



Date: December 13, 2022

To: Members of the Durham Planning Commission

Through: Sara M. Young, AICP, Planning Director

From: Grace D. Smith, AICP, CZO, Assistant Director and Bo Dobrzanski, AICP, CZO, Assistant Director

Subject: Unified Development Ordinance Text Amendment, Simplifying Codes for Affordable Development (TC2200001)

Summary

Text Amendment TC2200001 is a privately initiated request to amend various provisions of the Unified Development Ordinance (UDO) to incentivize additional affordable housing and to allow additional flexibility in the siting and design of housing. The draft proposal was discussed at the June 1, 2022 and August 3, 2022 Joint City-County Planning Committee meetings. The applicant has met with staff several times since then and some revisions have been made based on input from staff, the Planning Commission, and the community. The text amendment request was first presented to the Planning Commission at their September 13, 2022 meeting. The commission voted unanimously to continue the public hearing until the regular meeting scheduled for December 13, 2022.

Recommendation

The staff recommends that the Planning Commission receive this report and make a recommendation on the proposal as a formal action.

Background

In the spring of 2021 staff was presented with a suggested set of text amendments that would relax a variety of zoning regulations to make it easier to develop infill housing. Staff reviewed the suggestions and included a small number of those items to include in Omnibus 17. The remainder of the suggested changes were deemed too significant to include in an Omnibus amendment, which is limited to minor revisions and technical corrections.

With continued interest in the remaining ideas Habitat Durham and Jim Anthony submitted the proposed text amendment on May 4, 2022. The proposal, developed by a group of local practitioners, reflects their experience developing and building under the current provisions of the UDO. Through their combined experiences designing projects in Durham, they have identified a series of changes they feel will either simplify the UDO or relax its standards to facilitate development of new housing and supporting economic development efforts that support small, local businesses. In addition to the summary provided by the applicant in Attachment E, some of the highlights of the content of the proposed changes include:

- Developing a new program, Progressing Affordably Toward Housing (PATH), that provides residential density and height bonuses in addition to setback relief when providing 25% of the

permitted units as affordable. The program would allow for non-conforming subdivision of projects that are 100% affordable to facilitate fee-simple ownership;

- Adding stories as a secondary measure of height, in addition to feet, for residential development;
- Removing project boundary buffers from between the same uses;
- Removing all building size, scale and design requirements and changing the vehicular use area requirements for infill development;
- Modifying the flag lot requirements to remove some limitations;
- Removing minimum parking requirements;
- Expanding flexibility for Accessory Dwelling Units (ADUs);
- Adding flexibility for all small commercial projects to utilize revised Commercial Infill standards;
- Eliminating setback variation standards for townhouse developments; and
- Permitting more residential uses in nonresidential districts.

In addition to their presentations at the June and August JCCPC meetings, the applicant team has met with staff several times to discuss issues relating to general organization and wording of the proposed text, as well as staff concerns related to the impacts of the proposal. Staff offered a number of suggestions, most of which the applicant incorporated in their revised draft. The remaining concerns, and their status with the applicant team are described below.

Issues

In general, the proposed text amendments provide additional flexibility, predominantly targeted at developing infill housing and small-scale commercial opportunities. To assist staff in evaluating the proposal's alignment with the direction of the new Comprehensive Plan, the applicants have provided Attachment D, which describes 22 specific ways in which the draft amendments implement and support the adopted Goals and Objectives of the new Comprehensive Plan.

Changes Supported by Planning Staff

Planning staff supports a number of the proposed changes, and in many sections the proposed text is a welcome simplification of standards, which will benefit all users of the ordinance. Highlights of the benefits of the proposed amendments include:

- 5.2.4H - Clarifies that Accessory Dwelling Units on Place of Worship properties are not limited to use by staff only.
- 6.4.1A.1 - Allows more density in the Urban Tier with a development plan (increased from 20 to 40 dwelling units per acre) for the Residential Urban Multifamily (RU-M) and Residential Compact (RC) districts.
- 6.6.4 - The PATH program provides additional incentives for affordable housing a minimum of 25% affordable units are provided. The provisions include for sale units, which the UDO's current affordable housing bonus is not set up to recognize, and among other things allow a 20% reduction in dimensional standards and 20% increase in encroachments to add flexibility so affordable housing can more easily be developed on challenging infill lots.
- Various paragraphs - Reduce setbacks throughout a number of districts for added flexibility and to encourage more compact infill development that takes advantage of existing infrastructure and services.
- 6.10.1C - Allows nonresidential development of less than 20,000 square feet in the Commercial Neighborhood (CN), Commercial General (CG), Office and Institutional (OI), Industrial Light (IL),

and Industrial (I) districts in the Urban and Compact Neighborhood Tiers to utilize the standards of the Commercial Infill (CI) district, which is designed to facilitate small-scale commercial infill.

- 6.10.2B.1 - Removes the maximum density cap for residential development in the following nonresidential districts: CI, CN, CG, and OI.
- 6.12.1 - Simplifies residential height measurement to use roof apex (which is more intuitive) instead of midpoint and adjusts heights throughout to compensate for the change.
- 6.12.5 - Expands flag lot provisions and includes allowing a shared pole for multiple flags lots and the flexibility for applicants to choose the location of rear yards.
- 7.1.2C - Simplifies small lot provisions including and expands applicability to all districts in the Urban Tier and to the Attached House housing type.
- 9.4.1H - Removes project boundary buffers between like uses (e.g. no buffer would be required between two different residential projects).
- 10.3.1B - Removes minimum parking requirements, and in particular removes the burden of providing parking for a change of use, which will make it easier financially to adaptively reuse existing properties.

Changes of Concern to Planning Staff

The applicants have made changes to their proposal (Attachment B) to address concerns from multiple departments and the Planning Commission. Their responses to departmental comments are available in Attachment F. In addition, the applicants have also provided responses to the comments they have received to date from the Planning Commission in Attachment G.

The following provisions were previously identified as having problematic elements or potential negative effects but have been revised by the applicants to address staff concerns.

- 3.7.2C - The proposed exemptions from site plan review have been revised to align with Durham's stormwater regulation thresholds. However, a minor technical correction is still needed in the proposed text to properly align with the regulations. The phrase "shall not exceed" should instead read "shall be less than".
- 6.6.4H - The subdivision exemption in the proposed PATH program is intended to relieve the developer of all dimensional standards for new construction of projects where all the units are affordable to purchasers earning at or below 80% of the area median income (AMI). The prior draft allowed these units to front on a utility easement, which was problematic from both a functional and equity perspective. The proposal was revised to require a minimum of 10 feet of combined street frontage or five feet of individual lot frontage, in essence creating small-scale but defined flag lots. The proposal was also revised to add a provision that all perimeter lot lines will maintain side yard setbacks, thereby addressing the prior concern about compatibility with adjacent development.
- 7.1.7B.2 - The applicants revised the proposed detached townhouse concept by establishing it as its own housing type, as suggested by staff. However, to minimize confusion staff recommends that this housing type be identified with a distinct name, such as "row house".

The following provisions remain unchanged and continue to include problematic elements or may result in potential negative effects.

- 5.1.2 and 6.10.2 - Making residential a permitted use in the Industrial zoning district, even with a Minor Special Use Permit, is problematic for several reasons. The Industrial district is designed to

house the community's most noxious industrial uses, which are widely recognized as incompatible with residential uses. There are social justice concerns with encouraging affordable residential amid industrial areas, most of which are historically marginalized and disinvested neighborhoods of color. In addition, allowing residential to be built on prime industrial land will impact economic development potential for those sites, limiting the City and County's abilities to attract large industrial businesses. The decision to convert industrial land to residential use is a policy one. The Board of Adjustment is not a policy making board and placing the authority for this type of decision with them is inappropriate. The decision for such a land use policy change should be made by the governing bodies, through a rezoning process. Staff strongly urges that this provision be removed from the proposed set of amendments.

- 5.4.2B.1.b.(1) - Staff has heard a lot of public concern regarding the ability for places of worship to build unlimited numbers of ADUs on their property. To address this concern the applicants have revised their proposal to limit on the land area that may contain ADUs, permitting up to 75% of the parcel to have ADUs in the Downtown and Urban Tiers and up to 50% of the parcel in all other tiers. The applicants also added limitations on where on a parcel the ADUs can be placed, including setbacks and location exclusions. While these changes clarify overall placement of ADUs on places of worship properties, they do not address the original concern about an unlimited and unpredictable potential number of units. Staff continues to recommend a limit on the maximum number of units, with the ability to seek approval for more units than the maximum through a Minor Special Use Permit or by meeting additional performance standards by-right.
- 6.6.4B.1 - The proposed PATH provisions require that rental units remain affordable for only five years, while for sale units have no required period of affordability. By comparison the UDO's existing affordable housing bonus, which offers less incentives overall, requires units to remain affordable for a 30-year period. Maintaining long-term affordability continues to be a concern in the community and among elected leaders and the long-term benefit of the proposed PATH approach is not evident.
- 9.4.5C.4 - The proposed exemption from all buffer requirements for projects in the Urban Tier on lots less than two acres would allow incompatible uses to have no protection or transition between them. Two acres is a sizeable lot in the Urban Tier capable of supporting a variety of commercial uses, such as fast-food restaurants or retail stores. Allowing those uses to abut residential lots without any buffering could create situations where homes are now looking into loading docks or drive throughs. Staff recommends reducing the size threshold from two acres to something smaller.

Staff has also identified additional concerns based on the latest draft revision as follows.

- 5.4.1B.7 - The only FAR restrictions in the UDO are in the Old West Durham Neighborhood Protection Overlay (OWD NPO). As such, exempting ADUs from FAR requirements will only apply to the OWD NPO and should be located in UDO 4.6.6C.1 for clarity and transparency.
- 6.8.2A.2 - Allowing base yard requirements to be used instead of infill standards may result in situations where an infill structure's location relative to the street disrupts an otherwise consistent street rhythm. For example, there are many streets in the Urban Tier that have consistent setbacks of 20-30 feet, where introducing an infill house with a zero setback may seem out of place. However, this provision can also introduce more variety into blocks and could result in more dynamic block faces.

- 6.10.1C.1.d and 6.10.1D.1.d - These changes should retain the provision that “structures shall not be allowed in the public right-of-way”.
- 6.11.3E.1 - The provision for base street yard standards should not be removed entirely and solely defaulted to the street yards identified on development plans since some old PDRs exist that do not have development plans on file, or where yards were not clearly defined. This change, as proposed, would render those plans unbuildable, requiring new development plans to establish yards. That outcome would add cost and time to the development process for those properties, which runs counter to the stated purposes of this set of amendments. It is suggested that the current provisions be retained, with a caveat that they apply unless otherwise denoted on an approved development plan, or that the base requirements be reduced in line with the reductions proposed elsewhere in this set of amendments.
- 7.1.7B.3 - The text proposed for removal now was originally added by the applicant as part of their original proposal. Since it is not currently in the UDO, removing it should not be shown as a strikethrough, but rather it should be deleted and not shown since there is no longer a change proposed in that paragraph.
- 12.2.2B.2.b and 13.5.1 - With the clarifications to the PATH subdivision provisions, these changes appear unnecessary as driveway access in lieu of street frontage will continue to be limited to solely townhouses and shopping centers. These changes should be removed.
- 17.3 - The definition for *Common Plan of Development* should instead reference the original source of that term. For consistency with the other housing types, the *Detached Townhouse* definition should be removed as it is redundant with the description in 7.1.8A. No other housing types have definitions in Article 17, but rather are defined in their description paragraphs. The proposed definition of *Photovoltaic Solar and Solar Water Heating* are not definitions but rather standards. As such they should be moved to the paragraphs where they are referenced instead.

Broad Community Concerns

The proposed ordinance amendments are extensive in nature and have raised broad concerns from community members. Aside from the specifics of the proposal, staff has received questions about the community engagement for this project and the timing of a UDO rewrite.

- **Community Engagement** – In addition to the engagement strategy (Attachment C) provided by the applicants, a summary of their community engagement efforts is available in Attachment H.
- **New UDO Timing** - Staff anticipates a full UDO re-write to begin next year, following adoption of the new Comprehensive Plan. While the proposed amendments would expand upon the prior Expanding Housing Choices initiative, enacting far-reaching zoning changes in advance of a new UDO may be viewed through one of two perspectives: as premature or as an opportunity to test out the effectiveness of these ideas before they are incorporated into the new ordinance. As noted earlier, the applicants have provided Attachment D, which describes ways in which the draft amendments implement and support the adopted Goals and Objectives of the new Comprehensive Plan.

Consistency with the *Comprehensive Plan*; Reasonableness and in the Public Interest

The applicant’s intent for this set of text amendments is to simplify the UDO and remove regulatory barriers (i.e., UDO standards) in order to further facilitate development of new housing and small-scale nonresidential infill development consistent with the adopted Comprehensive Plan Goals and Objectives, is a reasonable undertaking and in the public interest.

Staff Contact

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Attachments

Attachment A: TC2200001 Application

Attachment B: Revised Draft Proposal, dated November 15, 2022

Attachment C: Engagement Plan

Attachment D: Goals and Objectives Alignment

Attachment E: Section Summaries

Attachment F: Staff Comments and Applicant Responses

Attachment G: Planning Commission Comments and Applicant Response

Attachment H: Community Engagement Overview



Unified Development Ordinance (UDO) Text Amendment Application

City-County Planning Department

Download and open PDF file before entering information

Planning

Application Guide, Online Payment, and Submittal Portal: <https://dsc.durhamnc.gov/264>

Application Questions: policy@durhamnc.gov | 919-560-4137

APPLICATION REQUIREMENTS (INCLUDE LIST NUMBER IN ATTACHMENT NAME WITH SUBMITTAL)

1. Digital (pdf) Copy of this Application
2. Digital Payment Receipts – Application, Notice & Recording (see <https://dsc.durhamnc.gov/264>)
*Consult with staff before any payments are made
3. Pre-Submittal Meeting Summary and Date
4. Details of the Proposed Amendment(s):
 - a. Provide the current section numbers and text to be amended.
 - b. Provided a detailed description of the desired changes to the existing text, and/or show deletions by strike-through and new text by underlining.
5. Response to the following items:
 - a. What is the rationale or condition(s) that justify the proposed amendment(s)?
 - b. Explain how the amendment(s) would be consistent with the Comprehensive Plan and other applicable City or County policies or plans.
 - c. Explain how the proposal is reasonable and in the public interest for the City and County as a whole.

ACKNOWLEDGEMENTS

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge. Applications are considered accepted only after they have been determined to be complete according to paragraph 3.2.4 of the Unified Development Ordinance, not upon submission.

Name:	
Firm:	
Phone:	
Email:	
Address:	
Digital Signature:	
Date Signed:	

What is the rationale or condition(s) that justify the proposed amendment(s)?

As a group of local practitioners dedicated to Durham, we have decades of combined experience with the details of the Unified Development Ordinance and Reference Guide for Development that prevent much needed new housing from being built. This includes housing at all price points. The application addresses:

- Geometries
- Setbacks
- Small Lots
- Flag Lots
- Parking
- ADUs
- Use Zoning
- Townhomes
- Non-Conformities

The applicant's goal is to enable more housing, better housing to be built, and more affordable housing to be built, particularly in the incremental scale.

Explain how the amendment(s) would be consistent with the Comprehensive Plan and other applicable City or County policies or plans.

This amendment is consistent with the current district intent statements and each change proposed within the amendment addresses one of the city's most important goals, increasing the amount of new housing available. It also increases economic development through its smallest local businesses.

Explain how the proposal is reasonable and in the public interest for the City and County as a whole.

Each component of the proposed amendment promotes consistent scale with the existing district intent statements, while making new housing possible at a variety of unit sizes and affordability levels, opening up Durham neighborhoods to all residents.

Durham Habitat specifically supports the following four elements of this application:

- Side yard and corner setback modifications on residential lots
- Residential flag lot requirement modifications
- Parking requirement modifications
- Allowance of residential construction in non-residential zoning

SCAD

Simplifying

Codes for more

Affordable

Development

WHEREAS, the [Durham Board of County Commissioners/Durham City Council] wishes to amend certain provisions in the Unified Development Ordinance by making various technical and policy revisions; and

WHEREAS, it is the objective of the [Durham Board of County Commissioners/Durham City Council] to have the Unified Development Ordinance 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; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; Article 14, Nonconformities; and Article 17, Definitions of the Unified Development Ordinance are amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

Sec 3.7

[Paragraphs not listed remain unchanged]

3.7.2 Applicability

All proposed development or changes of use, except as indicated below, shall be subject to the site plan review process. The following are exempt from site plan review:

A. Single-family and two-family development on existing single lots of record.

B. Townhouse or Detached Townhouse development consisting of 10 units or fewer where each unit has a maximum footprint of 1,000 square feet. For purposes of calculating these thresholds, subject development that is part of a Common Plan of Development shall be assessed with other portions of such Common Plan of Development that have previously been exempt from site plan review. Additionally, land disturbance shall not exceed 1 acre in the Jordan Reservoir Watershed, 12,000 square feet in the Falls Reservoir Watershed, and 0.5 acre in the Neuse River Basin.

C. Development of lots 20,000 square feet or less located in the CI District or utilizing the CI District dimensional standards. For residential uses, CI District density standards shall apply to any project utilizing the CI district dimensional standards. Additionally, land disturbance shall not exceed 12,000 square feet in the Falls Reservoir Watershed.

B. Development that does not require review by any City or County department for conformance with the standards of this Ordinance; or does not require a permit such as but not limited to fences or flagpoles. In instances where these types of development require a certificate of appropriateness (COA) or a special use permit, a site plan will not be required.

C. Change of use where no additions to buildings or structures, or exterior land improvements, are proposed and the change of use:

1. Does not require additional parking or stacking.
2. Does not require additional landscaping.
3. Does not require a Traffic Impact Analysis (TIA) or no improvements are required as a result of a TIA analysis.
4. Only requires Architectural Review per Section [3.22](#).

D. *Public Right-of-Way Improvements*

Development projects consisting only of public utility improvements within the public right-of-way, improvements to the public right-of-way (repairing, surfacing, striping, widening, stabilizing, landscaping), or

other improvements in the right-of-way where the Planning Director, or designee, determines another City or County approval process verifies conformance to this Ordinance. Exceptions are as follows:

1. In Design Districts, a separate site plan application can be filed or site plan review can occur through another technical review by the City or County for that development project.
2. In local historic districts, a separate site plan application can be filed or site plan review can occur through review of the required COA application.

Sec 4.6

[Paragraphs not listed remain unchanged]

4.6.6 Old West Durham Neighborhood Protection Overlay

[No changes to Sections A or B]

C. *General Standards*

1. *Primary and Accessory Structure Bulk (Floor Area Ratio)*

- a. The maximum floor area ratio (FAR) shall be 0.325 (32.5%). For purposes of this NPO only, floor area is defined as the heated square footage of the primary structure. The square footage of any garage, accessory dwelling unit, or accessory structure will not be used in the FAR calculation. ~~plus the total square footage (heated or unheated) of any garage, accessory dwelling unit, or any accessory structure that requires a building permit and is enclosed on more than two sides.~~

[No changes to the remainder of Section C]

Sec 5.1

[Paragraphs not listed remain unchanged]

5.1.2 Use Table

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED					DESIGN			NOTES :			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU	DD		CD	CSD	
AGRICULTURAL USES																									
Agriculture	All agriculture, except as listed below	L	L																						5.3.1A
	Apiculture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Commercial crop production	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.3.1A
	Forestry	L	L	L	L	L	L	L	L	L	L			L	L	L	L	L	L	L		L	L		5.3.1B
Agriculture (County Only)	Bona fide farms	Bona fide farms shall be permitted in accordance with NCGS § 160D-903 .																							
RESIDENTIAL USES																									
Household Living	Single-family	L	L	L	L	L	L	<u>L</u>	L	<u>L</u>	<u>L</u>			<u>L</u>	<u>L</u>	‡					‡	L	L	L	6.2.1 , 6.3.2 , 6.4.2 , 6.5.2 , 6.10.2 , 6.11.3 , 6.11.7 , 7.1.2 , 7.1.3 , 7.1.4 , 7.1.5 , Art. 16
	Two-family	L	L	L	L	L	L	<u>L</u>	L	<u>L</u>	<u>L</u>			<u>L</u>	<u>L</u>	‡					‡	L	L	L	6.2.2 , 6.3.2

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED				DESIGN			NOTES :			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU		DD	CD	CSD
																								6.4.2. , 6.5.2. , 6.10.2. , 6.11.3. , 6.11.5. , 6.11.7. , Art. 16. , 7.1.7
	Multifamily	L	L	L	L	L	L	L	L	L	L	L	<u>L</u>	<u>L</u>	‡		‡ L		‡	L	L	L	6.2.2. , 6.3.2. , 6.4.2. , 6.5.2. , 6.10.2. , 6.11.3. , 6.11.5. , 6.11.7. , 7.1.8. , 7.1.9. , Art. 16	
	Family care home	L	L	L	L	L	<u>L</u>	L	<u>L</u>	L			<u>L</u>		L ‡				L ‡		L	L	5.3.2C. , 6.2.1. , 6.3.2. , 6.4.2. , 6.5.2. , 6.9.1. , 6.10.2. , 6.11.3.	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED				DESIGN			NOTES :			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU		DD	CD	CSD
	Manufactured home	L																						6.11.7 , 7.1.2 5.3.2D
	Manufactured home park or subdivision														‡ L									5.3.2E
	Upper story residential							L	L	L	L		L	<u>L</u>	<u>L</u>	‡		‡ L		‡	L	L	L	6.10.2 , 6.11.3 , 6.11.5 , 6.11.7 , Art. 16
Group Living	All group living, except as listed below			m	m	m	m	m	m		m					‡ m				‡ m	m			
	Co-living	m	m	m	m	m	m	P	P/L/m	P/L/m	P/L/m		P	<u>L</u>		‡ m	‡	‡		‡	P	P	P	5.3.2F
	Commercial dorm			L/m		L/m	L/m	L/m	L/m		L/m						‡ L				L	L/m	L/m	5.3.2A
	Congregate living facility			L/m	L/m	L/m	L/m	L	L	L	L			<u>L</u>		‡ L/m				‡ L/m	L	L	L	5.3.2B
	Group home		L/m	L/m	L/m	L/m	L/m	L	L	L	L			<u>L</u>		‡ L/m				‡ L/m	L	L	L	5.3.2C
	Independent Living Facility			m	m	m	m	P	P	P	P			<u>P</u>		‡ m				‡	P	P	P	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL							PLANNED					DESIGN			NOTES :			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU	DD	CD		CSD		
PUBLIC AND CIVIC USES																										
Community Service	All community service, except as listed below	P	P	P	P	P	P	P	P	P	P	P						‡		‡		‡	P	P	P	
	Auditoriums							<u>L</u>	<u>L</u>	L	L	L	P	<u>L</u>			‡ L	‡ L		‡ L	P	L	L			5.3.3A
	Clubs and lodges	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L	L		‡ L/m		‡ L	‡ L	‡ L	L	L	L			5.3.3C
	Museums	L/m	L/m	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L				‡ L	‡ L		‡ L	L	L	L			5.3.3G
	Shelter, food bank or kitchen	P	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Day Care	Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P		‡	‡	‡		‡	P	P	P			
	Day care facility	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L	L		‡ L/m	L	‡ L		‡ L	L	L	L			5.3.3E
Educational Facilities	School, elementary	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P	P		‡ L/m	‡	‡	‡	‡	P	P	P			5.3.3K
	School, middle or high	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P	P	P	P		‡ L/m	‡	‡	‡	‡	P	P	P			5.3.3K
	Universities or colleges		M	M	M	M	M	P		P	P	P	P	P		‡ M	‡	‡	‡	‡	P	P	P			
	Vocational, trade or business schools							P	<u>P</u>	P	P	P	P	P				‡	‡	‡	P	P	P			

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED					DESIGN			NOTES :		
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU	DD		CD	CSD
Government Facilities	All government facilities, except as listed below	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P	L	P	P	P	‡ L/m		‡	‡	‡	P	P	P	5.3.3F
	Correctional facilities												L/M	L/M			‡ L/M	‡ L/M		L/M				5.3.3D
Medical Facilities	All medical facilities, except as listed below							P	P	P	P		P	P		‡		‡	‡	‡	P	P	P	
	Hospitals							P		P	P		P				‡	‡		‡	P	P	P	
Parks and Open Areas	All parks and open areas, except as listed below	L	L	L	L	L	L	L	L	L	L	L	L	L	L	‡L	‡L	‡L	‡L	‡L	L	L	L	5.3.3H
	Cemeteries, mausoleums, columbaria, memorial gardens	P	P	P	P	P				P	P		P			‡		‡	‡	‡	L	L	L	5.3.3B
Passenger Terminals	All passenger terminals, except as listed below	M									M	L		M	M									5.3.7
	Rail and Bus terminals				M	M	P		P	P	P	P	P				‡	‡	‡	‡	P	L	L	5.3.3I
Places of Worship	All places of worship	L/m	L/m	L/m	L/m	L/m	L/m	P	P	P	P		P		‡ L/m	‡	‡	‡	‡	P	P	P	5.3.3J	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL							PLANNED					DESIGN			NOTES :		
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU	DD	CD		CSD	
Social Service Institutions	All social service institutions										M			M					‡ M	M					
Utilities	Major utilities	L/m	L/m	L/m	L/m	L/m	L/m		L/m	L	L	L	L	L	L	‡ L/m		‡ L	‡ L		m	M	M	5.3.3M	
	Minor utilities	L	L	L	L	L	L	L	L	L	L	L	L	L	L	‡ L	‡ L	‡ L	‡ L	‡ L	P	P	P		
	TV/HDTV/AM/FM Broadcast Antennae	L/m										L/m	L/m	L/m	L/m				‡ L/m		L/m				5.3.3L
	Wireless Communication Facility, except as Listed Below	L	L	L	L	L	L	L	L	L	L	L	L	L	L	‡ L	‡ L	‡ L	‡ L	‡ L	L	L	L		5.3.3N
	Unipole Wireless Communication Facility	L/M ¹ /m	L/M ¹ /m					L/M ¹		L/M ¹	L/M ¹	L/M ¹	L/M ¹	L/M ¹	L/M ¹		‡ L/M ¹	‡ L/M ¹	‡ L/M ¹	‡ L/M ¹	L/M ¹	L/M ¹	L/M ¹		5.3.3N
	Wireless Communication Facility, Freestanding Concealed	L/M ¹ /m ²	L/M ¹ /m ²	L/M ¹ /m ²	L/M ¹ /m ²	L/M ¹ /m ²	L/M ¹ /m ²	L/M ¹	L/M ¹	L/M ¹	L/M ¹	L/M ¹	L/M ¹	L/M ¹	L/M ¹	‡ L/M ¹ /m ²	‡ L/M ¹	‡ L/M ¹	‡ L/M ¹	‡ L/M ¹	L/M ¹	L/M ¹	L/M ¹		5.3.3N
	Wireless Communication Facility, Freestanding Non-Concealed	L/M ¹ /m	L/M ¹ /m									L/M ¹ /m	L/M ¹ /m	L/M ¹ /m	L/M ¹ /m			L/M ¹ /m	L/M ¹ /m	L/M ¹ /m	L/M ¹ /m	L/M ¹ /m			5.3.3N

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED					DESIGN			NOTES :			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU	DD		CD	CSD	
COMMERCIAL USES																									
Indoor Recreation	All indoor recreation, except as listed below							P	P		P		P	P				‡	‡	‡	P	P	P		
	Adult establishment												L/m	L										5.3.4A	
	Conference center, retreat house, event venue, banquet hall	L/m						L	L	L	L	L	L			‡L	‡	‡L	‡L	‡L	L	L	L		5.3.4X
	Electronic gaming operations										L			L				‡L						5.3.4J	
	Firing range, indoor										L			L	L			‡L						5.3.4K	
	Nightclub or bar							L	L/m		L		L	L				‡L		‡L	L	L	L		5.3.4P
Outdoor Recreation	All outdoor recreation, except as listed below	L/m							L/m		L		L	L				‡L	‡L	‡	L	L	L		5.3.4Q
	Campground, summer camp, RV camp	m																							
	Drive-in theatre										L/m			L/m										5.3.4H	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED					DESIGN			NOTES :			
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU	DD		CD	CSD	
	Firing range, outdoor, archery, skeet	L/M												L/M											5.3.4L
	Golf course, country club, swim club, tennis club	L	L	L	L	L				L		L			‡ L	‡ L		‡ L	‡ L						5.3.4M
	Marina, boating facility	M																							
	Paintball	L/m								L/m			L/m												5.3.4R
	Stadium, arena									M			M			‡			‡ M	M					
Overnight Accommodations	Hotel, motel, and extended stay residences							L		L	L		L	L		‡ L	‡ L	‡ L	‡ L	L	L	L			5.3.4N
	Bed and breakfast	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L		<u>L</u>		‡ L/m		‡ L		‡ L	L	L	L			5.3.4D
	Diet house								P	P	P				‡		‡		‡	P	P	P			
Parking, Commercial	All commercial parking							L		L	L	P	P	L	P			‡		‡ L	L	L	L		5.3.4F
Restaurants	All restaurants, except as listed below							P	P		P	L	P	P		‡		‡	‡	‡	P	P	P		5.3.7
	Drive-through facilities								L		L		L	L		‡		‡ L	‡ L	‡ L					5.3.4I

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED				DESIGN			NOTES :				
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU		DD	CD	CSD	
Retail Sales and Service	All retail sales and service, except as listed below							P	P			L	L	P	P		‡	L	‡		‡	P	P	P	5.3.4B ; 5.3.7
	Antique shop	L						P	P			P		P	P		‡		‡		‡	P	P	P	5.3.4C
	Art, music, dance, photographic studio or gallery							P	P	P	P			P	P		‡		‡	‡	‡	P	P	P	
	Convenience store with gasoline sales								L			L		L	L		‡		‡L		‡L	L	L	L	5.3.4G
	Drive-through facilities								L			L		L	L		‡		‡L		‡L			L	5.3.4I
	Payday Lenders							P	P			L			P							P	L	L	5.3.4S
	Veterinary clinic, animal hospital, kennel	L							L	L	L	L		L	L	L	‡L		‡L	‡L	‡L	L	L	L	5.3.4W
Self-Service Storage	All self-service storage											L		L	L				‡L	‡L				5.3.4T	
Vehicle Sales	Manufactured home sales											L		L	L				‡L					5.3.4O	
	Vehicle sales, leasing, and rentals											L		L	L			‡L	‡L		L			5.3.4U	
Vehicle Service	Car wash											L		L	L			‡L	‡L					5.3.4E	
	Vehicle service, minor							L	L/m			L		L	L			‡L	‡L	‡L				5.3.4V	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL							PLANNED					DESIGN			NOTES :		
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU	DD	CD		CSD	
	Vehicle service, major												L	L					‡ L						5.3.4V
OFFICE																									
Office	All office uses							P	P	P	P	P	P	P		‡		‡	‡	‡	P	P	P		
	Drive-through facilities								L	L	L	L	L	L		‡		‡ L	‡ L	‡ L				L	5.3.4I
INDUSTRIAL USES																									
Heavy Industrial	All heavy industrial, except as listed below													P											
	Asphalt plant													L/M											5.3.6A
	Concrete manufacturing plant													L/M											5.3.6B
	Hazardous and low-level nuclear disposal and storage													L/M											5.3.6C
	Wrecking, junk, and salvage yards												L/m	L											5.3.6H
Light Industrial Service	All light industrial service, except as listed below											L	L	P	P				‡		L	L	L	5.3.6D	

USE CATEGORY	SPECIFIC USE	RESIDENTIAL						NONRESIDENTIAL						PLANNED				DESIGN			NOTES :		
		RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	SRP-C ³	IL	I	PDR	UC	CC	IP	MU		DD	CD
	Research and development										L	P	P	P				‡		P	P	P	5.3.7
Resource Extraction	All resource extraction													L/M									5.3.6E
Warehouse and Freight Movement	All warehouse and freight movement												P	P				‡					
Waste-Related Service	All waste-related services, except as listed below													M									
	Recycling centers												M	M									
	Transfer stations												L	L									5.3.6F
Wholesale Trades	All wholesale trade								m				P	P				‡		L			5.3.6G

1 If located within 300 feet of a designated North Carolina Scenic Byway.

2 To determine which freestanding concealed or unipole facilities require a minor special use permit, see paragraph [5.3.3N](#).

3 County Only

Sec 5.2

[Paragraphs not listed remain unchanged]

5.2.4 Public and Civic Use Categories

[No changes to Sections A through G or I through J]

H. *Place of Worship*

Characteristics: Places of assembly that provide meeting areas for religious practice.		
Principal Uses	Accessory Uses	Uses Not Included
Church, mosque, synagogue, or temple	<u>Accessory dwelling unit</u> Ancillary indoor storage Associated office Columbaria, memorial garden Day care Food services, dining area, food pantry or meal center Meeting room/classroom for meetings or classes not held on a daily basis Shelter <u>Staff accessory dwelling unit</u>	Athletic, tennis, swim or health club (see Retail Sales and Service) Educational facility (see Educational Facilities) Neighborhood arts center or similar community facility, public (see Community Service) Private community center (see Household Living: Accessory Use) Revival or gospel tent (see Sec. 5.5 , Temporary Uses) Senior center (see Community Service) Social service facility (see Social Service Institution) Treatment center, transient lodging, shelter for the homeless (see Social Service Institutions)

Sec 5.4

[Paragraphs not listed remain unchanged]

5.4.1 Accessory Structures

Accessory structures shall be subject to the following additional requirements:

- A. ~~An accessory structure(s) shall not be larger than the primary structure in square footage. An accessory structure shall be clearly subordinate to the primary structure in aspects of size and purpose.~~
- B. Accessory structures shall be located as follows:
1. Accessory structures associated with a single-family or duplex structure shall be located to the rear of the ~~rear~~ front building line of the primary structure, with the following limitations and exceptions:
 - a. Except in the RU and RC Districts, the accessory structure shall be set back at least five feet from the rear and side property lines.
 - b. Accessory structures in the RU and RC Districts shall be set back at least three feet from the side and rear property lines.
 - c. Accessory structures in the RR District can be located in front or to the side of the primary structure provided that:
 - (1) It is not located in the street or side yard; and
 - (2) It is on a lot at least two acres in size.
 - d. An accessory structure in the RS-20 District in the Suburban or Rural Tier can be located to the side of the primary structure provided that:
 - (1) It is not located in the side yard; and
 - (2) It is on a lot at least two acres in size.
 2. Accessory structures in Design districts shall be located to the rear of the rear building line of the primary structure(s) and shall be subject to the side and rear yard requirements of those districts.
 3. The location of accessory structures associated with Places of Worship shall not be restricted, with the following exceptions:
 - a. Except in the RU and RC Districts, the accessory structure shall be set back at least five feet from the rear and side property lines.
 - b. Accessory structures in the RU and RC Districts shall be set back at least three feet from the side and rear property lines.

c. On parcels less than two acres, accessory structures shall not be allowed in the street yard between the primary structure and the right-of-way. On corner lots, this restriction shall only apply to one street yard, at the discretion of the applicant.

d. For parcels in the Urban and Downtown Tiers, no more than 75% of the site may contain accessory structures. For parcels in all other tiers, no more than 50% of the parcel may contain accessory structures.

~~43.~~ Accessory structures for all other development not indicated above shall be located to the side or rear of the primary structure, but not within side or rear yards. For developments with more than one primary structure, the primary structure located closest to the right-of-way shall be used to locate the accessory structure.

5. On corner lots, Accessory structures will be subject to one street yard.

6. On flag lots, an accessory structure is not required to be behind any primary building line.

7. Accessory structures with ADUs are exempt from any FAR restrictions.

[No changes to Section C]

D. The maximum height of an accessory structure in residential areas shall be ~~25-32~~ feet. ~~Infill height requirements per Sec. 6.8, Infill Development for Residential Districts, shall not apply.~~

[No changes to Section E]

F. In addition to the requirements in paragraphs A, B, C, and E, accessory structures in Design districts shall comply with the following standards:

1. The height of the structure shall not exceed the lesser of 35 feet³ stories or 40 feet and shall not exceed the primary structure in height; and
2. The structure shall be compatible with the primary structure in style, materials, roof form, and details.

5.4.2 Accessory Dwellings

Accessory dwellings shall be subject to the following additional requirements:

[No changes to Section A]

B. *General*

1. An accessory dwelling unit shall be allowed as follows:

a. On a residential lot developed with one or two primary dwelling units. Only one accessory dwelling shall be allowed.

b. For certain civic uses as indicated in Sec. [5.2](#), Use Categories, provided that:

(1) ~~No more than three~~ Multiple accessory dwelling units shall be allowed for 5.2.4.H Place of Worship, limited by standards set forth in Sections 5.4.1 and 5.4.2. For all other civic uses as indicated in Sec. 5.2, no more than three units shall be allowed.

(2) The units can be located anywhere on the lot and shall comply with the minimum yard requirements applicable to primary structures.

(3) The maximum size of each unit shall be 1,000 square feet on a single story and 12800 square feet total. There shall be no maximum for collective square footage across multiple accessory dwelling units.

(4) No additional parking is required.

(5) No special use permit is required. Place of Worship shall not need a special use permit for the accessory dwelling even if it does not have a special use permit for its primary use.

c. Density limits shall not apply to accessory dwelling units.

d. If a primary dwelling is a single-family residence, an accessory structure may be a duplex, so long as the total heated sf of the ADU does not exceed 1200 square feet for both units combined.

2. The accessory dwelling can be located within the primary structure (attached) or separate (detached) from the primary structure.

a. An accessory dwelling may be built prior to its primary dwelling provided it is on the rear 40% area of the lot and complies with all provisions applicable in Sec. 5.4.

3. A nonconforming accessory structure can be renovated or reconstructed to an accessory dwelling.

Commentary: Depending upon the scope of the project, a special use permit pursuant to Sec. [14.4](#), Nonconforming Improvements and Structures, or a variance pursuant to Sec. [3.14](#), Variance, may be required.

4. The heated floor area of the accessory dwelling shall not exceed 1,000 square feet on a single story and 800-1200 square feet total, except in the RR District, where the heated or air-conditioned floor area can be a maximum of 50% of the primary dwelling heated or air-conditioned floor area on lots of four

acres or larger. However, in no instance shall the floor area of an accessory dwelling unit equal or exceed the floor area of the primary structure.

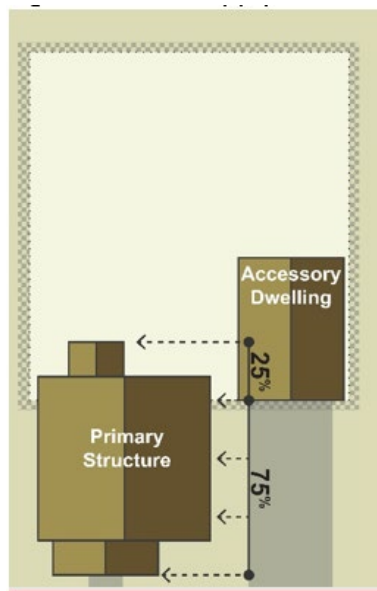
Commentary: Accessory dwelling units are required to meet all applicable building and housing codes.

5. Use of a travel trailer or recreational vehicle (RV) as an accessory dwelling shall be prohibited within a residential district or on property devoted to residential use, except that use of a travel trailer or RV during temporary visits of two weeks or less shall be allowed.

6. No parking is required for an accessory dwelling.

7. In addition to the accessory structure location requirements in paragraph [5.4.1B.1](#), an accessory structure containing an accessory dwelling unit can be located to the side of the primary structure, provided that:

- a. The structure shall not extend forward of the rear 25% of the primary structure; and
- b. The minimum side yard of the zoning district shall apply.



8. Height

- a. For detached accessory dwelling units, the maximum height for accessory structures shall apply.
- b. Accessory dwellings that are an addition to the primary structure shall conform to the applicable height limits for the primary structure.

- c. Height limits shall not be considered if the accessory dwelling is only a conversion of existing space within the primary structure.

Sec 6.2

[Paragraphs not listed remain unchanged]

6.2.1 Development Standards

A. Dimensional Standards

1. All residential development in the RR District shall meet the standards in the table below.

Dimensional Standard	Rural Tier Watershed		Rural Tier Non-Watershed		All Other Locations	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)						
Conventional Subdivision	—	0.33	—	0.5	—	1.4
Conservation Subdivision	—	0.5	—	0.75	—	2.0
Open Space (% of gross area) ¹						
Conventional Subdivision	—	—	—	—	—	—
Conservation Subdivision	50	—	50	—	50	—
Lot Area ²	3 ac.	—	2 ac.	—	30,000 s.f.	—
Lot Width (feet) ²	200	—	150	—	100	—
Street Yard (feet) ²	50	—	50	—	50	—
Side Yard (feet) ²						
Minimum Each Side	25	—	12	—	12	—
Minimum Both Sides (total)	50	—	30	—	30	—
Rear Yard (feet) ²	50	—	25	—	25	—
Height, conventional and conservation subdivision-(feet)	—	35	—	35	—	35
<u>Stories (visual articulation)</u>		<u>3</u>		<u>3</u>		<u>3</u>
<u>Feet</u>		<u>40</u>		<u>40</u>		<u>40</u>

¹ Please see Sec. [12.5](#), Recreation Land, for additional land dedication requirements that may apply.

² For conservation subdivision dimensional requirements, see below.

2. Within a conservation subdivision:

- a. The minimum street yard shall be eight feet.
 - b. No minimum side yard shall apply; however, a minimum building separation of 10 feet shall apply.
 - c. Rear yards shall be those indicated for conventional subdivisions in the table in paragraph [6.2.1A.1](#) above.
 - d. Minimum lot areas for conservation subdivisions shall be approved by the County Health Department for individual wastewater treatment systems. Where public or community wastewater systems are approved to serve the development, no minimum lot size or width shall apply.
3. Additional height is permitted for non-farm structures at a rate of one additional ~~foot~~ story for every ~~one-ten foot~~ feet of additional setback provided. In no event shall the structure be more than 45 feet in height.

[No changes to Sections B or C]

Sec 6.3

[Paragraphs not listed remain unchanged]

6.3.1 Development Standards

A. Dimensional Standards

1. All residential development in the RS Districts shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. [7.1](#), Housing Types.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M		
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max. without Development Plan	Max. with Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)	—	2.0	—	4.0	—	5.0	—	8.0	18.0
Small Lot Option ³	—	—	—	12.0	—	12.0	—	12.0	18.0
Open Space (% of gross area) ¹									
Conventional Subdivision	—	—	15	—	15	—	18	—	—
Cluster Subdivision	—	—	15	—	15	—	18	—	—
Site Area (acres)	—	—	—	—	—	—	—	—	—

Dimensional Standard	RS-20		RS-10		RS-8		RS-M		
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max. without Development Plan	Max. with Development Plan (see paragraph 3.5.6)
Conventional Subdivision	4	—	4	—	4	—	—	—	—
Cluster Subdivision	—	—	—	—	—	—	200	—	—
Site Width (feet)									
Area and Width Requirements	See Sec. 7.1, Housing Types								
<u>Height</u>									
<u>Stories (visual articulation) Height (feet)²</u>	—	35 3	—	35 3	—	35 3	—		35 3
<u>Feet²</u>		40		40		40			40

1 Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

2 Height is, or may be, further limited when using the small lot option, the reduced pole width flag lot option, infill standards, a neighborhood protection overlay, or by a local historic district.

3 Per paragraph 7.1.2C.1, Applicability, the small lot option is not allowed in the RS-20 district. Refer to that paragraph for further limits on the other RS districts.

2. The maximum residential density does not apply to actions listed under paragraph 3.6.2, Actions Exempt from Subdivision Requirements (Exempt Plats). Where this maximum does apply, density can be increased in accordance with paragraph 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Bonus. Other than these options, the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.

3. For cluster subdivisions in the RS-20, RS-10, and RS-8 Districts, the lot size reduction would be added to the minimum open space requirement.

4. For both conventional and cluster subdivisions in the RS-M District open space requirements also apply to the development standards for apartments.

5. Minimum lot area for conventional, single-family detached housing types can be reduced in accordance with paragraph 6.3.3C, Lot Averaging.

6. In the Suburban Tier, additional height in the RS-20, RS-10, and RS-8 Districts is permitted at a rate of one additional ~~foot-story~~ for every ~~one-foot~~ten feet of additional setback provided. In no event shall the structure be more than 45 feet in height.

7. For projects in the RS-M District, the maximum height can be increased up to ~~55 feet~~ 5 stories through the issuance of a minor special use permit pursuant to Sec. [3.9](#), Special Use Permit. In no event shall the structure be more than 60 feet in height.

8. Minimum lot area may be higher as required by the County Health Department for individual wastewater treatment systems or “package plant” style wastewater treatment systems.

[No Changes to Section B]

Sec 6.4

[Paragraphs not listed remain unchanged]

6.4.1 Development Standards

A. Dimensional Standards

1. All residential development in the RU Districts shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. [7.1](#), Housing Types.

Dimensional Standard	RU-5		RU-5(2)		RU-M		
	Min.	Max.	Min.	Max.	Min.	Max. without a Development Plan	Max. with a Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)							
Project under Four Acres	—	8.0	—	8.0	—	12.0	20.0 <u>40.0</u>
Project Four Acres or Greater	6.0	8.0	6.0	8.0	8.0	12.0	20.0 <u>40.0</u>
Small Lot Option	—	12.0	—	12.0	—	12.0	20.0 <u>40.0</u>
Open Space (% of gross area) ¹	5	—	5	—	6	—	
Area and Width Requirements	See Sec. 7.1 , Housing Types						
Height (feet) ²	—	35	—	35	—		55
<u>Stories (visual articulation)</u>	<u>—</u>	<u>3</u>	<u>—</u>	<u>3</u>	<u>—</u>		<u>5</u>
<u>Feet</u>		<u>40</u>		<u>40</u>			<u>60</u>

¹ Please see Sec. [12.5](#), Recreation Lands, for additional requirements that may apply.

² Height is, or may be, further limited when using the small lot option, the reduced pole width flag lot option, infill standards, a neighborhood protection overlay, or by a local historic district.

2. Maximum density can increase in accordance with paragraph [6.4.3](#), Residential Density, and/or Sec. [6.6](#), Affordable Housing Bonus. Other than these options, the maximum density shall not be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.

3. If the project in the RU-M District is on at least a four-acre lot, the maximum height can be increased up to ~~75 feet~~ 7 stories through the issuance of a minor special use permit. In no event shall the structure be more than 80 feet in height.

Sec 6.5

[Paragraphs not listed remain unchanged]

6.5.1 Development Standards

A. Dimensional Standards

1. All residential development in the RC District shall meet the standards in the table below. For illustrations, lot dimensions, and required yards for each housing type, see Sec. [7.1](#), Housing Types.

Dimensional Standard	RC	
	Min.	Max.
Residential Density (units per acre)	12.0	20.0 <u>40.0</u>
Open Space (% of gross area) ¹	5.0	—
Site Area Lot Area	See Sec. 7.1 , Housing Types	
Height (feet)	—	75
<u>Stories (visual articulation)</u>		<u>7</u>
<u>Feet</u>		<u>80</u>

¹ Please see Sec. [12.5](#), Recreation Land, for additional land dedication requirements that may apply.

2. Maximum density can be increased in accordance with paragraph [6.5.3](#), Residential Density, and/or Sec. [6.6](#), Affordable Housing Bonus.

3. Maximum height shall be limited to the lesser of 45 feet or 50 feet if the building is within 150 feet of the perimeter of the compact neighborhood tier where the tier adjoins any property zoned and used for residential purposes. Additional height up to ~~75 feet~~ 7 stories is allowed through approval of a minor special use permit per Sec. [3.9](#), Special Use Permit. In no event shall the structure be more than 80 feet in height.

Sec 6.6

[Paragraphs not listed remain unchanged]

6.6.2 Compact Neighborhood Tier

[No changes to Sections A through D]

E. Height

1. The maximum building height shall be as follows:

Maximum Height <i>(feet)</i>	Location
505 stories and 60 feet	<ul style="list-style-type: none">• Any portion of a building within 75 feet of a single-family residential zoning district or use in the Urban Tier; or• Any portion of a building within 150 feet of a single-family residential zoning district or use in the Suburban Tier.• Distance from the zoning district or use shall be measured from the zoning line or property line, as applicable.
909 stories and 100 feet	<ul style="list-style-type: none">• The subject property is adjoining right-of-way at least 100 feet wide; or All other locations.

2. Base zoning district maximum height can be used if it exceeds the maximum height allowances, above.

[No changes to Section F]

6.6.3 Suburban and Urban Tiers

[No changes to Sections A through C]

D. Height

When the affordable housing density bonus is utilized, an additional one story or 15 feet of height-, whichever is less, shall be allowed.

6.6.4 Affordable P.A.T.H. Program (Progressing Affordably Toward Housing)

A. Applicability

1. Any residential project can utilize the Affordable P.A.T.H. Program.
2. Provisions under Sections 4.6, and 6.6.1.C, 6.6.1.G, 6.6.2, and 6.6.3 shall not apply to projects utilizing the Affordable P.A.T.H. Program.
3. Where conflicts may exist, 6.6.4 shall be used.

B. Affordability Requirement

1. At least 25% of the total number of dwelling units in the Project
 - a. Rental units at 60% of AMI or less for a minimum 5-year term, or
 - b. For sale units at 80% AMI or less
2. **Example 1:** If 12 dwelling units for rent are proposed, at least 3 of those units shall be affordable to households earning an average of 60% AMI or less.
3. **Example 2:** If 12 dwelling units for sale are proposed, at least 3 of those units shall be affordable to households earning an average of 80% AMI or less.

C. Residential Density

1. For projects that require a Site Plan, residential density may be increased as follows:
 - a. For the purpose of calculating the bonus residential density within projects utilizing the Affordable P.A.T.H. Program, the “base density” is the maximum density allowed in the zoning district prior to applying any potential bonuses, and multiplied by the gross acreage of the tract of land. The resulting number shall be rounded up to the nearest whole number.
 - b. For each Affordable P.A.T.H. Program dwelling unit that is constructed, a bonus of two additional dwelling units can be constructed beyond the base density.

Example 3: A project has a base maximum density of 12 units, and 25% (i.e., 3 units) of the 12 maximum units qualify as Affordable P.A.T.H. Program dwelling units. Thus, an additional 6 dwelling units are allowed above the maximum 12 units, totaling 18 dwelling units.

D. Height

When the Affordable P.A.T.H. Program is utilized, an additional 1 story shall be allowed.

E. Lot Dimensions

When the Affordable P.A.T.H. Program is utilized, minimum lot area, width requirements, and setbacks, can be reduced by a maximum of 20%.

F. Encroachments

When the Affordable P.A.T.H. Program is utilized, encroachments can be increased by a maximum of 20%.

G. Accessory Dwellings

Accessory dwellings that meet the affordability requirements in Section 6.6.4B may count as Affordable P.A.T.H. Program dwelling units.

H. Subdivision Bonus

If 100% of the units are sold at 80% AMI or less, and so long as the overall form and number of units is allowable under the UDO, the project may be subdivided to facilitate lots, relieved from all dimensional restrictions, density standards, minimum lot sizing, and yard requirements as they relate to parcels within the project. All lot lines on the perimeter of the project shall be side yards for setback purposes.

1. Subdivided Lots with Affordable P.A.T.H. Program units shall have a minimum of 10 feet of combined street frontage, but in no case shall each subdivided lot have less than 5 feet of street frontage.
2. Projects using the subdivision bonus in Section 6.6.4H may not utilize the other Affordable P.A.T.H. benefits as outlined in Sections 6.6.4C through F.

Sec 6.7

[Paragraphs not listed remain unchanged]

6.7.2 Minimum Site Area

The minimum acreage required for a cluster subdivision shall be ~~four~~ two acres.

6.7.6 Perimeter Treatment

Property on the edge of cluster developments shall be developed in one or more of the following ways:

A. Set aside as open space, that includes a buffer with an opacity of 20%, as set forth in Article 9, Landscaping and Buffering. Open Space used for buffers may be on privately platted property and is not required to be held in common title.

B. ~~In the Urban Tier,~~ if an alley is provided along the perimeter with joint access provided to property not part of the subject subdivision, lots adjacent to, and accessing the alley, can be platted with cluster subdivision dimensional requirements. Vegetative screening along the side adjacent to properties not part of the subdivision shall be provided per paragraph 9.7.2C, Evergreen Hedges, unless access is provided to the individual property not part of the subject subdivision.

[No changes to Section C]

Sec 6.8

[Paragraphs not listed remain unchanged]

6.8.2 Yards

A. *Street Yards*

[No changes to Section 6.8.2.A.1]

2. *Required Street Yard*

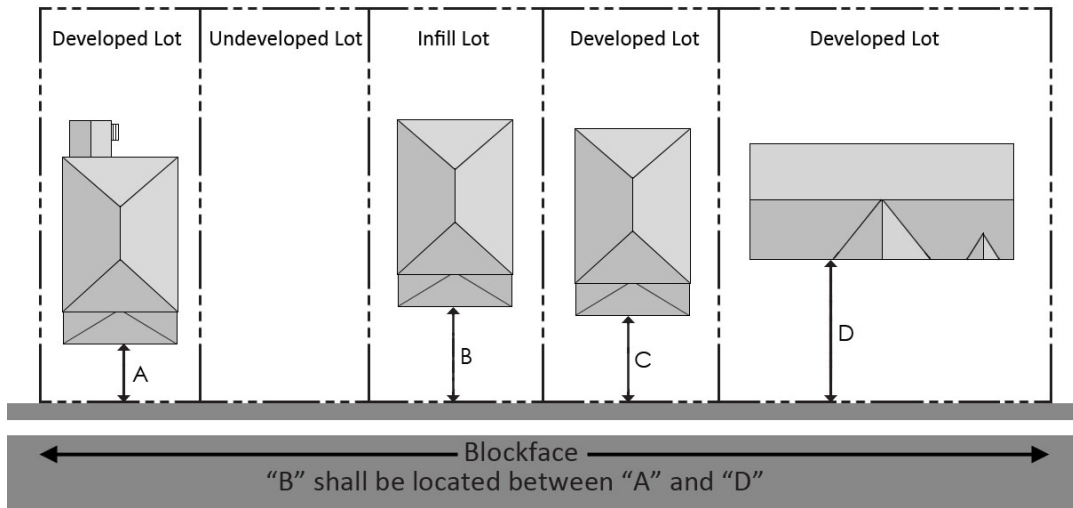
a. At the discretion of the applicant.

(1) The base zoning district requirements shall apply; or

(2) The required street yard shall be any distance between the smallest and largest street yards within the context area. However, in no instance shall the smallest street yard be less than five feet.

Example: The subject infill lot (B) and four other lots with residential zoning make up the block face. One lot is undeveloped prior to January 1, 2006, and thus shall not be considered. The street yards along the block face of the three other lots are 10 feet (A), 15 feet (C), and 20 feet (D).

Therefore, the required street yard for the subject lot (B) can be anywhere between 10 feet (the smallest) and 20 feet (the largest).



b. If there are fewer than two lots that qualify within the context area, the street yard requirement shall be that of the base zoning district. then at the discretion of the applicant:

~~(1) the subject infill lot shall use the The base zoning district requirements shall apply, or~~

~~(2) A street yard measuring between the smallest and largest street yard of the opposing block face can be used. _~~

c. ~~For corner lots, each street yard shall be determined separately.~~

For corner lots, one of the two street yards may be developed using side yard standards.

d. For detached duplexes using infill standards, only one building must have a street yard less than or equal to the largest street yard within the context area.

~~If there are fewer than two lots that qualify within the context area, then the subject infill lot shall use the base zoning district requirements.~~

3. Alleys shall not be considered to create a new block. Parcels on the opposite side of an alley shall be considered along the same block face.

[No changes to Sections B or C]

~~6.8.3 Buildings~~

~~A. Building Width~~

~~New construction shall not exceed the average building width for existing residential structures in the context area established in paragraph 6.8.2A.1, Context Area, by more than 25%, unless a building articulation of at least six feet in depth at a point that mimics the average building width in the context area is provided.~~

~~B.—*Building Height*~~

~~The maximum height of a primary structure shall not exceed the height of the lesser of either of the following:~~

- ~~1.—The maximum height permitted by the zoning district; or~~
- ~~2.—More than 14 feet taller than the shortest height of primary structures on adjacent lots along the block face.~~
 - ~~a.—If there is not a primary structure on an adjacent lot, the next lot along the block face shall be used.~~
 - ~~b.—If the next lot also lacks a primary structure, then the height of the vacant adjacent lot shall be the maximum allowed by the zoning district.~~

~~C.—*Main Entrance*~~

~~Except for single family and two family residential structures, every principal structure shall have a main entrance on a street other than an alley. On corner lots, the main entrance can face either street or can be oriented toward the corner. For buildings that have more than one main entrance, only one main entrance shall be required to face a street.~~

~~D.—*Garages and Access*~~

- ~~1.—Where a lot abuts a publicly improved and maintained alley, all vehicular access shall be taken from the alley.~~
- ~~2.—When a garage entrance faces a street other than an alley, a single garage entrance shall be no more than 22 feet in width.~~
- ~~3.—The construction material of the garage shall match that of the primary structure. This shall not apply if the primary structure is a single family or two family structure.~~

~~E.—*Downspouts*~~

~~For sites in the Urban Tier where no other stormwater controls are required, downspouts shall direct stormwater runoff over pervious area and not piped to right of way.~~

6.8.3 ~~6.8.4~~ Vehicular Use Areas

1. For the purposes of this section, a vehicular use area includes all surface area designated or utilized for vehicle parking or vehicle access.

2. For lots greater than 20,000 SF, vehicular use area shall not exceed 25% of the lot.

~~A. Residential~~

~~1. No on-site parking is required if placement of a single-family or two-family primary structure, based upon the required street yard, conflicts with the minimum dimensional standards for on-site parking. This parking exemption shall apply to lots measuring 40 feet in width or less.~~

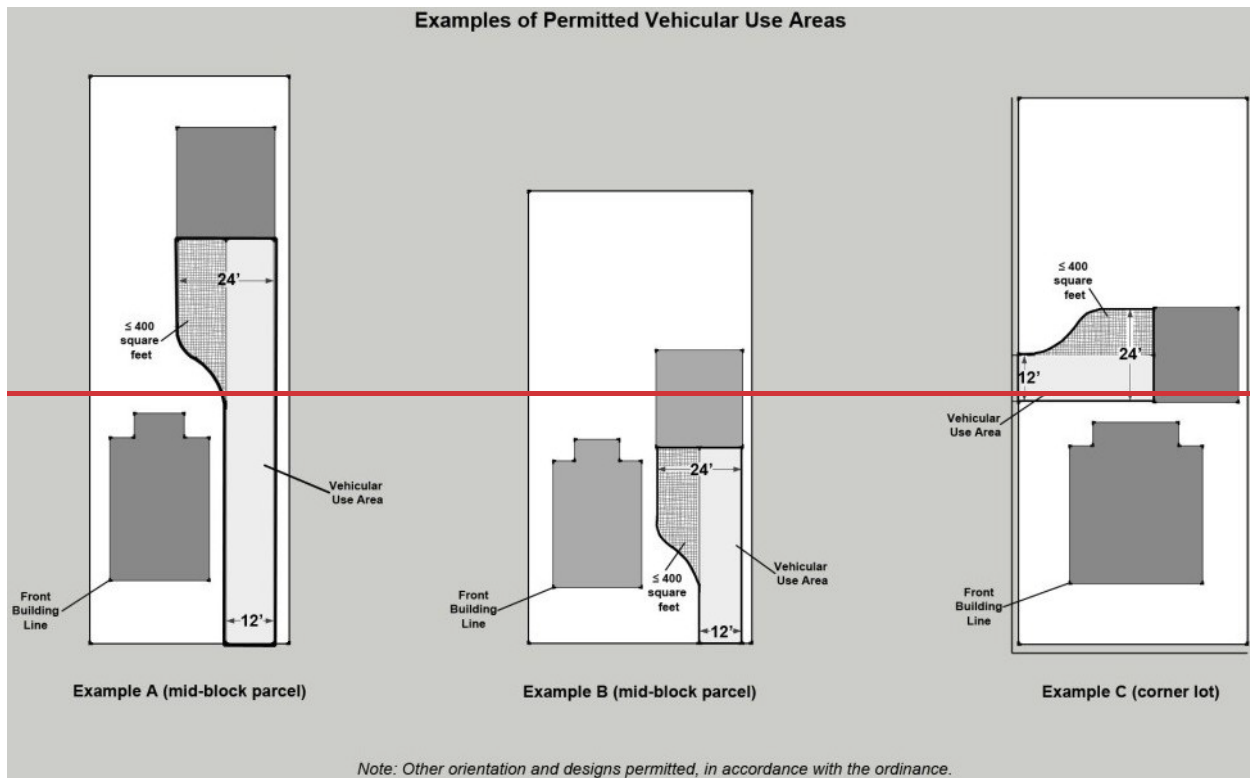
~~2. A vehicular use area includes all surface area designated or utilized for vehicle parking or vehicle access.~~

~~3. The maximum width of the vehicular use area shall be 12 feet; however, the vehicular use area can expand up to 24 feet in width to accommodate garage access or parking. The total additional vehicular use area beyond 12 feet in width shall:~~

~~a. Be behind the front building line;~~

~~b. Be at least 20 feet from the front property line; and~~

~~c. Not exceed 400 square feet.~~



~~B. Nonresidential~~

- ~~1. On-site parking facilities shall not be located in any required street yard.~~
- ~~2. If parking facilities are located to the rear of the subject structure, a rear entrance to the structure shall be provided.~~

Sec 6.10

[Paragraphs not listed remain unchanged]

6.10.1 Nonresidential and Group Living Development Standards

[No changes to Sections A or B]

C. Urban Tier

All nonresidential and group living development in the Urban Tier, as designated in the *Comprehensive Plan*, shall comply with the standards in the tables below.

1. *Standards for the CI District*

Dimensional Standard	CI	
	Min.	Max.
Lot Area	—	20,000
Street Yard from Back of Curb (feet)	50	15
Side Yard (feet)	—	10
Rear Yard (feet)	100	—
Height (feet)	—	35 40

- a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through the issuance of a minor special use permit pursuant to Sec. [3.9](#), Special Use Permit.
- b. Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one to one.
- c. Minimum ground floor glazing for building façades facing street frontages shall be 60% for all nonresidential uses and 50% for residential uses.
- d. ~~Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard; structures shall not be allowed in the public right-of-way.~~ Buildings must be at least 5 feet from the back of curb.
- e. Height may be calculated using the standards for residential uses as described in Section 6.12.1.A.

2. Standards for the CN, OI, and CG Districts

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Lot Area (square feet)	5,000	—	20,000	—	20,000	
Project Floor Area (square feet)	—	20,000	—	—	—	—
Lot Width (feet)	50	—	50	—	100	
Street Yard (feet)	—	15	—	15	—	15
Side Yard (feet)	10	—	10	—	15	—
Rear Yard (feet)	25	—	25	—	25	—
Building Coverage (%) ¹	—	60	—	60	—	60
Height (feet)	—	35	—	90	—	55

¹ Building coverage may be further restricted by the impervious surface requirements of paragraph [8.7.2B](#), Impervious Surface Limits.

- a. A primary structure shall be oriented such that at least one of the following standards is met:
 - (1) The longest building façade is parallel to and within the maximum street yard; or
 - (2) The street-facing building façade occupies at least 60% of the total street frontage for the development.
- b. Rear yards can be reduced by up to 50% if adjacent to a railroad right-of-way.
- c. Additional height in the OI and CG Districts, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. [3.9](#), Special Use Permit.
- d. A development within the CN District with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a Minor Special Use Permit pursuant to Sec. [3.9](#), Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph [3.2.3](#), Neighborhood Meeting, unless it previously held one for the development at issue.
- e. Lots 20,000 square feet or smaller in the CN, OI, and CG Districts may use the dimensional standards for the CI District as outlined in Sec. 6.10.1.C.1 and may be exempt from site plan review if requirements in Sec. 3.7.2 are met. For residential uses, CI District density standards shall apply to any project utilizing the CI district dimensional standards.

3. *Standards for the IL and I Districts*

Dimensional Standard	IL		I	
	Min.	Max.	Min.	Max.
Lot Area (square feet)	5,000	—	25,000	—
Lot Width (feet)	50	—	100 —	—
Street Yard (feet)	—	20	40	—
Side Yard (feet)	15	—	40	—
Rear Yard (feet)	25	—	40	—
Building Coverage (%) ¹	—	60	—	65
Height (feet)	—	50	—	90

¹ Building coverage may be further restricted by the impervious surface requirements of paragraph [8.7.2B](#), Impervious Surface Limits.

- a. In the IL District, a primary structure shall be oriented such that at least one of the following standards is met:
 - (1) The longest building façade is parallel to and within the maximum street yard; or

(2) The street-facing building façade occupies at least 60% of the total street frontage for the development.

- b. Rear yards can be reduced by up to 50% if adjacent to a railroad right-of-way.
- c. Additional height, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

d. Lots 20,000 square feet or smaller in the IL District may use the dimensional standards for the CI District as outlined in Sec 6.10.1.C.1 and may be exempt from site plan review if requirements in Sec. 3.7.2 are met. For residential uses, CI District density standards shall apply to any project utilizing the CI district dimensional standards.

D. Compact Neighborhood Tier

All nonresidential and group living development in the Compact Neighborhood Tier, as designated in the *Comprehensive Plan*, except development within CD districts, shall comply with the standards in the tables below.

1. Standards for the CI District

Dimensional Standard	CI	
	Min.	Max.
Lot Area	—	20,000
Street Yard from Back of Curb (feet)	<u>50</u>	15
Side Yard (feet)	—	10
Rear Yard (feet)	<u>40</u>	—
Height (feet)	—	<u>3540</u>

- a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- b. Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one-to-one.
- c. Minimum ground floor glazing for building façades facing street frontages shall be 60% for all nonresidential uses and 50% for residential uses.
- d. Buildings must be at least 5 feet from the back of curb. Where the right-of-way line is further from the curb than the maximum street yard, the right-of-way line shall be the required maximum street yard; structures shall not be allowed in the public right-of-way.

e. Height may be calculated using the standards for residential uses as described in Section 6.12.1.A.

2. *Standards for the CN and OI Districts*

Dimensional Standard	CN		OI	
	Min.	Max.	Min.	Max.
Project Floor Area (square feet)	—	20,000	—	—
Lot Width (feet)	50	—	50	—
Street Yard (feet)	—	15	—	15
Side Yard (feet)	10	—	10	—
Rear Yard (feet)	15	—	15	—
Height (feet)	—	35	—	120

a. A primary structure shall be oriented such that at least one of the following standards is met:

(1) The longest building façade is parallel to and within the maximum street yard; or

(2) The street-facing building façade occupies at least 60% of the total street frontage for the development.

b. Additional height in the OI District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

c. Height in the OI District shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.

d. A development within the CN District with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a minor special use permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

e. Lots 20,000 square feet or smaller in the CN and OI Districts may use the dimensional standards for the CI District as outlined in Sec 6.10.1.C.1 and may be exempt from site plan review if requirements in Sec. 3.7.2 are met. For residential uses, CI District density standards shall apply to any project utilizing the CI district dimensional standards.

3. *Standards for the CG and IL Districts*

Dimensional Standard	CG		IL	
	Min.	Max.	Min.	Max.
Lot Width (feet)	50	—	50	
Street Yard (feet)	—	15	—	15
Side Yard (feet)	10	—	15	—
Rear Yard (feet)	15	—	15	—
Height (feet)	—	90	—	50

- a. A primary structure shall be oriented such that at least one of the following standards is met:
 - (1) The longest building façade is parallel to and within the maximum street yard; or
 - (2) The street-facing building façade occupies at least 60% of the total street frontage for the development.
- b. Additional height in the CG District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. [3.9](#), Special Use Permit.
- c. Height shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.
- d. Subject to the restriction in paragraph [6.10.1D.3.c](#) above, OI uses allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 60 feet permitted by right. Additional height up to 75 feet is allowed if approved through the issuance of a minor special use permit pursuant to Sec. [3.9](#), Special Use Permit.
- e. Subject to the restriction in paragraph [6.10.1D.3.c](#) above, and notwithstanding paragraph [6.10.1D.3.d](#) above, hotel, motel, and extended stay uses; places of worship; government facilities (excluding correctional facilities) and lodges and clubs allowed in IL districts located in the Compact Neighborhood Tier shall have a maximum height limit of 80 feet permitted by right. Additional height up to 95 feet is allowed if approved through the issuance of a minor special use permit pursuant to Sec. [3.9](#), Special Use Permit.

f. Lots 20,000 square feet or smaller in the CG and IL Districts may use the dimensional standards for the CI District as outlined in Sec 6.10.1.C.1 and may be exempt from site plan review if requirements in Sec. 3.7.2 are met. For residential uses, CI District density standards shall apply to any project utilizing the CI district dimensional standards.

[No changes to Section E]

6.10.2 Residential Development in Nonresidential Districts

A. Permitted Housing Types and Other Residential Development

1. The following residential development shall be allowed as indicated with a “✓”.

Zoning District	Residential Development Allowed				
	Single-Family Detached House/Duplex (paragraphs 7.1.2 and 7.1.6)	Townhouse (paragraph 7.1.7)	Multiplex (paragraph 7.1.8)	Apartment (paragraph 7.1.9)	Upper Story Residential
CI, CG, CN, I, LI, OI	✓—	✓	✓	✓	✓
CN	✗	✗	✗	✗	✗
(County Only) SRP-C	—	✓	✓	✓	✓

1. Any Residential Development in the I District shall require a Minor Special Use Permit.

2. For a single-family detached house and duplex, the following zoning district development standards pursuant to paragraph 6.2.1, Development Standards, or paragraphs 7.1.2B and 7.1.6B, Development Standards, as applicable, shall apply:

Tier of the Development Site	Applicable Zoning District Development Standard
Rural	RR (watershed and non-watershed, as applicable)
Suburban	RS-M
Urban	RU-M
Compact Neighborhood	RC

3. For all other residential development, the development standards applicable to ~~the housing type, or the base zoning district for upper story residential,~~ or the CI district under the provisions in Section 6.10.1 shall apply.

4. Height for Housing Types

a. The maximum height for the housing type shall be as follows:

Tier of the Development Site	Maximum Height in feet	
	Single-Family Detached House/Duplex	All other Allowed Housing Types
Rural and Suburban	35 <u>3</u> stories and 40 feet	Height as allowed for the RS-M District per paragraph 6.3.1A , Dimensional Standards
Urban	35 <u>3</u> stories and 40 feet	Height as allowed for the RU-M District per paragraph 6.4.1A , Dimensional Standards
Compact Neighborhood	35 <u>3</u> stories and 40 feet	Height as allowed for the RC District per paragraph 6.5.1A , Dimensional Standards

b. For Single-family detached house, additional height is allowed at a rate of one ~~foot-story~~ foot-story per ~~one-
footten feet~~ of additional setback provided, with a maximum height of ~~45-50~~ 45-50 feet.

5. Street level residential development shall not be allowed in the CI District, except for townhomes.

6. (County Only) The development standards for the SRP-C District shall apply to all residential development.

B. Residential Density

1. The residential density shall be based only on that portion of the tract dedicated to the residential use and the minimum and maximum residential ~~density-densities~~ (shown as units per acre) allowed shall be as shown in the table below:

District	Rural		Suburban		Urban		Compact	
	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>	<u>Min</u>	<u>Max</u>
CI	<u>5</u>	—	<u>8</u>	—	<u>8</u>	14 ^{1,2}	<u>8</u>	14 ^{1,2}
CN	<u>—</u>	0.2	<u>8</u>	8 ^{1,3}	<u>8</u>	11 ^{1,2}	<u>8</u>	14 ^{1,2}
OI	<u>—</u>	—	<u>8</u>	11 ^{1,3}	<u>8</u>	14 ^{1,2}	<u>8</u>	18 ^{1,2}
CG	<u>—</u>	0.2	<u>8</u>	11 ^{1,3}	<u>8</u>	14 ^{1,2}	<u>8</u>	18 ^{1,2}
(County Only) SRP-C	<u>—</u>	—	<u>—</u>	20 ⁴	<u>—</u>	—	<u>—</u>	—

1 Density can be increased through use of the Sec. [6.6](#), Affordable Housing Bonus.

2 Density can be increased through use of the options available under paragraph [6.4.3](#), Residential Density.

3 For multifamily development, density can be increased through use of paragraph [6.3.3B](#), RS-M District Major Roadway Density Bonus.

4 Density in the SRP-C District can be calculated based upon the gross area of the contiguous district, including areas typically precluded from consideration for density in Article [8](#), Environmental Protection.

-
2. Density ~~limits, minimums and maximums~~ shall not apply to upper story residential units ~~in the~~utilizing CI District ~~dimensional standards or projects that have at least 10,000 heated nonresidential square~~ footage.

[No changes to Section C]

Sec 6.11

[Paragraphs not listed remain unchanged]

6.11.3 Planned Development Residential (PDR)

A. Uses

1. The primary use allowed within the PDR District shall be residences, including manufactured homes.
2. Manufactured homes shall be permitted only where they have been expressly indicated on the approved development plan. Manufactured house subdivisions and parks shall be designated as such on the development plan and show lot layouts and the orientation of the house to the street in the development plans.
3. Nonresidential uses allowed in the PDR District shall be limited to those uses listed in the Sec. [5.1](#), Use Table. Nonresidential uses can be approved subject to the use limitations established in Sec. [5.3](#), Limited Use Standards, and the following conditions.
 - a. ~~Except for Public and Civic uses pursuant to Sec. [5.1](#), Use Table, the development shall provide for at least 100 dwelling units.~~ When both nonresidential and residential uses are proposed, ~~(1) The the dwelling units can be separate structures from the nonresidential uses or located in the same structure as the nonresidential uses.~~
 - ~~(2) To assure that commercial and office uses are supportive of the PDR project, Certificates of Compliance shall be issued for at least 25% of the residential units before Certificates of Compliance are issued for the commercial or office uses. This requirement shall not apply when residences are located in the same building as the commercial or office uses.~~
 - b. Nonresidential acreage shall ~~not~~ be included in any calculations of residential density.
 - c. The building ~~heights, location(s), orientation, and building to building spacing,~~ shall be specified in the development plan.

d. Nonresidential uses shall be located with street access deemed adequate by the City Transportation Department.

e. Nonresidential square footage shall promote a range of services for residents. For projects with at least 100 dwelling units, one lot, minimum 5,000 square feet, shall be reserved for civic or commercial uses. For projects with at least 300 dwelling units, one lot, minimum 10,000 square feet, or two lots, minimum of 5,000 square feet each, shall be reserved for civic or commercial uses. Such uses shall be in addition to open space requirements and residential amenities. Except for Public and Civic uses pursuant to Sec. 5.1, Use Table, the nonresidential component within a PDR shall not exceed 50,000 square feet and shall be devoted to more than one business.

[No changes to Section B]

C. Intensity

1. Residential Density

The specific maximum density in units per acre, other than the areas proposed for nonresidential development and areas precluded from consideration for density in paragraphs 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas; and 8.8.5, Density Credits, shall be included in the application. The allowable density shall be consistent with the land use designation shown in the *Comprehensive Plan*.

2. Nonresidential Intensity

The maximum nonresidential intensity shall reflect the ~~CN and/or OI CI~~ intensity, ~~as appropriate~~, consistent with Sec. 6.10, Nonresidential District Development Intensity, for the tier in which the project is located.

3. Height

Maximum building height shall be the lesser of 9 stories or 90-100 feet. Any building over ~~35-40~~ feet shall be identified on the development plan submitted for approval.

D. Building Orientation

~~1. Single Family Detached~~

~~The building envelope for each lot shall be shown on the recorded plat.~~

~~2. Building Separation~~

~~a. Unless alternative building separation standards are established in Article 7, Design Standards, the minimum building separation shall be as follows:~~

Height of Taller Building	Distance Between Vertical Projections
Under 35 feet	10 feet
35.1 to 40.0 feet	20 feet
40.1 to 50.0 feet	40 feet
50.1 to 85.0 feet	59 feet
85.1 to 90.0 feet	66 feet

To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

ba. Manufactured homes in parks shall maintain a distance of at least 16 feet between other manufactured homes. Added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.

eb. The governing body can reduce or increase separations after consideration of the general bulk and scale in comparison with nearby development. Such modification shall only occur in conjunction with the approval of the development plan.

~~3. Building Articulation~~

~~In order to provide diversity and to avoid long rows of attached dwellings, no more than four contiguous townhouse units shall be allowed with the same setback. Variations in setback must be at least three feet.~~

E. Yards

~~1. Street Yards~~

~~No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.~~

Residential Density	Minimum Street Yard
1.0 to 8.0 units per acre	8 feet
More than 8.0 units per acre	15 feet

~~1. Front, side, and rear yards must be defined by the Development Plan. No minimum yards shall be required for primary or accessory buildings, except as defined by the Development Plan.~~

~~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.~~

[No changes to Sections F or G]

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.

[No changes to Section I]

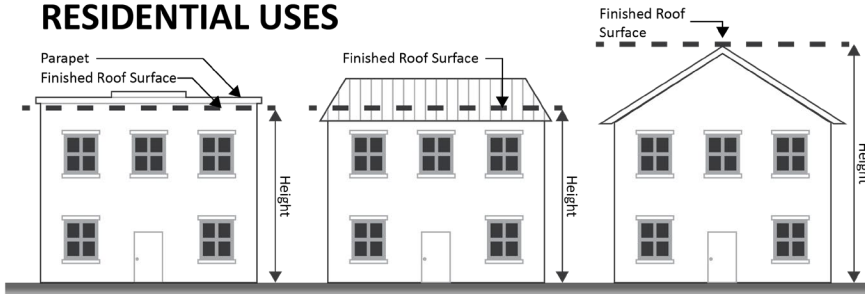
Sec 6.12

[Paragraphs not listed remain unchanged]

6.12.1 Height

A. Height maximums for residential uses shall be calculated by the vertical distance from finished ground level of one corner of the structure, at the applicant's discretion, to the highest finished surface. Height for nonresidential uses shall be calculated by the vertical distance from the average of the finished ground level to the finished roof surface of a flat roof or the point at the average height of a roof having a pitch; except for mansard roofs, which shall be measured to the highest finished surface. For buildings with more than one façade along the street, each building façade shall be measured independently. Height for any building with multiple roof levels shall be determined by the highest roof level.

RESIDENTIAL USES



FLAT ROOF

Measured to the top of the finished roof surface

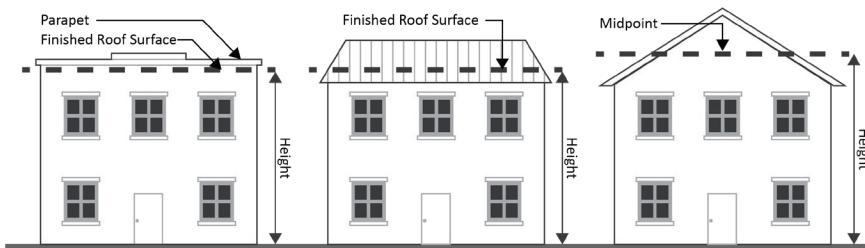
MANSARD ROOF

Measured to the top of the finished roof surface

GABLE, HIP OR GAMBREL ROOF

Measured to the top of the finished roof surface

NONRESIDENTIAL USES



FLAT ROOF

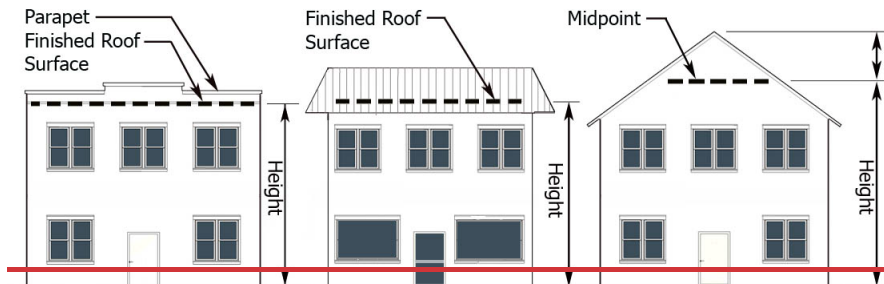
Measured to the top of the finished roof surface

MANSARD ROOF

Measured to the top of the finished roof surface

GABLE, HIP OR GAMBREL ROOF

Measured to the midpoint of pitched roof

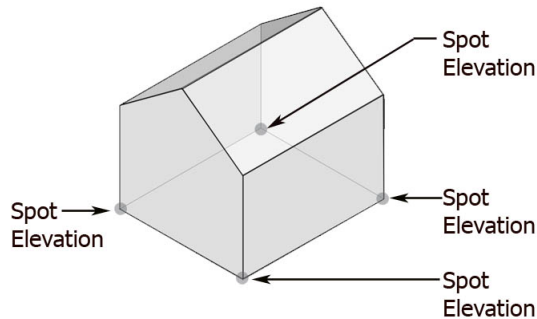


FLAT ROOF
Measured to the top of the finished roof surface

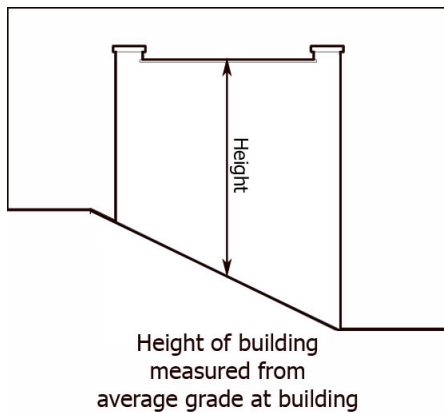
MANSARD ROOF
Measured to the top of the finished roof surface

GABLE, HIP OR GAMBREL ROOF
Measured to midpoint of pitched roof

1. The average finished ground level shall be calculated by averaging the spot elevations for all building corners on a single structure. Multiple, unattached structures on the same site shall have independently calculated average grade for the purposes of measuring the height of each individual structure.



Average of spot elevations at all building corners determine average grade for each building.



2. Except in Design Districts, height for any building with multiple roof levels shall be determined by the highest roof level.

3. In Design Districts for buildings where multiple height standards apply, see Sec. [16.3](#), Building Design.

B. The height limitations shall not apply to steeples, decorative features including parapet walls less than four feet tall, [roof access structures, towers less than 250 square feet](#), air conditioning units, utility poles, mechanical features (including those for solar energy systems), penthouses for mechanical equipment or stairways, belfries, lightning rods, antennas other than those regulated in Article [5](#), Use Regulations, water towers, clock towers, or any other tower which is not used for transmitting and receiving electronic signals or is not a corner tower element regulated within Sec. [16.3](#), Building Design.

6.12.3 Required Yards

A. General Standards for Required Yards

[No changes to Sections 1-3]

4. For lots that have multiple property lines that are to the side and rear of a lot, only one lot line, determined by the applicant, shall be considered a rear property line for determining the rear yard, and all others shall be considered side lot lines.

5. For corner lots, there shall be only one rear yard, determined by the applicant, and the other yards shall be side or street yards as applicable.

B. Encroachments into Required Yards

Unless otherwise regulated within this Ordinance, the following encroachment standards shall apply:

Commentary: Easements, other ordinances, or other legally established restrictions may limit encroachments otherwise allowed by this Ordinance.

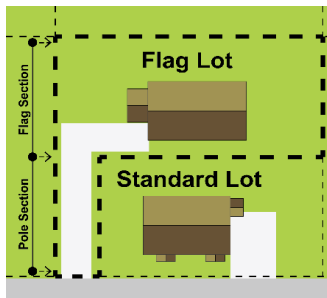
1. Chimneys, pre-fabricated chimneys, flues, or smokestacks can extend into yard spaces but shall not occupy more than 30 square feet of the required yard space.
2. Fire escapes can project up to eight feet into any required yard. Fire escapes in the DD District are permitted to extend beyond the property line.
3. Cornices, eaves, ornamental features, ~~and~~ awnings, and nonenclosed covered stoops up to 50 square feet can extend up to five feet into any required yard, but shall remain at least two feet from the property line in side and rear yards, except on zero lot line homes.
4. Marquee signs can extend into yard spaces in conformance with standards found in the Sec. [11.6](#), Signs Requiring Permits.
5. Pedestrian bridges, breezeways, and supports of these structures can extend into required yards for transit access.
6. Security gates and guard stations can be located within any required yard.
7. Decks, uncovered terraces, and at-grade patios can extend up to four feet into any required side yard, or up to eight feet into any required street yard, or within four feet of a rear property line. Nonenclosed covered decks or porches can extend ~~six-eight~~ feet into required street and rear yards; however, a minimum setback shall be maintained, which shall be the smaller setback of:

(a) five feet from the property line ~~shall be maintained.~~

(b) required street yard.

8. Surface parking and associated lighting, uncovered steps, and handicapped access ramps can be located within any yard.
9. Except in Design Districts, bay windows, entrances, balconies, and similar features ~~that are less than 10 feet wide~~ can extend up to ~~one and one-half~~three feet into any required yard, but shall remain at least three feet from the property line when encroaching into the required yard.
10. In Design Districts, refer to Sec. 16.2 and Sec. 16.3 for balconies and bay windows.
11. Mechanical equipment for residential uses, such as HVAC units and equipment for a solar energy system, can extend into any required side or rear yard ~~but shall remain at least three feet from the property line.~~
12. Trellises and pergolas can be located within any required yard.
13. Fences and walls pursuant to Sec. 9.9, Fences and Walls, can be located within any required yard.
14. Cabinets, such as “little libraries” or “blessing boxes,” can be located within any required yard.
 - a. A maximum of one is allowed in any street yard.
 - b. The maximum size of the cabinet shall be 21 cubic feet.

6.12.5 Flag Lots



A. Dimensions

1. Standard Flag Lot

The extension, or “pole,” for flag lots shall be a minimum of 20 feet in width.

2. Reduced Pole Width Option

In the Urban Tier and lots with RU zoning or RS-M zoning in the Suburban Tier, the extension, or “pole,” for flag lots can be a minimum of 12 feet in width. The following shall also apply:

~~a. Only one flag lot with a pole less than 20 feet shall be subdivided from a parent parcel.~~

~~b. Only ribbon driveways shall be allowed if vehicular access is not taken from an alley. Standards for such driveways shall be pursuant to paragraph 7.1.2C.4.a, Driveway Design.~~

~~Ca.~~ *Structure Size and Height Limit*

The primary structure on a flag lot with a pole less than 20 feet shall have a maximum height of the lesser of 2 stories or 25-32 feet and maximum size of 1,200 square feet.

- (1) A plat shall be recorded to specify the house size limitations.
- (2) Primary structures existing prior to February 25, 2019, shall not be limited to these standards and may be improved in accordance to the applicable single-family detached housing type standards and other applicable standards.
- (3) A vacant flag lot with a pole of less than 20 feet recorded prior to the effective date of these standards may be developed as a standard flag lot.

~~D~~b. *Remaining Standard Lot*

The minimum lot width of the remaining standard lot created from the parent parcel shall be 35 feet.

c. Sustainable Requirement

Small Lots and Reduced Pole Flag Lots must include one approved sustainable feature including, ribbon driveway, Photovoltaic Solar, Solar Water Heating, Cistern that holds at least 500 gallons, spray foam insulation, Green Building Certification, rain garden, drip irrigation, no on-site parking, downspouts not piped to the right-of-way, or projects utilizing any part of the Affordable Housing Bonus as outlined in Section 6.6.

B. *Setbacks*

~~All perimeter lot lines shall be side yards for setback purposes. On any Reduced Pole Flag Lot, there is no street or rear yard. There are four side yards. On any conforming Flag Lot there are three side yards and one rear yard that can either be the yard furthest from the street or the yard furthest from the pole of the flag lot, at the applicant's discretion. 1. The front setback on any flag lot shall be the equivalent side yard setback established in Sec. 7.1, Housing Types, for the particular housing type proposed for use on the lot.~~

~~2. For lots with rear access from an alley or equivalent driveway, the rear yard shall be the equivalent side yard established in Sec. 7.1, Housing Types, for the particular housing type proposed for use on the lot.~~

~~3. Flag lots shall not be held to street yard requirements pursuant to Sec. 6.8, Infill Development in Residential Districts.~~

[No changes to Section C]

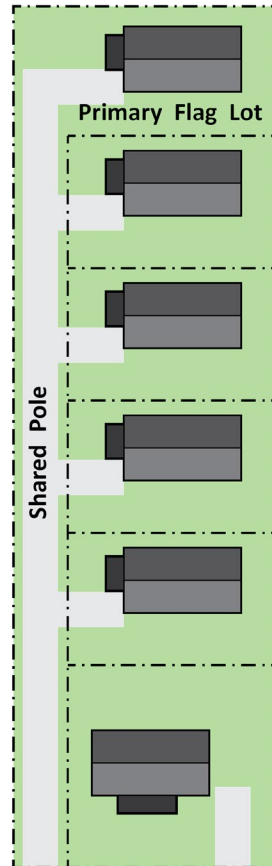
D. *Driveways*

Driveways ~~shall~~may be shared with a recorded shared access agreement for multiple flag lots, and for the new flag lot and remaining standard lot if the driveway for the standard lot is new or to be relocated.

E. *Utilities*

A flag pole of 5 feet is permitted for utilities.

6.12.6 Multiple Flags on a Single Pole



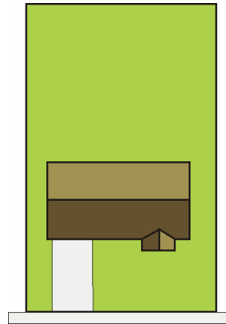
A maximum four additional single family or duplex lots are permitted to utilize the pole of an existing or proposed flag lot that adheres to the provisions in Section 6.12.5 with the use of an access and utility easement. A shared driveway may be used as the sole access to all such lots.

Sec 7.1

[Paragraphs not listed remain unchanged]

7.1.2

Single-Family Detached House



[No changes to Section A]

B. *Development Standards*

A single-family detached house shall be permitted in accordance with the table below. A single-family detached house shall also be permitted in the RR District in accordance with the standards of paragraph [6.2.1A](#), Dimensional Standards.

Single-Family Detached Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision							
Lot Dimensions (min. square feet)							
Lot Area (w/o averaging)	20,000	10,000	8,000	5,000	5,000	3,500	5,000
Lot Area (with averaging) ¹	17,000	8,500	6,800	4,250	4,250	2,975	4,250
Lot Width (feet)	100	75	60	35	45	35	35
Yards (min. feet) ²							
Street Yard (adjoining collector or greater street)	35	25	25	25	20 15	15 10	10
Street Yard (adjoining local street)	35	25	25	20	20 10	15 10	10
Side Yard (single)	12	10	9	6 5	6 5	6 5	6 5
Side Yard (total) (no side yard total in Urban Tier)	30	24	22	15	—	—	—
Rear Yard	25	25	25	25	25	25	25
Cluster Subdivision							
Lot Dimensions (min.)							
Lot Area (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width (feet)	75	40	40	—	40	—	—

Single-Family Detached Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Yards (min. feet)							
Street Yard	2505	2005	2005	—	1505	—	—
Side Yard (single)	9	6	6	—	5	—	—
Side Yard (total) (no side yard total in Urban Tier)	22	13	13	—	—	—	—
Rear Yard	25	25	25	—	25	—	—

1. Lot area with averaging may only be used if the requirements of paragraph [6.3.3C](#), Lot Averaging, [6.4.3C](#), Lot Averaging, or [6.5.3B](#), Lot Averaging, as appropriate, are met.

2. Yard modifications may be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. [6.8](#), Infill Development in Residential Districts).

C. Small Lot Option

Additional standards, or modifications to the standards, below, may be required pursuant to a Neighborhood Protection Overlay, local historic district, or through application of infill regulations (Sec. [6.8](#), Infill Development in Residential Districts).

1. Applicability

a. The small lot option can be applied in the following zoning districts:

a.— (1) In any tier: RC, RS-M, RU-M, RU-5, and RU-5(2) zoning districts.

b.— (2) In the Urban Tier: ~~all zoning districts. RS-8 and RS-10 zoning districts.~~

b. The small lot option can be applied to any Lot of Record in an applicable zoning district, regardless of lot dimensions.

2. Dimensional Standards

Lot Dimensions	
Minimum Lot Area	2,000 square feet
Minimum Lot Width	25 feet
Yards	
Minimum Street Yard	10 feet
Minimum Individual Side Yard	5 feet
Minimum Rear Yard	15 feet

Maximum Height	<u>The lesser of 2 stories or 25-32 feet</u>
-----------------------	--

3. *Maximum Size of Primary Structure*

The maximum above grade heated square footage of the primary dwelling(s), shall be 1200 square feet, with a maximum building footprint of 800 square feet.

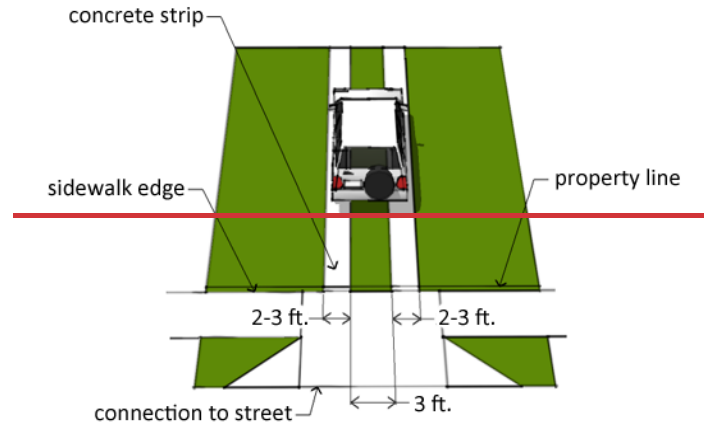
- a. A structure on a Reduced Pole Flag Lot or Small Lot has a maximum height of 2 stories or 32 feet. Exemptions in Section 6.12.1.B shall apply.
- b. A lot containing a structure built before 1950 may be subdivided using the small lot option, regardless of whether the existing structure meets the small lot dimensional standards.
- c. Any single-family or duplex structure built before 1950 may be moved to any legal lot of record and used as a primary dwelling or accessory dwelling, regardless of dimensional requirements through the issuance of a Minor Special Use Permit.
- d. A residential structure built before 1950 may be moved on its existing lot to be used as a primary dwelling or accessory dwelling, and be exempted from meeting dimensional standards through the issuance of a Minor Special Use Permit.

~~The maximum floor area of the primary structure shall be 1,200 square feet, with a maximum building footprint of 800 square feet. For the purpose of this paragraph, the floor area shall include garages.~~

4. *Additional Requirements*

~~a. *Driveway Design*~~

- ~~(1) Driveways shall be shared with a recorded shared access agreement for any pair of lots.~~
- ~~(2) Driveways shall be designed as a “ribbon” (a.k.a. “strip”) driveway as follows:~~
 - ~~(i) Each strip shall be two to three feet wide with a three foot separation.~~
 - ~~(ii) The strips can terminate at the sidewalk or driveway apron, and to a parking pad at side or rear of the structure, to accommodate side by side parking or a garage entry.~~



ba. Trees

In addition to the required street tree, and in lieu of infill landscaping requirements in Sec. 6.8, if applicable, at least one canopy and one understory tree shall be planted or preserved on the lot.

- (1) For tree preservation, the tree protection zone shall be maintained per paragraph 8.3.2, Protection of Existing Vegetation. Protection of invasive or other species precluded for planting pursuant to the Durham Landscape Manual shall not qualify.
- (2) For tree planting, the Durham Landscape Manual shall be used to determine appropriate species and planting area.

e. Downspouts

~~In the Urban Tier, downspouts shall direct stormwater runoff over pervious area and not piped to right-of-way.~~

Db. Alley Access

Where a lot abuts an improved and maintained alley, all vehicular access shall be taken from the alley.

c. Sustainable Requirement

~~Small Lots and Reduced Pole Flag Lots must include one approved sustainable feature including, ribbon driveway, Photovoltaic Solar, Solar Water Heating, Cistern that holds at least 500 gallons, spray foam insulation, Green Building Certification, rain garden, drip irrigation, no on-site parking, downspouts not piped to the right-of-way, or projects utilizing any part of the Affordable Housing Bonus as outlined in Section 6.6..~~

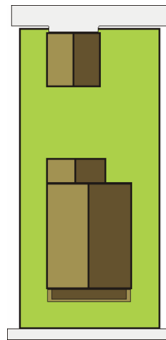
5. Designation on Plat

Utilization of the small lot option shall be recorded on a plat at the time of approval, specifying the housing type and associated limitations.

6. *Existing Single-Family Detached and Duplex Residential Structures on Small Lots*

An existing single-family detached or duplex structure on a lot of record prior to the effective date of these standards can be improved pursuant to the applicable general standards for the single-family detached or duplex housing type. Such improvements may still be considered improvements or additions to a nonconforming structure pursuant to Sec. [14.4](#), Nonconforming Improvements and Structures.

7.1.4 Traditional House



[No changes to Section A]

B. *Development Standards*

A traditional house shall be permitted in accordance with the table below. A traditional house shall also be permitted in the RR District in a conservation subdivision in accordance with the standards of paragraph [6.2.1A](#), Dimensional Standards.

Traditional House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision							
Lot Dimensions (min. square feet)							
Lot Area (w/o averaging)	20,000	10,000	8,000	5,000	5,000	3,500	5,000
Lot Area (with averaging) ¹	17,000	8,500	6,800	4,250	4,250	2,975	4,250
Lot Width (feet)	100	75	60	35	45	35	35
Yards (min. feet) ²							
Street Yard	5	5	5	5	5	5	5
Side Yard (single)	12	10	9	6	6	6	6

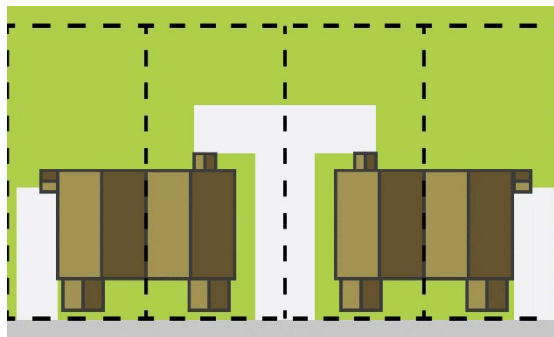
Traditional House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Side Yard (total) (no side yard total in Urban Tier)	30	24	22	15	—	—	—
Rear Yard	25	25	25	25	25	25	25
Cluster Subdivision							
Lot Dimensions (min.)							
Lot Area (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width (feet)	75	40	40	—	35	—	—
Yards (min. feet)							
Street Yard	50	50	50	—	50	—	—
Side Yard (single)	9	6	6	—	5	—	—
Side Yard (total) (no side yard total in Urban Tier)	22	13	12	—	—	—	—
Rear Yard	25	25	25	—	25	—	—

1 Lot area with averaging may only be used if the requirements of paragraph [6.4.3C](#), Lot Averaging, and paragraph [6.5.3B](#), Lot Averaging, as appropriate, are met.

2 Yard modifications may be required pursuant to a neighborhood protection overlay, or through application of infill regulations (Sec. [6.8](#), Infill Development in Residential Districts).

[No changes to Sections C or D]

7.1.5 Attached House



[No changes to Section A]

B. Development Standards

An attached house shall be permitted in accordance with the table below. An attached house shall also be permitted in the RR District in a conservation subdivision in accordance with the standards of District in a conservation subdivision in accordance with the standards of [6.2.1A](#), Dimensional Standards.

Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision							
Lot Dimensions (min. square feet)							
Note: “*” denotes (Suburban Tier/Urban Tier)							
“Per Pair” denotes that the minimum number required applies to the pair of units. For example in RU-M, the lot area means the sum of the two lots necessary for the pair of units must be at least 3,500 square feet.							
Lot Area per Pair (w/o averaging)	—/20,000*	—/10,000*	—/8,000*	5,000	5,000	3,500	3,500
Lot Area per Pair (with averaging) ¹	—/17,000*	—/8,500*	—/6,800*	4,250	4,250	2,975	2,975
Lot Width per Pair (feet)	—/100*	—/75*	—/60*	35	45	35	35
Yards (min. feet) ²							
Street Yard (adjoining collector or greater street)	35	25	25	25	20 15	15 10	10
Street Yard (adjoining local street)	35	25	25	20	20 10	15 10	10
Side Yard (unattached side)	12	10	9	6	6 5	6 5	6 5
Rear Yard	25	25	25	25	25	25	25
Cluster Subdivision							
Lot Dimensions (min.)							
Lot Area per Pair (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width per Pair (feet)	75	40	40	—	40	—	—
Yards (min. feet)							
Street Yard	25 0	20 0	20 0	—	15 0	—	—
Side Yard (unattached side)	9	6	5	—	5	—	—
Rear Yard	25	25	25	—	25	—	—

1 Lot area with averaging may only be used if the requirements of paragraphs [6.3.3C](#), Lot Averaging, [6.4.3C](#), Lot Averaging, and [6.5.3B](#), Lot Averaging, as appropriate, are met.

2 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. [6.8](#), Infill Development in Residential Districts).

3. Attached House lots that have vehicular access from the rear may reduce the minimum street yard to 5 feet.

[No changes to Sections C or D]

E. *Driveways*

Driveways shall may be shared with a recorded shared access agreement between two pairs of lots using this housing type.

F. Small Lot Option

Small Lot Option can apply and the provisions within paragraph 7.1.2.C shall apply to the attached house lot pair.

Example: A 2,000 square foot lot that meets the Small Lot requirements can become two lots with an Attached Home.

7.1.6 Duplex



[No changes to Section A]

B. *Development Standards*

A duplex shall be permitted in accordance with the table below. A duplex shall also be permitted in the RR District in a conservation subdivision in accordance with the standards of paragraph [6.2.1A](#), Dimensional Standards.

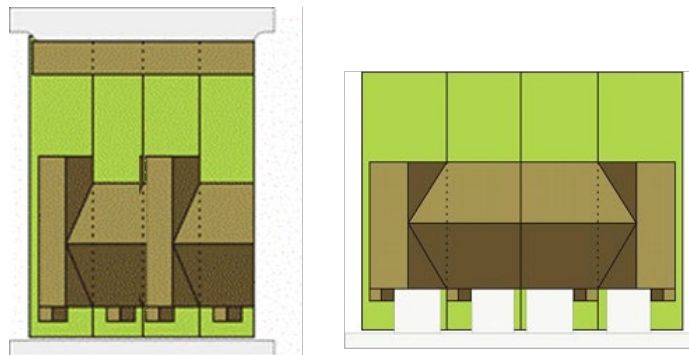
Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision							
Lot Dimensions (min. square feet)							
Note: “*” denotes (Suburban Tier/Urban Tier)							
Lot Area (w/o averaging)	—/20,000*	—/10,000*	—/8,000*	5,000	5,000	3,500	3,500
Lot Area (with averaging) ¹	—/17,000*	—/8,500*	—/6,800*	4,250	4,250	2,975	2,975
Lot Width (feet)	—/100*	—/75*	—/60*	35	45	35	35
Yards (min. feet) ²							
Street Yard (adjoining collector or greater street)	35	25	25	25	20 15	15 10	10

Attached House Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Street Yard (adjoining local street)	35	25	25	20	20 <u>10</u>	15 <u>10</u>	10
Side Yard (single)	12	10	9	6	6 <u>5</u>	6 <u>5</u>	6 <u>5</u>
Side Yard (total) (no side yard total in Urban Tier)	30	24	22	15	—	—	—
Rear Yard	25	25	25	25	25	25	25
Cluster Subdivision							
Lot Dimensions (min.)							
Lot Area (square feet)	10,000	5,000	4,000	—	3,500	—	—
Lot Width (feet)	75	40	40	—	40	—	—
Yards (min. feet)							
Street Yard	25 <u>0</u>	20 <u>0</u>	20 <u>0</u>	—	15 <u>0</u>	—	—
Side Yard (single)	9	6	5	—	5	—	—
Side Yard (total) (no side yard total in Urban Tier)	22	13	12	—	—	—	—
Rear Yard	25	25	25	—	25	—	—

- 1 Lot area with averaging may only be used if the requirements of paragraphs [6.3.3C](#), Lot Averaging, [6.4.3C](#), Lot Averaging, and [6.5.3B](#), Lot Averaging, as appropriate, are met.
- 2 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. [6.8](#), Infill Development in Residential Districts).

[No changes to Sections C, D, or E]

7.1.7 Townhouse



[No changes to Section A]

B. *Development Standards*

1. A townhouse shall be permitted in accordance with the table below.

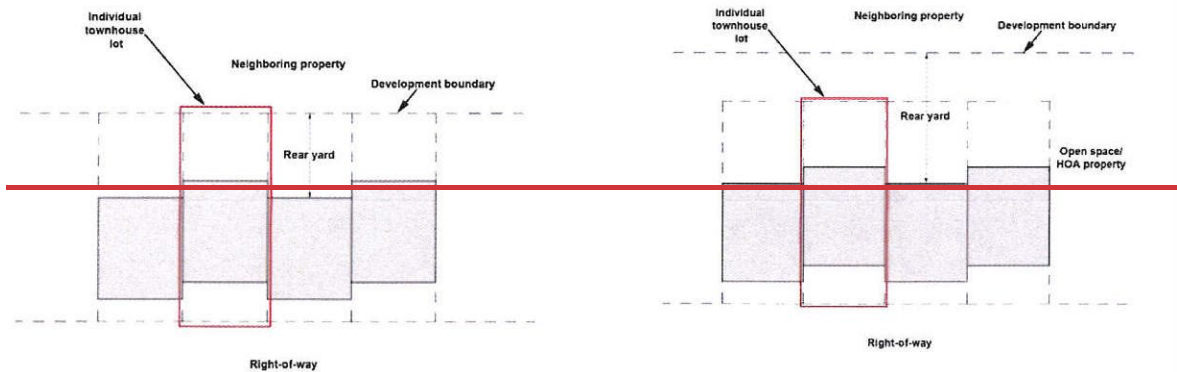
Townhouse Standards	Suburban	Urban and Compact Neighborhood
Yards (min. feet)		
Street Yard	25 ^{1,2}	12 ¹
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20 ¹
Street Yard with Rear Vehicular Access (from alley)	5	5
<u>Street Yard (Cluster Subdivision)</u>	<u>0</u>	<u>0</u>
Rear Yard ⁴	20	20
<u>Rear Yard (Cluster Subdivision)⁴</u>	<u>0</u>	<u>0</u>
Distance between Building and Shared Parking (minimum feet)	12	0
Building Separation (minimum feet)	10	10

1 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

2 Yards can be reduced to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

3 Front vehicular access can be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

4 The rear yard shall be measured from the property line forming the boundary of the development site.



~~2. In order to provide visual diversity, no more than four contiguous townhouse units shall be allowed with the same setback and the same façade treatment. Variations in setback shall be at least three feet. Townhouses in a Historic District and Landmarks Overlay may be exempted from this requirement with the approval of the Historic Preservation Commission.~~

~~23. Detached townhouses shall be permitted where building separations are a maximum of 10 feet or firewalls are provided.~~ Building configurations shall consist of at least three units except as follows:

- a. In the Urban Tier, a maximum of 50% of the buildings can consist of two units.
- b. In the Suburban Tier, a maximum of 25% of the buildings can consist of two units.

[No changes to Section C]

~~D. Privacy~~

~~Townhouses shall have a front, side, or rear privacy yard having a minimum area of 100 square feet on each lot.~~

ED. Location of Common Recreation Facilities

Common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties. All such facilities shall be visible from and have substantial access to a street.

7.1.8 Detached Townhouse

[Need New Images]

A. Description

A detached townhouse is a building made up of detached dwelling units, where each unit is on an individual lot and the units are lined up in a row. For purposes of permitted housing types in zoning districts, streetscape standards, block/lot standards, access standards, density and intensity standards, and all other standards herein, detached townhouses shall adhere to the standards for townhouses.

B. Development Standards

- 1. A detached townhouse shall be permitted in accordance with the table below.

<u>Detached Townhouse Standards</u>	<u>Suburban</u>	<u>Urban and Compact Neighborhood</u>
<u>Yards (min. feet)</u>		
<u>Street Yard</u>	<u>25^{1,2}</u>	<u>12¹</u>
<u>Street Yard with Front Vehicular Access (from ROW)</u>	<u>25^{1,3}</u>	<u>20¹</u>
<u>Street Yard with Rear Vehicular Access (from alley)</u>	<u>5</u>	<u>5</u>
<u>Street Yard (Cluster Subdivision)</u>	<u>0</u>	<u>0</u>

<u>Detached Townhouse Standards</u>	<u>Suburban</u>	<u>Urban and Compact Neighborhood</u>
<u>Rear Yard⁴</u>	<u>20</u>	<u>20</u>
<u>Rear Yard (Cluster Subdivision)⁴</u>	<u>0</u>	<u>0</u>

1 Yard modifications can be required pursuant to a Neighborhood Protection Overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

2 Yards can be reduced to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

3 Front vehicular access can be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

4 The rear yard shall be measured from the property line forming the boundary of the development site.

C. Access

Where an improved and maintained alley is provided, all vehicular access shall be taken from the alley.

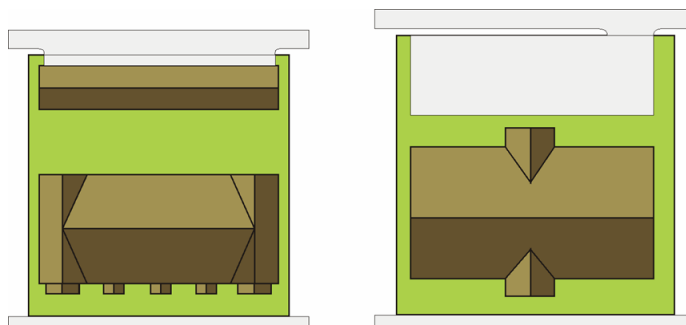
Commentary: It is recommended that preliminary site design also considers emergency access and rescue requirements of the Building Code for townhouses.

D. Location of Common Recreation Facilities

Common recreation areas, such as a clubhouse, swimming pool, and/or tennis, volleyball, or basketball courts, shall be oriented internally or along major roadways, and away from residential development on neighboring properties. All such facilities shall be visible from and have substantial access to a street.

7.1.9 Multiplex

7.1.97.1.10 Apartment



A. *Description*

An apartment is a multifamily housing type on a single tract or parcel of land containing five or more units. Apartments can vary in height; the individual units can be located on separate floors or side-by-side and can be attached or detached. ~~–Parking is often shared in a consolidated area, even when garages and carports are used.~~

[No changes to Sections B or C]

Sec. 9.4

[Paragraphs not listed remain unchanged]

9.4.1 Applicability

[No changes to Sections A through G]

H. Same Use Category

No project boundary buffers shall be required between uses in the same top level Use Category, categorized as follows:

1. Agricultural
2. Residential
3. Public and Civic
4. Commercial
5. Office
- ~~4~~6. Industrial

9.4.5 Constructed Buffer

[No changes to Sections A, B, or D]

C. *Urban, Compact Neighborhood, and Downtown Tiers*

1. The buffer width and planting requirements in the table below shall be used to meet the opacity standards established in paragraph [9.4.3](#), Standards, for the Urban Tier and those areas of the Downtown and Compact Neighborhood Tiers that adjoin development in the Urban or Suburban Tiers and the opacity standards established in paragraph [9.4.1C](#) for Design districts.

URBAN, COMPACT, AND DOWNTOWN TIERS

Opacity	Min. Width	Alt. 1 Mixed Evergreen	Alt. 2 Deciduous	Alt. 3 Evergreen	Alt. 4 Overhead Utility	Alt. 5 Intense
Plant Material Required Per 100 Linear Feet Of Buffer						
0.2	10 feet	1 Deciduous Canopy Tree	1 Deciduous Canopy Tree	0 Deciduous Canopy Tree	0 Deciduous Canopy Tree	
		1 Evergreen Canopy Tree	0 Evergreen Canopy Tree	1 Evergreen Canopy Tree	0 Evergreen Canopy Tree	
		1 Deciduous Understory Tree	1 Deciduous Understory Tree	0 Deciduous Understory Tree	2 Deciduous Understory Trees	
		1 Evergreen Understory Tree	0 Evergreen Understory Tree	2 Evergreen Understory Trees	1 Evergreen Understory Tree	
		3 Shrubs	4 Shrubs	4 Shrubs	1 Shrub	
0.4	15 feet	2 Deciduous Canopy Trees	4 Deciduous Canopy Trees	0 Deciduous Canopy Tree	0 Deciduous Canopy Tree	
		1 Evergreen Canopy Tree	0 Evergreen Canopy Tree	3 Evergreen Canopy Trees	0 Evergreen Canopy Tree	
		2 Deciduous Understory Trees	3 Deciduous Understory Trees	0 Deciduous Understory Tree	5 Deciduous Understory Trees	
		3 Evergreen Understory Trees	0 Evergreen Understory Tree	5 Evergreen Understory Trees	3 Evergreen Understory Trees	
		9 Shrubs	14 Shrubs	12 Shrubs	3 Shrubs	
0.6	20 feet ¹	4 Deciduous Canopy Trees	7 Deciduous Canopy Trees	0 Deciduous Canopy Tree	0 Deciduous Canopy Tree	2 Deciduous Canopy Trees
		1 Evergreen Canopy Tree	0 Evergreen Canopy Tree	6 Evergreen Canopy Trees	0 Evergreen Canopy Tree	4 Evergreen Canopy Trees
		3 Deciduous Understory Trees	5 Deciduous Understory Trees	0 Deciduous Understory Tree	9 Deciduous Understory Trees	2 Deciduous Understory Trees
		5 Evergreen Understory Trees	0 Evergreen Understory Tree	9 Evergreen Understory Trees	5 Evergreen Understory Trees	0 Evergreen Understory Tree
		18 Shrubs	27 Shrubs	24 Shrubs	5 Shrubs	19 Shrubs
						6-Foot Wall ²
0.8	22.5 feet				0 Deciduous Canopy Tree	3 Deciduous Canopy Trees
					0 Evergreen Canopy Tree	5 Evergreen Canopy Trees
					13 Deciduous Understory Trees	3 Deciduous Understory Trees

Opacity	Min. Width	Alt. 1 Mixed Evergreen	Alt. 2 Deciduous	Alt. 3 Evergreen	Alt. 4 Overhead Utility	Alt. 5 Intense
Plant Material Required Per 100 Linear Feet Of Buffer						
					7 Evergreen Understory Trees	0 Evergreen Understory Tree
					7 Shrubs	28 Shrubs
					6-Foot Wall ²	6-Foot Wall ²
1.0	37.5 feet				0 Deciduous Canopy Tree	4 Deciduous Canopy Trees
					0 Evergreen Canopy Tree	6 Evergreen Canopy Trees
					13 Deciduous Understory Trees	4 Deciduous Understory Trees
					7 Evergreen Understory Trees	0 Evergreen Understory Tree
					7 Shrubs	31 Shrubs
					6-Foot Wall ²	6-Foot Wall ²

1 Use of the Intense Buffer will permit reduction of buffer width up to 25%.

2 A solid hedge composed of a minimum of 40 evergreen understory trees per 100 linear feet can be substituted for a 6-foot wall.

2. The interactive buffer model established pursuant to paragraph 9.4.7, Interactive Buffer Model, shall be permitted to calculate acceptable reductions in buffer width or variable mixes of plant units. The model can also be used when the slope of the buffer is at least 15%, as set forth in paragraph 9.4.5D, Existing Slope Impacts.

3. For projects within the CI District and Design Districts, an alternative to project boundary buffers shall be permitted with the following provisions:

a. A solid hedge composed of a minimum of 40 evergreen understory trees per 100 linear feet, with a minimum height of six feet at time of planting; or

b. A wall pursuant to paragraph 9.4.8, Walls, Berms and Fences in Buffers, is provided so long as any wall that is a structural part of a building may only be used if there is no glazing in the wall.

4. For projects within the Urban Tier, CI District, and Design Districts, no buffer shall be required for projects on lots less than two acres.

Sec. 10.3

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

[No changes to section A]

B. Required Parking

1. The amount of motor vehicle parking shall be a percent of the amount indicated in paragraph [10.3.1A.4](#), Parking Rate Table. The minimum and maximum parking rates are as follows. For fractions, refer to paragraph [10.2.5](#), Calculation of Spaces.

Location	Minimum ⁴	Maximum
Downtown Design (DD) District	None	100%
Suburban and Rural Tiers	100% None	175%
Urban Tier ¹		
All Districts except Commercial Infill (CI)	90% None	175%
Commercial Infill (CI) District	80% None	100%
Compact Neighborhood Tier ^{1,2,3}		
All Districts except Compact Suburban Design (CSD) Districts	If use(s) are within 400 feet of the Tier boundary: 80%; Otherwise: None None	100%
Compact Suburban Design District – Core (CSD-C)	None	50%
Compact Suburban Design District – Support 1 (CSD-S1)	None	100%
Compact Suburban Design District – Support 2 (CSD-S2)	50% None	100%

1 For all households living within the Compact Neighborhood Tier, and affordable housing dwelling units in the Urban Tier, see paragraph [10.3.1B.7](#).

2 For projects qualifying for the affordable housing bonus, see paragraph [10.3.1B.11](#).

3 For the North RTP and Triangle Metro Center Compact Neighborhood Tiers, see paragraph [10.3.1B.5](#).

4 For methods to reduce minimum parking requirements, see paragraphs [10.3.1B.9](#) and 10.

Example: The parking schedule is a baseline calculator for the amount of motor vehicle parking for a particular use or uses, subject to the location minimum and maximum requirements of the tier or specific zoning district. For example, if a use, per the parking table, generates a rate of 100 spaces, the amount of parking permitted is as follows:

DD: Minimum – none; maximum – 100 spaces

Suburban and Rural: Minimum – ~~100 spaces~~none; Maximum – 175 spaces

Compact Neighborhood (All districts except CSD): Minimum – None; Maximum – 100 spaces

Compact Neighborhood – CSD Districts:

Core: Minimum-None; Maximum – 50 spaces

Support 1: Minimum – None; Maximum – 100 spaces

Support 2: Minimum – ~~50 spaces~~None; Maximum – 100 spaces

Urban (except CI): Minimum – ~~90 spaces~~None; maximum – 175 spaces

CI District: Minimum – ~~80 spaces~~None; maximum – 100 spaces

2. Bicycle parking rates for the SRP-C District (County Only), Compact Neighborhood and Downtown Tiers shall be pursuant to paragraph [10.3.3](#), Bicycle Parking in the SRP-C District (County Only), Downtown and Compact Neighborhood Tiers.

3. The amount of required parking for colleges or universities within the UC or UC-2 districts shall be determined pursuant to paragraph [6.11.4I](#), Parking.

4. Unless a use is a college or university, passenger terminal, within the SRP-C District (County Only), or located in the Downtown or Compact Neighborhood Tiers, the maximum number of required bicycle parking spaces shall be 100.

5. For the North RTP and Triangle Metro Center Compact Neighborhood Tiers: Uses located in these areas approved prior to January 1, 2006, can utilize the ~~minimum and~~ maximum parking rates established for the Suburban Tier until such time as regional mass transit is available in the applicable tier area.

~~6. Change of Use~~

~~A change of use of an existing building shall not be required to provide additional parking in the following instances. New buildings or expansion areas of existing buildings within these districts shall be required to meet all off-street motor vehicle parking requirements.~~

~~a. In the Pedestrian Business sub-district of a CD District, or within a CI District.~~

~~b. In any other district where an increase of no more than 20% additional parking would be required.~~

~~76.~~ In the following tiers, the motor vehicle parking rates for household living dwelling units shall be as follows. Where parking is provided for developments with affordable housing dwelling units, parking spaces shall not be reserved, designated, or otherwise set aside for market-rate versus affordable units:

	Minimum	Maximum
Compact Neighborhood Tier (except CSD Districts):		
Household Living, except as Listed Below	1 space/unit None	2 spaces/unit
Affordable Housing Dwelling Units	None	2 spaces/unit
Compact Suburban Design Districts:		
CSD-C and CSD-S1	None	1.5 spaces/unit
CSD-S2	1 space/unit None	2 spaces/unit
Affordable Housing Dwelling Units	None	See sub-district maximum
Urban and Suburban Tiers:		
Affordable Housing Dwelling Units	None	2 spaces/unit

87. Methods to Exceed Maximum Parking

The maximum amount of motor vehicle parking can be exceeded by any of the following methods:

- a. The additional parking spaces and drive aisles shall be pervious paving pursuant to the following:
 - (1) Pervious paving shall be considered surface improvements such as interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface.
 - (2) Sub-surface preparation to accommodate the water infiltration allowed through the surface material shall be required.
 - (3) Gravel shall not be considered a pervious paving surface.
- b. The additional parking spaces shall be provided as structured parking subject to the following requirements:
 - (1) The footprint of proposed structured parking cannot exceed 75% of the footprint of a surface parking lot designed to accommodate 100% parking; and
 - (2) The maximum height shall be the height permitted within the zoning district.
- c. The additional parking spaces are underground where parking areas are not visible from the right-of-way or adjacent properties.
- d. For all sites except in Design Districts: a sealed alternative parking rate analysis, prepared by an engineer with expertise in transportation, that utilizes the following criteria to substantiate the need for additional parking. The City Transportation Director or designee, or NCDOT, as applicable, shall be the approving authority for the analysis.

-
- (1) Data or studies of similar sites and uses;
 - (2) Comparisons to minimum standards in national published data sources such as Institute of Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association (NPA), American Planning Association (APA), or other professionally recognized data sources; and
 - (3) Comparisons to minimum requirements of similar municipalities.

e. *Design Districts*

(1) No more than the maximum allowed parking pursuant to paragraph 10.3.1A.4 shall be allowed, unless provided within structured parking and at least two of the three following requirements are met:

- (a) At least 50% of the parking structure roof area is a green roof;
 - (b) A minimum of 15% of the total parking provided shall be made permanently publicly accessible; and
 - (c) All street frontage portions of the parking structure shall be constructed to allow conversion to interior usable space.
- (2) Public parking provided as a provision for additional height in paragraph 16.3.4, Height, can be provided in excess of the maximum parking provided it meets 1a and 1c above.

~~9. *Parking Reduction Allowed by Right*~~

~~The minimum amount of motor vehicle parking can be reduced using the following methods, individually or in combination, for an overall maximum reduction of 30%. For reductions applicable to Compact Neighborhood Tiers, see paragraph e below.~~

~~a. *Shared Parking*~~

~~Proposed developments or change of use with two or more uses can reduce the total minimum parking requirements by a maximum of 30% if the following factors are demonstrated through a parking generation analysis, prepared and sealed by a registered engineer with transportation expertise, documenting the following:~~

- ~~(1) The peak hours for each use do not overlap; and~~
- ~~(2) The proposed amount of parking is sufficient to accommodate the anticipated demands for each of the uses at peak hour.~~

~~b. *Public Transit*~~

~~A maximum 10% reduction is permitted for proposed development sites or change of use sites where public transit stops exist or will be provided at a location approved by the transit provider as part of the site plan submittal.~~

- ~~(1) The stop shall be within one-half mile walking distance;~~
- ~~(2) The stop and development site shall be connected via an existing or proposed paved and handicap-accessible walkway or sidewalk; and~~
- ~~(3) Crossings shall be at grade and at appropriate intersections. No mid-block crossings shall satisfy this option.~~

~~e. *Additional Bicycle Parking*~~

~~A maximum of 5% reduction is permitted if an additional six bicycle parking spaces are provided for each motor vehicle parking space reduced.~~

~~d. *Additional Tree Coverage*~~

~~A maximum of 15% reduction is permitted if the following additional tree coverage is provided per one parking space:~~

- ~~(1) An additional canopy tree is preserved and protected; or~~
- ~~(2) One canopy tree and two understory trees are planted;~~
- ~~(3) The following shall also apply:~~
 - ~~(a) An appropriate species per the Landscape Manual shall be used for planting.~~
 - ~~(b) A minimum dbh of six inches shall qualify as a preserved tree.~~
 - ~~(c) Root zone protection standards of this Ordinance shall apply.~~
 - ~~(d) The additional planted or protected tree(s) shall not count towards any other Ordinance requirement.~~

~~e. *Reductions Applicable in Compact Neighborhood Tiers*~~

- ~~(1) All uses within projects utilizing the affordable housing bonuses, per Sec. 6.6, Affordable Housing Bonus, or paragraph 16.1.3E.2.d, Affordable Housing Density Bonus, shall be exempt from required minimum parking.~~
- ~~(2) The parking reduction methods in paragraph 10.3.1B.9.a and b can be applied in Compact Neighborhood Tiers.~~
 - ~~(a) No maximum overall reduction shall apply.~~

~~(b) The maximum reduction for utilizing shared parking shall be 50%.~~

~~(3) The minimum required parking for all districts except CSD Districts Compact Neighborhood Tiers in paragraph 10.3.1B.1 shall only apply to properties within Compact Neighborhood Tiers that are within 400 feet of the boundary of the Tier. Properties outside of this area shall have no minimum parking requirement.~~

~~10. *Parking Reductions Allowed with a Minor Special Use Permit*~~

~~Except for the Compact Neighborhood Tiers, reductions of more than 30% of required motor vehicle parking shall require the approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. In addition to the findings within paragraph 3.9.8A, General Findings, the following findings shall be made:~~

- ~~a. Current industry standards and parking rate methodologies were utilized;~~
- ~~b. Comparable developments that serve similar population densities or development intensities were studied; and~~
- ~~e. The reduction will protect local, State, or federal designated historic resources, if applicable to the site.~~

~~11. In the Compact Neighborhood Tier, all uses within projects utilizing the affordable housing bonuses, per Sec. 6.6, Affordable Housing Bonus; paragraph 16.1.3E.2.d, Affordable Housing Density Bonus; or paragraph 16.1.3E.3.c, Affordable Housing Density Bonus, shall be exempt from required minimum parking.~~

~~C. *Alternate Forms of Compliance*~~

~~1. Off-site parking, including publicly controlled parking:~~

~~Proposed development can satisfy motor vehicle parking requirements through existing off-site parking not proposed as part of the development site or change of use pursuant to the following criteria:~~

- ~~a. All required handicapped accessible parking spaces shall be provided on-site;~~
- ~~b. The spaces are not on-street parking spaces;~~
- ~~c. The spaces at the donor site are located no further than 1,000 linear feet walking distance to the main entrance of the proposed facility along an existing or proposed public or private (with pedestrian access agreement) paved, handicapped accessible route;~~
- ~~d. The walking route to and from the off-site parking does not cross a boulevard, major thoroughfare, expressway, or freeway, unless controls are existing or proposed to allow for pedestrian crossing;~~
- ~~e. Crossings of right-of-way shall be at grade at appropriate intersections, and not mid-block;~~

~~f. The spaces provided by the donor site are in excess of the minimum parking requirements for that site, or the shared parking requirements pursuant to paragraph 10.3.1B.9.a, can be satisfied;~~

~~g. A lease agreement between the record owners shall be required. The owner of the off-site parking area shall enter into a written agreement in a form acceptable to the City or County Attorney, as appropriate, providing that the land comprising the parking area shall never be disposed of except in conjunction with the sale of the building which the parking area serves so long as the facilities are required; and that such agreement shall bind his heirs, successors, and assigns; and~~

~~h. Residential parking areas cannot serve as off-site parking for non-residential uses.~~

~~2. On-Street Parking Credit in Urban and Compact Neighborhood Tiers~~

~~Within any zoning district within the Urban and Compact Neighborhood Tiers, one required motor vehicle parking space shall be satisfied for every 23 contiguous feet of street frontage for which there is adjacent permitted on-street parking.~~

~~a. Credit for on-street parking shall only be counted towards one of the uses in any multi-use development.~~

~~b. Credit shall not be given for a partial space.~~

~~e. Credit for nonhandicapped accessible parking spaces shall not be given for designated handicapped accessible spaces, loading zones, or taxi stands.~~

~~d. For required handicapped accessible spaces, existing or proposed spaces designated along the same blockface as the development site shall satisfy the requirement. Designation of new on-street handicapped accessible spaces shall meet the City Transportation Department or NCDOT requirements, as applicable.~~

~~Commentary: Although this standard may not result in additional handicapped accessible parking spaces for the project per this Ordinance, consultation with the City-County Inspections Department is recommended to determine any other accessibility code requirements.~~

~~e. On-street parking used to reduce off-street parking is within the public right-of-way and shall remain available for general use subject to public parking standards.~~

~~f. Single and Two-Family Lot Exception~~

~~Except in the CSD-S2 district, one off-street parking space shall be required regardless of the amount of contiguous street frontage.~~

Sec. 12.2

[Paragraphs not listed remain unchanged]

12.2.2 Other Forms of Access

No building shall be erected or enlarged on a parcel in any district unless such parcel abuts upon or has access to a publicly accepted and maintained street, except in the following circumstances.

[No changes to Section A]

B. *Ingress/Egress/Regress Easements Other than Private Streets*

Unless otherwise allowed in this Ordinance, ingress/egress easements not involving construction of a private street shall be permitted in the following circumstances:

1. *Single-Family Residence*

Easements shall be allowed for ~~one single-family~~ or two-family lots ~~residence on an existing lot of record as of September 16, 1996. The parcel shall not be further subdivided.~~

2. *Other Instances*

a. *Ingress/Egress/Regress Easements of Record*

Ingress/egress/regress easements of record that were recorded as of September 16, 1996, can continue to serve as access.

b. *Driveways*

A driveway shall be allowed for vehicular access to multiple parcels or lots within a ~~townhouse-~~ residential development or shopping center, even if those parcels or lots are individually owned. Any such driveway within a townhouse development shall be located entirely in a common area.

c. Driveways and other ingress/egress easements serving a residential development may extend through a nonresidential zoning and may be used to satisfy access requirements. This is allowed if:

- (1) The nonresidential zoning allows for the same type of residential use as the zoning of the residential parcel(s); and
- (2) The access drive or easement is not within an existing or proposed vehicle use area.

Sec. 13.5

[Paragraphs not listed remain unchanged]

13.5.1 Access

Every buildable lot shall abut a public street, a private street, or a driveway allowed for access ~~within a townhouse development or shopping center~~ under paragraph [12.2.2B.2.b](#) above, capable of providing access to a lot.

Sec. 14.4

[Paragraphs not listed remain unchanged]

14.4.1 Nonconforming Buildings or Structures

[No changes to Section A]

B. General

1. No enlargement or reconstruction shall have the effect of increasing the degree or extent of a nonconforming feature.
 - a. Additions that are proposed between the minimum yard requirement and the existing building line, or are consistent with the existing height, shall not be considered to increase the degree or extent of the nonconformity.
 - b. An addition shall be considered to increase the nonconformity if it extends further into required yards than the existing encroachment.
2. No enlargement or reconstruction shall create new nonconformities or encroachments, unless a variance is approved pursuant to Sec. [3.14](#), Variance.

C. Approval

Additions or improvements to, or reconstruction of, nonconforming buildings and structures shall require approval of a minor special use permit pursuant to Sec. [3.9](#), Special Use Permit, unless exempted as follows:

1. Improvements, or additions of any size, that:
 - a. Comply with all current ordinance requirements, ~~and proposed height is consistent with or less than the existing height of the structure~~; or
 - b. Bring the structure into greater conformity with current ordinance requirements.
2. Projects that allow existing buildings to meet local health, sanitary, or safety code requirements or that are necessary to ensure safe living or occupancy conditions;

-
3. Projects that require a certificate of appropriateness pursuant to Sec. [3.17](#), Certificate of Appropriateness;
 4. ~~Additions, with a maximum increase in square footage of 100%, that are proposed between the minimum yard requirement and the existing building encroachment line;~~~~Additions, with a maximum increase in square footage of 10%, that are proposed between the minimum yard requirement and the existing building encroachment line;~~
 5. Reconstruction of the nonconforming structure that is within the original building footprint ~~and is consistent with the height of the original structure~~. Proposed additional square footage shall meet the parameters of paragraphs c or d above, as applicable, to be exempt from the requirement of a minor special use permit;
 6. Reconstruction or enlargement of, or improvements to a nonconforming structure that is part of a housing program initiated by or supervised by the City, County, or an entity created by the City, County, or State of North Carolina, as long as the degree or extent of the nonconforming feature is not increased.

[No changes to Section D]

Sec. 17.3

[Definitions not listed remain unchanged]

Basement: The lowest level or story which has its floor sub-grade on at least ~~three~~one sides.

Common Plan of Development: ~~Staged or coordinated development or successive improvements over a period of years initiated by the owner(s) of and conducted on a parcel or contiguous parcels of land for the benefit of such parcel(s). The Planning Director shall determine the existence of a Common Plan of Development based on one or more of the following factors: common ownership (including partial ownership of a controlling entity), common applicant team.~~

Detached Townhouse: ~~A building made up of detached dwelling units, where each unit is on an individual lot and the units are lined up in a row. For purposes of permitted housing types in zoning districts, streetscape standards, block/lot standards, access standards, density and intensity standards, and all other standards herein, detached townhouses shall adhere to the standards for townhouses.~~

Green Building Certification: ~~One of the following certifications: any level of Leadership in Energy and Environmental Design (LEED) certification; Energy Star certification; SystemVision standard; Living Building Challenge standard; Home Energy Rating System HERS Index Score of 50 or lower; Passive House certification; or National Green Building Standard certified.~~

Photovoltaic Solar: An on-site system that is estimated by the installer to produce at least 25% of the home's energy needs.

Solar Water Heating: Energy Star certified water heating system designated as Solar with Electric Backup or Solar with Gas Backup.

Story: A level that is principally above ground, and not below grade, nor below street level, or within roofline, tower, or a roof deck.



Community Engagement Plan for Applicants

City-County Planning Department

Planning

Questions: LandUse@DurhamNC.gov | 919-560-4137

The purpose of this form is to identify an engagement plan for the proposed project before initial application submittal, and then throughout the life of the project. Understanding the community impacts of a proposal and the community voices surrounding a project are key to ensuring an accessible, transparent, representative, and equitable development review process. This form applies to any zoning map change, annexation petition, tier boundary modification, watershed boundary determination, neighborhood protection overlay, development agreement, text amendment (UDO or comprehensive plan), or other application types as defined by the UDO or determined by staff, where the Comprehensive Plan Consistency Report identifies meeting the Community Goals & Objectives.

PROJECT INFORMATION:

Project Name:	Applicant Name/ Company Name:
Proposed Project Description & Scope:	
Have you provided any additional engagement/presentation materials with this plan?	

COMMUNITY INVOLVEMENT

List out the community members you will engage, including residents, neighborhoods, community leaders, institutions, businesses, non-profits, etc. We encourage you to consider residents within a half-mile radius of a proposal and especially those who are immediately adjacent to the proposed location.

National Association of Home Builders	Habitat Neighbors for Neighbors	Matthew Konar & Jenn K Truman
Durham Builder's Guild	Habitat Geezers	Landscape Planners
Durham County Government Mgrs/Interns	Carolina Forward	Civil Engineers
The Collective (Black Development Group)	UNC DFI/Kenan Institute	Other Engineers
Wine and Real Estate	Raleigh Planning Department	Real Estate Lawyers
Triangle Community Coalition	Southern HS	CPAs
Realtor's Group	Durham Tech	Commercial Real Estate Brokers
Durham CAN / Pastors Group	NCCU	North Durham Neighborhood
Spirit House	Sheriff's Department	Former Hayti Neighborhood
ReCity	John Locke	Hayti Heritage Center
Small Business Coalition	El Centro Hispano	Bragtown
GDBBC (Black Chamber)	Duke	Aidil Ortiz
Durham GOP	Preservation Durham	Merrick-Moore Neighborhood
NC Legislature	Bill Bell	Ami Mejia
Tiny Home NC	M&F Bank	Professional Women in Building
UNC City and Regional Planning	Edens Engineering	Coalition for Affordable Housing and Transit
Triangle Blog Blog	O'Brien Atkins	Committee Affairs of Black People
Next Chapel Hill	Linton Architects	Friends of Durham
Downtown Durham, Inc	Center Studio Architecture	People's Alliance
Durham Chamber of Commerce	Trinity Design Build	General Open Engagement Call 1
Latino Credit Union	BuildSense	General Open Engagement Call 2
		Habitat Board

DESCRIPTION OF ENGAGEMENT

Describe what engagement will look like for the project. Include the format of engagement, when engagement will occur, where it will occur and the duration of engagement. This may change as you work through your proposal:

ENGAGEMENT MEDIUMS

List strategies/mediums will you use to reach these community members. These could include: focus groups, digital platforms, 1:1 interviews, emails, digital platforms, signage at the onset of a project, charrettes, in-person conversations or events, etc. Discuss how these strategies will be used and in what combination.

NEXT STEPS

Planning

- Planning will review this engagement plan and provide guidance and feedback.

Applicant

- Implement this Community Engagement Plan
- Identify if there are additional resources you need to be successful in your community engagement work
- Share the Social Pinpoint link at every engagement event and neighborhood meeting. <https://durham.mysocialpinpoint.com/land-use/map#/>
- Amend the project proposal to reflect community member feedback. Utilize Form 34545 – Record of Community Engagement to track these changes.

At the pre-submittal meeting, staff will go over this plan, make suggestions for improvement, and provide any engagement context that could be helpful such as past input on or around the site, past public hearing comments, etc. Please upload this form in the portal when scheduling the pre-submittal meeting. Please note that a virtual neighborhood meeting is still a required element of all application submittals (unless otherwise noted by the Planning Director or designee).

Applicant Resources:

[International Association for Public Participation](#)

[Equitable Engagement Blueprint](#)

[Neighborhood Meeting Requirements - Durham](#)

[Adopted Community Goals and Objectives](#)

The 22 Ways SCAD Aligns with the New Comprehensive Plan's Goals and Objectives

Simplifying Code for more Affordable Development (SCAD) was crafted to align with existing public input. The City of Durham has done extensive community engagement work as it progresses towards a new Durham Comprehensive Plan. At this stage, the City has reached out to a wide range of individuals and groups in Durham to craft a list of goals and objectives that the community would like to see embodied by the upcoming Comprehensive Plan.

The applicant identified that SCAD aligns with these goals and objectives in over 50 ways, but has identified 22 ways that are most directly addressed by SCAD.

Sense of Place / Multigenerational, Diverse, Resilient, and Inclusive Neighborhoods

1. SCAD promotes more diverse housing types including affordable housing through the PATH program and enabling missing middle housing.
2. SCAD enables walkable neighborhood commercial districts that create opportunities that haven't previously existed for small, local businesses.
3. SCAD promotes better ADU regulations, an important solution to aging in place, close to family and/or close to the community that has been "home".
4. SCAD enabled ADUs can also be used as a source of income, enabling more financial resiliency among residents.

Resident Quotes:

- "Affordable housing has to be integrated—can't be isolated and stuck there forever. Look at cooperative integrated models."
- "Diversified living spaces for all people: more integration throughout Durham"

Sense of Place / Rooted and Connected Communities

5. SCAD enables more opportunities for middle income homeownership by allowing for small homes and building ADU's first.
6. SCAD enables more affordable homeownership opportunities through the Affordable PATH program.

Resident Quotes:

- "When people are able to establish roots they are able to effect the soil, much as deep rooting plants keep the soil from eroding, replenishing part of the soil as it lives off of it as well, a mutually beneficial relationship. What is missing is stronger language to illustrate this, as it is vital for the long term growth of the community both culturally and economically."
- "People who have lived in older neighborhoods permitted to return to those neighborhoods to live in clean, safe, affordable housing"

Community Relationships / Informed and Involved Community Engagement

7. SCAD is going through the approved process for a text amendment, making sure to go above and beyond when it comes to community engagement meetings and listening to the citizens of Durham.

Resident Quotes:

- "Need to ensure decision-making is convenient, transparent, equitable, representative of community input."

Community Relationships / Intentional Planning and Decision-Making

8. At its core, SCAD is about enabling much-needed small-scale housing and commercial spaces. The projects at this scale are owned by Durham citizens, local business owners, and people invested in the communities where they live, work, and socialize.

Resident Quotes:

- “Thoughtful growth and investment in existing spaces/buildings in the community to make them healthy, safe, beautiful, and accessible to all”

Housing and Neighborhoods / Complete Neighborhoods: Resources for Thriving Lives

9. SCAD enables mixed-use in PDR neighborhoods, where currently 100 homes must be part of a project before a coffee shop or corner store is allowed.
10. SCAD enables neighborhood commercial districts for the creation of mixed-use, walkable neighborhoods outside of downtown and the design districts.
11. Neighborhood commercial districts in SCAD are focused on small, infill lots that lead to small commercial spaces that tend to not only serve but act as an active participant in the community.
12. SCAD eliminates parking minimums, a necessary step to creating walkable neighborhoods that aren’t dominated by parking lots.
13. Neighborhood centers create natural public transit “nodes” that allow for a more viable public transit system.

Resident Quotes:

- “A patchwork of complete communities”
- “Mixed-use development so people live closer to the places they want and need to go to. Easy-to-use and free public transportation.”
- “Focus on neighborhoods so unique identities can show thru but still be connected to one another”

Housing and Neighborhoods / Creative and Varied Housing Solutions

14. The Affordable PATH that SCAD puts forth is a bold, creative, and absolutely needed solution to the lack of affordable housing supply in Durham.
15. SCAD makes more housing possible across the income spectrum.
16. SCAD makes more housing possible across the typology spectrum (from apartments to multiplexes to duplexes to small homes).

From the Goals & Objectives Document:

Current regulations get in the way of innovation and community solutions to housing access, such as creating small homes, cooperative housing, and co-living options. Many residents feel that regulations are written to benefit developers who can afford to assemble land to build housing for higher-wealth people. This results in new subdivisions

built with one type of low-density housing at unaffordable prices, contributing to unsustainable growth patterns and high housing costs.

- This section of the Goals & Objectives document aligns perfectly with SCAD’s mission.

Resident Quotes:

- “Affordable Housing desperately needs new options”
- **“Reformed zoning laws to broaden housing options”**
- “Has the City considered implementing tiny house communities to address homelessness?”

Housing and Neighborhoods / Accessible Housing and Neighborhoods: Designing for Everyone

17. SCAD promotes better ADU regulations, an important solution to aging in place. ADUs are often referred to as “granny flats” and what better location for aging in place than adjacent to a trusted family or community member.

Resident Quotes:

- “Housing for the elderly, safe travel for the elderly, housing affordability for seniors, placement of senior housing”

Housing and Neighborhoods / Affordable Housing

18. The Affordable PATH program is a needed solution for creating small-scale rental and homeownership opportunities.

Resident Quotes:

- “Programs that are fair and honest to help Blacks own their homes in Durham.”
- “In the Durham of my dream everybody has a place to call home that is safe, stable affordable relaxing and full of joy that’s what equitable housing would be, we call have a place to call home and be happy and safe in that home”

Housing and Neighborhoods / Healthy, Dignified, and Welcoming Neighborhoods

19. Walkable neighborhoods are healthy neighborhoods. SCAD promotes a mix of uses, neighborhood commercial with small commercial lots, and enabling of additional units that fit with a neighborhood’s character, enabling more walkable communities.

Resident Quotes:

- “Every human being desires a place to live that they can feel pride in”

Transportation / Intentional and Coordinated Transportation and Land Use

20. Neighborhood centers create natural public transit “nodes” that allow for a more viable public transit system. Sprawl hurts the ability to run transit successfully and SCAD works to create better infill opportunities.

Resident Quotes:

- “Neighborhood walkable amenities such as grocery, pharmacy, and restaurants”
- “What the city has done has created more sprawl to Mebane, to Sanford. Creating longer commutes, more pollution. Rocky MT-Wilson is now a bedroom community of Raleigh.”

Jobs and Training / Sustainable, Supported, and Dignified Jobs

21. SCAD enables small-scale commercial. These smaller commercial spaces give local entrepreneurs a chance to compete, creating dignified jobs for themselves. If successful, as ambassadors in the community, they have an incentive to create dignified jobs for their employees as well.

Resident Quotes:

- “More business opportunities for native Durham residents (particularly African American)”

Jobs and Training / Accessible and Innovative Jobs

22. Commercial neighborhoods outside of downtown create walkable pleasant places, but they also create jobs in those neighborhoods, not just in downtown Durham.

Resident Quotes:

- “Diversity of business types in different areas. Change zoning to allow mix of use types throughout city/county.”

Simplifying Code for Affordable Development 2022 Text Amendments

ENABLE HOUSING | ENHANCE NEIGHBORHOODS | CREATE JOBS



bit.ly/DurhamSCAD

Thank you for participating in an effort to improve Durham's Unified Development Ordinance. Below, we have summarized the proposed changes. Unfortunately, there is no substitute for reading the proposed changes in their entirety. We have included a QR code and short link to the most recent version of the proposed text amendment, which we encourage all to read.

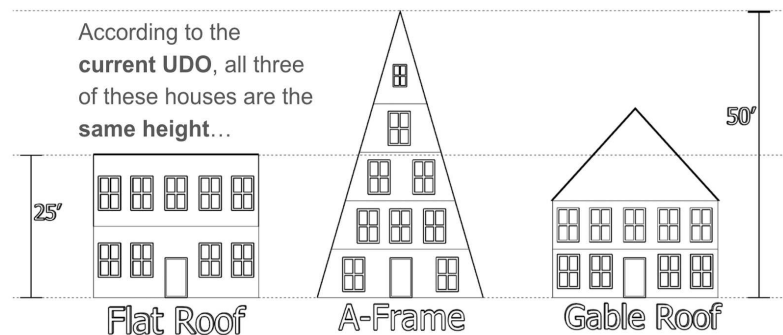
SECTION SUMMARIES

1. AFFORDABLE PATH PROGRAM

Durham desperately needs affordable housing, but our current affordable density incentives have rarely been used. To incentivize small practitioners to re-enter the affordable housing markets, setback requirements on affordable projects will be marginally relaxed. Most impactful is a new fee-simple subdivision model specifically targeted to help Habitat expand the number of families it builds for each year. All PATH provisions are contingent on meeting Durham's AMI definitions of affordability (80% for sale, 60% for rent). This program sets a new precedent.

2. GEOMETRIES AND BUFFERS

In the current code, heights are complicated. Builders need to measure their neighbors' building heights with a specific formula to understand what height can be built. Height is calculated to the midpoints of roofs, rather than the logical ridge. Few understand the actual provisions, and determinations are often inconsistent. Simplifying these geometries allows for more citizen-builders to participate in Durham's growth.



3. SMALL LOTS AND FLAGS

Small lots and flag lots allow Durham to grow incrementally and provide needed housing in the smallest increments. It is a way for a residential neighborhood to grow in context with its surroundings. This section cleans up the provisions that caused problematic geometries, such as rear setbacks on reduced pole flag lots, which made housing and shared outdoor spaces worse.

4. ACCESSORY DWELLING UNITS (ADUs)

ADUs are a great way to provide more housing on existing lots in existing neighborhoods, while maintaining the look and feel of the neighborhood. Also known as "backyard housing", ADUs are currently allowed in Durham, but SCAD would make them more viable as an option primarily to existing homeowners/neighborhood stakeholders wanting to add additional housing to their property.

5. PARKING

Parking consistently reduces possible housing, raises the cost of newly built homes, and destroys opportunities for incremental commercial buildings. It is the single biggest problem for cities seeking to provide more housing. Cities across the country are repealing parking minimums, including Raleigh, this year. Durham has already eliminated parking minimums for the downtown district and now would match Raleigh by repealing minimums city wide.



Requiring too much parking **hurts small business** and **takes space from housing.**

6. NEIGHBORHOOD COMMERCIAL ZONES

With SCAD, neighborhood centers outside of downtown Durham are able to grow and thrive again. The reforms catalyzes missing middle and mixed-use housing specifically in these already mixed-use districts. The reforms do not expand the neighborhood commercial districts at all, but they do empower them with more flexibility to build. They largely follow downtown's form-based codes but add height maximums appropriate to neighborhood districts, and codify street engagement to ensure these centers develop as small and walkable, and remain neighborhood in scale.

7. TOWNHOMES

Townhomes in Durham suffer from overly-prescriptive technical design mandates, including setback variation and private yard requirements. These often lead to suburban plans that are incongruent with urban settings. Small changes to the code will make townhomes more viable in urban form enabling additional housing options in Durham.

8 NON-CONFORMITIES

Durham's Board of Adjustment and Planning Commission often see cases that are solely due to non-workable code, rather than change of vision. These cases add significant costs to projects, pushing small projects (and local property owners) out of potential development. These provisions remove "gotchas" that send silly cases to BOA, such as a rule that requires a non-conforming historic structure to go for special permissions when it applies to build a conforming addition that exceeds 10% increase in its size. Such penalties are removed, which have consistently burdened historic properties.

Please provide feedback by going to www.bit.ly/SCADFeedback and scrolling down to the SCAD section.

Public Works:

- **Issue Raised:** Worried about townhomes and commercial being exempt from site plan review.
- **Applicant Response:** Functionally, this should be no different from the exemption carved out for single family homes. We realize that these still need construction drawings, plans, and all the other components of building permit. Single family homes have worked well under these rules. Functionally, small townhouse and commercial projects should be no different. Current rules prevent opportunities for townhouses between 4 and 20 units common to other regional cities. We have added language surrounding common ownership to address the concern of small projects adding up to a larger project being exempt.

- **Issue Raised:** Residential in non-residential zones – infrastructure costs more as you have to match the capacity requirements for that zone.
- **Applicant Response:** To our knowledge, infrastructure requirements do not differ by zone. Please clarify.

- **Issue Raised:** Places of Worship have unlimited ADUs. If each ADU wants a separate meter/billing, that would require separate lines. Even if not, infrastructure must be sufficient at place of worship to accommodate ADUs and water and sewer standards still apply.
- **Applicant Response:** Understood. Like all projects, this will have to be coordinated on a project-by-project basis and adhere to capacity and infrastructure standards.

- **Issue Raised:** Church ADUs – will there be enough parking, especially on holidays.
- **Applicant Response:** These are issues that the church will have to work out privately.

- **Issue Raised:** How do PATH lots without frontage be provided addresses and how will emergency vehicles access them?
- **Applicant Response:** Based on feedback from Rob Joyner, affordable PATH lots will have flags, creating street frontage. As for emergency access, this is the same form that is currently allowed with the only difference being how the lot is divided (no physical differences visible on the property).

- **Issue Raised:** 10-foot-wide easement is not wide enough to access the lot and install utilizes. Fences will have to be minimized or avoided.

- **Applicant Response:** Rob Joyner created a plan that utilizes small utility flags and easements for the site to address this concern.

- **Issue Raised:** Water and sewer cannot encroach on other private property. Per state, each lot needs to front or have an easement.
- **Applicant Response:** The text amendment changes the rule that water and sewer cannot encroach on private property. Utilities crossing property lines is acceptable in many if not most other municipalities in NC. Per the state rules, there will need to be an access and utility easement. Rob Joyner created a solution that includes a blanket easement across the entire project.

- **Issue Raised:** Per state, two or more sewer laterals that connect downstream from separate buildings require a permit and the subsequent line is considered a “main”.
- **Applicant Response:** For the affordable PATH, SCAD is implementing Rob Joyner’s solution where each lot would have a utility flag and individual connection. For Multiple Flags on a Single Pole, this comment is appreciated and increased costs associated are understood. Builders will have to choose between a shared flag that is wide enough to accommodate individual lines or a shared main that will create additional expense.

- **Issue Raised:** Grading and drainage is a concern with Affordable PATH form.
- **Applicant Response:** This should not be a concern as the form is exactly the same as what could be built by-right on the lot. The only differences are that the structures are that the homes are subdivided to be able to be sold separately and as a result, will need separate utility access. All grading and drainage requirements for the current form should still apply.

- **Issue Raised:** Concerns about lack of parking due to removal of parking minimums.
- **Applicant Response:** Removing parking minimums does not mean off-street parking is not allowed. Builders will still build parking based on the project’s needs.

- **Issue Raised:** Elimination of street and side yard requirements in the CI and other “Neighborhood Commercial” districts means no room to install water meter and sewer cleanout. Also affects adjacency to sidewalk.
- **Applicant Response:** Thank you for catching this. We have adjusted the language to be at least 5’ from the curb (0’ from the lot line where the lot line is at least 5’ from the curb).

- **Issue Raised:** 5-foot flag is too small for utilities.

- **Applicant Response:** We are implementing Rob Joyner’s solution for utility flags.
- **Issue Raised:** Multiple flags on single pole (MFSP) – multiple concerns mirroring the concerns with the landlocked nature of the PATH lots.
- **Applicant Response:** See responses above - implementing Rob Joyner’s plan.
- **Issue Raised:** MFSP – 20 feet is not enough to service all of these lots with multiple utility lines.
- **Applicant Response:** We are implementing Rob Joyner’s plan. Builders will choose either to have a main or to provide 5 feet of separation. In both cases there will be an easement required.
- **Issue Raised:** MFSP - Difficult configuration for trash and recycling pickup
- **Applicant Response:** Residents must bring their trash and recycling to the curb. To our knowledge, this is consistent with current flag lot procedures.
- **Issue Raised:** Multiple flags on single pole – Maintenance for utilities would create an access problem for other residents.
- **Applicant Response:** Private easement agreement will address these instances.

Durham Fire Department:

- **Issues Raised:** Flag lots - signage needed at street to identify house, adequate fire lane access needed (13’), access driveway will need to support weight of fire apparatus.
- **Applicant Response:** SCAD does not propose any changes for signage for flag lots. The same standards that apply today will continue to apply. Flag widths outside of the Affordable PATH also do not change, so it is consistent with today’s standards. No changes are necessary. For Affordable PATH, the layout of the structures is buildable today. The only difference is for-sale vs rent, which should not impact the rules for fire department access.

Durham County Engineering:

- **Issue Raised:** Details of the sustainability requirement.

- **Applicant Response:** Thank you. We have updated the sustainability requirement to include specific definitions and more concrete options.

Durham Water Management:

- **Issue Raised:** Public Works would have to agree to review Water Management standards on townhouses and neighborhood commercial exempt from site plan.
- **Applicant Response:** This is how single-family exempt plats currently work, correct? We think this is a good solution.

- **Issue Raised:** ADUs are large and could pose a problem if we continue to allow services to be shared with primary structure.
- **Applicant Response:** We need more information. Can you give scenarios for when this would be a problem and we can address it?

- **Issue Raised:** Unlimited ADUs in place of worship – could become a utilities capacity issue.
- **Applicant Response:** Standards will still apply and it is understood that infrastructure will be subject to capacity requirements.

- **Issue Raised:** Increased densities under PATH need more study.
- **Applicant Response:** The density increase allowed under PATH is consistent with the density increase currently allowed by the Affordable Density Bonus.

- **Issue Raised:** Affordable PATH subdivision and utilities with ROW access and 5' pole not wide enough for utilities and concerns with utilities for multiple flags from a single pole.
- **Applicant Response:** These concerns were also raised by Public Works and are addressed through a change to the text amendment recommended by Rob Joyner.

Transportation:

- **Issue Raised:** Deleting infill standard 6.8.3.C (requiring a main entrance on a street) may cause delivery issues.
- **Applicant Response:** We believe *new* mailboxes are still required to be in the ROW, which eliminates mail. As for packages, we don't see this as a problem. It's much less

cumbersome than a large apartment building. The benefit of allowing clusters of homes facing a common greenspace outweighs this concern in our opinion.

- **Issue Raised:** Removing the stipulation that only one 12' flag should be taken from a parent parcel. "How does a fire truck access the 2nd, 3rd unit, etc?"
- **Applicant Response:** We are not clear how this would be different from one flag, pushed far back on a lot. The only difference is that now, more houses could fill in between the back flag and the remaining conforming lot.
- **Issue Raised:** Removing the requirement for flag lot and attached home driveways to be shared with other flag lots or the remaining lot creates a safety issue.
- **Applicant Response:** We do not understand this comment. How is this dangerous in a way that cannot occur on conforming lots?

Advisory Comments:

Transportation also provided comments that are advisory in nature and/or outside of the purview of Transportation. We appreciate that feedback as well and have reviewed each comment.

Stormwater:

- **Issue Raised:** "It is believed that exempting certain types of development there will be the potential to create additional drainage/flooding problems for adjacent and downstream properties...this doesn't promote the safety and general welfare of the community."
- **Applicant Response:** This is a frustrating comment as single family homes are already exempted. As a city, we allow for exemption of giant McMansions, but not a handful of small townhomes or a small local coffee shop? Of course, there is a balance to be struck with stormwater effects. Currently, single family/two family homes have an exemption from review, which no other housing type has nor any commercial type. Our code is incentivizing single family homes over more environmentally friendly types. Our contention is that small townhouse and commercial projects will benefit the local community's housing shortage, while keeping stormwater effects minimal and with a citywide reduction relative to sprawl. From a systems point of view, if there is demand for a coffee shop and a small infill shop is not feasible, then that demand gets channeled into a larger coffee shop with oversized parking and substantially more impervious surface on the periphery. Small scale commercial projects of the scale we are proposing

are currently exempt in many other North Carolina municipalities including Charlotte, many of Charlotte's surrounding suburbs, Wilmington, Asheville, and Winston-Salem.

- **Issue Raised:** Nine townhomes, even with a limit of 1,000 SF footprint with associated parking can create a lot of impervious surface area. There needs to be a cap on impervious surface area. Also, 20,000 sf for CI projects in the Falls Basin would exceed state limits.
- **Applicant Response:** Thank you for this comment. We have added limits to the proposed change consistent with the state limits for land disturbance (1 acre in the Jordan Reservoir, 12,000 sf in the Falls Reservoir Watershed, and 0.5 acre in the Neuse River Basin).

- **Issue Raised:** 3.7.2.D: exemption for right-of-way improvements is a concern.
- **Applicant Response:** This section has not been changed under SCAD. In general, we agree that road widening should be subject to more scrutiny, for what it is worth.

- **Issue Raised:** Suggestion to add in language for Common Plan of Development for townhouse projects.
- **Applicant Response:** Thank you for this comment. We have added "common plan of development" language to the proposal.

*Note: we did not address stormwater's concern over 8.7. This question was directed at Planning. Our understanding is that all of those regulations would still apply because they apply at preliminary plat and final plat, but open to discussion with Planning.

Planning Commission Recommendations:

The Durham Planning Commission suggested a number of changes and the applicant has accepted nearly all of them. Accepted changes along with changes from public engagement are highlighted in the “Community Engagement Changes” version of the proposed amendment. Applicant responses to changes that were adjusted or not accepted are below.

- **Issue Raised:** Removal of housing allowed in Industrial (I) District.
- **Applicant Response:** We appreciate this feedback. The original intent in allowing housing in the “I” District was to take advantage of the neighborhood commercial corridors and allow small parcels that may be zone Industrial, but are appropriate for commercial and residential to be able to utilize the new CI provisions. However, we understand this brings up other concerns and are open to feedback. This issue is on City Council’s radar and we are awaiting feedback from them.

- **Issue Raised:** 5-Year term for affordable rental housing is too short.
- **Applicant Response:** We appreciate this feedback and are very open to this discussion. We know that locally built, small-scale affordable projects are not getting built today. The purpose of the shorter affordability term was to encourage more local practitioners to reenter the affordable homebuilding market. City Council is also reviewing this to recommend the length of affordability that will balance long term affordability without encumbering how many affordable units the program enables.

- **Issue Raised:** Reduce buffer exemption in urban tier from 2 acres to 12,000 sf.
- **Applicant Response:** We appreciate this feedback and ultimately think that it makes sense, but the City Council is also reviewing this to see if there are housing opportunities that we would miss out on by making this switch.

The Applicant has held 43 public engagement meetings beginning in the Spring of 2022.

Open Call and Public Meetings:

- Joint City-County Planning Committee – 6/1/22
- Joint City-County Planning Committee – 8/3/22
- Applicant Initiated Open Call Meeting – 8/30/22
- Planning Commission – 9/13/22
- Planning Commission SCAD Committee – 10/19/22
- Applicant Initiated Open Call Meeting – 11/29/22
- Planning Commission SCAD Committee Presentation – 11/15/22
- Planning Commission - 12/13/22
- City Council - Early 2023
- County Board of Commissioners - Early 2023
- Social Pinpoint Engagement – Active from Summer 2022

Civic Organizations/Nonprofits/Local Practitioners/Community Leaders:

The applicant had meetings with community stakeholders starting in April, 2022 including Durham County Government Managers and Interns, Habitat Durham Board and Site Leads, Town of Butner Planning, Aidil Ortiz, Durham Chamber of Commerce, Duke Office for Durham and Regional Affairs, Triangle Community Coalition, Partners Against Crime District 4, Partners Against Crime District 5, Inter-Neighborhood Council (INC), El Centro Hispano, City of Raleigh Planning, Durham Community Land Trust, Next Chapel Hill, Committee on the Affairs of Black People, UDI Community Development, Self Help, Communities in Partnership, Downtown Durham Inc, Coalition for Affordable Housing and Transit, Triangle Blog Blog, Durham Builders' Guild, The Collective, Coram Homes, Ambata, Raleigh Councilpeople, Haven Design Build, Center Studio Architecture, Foundation Forecasts, Steve Schewel, Durham Community Land Trust, Duke Divinity School, Durham Regional Association of Realtors.

One goal of SCAD is to empower local citizen builders. The applicant wanted to engage the educational institutions that are building the skills of the people who will be building our city over the next decades.

Educational Institutions:

- North Carolina Central University – 8/2/22
- Durham Tech – 8/17/22
- Southern High School – 8/18/22
- University of North Carolina Department of City and Regional Planning – 10/18/22

The applicant planned a design charrette for faith-based institutions interested in providing mission-based housing.

Faith-Based Institutions Participating in Charrette – 12/3/22:

- St. Stephen's Episcopal Church
- Bethany United Methodist Church
- Grey Stone Church
- Holy Cross Catholic Church
- Duke Chapel / Placemaking Lab at the Orman Center