

**AN ORDINANCE TO AMEND PROVISIONS OF THE UNIFIED
DEVELOPMENT ORDINANCE CREATING THE UNIVERSITY AND COLLEGE-2 ZONING DISTRICT**

WHEREAS, the Durham City Council wishes to amend certain provisions in the Unified Development Ordinance by making minor technical revisions; and

WHEREAS, it is the objective of the Durham City Council to have the UDO promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes set forth in the strikethroughs and underlining below:

PART 1

[Create the University and College-2 (UC-2) zoning district and make revisions to various articles for clarification of the UC and UC-2 zoning districts.]

Sec. 3.3 Traffic Impact Analysis

Paragraph 3.3.8 Transportation Special Use Permit

[Paragraphs B-D remain unchanged.]

A. Requirements

The following projects shall be exempt from the requirement for a TSUP, even if they meet or exceed the thresholds specified above.

1. Projects utilizing ~~either~~ the UC, UC-2, or SRP zoning district.

[Paragraph 2 remains unchanged.]

Sec. 3.5 Zoning Map Change

Paragraph 3.5.6 Development Plan

[Paragraphs A-C and E-G remain unchanged.]

D. Requirements

[Paragraphs 1-7 and 9 remain unchanged.]

8. Design Commitments

The development plan for a project containing nonresidential or multi-family structures not located in the UC or UC-2 Districts or Downtown Tier shall include design elements indicating how the project will relate to its environment (both built and natural). Such elements may be in graphic or text form as appropriate and shall become commitments. They shall be labeled "Design Commitments" and shall include, at a minimum:

Sec. 4.1 General

Paragraph 4.1.1 Establishment of Districts

- A. The following zoning districts are hereby established, and are intended to implement the Comprehensive Plan. Each district is only appropriate in development tiers where it effectively implements the plan, as set forth below.

		Development Tier					
Symbol	District	Rural	Suburban	Urban	Compact Neighborhood	Downtown	Former Districts
Planned Districts							
PDR	Planned Development Residential		✓	✓			PDR
UC	University and College		✓	✓	✓		UC
<u>UC-2</u>	<u>University and College-2</u>			✓			<u>--NEW--</u>
CC	Commercial Center		✓	✓			SC
IP	Industrial Park		✓	✓			I-1
MU	Mixed Use		✓	✓	✓	✓	MU

[Paragraph B remains unchanged.]

Sec. 4.4 Planned District Intent Statements

[Paragraphs 4.4.1, 4.4.3, 4.4.4, and 4.4.5 remain unchanged.]

Paragraph 4.4.2 University and College Districts (UC and UC-2)

The UC Districts ~~is~~are established to allow for growth and development of colleges and universities, while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development.

Development in the UC Districts shall be designed for a mix of integrated university-related, uses, linked by pedestrian ways, bikeways, and other transportation systems. Development in these districts shall also encourage reduced auto use, mitigate environmental impacts, conserve energy resources and achieve visual continuity in the siting and scale of buildings.

The UC Districts ~~is~~are used to implement the Comprehensive Plan within those areas shown as part of the Suburban, Urban or Compact Neighborhood Tiers.

Sec. 5.3 Limited Use Standards

[Paragraphs 5.3.1- 5.3.3 and 5.3.5-5.3.6 remain unchanged.]

Paragraph 5.3.4 Commercial Use Standards

[Paragraphs A and C-V remain unchanged.]

B. All Retail Sales and Service

Retail sales and service uses shall be permitted in accordance with the use table in ~~Sec. 5.1~~paragraph 5.1.2, Use Table, subject to the following standards:

[Paragraph 1 remains unchanged.]

2. Within the UC and UC-2 Districts, limited retail uses, such as university-related bookstores and dining facilities located within other buildings, shall be permitted, to the extent that they are designed to serve the on-campus population of the university or college and not to attract additional traffic to the campus.

Sec. 6.11 Planned Districts

[Paragraphs 6.11.1 remains unchanged.]

Paragraph 6.11.2 General Requirements

- A. A Development Plan meeting the requirements of ~~Sec. paragraph~~ 3.5.6, Development Plan, shall be required as part of the zoning map change application to any planned district, except in the UC and UC-2 Districts as indicated below.
- B. The initial zonings to establish the UC and UC-2 Districts on each campus, which shall be initiated by the appropriate governing body for each university/college campus, shall not require a Development Plan, though the university or college may submit a Development Plan providing additional details and restrictions beyond minimum Ordinance requirements, for all or parts of the area associated with the initial zoning map change. A basic zoning map change application shall be required for the initial zoning map change, along with documentation on the availability of adequate parking and a limited surcharge fee to cover public notification requirements.

[Paragraphs C and D remain unchanged.]

[Paragraph 6.11.3 remains unchanged.]

Paragraph 6.11.4 University and College Districts (UC and UC-2)

Unless specifically differentiated, all requirements that refer to a UC district apply to both the UC and UC-2 Districts.

A. Uses

1. The primary use allowed in ~~the~~ a UC District shall be colleges and universities and such ancillary uses as are typically associated with a university or college that are customary and subordinate to the primary educational function of the university or college use, including dormitories, stadia, enclosed arenas, auditoriums, and museums.
2. Other uses shall be limited to those uses listed in ~~Sec. 5.1~~paragraph 5.1.2, Use Table, that can demonstrate a direct relationship to an university-academic use, such as university medical center uses, including teaching hospitals, medical schools, nursing schools, biomedical research facilities and support space.

B. Zoning Map Change

1. Initial Zoning Establishment of the Zoning District

A university or college may elect to have all or parts of its campus covered in the initial establishment of the zoning district~~map change~~, so long as those areas are covered by the appropriate campus master plan. ~~however, For the UC District,~~ no areas of the campus that were not under the direct control of the university prior to January 1, 2002, ~~may shall~~ be included in the initial establishment of the zoning district~~map change~~. For the UC-2 District, no areas of the campus that were not under the direct control of the university or college prior to January 1, 2010, shall be included in the initial establishment of the zoning district.

2. Subsequent Zoning Map Change

Any property included as part of a university or college campus in a campus master plan ~~may can~~ be included in ~~the~~ UC District. A campus master plan shall be submitted to the Planning Department prior to any zoning map change submittal. Such campus master plans shall be viewed as illustrative in nature and ~~may can~~ be updated, in whole or in part, at any time.

C. Campus Areas

1. Transitional Use Area

- a. A Transitional Use Area shall be designed to establish standards at the edges of the campus that minimize any adverse impacts of proposed development on adjacent ~~non-university~~ properties.
 - (1) For the UC District, standards shall be applicable to a 150-foot wide area at the boundaries of the UC District. Where applicable, the Transitional Use Area shall be measured from the midpoint of public right-of-way adjacent to the edge of the district. If a public right-of-way is wider than 200 feet, and contains no existing or planned structures, then a Transitional Use Area shall not be required.
 - (2) For the UC-2 District, standards shall be applicable to a 75-foot wide area at the boundaries of the UC-2 District. Where the edge of the zoning district is within or adjacent to a public right-of-way, the Transitional Use Area shall be measured from the midpoint of the right-of-way. Where the edge of the zoning district is not within or adjacent to a right-of-way, the Transitional Use Area shall be measured from the property line or exact location of the edge of the district.
- ~~b. Within a Transitional Use Area, the Design District Review Team shall, considering the development on adjacent non-university properties and, to the extent appropriate, using the Durham Design Manual as a guide,~~

~~review the site plan to assure issues such as street yards, building façade and site design are compatible with adjacent properties.~~

2. Internal Campus

- a. All areas of each university or college ~~given the~~ within a UC District designation that are not included within a Transitional Use Area shall be considered to be within the Internal Campus.

[Paragraph b remains unchanged.]

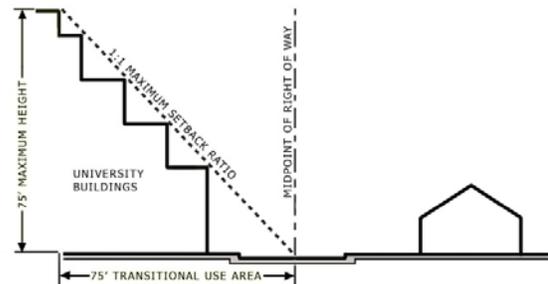
D. Height

1. Transitional Use Area

The maximum height of a structure within the Transitional Use Area shall be regulated as follows:

- a. Within the UC District, building height shall not exceed 150% of the average height of buildings on adjacent properties (including those directly across a public right-of-way), to a maximum of 100 feet. In calculating the average height for the adjacent buildings, the following considerations shall be included: maximum permitted heights for developable vacant lots, the taller of buildings in front or behind each other and included within 150 feet of the perimeter transition area. Heights ~~may~~ shall not be increased beyond 150% of average surrounding heights unless a major special use permit is approved in accordance with Sec. 3.9, Special Use Permit, in which case the height may be increased up to a maximum of 145 feet.

- b. Within the UC-2 District, building height shall not exceed the distance to the edge of the district (which is the mid-point of the right-of-way if the edge of the district is a public street), to a maximum of 75 feet. The ratio of building height to distance from the edge of the district shall be no more than 1:1 (see diagram). Heights shall not be increased beyond this limit unless a major special use permit is approved in accordance with Sec. 3.9, Special Use Permit, in which case the height may be increased up to a maximum of 120 feet.



[Paragraph 2 remains unchanged.]

E. Architectural Standards

1. Transitional Use Area

a. For new development, ~~Within a Transitional Use Area, new buildings adjacent to public streets shall have compatible exterior facades with adjacent properties~~ documentation shall be required that demonstrates architectural and site design ~~Compatibility shall be demonstrated by documentation that the design of a proposed building is compatible with adjacent buildings and sites, considering both the following architectural and site design criteria:~~

- (1) Roof type, including extent of eaves and eave ornamentation, if any;
- (2) Articulation of the facades, including details, massing, and rhythm, associated with the architectural styles adjacent to the district;
- (3) Facade materials; and
- (4) Size, pattern, style, and location of windows and doors.

This ~~design information~~ documentation shall be submitted with the site plan for each proposed development within the Transitional Use Area.

b. Each building shall have a direct orientation and entryway facing a street. Articulation of any side of a building facing a street at the perimeter of a UC district shall be similar in expression and articulation to the primary facade.

[Paragraph 2 remains unchanged.]

F. Outdoor Lighting

[Paragraph 1 remains unchanged.]

2. Internal Campus

Within the Internal Campus, the standards of Sec. 7.4, Outdoor Lighting, shall not apply so long as the maximum illumination at the edge of ~~the UC District~~ the UC District does not exceed the limits imposed by Sec. 7.4.3, Standards.

G. Environmental Standards

All applicable environmental standards of Article 8, Environmental Protection, shall apply within the UC or UC-2 Districts.

H. Landscaping

1. Generally

a. Transitional Use Area

Within a Transitional Use Area, landscaping shall be provided in accordance with Article 9, Landscaping and Buffering, so as to ensure compatibility with adjacent properties. ~~Landscaping may also include appropriate design and handling of stormwater runoff.~~

[Paragraph b remains unchanged.]

2. Vehicular Use Areas

a. Transitional Use Area

Surface parking lots shall not be located immediately adjacent to or across from properties zoned ~~and developed as single-family residential properties~~ unless separated from the street by a landscaped area equivalent to the average street yard of existing buildings or parking lots on adjacent properties.

b. Internal Campus

No vehicular use area landscaping requirements shall apply within an Internal Campus. ~~Requirements for landscaping within parking areas may be modified if the university determines that a specific university use or activity is being served by such a change. Such modification may include items such as reductions by up to 50% in the amount of landscape material provided or shifts in the location of landscaping within vehicular use areas.~~

I. Parking

1. Determination of the number and location of parking spaces required, including the extent of bicycle parking required, shall be tied to the university or college's documentation of adequate parking availability as determined by the Development Review Board. Parking ~~may~~ can include spaces located outside ~~the~~ a UC ~~D~~ District that are controlled by the university or college. In order to make this determination, a ~~report~~ plan from each university or college covered by a UC ~~D~~ District shall be filed with the City-County Planning Department and reviewed and approved by the Development Review Board to demonstrate that adequate parking is being provided by the university or college, considering both the location and amount of parking provided.
2. Approved parking ~~reports~~ plans shall be valid for a ~~two~~ four-year period. Parking requirements are not required for site plans in a UC district if an approved valid parking plan is in place. ~~So long as an approved parking report remains valid, parking requirements need not be shown on site plans or other development-related documents covered by the UC District.~~
3. If there is not an approved, valid parking ~~report~~ plan in effect ~~is no longer valid~~ at the time a development approval is requested by an institution, the parking requirements of Sec. 10.3, Required Parking, shall be applied. Alternatively, processing of the requested development approval may be delayed until a new ~~report~~ plan is provided by the university or college and approved by the Development Review Board.

[Paragraph J remains unchanged.]

K. Solid Waste

The requirements of Chapter 58 of the City Code, Solid Waste Collection and Disposal may be modified on projects within ~~the a UC D~~district if the college or university has filed a solid waste master plan with the City and that plan has been approved by the Solid Waste Director, or designee.

L. Infrastructure

1. Road Improvements

a. Traffic Impact Analysis

- i. A Traffic Impact Analysis consistent with the requirements of Sec. 3.3, Traffic Impact Analysis, shall be required with or in advance of site plan approval of projects utilizing ~~the a UC D~~district when appropriate thresholds are reached.
- ii. Within the City, this analysis may be included at the time of zoning map changes to ~~the a UC D~~district initiated by the university or college or in advance of site plan submittals. If provided after the zoning map change, a single TIA, at the applicant's discretion, may reflect development throughout ~~the a UC D~~district, for identified areas within ~~the a UC D~~district, or be provided on a site plan specific basis.

b. Road Improvements (City only)

If the applicant performs the TIA utilizing any option other than the site plan specific basis, the university or college may submit a proposed implementation schedule for the provision of required road improvements, with the improvements tied to specific dates rather than specific projects. Such an implementation schedule shall be reviewed and, if approved by the City, shall be used to govern the timing of all required road improvements.

2. Sidewalks

Unless the university or college proposes an alternate plan for pedestrian routes outside of regular sidewalk requirements within the public right-of-way that is approved by the Development Review Board consistent with the provisions of ~~Sec. paragraph~~ 12.4.3, Alternate Requirement, conventional sidewalks shall be required. Alternative pedestrian walkways shall be permitted in the internal campus and ~~may can~~ be permitted in a Transitional Use Area. Such alternative pedestrian plans must be submitted and approved as part of a campus-wide pedestrian plan pursuant to ~~Sec. paragraph~~ 12.4.3, Alternate Requirement, with subsequent alternate routes provided consistent with that plan.

3. Stormwater

A stormwater impact analysis shall be required to be approved in advance of site plan approval when appropriate thresholds on campus development are

reached. Such an analysis may reflect development throughout ~~the a UC D~~district, for identified areas within ~~the a UC D~~district, or be provided on a site plan specific basis. If provided utilizing any option other than the site plan specific basis, the university or college may submit a proposed implementation schedule for the provision of required stormwater improvements, with the improvements tied to specific dates rather than specific projects. Such an implementation schedule shall be reviewed and approved by the City or County, as appropriate and, if approved, shall be used to govern the timing of all required improvements.

[Paragraphs 6.11.5-6.11.7 remain unchanged.]

Sec. 7.4 Outdoor Lighting

[Paragraphs 7.4.1 and 7.4.3 remain unchanged.]

Paragraph 7.4.2 Applicability

[Paragraphs A and B remain unchanged.]

C. The following shall be exempt from these provisions:

[Paragraphs 1 and 3 remain unchanged.]

2. Outdoor lights used exclusively for recreational activities, concerts, plays or other outdoor events that are open to the public, provided that the light fixtures are located at least 100 feet from any adjacent residential use and the event or function meets all other applicable zoning requirements. Such lighting shall not be illuminated between the hours of 12:00am and 8 a.m. and between 1:00 a.m. and 8 a.m. Friday and Saturday except in the UC or UC-2 Districts and the Downtown Tier.

Sec. 16.3 Defined Terms

Internal Campus: All areas within the UC and UC-2 Districts that are not included within a transitional use area.

PART 2

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

PART 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.