

ITEM: Miscellaneous Text Changes to Draft Land Development Code

SUMMARY:

The following Staff report is provided in response to discussion at the March 4, 2010, Planning Commission meeting.

Issues discussed on March 4, 2010:

The Commission identified the following as needing further suggested text language or further research by City Staff:

- Revisions to LDC- Staff has made revisions to the LDC based on the discussion and direction provided by the Commission on March 4. The following is a summary of these revisions (see Attachment #1):
 - Language has been added to Section 3.5.2 to refer to the requirements of the stormwater regulations in Chapter 22 of the City Code.
 - In Section 3.5.4, Staff has added language to clarify the methods used to apply the compatibility standards, and for the exception to the building height standards.
- Section 3.5.5 - The Commission will be reviewing regulations relating to compatibility between college land uses and the surrounding residential neighborhood. Some issues to consider in reviewing Section 3.5.5:
 - Section 3.5.5 was created after the Planning Commission began its review of the draft LDC. Therefore, there has not been detailed discussion of what these compatibility standards should be.
 - Development within the Perimeter Transition Area (PTA) subarea is a conditional use, and the standards in Section 3.5.5 are meant to assist the Planning Commission in reviewing Conditional Use Permits (CUP). However, if the Commission creates detailed standards within Section 3.5.5, it might be appropriate to make development with the PTA subarea a Permitted Use (Type 2 review).
 - The following are college-residential compatibility standards for other cities:
 - Holland, Michigan (home of Hope College) – requires a setback for college development of at least 25’ from non-college related uses.
 - Columbus, Ohio (home of Ohio State University) – requires college development that is within 100’ of residential districts to comply with the requirements of the residential district.
 - Durham, North Carolina (home of Duke University and North Carolina Central University) – has a similar ordinance to the Northfield LDC, with the University and College zoning district divided into two sub areas: “transitional use area” and “internal campus” (Attachment #2). When a

property is zoned University and College, the applicant must also receive approval of a development plan, which shows proposed future development of the college or university. In the approval of the development plan, some aspects of the plan are considered final (proposed plan components cannot be waived later, unless a conditional use permit is approved) and others can be varied later when the subsequent site plans are submitted. In the draft LDC, there is a requirement in Section 2.4.2 (C) that a “campus master plan” be submitted for illustrative purposes only.

The transitional use area, which is the area adjacent to the residential neighborhood, has additional design standards that are reviewed and approved by City Staff. The site plan is also reviewed to verify consistency with the approved development plan. If the applicant would like to increase the height of buildings, or vary from the approved development plan, a conditional use permit is required.

RECOMMENDATION:

Staff requests that the Commission review new suggested language and provide direction to City Staff on this language.

SUBMITTED BY: Dan Olson, City Planner

ATTACHMENTS:

1. Revised Neighborhood Compatibility Standards
2. City of Durham, North Carolina regulations

- 4280 (c) Entry recesses/projections;
- 4281 (d) Arcades that are physically integrated with the entrance;
- 4282 (e) Raised corniced parapets above the entrance;
- 4283 (f) Gabled roof forms or arches above the entrance;
- 4284 (g) Outdoor plaza adjacent to the entrance having seating and a minimum
- 4285 depth of 20 feet;
- 4286 (h) Display windows that are directly adjacent to the entrance;
- 4287 (i) Architectural details, such as tile work and moldings, that are
- 4288 integrated into the building structure and design and are above and/or
- 4289 directly adjacent to the entrance; or
- 4290 (j) Integral planters or wing walls that incorporate landscaped areas or
- 4291 seating areas. A wing wall is a wall secondary in scale projecting
- 4292 from a primary wall and not having a roof.
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Figure 3-25: This large retail center utilized several different design features to articulate the individual facade and customer entrances.

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Neighborhood Compatibility

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3.5.1 Purpose and Intent

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The purpose of the neighborhood compatibility standards is to protect the character of existing residential neighborhoods in instances where there is a proposed infill development, ~~or a~~ redevelopment project, or building expansion. The primary focus of these compatibility standards is to ensure that new infill development, ~~or redevelopment,~~ or building expansion in the NC-F district relates to the massing and scale of the surrounding structures.

3.5.2 Applicability General Provisions

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- (A) Except where exempted by **Section 3.5.3, Exemptions**, these standards shall apply to the development, expansion, or redevelopment of uses in the R1-B, R2-B, R3-B, N1-B, and NC-F districts, the PTA Sub-area within the CD-S district, and the NC-F district.

4311 (B) The City desires to protect the quality of its surface waters, including the Cannon
4312 River and its creek tributaries. Therefore, new development and building
4313 expansion constructed as part of this Section shall comply with the stormwater
4314 regulations of the Northfield Municipal Code, chapter 22.

4315 ~~(C) For the purposes of these standards, “expansion” shall mean the expansion of the~~
4316 ~~building floor area of the ground floor by more than 15 percent of the building’s~~
4317 ~~footprint that existed at the effective date of this LDC.~~

4318 ~~(D)~~(C) Definitions: For the purposes of these standards:

4319 ~~(1) “Adjacent” shall mean a condition where one lot abuts or is located directly~~
4320 ~~across a street, alley, right of way, easement, public trail, or public~~
4321 ~~greenway from another lot; and~~

4322 ~~(1) “Building Placement” shall mean the actual location of an existing building~~
4323 ~~on a property; and~~

4324 ~~(2) “Primary Façade” shall mean the front face of a building which faces the~~
4325 ~~front yard and is located nearest the front property line. An attached garage~~
4326 ~~is not a component of the primary façade; and~~

4327 ~~(3) “Recessed Façade” shall mean that portion of a building which faces the~~
4328 ~~front yard and is set back from the front property line a distance greater than~~
4329 ~~that of the primary façade.~~

4330 ~~— “Block Face” shall mean all lots that have frontage on the same street as the~~
4331 ~~subject lot between an intersecting street or other boundary.~~

4332 3.5.3 Exemptions

4333 The following forms of development shall be exempt from the standards of this section:

- 4334 (A) Accessory buildings¹³;
- 4335 (B) Development subject to an approved master plan, development agreement,
- 4336 variance, or planned unit development protected by a PD-O district;
- 4337 (C) Existing nonresidential or mixed-use development lawfully established prior to the
- 4338 effective date of this LDC;
- 4339 (D) A change of use, with no structural changes, that is permitted in the base zoning
- 4340 district; and
- 4341 ~~(E) The complete redevelopment of an entire block where all existing structures are~~
- 4342 ~~removed. Such redevelopment shall be subject to the standards of the applicable~~
- 4343 ~~zoning district.~~

4344 3.5.4 Standards for ~~all~~ Development in R1-B, R2-B, R3-B, and N1-B

4345 (A) ~~All~~ Development subject to these neighborhood compatibility standards shall

4346 comply with the standards of this subsection.

4347 ~~(B) Compliance with these standards shall be shown in the zoning certificate~~

4348 ~~application for uses in the R1-B district or site plan review for uses in the NC-F~~

4349 ~~district.~~

4350 ~~(C)~~ (B) Design Standards for One, Two and Three Family Dwellings

4351 ~~(1)~~ Methods for Determining Compatibility Standards. For the purposes of

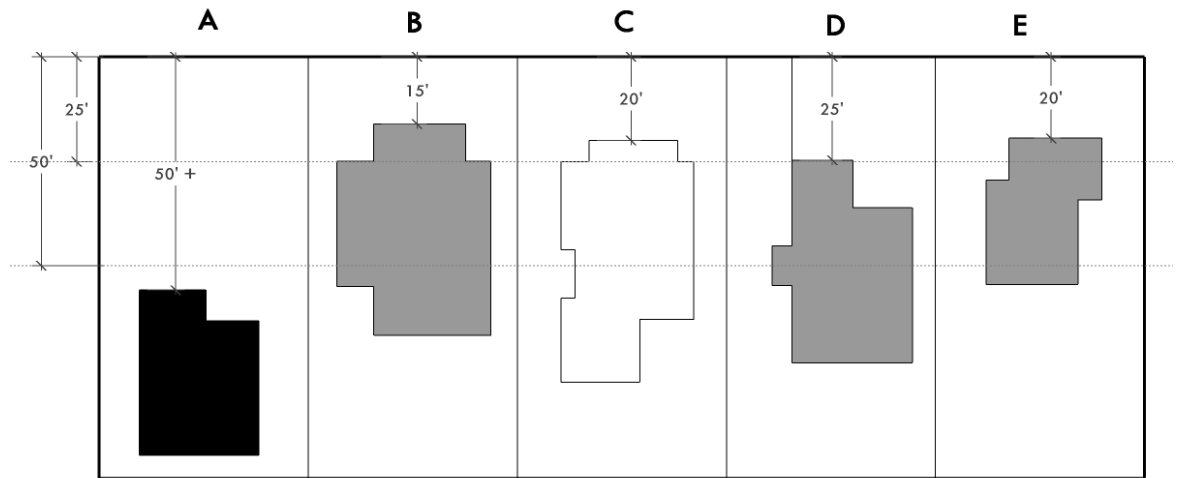
4352 this subsection, the following are the methods by which compatibility is

¹³ Accessory buildings are exempt because there are already applicable size regulations and they are only permitted in the rear yard so the massing and scale of the accessory building is not highly visible.

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determined for building placement, building height and massing, front porches, and roofs:

- (a) Proposed new housing units or building expansions shall be compared to similar existing housing units. For example, single family homes shall be compared to other low density homes, not churches, schools, or high density residential land uses.
- (b) Proposed new development or building expansion in the front yard shall be compared to the average of the two structures adjacent on both sides of the block, except those structures no more than 50 feet or no less than 15 feet from the front yard property line (see Figure ___). If there are less than four structures on the same side of the block, the lesser number of structures is used in the calculation.



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Figure ___: Because of the variety in existing placement of buildings on the same block face, new development or building expansion on the subject property (lot C) may be located with a building placement of 20 feet, which is the average of the placement of lots B, D, and E. The building on lot A is not included in the average because it is located more than 50 feet from the property line.

- (c) For corner lots, proposed new development or building expansion shall be compared to the average of the two adjacent structures on both streets, except those structures no more than 50 feet or no less than 15 feet from their front yard line (see Figure ___). If there are less than two structures on either street, the lesser number of structures is used in the calculation.

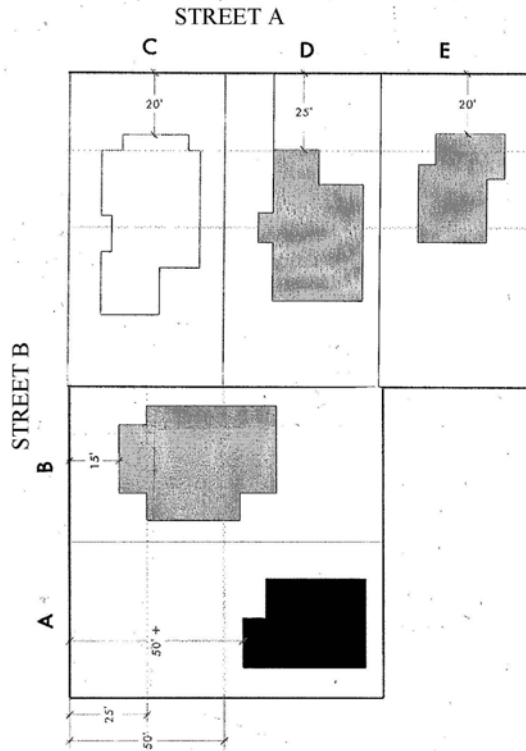


Figure : (this graphic will be replaced later with a higher quality graphic)

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(2) **Building Placement Setbacks and Build-to-Lines**

- (i) **Front yard:** For new development or expansion of an existing building, the applicant shall demonstrate how the proposed building will ~~(in order of priority):~~ Meet the average front yard building placement setbacks of the two adjacent residential buildings on either side of the subject property, as shown in Figure , to within five feet .
 — Meet the average front setbacks of residential buildings . along the same block face; or
- ~~(ii)~~ **(ii)** Meet the build to line of the R1-B or N1-B district, whichever is adjacent to the site.
- ~~(b)(ii)~~ **(ii)** Side yard: All new development or expansion of an existing building shall demonstrate that the construction meets the average side yard setbacks of the two adjacent buildings on either side of the subject property as shown in Figure , but in no instance shall the building be located less than five feet from an interior side yard property line, along the block face.
- ~~(iii)~~ **(iii)** Rear yard: All new development or expansion of an existing building shall comply with the rear yard setback requirements of the R1-B applicable district.
- ~~(e)(iv)~~ **(iv)** Corner yard: For corner lots, all new development or expansion of an existing building shall meet both the average front and corner yard building placement of the two adjacent buildings on either side of the subject property (see Figures and _____), to within five feet.

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(3) Building Height and Massing

- (a) No principal building shall be constructed which is more than 20 percent five feet taller or shorter than the average height of the two adjacent principal buildings on either side of the subject property as shown in Figures or along the block face. However, if the two adjacent buildings on either side of the subject property are single story homes, the building height for the subject property may be constructed to two stories, or 30 feet in height, whichever is less.
- (b) No principal building shall be constructed where the front-primary facade is more than 20 percent five feet wider or narrower than the average width of principal the two adjacent buildings on either side of the subject property as shown in Figures or along the block face. However, the width of the facade may be increased beyond five feet if the building has a recessed facade which is set back at least six feet back from the primary facade.
- (c) The roof type shall generally reflect the predominant roof types of the two adjacent buildings on either side of the subject property as shown in Figures or along the street same block face (e.g., the building should not have a flat roof where the predominant roof type is a gable).



Figure 3-26: Replace with photo of 513 Nevada Street. The detached dwelling in the foreground exhibits compatibility with the surrounding dwellings in regard to design, scale, and setbacks, and materials.

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(4) Front Porches

Where the majority of the two adjacent buildings on either side of the subject property as shown in Figures or along the same block face have front porches, the building-subject property to this subsection may also include a front porch that has a width and depth generally similar to the average width and depth of porches of the two adjacent buildings on either side of the subject property as shown in Figures or along the same block face.

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(5) Design Standards for Attached Garages

(a) Purpose and Intent

The purpose of design standards for attached garages is as follows:

- (i) to ensure that there is a physical and visual connection between the living area of the home and the street; and
- (ii) to ensure that the location and amount of living space of the home, as seen from the street, is more prominent than the garage; and
- (iii) to prevent garages from obscuring the main entrance from the street and ensure that the main entrance for pedestrians, rather than automobiles, is the prominent entrance; and
- (iv) provide for a more pleasant pedestrian environment by preventing garages from dominating the views of the neighborhood from the sidewalk; and
- (v) enhance public safety by preventing garages from blocking views of the street from inside the home.

(b) Garage Placement

Attached garages must be set back at least six feet from the primary façade of the principal structure. Side-loaded attached garages are exempt from this requirement provided that the side of the garage facing the front street has windows or other architectural details that mimic the features of the living portion of the home.

(c) Garage Massing

The width of an attached garage is limited to either 30 percent of the primary façade, or 24 feet, whichever is greater. However, if the attached garage has two front vehicle entrance openings, the width of the garage may be extended to 28 feet.

3.5.5 Standards for Development in the PTA Sub-area within the CD-S district

(A) Standards for Structures

(1) Massing

(2) Height (Note: College representatives recommended that buildings be no taller than 1 ½ times the height of the facing/adjacent neighborhood buildings.)

(3) Location

(4) Architecture

(B) Standards for Parking

(1) Whenever possible, parking lots or structures should be constructed in the least visible location to neighboring properties. Surface parking lots that adjoin public streets shall be landscaped or otherwise screened with structures to minimize views of parking from the street and adjoining properties.

(2) Parking structures shall maintain a setback equal to the average setback for existing buildings and/or parking lots on adjoining properties.

2. Side and Rear Yards

a. Residential Uses

No minimum side or rear yards shall be required although building separations established above shall be maintained.

b. Nonresidential Uses

When a retail or office component of the PDR shares a common boundary with a residential component of the PDR, side and rear yards of at least 30 feet shall be provided between the nonresidential and residential areas. This requirement shall not apply if the residential uses are within the same building as the retail or office uses.

Interpretation: PUD/PDR site plans approved prior to 1994 continue to use the property line setbacks for PUD/PDRs approved prior to the effective date of the Merged Durham Zoning Ordinance. (1/1/94) These setbacks are called out either dimensionally on the site plans or in a special conditions box.

F. Open Space

1. Required open space shall be provided based upon the density of the project as follows:

Residential Density	Percent of Gross Area
0 to 3.00 units per acre	15
3.01 to 6.00 units per acre	16
6.01 to 10.00 units per acre	17
10.01 to 16.00 units per acre	18
16.01 to 25.00 units per acre	20

2. Uses of open space shall be as defined in Sec. 7.2, Open Space.

G. Landscaping

Blank walls visible from the street shall be buffered with plantings. Landscaping improvements meeting the same requirements as the landscaping required for vehicle use areas with exposure to the street established in Sec. 9.8, Vehicular Use Area Landscaping, shall be provided for all blank walls exceeding 50 feet in length.

H. Parking

At least 30% of the parking spaces required for nonresidential uses shall be located to the side or rear of nonresidential structures within any PDR.

I. Sidewalks

In addition to meeting all of the requirements of Sec. 12.4, Pedestrian and Bicycle Mobility, sidewalks shall be provided between the retail and office uses and the dwelling units within any PDR.

6.11.4 University and College District (UC)

A. Uses

1. The primary use allowed in the 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, Use Table, that can demonstrate 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.

B. Zoning Map Change

1. Initial Zoning

A university may elect to have all or parts of its campus covered in the initial zoning map change, 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 zoning map change.

2. Subsequent Zoning Map Change

Any property included as part of a university campus in a campus master plan may 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 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. 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.
- 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 given the UC District designation that are not included within a Transitional Use Area shall be considered to be within the Internal Campus.
- b. Within the Internal Campus, only limited regulations shall apply, as indicated below.

D. Height

1. Transitional Use Area

The maximum height of a structure 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 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.

2. Internal Campus

The maximum height of a structure shall be 120 feet, 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.

E. Architectural Standards

1. Transitional Use Area

Within a Transitional Use Area, new buildings adjacent to public streets shall have compatible exterior facades with adjacent properties. Compatibility shall be demonstrated by documentation that the design of a proposed building is compatible with adjacent buildings and sites, considering both architectural and site designs. This design information shall be submitted with the site plan for each proposed development within the Transitional Use Area. Each building shall have a direct orientation and entryway facing a street.

2. Internal Campus

Specific architectural standards shall not apply, unless shown as committed elements on a development plan.

F. Outdoor Lighting

1. Transitional Use Area

Within a Transitional Use Area, all standards of Sec. 7.4, Outdoor Lighting, shall apply except that new athletic fields shall not be illuminated after 11:00 PM.

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 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 District.

H. Landscaping

1. Generally

a. Transitional Use Area

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

- b. Internal Campus**
Other than street trees pursuant to Sec. 9.6. Street Trees, no specific landscaping requirements shall apply.

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**
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 of parking spaces required, including the extent of bicycle parking required, 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 that are controlled by the university or college. In order to make this determination, a report from each university covered by a UC 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, considering both the location and amount of parking provided.
- 2.** Approved parking reports shall be valid for a two-year period. 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 an approved parking report 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 is provided by the university and approved by the Development Review Board.

J. Signage

- 1. Transitional Use Area**
All applicable standards of Article 11, Sign Standards, shall apply.
- 2. Internal Campus**
The standards of Sec. 11.8, Elements of a Common Signage Plan, shall not apply.

K. Solid Waste

The requirements of Chapter 58 of the City Code, Solid Waste Collection and Disposal may be modified on projects within the UC District if the college or

university has filed a solid waste master plan with the Cit 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 UC District when appropriate thresholds are reached.
- ii. Within the City, this analysis may be included at the time of zoning map changes to the UC District initiated by the university 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 UC District, for identified areas within the UC 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 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 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. 12.4.3, Alternate Requirement, conventional sidewalks shall be required. Alternative pedestrian walkways shall be permitted in the internal campus and may 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. 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 UC District, for identified areas within the UC District, or be provided on a site plan specific basis. If provided utilizing any option other than the site plan specific basis, the university 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.