

DURHAM

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CITY OF MEDICINE

## DURHAM CITY-COUNTY PLANNING DEPARTMENT

101 CITY HALL PLAZA · DURHAM, NC 27701

919.560.4137 · fax 919.560.4641

[www.ci.durham.nc.us/departments/planning/default.asp](http://www.ci.durham.nc.us/departments/planning/default.asp)

March 13, 2003

TO: Marcia L. Conner, City Manager

FROM: Frank M. Duke, AICP, City-County Planning Director 

SUBJECT: Zoning Ordinance Text Amendment to Establish a New University-College (UC) District [TC03-03]

**NOTE:** At its meeting on March 3, 2003, the City Council opened and continued a public hearing on this matter until the Council meeting on April 7, 2003. This action was in response to a request by several neighborhood organizations near Duke University, who sought more time to review and discuss the proposed amendment with planning staff. Since that date, staff has had several meetings with neighborhood representatives and have made changes to the text in response to their requests. The main changes include: 1) clarification that all retail uses in the UC District must be designed to serve the on-campus population and not to attract additional traffic to the campus; 2) clarifying that a university has the option during the initial UC rezoning process to attach a development plan and added details for any portion of the campus; and 3) increasing limits on development within the Perimeter Transition Area at the edge of the UC-zoned campus, to further restrict parking, recreational lighting, sidewalks and heights. In addition, some minor word changes were made.

**Summary:** A University-College (UC) District is proposed for addition to the Durham Zoning Ordinance. The purpose of the district is to allow for the growth and development of universities and colleges, while protecting the larger community, nearby neighborhoods and the environment from the impacts accompanying new development related to these educational institutions. The district would propose specific standards for development at the edges of a university-college campus to insure compatibility with adjacent non-university properties. This new district is consistent with the districts being recommended through the UDO process. Once this district is established, separate rezoning processes including public hearings over the coming months would need to follow in order to apply this zoning to the university campuses in Durham.

**Background:** Three universities and college campuses are located within the City of Durham – Duke University, North Carolina Central University and Durham Technical Community College. However, there is not currently a specific zoning district that addresses the impacts created by the development on these campuses. Current zoning for these campuses includes single-family and multi-family residential, office, commercial and industrial zoning districts. There have been a

number of instances in recent years that demonstrate problems with the current zoning regulations for these campus areas.

It should be noted that in this memo, the term "university," in this memo and ordinance amendment, is intended to refer to both university and college.

Staff research of other ordinances has indicated that many other communities around the country with significant university campuses have established special purpose university zoning districts to regulate appropriate development within and along the edges of campus areas. The University-College District is a proposed new zoning district for Durham that is intended to establish procedural and substantive standards for City review and approval of development on properties owned and used by a university or college for its direct educational and related ancillary functions.

After an initial draft of this ordinance, the provisions were reviewed with representatives from each of the two universities and one college in Durham. In addition, briefings and discussions on the proposed district have been held with neighborhood groups, particularly with neighborhood organizations near university campuses.

The district is also designed to allow for growth and development of universities and colleges, while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying new development. The campuses for these institutions are divided into two types of areas:

- a. **Internal Campus** – university properties only contiguous to other university properties, with resulting impacts primarily affecting only the university. Impacts on non-university properties are generally minimal, except for traffic and stormwater issues; and
- b. **Perimeter Transition Areas (PTA)** - university properties adjoining non-university properties, where there are direct impacts from university development on those non-university properties. As a result, there is a corresponding need to insure greater compatibility in these locations.

In order to reflect this differing level of impact on non-university properties, the Internal Campus development standards and procedures are more general and flexible, while the PTA standards/procedures are more specific and detailed.

**Issues:** Development on university campuses can often include large buildings that are not compatible with nearby non-university properties. Residential neighborhoods in particular can be very negatively impacted by such development. One way of limiting such development impacts is to establish a special purpose university-college district with standards to insure compatibility of building heights, setbacks, landscaping and building facades on the perimeter of the university campuses. A schematic diagram and schematic elevation drawings are attached to this memo, showing examples of how this district might relate to surrounding properties.

**Alternatives:** The Council could decide to keep the current regulations remain in place and that the ordinance not be changed. Universities and college campuses would continue to use a variety

of zoning districts, and there would be no regulations insuring compatibility of university development on properties along the edge of university campuses.

**Recommendation:** Staff recommends adoption of the current draft of the proposed University-College District, as shown in the attached ordinance. At its regular meeting on January 14, 2003, the Zoning Committee of the Durham Planning Commission held a public hearing to receive citizen comment and voted unanimously to recommend these amendments.

**Staff Contact:** Dick Hails, [dhails@ci.durham.nc.us](mailto:dhails@ci.durham.nc.us); 560-4137 x235

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## 2.2 Definitions

**University:** (see College or University)

### 4B.3 University-College District (UC)

#### 4B.3.1 Purpose and Intent

The University-College (UC) District is intended 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 District shall be designed for a mix of university-related, integrated uses as specified below, 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.

#### 4B.3.2 Areas Regulated

The campus areas for these institutions shall be divided into two types of areas, with distinct standards applying to each area:

1. **Internal Campus.** University properties contiguous only to other university properties, with resulting impacts primarily affecting only the university; and,
2. **Perimeter Transition Area (PTA).** University properties adjoining non-university properties, where there are direct impacts from university development on nearby non-university properties. As a result, there is a corresponding need to ensure greater compatibility in these areas.

PTA's shall be designed to establish standards at edges of campus areas that minimize any adverse impacts of proposed development on adjacent non-university properties. Standards shall be applicable to a 150-foot wide area at the boundaries of the UC District. Where applicable, this area shall be measured from the midpoint of public rights of way (ROW's) adjoining the edge of university properties. If a public ROW adjoining the institutional property edge (with no adjoining buildings) is wider than 200 feet, and contains no existing or planned buildings, then no PTA standards shall be applied and the area may develop consistent with the Internal Campus standards.

In order to reflect this differing level of impact on non-university properties, the Internal Campus development standards shall be more general and flexible, while the PTA standards shall be more specific and detailed.

When applying this zoning to university-owned properties, the UC District shall extend to the midpoint of public rights-of-way (ROW) adjoining those properties.

#### 4B.3.3 Permitted Uses and Development Intensities

1. **Permitted uses:** University and college uses and ancillary uses 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. Typical ancillary uses may also include uses with a direct relationship to a university academic use, such as university medical center uses, including teaching hospitals, medical schools, nursing schools, biomedical research facilities and support space. 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 and not to attract additional traffic to the campus. Permitted uses would not include trade schools.
2. **Development Intensities**
  - a. **Internal Campus.** Restricted by height to a maximum of 120 feet. The maximum height may be increased to 145 feet, with a Major Special Use Permit.
  - b. **PTA.** To ensure compatibility of new building facades and site design with others nearby, the maximum height of buildings shall not exceed 150% of the average height of buildings on adjoining properties (including those directly across a public ROW), to a maximum of 100 feet. In calculating the average height for the adjoining 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 PTA. Heights may be increased beyond 150% of average surrounding heights to a maximum of 145 feet, with a Major Special Use Permit.

#### 4B.3.4 Additional Design Standards for Both Internal Campus and PTA's

1. **General.** Unless alternative standards are explicitly established below, all relevant standards and provisions of the Zoning Ordinance shall apply.
2. **Sidewalks and Pedestrian Ways.** Alternate walkway routes outside of regular sidewalk requirements within public ROW's shall be permitted in the Internal Campus and may be permitted in the PTA's. Such alternate routes must be submitted and approved by the Development Review Board (DRB) as part of a campus-wide pedestrian plan. Subsequent alternate routes proposed must be consistent with that plan.
3. **Parking.** Shall be tied to the university's documentation of adequate parking availability as determined by the Development Review Board. Parking may include spaces located outside the UC District Requirements for landscaping within parking areas may be rearranged by up to 50% if the university can demonstrate that a specific university use or activity is being served by such a change.

Within PTA's, surface parking lots shall not be located immediately adjacent to or across from properties zoned and developed as single family residential properties. No parking facilities within PTA's shall be located less than the average setback for existing buildings and/or parking lots on adjoining properties.

Surface parking lots within PTA's that adjoin public streets shall be landscaped or otherwise screened with structures, etc., to minimize views of parking from the street and adjoining properties.

4. **Lighting.** Within PTA's, new athletic fields shall not be exempt from the lighting standards established in Article 8 with the exception that, after 11:00 PM, such facilities may not utilize the exemption for public recreational activities.
5. **Building facades and orientation.** Within PTA's, new buildings adjoining public streets shall have compatible exterior facades with adjoining properties. Compatibility shall be demonstrated by documentation that the design of a proposed PTA building is compatible with other adjoining buildings and sites, considering both architectural and site designs. This design information shall be submitted with the site plan for proposed development within the PTA. Each building shall have a direct orientation and entryway facing a street.
6. **Screening of mechanical equipment, utility systems, solid waste and loading areas.** Within PTA's, shall be compatible with surrounding properties, especially as viewed from public streets and adjoining properties. Applicable ordinance requirements addressing these issues shall also apply.
7. **Landscaping.** Within PTA's, shall be provided so as to ensure compatibility with adjoining and facing properties. Landscaping shall also include appropriate design and handling of stormwater

#### 4B.3.5 Development Review Procedure

1. **General.** A campus master plan shall be submitted to the Planning Department prior to any rezoning submittal. Such campus master plans shall be viewed as illustrative in nature and may be updated, in whole or in part, at any time. Only properties included as part of a university campus in a campus master plan may be included in the UC District.
2. **Initial Rezoning to Establish UC District.** A full rezoning process shall be initiated by City Council for each of the three Durham college/university campuses. A basic rezoning application shall be required, along with documentation on the availability of adequate parking and a limited surcharge fee to cover public notification requirements. The universities may elect to have all or parts of their campus covered in this initial rezoning so long as those areas are covered by the appropriate campus master plan; however, no areas of the campus that were not under the direct control of the university prior to January 1, 2002, may be included in the initial rezoning. The universities may also elect to submit traffic and stormwater impact analyses at this time or later. The university

- may submit a Development Plan, providing additional details and restrictions beyond minimum ordinance requirements, for all or parts of the area associated with this initial rezoning.
3. **Additions to Initial UC District.** Subsequent to the initial rezoning, a Development Plan shall be required with any requested additions to the initial UC District.
  4. **Approval of Individual Building or Facilities.** A Minor Site Plan shall be required for approval for individual buildings and development, with prior review of building façade and site design for compatibility with adjoining properties of development within PTA's by the Design Review Team. The Team would utilize the Durham Design Manual as a guide to ensure compatible building facades and site design adjoining the boundary of university properties.
  5. **Traffic and Stormwater Impact Analyses.** If these analyses were not handled at time of initial rezoning, they would be required with or in advance of Minor Site Plans when appropriate thresholds on campus development are reached (for Traffic Impact Analysis requirements, see Section 13.3; for Stormwater Impact Analysis requirements, see Section 8.1.26). Phasing plans on the implementation of facility recommendations from these analyses may be included.
  6. **Biannual Certification of Adequate Parking.** A report from each university covered by the UC District shall be filed with the City-County Planning Department, to demonstrate that, adequate parking is being provided by the university, considering both the location and amount of parking provided. Such reports shall be valid for a two-year period. If a valid report is not on file at the time a development approval is requested by an institution, no processing of that plan shall occur until a new report is provided by the university and reviewed by City Transportation and Planning staff, using parking standards and considering a variety of parking reduction techniques and commuter trip reduction guidelines (TDM) from appropriate ordinances, including shared parking, remote parking, available transit service, bicycle and pedestrian facilities and other trip reduction techniques.

#### **Section 13.3.4 Traffic Thresholds Which Require A Special Permit**

2. **Exemptions from Special Use Permits:** A special use permit shall not be required of development in the RSCH, RAD and UC zones of developments encompassed by and existing or proposed Development Plan Zone [D], even when projected traffic is expected to exceed levels specified above. However, plans for such development shall demonstrate in the TIA that measures shall be taken to mitigate traffic impact. The approving body may require that measures be incorporated into the project design or off site to insure implementation of the traffic impact recommendations. Such measures may include, but are not limited to: lane channelization, turn lanes, public transit, car pool programs, and modifications to hours of operation.

# UNIVERSITY-COLLEGE DISTRICT SCHEMATIC ELEVATIONS

FIGURE 1

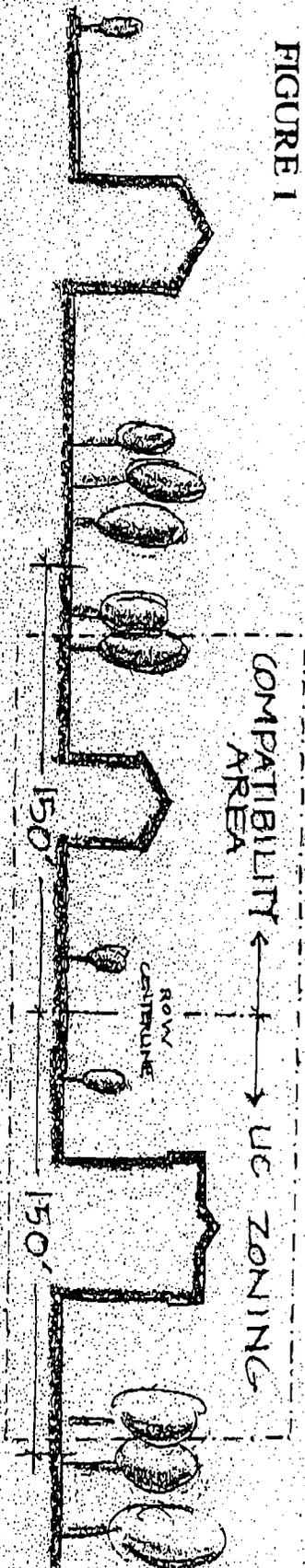
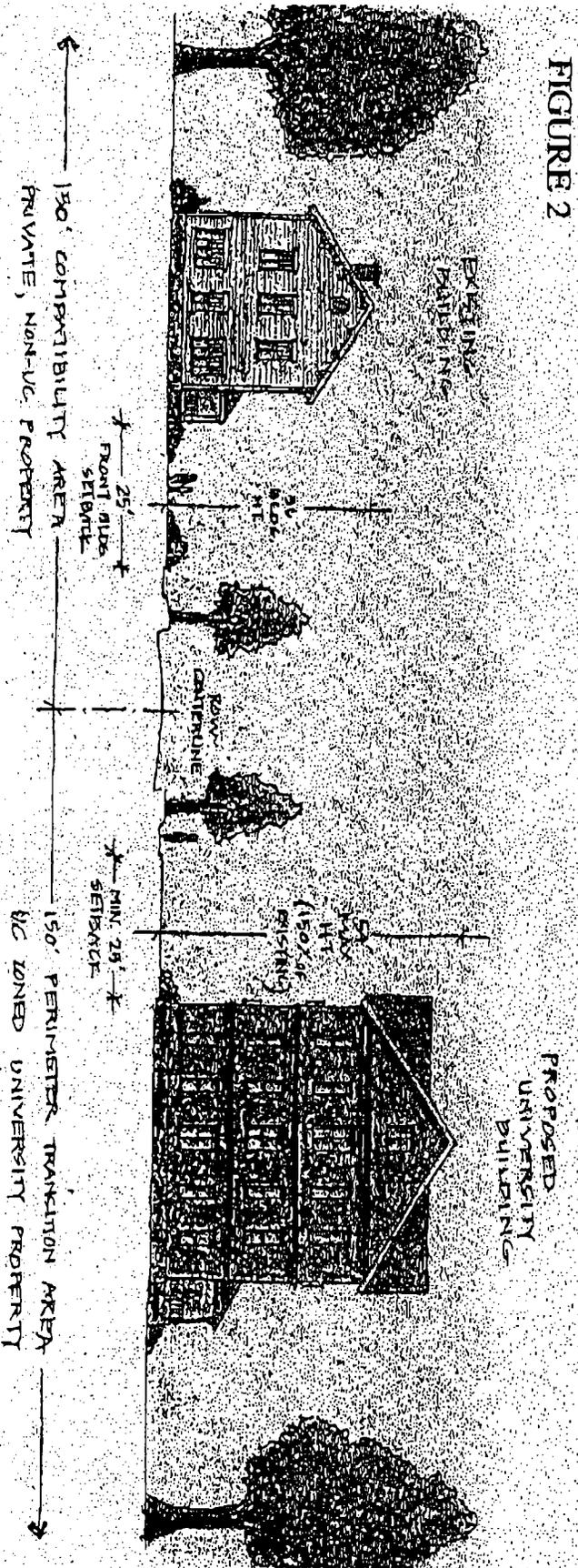
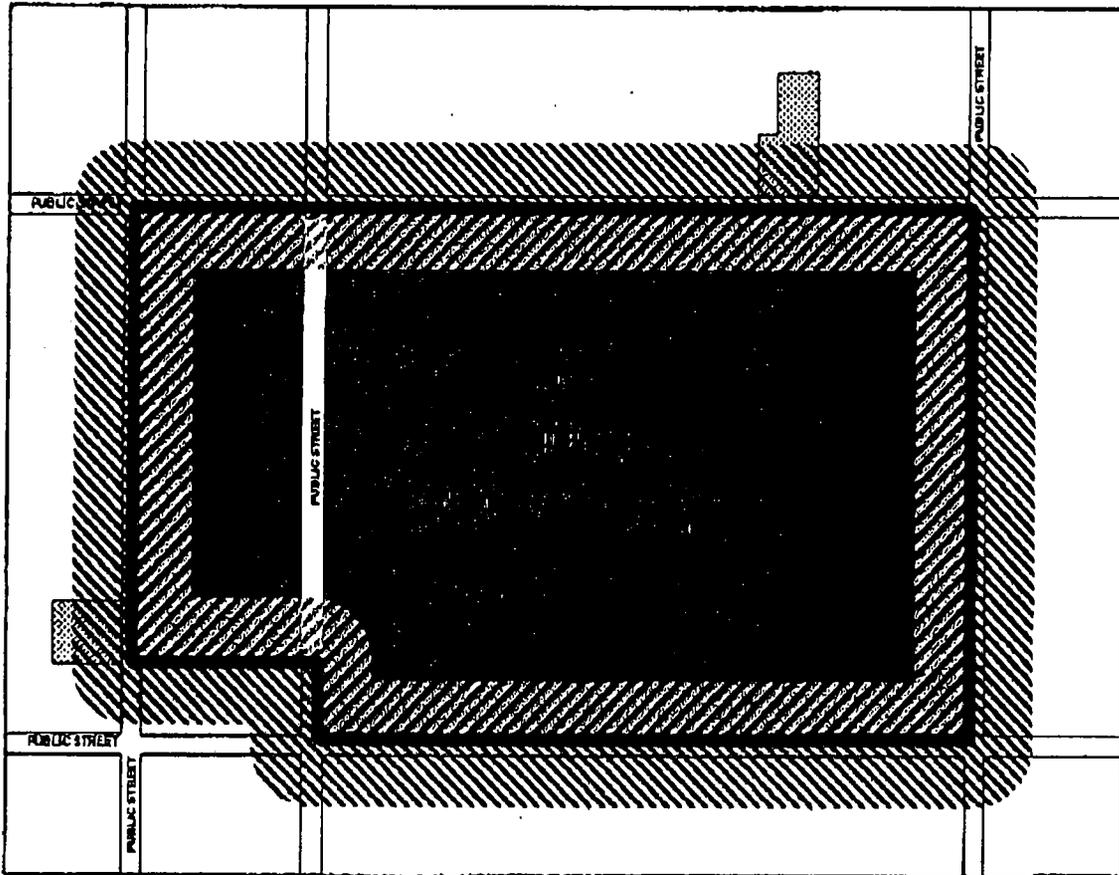


FIGURE 2



# UNIVERSITY - COLLEGE DISTRICT (UC) SCHEMATIC DIAGRAM



-  Internal Campus Area
-  Perimeter Transition Area
-  Compatibility Area
-  Non-UC District University Lands

1/17/03