



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Date:** June 20, 2016

**To:** Thomas J. Bonfield, City Manager

**Through:** Keith Chadwell, Deputy City Manager

**From:** Steven L. Medlin, AICP, Planning Director

**Subject:** *Unified Development Ordinance* Text Amendment, Technical Updates-Graphics (TC1500002)

**Summary.** Text amendment TC1500002 primarily provides new graphics, or revisions to existing graphics, for current standards within the *Unified Development Ordinance* (UDO). Minor technical text amendments are also proposed. The following amendments are proposed within the attached ordinance (Attachment A):

- New graphics for infill standards in Sec. 6.8, Infill Development in Residential Districts.
- Revised graphics for “yard” definitions in Sec. 16.3, Defined Terms.
- New graphic for fences and walls in Sec. 9.9, Fences and Walls.
- New graphics for bicycle parking standards in paragraph 10.4.4, Design Standards for Bicycle Parking.
- Amendments to text for technical correction or clarifications related to graphics.

**Recommendation.** Staff recommends approval of the attached Ordinance to amend Article 6, District Intensity Standards; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; and Article 16, Definitions, of the *Unified Development Ordinance*; and recommends approval of 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 UDO contains many graphics that are meant to supplement or clarify standards. The Planning Department has begun to review existing graphics to determine if there are needed updates or revisions; and additionally, to identify where new graphics would be helpful. As with all other text amendments, staff has released the attached draft for public and interdepartmental comment.

The JCCPC reviewed the proposed text amendment at its February 3, 2016, meeting and provided no additional comments. The Bicycle and Pedestrian Advisory Committee (BPAC) has also reviewed the proposed graphics and provided staff with comments, which have been addressed within the attached draft ordinance.

The Planning Commission recommended approval, 13-0, of the text amendment on April 12, 2016. 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 recommendation also included some additional clarifying amendments.

The Durham Board of County Commissioners will consider this amendment at its June 27, 2016, meeting.

**Issues.** The proposed graphics are delineated in Attachment A to this document, and are grouped into the categories as follows. The graphics are intended to provide additional clarity to the written standard. Minor technical additions or corrections to text are also proposed in relation to the proposed graphics.

**Part 1: New graphics illustrating the minimum street yard requirements for infill development, pursuant to paragraph 6.8.3A, Street Yards.** The current regulations require a minimum street yard depending upon different development scenarios around the subject lot. The illustrations depict each scenario to provide clarity to the requirements.

**Part 2: Revise existing graphic associated with the definitions of street, side, and rear yards in Sec. 16.3, Defined Terms.** The graphic for yards in Sec. 16.3 will be deleted and replaced with a set of graphics that better illustrate how yard standards are applied.

**Part 3: New graphics for bicycle parking design standards in paragraph 10.4.4, Design Standards for Bicycle Parking.** Additional graphics are proposed to better illustrate dimensional requirements for different types of bicycle racks. Amendments to text are proposed to correct inappropriate dimensional standards.

**Part 4: New graphic for Sec. 9.9, Fences and Walls.** A new graphic is proposed to illustrate areas considered “street frontage” and “non-street frontage.”

The Planning Commission recommended consideration of two changes to the proposed amendment, and staff has incorporated them into the proposed ordinance:

1. Paragraph 10.4.4B.1.b: Revise the existing text to allow for a five-foot rack separation in a linear configuration for instances when pedestrian mobility would not be impacted; and
2. Paragraph 9.9.1B: Clarify the proposed graphic so that the term “rear” indicates the rear of the structure, and not the rear yard.

**Consistency with the *Comprehensive Plan*; Reasonable and in the Public Interest.**

The purpose of this text amendment is to update and clarify a significant regulatory tool (the UDO) that implements various development policies found within the *Comprehensive Plan*; a reasonable undertaking and in the public interest. Although the *Comprehensive Plan* does not specifically address this type of text amendment, it is consistent with the Durham Comprehensive Plan Vision, which states:

- “Promote the creation, enhancement and sustainability of a healthy, livable, safe and beautiful community for all Durham citizens.
- Promote a range of choices in transportation, education, housing and economic opportunities to effectively serve a diverse community.
- Promote the identity of our distinct neighborhoods by encouraging design elements and public facilities appropriate to the character of each area.
- Protect our historic heritage, open spaces and natural resources.
- Provide opportunities for high quality growth and development.”

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**Attachments:**

**Attachment A:** An Ordinance to Amend the Unified Development Ordinance to Add or Revise Graphics (TC1500002)

**Attachment B:** Statement of Consistency Pursuant to NCGS § 160A-383

**Attachment C:** Planning Commission Comments