

ZONING

Residential Rural District (RR)

The RR District is established to provide for agricultural activities and residential development on lots of one acre or greater and in conservation subdivisions. Commercial and industrial development is generally prohibited.

This district is used to implement the *Comprehensive Plan* within those areas shown as the Rural Tier. Lands within other Tiers that have existing RR zoning are acknowledged; however, such lands may be rezoned to more intensive zoning districts consistent with the *Comprehensive Plan*. The regulations of this district are designed to discourage the development of urban services and to encourage the maintenance of an open and rural character.

Development guidelines for this district may be found in Sec. 6.2, Residential Rural (RR) Development Intensity.

Residential Suburban Districts (RS-20, RS-10, RS-8, RS-M)

The RS Districts are established to provide for orderly suburban residential development and redevelopment. A limited number of nonresidential uses are allowed, subject to the restrictions necessary to preserve the character of the suburban neighborhood. Multifamily development is permitted in areas designated RS-M, which should have convenient access to arterial streets and nearby civic, commercial or employment uses.

The RS Districts are used to implement the *Comprehensive Plan* within those areas shown as the Suburban Tier and within Rural Villages (as designated in the *Comprehensive Plan*) within the Rural Tier.

Development guidelines for these districts may be found in Sec. 6.3, Residential Suburban (RS) Development Intensity.

Residential Urban Districts (RU-5, RU-5(2), RU-M)

The RU Districts are established to provide for orderly urban residential development and redevelopment. A limited number of nonresidential uses are allowed, subject to the restrictions necessary to preserve the character of the urban neighborhood. Such uses should have convenient access to arterial streets and nearby civic, commercial or employment uses.

The RU Districts are used to implement the *Comprehensive Plan* within those areas shown as the Urban Tier.

Development guidelines for these districts may be found in Sec. 6.4, Residential Urban (RU) Development Intensity.

Residential Compact District (RC)

The RC District is established to promote well-integrated new residential and civic development close to designated and future regional transit stations. The district is intended to ensure that new development takes advantage of compatible, higher density, transit-friendly design opportunities in close proximity to transit systems. New development in this district requires both pedestrian orientation and human scale in architecture at the street level.

The RC District is used to implement the *Comprehensive Plan* within those areas shown as the Compact Neighborhood Tier and the Suburban Transit Areas (as designated in the *Comprehensive Plan*) within the Suburban Tier.

Development guidelines for this district may be found in Sec. 6.5, Residential Compact (RC) Development Intensity.

Commercial Infill (CI)

The Commercial Infill (CI) District is established to provide for small commercial and mixed use nodes within the Compact Neighborhood and Urban Tiers. These nodes are intended to provide for pedestrian-oriented development that supports the surrounding residential neighborhoods, and have limited vehicular accommodation. The CI District is only appropriate in locations that have direct access to residential neighborhoods. Businesses within the District should be sited to maximize visibility, convenience, and accessibility for pedestrians.

The CI District is used to implement the *Comprehensive Plan* within those areas shown as the Urban and Compact Neighborhood Tier.

Commercial Neighborhood (CN)

The CN District is established to provide for modest-scale commercial centers (as defined in Article 6) in close proximity to residential areas that offer limited commercial uses to satisfy the needs of the surrounding neighborhood. Compatibility is facilitated through design standards and buffering that provide for walkable, pedestrian-oriented development that complements nearby residential neighborhoods. The district is not intended for use by major or large-scale commercial sales, service or automotive-oriented activities. The CN District is only appropriate in locations that have direct access to residential neighborhoods.

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

Office and Institutional (OI)

The OI District is established for employment and community service activities. Some support facilities and residential uses are also allowed when compatible with surrounding uses. The OI district is designed for use on sites that have convenient access to arterials, since development of moderate to high intensity is allowed.

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

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.

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.

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

Industrial Light (IL)

The IL District is established to provide for a wide range of light manufacturing, warehousing, and wholesaling activities as well as offices and some support services, all subject to minimum design standards intended to ensure such development is compatible with high visibility areas. Standards of this district are designed to minimize impacts on the environment and to assure compatibility with the surrounding area. It is the intent of this district to offer sites for those industries whose operations, exposure, location or traffic have minimal impact on adjacent properties.

The IL District is used to implement the *Comprehensive Plan* within those areas shown as the Suburban, Urban, or Compact Neighborhood Tiers.

Industrial (I)

The I District is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the IL District. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential development.

The I District is used to implement the *Comprehensive Plan* within those areas shown as the Rural, Suburban or Urban Tiers.

Planned Development Residential (PDR)

The PDR District is established to allow for design flexibility in residential development. The district is intended to encourage efficient use of the land and public services and to promote high quality design that will provide a variety of dwelling types as well as adequate support services and open space for the residents of the development. The district regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of development.

The PDR District is used to implement the *Comprehensive Plan* within those areas shown as the Suburban or Urban Tiers.

University and College Districts (UC and UC-2)

The UC Districts are established to allow for growth and development of colleges and universities, while protecting the larger community, nearby neighborhoods, and the environment from impacts accompanying major new development.

Development in the UC Districts shall be designed for a mix of integrated university-related, uses, linked by pedestrian ways, bikeways, and other transportation systems. Development in these districts shall also encourage reduced auto use, mitigate environmental impacts, conserve energy resources and achieve visual continuity in the siting and scale of buildings.

The UC Districts are used to implement the *Comprehensive Plan* within those areas shown as part of the Suburban, Urban or Compact Neighborhood Tiers.

Commercial Center (CC)

The CC District is established to provide for orderly development of commercial services in a unified setting on large parcels of land (generally over ten acres in size to serve residential neighborhoods within a three to five mile radius of the site). It is the intent of this district to encourage a concentration of commercial activities surrounding a node such as the intersection of two arterials with an overall design scheme, rather than strip commercial areas. The district is intended to provide a wide range of retail and service activities that serve many neighborhoods. Residential uses generally are not appropriate in the CC District. Development in the CC district should provide safe pedestrian access to adjacent residential areas.

The CC District is designed for use on sites at major intersections that are capable of handling the proposed traffic. The CC District should not be located where primary access is from any connector-level street.

The CC District is used to implement the *Comprehensive Plan* within those areas shown as part of the Suburban or Urban Tiers.

Industrial Park (IP)

The IP District is established to provide for orderly development of manufacturing, research and support activities in a unified campus-style setting. The district is intended to ensure development that is compatible with adjacent uses. The district provides for a range of uses to be developed with an overall design.

The IP District is used to implement the *Comprehensive Plan* within those areas shown as part of the Suburban or Urban Tiers.

Mixed Use (MU)

The MU District is established to provide innovative opportunities for an integration of diverse but compatible uses into a single development that is unified by distinguishable design features. In addition to a mixture of compatible uses, development in this district shall provide amenities, walkways and open space to increase pedestrian activity, decrease reliance on individual vehicles, foster transit usage, enhance the attractiveness of Durham City and County, improve the overall quality of life, and provide for the welfare of the citizens.

The MU District is used to implement the *Comprehensive Plan* within those areas shown as the Suburban, Urban or Compact Neighborhood Tiers.

Downtown Design (DD)

The Downtown Design (DD) District is established to encourage bicycling, pedestrian, and transit-oriented development through regulations appropriate to the downtown area. It focuses on the form of the private and public realm instead of on use and intensity. Regulated through sub-districts, the standards encourage a vital downtown economy that enhances Durham's position as a commercial, cultural and entertainment hub of the region while increasing livability. The DD District is intended to work in tandem with the Downtown Tier of the Durham *Comprehensive Plan*, Downtown Durham Master Plan and updates. Therefore the Downtown Tier boundary and the Downtown District boundary are the same.

Compact Design (CD)

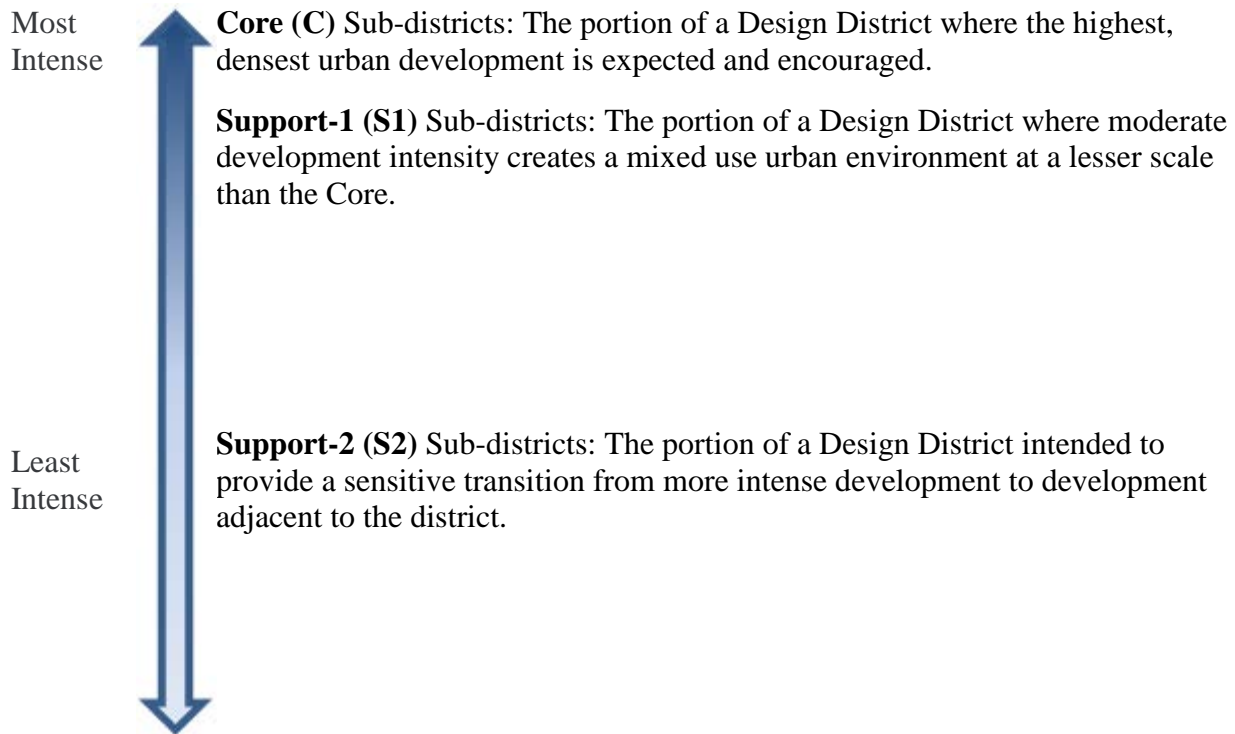
The Compact Design (CD) District is intended to encourage development of appropriate urban streetscape and form through bicycling, pedestrian, and transit-oriented development around light rail stations through various sub-districts similar to the Downtown Design District. Compact Design Districts are located within areas designated as “Design District” within Compact Neighborhood Tiers of the Durham *Comprehensive Plan*.

Sub-Districts

Sub-districts of Design Districts are individual zoning districts that reflect and promote different levels of development intensity reflective of the policies established within the *Comprehensive Plan*. Primary sub-districts are Core, Support-1, and Support-2. Additional special sub-districts are established to reflect unique development requirements for areas designated for Design District regulations.

- 4.5.3A

A. Primary Sub-Districts



B. Special Sub-Districts

1. Pedestrian Business Sub-District (Ninth Street)

The Pedestrian Business sub-district (Ninth Street) (CD-P(N)), which is located in the Compact Design District that incorporates a portion of Ninth Street, is created to protect the character existing along the east side of Ninth Street within the district and to ensure that any new development on the west side of Ninth Street within the district is in keeping with that character.

NEIGHBORHOOD OVERLAY

Purpose

The purpose of the Neighborhood Protection Overlay is to protect and preserve the established character of existing neighborhoods by limiting the flexibility of underlying base districts in order to more effectively match the density, intensity or established character of an existing area. The overlay may also be used to establish specific design guidelines that are more detailed than the standards of this Ordinance for use during review of development within the overlay.

Establishment of Overlay

A. A Neighborhood Protection Overlay may only be established as both a zoning map change in accordance with the requirements of Sec. 3.5, Zoning Map Change, to reflect the boundaries of the designated overlay, and a text amendment in accordance with the requirements of Sec. 3.19, Text Amendment, to codify the standards established within the overlay.

B. Multiple Neighborhood Protection Overlays shall not be designated over any individual property. A property may only be located within one Neighborhood Protection Overlay.

C. The overlay and any associated standards or guidelines shall reflect the prevalent intensity and consistent building design in the neighborhood, to ensure that new development reflects the identifiable physical character of the area. The standards or guidelines proposed for the overlay shall be included with the original petition for designation as defined in paragraph 4.6.3, Modification of Standards.

D. The Planning Director, or designee, shall review any proposed overlay and any associated standards or guidelines to determine their conformity with the requirements of this section. As part of this review, the Planning Department shall hold at least one neighborhood meeting to ensure continued neighborhood support for the request prior to initiating the public hearing process.

E. No review fee shall be required in the establishment of a Neighborhood Protection Overlay.

Modification of Standards

A. A Neighborhood Protection Overlay may allow for the modification of any of the following standards within this Ordinance:

1. Restrictions to the use regulations in Article 5, Use Regulations (the proposed standards may impose stricter limitations governing uses than allowed by the underlying zoning but shall not permit uses not allowed by the underlying districts);
2. District intensity standards in Article 6, District Intensity Standards;
3. Site design standards in Article 7, Design Standards;
4. Tree protection and tree coverage standards in Article 8, Environmental Protection;
5. Landscaping and buffering standards in Article 9, Landscaping and Buffering;
6. Parking standards in Article 10, Parking and Loading; or

7. Sign standards in Article 11, Sign Standards.

B. A Neighborhood Protection Overlay may allow for restrictions on building design or placement details, including scale, mass, materials, and architectural style.

Commentary: North Carolina Session Law SL2015-86 limits the ability to place design or aesthetic regulations upon single-family and two-family residential structures.

C. Any modified standards and regulations applicable within a Neighborhood Protection Overlay shall be expressly set forth in the overlay district at the time of adoption.

Design Guidelines

Where appropriate and allowed by State statute, a Neighborhood Protection Overlay may require the application of specific design guidelines in the review of development. Such guidelines shall be established as part of the overlay district at the time of adoption, and implemented through review and approval of site plans pursuant to Sec. 3.7, Site Plan Review, or architectural review pursuant to Sec. 3.23, Architectural Review.

Tuscaloosa- Lakewood Neighborhood Protection Overlay

A. Purpose

The purpose of this section is to establish additional standards to ensure that new development protects and preserves the established character of the neighborhood as defined on the official zoning map.

B. Applicability

This section shall apply to the boundaries of the Tuscaloosa-Lakewood Neighborhood Protection Overlay as shown on the official Zoning Map.

C. General Standards

1. Landscaping

This section shall apply to construction of any primary structure.

a. Trees, other than *Pinus* genus, located within required yards shall be retained unless removal is required to accommodate vehicular and pedestrian access or utilities, or the following is demonstrated by a certified arborist;

(1) The tree is determined to be unhealthy; or

(2) The tree would not survive construction activity.

b. A minimum of three percent tree coverage, met through preservation, replacement, or a combination thereof per Sec. 8.3, Tree Protection and Tree coverage, is required regardless of the underlying zoning district.

c. For single-family development, the above requirements are applicable until a Certificate of Compliance has been issued for the residence on an individual single-family lot.

2. Lot Design

No flag lots shall be permitted.

3. Building Height

The maximum height of a new building shall be 35 feet.

D. Single-Family Residential Structures and Duplexes

1. Site Design

a. The minimum lot width shall be 50 feet.

b. Driveways shall have a maximum width of 12 feet within the required street yard and at all points in front of the rear building line of the primary structure.

2. Housing Types

Duplexes shall not be permitted within the RU-5(2) zoning district.

E. Multiple-Family Residential

1. Building Design

a. New primary structures shall maintain a single-family detached residential appearance and scale. Residential appearance and scale shall expressly include details from residential uses within the context area as defined in paragraph 6.8.4A, Context Area. Review and approval of elevations and other design details through site plan review pursuant to Sec. 3.7, Site Plan Review, or architectural review pursuant to Sec. 3.23, Architectural Review, as applicable, shall be required prior to the issuance of a building permit or site plan approval as applicable. Such details shall include the following features:

(1) Roof type, including extent of eaves and eave ornamentation, if any;

(2) Porches or other similar articulation of the front façade, including typical porch details associated with specific architectural styles found in the context area;

(3) Façade materials; and

(4) Size, pattern, style, and location of windows and doors.

b. If no more than two primary structures exist within the context area, then the context area for determining the above criteria shall be extended to include the nearest block faces within the neighborhood protection overlay, in all directions, with at least two structures.

2. Housing Types

Multi-family structures shall be limited to multiplexes.

F. Non-Residential Uses and Structures

1. Landscaping

No buffer reductions permitted per paragraph 9.4.5C, Urban, and Compact Neighborhood Tier Constructed Buffer, shall be permitted.

2. Building Design

a. Any reconstruction, additions and/or renovations to structures originally designed for residential use but converted to non-residential use, shall maintain a single-family detached residential appearance. Residential appearance shall expressly include details from residential structures, or former residential structures, within the context area as defined in paragraph 6.8.4A, Context Area. Review and approval of elevations and other design details through site plan review pursuant to Sec. 3.7, Site Plan Review, or architectural review per Sec. 3.23, Architectural Review, as applicable, shall be required prior to the issuance of a building permit or site plan approval as applicable. Such details shall include the following features:

- (1) Roof type, including extent of eaves and eave ornamentation, if any;
- (2) Porches or other similar articulation of the front façade including typical porch details associated with specific architectural styles found in the context area;
- (3) Façade materials; and
- (4) Size, pattern, style, and location of windows and doors.

b. If no more than two primary structures exist within the context area, then the context area for determining the above criteria shall be extended to include the nearest block faces within the neighborhood protection overlay, in all directions, with at least two structures.

Old West Durham Neighborhood Protection Overlay

A. Purpose

This overlay establishes standards for the Old West Durham neighborhood to ensure that new residential development is compatible with the established urban form, modest scale, and mill village character of the neighborhood. Preservation of green space and tree canopy are primary motivations for the formulation of a number of these standards. This section is not intended to reduce density within the neighborhood.

B. Applicability

This section shall only apply to the following types of single and two family residential development within the boundaries of the Old West Durham Neighborhood Protection Overlay, as shown on the official Zoning Map:

1. Construction of, or addition to, any primary structure;
2. Construction of, or addition to, any garage, accessory dwelling unit, and/or other accessory structure that requires a building permit and is enclosed on more than two sides;
3. Enclosure by more than two walls of formerly unenclosed spaces;
4. Construction of, or addition to, any vehicular use area; and/or

5. Subdivision or consolidation of parcels.

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 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.

b. To calculate the FAR, the floor area is divided by the lot size.

Example

A 7,500 SF lot contains a single family home totaling 1,450 heated SF as well as a 400 SF unheated garage.

The FAR of this lot is

$$(1,450 + 400) \text{ SF} / 7,500 \text{ SF} = 24.7\%$$

In this scenario, 7.8% of the cap (588 SF) remains available for future qualifying development, as specified in this ordinance.

c. Regardless of the calculated FAR, each parcel shall be allowed a minimum of 2,200 square feet of floor area and no parcel shall exceed 3,600 square feet of floor area.

d. Provided that the structural footprint and height remain unchanged from May 7, 2018, a FAR may be exceeded by converting unheated fully enclosed square footage to heated square footage.

e. Heated square footage from a floor built below grade shall be exempt from the FAR calculation provided the exposed foundation wall is not more than three feet above grade at any point along any street facing facade.

f. The total square footage of an accessory structure shall not exceed 50% of the heated floor area of the primary structure and shall not exceed 800 square feet.

g. For accessory structures with sloped ceilings, only floor area with a ceiling height of five feet or more shall be included within the FAR.

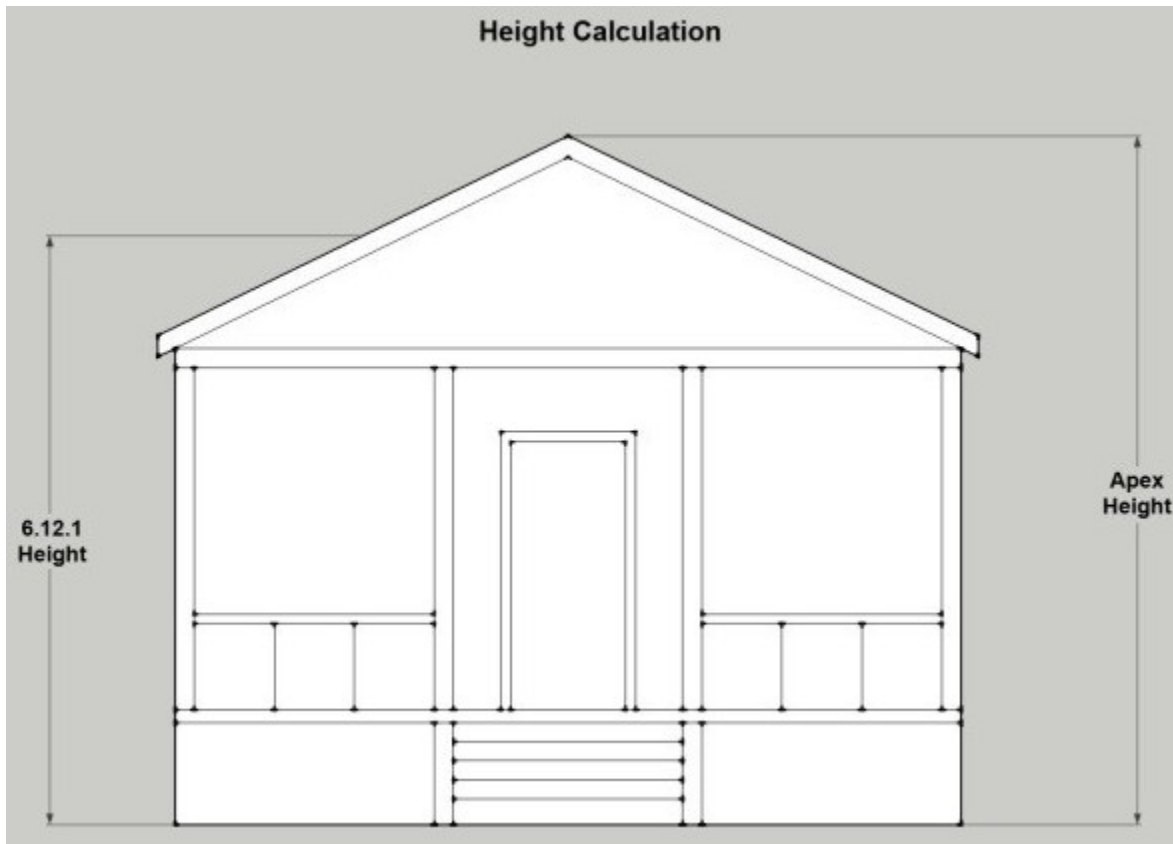
h. A building permit application or plot/site plan, as applicable, shall detail the existing and proposed FAR.

2. Primary and Accessory Structure Height

a. The height of the primary structure, as calculated in paragraph 6.12.1, Height, shall not exceed 26 feet and its apex height shall not exceed 31 feet. The apex height is defined as the structure’s highest point, excluding chimneys and other appurtenances listed in paragraph 6.12.1B.

b. The height of an accessory structure, as calculated in paragraph 6.12.1, Height, shall not exceed 20 feet and its apex height shall not exceed 24 feet.

c. If the apex height of an accessory structure exceeds 16 feet, then the structure must be set back at minimum of 10 feet from any property line, except where that property line abuts a dedicated right-of-way, undeveloped land, or a nonresidential land use.



3. Lot Dimensions

a. The maximum lot area shall be 12,000 square feet.

b. The minimum lot width shall be 50 feet.

c. Flag lots shall be prohibited.

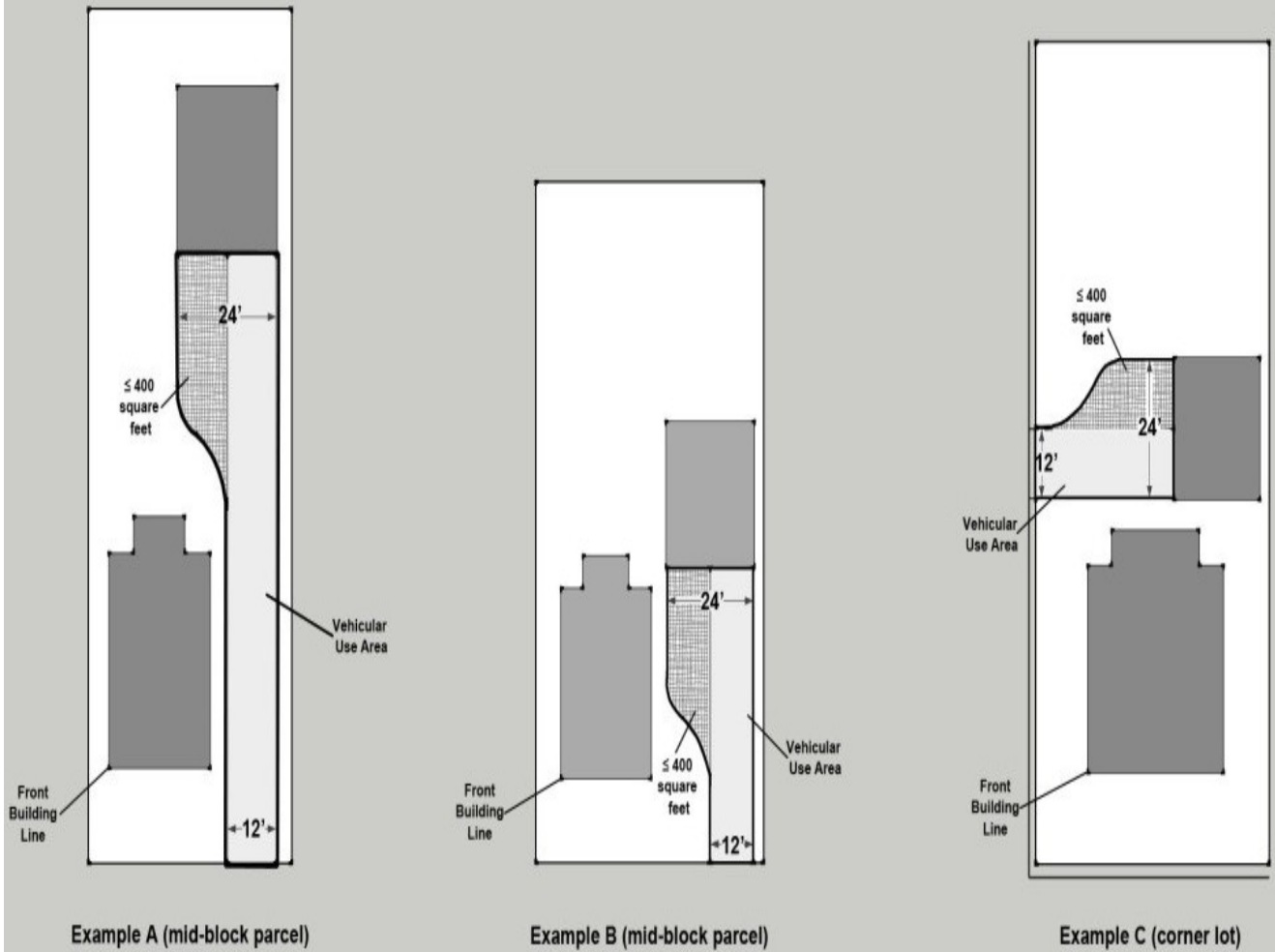
4. Trees

- a. The area between the rear wall of the primary structure and the rear property line shall contain, at minimum, one canopy tree of at least two inches in caliper, in accordance with the Landscape Manual for Durham, North Carolina.
- b. All trees required by the Unified Development Ordinance must be depicted on building permit applications or plot/site plans, as applicable, including the location, caliper, and species.

5. Vehicular Use Area and Off-Street Parking Requirements

- a. For purposes of this NPO only, a vehicular use area includes all surface area designated or utilized for vehicle parking or vehicle access.
- b. The minimum off-street parking requirement is one space per dwelling unit. Accessory dwelling units are not required to provide off-street parking.
- c. The maximum width of the vehicular use area shall be 12 feet; however, the vehicular use area may expand up to 24 feet in width to accommodate garage access and parking. The total additional vehicular use area beyond 12 feet in width shall:
 - (1) Be behind the front building line;
 - (2) Be not less than 20 feet from the front property line; and
 - (3) Not exceed 400 square feet.

Examples of Permitted Vehicular Use Areas



Note: Other orientation and designs permitted, in accordance with the ordinance.

TRANSITIONAL OFFICE OVERLAY (-TO)

Purpose

The Transitional Office Overlay is established to allow an orderly transition of land use from residential use to relatively small-scale office use of lots and parcels fronting major roadways, while maintaining a predominantly residential property appearance and building scale.

Designation of Transitional Office Overlay

A. A Transitional Office Overlay may only be established as a zoning map change in accordance with the requirements of Sec. 3.5, Zoning Map Change.

B. A Transitional Office Overlay may be established in any residential base district, and may be established over more than one residential base district.

Permitted Uses

A. Any use permitted by right, subject to limitations, or through special use permit in the underlying base districts shall be permitted in the overlay.

B. The following uses or use categories shall be permitted in addition to the uses permitted in the underlying zoning district. No retail sales shall be permitted as a primary use in the overlay.

1. Upper-story residential;
2. Medical facilities (other than hospitals);
3. Offices;
4. Animal hospitals, veterinary clinics, animal boarding places (all without outdoor pens or runs);
5. Artist galleries;
6. Artist studios; and
7. Diet houses.

Special Development Standards

New buildings in the Transitional Office Overlay shall maintain a single-family detached residential appearance and scale. Residential appearance and scale shall expressly include details from residential uses within 150 feet of the overlay area. Such details may include the following features:

1. Roof type, including extent of eaves, if any;
2. Porches or other similar articulation of the front façade;
3. Size, pattern and location of windows and doors; and
4. Garage or parking location.

B. The underlying district dimensional standards shall be met, except where expressly modified in this paragraph.

1. The maximum height of a new building shall be 35 feet.
2. The maximum length of a new building shall not exceed 80 feet.
3. The maximum floor area of any nonresidential use in the overlay or aggregation of multiple nonresidential uses in a single building shall be 5,000 square feet.

C. All nonresidential activity (except that allowed within a residential district) shall occur within a completely enclosed building.

D. The residential appearance of buildings shall be furthered by the retention of street lawns free of vehicle parking. All off-street parking spaces shall be located no closer to the principal street than the front building line, regardless of any required yard or building setback.

AIRPORT OVERLAY (-A60, -A65)

Purpose

The Airport Overlay is established to contribute to the safe operation of airports, to facilitate orderly development around airports, and to control and minimize impacts on surrounding activities. It is also the intent of this overlay to encourage land use patterns which are appropriate for the airport vicinity and public safety by avoiding concentrations of population. Standards are provided to ensure an attractive entrance to the area in order to encourage trade and commerce and thereby maintain economic vitality.

Applicability

The Airport Overlay applies to properties in the vicinity of Raleigh-Durham Airport. The specific boundaries are defined on the Official Zoning Map and are imposed on property as an addition to the underlying zoning district. The boundaries generally follow physical boundaries which are identifiable on the landscape and are related to the airport noise contours as determined by the Raleigh-Durham Airport Authority. The Airport Overlay is divided into two suboverlays which are further described below:

A. -A65

Shall be that area found within the 65 Ldn of the Raleigh-Durham Airport and shown on the Official Zoning Map.

B. -A60

Shall be that area located outside the 65 Ldn but within the 60 Ldn of the Raleigh-Durham Airport and shown on the Official Zoning Map.

Permitted Uses and Prohibitions

Permitted Uses in -A65

Only the following uses shall be allowed, pursuant to the permissibility of the underlying zoning district in Sec. 5.1, Use Table: Agricultural, Residential, and Utilities (per Public and Civic Uses).

B. Permitted Uses in -A60

All uses in the underlying zoning district shall be permissible pursuant to Sec. 5.1, Use Table, with the exception of outdoor firing ranges.

C. Prohibited Lighting

The lighting types below shall not be permitted:

1. Any moving, pulsating, flashing, rotating, or oscillating light, which may interfere with air traffic other than navigational markings or lights marking potential obstructions in accordance with Federal Aviation Administration requirements.
2. Flood lights, spot lights, or other lighting devices which are not shielded so as to prevent illumination in an upward direction.
3. Any light which constitutes a “misleading light” within the meaning of Federal Aviation Administration regulations.

D. Prohibited Electronic Signals

Any electronic impulse or signal which interferes with communications between aircraft and the airport, or which interferes with established navigation aids shall be prohibited.

E. Prohibited Heights

Structures and signs of a height which obstruct the takeoff and landing of aircraft, as determined by the Federal Aviation Administration, shall be prohibited.

Additional Requirements

A. The Raleigh-Durham Airport Authority shall have the opportunity to review applications for a special use permit, variance, zoning map change, subdivision, or site plan approval within the airport overlay prior to a decision by the approving authority. All development shall also comply with the airspace regulations adopted by the Raleigh-Durham Airport Authority. Whenever said airspace regulations impose more stringent requirements or limitations than are required by this Ordinance, the provisions of the airspace regulations shall prevail.

B. Residential development within the Airport Overlay shall demonstrate that aircraft noise exposure within the dwellings shall not exceed decibel levels of 45 Ldn and be certified by an acoustical engineer or a board certified member of the Institute of Noise Control Engineering. Measures for reducing noise exposure may include: orientation of structures, design standards, landscaping, or construction materials used in walls, windows, doors, roofs, floors, or ceilings. Design guidelines for noise reduction are available from publications of the Raleigh-Durham Airport Authority.

C. Residential development within the Airport Overlay shall ensure that purchasers of the dwellings will be notified that the property may be subject to noise exposure from aircraft using

Raleigh-Durham Airport. Measures used to notify purchasers may include notices on plats or deeds.

D. Nonconforming uses may be continued subject to the regulations found elsewhere in this Ordinance. However, no building permit shall be issued which would allow a greater hazard (for example: more units, or brighter lighting) to public safety than existed at the time of adoption of this Ordinance.

MAJOR TRANSPORTATION CORRIDOR OVERLAY (-MTC)

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 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.

Applicability

The MTC Overlay shall apply to all property within 1,250 feet of a designated 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.

Buffer Requirements

A. Location of Buffers

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

B. Buffer Width

1. The buffer width shall be no less than 30 feet and no more than 100 feet. The actual buffer width shall be determined at time of adoption of the overlay. In determining the width of the buffer, the governing body shall consider the following factors:

- a. The topography of the area;
- b. The existing and proposed land uses;

- c. The size of the adjacent parcels;
 - d. The traffic volumes of the corridor; and
 - e. Any additional factors the governing body deems reasonable in carrying out the purpose of the Ordinance.
2. The following buffer widths shall be provided for the following designated rights-of-way:

MTC Overlay	Buffer Width (Feet)	Segment
I-40	100	Orange County line to Research Triangle Park
I-40	100	Research Triangle Park to Wake County line
I-85	50	Avondale Ave. to US Highway 70
I-85	100	US Highway 70 to Granville County line
I-540	50	Wake County line to Wake County line

C. Permitted Activity in Buffer Area

1. Within the buffer area, existing vegetation shall be maintained in a natural, undisturbed state. In areas where the existing vegetation provides inadequate screening, the property owner or applicant shall install vegetation that meets the opacity standards of paragraph 9.4.4.A, Natural Buffers Required.
2. When necessary, transportation corridors and utility easements may cross the required buffer area. Such crossings shall be designed to minimize clear views through the required buffer. The nature and limits of such intrusions shall be shown in detail on all site plans or subdivision plats associated with the crossing.
3. Trails may not intrude laterally into the buffer for distances greater than 50 feet. Trails shall meander to avoid natural features and to prevent clear views through the buffer. Selective thinning may be allowed; however, no tree over 12 inches in caliper shall be removed for the trail. The maximum trail width shall be ten feet. Trails shall be shown on all site plans and subdivision plats associated with the trail.
4. Walls or fences

Except as provided in paragraph 4.9.3D, Adjustments to the Required Buffer, walls or fences shall not be constructed within the buffer area.

D. Adjustments to the Required Buffer

1. Within areas of I-85 MTC Overlay where the required buffer width is identified as 100 feet in paragraph 4.9.3B, Buffer Width, the buffer width can be reduced to 50 feet without a major special use permit if the following conditions are met:

- a. On properties proposed for residential purposes, with at least 900 feet of uninterrupted frontage along the limited access highway or frontage road, if present, a noise barrier is built to the NCDOT noise policy and to match existing NCDOT noise barriers; and,
 - b. On properties proposed for nonresidential purposes that provide a buffer with 80% opacity as defined in paragraph 9.4.5, Constructed Buffer.
2. The buffer width and amount of landscape materials may be reduced through the issuance of a Major Special Permit pursuant to 3.9, Special Use Permit, considering the following issues in addition to the findings set forth in paragraph 3.9.8, Criteria for Approval of Major and Minor Special Use Permits.
- a. The topography of the area; and
 - b. The size of the parcel of record.

Freestanding Signs

Freestanding signs within the MTC Overlay shall not exceed 12 feet in height.

HISTORIC DISTRICTS OVERLAY (-H)

Purpose

Historic District Overlays may be established to protect and preserve areas and landmarks with special significance in terms of prehistorical, historical, architectural or cultural importance, and possesses integrity of design, setting, materials, feeling and association.

Designation

- A. Historic Districts Overlays may be designated by the governing body after the Historic Preservation Commission (HPC) deems and finds that the area is of special significance in terms of its prehistorical, historical, architectural, or cultural importance, and possesses integrity of design, setting, materials, feeling, and association.
- B. Procedures for designation of Historic District Overlays shall be found in Sec. 3.16, Historic or Landmark Designation.

Applicability

All development within a locally designated historic district shall comply with the requirements contained in this section. In addition, all development within a locally designated historic district shall comply with the requirements of any underlying zoning district, except as otherwise required by this ordinance.

Standards

General standards that apply to all Historic District Overlays may be developed; however, each individual overlay may have additional specific standards that apply specifically to one overlay.

Downtown Historic District Overlay

A. Development in the Downtown Historic District Overlay shall comply with the standards of this subsection, in addition to the standards of the adopted *Downtown Durham Historic Preservation Plan* and the general standards of the Downtown Design District.

B. In the event of a conflict between applicable standards, the following standards shall take precedence in the order listed below:

1. The *Downtown Durham Historic Preservation Plan*, through approval of an applicable certificate of appropriateness.
2. The standards of this subsection.
3. The standards of the Downtown Design District.
4. All other applicable standards of this Ordinance.

C. Build-to Line

Development in the Historic District Overlay shall conform to established build-to lines. The build-to line requirement shall be:

1. If buildings exist adjacent to the property on either side, the build-to line shall be at or between the two established street façade locations;
2. If an adjacent building exists on only one side of the property, the build-to line shall be within two feet of the existing street façade location; or
3. If no adjacent buildings exist, the corresponding DD sub-district build-to zone shall apply.
4. On corner lots, the standards of this section shall apply for each street façade.

D. Building Step-Backs

Building step-backs shall meet the preservation plan requirements through the issuance of a COA and shall be exempt from the height articulation requirements of paragraph 16.3.4C.1, DD District.

E. Height

1. Maximum height shall be determined by the underlying DD sub-district.
2. The HPC may allow height greater than that of the highest ‘pivotal’ or ‘contributing’ structure (as assigned in the Downtown Durham Historic District Preservation Plan) only by making the following additional findings:
 - a. The proposed development allows for adequate light, air and open space access to adjacent properties; and
 - b. Given consideration of the height of structures in the immediate vicinity, the proposed development does not adversely affect the character of the historic district.

3. The HPC may limit height below the maximum allowed in order to find that the proposal is consistent with the Downtown Durham Historic District Preservation Plan.

WATERSHED PROTECTION OVERLAY

Purpose

A. The purpose of the Watershed Protection Overlay is to preserve the quality of the region's drinking water supplies through application of the development standards in Article 8, Environmental Protection. In general, water supply protection will be accomplished by establishing and maintaining low intensity land use and development on land near the region's water supply rivers and reservoirs. Where high density development is desired, water supply protection will be accomplished through the use of engineered stormwater controls. The overall objective is to:

1. Reduce the risk of pollution from stormwater running off of paved and other impervious surfaces; and
2. Reduce the risk of discharges of hazardous and toxic materials into the natural drainage system tributary to drinking water supplies.

B. Watershed protection regulations shall be adopted by the City of Durham and Durham County in accordance with the requirements of the North Carolina Environmental Management Commission, Title 15A NCAC 2B .0100, .0200 and .0300, (adopted pursuant to NCGS §143-214.5) and in accordance with NCGS §160A-381 through 383, and NCGS §153A-340 through 342.

Establishment of the Districts

A. The following six Watershed Overlays shall be established for lands within the watersheds of public drinking water rivers and reservoirs. Each Watershed Overlay is divided into two areas, a Critical Area (A) and a Protected Area (B), based on their distance from the protected water supply and ridge lines that define the drainage basin.

Overlay Designation General Location

M/LR-A	Lake Michie/Little River District A	One mile from the 341 foot MSL normal pool of Lake Michie and from the 355 foot MSL normal pool of the Little River Reservoir, or to the ridge lines defining their drainage basins, whichever is less.
M/LR-B	Lake Michie/Little River District B	The portion of the drainage basins of Lake Michie and the Little River Reservoir not covered by M/LR-A.
F/J-A	Falls/Jordan District A	One mile from the 251.5 foot MSL normal pool of Falls Reservoir and from the 216 foot MSL normal pool of the Jordan Reservoir, or to the ridge lines defining their drainage basins, whichever is less.
F/J-B	Falls/Jordan District B	From the edge of F/J-A Overlay to five miles from the normal pool of the Falls Reservoir and the Jordan Reservoir, or to the ridge lines that define their drainage basins, whichever is less.

Overlay	Designation	General Location
E-A	Eno River District A	One mile from and draining to the Eno River water intake.
E-B	Eno River District B	From the edge of E-A to 10 miles from the Eno River water intake, or to the ridge lines that define the drainage area of the intake, whichever is less.

B. The general boundaries of the Watershed Overlays are defined by the distance from the normal pool and ridge line criteria described above, with rights-of-way and property lines used to determine inclusion or exclusion in the Watershed Overlay.

C. The general boundaries and the parcels included within these boundaries are shown on the map entitled "Watershed Overlays Parcels Map", which is included by reference and adopted as part of this Ordinance.

D. Where a general boundary crosses a parcel, parcels one-half acre or less shall be excluded from the Overlay, and parcels greater than one-half acre shall be included. Upon adoption of this Ordinance, the parcels included in each Overlay and their Watershed Overlay designation shall be shown on the Official Zoning Map.

Rules for Interpretation of Overlay Boundaries

A. When a property is divided by one or more of the arcs representing the one half-mile, the one-mile, or the five-mile distance from the reservoir, or by the ridgeline that defines the water supply reservoir, a request can be submitted for an interpretation of the Watershed Overlay boundary through the City-County Planning Department. The request can be submitted by any individual and shall include sufficient information to enable the Planning Director to make a recommendation to the governing body and NC Environmental Management Commission (EMC), as appropriate.

B. For all requests, the Planning Director will evaluate the request and will seek approval from the appropriate governing body for submission to the NC Environmental Management Commission (EMC). Upon such approval, the Planning Director will submit the proposed Watershed Overlay boundary change to the EMC, in accordance with 15A NCAC 02B .0104(o). Upon approval by the EMC, the Planning Director will complete the interpretation and modify the Watershed Overlay boundary in accordance with the interpretation. All such changes shall be shown on the Official Zoning Map and the Watershed Overlays Parcels Map, which shall be maintained by the Planning Department.

Commentary: The NC Administrative Code, in Rule 15A NCAC 02B .0104(o), states that all revisions (expansions and deletions) to the Environmental Management Commission (EMC) adopted critical and protected area boundaries or to the local government’s interpreted critical and protected area boundaries must be approved by the EMC prior to adoption by the local government.

Overlay**Development Restrictions**

hazardous materials (except when located in a special flood hazard area) shall be subject to the requirements of Sec. 8.7, Watershed Protection Overlay Standards.

E-A Industrial uses listed in paragraph 5.2.6, Industrial Use Categories, shall be prohibited. The sale of fuel for motor vehicles shall be prohibited.

E-B Within the Rural Tier, commercial uses listed in paragraph 5.2.5, Commercial Use Categories, office uses listed in paragraph 5.2.5J, Office Use Categories, and industrial uses listed in paragraph 5.2.6, Industrial Use Categories, that manufacture, distribute, warehouse for distribution, store for on-site use, or produce as a waste product nuclear material or substantial quantities of hazardous materials (except when located in a special flood hazard area) shall be subject to the requirements of Sec. 8.7, Watershed Protection Overlay Standards.