proposals for the Ninth Street area were presented to the community for dialogue and feedback. After the workshop, staff began drafting regulations for the proposed district. These regulations are based on the adopted Ninth Street Plan, the results of the public workshop, and the framework for design districts that was established by the adoption of the Downtown Design (DD) District in February of 2010.

Staff held another public meeting, on October 14, 2010, to receive public input on the drafted regulations for the proposed district. Staff worked to incorporate this additional community feedback into the text and then distributed the draft for review by City and County departments in November of 2010. Another public comment period and public meeting were held in December of 2010.

Staff continued to receive public comment into February of 2011 to allow the members of the community additional time to review the lengthy proposal. During March, April, and May of 2011 Planning staff worked with staff from other City departments to incorporate appropriate revisions to the draft to address the concerns and comments raised in the public input period. Staff held a final public meeting in June of 2011 to inform the community of changes that had been made to the draft and allow a final opportunity to provide feedback before beginning the public hearing and adoption process.

At the August 9, 2011 Planning Commission public hearing, issues were raised by several stakeholders. Planning staff was asked to work with the neighborhood stakeholders and property owners to resolve those issues raised in the public hearing for the proposed text amendment. At the October 11, 2011 Planning Commission public hearing staff proposed a series of recommendations to address as many of the concerns as possible. These recommendations are incorporated into the proposed text amendment attached and outlined below. At the January 17, 2012 City Council public hearing the Council voted unanimously (5-0) to adopt the text amendment as presented by the Planning staff. The Council also unanimously (5-0) adopted the associated zoning map change (Z1000017) that applied these regulations to the Ninth Street Compact Neighborhood.

Proposal. The majority of the changes in this text amendment are modifications of the design district standards in Article 6, District Intensity Standards. The 2010 downtown zoning update created general standards for all design districts in paragraph 6.12.2 and specific standards for the Downtown Design (DD) District in paragraph 6.12.3. This proposal moves many provisions previously in the DD District section to the general design district section so that they become applicable to both

the Downtown and Ninth Street areas. The relocated provisions include: Purpose, Applicability, Permitted Uses, Building and Frontage Types, Pedestrian Mall Standards, Parking and Services, Architectural Standards, Streetscape Standards, and Additional Requirements. This will unify these standards throughout all design districts. The standards remaining in paragraph 6.12.3 for Downtown, and created in paragraph 6.12.4 for Compact Design (CD) Districts, include Site Design Standards for each design district and Additional Use Limitations for the CD Districts. Site Design Standards include provisions for building placement and building height and massing. Throughout the remainder of the UDO most of the DD District standards have been revised to apply to all design districts, including the CD District to reflect and create the design character envisioned for downtown and future transit areas.

Issues. The public meetings on the proposed regulations generated significant comment on both the content of the regulations and the proposed geographical boundaries. Both the regulations and the boundaries were revised significantly as a result. At the Planning Commission public hearings, two issues with the proposed text amendment were raised by stakeholders. Staff worked with the various stakeholders and proposed a compromise to the Planning Commission and then to City Council. While these staff recommendations do not fully address the concerns raised by either party, they represent a professional recommendation that respects the intent of the Compact Design District and relates to the approved Ninth Street North development plan. This compromise was the proposal adopted by the City Council.

Alternatives. The Durham County Board of Commissioners may approve or deny all or part of the revised amendment, or adopt modifications or alternate proposals.

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Attachments

- Attachment A**, Mark-up Copy of Proposed Ordinance
- Attachment B**, Clean Copy of Proposed Ordinance