

**AN ORDINANCE TO AMEND VARIOUS PROVISIONS
OF THE UNIFIED DEVELOPMENT ORDINANCE (TC1700001)**

WHEREAS, the Durham Board of County Commissioners wishes to amend certain provisions in the *Unified Development Ordinance* (UDO) by making technical and minor policy revisions; and

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

NOW, THEREFORE, be it ordained that Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; 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; Article 15, Enforcement; and Article 16, Definitions, of the *Unified Development Ordinance* are amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

[Technical corrections to various sections of Article 2, Review Authority, and Article 3, Applications and Permits]

Sec. 2.8 Durham City-County Inspections Department

[Paragraphs not listed remain unchanged]

2.8.4 Power and Duties

With regard to this Ordinance, the Inspections Director, or designee, shall enforce provisions of this Ordinance which pertain to new construction and the issuance of building permits and Certificates of Compliance, and shall be responsible for final action regarding:

- A. Interpretations of matters related to the North Carolina Building Code; and
- B. Interpretations of matters related to Sec. 8.4, Floodplain and Flood Damage Protection Standards; and.
- ~~C. Applications for sign permits.~~

Sec. 2.10 Summary of Review Authority

[Portions of the table not listed remain unchanged]

Application or Permit	Sedimentation and Erosion Control Officer	Inspections Director	Planning Director	Historic Preservation Commission	Board of Adjustment	Planning Commission	Governing Body	Section
Inspections Director Action								
<u>Sign Permit</u>		D	R		<A>			<u>Sec. 3.10</u>
Planning Director Action								
<u>Sign Permit</u>			D		<A>			<u>Sec. 3.10</u>

Sec. 3.5 Zoning Map Change

[Paragraphs not listed remain unchanged]

3.5.6 Development Plan

D. Requirements

4. Minimum Commitments

- i. Identification of any proposed private streets pursuant to paragraph 12.2.2A, Private Streets and Roads.
- ij. [Text remains unchanged]
- jk. [Text remains unchanged]
- kl. [Text remains unchanged]
- lm. [Text remains unchanged]
- mn. [Text remains unchanged]
- no. [Text remains unchanged]
- op. [Text remains unchanged]
- pq.[Text remains unchanged]

Sec. 3.6 Subdivision Review

[Paragraphs not listed remain unchanged]

3.6.1 Applicability

A. ~~Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and includes all division of land involving the dedication of a new street right-of-way or a change in existing street right-of-way.~~ Subdivision approval shall be required ~~before the division of land (for any purpose) into two or more parcels,~~ except as specified in paragraph 3.6.2, Actions Exempt from Subdivision Requirements (Exempt Plats).

3.6.2 Actions Exempt from Subdivision Requirements (Exempt Plats)

B. ~~No review or approval is required for exempt subdivisions; however,~~ The Planning Director, or designee, certification of exempt status is required. Exempt ~~subdivision~~ plats shall be stamped by the Planning Director or designee, noting their exemption, and signed so that they can be recorded by the Office of the Register of Deeds.

C. Exempt plats shall only be required to conform to applicable lot dimensional requirements within Article 6, District Intensity Standards; Article 7, Design Standards; and any other section in this Ordinance where lot dimensional standards are regulated. Exempt plats shall also conform to applicable nonconformity requirements within Article 14, Nonconformities.

3.6.7 Preliminary Plat Approval

A. Applicability

- 1. A preliminary plat shall be required for all subdivision of land within the jurisdiction of this Ordinance for developments of more than six lots. A preliminary plat is ~~optional~~ required for development of six lots or less ~~with~~ unless there is no public dedication of land, no streets, no utility extensions, no required diffuse flow mechanisms, and no required stormwater management facilities.

Sec. 3.7 Site Plan Review

[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:

D. Public Right-of-Way Improvements

Development projects consisting only of public utility improvements (water, sewer, gas, electric) within the public right-of-way or improvements to the public right-of-way (repairing, surfacing, striping, widening, stabilizing, landscaping), except ~~for those when~~ located within a design district or a local historic district.

1. In these instances 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. 3.8 Sedimentation and Erosion Control

[Paragraphs not listed remain unchanged]

3.8.2 Application Requirements

B. Land-Disturbing Permit

1. A land-disturbing permit may be obtained by submitting the following:
 - b. Zoning compliance checkoff or written approval issued by the Durham City-County Planning Department;

Sec. 3.9 Special Use Permit

3.9.8 Criteria for Approval of Major or Minor Special Use Permits

C. Additional Review Factors for Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas

9. The proposed fill or development provides for a better balance between overall efficiency of the site design and improved conservation elsewhere on the site than would be possible without intrusion into the floodway fringe, non-encroachment area fringe, Future Conditions Flood Hazard Areas, or Areas of Shallow Flooding (Zone AO);
10. The proposed fill or development represents the minimum amount of floodway fringe, non-encroachment area fringe, Future Conditions Flood Hazard Areas, or Areas of Shallow Flooding (Zone AO) intrusion to achieve this better balance; and

Sec. 3.14 Variance

3.14.1 Applicability

- B. Despite the above and pursuant to 15A NCAC 02B .0233 and 15A NCAC 02B .0267, a “major variance” from the requirements of Sec. 8.5, Riparian Buffer Protection Standards, including where incorporated by reference, shall be granted only by the North Carolina Environmental Management Commission. A “minor variance” may be granted by the approval authority in accordance with paragraph 8.5. ~~1312~~, Variances.

3.14.9 Watershed Protection

A. A request for a variance from any requirement of Sec. 8.7, Watershed Protection Overlay Standards, that violates any provision in Title 15 NCAC 2B, Sections .0100, .0200, and .0300, as amended, shall be first heard by the Board of Adjustment in accordance with this section and after notification of the appropriate governing body, except that a request for a variance from the requirements of Sec. 8.5, Riparian Buffer Protection Standards, as referenced by paragraph 8.7.2E, Riparian Buffers, shall proceed under paragraph 8.5.1312, Variances. A recommendation from the Board of Adjustment for a variance shall constitute a request by the local government for a variance from the North Carolina Environmental Management Commission. Such variances shall be considered “major variances” in accordance with Title 15A NCAC .0104(r).

Sec. 3.21 Floodplain Development Permit

[Paragraphs not listed remain unchanged]

3.21.2 Floodplain Administrator

B. Duties and Responsibilities

21. Maintain records of all floodplain development permits, actions by the Development Review Board, and ~~major~~ special use permits approving fill or development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas and report on them to the Federal Emergency Management Agency upon request.

PART 2

[Technical corrections or clarifications for Article 4, Zoning districts; Article 5, Use Regulations; Article 6, District Intensity Standards; and Article 7, Design Standards; Revise the street yard requirements for residential infill standards]

Sec. 4.1 General

[Paragraphs not listed remain unchanged]

4.1.1 Establishment of Districts

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

Symbol	District	Development Tier					Former Districts
		Rural	Suburban	Urban	Compact Neighborhood	Downtown	
Residential Districts							
RU-5	Residential Urban – 5			✓	✓ ²		R-5
RU-5(2)	Residential Urban – 5 (2) (duplexes allowed)			✓	✓ ²		R-3
RU-M	Residential Urban Multifamily			✓	✓ ²		RM-16, RM-20

		Development Tier					
Symbol	District	Rural	Suburban	Urban	Compact Neighborhood	Downtown	Former Districts
¹ Within Rural Villages as designated in the Comprehensive Plan only ² Within Suburban Transit Areas as designated in the Comprehensive Plan only, using Support Area standards as defined in Sec 6.5, Residential Compact (RC) Development Intensity. ³ Applying the infill standards of Sec 6.8, Infill Development in Residential Districts, only.							

Sec. 5.2 Use Categories

[Paragraphs not listed remain unchanged]

5.2.1 ~~General~~

E. Principal Uses

1. The “Principal Uses” portion of each use category lists principal uses common to that use category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself.

Commentary: A use that calls itself “Wholesale Warehouse,” but sells mostly to retail consumers, is included in the Retail Sales and Service category rather than the Wholesale Trade category.

2. [Facilities proposed in support of a principal use, including but not limited to, parking, access, and stormwater facilities, shall be considered part of the principal use and, unless otherwise authorized within this Ordinance, comply with the same zoning permissibility for the principal use per Sec. 5.1, Use Table. Connections to public utilities shall be excluded from this requirement.](#)

Commentary: [Parking for a school, for example, must be located within a zoning district that would allow for the school. If the zoning district had limited use standards and/or required a special use permit, the proposed parking must also comply with those requirements.](#)

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.3 Public and Civic Use Standards

N. Wireless Communication Facilities for Transmitting and Receiving Electronic Signals (WCFs)

3. General Requirements

c. Structural, Operational, and Insurance Requirements

(7) Service Providers

The current and/or intended [wireless](#) service provider(s), as applicable for the application, shall be indicated on the site plan, [with documentation provided by the service provider\(s\).](#)

4. Standards for Specific Wireless Communication Facilities (WCFs)

e. Freestanding, Concealed and Unipole WCF

(1) Standards

(f) Monopines/Faux Trees

- ii. Any root protection zone located off-site, for existing on-site trees that will be used to meet paragraph 5.3.3N.4.3e(1)(f)i, above, shall be permanently protected through a conservation easement or method that provides similar protection from disturbance.

5.3.4 Commercial Use Standards

D. Bed and Breakfasts

Bed and breakfasts shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

- 4. ~~Breakfast, lunch, and/or dinner~~ Meals can be available on the premises, depending upon whether the facility qualifies as a “bed and breakfast home” or “bed and breakfast inn” per NCGS § 130A-247, and shall be only for guests and employees of the ~~inn~~ facility. Rooms shall not be equipped with cooking facilities.

Sec. 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

5.4.12 Limited Agriculture (City Only)

B. Domestic Chickens

7. Construction, Design, and Location for Coop and Pen

b. Coop

- (7) An existing shed or garage can be used for a coop if it meets the standards pursuant to paragraph 5.4.12B.7, Construction, Design, and Location for Coop and Pen.

Sec. 5.5 Temporary Uses

[Paragraphs not listed remain unchanged]

5.5.2 Specific Temporary Uses

J. Portable On-Site Storage/Temporary Dumpster on Residential Property

1. General

a. Portable On-site Storage

A portable on-site storage unit is any container designed for the storage of personal property and for transport by commercial vehicle that is typically rented to owners or occupants of property for their temporary use. A portable on-site storage unit is not a building or structure.

b.(1) Associated with a Building Permit

A portable on-site storage unit can be located anywhere on a residential property without a temporary use permit while the property is the job address listed on an active building permit issued by the Durham City-County Inspections Department.

c.(2) No Building Permit

~~Except as authorized under paragraph J.1.b above, a~~ portable on-site storage unit shall require a temporary use permit under Sec. 3.12, Temporary Use ~~permit~~Permit, if it is located on a residential property for more than 30 days.

b. Temporary Dumpster

A temporary dumpster is for the sole purpose of collecting and removing refuse generated from the same property of the dumpster location.

(1) Associated with a Building Permit

A temporary dumpster can be located anywhere on a residential property without a temporary use permit while the property is the job address listed on an active building permit issued by the Durham City-County Inspections Department.

(2) No Building Permit

A temporary dumpster shall require a temporary use permit under Sec. 3.12, Temporary Use Permit, if it is located on a residential property for more than 30 days.

(3) Number Allowed

Only one dumpster shall be allowed per residence.

2. Location

a. Single-Family Residences

Except as authorized ~~under paragraph J.1.b above~~, a portable on-site storage unit or temporary dumpster for a single-family residence shall be located in the driveway or ~~in the side or rear yard~~ at least five feet from any property line behind the front building line of the primary structure.

b. All Other Types of Residences

Except as authorized ~~under paragraph J.1.b above~~, a portable on-site storage unit or temporary dumpster for any residential housing type other than a single-family residence shall be located in an on-site vehicular use area and shall not obstruct any drive aisle or block any required parking space.

3. Size

The longest dimension of a portable on-site storage unit, or the longest aggregate dimension of multiple units, shall not exceed 20 feet.

4. Permitted Timeframe

A temporary use permit ~~for a portable on-site storage unit~~ shall be limited to a maximum of 30 days. Such permit can be renewed one time for a maximum of 30 days provided renewal occurs prior to expiration of the original temporary use permit.

Sec. 6.2 Residential Rural (RR) Development Intensity

[Paragraphs and portions of tables 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, ~~except that, any legally established lot of record created prior to the effective date of this Ordinance may be developed with a single family residence subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards, and Sec. 8.7, Watershed~~

~~Protection Overlay Standards, and the availability of water and wastewater treatment systems.~~

Dimensional Standard	Rural Tier Watershed		Rural Tier Non-Watershed		Suburban Tier	
	Min.	Max.	Min.	Max.	Min.	Max.
Height, <u>conventional and conservation subdivision</u> (feet)	---	35	---	35	---	35

2. Conservation Subdivision Dimensional Standards [Text remains unchanged]

6.2.4 Conservation Subdivision

F. Open Space Requirements

3. Ownership

Open space shall be held in common ownership or dedicated to the public or a land trust or similar conservation-oriented non-profit organization rather than platted as part of individual private lots, and shall be subject to the requirements of paragraph 7.2.65, Ownership and Management of Open Space.

Sec. 6.8 Infill Development in Residential Districts

[Paragraphs not listed remain unchanged]

6.8.2 Lot Width

The minimum width of a lot shall be the smaller of:

- ~~1A.~~ The average width of the adjacent lots fronting on the same linear block; or
- ~~2B.~~ The median of the widths for all other lots fronting on the same linear block.

6.8.3 Yards

A. Street Yards

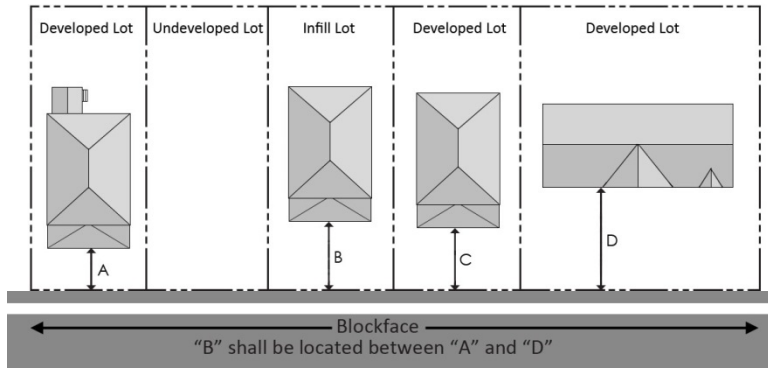
1. Context Area

- a. The context area for the required street yard of the subject lot shall be the established street yards (as defined by the distance between the primary structure on each property and the edge of the right-of-way) on lots with residential zoning along the same block face.
- b. Vacant lots shall apply if the primary structure was demolished after January 1, 2006. GIS maps, demolition documents, and any available surveys shall be used to determine the street yard of the demolished building. If no documentation is available, then the minimum or maximum street yard of the zoning district, as applicable, shall be used.

2. Required Street Yard

- a. 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.

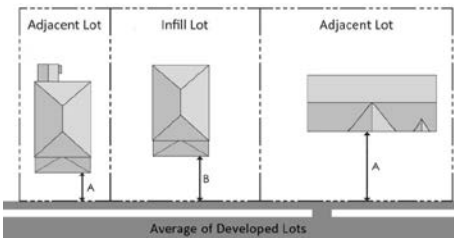
Example: The subject infill lot (B) and four other lots with residential zoning make up the block face. One lot is undeveloped prior to January 1, 2006, and thus shall not be considered. The street yards along the block face of the three other lots are 10 feet (A), 15 feet (C), and 20 feet (D). Therefore,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



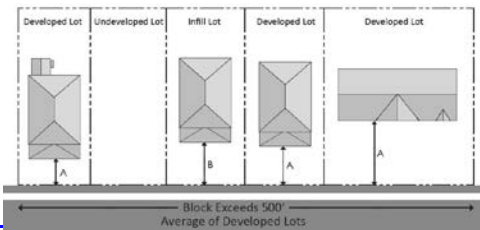
b. If there are fewer than two lots that qualify within the context area, then the subject infill lot shall use the base zoning district requirements.

The minimum street yard (B) requirement shall be:

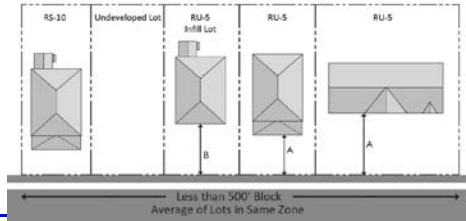
1. The average street yard of the two adjoining parcels (A) (as defined by the distance between the primary structure on each property and the edge of the right-of-way), if both parcels are developed and share the same zoning district as the property proposed for development; or



2. The average street yard of all developed parcels (A) (as defined by the distance between the primary structure on each property and the edge of the right-of-way) in the same block face as the property proposed for development, if either of the adjoining parcels is not developed and the block exceeds 500 linear feet; or



3. The average street yard for all developed parcels (A) (as defined by the distance between the primary structure on each property and the edge of the right-of-way) in the same block face as the property proposed for development that also have the same zoning designation as the property proposed for development, if either of the adjoining parcels is not developed and the block is less than 500 linear feet.



4. Corner Lots

- ~~a. Each street yard shall be determined separately.~~
- ~~b. At the discretion of the applicant, the minimum street yard shall be either:~~
 - ~~(1) The average street yard of the nearest two developed parcels (as defined by the distance between the primary structure on each property and the edge of the right of way) along the same block face and within the same zoning district; or~~
 - ~~(2) The base zoning district requirement.~~

6.8.5 Vehicular Use Areas

~~1A. Residential~~ [Text remains unchanged]

~~2B. Nonresidential~~ [Text remains unchanged]

Sec. 6.10 Nonresidential District and Group Living Development Intensity

[Paragraphs not listed remain unchanged]

6.10.1 Nonresidential and Group Living Development Standards

E. Street Yard Alternatives

A new structure or modifications to an existing structure shall not be required to conform to the street yard requirements of the district in the following circumstances:

- 1. For districts with minimum street yard requirements (excluding Design Districts):**
 - ~~a.~~ **a.** Where 50% or more of the lots on the same linear block as the lot in question are developed with less than the required street yard, the average setback of the buildings on the developed lots on the block with less than the required street yard shall be observed as the minimum setback for a new structure;
 - ~~2. b.~~ **b.** Where the lot on which the new structure is proposed is between two adjacent existing developed lots with less than the required street yard, the average setback of the buildings of both adjacent lots shall be observed as the minimum street yard;
 - ~~3c.~~ **c.** Where a linear block of less than 500 feet is split into more than one zoning district, the zoning district with the most frontage shall determine the minimum street yard setback. However, this provision shall not apply if the street right-of-way is less than 50 feet wide and property on the opposite side of the street is residentially used or zoned, in which case the provisions of paragraph 6.8.3A, Street Yards, shall be applied;
- ~~42.~~ **2.** In the Urban and Compact Neighborhood tiers, excluding Design Districts, the applicable street yard of a multiple-frontage lot shall be applied to the frontage with the predominant orientation of existing structures along the blockface. The other frontage shall be considered a side or rear as applicable; or
- ~~53.~~ **3.** In the Urban and Compact Neighborhood Tiers, ~~except within CD districts~~excluding Design Districts, the maximum street yard shall be considered a minimum street yard for the following primary uses:

- a. Fuel sales.
- b. Vehicle sales.

Sec. 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

6.11.3 Planned Development Residential (PDR)

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 8.3.1C.5, Tree Coverage Calculation Exclusions ; 8.4.4, Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas; ~~8.5.9, Lots and Density Credits;~~ 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*.

6.11.7 Mixed Use (MU)

G. Street Yards

3. Compact Neighborhood Tiers

Projects shall respect a maximum street yard such that at least 60% of ~~any structure~~the width of the street-facing facade is no more than 15 feet from the edge of right-of-way.

Sec. 6.13 Measurement and Computation

[Paragraphs not listed remain unchanged]

6.13.3 Required Yards

A. General Standards for Required Yards

- 1. Required yards shall be unobstructed by objects constructed or erected in a fixed location on the ground, buildings or structures, unless allowed by standards found elsewhere in this Ordinance ~~(for example, fences).~~

B. Encroachments into Required Yards

- ~~2. Sills and ornamental features can project up to two feet into any yard.~~
- ~~3~~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.
- ~~4~~3. Cornices, eaves, ornamental features, and awnings can extend up to five feet into any required yard, but shall remain at least two feet from the property line, except on zero lot line homes.
- ~~5~~4. Marquee signs can extend into yard spaces in conformance with standards found in the Sec. 11.6, Signs Requiring Permits.
- ~~6~~5. Pedestrian bridges, breezeways, ~~building connections~~, and supports of these structures can extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improvefor transit access.
- ~~7~~6. Security gates and guard stations can be located within any required yard.

87. 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.

98. Uncovered steps and handicapped access ramps can be located within any yard.

109. Except in Design districts, bay windows, entrances, balconies, and similar features that are less than ten feet wide can extend up to one and one-half feet into any required yard, but shall remain at least six feet from the property line.

110. In Design districts, balconies and bay windows that extend out from the building are not required to meet step-back or build-to line requirements.

121. Mechanical equipment for residential uses, such as HVAC units, can extend into any required side yard but shall remain at least six feet from the property line.

1312. 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. Mailboxes and mail kiosks can be located within any required yard.

6.13.6 Flag Lots

A. Dimensions

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

B. Setbacks

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.

Sec. 7.1 Housing Types

[Paragraphs not listed remain unchanged]

7.1.2 Single-Family Detached House

B. Development 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 ³	10 ³
Street Yard (adjoining local street)	35	25	25	20	20	15 ³	10 ³
Street Yard (with rear vehicular or alley access)	5	5	5	5	5	5	5
Side Yard (single)	12	10	9	6	6	6	6
Side Yard (total)	30	24	22	15	15	15	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	20	20	---	15 ³	---	---
Street Yard (with rear vehicular or alley access)	5	5	5	---	5	---	---
Side Yard (single)	9	6	6	---	5	---	---
Side Yard (total)	22	13	13	---	12	---	---
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, paragraph 6.4.3C, Lot Averaging, paragraph 6.5.3B, Lot Averaging, as appropriate are met.

² Yard modifications may be required pursuant to ~~an adopted corridor study~~, a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

³ Shall be 20 feet with front-loaded vehicular access or driveways.

7.1.3 Zero Lot Line House
B. Development Standards

Zero Lot Line House Standards						
	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)	10,000	8,000	5,000	5,000	3,500	5,000
Lot Area (with averaging) ¹	8,500	6,800	4,250	4,250	2,975	4,250
Lot Width (feet)	75	60	35	45	35	35
Yards (min. feet) ²						
Street Yard (adjoining collector or greater street)	25	25	25	20	15 ³	10 ³
Street Yard (adjoining local street)	25	25	20	20	15 ³	10 ³
Street Yard (with rear vehicular or alley access)	5	5	5	5	5	5
Side Yard (single)	0	0	0	0	0	0
Side Yard (total)	20	18	12	12	12	12
Rear Yard	25	25	25	25	25	25
Cluster Subdivision						
Lot Dimensions (min.)						
Lot Area (square feet)	5,000	4,000	---	3,500	---	---
Lot Width (feet)	40	40	---	40	---	---
Yards (min. feet)						
Street Yard	20	20	---	15 ³	---	---
Street Yard (with rear vehicular or alley access)	5	5	---	5	---	---
Side Yard (single)	0	0	---	0	---	---
Side Yard (total)	12	12	---	10	---	---
Rear Yard	25	25	---	25	---	---

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

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

³ Shall be 20 feet with front-loaded vehicular access or driveways.

7.1.4 Traditional House
B. Development Standards

Traditional House Standards	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision			
Lot Dimensions (min. square feet)			
Lot Area (w/o averaging)	5,000	3,500	5,000
Lot Area (with averaging) ¹	4,250	2,975	4,250
Lot Width (feet)	45	35	35
Yards (min. feet) ²			
Street Yard	5	5	5
Side Yard (single)	6	6	6
Side Yard (total)	15	15	15
Rear Yard	25	25	25
Cluster Subdivision			
Lot Dimensions (min.)			
Lot Area (square feet)	3,500	---	---
Lot Width (feet)	35	---	---
Yards (min. feet)			
Street Yard	5	---	---
Side Yard (single)	5	---	---
Side Yard (total)	12	---	---
Rear Yard	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 [an adopted corridor study](#), a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

7.1.5 Patio House
B. Development Standards

Patio House Standards	Suburban	Urban and Compact Neighborhood
Site Area (min. square feet)		
Per Group	25,000	25,000
Per Dwelling Unit	3,000	3,000
Lot Dimensions (min.)		
Lot Width (feet)	35	35
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
Rear Yard	25	25
Building Separation	10	10
Patio (min.)		
Area (square feet)	1,000	1,000
Width (feet)	20	20

¹ Yard modifications can be required pursuant to [an adopted corridor study](#), 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.

7.1.6 Semi-Attached House
B. Development Standards

Semi-Attached House Standards	Suburban	Urban and Compact Neighborhood
Site Area (min. square feet)		
Per Building	7,000	7,000
Per Dwelling Unit	3,000	3,000
Lot Dimensions (min.)		
Lot Width (feet)	35	35
Yards (min. feet)		
Street Yard	25 ^{1,2}	15 ¹
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20 ¹
Street Yard with Rear Vehicular Access (from alley)	5	5
Side Yard (on unattached side)	8	8
Rear Yard	25	25

¹ Yard modifications can be required pursuant to [an adopted corridor study](#), 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 15 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.

7.1.7 Duplex
B. Development Standards

Duplex Standards	Suburban	Urban and Compact Neighborhood
Site Area (min. square feet)		
Per Dwelling Unit	3,750	3,500
Lot Dimensions (min.)		
Lot Width (feet)	60	50
Yards (min. feet)		
Street Yard	25 ^{1,2}	15 ¹
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20 ¹
Street Yard with Rear Vehicular Access (from alley)	5	5
Side Yard	8	8
Rear Yard	25	25

¹ Yard modifications can be required pursuant to [an adopted corridor study](#), 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 15 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.

7.1.8 Townhouse

A. Description

A townhouse is a building made up of three or more attached [dwelling](#) units, where [each unit is on an individual lot and](#) the units are lined up in a row and share side walls.

B. Development Standards

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
Rear Yard	20	20
Distance between Building and Shared Parking (minimum feet)	12	12
Building Separation (minimum feet)	10	10

¹ Yard modifications can be required pursuant to [an adopted corridor study](#), 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.

7.1.9 Multiplex

B. Development Standards

Multiplex Standards	Suburban	Urban and Compact Neighborhood
Lot Dimensions (min.)		
Lot Width (feet)	70	70
Yards (min. feet)		
Street Yard	25 ^{1,2}	15 ^{1,5}
Street Yard with Front Vehicular Access (from ROW)	25 ^{1,3}	20 ^{1,5}
Street Yard with Rear Vehicular Access (from alley)	5	5
Distance between Building and Parking Lot	12	12
Rear Yard	10	10
Building Separation	10	10
Distance between Building and Parking Lot (min. feet)	12	12
Building Separation (min. feet)	10	10

¹ Yard modifications can be required pursuant to [an adopted corridor study](#), 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.

7.1.10 Apartment

B. Development Standards

Apartment Standards	Suburban	Urban and Compact Neighborhood
Lot Dimensions Lot Width (min. feet)	75	<u>75</u>
Yards (min. feet) Street Yard ¹ Street Yard with Rear Vehicular Access (from alley) Distance between Building and Parking Lot Side Yard Rear Yard Building Separation	25 5 12 8 25 10	<u>5</u> <u>5</u> <u>8</u> <u>20</u> <u>10</u>
Distance between Building and Parking Lot (min. feet)	<u>12</u>	<u>10</u>
Building Separation (min. feet)	<u>10</u>	<u>10</u>

¹ Yard modifications may be required pursuant to ~~an adopted corridor study~~, a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

Sec. 7.2 Open Space

[Paragraphs not listed remain unchanged]

7.2.3 Design and Use of Required Open Space

A. Recreational Open Space

Where open space is required, at least one-third shall consist of recreational open space ~~per the types and percentages indicated in the following table:~~

1. Table of Recreational Open Space

Recreational open space shall be provided by the type and percentages indicated in the following table:

Types of Recreational Open Space	Maximum Percent by Tier		
	Suburban	Urban	Compact
Property developed for active recreational purposes (ballfields with fixed improvements (eg. Goals, backstops, bleachers, etc.), tennis or basketball courts, golf courses, swim clubs, etc.); all-weather trails; playgrounds	100%	100%	100%
Benches, picnic tables, shelters, gazebos, multi-use fields	30%	30%	30%
Publicly accessible plazas and courtyards	---	100%	100%

3. Minimum Street Frontage Dimension and Accessibility

Except for walking paths and bicycle trails, recreational open space areas shall have at least one side with street frontage of at least 50 feet in length, and shall be accessible to residential development by sidewalks, pursuant to Article 12, Infrastructure and Public Improvement.

4. Minimum Location Requirements

- a. In the Urban Tier, recreational open space shall be located so that at least 95% of the residential units in the subdivision or development are within a 1,300-foot walking distance of useable open space.

- 5b.** In the Suburban Tier, recreational open space shall be located so that at least 95% of the residential units in the subdivision or development are within a 2,600-foot walking distance of usable open space.
- 6c.** In the MU District, recreational open space shall be located in a central commons area around which different uses are located.
 - a.(1)** If the development is greater than 100 acres, multiple common areas shall be provided.
 - b.(2)** Central commons areas are not required if the entire mixed use development is solely vertically integrated.

Sec. 7.7 Flagpoles and Flags

[Paragraphs not listed remain unchanged]

7.7.2 Requirements

H. A maximum of ~~two~~three flags shall be allowed per flagpole.

PART 3

[Technical corrections and clarification to Article 8, Environmental Protection Standards; Article 9, and Article 10]

Sec. 8.3 Tree Protection and Tree Coverage

[Paragraphs not listed remain unchanged]

8.3.1 Tree Coverage Standards

E. Replacement Tree Coverage

- 7. At least 75% of the replacement trees planted to augment preserved tree coverage clusters pursuant to paragraph 8.3.1D.3~~f~~, Clusters of Trees, shall be native understory hardwoods of one inch caliper or greater.

Sec. 8.4 Floodplain and Flood Damage Protection Standards

8.4.3 Standards

B. Specific Standards

In all Special Flood Hazard Areas where Base Flood Elevation (BFE) data has been provided and in Future Conditions Flood Hazard Areas where future conditions flood elevations data has been provided, as set forth in paragraph 8.4.2, Applicability, or paragraph 3.21.~~1B-2B~~ (11 & 12), Duties and Responsibilities, the following provisions are required:

8.4.4 Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas

D. Development Requiring a Minor Special Use Permit

The following shall require approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permits, including the review factors in paragraph 3.9.8C, Additional Review Factors for Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas.

- 1. **Fill or Development in the Floodway Fringe, ~~or~~ Non-Encroachment Area Fringe, or Future Conditions Flood Hazard Areas**

Any fill or development (e.g., parking or floodproofing or elevation by design) in the floodway fringe, non-encroachment area fringe, Future Conditions Flood Hazard Areas,

or Areas of Shallow Flooding (Zone AO) that is not under the approval authority of the Floodplain Administrator pursuant to paragraph 8.4.4B, Development Requiring Floodplain Administrator Approval.

Sec. 8.5 Riparian Buffer Protection Standards

[Paragraphs not listed remain unchanged]

8.5.4 Riparian Buffers Protected

B. Buffers Protected

1. General Riparian Buffers

Riparian buffers as depicted on the table below shall be required adjacent to the following surface waters: intermittent streams; perennial streams; modified natural streams; lakes; and ponds including beaver ponds. The table includes the additional buffer width required for certain surface waters in watershed protection overlays. It does not include the 10-foot setback required under paragraph ~~8.5.10~~[8.5.9C](#) below. A lake or pond shall receive the same buffer as the stream to which it is connected at the point of initial connection. A gap of 300 feet or less in a stream, as determined by the City or County, shall receive the same buffer as the upstream portion of such stream.

8.5.9 Uses

F. Use Category Requirements

2. Allowable

An allowable use requires written authorization from the North Carolina Division of Water Resources, City, or County as appropriate and may occur following a finding of “no practical alternatives” and issuance of an Authorization Certificate pursuant to paragraph 8.5.~~11~~[10](#), No Practical Alternatives/Authorization Certificate.

3. Allowable with Mitigation

An allowable with mitigation use requires written authorization from the North Carolina Division of Water Resources, City, or County as appropriate and may occur following a finding of “no practical alternatives” and issuance of an Authorization Certificate pursuant to paragraph 8.5.~~11~~[10](#), No Practical Alternatives/Authorization Certificate, and approval of a mitigation strategy pursuant to paragraph 8.5.~~12~~[11](#), Mitigation.

G. Table of Uses

The following table sets out potential new uses within the riparian buffer, or outside of the buffer with impacts upon the buffer, and categorizes them as exempt, allowable, or allowable with mitigation. The requirements for each category are contained in paragraph F, Use Category Requirements, above. All uses not categorized as exempt, allowable, or allowable with mitigation are prohibited and may not occur within the riparian buffer or outside of the riparian buffer with impacts on the buffer unless a variance is obtained pursuant to paragraph 8.5.~~13~~[12](#), Variances. Uses include construction, monitoring, and maintenance activities.

Use	Category
Key (see paragraph 8.5.10F9E, Use Category Requirements): E = Exempt; A = Allowable; AM = Allowable with Mitigation; X or not listed = Prohibited; NA = Not applicable	
Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria of paragraph 8.5.12E11E, Riparian Buffer Restoration or Enhancement.	
Temporary sediment and erosion control devices, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions immediately after construction is complete and replanted immediately with comparable vegetation, except that tree planting may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation. At the end of five years the restored buffer shall comply with the restoration criteria of paragraph 8.5.12E11E, Riparian Buffer Restoration or Enhancement.	

Sec. 9.2 Landscape Design

[Paragraphs not listed remain unchanged]

9.2.5 Installation

A. Easements

- 4. Shrubs can be planted in a public utility easement provided they are ~~planted only within the outer three feet of the easement and are~~ approved by the utility provider.
- 5. If the entity responsible for an existing easement denies the location of landscaping material that is otherwise required by this Article, the required landscaping location can be modified to the minimum extent necessary to avoid conflict with the easement.

Sec. 9.4 Project Boundary Buffers

[Paragraphs not listed remain unchanged]

9.4.5 Constructed Buffer

D. Existing Slope Impacts

Existing slopes shall be considered those that are naturally occurring and not created through the grading of the site.

Sec. 9.6 Street Trees

9.6.2 Required Street Trees

C. Street Trees in the SRP-C (County Only), CI District and Design Districts

- 2. Street trees shall be located in the right-of-way or street easement unless the Public Works Director in consultation with the City Transportation Director or City Urban Forestry Division, as applicable, or NCDOT, as appropriate, requires an alternate location or requires the use of a Street Tree Alternative pursuant to paragraph 9.6.2D2C.3, below.

Sec. 9.7 Screening

[Paragraphs not listed remain unchanged]

9.7.1 Applicability

- A. Features and uses listed below shall be screened when visible from adjacent properties, and from adjacent streets, pedestrian malls, and public trails.
1. Air handlers, and other similar electrical or mechanical equipment in multifamily or nonresidential development;
 2. Class B outdoor storage;
 3. Loading areas;
 4. Freestanding automated teller machines (ATMs) and ice kiosks not placed adjacent to buildings;
 45. Solid waste facilities in multifamily or non-residential development, including dumpsters and recycling; and
 56. Uses requiring screening pursuant to Sec. 5.3, Limited Use Standards.

9.7.2 Standards

- A. Except for ATMs and ice kiosks, The the following is required screening material that can be used individually or in combination to provide year-round screening. Solid waste facilities shall only utilize options 1, 2, or 3. Options 1, 2, and 3 may require additional screening per paragraph 9.7.2D, Screen Wall or Fence Visible Off-Site.
- B. **Height**
1. For screening of mechanical equipment and solid waste facilities, the screen height shall be the height of the equipment or facility plus six inches.
 2. For all other screening purposes except ATMs and ice kiosks, the screen height shall be a minimum of eight feet.

9.7.5 ATMs and Ice Kiosks

ATM and ice kiosk facilities shall incorporate the following screening material:

- A. A landscaped area of at least 50 square feet shall be provided at the base of the facility, and shall be allocated to all sides not requiring pedestrian access.
- B. The required landscaped area shall contain materials such as, but not limited to, vegetative ground covers, shrubs, and ornamental trees covering at least 50% of the defined landscaped area at maturity. Species consistent with those allowed for vehicular use areas shall be used.
- C. If facilities are placed within required vehicular use area landscaping or other required landscaped areas, those areas shall satisfy the screening requirement.

Sec. 9.8 Vehicular Use Area Landscaping

[Paragraphs not listed remain unchanged]

9.8.1 General

A. Defined Vehicle Use Areas

For the purposes of this section, areas used for vehicle service, parking (including structured parking), parking lot drive aisles, and business transactions such as areas adjacent to gasoline pumps (even if under a canopy) and areas for drive-up service, shall be considered vehicular use areas.

1. Driveways that are perpendicular or nearly perpendicular to the street and serve as an entrance to the site shall not be considered vehicular use areas for purposes of this section.
2. Vehicle storage yards shall not be considered vehicle use areas for the purpose of this section.

Sec. 9.9 Fences and Walls

[Paragraphs not listed remain unchanged]

9.9.2 Fences

D. Electric Fences

2. Uses and Locations

- a. Electric fences shall be allowed in conjunction with following uses:
 - (3) Industrial uses in paragraph 5.2.76, Industrial Use Categories.
- d. An electric fence shall be allowed in conjunction with a use or location not otherwise authorized by this section if it is required by the U.S. Department of Homeland Security state or federal government.

9.9.3 Walls

- C. Pedestrian connections through walls that connect to adjacent neighborhoods or other uses shall be encouraged allowed. In addition, barbed wire can be used for additional protection of electrical substation in conjunction with other fencing materials in any residential district.

Sec. 10.2 General Requirements

[Paragraphs not listed remain unchanged]

10.2.3 Vehicle Parking Permitted in Residential Districts and Uses

- D. ~~Domestic and recreational~~ Recreational vehicles such as boats, camper trailers, and utility trailers shall be stored off the street and shall ~~not~~ be located in street and side yards to the rear of the primary structure. Multifamily developments may designate a specific area on a site plan for boat and trailer parking for residents of the development.

Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

A. Parking Rates

3. Buildings with multiple primary uses shall calculate parking based on the standard for each use in the building, ~~but bicycle parking shall in any case meet the highest minimum standard for the uses.~~
4. **Parking Rate Table**

Use Category	Specific Use	Motor Vehicle (MV) Spaces	Minimum Bicycle Parking, except in the Downtown and Compact Neighborhood Tiers
COMMERCIAL USES			
Indoor Recreation	All indoor recreation, except as listed below	1 per 250 SF enclosed floor area	1 per 2,500 SF enclosed floor area, minimum 2 spaces
Outdoor Recreation	All outdoor recreation, except as listed below	1 per 500 SF of enclosed floor area + 1 per 1,000 SF of outdoor use area	10% of required motor vehicle parking, minimum 4 spaces
	Clubhouse and/or pool accessory to a residential development	Design Districts: None All other applicable districts: 1 per 100 SF of pool area or clubhouse area, whichever is greater	Design Districts: None All other applicable districts: 10% of required motor vehicle parking, minimum 4 spaces

B. Required Parking

8. 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 definition of pervious paving in Sec. 16.3, Definitions.~~
 - (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.

C. Alternate Forms of Compliance

2. Urban and Compact Neighborhood Tiers, and the CI District:

One required motor vehicle parking space shall be satisfied For for every twenty-three contiguous feet of street frontage for which there is adjacent permitted on-street parking, the minimum required motor vehicle off-street parking shall be reduced by one space.

Sec. 10.6 Loading Areas

[Paragraphs not listed remain unchanged]

10.6.5 Off-Street Loading Requirements

- A. Loading spaces shall be required for ~~uses which normally handle large quantities of goods, including but not limited to commercial establishments greater than 20,000 square feet, industrial plants, wholesale establishments, warehouses, freight terminals, and hospitals and retail establishments.~~ Loading spaces can be provided for other uses.

PART 4

[Technical corrections and clarifications to Article 12, Article 13, Article 14, and Article 15]

Sec. 12.3 Streets

[Paragraphs not listed remain unchanged]

12.3.1 Street Layout

D. Sight Triangles

4. Alternative Dimensions

Alternative dimensions shall be approved by the City Transportation Director or designee if the proposed dimensions will function as adequately as or better than standard Ordinance dimensions. The alternative dimensions shall be sealed by a ~~registered engineer~~qualified design professional with expertise in street design, and designed utilizing the following criteria based upon industry standards such as, but not limited to, *A Policy on Geometric Design of Highways and Streets* by the American Association of State Highway and Transportation Officials (commonly known as the AASHTO green book); *Traffic Engineering Handbook* by the Institute of Transportation Engineers; or *Roundabouts: An Informational Guide* by the U.S. Department of Transportation Federal Highway Administration.

Sec. 12.4 Pedestrian and Bicycle Mobility

[Paragraphs not listed remain unchanged]

12.4.2 Sidewalk Requirement

C. For all other development except as exempted pursuant to paragraph 12.4.~~2D~~2E, Exemptions, required sidewalk along the right-of-way frontage of the development site shall be provided, as applicable per paragraph 12.4.2A, through only one of the following methods. The following methods shall not be used in combination.

2. Payment-in lieu (City only)

- b. In order to accommodate future sidewalk, a recorded ~~public access~~ easement shall be provided along frontage of the subject property where no sidewalk is proposed if ~~there is insufficient right-of-way~~the existing right-of-way is not of sufficient width to accommodate a sidewalk.
- c. Payment-in-lieu shall not remove the requirement of sidewalk per paragraph 12.4.2A for future development projects, unless exempt per paragraph 12.4.~~2D~~2E, Exemptions.

E. Exemptions

The following shall be exempt from the installation of public sidewalk:

1. Sidewalk shall not be required when ~~site plan~~development submittals consist of only the following:

12.4.3 Standards for Pedestrian and Bicycle Facilities

C. Pedestrian and bicycle connections shall be made to any existing or proposed off-site pedestrian ~~and~~ bicycle, and transit facilities.

Sec. 12.9 Other Utilities

[Paragraphs not listed remain unchanged]

12.9.1 Installation

- A. The applicant shall arrange for the coordinated installation of all other proposed utilities, including gas, electricity, and communications improvements, and shall ensure that site plans, preliminary plats, and final plats clearly show all related easements and right-of-way.
- B. ~~Except for electric transmission lines that cannot be installed underground, Utilities-utilities~~ shall be installed underground for any subdivision requiring preliminary plat approval.

Sec. 13.5 Lot Standards

[Paragraphs not listed remain unchanged]

~~13.5.4 Flag Lots~~

~~A. Dimensions~~

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

~~B. Setbacks~~

~~—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.~~

~~13.5.5 Existing Structures~~ [Text remains unchanged]

~~13.5.6 Lot Numbering~~ [Text remains unchanged]

Sec. 14.1 General

[Paragraphs not listed remain unchanged]

14.1.2 Nonconformities Defined

B. Nonconforming Lot

A nonconforming lot shall be any legally established parcel that does not conform to the current area or dimensional requirements of the zoning district in which it is located, ~~except that any legally established lot of record not located within a Special Flood Hazard Area that has a minimum width of 35 feet created prior to the effective date of this Ordinance that is located on a street that is accepted and maintained by NCDOT or the City (or such other form of access as is permitted pursuant to paragraph 12.2.2, Other Forms of Access) may be developed with a single family residence subject to Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems, so long as such use is a permitted use in the district in which the property is located.~~

Sec. 14.3 Nonconforming Lots

[Paragraphs not listed remain unchanged]

14.3.1 General Standards

- B. Notwithstanding this prohibition, the creation of a lot that does not meet Ordinance requirements is allowed as follows:
 1. ~~where~~ Where such lot is comprised of one or more legal nonconforming lots that are being enlarged to create a lot that more closely meets Ordinance standards, ~~or~~ ;
 2. ~~for~~ For the purposes of setting land aside as permanent open space with no development rights, provided that the resulting lots satisfy the applicable dimensional

requirements ~~for an open space lot pursuant to of paragraph 7.2.4, Open Space Calculation, or paragraph 7.2.5, Useable Open Space Design~~ Sec. 7.2, Open Space.

14.3.2 Single-Family Residential Lots

A. Any legally established lot of record not located within a Special Flood Hazard Area that has a minimum width of 35 feet created prior to the effective date of this Ordinance that is located on a street that is accepted and maintained by NCDOT or the City (or such other form of access as is permitted pursuant to paragraph 12.2.2, Other Forms of Access) may be developed with a single family residence subject to Sec. 8.4, Floodplain and Flood Damage Protection Standards; Sec. 8.7, Watershed Protection Overlay Standards; and the availability of water and wastewater treatment systems, so long as such use is a permitted use in the district in which the property is located.

AB. Lots that do not meet the requirements of paragraph ~~14.1.2B, Nonconforming Lot~~ A, above, may be developed following approval by the Board of Adjustment as a minor special use in accordance with Sec. 3.9, Special Use Permit, and the Board of Adjustment's making one of the additional following findings:

BC. Side yard requirements for single-family residential development on nonconforming lots that do not meet lot width requirements shall be reduced as follows:

Sec. 15.3 Remedies; Enforcement Action

[Paragraphs not listed remain unchanged]

15.3.9 Additional Remedies for Sign Violations

A. The ~~Inspections-Planning~~ Director, or designee, may revoke the sign permit for a sign or sign structure in violation, including violations of restrictions on sign copy or the content of a sign face, and may require that the sign copy or sign face be removed, or that the structure on which such copy or face appears be removed. Removal of a sign structure shall not be required where the sign structure could legally be constructed in accordance with the provisions of Article 11, Sign Standards, in effect at the time the violation occurs and where the owner or operator of such sign structure can demonstrate to the ~~Inspections-Planning~~ Director's, or designee, satisfaction that he or she had no knowledge concerning the requirements of Article 11, Sign Standards.

PART 5

[Revise various sections to update text regarding the recently adopted Comprehensive Transportation Plan]

Sec. 3.6 Subdivision Review

[Paragraphs not listed remain unchanged]

3.6.6 Preliminary Plat Requirements

C. Proposed Conditions

8. *Property Dedications/Reservations*: location and description of dedicated or reserved properties under public or private ownership including the boundaries, size, purpose, future ownership and maintenance provisions for the property. This category includes but is not limited to ~~thoroughfares~~ rights-of-way, rail corridors, greenways, recreation facilities, open space and common areas.

Sec. 4.3 Nonresidential District Intent Statements

[Paragraphs not listed remain unchanged]

4.3.4 Commercial General (CG)

The CG District is established to provide for a wide variety of commercial activities of varying scales that are designed to be served by major thoroughfares, [and other similar high-volume rights-of-way](#). It is the intent of this district to provide sufficient size and depth of property to meet business needs, yet maintain safe traffic flows. Businesses in this district should be sited convenient to automotive traffic. Development in the CG District should provide safe pedestrian access to adjacent residential areas.

The CG District is used to implement the Comprehensive Plan within those areas shown as part of the Rural, Suburban, Urban, or Compact Neighborhood Tiers.

4.3.5 Science Research Park (SRP); Science Research Park-Center (SRP-C) (County Only)

The SRP District is established to provide an area for business and scientific research and development, for training, and for production of prototype products, plans or designs in a low-density, open, campus-like setting. The purpose of such production is limited to research, development or evaluation of the merits of those products, plans or designs. The district is intended to accommodate research facilities, pilot plants, prototype production facilities and other manufacturing operations that require the continual or recurrent application of research knowledge and activity as an integral part of the manufacturing process. Offices and support services are allowed.

The SRP District is used to implement the Comprehensive Plan within those areas shown as the Suburban Tier.

(County Only) The SRP-C District is established to allow for the continued growth and development of science research parks which serve as economic drivers for Durham County and the larger region. Development in the SRP-C District shall be designed for a mix of integrated, compatible uses built at moderate-to-high intensities. The concentration of activities in the district shall be supported by access to open space and amenities that encourage biking, transit use, and pedestrian activity. To create architectural variety and visual interest, the intent of the district regulations is to allow for design flexibility.

The SRP-C District is designed for use on sites within science research parks that have access to major thoroughfares, [and other similar high-volume rights-of-way](#), and are shown as commercial nodes in the Comprehensive Plan.

The SRP-C District is used to implement the Comprehensive Plan within those areas shown as the Suburban Tier.

Sec. 4.9 Major Transportation Corridor Overlay (-MTC)

[Paragraphs not listed remain unchanged]

4.9.1 Purpose

The MTC Overlay is established to enhance the economic and aesthetic appeal and orderly development of properties adjacent to major transportation corridors. Certain arterial streets, parkways and expressways are of critical importance to Durham City and County. Rights-of-way

carrying high volumes of traffic are image makers for Durham City and County. They act as entryways for visitors and residents and also serve as an indicator of the quality of life found in the area. Standards are provided to ensure that ~~thoroughfares~~ highways, freeways, and other similar high-volume rights-of-way in this overlay develop with improved traffic efficiency and safety by reducing visual clutter and avoiding inappropriate site design.

4.9.2 Applicability

The MTC Overlay shall apply to all property within 1,250 feet of a designated ~~major thoroughfare~~ right-of-way, and may extend up to 2,500 feet at intersections. The actual boundaries shall be determined at the time of adoption of the MTC Overlay and shall be shown on the Official Zoning Map. The MTC Overlay shall be measured perpendicular to the edge of:

- A. The right-of-way of the limited access highway; or
- B. The right-of-way for a frontage road, if present.

4.9.3 Buffer Requirements

A. Location of Buffers

A buffer shall be provided along the perimeter of the property line adjacent to the designated ~~major thoroughfare~~ right-of-way.

B. Buffer Width

- 2. The following buffer widths shall be provided for the following designated ~~major thoroughfares~~ rights-of-way:

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.4 Commercial Use Standards

H. Drive-In Theaters

Drive-in theaters shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

- 1. The site shall have access from a major or minor thoroughfare, or boulevard.

5.3.6 Industrial Use Standards

B. Concrete Manufacturing Plants

Concrete manufacturing plants shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

- 3. The site shall be at least four acres in area and shall have direct access on a major or minor thoroughfare, or boulevard.

G. Transfer Stations

Transfer stations shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

- 2. The transfer station entrance driveway shall be located on a major thoroughfare or boulevard, and located within 2,000 feet of an interstate highway interchange.

Sec. 5.5 Temporary Uses

[Paragraphs not listed remain unchanged]

5.5.2 Specific Temporary Uses

F. Farmers' Markets

- 4. **Parking**

- a. During hours of operation, the minimum motor vehicle parking requirements for outdoor markets, pursuant to paragraph 10.3.1A.1, Minimum, shall be provided. If the zoning district has no minimum parking requirement, then no minimum parking shall apply.
 - (2) Off-site parking up to 500 feet away, measured from property line of the parking area to the property line of the market site, can satisfy parking requirements subject to the following:
 - (b) A pedestrian-safe route exists connecting the parking site and the market site, consisting of sidewalks, traffic-controlled crossings of right-of-way, with no crossing of freeways or expressways~~major thoroughfares~~.

Sec. 6.3 Residential Suburban (RS) Development Intensity

[Paragraphs not listed remain unchanged]

6.3.3 Residential Density

B. RS-M District Major Roadway Density Bonus

An increase in the maximum residential density of one unit per acre is allowed for all parcels in the RS-M District, or as authorized elsewhere within the Ordinance, if at least one of the following conditions is met:

1. Parcels maintain at least 500 feet of frontage on a major thoroughfare or boulevard that is not a full or limited control-of-access facility.
2. Parcels maintain at least 500 feet of frontage on a service road for a full or limited control-of-access facility, and the development utilizes the service road for at least one access point pursuant to paragraph 12.2.4, External Access Required.

Sec. 6.4 Residential Urban (RU) Development Intensity

[Paragraphs not listed remain unchanged]

6.4.3 Residential Density

B. Thoroughfare Density Bonus

Projects located along major or minor thoroughfares, or boulevards, with rights-of-way greater than 50 feet in width can develop as townhouses, using the dimensional provisions of paragraph 7.1.8, Townhouses, so long as the average width of the townhouse lots is at least 20 feet. Projects developed utilizing this option shall meet all of the requirements of Sec. 6.8, Infill Development in Residential Districts, where applicable; except that the requirements regarding minimum lot width established in paragraph 6.8.2, Lot Width, shall not apply.

Sec. 6.12 Design Districts

[Paragraphs not listed remain unchanged]

6.12.2 All Design Districts

D. Frontage and Building Types

7. Parking Structure Frontage Type

b. Building Standards

- (2) For parking structures with more than 200 feet in contiguous length along the street frontage, other than a freeway or other limited-access ~~thoroughfare~~right-of-way, a conditioned interior space measuring a minimum of 24 feet in length

along the street frontage, and compliant with either the Storefront or Arcade Frontage Type standards, shall be created in the middle 50% of that street frontage length.

6.12.4 Compact Design (CD) District

B. Additional Use Limitations

1. Commercial uses in the Support 2 sub-district of the CD District shall be limited to 20,000 square feet in size per establishment and shall only be permitted when the property has frontage on a [boulevard, or](#) major or minor thoroughfare, as designated in the adopted ~~Thoroughfare Plan~~ [Comprehensive Transportation Plan, as amended](#).

Sec. 6.13 Measurement and Computation

[Paragraphs not listed remain unchanged]

6.13.3 Required Yards

A. General Standards for Required Yards

3. Required yards shall be calculated from the adjacent property line or street right-of-way. If a new right-of-way width has been established by the adoption of an official [thoroughfare transportation](#) planning document, then the yard requirement shall be measured from the proposed right-of-way line.

Sec. 8.8 Steep Slope Protection Standards

[Paragraphs not listed remain unchanged]

8.8.4 Steep Slope Development Limitations

- C. Proposed right-of-way for [boulevards](#), major thoroughfares, minor thoroughfares and collector streets shall be exempt from the steep slope area grading limits of this section.

Sec. 9.6 Street Trees

[Paragraphs not listed remain unchanged]

9.6.4 Street Tree Installation

- E. Planting location shall take into consideration any roadway widening identified on approved [thoroughfare transportation](#) plans but not provided by the development.

Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

C. Alternate Forms of Compliance

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

Sec. 12.3 Streets

[Paragraphs not listed remain unchanged]

12.3.1 Street Layout

I. Frontage Roads and Access Streets

Where a development abuts or contains a controlled or limited access [street or thoroughfare right-of-way](#), whether existing or proposed, an access street or frontage road shall be required.

Sec. 12.4 Pedestrian and Bicycle Mobility

[Paragraphs not listed remain unchanged]

12.4.2 Sidewalk Requirement

A. A sidewalk shall be provided along public or private right-of-way as shown in the table below.

Street Type	Rural Tier	Suburban Tier	Urban Tier	Compact Neighborhood/Downtown Tiers
Freeways; Expressways	None	None	None	None
Boulevards; Major/Minor Thoroughfare	None	Both Sides	Both Sides	Both Sides
Collectors	None	Both Sides	Both Sides	Both Sides
Nonresidential Street At least 2,000 daily trips (post development)	None	One Side	Both Sides	Both Sides
Less than 2,000 daily trips (post development)	None	One Side	One Side	Both Sides
Residential Street	None	One Side	One Side	Both Sides
Cul-de-Sac 400 or more linear feet	None	One Side	One Side	Both Sides
Less than 400 linear feet	None	None	One Side	Both Sides

12.4.4 Dimensions and Design

D. Standards

Pedestrians and bicycles shall be accommodated as shown in the table below. All street design standards shall be established by the City Transportation Director or NCDOT, or appropriate designees.

Standard	Rural Tier	Suburban Tier	Urban Tier	Compact Neighborhood/Downtown Tiers
PEDESTRIAN FACILITIES				
Public sidewalk, 5 feet minimum, all roadways (see paragraph 12.4.2, Sidewalk Requirement)	No	Yes	Yes	Yes
Pedestrian crossing treatment at intersections (marked crosswalk, bulb-out, hot button etc.)	No	Yes	Yes	Yes
Pedestrian routes in parking areas protected from vehicular traffic	No	Yes	Yes	Yes
BICYCLE FACILITIES				
Bike lanes on all boulevards and thoroughfares, either 4-foot minimum width striped outside gutter edge or 14-foot outside lanes, determined on a case-by-case basis	Yes	Yes	Yes	Yes

Sec. 12.6 Railroad Corridors

[Paragraphs not listed remain unchanged]

12.6.3 Unless agreements have been established that prohibit a railroad crossing, the following shall apply:

- A. Crossing of the railroad right-of-way shall be permitted for boulevards and major ~~and~~ minor thoroughfares designated on an adopted thoroughfare transportation plan.

Sec. 13.2 Consistency with Public Plans and Policies

Subdivision of land shall be consistent with adopted public plans and policies for the area in which it is located. This includes general policy regarding development objectives for the area as reflected in the Comprehensive Plan, as well as specific policy or plans for public facilities such as streets and thoroughfares rights-of-way, parks and open space, schools, and other similar facilities.

Sec. 13.5 Lot Standards

[Paragraphs not listed remain unchanged]

13.5.3 Double Frontage

- B. Residential lots adjacent to a boulevard or major ~~or~~ minor thoroughfare shall have vehicular access from the local street only.

Sec. 14.2 Nonconforming Uses

[Paragraphs not listed remain unchanged]

14.2.2 Changes to Nonconforming Uses (City Only)

- B. Nonconforming uses located on a boulevard or major ~~or~~ minor thoroughfare may be changed to a different nonconforming use, or range of uses, or relocated on the same site, upon issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit. The Board of Adjustment may limit the time period for which such a use permit is valid, if it determines such limitation is necessary or in the public interest. In order to issue such a permit, in addition to consideration of all criteria generally applicable to special uses, the Board of Adjustment shall find that:

Sec. 16.3 Defined Terms

Boulevard: Major streets with a median and two or more lanes that are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Expressway: The same attributes as a freeway but with partial control of access and some limited driveways. Such facilities are identified and further described on the adopted Comprehensive Transportation Plan, as amended.

Freeway: A multi-lane, controlled ~~or limited~~ access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such facilities may be part of the Interstate, Federal, or State primary highway system and are identified and further

described on the adopted ~~Thoroughfare Plan~~Comprehensive Transportation Plan, as amended.

Thoroughfare, Major: Major streets, excluding freeways, expressways, and boulevards, but not excluding limited access facilities, that provide for the expeditious movement of large volumes of traffic within and through the urban area. These facilities are ~~shown~~ identified and further described on the adopted ~~Thoroughfare Plan~~Comprehensive Transportation Plan, as amended.

Thoroughfare, Minor: Streets that perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Such streets can be used to supplement the major thoroughfare system by facilitating minor through movements and can also serve abutting property. They are identified and further described on the adopted ~~Thoroughfare Plan~~Comprehensive Transportation Plan, as amended.

Ultimate Right-Of-Way: A line running more or less parallel to the centerline of certain existing or proposed streets for the purpose of determining future width as established by ~~the~~ officially adopted ~~Thoroughfare Plan~~transportation plans.

PART 6

[Revise Sec. 16.2 and 16.3 to update and clarify definitions]

Sec. 16.2 Abbreviations

SRP-C: Science Research Park- Center

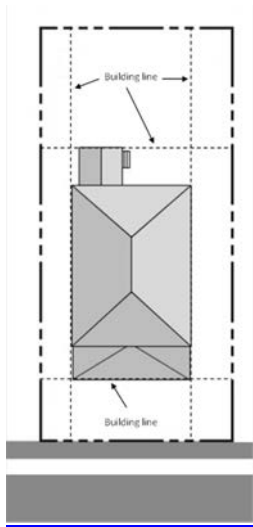
Sec. 16.3 Defined Terms

Bed and Breakfast ~~Inn:~~ A state-regulated facility for overnight accommodations as defined under NCGS § 130A-247. A building or group of buildings containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

Building Front: The side of the building closest to and most nearly parallel with the street which provides access to the lot. In the case of a corner lot or through lot, either side abutting a street may be considered to be the front, ~~provided the building is situated so that it meets all front, side and rear yard requirements.~~

Building Height: ~~The vertical distance from the average of the finished ground level to the finished roof surface of a flat roof, or to the point at the average height of a roof having a pitch, except for a mansard roof, to the highest finished surface. Height for any building with multiple roof levels shall be determined by the highest roof level.~~

Building Line: The primary edge of a building closest to the street, side, and rear property lines, and extending from the physical edge of the building.



Building, Main Building, Primary or Principle: A building which contains the principal use(s). In a residential district, any primary dwelling shall be deemed to be a main-primary building on the lot which it is situated.

Chicken Coop: A structure for the sheltering of chickens. ~~An existing shed or garage can be used for this purpose under paragraph 5.4.12B, Domestic Chickens, if it meets the standards contained in paragraph 5.4.12B.7, Construction and Design. A chicken coop is an accessory structure under Sec. 5.4, Accessory Uses and Structures.~~

Multiplex: ~~A building containing three or four individual dwellings with separate cooking facilities and toilet facilities for each dwelling.~~

Pervious Paving: ~~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. Gravel shall not be considered a pervious paving surface.~~

Townhome: See “Townhouse.”

Townhouse: A building made up of three or more attached dwellings units when each unit is on an individual lot and the units are lined up in a row and share side walls.

Vehicle Service, Major: Buildings and premises for uses such as alignment shops, auto body shops, auto paint facilities, auto upholstery shops, and towing service.

Vehicle Service, Limited Minor: Buildings and premises for uses such as auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, and tire sales and mounting.

Vehicle Storage Yard: A bulk and non-public holding facility for fleet vehicles or heavy equipment, vehicles held for sale or repair, or the storage of operable or inoperable vehicles

awaiting adjustment or settlement of insurance claims or motor vehicles that have been impounded by the police. No dismantling of vehicles is permitted.

Vehicles: All motorized vehicles as defined by the State of North Carolina Department of Motor Vehicles, including but not limited to: automobiles, trucks, ~~buses, all-terrain~~ all-terrain vehicles (ATVs), and motorcycles. This definition shall not include "Heavy Equipment" as defined elsewhere.

PART 7

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

PART 8

That this amendment of the Unified Development Ordinance shall become effective August 31, 2017