

AN ORDINANCE TO AMEND VARIOUS PROVISIONS OF THE *UNIFIED DEVELOPMENT ORDINANCE* (TC1300001)

WHEREAS, the Durham Board of County Commissioners wishes to amend certain provisions in the *Unified Development Ordinance* 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 11, Sign Standards; Article 12, Infrastructure and Public Improvements; Article 13, Additional Requirements for Subdivisions; 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

[Modifications required for compliance with state or federal laws, with ancillary technical changes]

Sec. 2.4 Board of Adjustment (BOA)

[Paragraphs not listed remain unchanged]

2.4.3 Officers, Meetings, Quorum

Board of Adjustment officers, meetings, and quorum, ~~and rules of procedure~~ shall be in accordance with the Board's adopted Rules of Procedure and Interlocal Cooperation Agreement on City-County Planning, ~~and the following:~~

~~A. Meetings~~

- ~~— Meetings shall be held at such times and places as the Board of Adjustment shall determine.~~
- ~~— All meetings shall be open to the public and shall conform to the North Carolina Open Meetings Law, Chapter 143, Article 33C of the North Carolina General Statutes.~~

~~B. Minutes~~

- ~~— The Board of Adjustment shall keep minutes of the meetings which record the vote of each member and all abstentions from voting.~~

~~C. Quorum~~

- ~~— The presence of five Board of Adjustment members shall be necessary for a quorum. A quorum is necessary to take official action. A roll call vote shall be taken upon the request of any member.~~

~~D. Computation of Membership~~

~~Membership of the Board of Adjustment, for purposes of determining application of the 3/5ths voting requirement for decisions, as allowed by special legislation, shall be considered to be seven members as long as the combined members and alternates who have been appointed by the governing bodies equals at least seven. In the event that unfilled regular and alternate seats on the Board and/or conflicts of interest cause the number of potentially available members for a hearing to fall below seven, the membership shall be considered to be the number of filled positions less the number of members who have a conflict of interest.~~

E.2.4.4 Rules of Procedure

The Board of Adjustment shall adopt rules of procedure for the conduct of its business, consistent with State law, special legislation, the City/County Interlocal Agreement, and this Ordinance.

2.4.4-5 Powers and Duties

A. Authority

1. The Board of Adjustment shall be responsible for final action regarding the following:
 - b. Applications for design and minor special use permits.

B. Annual Report

The Board of Adjustment shall prepare an annual report ~~and submit it to the Board of Commissioners and the City Council. The annual report shall include a comprehensive review of the activities, problems, and actions of the Board of Adjustment and any budget requests or other recommendations~~ in accordance with the Board's adopted Rules of Procedure and the City-County Interlocal Agreement.

2.4.5-6 Decisions

- A. ~~An affirmative vote of 3/5ths of the members of the Board of Adjustment shall be required to grant a special use permit or variance, or to overturn an administrative decision. Board members disqualified from voting and vacant positions shall not be calculated in the requisite 3/5ths majority. Voting requirements for written decisions, where required, and for other actions shall be as specified in the Board's adopted Rules of Procedure.~~
- B. Every quasi-judicial decision of the Board of Adjustment shall be reduced to writing and subject to review by a court of competent jurisdiction ~~the superior court by proceedings~~ in the nature of a petition for a writ of certiorari pursuant to NCGS § 160A-393 or NCGS § 153A-345.1, as applicable. Any petition for review by the court shall be filed with the clerk of superior court ~~within by the later of~~ 30 days after the decision of the Board of Adjustment is ~~filed in the office of the clerk of the Board of Adjustment~~ effective, or after a written copy thereof is delivered to the ~~appealing~~ party who has made a request for such decision in compliance with paragraph C. below, whichever is later. When first class mail is used to deliver notice of the decision, three days shall be added to the time to file the petition.
- C. Any party desiring a copy of the decision of the Board of Adjustment shall file a written request with the Planning Department ~~at the time of the hearing prior to the effective date of the decision~~. Such decisions shall be delivered by personal service ~~delivery, electronic mail, or by registered mail or certified first class mail, return receipt requested.~~

D. ~~A written decision~~ shall be considered filed with the clerk of the Board of Adjustment, and thus effective, on the date that the final necessary signature on such decision is obtained and the decision is ready for distribution.

Sec. 3.14 Variance

[Paragraphs not listed remain unchanged]

3.14.1 Applicability

A. The Board of Adjustment may vary certain requirements of this Ordinance, in harmony with the general purpose of these regulations, where ~~special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property unnecessary hardships would result from carrying out the strict letter of the Ordinance.~~

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 or the City or County as appropriate pursuant to paragraph 8.5.13, Variances.

~~B. The Board of Adjustment may grant variances in the following special circumstances, as indicated elsewhere in this Ordinance:~~

~~1. Reconstruction, rehabilitation, or restoration of structures that are individually listed or are contributing structures within an historic district (see Sec. 4.10, Historic Districts and Landmarks Overlay).~~

~~2. Construction, reconstruction, or repair of structures which are nonconformities that meet the requirements for Article 14, Nonconformities.~~

~~C. The Board of Adjustment may waive certain requirements when authorized to do so by provisions adopted as a part of this Ordinance.~~

~~DC.~~ [Text remains unchanged]

3.14.7 Action by the Board of Adjustment

~~B. A decision of the Board of Adjustment to approve a variance or reverse an interpretation requires an affirmative vote by 3/5ths of the members of the Board, consistent with paragraph 2.4.5, Decisions.~~

~~CB.~~ The Board of Adjustment may approve the request, deny the request, or continue the request. In approving the variance, the Board of Adjustment may prescribe reasonable and appropriate conditions which will ensure that the use will be compatible with adjacent properties and will not alter the character of the neighborhood provided that the conditions are reasonably related to the variance.

3.14.8 Findings

~~A.~~ In granting any variance, the Board of Adjustment shall make the following findings:

~~1. That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;~~

~~2. That the special conditions or circumstances or practical difficulties do not result from the actions of the property owner or applicant, their agent, employee, or contractor. Errors made~~

~~by such persons in the development, construction, siting or marketing process shall not be grounds for a variance except in cases where a foundation survey submitted to the Inspections Director, or designee, before a contractor proceeds beyond the foundation stage has not revealed an error which is discovered later;~~

~~3. That the strict enforcement of this Ordinance would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Ordinance;~~

~~4. That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that this Ordinance denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief;~~

~~5. That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance;~~

~~6. That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties; and~~

~~7. That the variance will not result in the expansion of a nonconforming use.~~

A. Unnecessary hardship would result from the strict application of the Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.

D. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance, such that public safety is secured, and substantial justice is achieved.

~~B. In making the findings above, the Board of Adjustment may give special weight to the number and percentage of nearby properties that share characteristics for which the variance is requested by the applicant. The Board of Adjustment may grant a variance to expand an existing structure, including the expansion of a nonconforming feature that would otherwise be disallowed under Article 14, Nonconformities, without making findings A.1 and A.4 above if the remaining findings can be made.~~

3.14.10 Environmental Protection

~~A. At the request of a property owner, and except as otherwise specified in this ordinance, the Board of Adjustment may vary the requirements of Article 8, Environmental Protection Standards, in accordance with the procedures of this section. The Board of Adjustment shall not vary the requirements of Sec. 8.4, Floodplain and Flood Damage Protection Standards or the requirements of Sec. 8.5, Riparian Buffer Protection Standards. In addition to the findings required in paragraph 3.14.8, Findings, the Board of Adjustment in granting any variance shall make the following additional findings.~~

~~1. That failure to grant the variance would result in exceptional hardship to the property owner;~~

- ~~2. That the applicant has presented proof that alternatives to the variance have been thoroughly examined and are not practicable;~~
- ~~3. That the variance represents the minimum amount necessary to provide relief from the hardship in making reasonable use of the property; and~~
- ~~4. That the variance would not result in significant degradation of water quality, loss of significant wetlands, increase in sedimentation and erosion, increase in stormwater runoff, loss of significant plant and wildlife habitat, increase in flood heights, threats to public safety, extraordinary public expense or cause fraud on or victimization of the public.~~
- ~~B. Reasonable conditions may be attached to any variation from the requirements of Article 8, Environmental Protection Standards in order to accomplish the purposes and objectives of the Article.~~

Sec. 3.15 Appeal of Administrative Decision

[Paragraphs not listed remain unchanged]

3.15.1 Applicability

An appeal by any person aggrieved by a final order, interpretation, or decision of ~~the~~ any administrative official authorized to make decisions in regard to the provisions of this Ordinance may be taken to the Board of Adjustment, except as otherwise provided in this Ordinance.

3.15.2 Application Requirements

- A. An appeal of an administrative decision shall be taken by filing a written notice of appeal specifying the grounds for the appeal with the ~~Planning Director or designee and the Board of Adjustment~~City or County Clerk, as applicable.
- B. An application for an appeal of an administrative decision shall be filed in accordance with the applicable provisions of paragraph 3.2.4, Application Requirements.
- C. A notice of appeal of an administrative decision shall be considered filed when a complete application is delivered to the ~~Planning Director, or designee~~City or County Clerk, as applicable. The date and time of filing shall be entered on the notice.

3.15.3 ~~Deadline for~~ Submission of Application

- ~~A. An appeal of an administrative decision shall be filed with the Board of Adjustment within 30 days of receipt of the decision. A person or party with standing shall have 30 days from receipt of the written decision to file an appeal, or 30 days from receipt from any source of actual or constructive notice of the decision, pursuant to NCGS § 160A-388(b1) or NCGS § 153A-345.1, as applicable.~~
- ~~B. The official who made the decision shall provide it in writing to the owner of the property that is the subject of the decision and to the party who sought the decision, if different than the owner. The written decision shall be delivered by personal delivery, electronic mail, or by first class mail.~~

3.15.4 Notice and Public Hearings

Once the application has been submitted, the Planning Director or designee shall schedule a public hearing at the first available ~~BOA~~Board of Adjustment meeting and give public notice ~~as forth in~~pursuant to paragraph 3.2.5, Notice and Public Hearings.

3.15.5 Action by the Planning Director

- A. The Planning Director or designee shall transmit to the Board of Adjustment all the ~~papers~~ documents and exhibits constituting the record upon which the action appealed from ~~was is~~ taken.
- B. The Planning Director or designee shall provide a copy of the record to the appellant and to the owner of the property that is subject to the appeal, if different than the appellant.

3.15.6 Action by Board of Adjustment

- A. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the ~~order, requirement, decision, or determination~~ decision appealed from and shall make any order, requirement, decision, or determination that ~~in its opinion~~ ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the official from whom the appeal is taken.
- B. When hearing an appeal pursuant to a quasi-judicial decision of the Historic Preservation Commission or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in NCGS § 160A-393(k).
- ~~B. If a motion to reverse or modify is not made, or fails to receive the affirmative vote of the 3/5th of the members necessary for adoption, then appeal shall be denied.~~

3.15.7 Effect of Appeal

- A. An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property; or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the Ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court.
- B. If enforcement proceedings are not stayed, the appellant may file a request for an expedited hearing of the appeal, and the Board of adjustment shall meet to hear the appeal within 15 days after such a request is filed.
- C. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the Ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed. An appeal shall stay all proceedings in furtherance of the action appealed, unless the administrative official from whom the appeal is taken certifies to the Board of Adjustment that, because of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life or property or that because the violation is transitory in nature a stay would seriously interfere with the effective enforcement of this Ordinance. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court, issued on application of the party seeking the stay, for due cause shown, after notice to the administrative official.
- ~~B. An appeal shall not stop action lawfully approved (including construction activities authorized by a building permit); only actions presumed in violation of this Ordinance are stayed.~~

3.15.8 Appeal

Appeal ~~of~~ from the Board of Adjustment action can be taken by filing a petition ~~for~~ in the nature of certiorari with the Durham County Superior Court.

Sec. 5.2 Use Categories

[Paragraphs not listed remain unchanged]

5.2.3 Residential Use Categories

B. Group Living

Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care, training, or treatment.		
Principal Uses	Accessory Uses	Uses Not included
Boarding house or orphanage Commercial dorm, fraternity or sorority Group home for the care and treatment of psychiatric, alcohol, or drug problems where patients are residents and up to 12 patients are housed. Group home for the physically disabled, mentally retarded, or emotionally disturbed not considered single family residence (7 or more residents) Hospice, nursing, or convalescent house Monastery, convent Retirement center or life care community without individual dwelling units Rooming house	Ancillary indoor storage Associated offices Food preparation and dining facility Recreational facility	Alternative or post-incarceration facility (see Social Service Institutions) Bed and breakfast establishment, hotel, motel, inn, extended-stay facility (see Overnight Accommodations) Congregate care facility where individual units meet the definition of a dwelling unit (see Household Living) Family care home (see Household Living) Membership club or lodge (see Indoor Recreation) Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis (see Household Living) Treatment center, transient lodging, or shelter for the homeless (see Social Service Institutions)

5.2.4 Public and Civic Use Categories

I. Social Service Institutions

Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems, and transient housing related to social service programs.		
Principal Uses	Accessory Uses	Uses Not included
Alternative or post-incarceration facility, exclusive care and treatment for psychiatric, alcohol, or drug problems, where patients are residents and more than 12 patients are housed Social service facility, soup kitchen, transient lodging, or shelter for the homeless	Adult educational facility Ancillary indoor storage Associated office Day care Food services and dining area Meeting room Staff residences located on-site	Cemetery, columbarium, mausoleum, memorial park (see Parks and Open Areas) Congregate care facility with individual units that meet the definition of a dwelling unit (see Household Living) Educational facility (see Educational Facilities) Group house for the physically disabled, mentally retarded, or emotionally disturbed that are not considered single-family residences Family care home (See Household Living) Group home (see Group Living) Philanthropic institution (see Community Service) Residential assisted living facility without individual dwelling units (see Group Living)

5.3.3 Public and Civic Use Standards

E. Day Care Facility

3. The facility shall meet the following space requirements if children are the primary clients of the use:

a. Outdoor Play Space

- (1) There shall be 100 square feet of outdoor play space per child including children at the facility for after school care, ~~but excluding children less than 12 months of age~~. This outdoor play space can be as little as 75 square feet with an increase in the amount of indoor play space provided on a one-to-one basis. Parking and loading areas ~~may shall~~ not be counted toward play spaces.

5.3.4 Commercial Use Standards

D. Bed and Breakfasts

2. An owner or manager shall reside on site.
4. Breakfast, lunch, and/or dinner shall can be available on the premises, and shall be only for guests and employees of the inn. Rooms ~~may shall~~ not be equipped with cooking facilities. ~~No other meals shall be provided on the premises.~~

Sec. 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

5.4.2 Accessory Dwellings

B. In Residential Districts and on Properties Devoted to Residential Use

- ~~3. The owner of the property shall occupy either the primary or the accessory dwelling.~~
- ~~4.3.~~ [Text remains unchanged]
- ~~5.4.~~ [Text remains unchanged]

- ~~6.5.~~ The heated floor area of the accessory dwelling shall be at least 400 square feet in area, but shall not exceed 30% of the heated or air-conditioned floor area of the primary dwelling, except in the RR district, where the heated or air-conditioned floor area can be a maximum of 50% of the primary dwelling heated or air-conditioned floor area on lots of four acres or larger.
- ~~7.6.~~ [Text remains unchanged]
- ~~8.7.~~ [Text remains unchanged]

Sec. 8.5 Riparian Buffer Protection Standards

[Paragraphs not listed remain unchanged]

8.5.7 Existing Use Exemption

D. Development of Existing Single-Family Lots within the Neuse River Basin under Certain Conditions

1. Applicability

Where application of the Neuse River Basin riparian buffer requirements would preclude construction of a single-family residence and necessary infrastructure, such as an on-site wastewater system, the single-family residence may encroach into the buffer if all of the following criteria are met.

- a. The lot was platted and recorded prior to August 1, 2000.
 - b. The lot area is two acres or less.
 - c. The lot is adjacent to the buffered surface waters.
 - d. The lot is not within a watershed protection overlay, or the lot is within a watershed protection overlay but was recorded prior to the effective date of the applicable watershed protection overlay.
2. If documentation demonstrates the lot meets all of the above criteria, then a single-family residence can encroach into the buffer with the following conditions.
- a. The residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot and designed to minimize encroachment into the riparian buffer.
 - b. The residence is set back a minimum of 30 feet landward of the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable;
 - c. Stormwater generated by new impervious surface within the riparian buffer is treated, and diffuse flow of stormwater is maintained through the buffer; and
 - d. If the residence will be served by an on-site wastewater system, no part of the septic tank or drain field shall encroach into the riparian buffer.
3. Prior to the issuance of a building permit, a buffer authorization is required for any encroachments into the riparian buffer.

Sec. 16.3 Defined Terms

[Definitions not listed remain unchanged]

Family Care Home: A ~~dwelling that provides room and board for not more than six persons who because of age, illness, handicap, or specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort that is regulated by the State of North Carolina~~ residential facility as defined in NCGS § 168-21.

PART 2

[General technical corrections, minor clarifications, or updates due to ongoing review of Ordinance requirements and subsequent functionality]

Sec. 2.3 Planning Commission

[Paragraphs not listed remain unchanged]

2.3.5 Powers and Duties

The Planning Commission shall have the following powers and duties.

A. Review Authority

1. The Planning Commission shall be responsible for reviewing and making recommendations (which shall be construed as meeting the certification required by NCGS §153A-344 or NCGS § 160A-387, as applicable) regarding the following:
 - d. Applications for historic district/~~landmark~~ designation;

Sec. 2.7 Durham City-County Planning Department

[Paragraphs not listed remain unchanged]

2.7.4 Powers and Duties

- B. The Planning Director or designee shall be responsible for reviewing and making recommendations regarding the following:
 2. Applications for ~~temporary use~~ floodplain development permits;

Sec. 2.10 Summary of Review Authority

[Paragraphs and portions of the table not listed remain unchanged]

The following table summarizes review authority under this *Unified Development Ordinance*.

Application or Permit	Sedimentation and Erosion Control Officer	Inspections Director	Planning Director	Historic Preservation Commission	Board of Adjustment	Planning Commission	Governing Body	Section
Board of Adjustment Action								
Design or Minor Special Use Permit		R	R		<D>			Sec. 3.9
Governing Body Action								
Historic District/ Landmark Designation			R	<R>		<R>	<D>	Sec. 3.16
Landmark Designation			R	<R>			<D>	Sec. 3.16
Major or Transportation Special Use Permit		R	R				<D>	Sec. 3.9

Sec. 3.2 Common Review Procedures

[Paragraphs and portions of tables not listed remain unchanged]

3.2.2 Pre-Application Conference

B. A mandatory pre-application conference with the Planning Director or designee shall be required for the following development reviews:

~~2. Minor or major special use permit;~~

~~32.~~ Zoning map changes not initiated by the City or County; ~~and~~

~~43.~~ Conservation subdivision (after preparation of site analysis map ~~);~~);

~~4. Design, minor, or major special use permit;~~

~~5. Variance;~~

~~6. Landmark designation; and~~

~~7. Minor or major certificate of appropriateness.~~

C. A mandatory pre-application conference with the City Transportation Director, or designee shall be required for the following development reviews:

~~2. Traffic impact analysis major~~ Transportation special use permit.

3.2.3 Neighborhood Meeting

C. The applicant shall provide notice to the following by first class mail at least ten days prior to the date of the neighborhood meeting ~~to:~~

~~1. each~~ Each owner of record of any land located within ~~600~~ 1,000 feet of the property for which the development approvals are sought; and

~~2. neighborhood~~ Neighborhood associations located within 1,000 feet of the site which have registered with the Planning Department to receive notice.

D. The neighborhood meeting notice shall include at a minimum the following:

1. The applicant's name and telephone number;

2. The street address of the site with an identification map;

3. A clear explanation of what the applicant is proposing; and

4. The date, time, and location of the meeting.

~~D.E.~~ The Planning Director or designee may develop administrative regulations setting forth guidelines pertaining to any additional requirements for the conduct of the meeting. Such guidelines shall be subject to review by the Joint City ~~County~~ Planning Committee.

3.2.4 Application Requirements

F. Related Applications

1. ~~Necessarily related~~ Related applications necessary for development approvals may be filed and reviewed simultaneously, at the option of the applicant. Any application that also requires a variance ~~or, special~~ use permit, or certificate of appropriateness shall not be eligible for final approval until the variance ~~or, special~~ use permit, or certificate of appropriateness has been granted.

3.2.5 Notice and Public Hearings

A. Summary of Notice Required

Notice shall be required for applications for development approval as shown in the table below.

Procedure	Published	Mailed	Posted
Comprehensive Plan Amendment	✓	✓	✓ ²
Site Plan		✓ ¹	
<u>Design or</u> Minor Special Use Permit	✓	✓	✓
Major <u>or Transportation</u> Special Use Permit (including TIA special use permit)	✓	✓	✓

¹ Mailed notice shall be required only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans whenever an applicant for a site plan is seeking approval of any of the modifications to standards specified in paragraph 3.7.3B, Major Site Plans, that are granted at the discretion of a governing body.

² Posting is required only for amendments that change a Tier designation without an associated zoning map change.

B. Public Notice Requirements

2. Mailed Notice

a. The director of the appropriate department, or designee, shall notify by first class mail:

(1) The applicant and all property owners, if applicable, of the property under consideration; and

(2) ~~all~~ All property owners, as indicated by County tax listings of property ownership, within the applicable notification distance from the property under consideration as specified in the table below.

Procedure	Notification Distance (ft.)
Site Plans ¹	600
Major Special Use Permit <u>Governing Body Quasi-Judicial Hearings</u>	600

¹ Mailed notice shall be required whenever an applicant for a site plan is seeking approval of any of the modifications to standards specified in paragraph 3.7.3B3, Major Site Plans, which are granted at the discretion of a governing body only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans.

E. Required Hearing

1. A legislative public hearing or a quasi-judicial hearing shall be required for development review as shown in the table below.

Applications for Approval	Historic Preservation Commission	Board of Adjustment	Planning Commission	Governing Body
Transportation Special Use Permit				✓ ¹
Comprehensive Plan Adoption/Amendment			✓	✓
Zoning Map Change			✓	✓
Minor <u>and Design</u> Special Use Permit		✓ ¹		
Major Special Use Permit				✓ ¹
Variance		✓ ¹		
Appeal of Administrative Decision		✓ ¹		
Historic District Designation	✓		✓ ²	✓
Historic Landmark Designation	✓			✓ ²
<u>Certificate of Appropriateness</u>	✓ ²			
UDO Text Amendment			✓	✓
Vested Rights Determination				✓

¹ Requires a quasi-judicial hearing

² ~~HPC shall also hold~~ See Sec. 3.17, Certificate of Appropriateness, for the type that requires a public hearing

3.2.6 Notice of Decision

Within seven days after a decision is made, or as otherwise required in this Ordinance, a copy of the decision shall be provided to the applicant and filed in the appropriate department; ~~where it shall to~~ -be available for public inspection during regular office hours.

Sec. 3.3 Traffic Impact Analysis (TIA)

[Paragraphs not listed remain unchanged]

3.3.3 TIA Submission for Projects with Cumulative Impacts

A. Unified, Phased, or Otherwise Aggregated Developments

An applicant shall be required to submit a TIA, or obtain a ~~major-transportation~~ special use permit (TSUP) ~~as hereafter provided pursuant to Sec. 3.9, Special Use Permit,~~ for a development plan, site plan, preliminary plat, special use permit, or other similar plan that does not otherwise meet the thresholds for submission of a TIA or for obtaining a ~~major special use permit~~ TSUP if the development approval is for a project that:

3.3.8 Coordination with a Transportation Special Use Permit (TSUP)

Projects that require a TIA may also require a TSUP pursuant to Sec. 3.9, Special Use Permit.

A. Requirements

~~A Transportation Special Use Permit shall be required for site plans and preliminary plats that are expected to generate:~~

- ~~1. 600 or more vehicle trips at peak hour; or~~
- ~~2. 300 or more vehicle trips at peak hour, if any road serving the project is operating at a level of service lower than the jurisdiction's adopted level of service.~~

B. Exemptions

~~The following projects shall be exempt from the requirement for a TSUP, even if they meet or exceed the thresholds specified above.~~

- ~~1. Projects utilizing the UC, UC-2, or SRP zoning district.~~
- ~~2. Projects located within the Downtown Tier.~~

~~3. Projects which have submitted a TIA in connection with a zoning map change, and which are developing consistent with the approved development plan, if the TIA is valid pursuant to Sec. 3.3.6, Period of Validity, above.~~

~~C. Process~~

~~Projects requiring a TSUP shall be processed in accordance with the provisions of Sec. 3.9, Special Use Permit.~~

~~D. Criteria for Approval~~

~~In order to approve a TSUP, the governing body shall make the following findings:~~

~~1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area. Significant adverse impact shall include:~~

~~a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or~~

~~b. The need to widen local residential streets which would detract significantly from the character or basic function of the nearby streets.~~

~~2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access.~~

~~3. The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations.~~

~~4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.~~

Sec. 3.4 Comprehensive Plan Adoption/Amendment

[Paragraphs not listed remain unchanged]

3.4.2 Coordination with Applications for Zoning Map Change

C. Administrative Withdrawal

The Planning Director or designee may withdraw applications for a Comprehensive Plan amendment under the following circumstances:

1. The applicant has failed to submit required information within 90 days of a request for such information; or

2. The associated zoning map change is administratively withdrawn pursuant to paragraph 3.5.7C, Administrative Withdrawal.

Sec. 3.5 Zoning Map Change

[Paragraphs not listed remain unchanged]

3.5.6 Development Plan

D. Requirements

3. Existing Information

- e. Existing manmade and natural conditions on the site and within 100 feet of the site on adjoining properties, including properties separated by easements or rights of way. Those existing conditions shall include but are not limited to:
 - (9) Sites identified in the Durham County Archaeological Inventory and other identified archaeological sites, including cemeteries and burial grounds; ~~and~~
 - (10) Other protected areas; ~~and~~
 - ~~f. (11) Existing utility and access easements and rights of way. on the site and within 100 feet of the site; and~~
 - ~~g. f.~~ Adopted plans, including transportation plans, that apply to the site.

5. Additional Commitments - Graphic

- i. For development plan proposals other than Design districts: Building or site design elements ~~not subject to review by the Design District Review Team.~~

8. Design Commitments

Except for development plans proposed for a UC, UC-2, or Design district, tThe development plan for a project containing nonresidential or ~~multi-multi~~family structures ~~not located in the UC or UC-2 Districts or Downtown Tier~~ shall include design elements indicating how the project will relate to its environment (both built and natural). Such elements may be in graphic or text form as appropriate and shall become commitments. They shall be labeled "Design Commitments" and shall include, at a minimum:

10. Uses and Minor/Major Special Use Permits

No minor or major special use permit is required for uses that otherwise need such a permit pursuant to paragraph 5.1.2, Use Table; Sec 5.3, Limited Use Standards; or for standards specified elsewhere within the Ordinance, if:

- a. The use or standard is specified on the approved development plan; and
- b. The location, access, building height, and size, as applicable, for the proposed use or standard is specified on the development plan.

Sec. 3.7 Site Plan Review

[Paragraphs not listed remain unchanged]

3.7.3 Types of Site Plans

C. Site Plan Amendments

- 2. Significant changes to the approved site plan, such as but not limited to a change in access points, ~~increased square footage~~, relocation of buildings or parking areas, relocation of stormwater facilities, and changes of use that require different development standards, shall be resubmitted for site plan approval as a new site plan application.
- 3. Changes to an approved, valid site plan required as a result of an update to the applicable Flood Insurance Rate Map(s) (FIRM) or other detailed flood data pursuant to paragraph 8.4.2, Applicability, shall be submitted as a site plan amendment.

~~34.~~ [Text remains unchanged]

~~45.~~ [Text remains unchanged]

3.7.9 Inspections of Required Improvements

Inspections ~~during the installation~~ of site improvements shall be made by the entity responsible for such improvements as required to certify compliance with approved site plans. No

improvements shall be accepted for maintenance by the governing jurisdiction unless and until the requirements regarding public improvements have been met.

Sec. 3.9 Special Use Permit

[Paragraphs not listed remain unchanged]

3.9.1 Applicability

- A.** Special uses within the zoning districts are considered to be uses which are appropriate in a particular zoning district but because of their potential for incompatibility with **adjacent surrounding** uses ~~may~~ require individual review.
- B.** A minor special use permit shall be required for all minor special uses as set forth in the use table in Sec. 5.1, Use Table, and as may be specified elsewhere in this Ordinance. Minor special use permits require approval by the Board of Adjustment, except pursuant to paragraph 3.9.1F, below.
- C.** A design special use permit shall be required for development projects with corresponding site plans and architectural reviews where alternative forms of compliance are sought under Sec. 6.12, Design Districts. Design special use permits require approval by the Board of Adjustment, except pursuant to paragraph 3.9.1F, below.
- D.** A major special use permit shall be required for all major special uses as set forth in the use table in Sec. 5.1, Use Table; for spray irrigation in a conservation subdivision pursuant to paragraph 6.2.4, Conservation Subdivision; and as specified elsewhere in this Ordinance. Major special use permits require approval by the appropriate governing body.
- E.** A transportation special use permit shall be required for development projects with corresponding site plans and preliminary plats pursuant to paragraph 3.9.10, Transportation Special Use Permit. Transportation special use permits require approval by the appropriate governing body.
- D~~F~~.** Projects that require not only a major and/or transportation special use permit, but also a minor and/or design special use permit within the Downtown Tier that require both minor and major special use permits may have the use permits consolidated into a single hearing for a major special use permit before the appropriate governing body so long as all required findings for both the minor and major each special use permits are made. Separate orders for each special use permit shall be issued.

3.9.6 Approval of a Minor or Design Special Use Permit

- A.** Prior to scheduling the public hearing on the minor or design special use permit, the corresponding site plan or architectural review application, as applicable, shall be ready for action by the approving authority.
- B.** The applicant seeking the special use permit shall have the burden of presenting evidence sufficient to allow the approving authority to reach the conclusions set forth below, as well as the burden of persuasion on those issues.
- B~~C~~.** After conducting the public hearing, and hearing the recommendations of the Planning Director or designee, the Board of Adjustment shall:
 - 1. Approve the request;
 - 2. Approve the request with conditions.
 - 3. Deny the request; or
 - 4. Continue the hearing.

~~CD. The Board of Adjustment may place conditions~~ Conditions may be incorporated as part of the approval of the use as part of the approval special use permit to assure that adequate mitigation measures are associated with the use or design. The conditions shall become a part of the minor or design special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of this Ordinance.

3.9.7 Approval of a Major or Transportation Special Use Permit

- A. Prior to scheduling the public hearing on the major or transportation special use permit, the corresponding site plan shall be ready for action by the approving authority.
- B. After conducting the public hearing, and hearing the recommendations of the Planning Director, Transportation ~~Manager~~ Director, or their designee as appropriate, the governing body shall:

3.9.8 Criteria for Approval of Major ~~and or~~ Minor Special Use Permits

A. General Findings

Unless otherwise specified in this Ordinance, Applications ~~applications~~ for major or minor special use permits shall be approved only if the approving authority finds that the use as proposed, or the use as proposed with conditions, is:

C. Additional Review Factors for Development in Special Flood Hazard Areas and Future Conditions Flood Hazard Areas ~~(Floodway Fringe, Non-Encroachment Area Fringe, and Areas of Shallow Flooding [Zone AO] Only)~~

1. Additional Review Factors

The applicant for a ~~major-minor~~ special use permit under this section shall demonstrate that the additional review factors listed below have been adequately addressed. If the application is denied, the ~~governing body~~ Board of Adjustment shall specify which of these review factors, if any, were not adequately addressed.

- ~~a~~1. Susceptibility of the proposed facility, structure, or other development and its contents to flood damage and the effect of such damage on the individual property owner and others as a result of flood damage;
- ~~b~~2. Importance of the services provided by the proposed facility, structure, or other development to the community;
- ~~c~~3. Necessity to the facility, structure, or other development of a waterfront location, where applicable;
- ~~d~~4. Compatibility of the proposed use with existing and anticipated development;
- ~~e~~5. Safety of access to the property in times of flood for ordinary and emergency vehicles;
- ~~f~~6. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
- ~~g~~7. Costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges;
- ~~h~~8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area; ~~and~~
- 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, nonencroachment area fringe, or Areas of Shallow Flooding (Zone AO);

10. The proposed fill or development represents the minimum amount of floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) intrusion to achieve this better balance; and

11. Any other relevant factors, technical evaluations, or standards specified in other sections of this ordinance.

3.9.9 Criteria for Approval of Design Special Use Permits

Applications for a design special use permit shall be approved only if the approving authority finds that the alternative design as proposed, or the design as proposed with conditions, shall yield an equal or better performance as compared to standard Ordinance requirements based upon the following design factors, as applicable:

A. Street level activity is generated with pedestrian oriented design on all street frontages;

B. The design complements the surrounding context;

C. The design relates to the human scale in site and building design;

D. The design incorporates sustainable design strategies that equal or exceed current requirements;

E. The design protects and emphasizes important views of notable buildings and sites; and

F. Access and circulation systems allow a wide range of efficient multi-modal movement options.

3.9.10 Transportation Special Use Permit

A. Requirements

A transportation special use permit shall be required for development projects that are expected to generate:

1. 600 or more vehicle trips at peak hour; or

2. 300 or more vehicle trips at peak hour, if any road serving the project is operating at a level of service lower than the jurisdiction's adopted level of service.

B. Exemptions

The following projects shall be exempt from the requirement of a transportation special use permit, even if they meet or exceed the thresholds specified above.

1. Projects that do not require a TIA per Sec. 3.3, Traffic Impact Analysis (TIA).

2. Projects within the UC, UC-2, or SRP zoning districts.

3. Projects within the Downtown Tier.

4. Projects which have submitted a TIA in connection with a zoning map change with a development plan, and which are developing consistent with the approved development plan, if the TIA is valid pursuant to paragraph 3.3.6, Period of Validity.

C. Criteria for Approval

Applications for a transportation special use permit shall be approved only if the governing body makes the following findings:

1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area. Significant adverse impact shall include:

- a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or
- b. The need to widen local residential streets, which would detract significantly from the character or basic function of the nearby streets.
- 2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access.
- 3. The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations.
- 4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.

3.9.11 Coordination with Variances

Applications for variances may be submitted concurrently with requests for ~~major and minor~~ special use permits. However, decisions shall be rendered separately for any variance and the special use permit(s).

3.9.10-12 Coordination with Zoning Map Change Applications

An application for a ~~major or minor~~ special use permit may be reviewed concurrently with a zoning map change application. However, decisions shall be rendered with separate motions.

3.9.11-13 Resubmittals

An application for a ~~major or minor~~ special use permit which has been denied may be resubmitted if there has been a change in circumstances, as determined by the Planning Director or ~~the Director's~~ designee.

3.9.12-14 Amendments

Alterations or revisions to approved ~~major or minor~~ special uses may be approved by the Planning Director or designee if the ~~major or minor~~ special use still meets the intent of the standards established with the original approval. Significant modifications to approved ~~major or minor~~ special uses, as determined by the Planning Director or designee, shall require submittal of a new application.

3.9.13-15 Expiration

A ~~major or minor~~ special use permit shall become null and void in any of the following cases:

- A. If a site plan or architectural review, as applicable, is not approved within 12 months of the date of permit approval.
- B. If an approved site plan, architectural review application, or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a corresponding site plan or architectural review is not required.

3.9.14-16 Appeal [Text remains unchanged]

Sec. 3.11 Common and Way-Finding Signage Plans

[Paragraphs not listed remain unchanged]

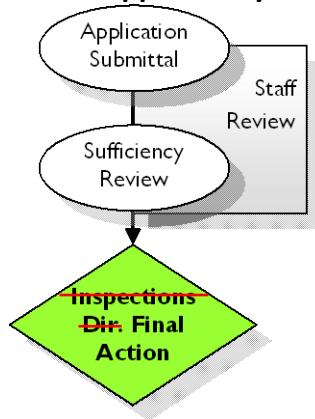
3.11.1 General

- A. A common signage plan is required for all signs for one or more buildings or businesses within a unified development complex, as demonstrated through a development plan or approved site plan(s), even if the property is subdivided and has various owners.
- 4. Common signage plans are not required in UC, UC-2, and ~~DD~~-Design Districts and in a local Historic Districts Overlay.

Sec. 3.12 Temporary Use Permit

[Paragraphs not listed remain unchanged]

3.12.1 Applicability



Sec. 3.14 Variance

[Paragraphs not listed remain unchanged]

3.14.10 Expiration

A variance shall become null and void in any of the following cases:

- A. If a site plan, preliminary plat, or architectural review is not approved within 12 months of the date of approval of the variance.
- B. If an approved site plan, preliminary plat, architectural review, or building permit expires.
- C. In cases when a site plan, preliminary plat, or architectural review is not required:
 - 1. If a building permit is not issued within two years of the date of approval.
 - 2. If the Ordinance standard subject to the variance has been amended prior to the issuance of a building permit.
- D. If a substantial violation of the conditions of the variance approval is determined by the Planning Director or designee.

Sec. 3.17 Certificate of Appropriateness

[Paragraphs not listed remain unchanged]

3.17.5 Administrative Certificate of Appropriateness

- A. With the concurrence of the chair of the HPC, the Planning Director, or designee, may approve or amend certificates of appropriateness for the following activities, or may refer them to the HPC for a decision:

2. Minor design changes to projects for which a certificate of appropriateness has been issued by the HPC; or
- ~~3. Increasing the expiration date of a certificate of appropriateness for an additional period not to exceed six months; or~~
43. Anything not specifically covered by this section that the Planning Director, or designee, determines is not so significant as to impair or affect historic, architectural, or aesthetic character.

3.17.13 Time Limits

- A. Final action shall be taken upon any application for a certificate of appropriateness within 180 days after the complete application is submitted to the Planning Director or designee. Such 180-day time period shall include any continuance or deferred consideration by the HPC or deferral granted as requested by the applicant under paragraph 3.17.12, Deferral of Application. If final action is not taken within such 180-day time period, the application shall be deemed approved.
- B. A master certificate of appropriateness shall expire four years after the effective date, and all other certificates of appropriateness shall expire two years after the effective date, if:
 1. Aa building permit or other development permit has not been obtained-issued within one year after the effective date of the certificate of appropriateness and remains continuously valid;
 2. A building or other development permit has expired; or
 3. If work not requiring a permit has not been initiated.

Sec. 3.21 Floodplain Development Permit

[Paragraphs not listed remain unchanged]

3.21.6 Certification Requirements

- E. Certification Exemptions. The following structures, if located within Zone AE, A, AO, or ~~Zone~~ X (Future), are exempt from the elevation/floodproofing certification requirements specified in items 1 and 2 above:

~~Sec. 3.24 Design Special Use Permit (DSUP)~~

~~3.24.1 Requirements~~

~~A Design Special Use Permit shall be required for site plans and architectural reviews where alternative forms of compliance are sought.~~

~~3.24.2 Process~~

- ~~A. Projects requiring a DSUP shall be processed in accordance with the provisions of Sec. 3.9, Special Use Permit.~~
- ~~B. Alternative forms of compliance with the following standards may be approved through a minor special use permit issued in conformance with Sec. 3.9, Special Use Permit:~~
 - ~~1. Building type and frontage type standards in paragraphs 6.12.2D.2-7.~~
 - ~~2. Additional standards in paragraph 6.12.2E.~~
 - ~~3. Architectural standards in paragraph 6.12.2F.~~
 - ~~4. Streetscape standards in paragraph 6.12.2G.~~
 - ~~5. Building placement standards in paragraph 6.12.3A.1 or 6.12.4A.1.~~
 - ~~6. Height articulation standards in paragraph 6.12.3A.2.a or 6.12.4A.2.a.~~

3.24.3 Criteria for Approval

~~A. In order to approve a DSUP, the Board of Adjustment shall make the following findings:~~

- ~~1. The proposed alternative form of compliance shall yield an overall design that equals or exceeds the applicable standards;~~
- ~~2. The proposed alternative form of compliance shall comply with the following design principles:

 - ~~a. Generate street level activity with pedestrian-oriented design on all street frontages.~~
 - ~~b. Create designs that complement the surrounding context.~~
 - ~~c. Relate to the human scale in site and building design.~~
 - ~~d. Incorporate sustainable design strategies.~~
 - ~~e. Protect and emphasize important views of notable buildings and sites.~~
 - ~~f. Design access and circulation systems to allow a wide range of efficient multi-modal movement options; and~~~~
- ~~3. Any other review factors which the approving authority considers to be appropriate to the property in question.~~

Sec. 4.1 General

[Paragraphs and portions of tables not shown remain unchanged]

4.1.1 Establishment of Districts

A.

		Development Tier					
Symbol	District	Rural	Suburban	Urban	Compact Neighborhood	Downtown	Former Districts
Overlays							
-MTC	Major Transportation Corridor Overlay	✓	✓	✓	✓		MTC, I-540

4.1.2 Development Tier Map

C. The Planning Director, or designee, shall revise the Development Tier Map when amendments are passed by the governing body in accordance with Sec. 3.4, Comprehensive Plan Adoption/Amendment~~Sec. 3.5, Zoning Map Change~~. Such revisions shall be made as soon as possible after the effective date of the amendment but in no event later than five days after the effective date.

Sec. 4.10 Historic Districts Overlay (-H)

[Paragraphs not listed remain unchanged]

4.10.2 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.

4.10.5 Downtown Historic District Overlay

A. Development in the Downtown Historic District Overlay shall comply with ~~the general standards of the Downtown Design District and~~ 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 ~~the two~~ 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.

~~the standards of this subsection shall apply. In the event of a conflict between the general DD standards or the standards of this subsection and the standards of the adopted *Downtown Durham Historic Preservation Plan*, the Plan standards shall apply. The HPC may vary the DD standards and those of this subsection in order to achieve historic preservation objectives in granting a Certificate of Appropriateness.~~

AC. Build-to Line [Text remains unchanged]

BD. Building Step-backs [Text remains unchanged]

CE. Height [Text remains unchanged]

DF. Siting [Text remains unchanged]

EG. Architectural Standards [Text remains unchanged]

Sec. 5.1 Use Table

[Paragraphs not listed remain unchanged]

5.1.1 Use Table Key

A. Types of Uses

3. Special Use Permit Required (M or m)

An “M” (Major) or “m” (minor) indicates that a use is only allowed where approved as a special exception by the appropriate approving authority in accordance with the procedures set forth in Sec. 3.9, Special Use Permit.

a. Special uses are subject to all other applicable requirements in this Ordinance, including the additional listed use standards in Sec. 5.3, Limited Use Standards, except where expressly modified by the approving authority as part of the special use approval.

b. ~~Minor special uses are approved by the Board of Adjustment and major special uses by the appropriate governing body.~~ A special use permit shall not be required if an approved development plan exists for the site and the specifications on the development plan comply with paragraph 3.5.6D.10, Uses and Minor/Major Special Use Permits; or the development plan also serves as a site plan or preliminary plat pursuant to paragraph 3.5.6F, Development Plan as Site Plan/Preliminary Plat.

Sec. 5.1 Use Table

[Paragraphs not listed remain unchanged]

5.1.2 Use Table

		RESIDENTIAL						NONRESIDENTIAL						PLANNED					DESIGN				
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	CI	CN	OI	CG	SRP	IL	I	PDR	UC	CC	IP	MU	DD	OD	NOTES:	
AGRICULTURAL USES (CITY ONLY)																							
Agriculture	All agriculture, except as listed below	P _L	L																			5.3.1A	
	Commercial crop production	P _L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	5.3.1A	
RESIDENTIAL USES																							
Household Living	Single-family detached	L	L	L	L	L	L			L					‡		‡L		‡	L	L	6.2.1, 6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.7, 6.12, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6	
	Zero lot line, patio home		‡	‡	‡	‡	‡								‡				‡			6.3.2, 6.4.2, 6.5.2, 6.10.2, 7.1.3, 7.1.5	
	Traditional house				‡	‡	‡								‡								6.4.2, 6.5.2, 7.1.4
	Semi-attached house		‡	‡	‡	‡	‡								‡								6.3.2, 6.4.2, 6.5.2, 7.1.6
	Duplex/Two-family			L	L	L	L								‡				‡	L	L	6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.12.2D, 7.1.7	
	Townhouse			‡	‡	‡	‡	‡	‡	‡					‡					‡	‡	‡	6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.12.2D, 7.1.8
	Multiplex / apartment/Multifamily			L	L	L	L	L	L	L	L	L			‡		‡L		‡	L	L	6.3.2, 6.4.2, 6.5.2, 6.10.2, 6.11.3, 6.11.5, 6.11.7, 6.12.2D, 7.1.8, 7.1.9, 7.1.10	
	Upper-story residential							L	L	L	L				‡		‡L		‡	P	P	6.10.2, 6.11.3, 6.11.5, 6.11.7, 6.12	
PUBLIC AND CIVIC USES																							
Day Care	Day C care F facility	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L	‡L/m	L	‡L		‡	L	L	5.3.3E		

Sec. 5.2 Use Categories

[Paragraphs not listed remain unchanged]

5.2.1 In General

D. Developments with Multiple Principal Uses

- 2. When the principal uses of a development fall within different Use Categories, each principal use shall be classified in the applicable Use Category and each use shall be subject to all applicable regulations for that Use Category; ~~and.~~

~~3. A development comprised of uses regulated by separate rows on the Use Table shall be reviewed using the most restrictive process from among the proposed uses.~~

~~Commentary: If a development includes a convenience store, fuel sales and a restaurant, and one of those uses is only permitted by special use permit in the district, then the entire development requires a special use permit.~~

5.2.4 Public and Civic Use Categories

B. Day Care

<p>Characteristics: Uses providing care, protection, and supervision for more than six children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.</p>		
Principal Uses	Accessory Uses	Uses Not included
<p>Adult day-care program Child care center, nursery school, preschool (see definition of "school, public or private" in Sec. 16.3, Definitions) Latch-key program</p>	<p>Associated office Food preparation and dining facility Health, arts and crafts, and therapy area Indoor or outdoor recreation facility</p>	<p>Counseling in an office setting (see Office) In-house day care for 6 or fewer (see Household Living: Accessory Use) On-site school or facility operated in connection with a business or other principal use where children are cared for while parents or guardians are occupied on the premises (see appropriate category under Accessory Use)</p>

C. Educational Facilities

<p>Characteristics: Public and private (including charter or religious) schools at the primary, elementary, middle, junior high, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.</p>		
Principal Uses	Accessory Uses	Uses Not included
<p>Business, truck driving, vocational, trade, and other commercial schools College, community college, or university Nursing or medical school not accessory to a hospital Public, private, and charter schools Seminary Preschool (see definition of "school, public or private" in Sec. 16.3, Definitions)</p>	<p>Adult continuing education program Ancillary indoor storage Associated office Auditorium, theater Cafeteria or other food service Day care Dormitory Health facility Housing for students or faculty Laboratory, library Maintenance facility Meeting area Play area, recreational or sports facility Support commercial, internal (college-operated bookstore, for example)</p>	<p>Dance, art, music, or photographic studio or classroom (see Retail Sales and Service) Driving (see Retail Sales and Service) Martial Arts (see Retail Sales and Service) Preschool or nursery school (see Day Care) Day care as a primary use (see Day Care)</p>

5.2.5 Commercial Use Categories

A. Indoor Recreation

Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled entertainment-oriented activities in an indoor setting.		
Principal Uses	Accessory Uses	Uses Not included
Adult establishment Bar, nightclub Bowling alley, game arcade, pool hall, skating rink Gymnastic facility, indoor sports academy Indoor firing range Membership club and lodge Movie or other theater	Ancillary indoor storage Associated office Concessions, <u>indoor or outdoor</u> Food preparation and dining area Pro shop or sales of goods related to the on-site activities of the specific use	Athletic, tennis, swim, or health club (see Retail Sales and Service) Outdoor entertainment (see Outdoor Recreation)

G. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not included
<u>Mini-warehouse</u> <u>Multi-story enclosed storage facility</u> <u>Storage garage</u>	<u>Associated office</u> <u>Outside storage of boats and campers</u> <u>On-site recycling facility</u> <u>On-site residential unit for security purposes (single unit)</u>	<u>Rental of light or medium trucks (see Vehicle Sales and Service)</u> <u>Storage area used as manufacturing use (see Light Industrial Services)</u> <u>Storage area used for sales, service, and repair operations (see Retail Sales and Service)</u> <u>Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)</u>

G.H. Vehicle Sales and Service [Text remains unchanged]

5.2.7 Industrial Use Categories

C. Self-Service Storage

Characteristics: Facilities providing separate storage areas for personal or business use designed to allow private access by the tenant for storing or removing personal property.		
Principal Uses	Accessory Uses	Uses Not included
<u>Mini-warehouse</u> <u>Multi-story enclosed storage facility</u> <u>Storage garage</u>	<u>Associated office</u> <u>Outside storage of boats and campers</u> <u>On-site recycling facility</u> <u>Residential unit for security purposes (single unit)</u>	<u>Rental of light or medium trucks (see Vehicle Sales and Service)</u> <u>Storage area used as manufacturing use (see Light Industrial Services)</u> <u>Storage area used for sales, service, and repair operations (see Retail Sales and Service)</u> <u>Transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred (see Warehouse and Freight Movement)</u>

D.C. Warehouse and Freight Movement [Text remains unchanged]

E.D. Waste-Related Service [Text remains unchanged]

F.E. Wholesale Trade [Text remains unchanged]

G.F. Heavy Industrial [Text remains unchanged]

H.G. Resource Extraction [Text remains unchanged]

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.1 Agricultural Use Standards

A. Agricultural Uses (City Only)

1. In the RS-20 Districts, all agricultural uses, other than apiculture, commercial crop production, and forestry, shall only be permitted in the RS-20 District. In all other RS districts, only apiculture, commercial crop production, and forestry are allowed.
2. ~~Commercial crop production, in districts other than RR and RS-20, shall be subject to the following:~~
- a2. For on-site ~~On-site~~ sales as an accessory use pursuant to paragraph 5.2.2, Agricultural Use Categories, no parking spaces associated with the retail sales are required when no permanent structures used for the purpose of sales are proposed. ~~are allowed as follows:~~
 - (1) ~~When no permanent structures used for the purpose of sales are proposed, no parking spaces are required.~~
 - (2) ~~When permanent structures used for the purpose of sales are proposed, parking in accordance with the retail sales and service parking rate in paragraph 10.3.1, Required Motorized Vehicle and Bicycle Parking, shall be provided, with a minimum of two spaces required.~~
- b3. Except in RR and RS-20 districts, Aquaponics aquaponics and aquaculture are prohibited.
34. [Text remains unchanged]
45. [Text remains unchanged]

5.3.4 Commercial Use Standards

N. Hotels, Motels, and Extended Stay Residences

1. A minor special use permit shall be required if any access to a hotel, motel, or extended stay residence is through or adjacent to (including directly across a public right-of-way from) a residential district or use, unless such access is consistent with an approved development plan that ~~accurately~~ specifies the type, size, and intensity of use.
5. A minor special use permit shall be required if the property line of a hotel, motel, or extended stay residence is 200 feet or less from a residential district or the property line of a single-family residential use, unless such location is consistent with an approved development plan that ~~accurately~~ specifies the type, size, and intensity of use.

U. Vehicle Sales, Leasing, and Rentals

4. Vehicle sales, leasing, and rental facilities, except in the CI and Design districts, shall meet the following landscaping standards ~~rather than~~ instead of those ~~in~~ of Sec. 9.8, Vehicular Use Area Landscaping:
 - a. Trees shall be planted at the rate of one tree per 50 linear feet of display area perimeter, and shrubs at the rate of one shrub per five linear feet of display area perimeter, unless a project boundary buffer pursuant to Sec. 9.4, Project Boundary Buffers, is required between the edge of the display area and the property line or right-of-way.

- b. Plants can be grouped together, provided that ~~at least 250 square feet of~~ contiguous growing area as specified in *The Landscape Manual for Durham, North Carolina*, not encroached upon by impervious ~~surfaces~~pavement, ~~surrounds shall be provided for~~ each planted tree. Sidewalks shall be permitted to encroach on sites within the Urban, Compact Neighborhood, and Downtown Tiers when a critical root path system is implemented pursuant to the *Landscape Manual*.
 - c. Plantings shall be located in an area adjacent to the display area, and between the display area and the property line; and shall meet the requirements for size and proximity to the display area as set for vehicular use areas in paragraph 9.8.1C, Standards, excluding paragraph 9.8.1C.7.
 - d. Shrubs shall not be required between a right of way (except an alley) or access easement and the display area if the display area is more than 50 feet from the right-of-way or access easement.
5. Vehicle sales, leasing, and rental facilities ~~The requirements in paragraph 4 do not apply in the DD-CI and Design D districts, which instead~~ shall meet the requirements of paragraph 9.8.4, Vehicular Use Area Landscaping in the DD-CI and Design Districts.

Sec. 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

5.4.9 Swimming Pools

Commentary: In-ground and above-ground pools are subject to any applicable public health and building code requirements.

When allowed, in-ground and above-ground swimming pools that have a water depth over 24 inches and have a surface area of at least 100 square feet shall be subject to the following additional requirements:

A. Private Pools

- ~~1.~~ Private swimming pools (as well as the decking and equipment associated with the pool) located on any residential lots with the exception of those described in Section paragraph B below, shall not be located ~~in the street yards~~between the street and the principal structure, and not be closer than five feet to any property line.
- ~~2.~~ ~~The pool shall be located within an enclosure that completely surrounds the pool, such as an opaque wall, opaque fence, or a fence in combination with opaque vegetation. The wall or fence shall incorporate self-closing and self-latching gates on any external entrances directly into the pool area. If any portion of the pool or pool decking is within 20 feet of a property line, the enclosure shall be at least six feet in height. If the pool or decking is more than 20 feet from the property line, the enclosure shall be at least four feet in height.~~
- ~~3.~~ ~~Existing pools that are not located in an enclosed area shall provide an enclosure as described in paragraph A.2 above prior to April 1, 2007. Existing pools that are located within an enclosed area that does not permit views of the pool area from off-site can continue and be replaced so long as all external entrances directly into the pool area are secured through use of self-latching and self-closing gates.~~

B. Outdoor Community Pools, Private Club Pools, or Townhouse, Multiplex, and Apartment Pools

1. ~~Except for roof-top pools, Outdoor-outdoor~~ pools including decking shall be located at least 100 feet from any property line adjacent to a ~~single family-single-family~~ residential district or use, ~~and at least 50 feet from any property line adjacent to any other district or use.~~ For purposes of this paragraph, a district or use that is across a public right-of-way shall not be considered adjacent.

5.4.12 Limited Agriculture (City Only)

Limited agriculture shall be subject to the following regulations:

A. General

1. Permits Required

~~a.~~ A permit under Sec. 3.22, Limited Agriculture Permit (City Only), is required in order to conduct the uses designated by this section. Such uses are distinct from agricultural uses or agricultural use categories permitted under this Ordinance. The limited agriculture permit is personal to the permittee and cannot be assigned.

~~b.~~ ~~A building permit issued by the City-County Inspections Department is required for any accessory structure associated with a limited agriculture permit.~~

Commentary: A building permit issued by the City-County Inspections Department may be required in addition to a Limited Agriculture Permit.

Sec. 5.5 Temporary Uses

[Paragraphs not listed remain unchanged]

5.5.2 Specific Temporary Uses

A. Carnivals

1. General

A carnival shall only operate between the hours of 8:00 ~~a.m.~~AM and 10:00 ~~p.m.~~PM, Sunday through ~~Monday~~Thursday, and between the hours of 8:00 ~~a.m.~~AM and 11:00 ~~p.m.~~PM, Friday and Saturday.

D. Construction Buildings

1. General

Construction buildings can be permitted as a temporary use incidental to construction occurring ~~on the same site as the construction building is proposed~~ in accordance with a valid building permit.

2. Permitted Timeframe

~~Construction buildings shall be removed prior to the issuance of a final certificate of compliance for the construction project, or upon the expiration of the building permit associated with the construction project. Construction buildings shall not be permitted for a time period longer than 12 months, though such permits can be renewed one time to provide an additional 12 months.~~

E. ~~Demolition Landfills~~Land Clearing and Inert Debris Landfills (LCIDs)

1. General

~~Demolition landfills~~LCIDs shall comply with all applicable local, State, and federal regulations. ~~The applicant shall provide some guarantee of funding to finance restoration of the site upon cessation of its use as a demolition landfill.~~

2. ~~Location~~Size

~~Demolition landfills on residential properties shall be located only on parcels greater than ½ acre. The total disposal area shall be less than two acres in size.~~

3. Permitted Timeframe

~~The applicant shall indicate the expected life of the landfill at the time of application, and the permit shall not be granted for longer than the time period indicated on the permit. The permit shall be valid for five years from the date of issuance. One renewal of the permit, for a maximum of an additional five years from the original expiration of the permit, can be issued.~~

I. Outdoor Sales

2. Nonresidential

Commentary: For outdoor sales located within the public right-of-way, consult the regulations within the *City of Durham Code of Ordinances*.

~~a. Temporary outdoor sales shall be limited to property within commercial zoning and Design districts.~~

~~b. Outdoor sales activity shall be located outside of required parking areas, required loading areas, and required landscaping.~~

~~c. A temporary use permit shall be required for temporary outdoor sales except for the following: use permits shall only be issued in commercial districts for activities that occur outside of any public right-of-way, required parking and loading, and required landscaping. The following outdoor sales in commercial districts shall not require a temporary use permit:~~

~~a.(1) Mobile food vendors within the DD District or on construction sites that are regulated by the Durham County Health Department;~~

~~b.(2) Mobile vendors, other than those within the DD District or construction sites, outside of the DD District that are occupying private property, and set-up once per day for a maximum of four hours within a commercial zoning district for four hours or less;~~

~~c.(3) Mobile ice cream vendors;~~

~~d.(4) Outdoor displays in compliance with Sec. 7.5, Outdoor Display and Storage; or~~

~~e.(5) Sales of home grown produce.~~

J. Portable On-Site Storage on Residential Property [Text remains unchanged]

Sec. 6.2 Residential Rural (RR) Development Intensity

[Paragraphs not listed remain unchanged]

6.2.1 Development Standards

C. Accessory Structure Requirements (City Only)

1. In addition to the accessory structure requirements set forth in Sec. 5.4, Accessory Uses and Standards, the following accessory structures shall maintain a minimum 50-foot setback from all property lines.

~~1.a.~~ New farm buildings and equestrian facilities; and

~~2.b.~~ Pens, chicken coops, corrals, or similar enclosures where livestock are kept. ~~Drainage shall be provided for the pen or enclosure so as not to create areas for breeding insects.~~

2. Livestock shall be kept in pens, chicken coops, corrals, or similar enclosures. Drainage shall be provided for the pen or enclosure to avoid creating breeding areas for insects.

6.2.2 Permitted Housing Types

Only ~~single family detached dwelling units~~ Single-Family Detached Houses, as described in paragraph 7.1.2, and manufactured homes shall be permitted.

6.2.3 Residential Density

Residential density shall not exceed the maximum densities set forth in ~~subsection-paragraph~~ 6.2.1A, Dimensional Standards.

6.2.4 Conservation Subdivision

B. Applicability of Regulations

1. This conservation subdivision option is available as a use by right subject to subdivision approval in accordance with Sec. 3.6, Subdivision Review;~~;~~ and in accordance with the standards set forth in paragraph 6.2.4A, Purpose, and paragraph 6.2.4~~HF,~~ Primary and Secondary Conservation Areas.
2. As required under Sec. 3.6, Subdivision Review, a conservation subdivision shall conform to the requirements of this Ordinance, including Article 8, Environmental Protection, and other development-related ordinances;~~;~~ except that the requirements of this section shall supersede any conflicting ordinance provisions.
3. Spray irrigation for the treatment of wastewater within a conservation subdivision shall require a major special use permit under Sec. 3.9, Special Use Permit, unless the area to be irrigated is a primary conservation area that is farmland or agricultural land.

Sec. 6.3 Residential Suburban (RS) Development Intensity

[Paragraphs not listed remain unchanged]

6.3.1 Development Standards

B. RS-20 District Accessory Structure Requirements (City Only)

1. In addition to the accessory structure requirements set forth in Sec. 5.4, Accessory Uses and ~~Standards~~ Structures, the following accessory structures shall maintain a minimum 50-foot setback from all property lines:
 - ~~1.a.~~ New farm buildings and equestrian facilities; and
 - ~~2.b.~~ Pens, chicken coops, corrals, or similar enclosures where livestock are kept. ~~Drainage shall be provided for the pen or enclosure so as not to create areas for breeding insects.~~
2. Livestock shall be kept in pens, chicken coops, corrals, or similar enclosures. Drainage shall be provided for the pen or enclosure to avoid creating breeding areas for insects.

6.3.2 Permitted Housing Types

~~Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the A variety of housing types~~ shall be permitted ~~in the RS Districts~~ in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Sec. 6.4 Residential Urban (RU) Development Intensity

[Paragraphs not listed remain unchanged]

6.4.2 Permitted Housing Types

~~Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the A variety of housing types shall be permitted in the RU Districts~~ in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Sec. 6.5 Residential Compact (RC) Development Intensity

6.5.2 Permitted Housing Types

~~Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the A variety of housing types shall be permitted in the RC District~~ in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Sec. 6.8 Infill Development in Residential Districts

[Paragraphs not listed remain unchanged]

6.8.1 Applicability

B. Urban Tier

1. This section shall apply to any new project or modification of any existing building located on a site of less than four acres in ~~an RU District~~ a residential district.

Sec. 6.9 Nonresidential and Group Living Development in Residential Districts

[Paragraphs not listed remain unchanged]

6.9.1 Dimensional Standards

- A. Nonresidential and group living development in residential districts shall comply with the dimensional standards in the following table:

Development Standard	RURAL		SUBURBAN		URBAN		COMPACT	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Lot Area (square feet)	3 ac.	---	15,000	---	5,000	---	5,000	---
Lot Width (feet)	100	---	90	--	50	---	50	---
Open Space (% of gross area) ¹	---	---	10	---	3	---	---	---
Core Area	---	---	---	---	---	---	1.0	---
Support Area	---	---	---	---	---	---	3.0	---
Street Yard								
Feet from ROW	50	---	25	---		20 ² <u>20</u> ¹		15 ² <u>15</u> ¹
% of Frontage	---	---	---	---	60	---	80	---
Side Yard (feet)								
Min Each Side	12	---	10	---	6	---	0	---
Min Both Sides (total)	30	---	24	---	15	---	0	---
Rear Yard (feet)	25	---	25	---	25	---	25	---
Building Coverage (%) ²	--	9	---	60	---	70	---	70
Height (feet)	---	45	---	45	---	45	---	45

¹ ~~Usable open space is not required for nonresidential development in residential districts, per paragraph 7.2.3A.2.~~

² ~~Street~~¹ Street yard may be modified subject to paragraph 6.8.3A, Street Yards.

³ ~~May~~² May be further restricted by watershed regulations in accordance with paragraph 8.7.2B, Impervious Surface Limits.

B. Open Space Exemptions

- 1. Principal uses listed in paragraph 5.2.4F, Parks and Open Areas, and paragraph 5.2.4J, Utilities, are exempt from the open space requirements in the table in paragraph 6.9.1A, above.
- 2. Development sites of an acre or less are exempt from the open space requirements in the table in paragraph 6.9.1A, above.
- 3. Usable open space pursuant to paragraph 7.2.3A is not required for nonresidential and group living development in residential districts.

~~BC.~~ [Text remains unchanged]

~~CD.~~ [Text remains unchanged]

Sec. 6.10 Nonresidential District Development Intensity

[Paragraphs not listed remain unchanged]

6.10.1 Nonresidential and Group Living Development Standards

A. Rural Tier

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

B. Suburban Tier

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

C. Urban Tier

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

1. Standards for the CI District

		CI	
Dimensional Standard	Min.	Max.	
Lot Area	---	20,000	
Street Yard from Back of Curb (feet)	10 5	15	
Side Yard (feet)	---	10	
Rear Yard (feet)	10	---	
Height (feet)	---	35	

- a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- ~~b. For sites where the streetscape has a slope greater than four percent, or where the required pedestrian path cannot be provided, the street yard can be reduced to 15 feet if one of more of the following is provided:
 (1) Outdoor seating (benches, seat walls, etc); or
 (2) Required bicycle parking; or
 (3) Outdoor retail display space.~~
- ~~eb.~~ Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one-to-one.

dc. Minimum ground floor glazing for building facades facing street frontages shall be ~~65~~60% for all nonresidential uses and 50% for residential uses.

ed. [Text remains unchanged]

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

a. Structure(s) shall be oriented such that at least one of the following standards is met:

- (1) The longest building facade is parallel to and within the maximum street yard~~the street~~; or
- (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.

3. Standards for the IL and I Districts

a. In the IL District, structure(s) shall be oriented such that at least one of the following standards is met:

- (1) The longest building facade is parallel to and within the maximum street yard~~the street~~; or
- (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.

D. Compact Neighborhood Tier

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

1. Standards for the CI District

Dimensional Standard	CI	
	Min.	Max.
Lot Area	---	20,000
Street Yard from Back of Curb (feet)	10 5	15
Side Yard (feet)	---	10
Rear Yard (feet)	10	---
Height (feet)	---	35

a. Buildings greater than 20,000 square feet are allowed in the CI District if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

~~**b.** For sites where the streetscape has a slope greater than four percent, or where the required pedestrian path cannot be provided, the street yard can be reduced to 15 feet if one of more of the following is provided:~~

- ~~(1) Outdoor seating (benches, seat walls, etc); or~~
- ~~(2) Required bicycle parking; or~~
- ~~(3) Outdoor retail display space.~~

eb. Additional height in the CI District, up to 50 feet, is allowed if the building uses upper story step-backs at a ratio of one-to-one.

dc. Minimum ground floor glazing for building facades facing street frontages shall be ~~65~~60% for all nonresidential uses and 50% for residential uses.

ed. [Text remains unchanged]

2. Standards for the CN and OI Districts

- a. Structure(s) shall be oriented such that at least one of the following standards is met:
 - (1) The longest building facade is parallel to and within the maximum street yard~~the street~~; or
 - (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.

3. Standards for the CG and IL Districts

- a. Structure(s) shall be oriented such that at least one of the following standards is met:
 - (1) The longest building facade is parallel to and within the maximum street yard~~the street~~; or
 - (2) The street-facing building facade occupies at least 60% of the total street frontage for the development.

6.10.2 Residential Development in Nonresidential Districts

A. Permitted Housing Types

- 1. Residential development in any nonresidential district shall be in accordance with Sec. 5.1, Use Table. The following residential development shall be allowed as indicated with a "✓".

Residential Development Allowed					
Zoning District	Single-Family Detached House (paragraph 7.1.2)	Townhouse (paragraph 7.1.8)	Multiplex (paragraph 7.1.9)	Apartment (paragraph 7.1.10)	Upper Story Residential
CI, CG, OI	::	✓	✓	✓	✓
CN	✓	✓	✓	✓	✓

- 2. For a Single-Family Detached House, the following zoning district development standards pursuant to paragraph 6.2.1, Development Standards, or paragraph 7.1.2B, Development Standards, as applicable, shall apply:

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

- 3. For all other housing types, the development standards applicable to the housing type, or the base zoning district for upper story residential, shall apply.
- 4. Street level residential development shall not be allowed in the CI District, except for townhomes.

B. Residential Density

- 2. Density limits shall not apply to upper story residential units in the CI District.
- ~~3. No first floor residential shall be allowed in the CI District, except for townhome developments.~~
- ~~4. The minimum lot size for residential units shall conform to the smallest lot size allowed for the units of the type proposed within the Tier pursuant to Sec. 7.1, Housing Types.~~

Sec. 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

6.11.3 Planned Development Residential (PDR)

A. Uses

- 3. Nonresidential uses allowed in the PDR District shall be limited to those uses listed in the Sec. 5.1, Use Table. Nonresidential uses can be approved subject to the use limitations established in Sec. 5.3, Limited Use Standards, and the following conditions, being met:
 - a. Except for Public and Civic uses pursuant to Sec. 5.1, Use Table, tThe development shall provide for at least 100 dwelling units. When both nonresidential and residential uses are proposed:
 - (1) The dwelling units can be separate structures from the ~~retail or office~~nonresidential uses or located in the same structure as the ~~retail or office~~nonresidential uses.
 - (2) To assure that ~~the~~ commercial and office uses are supportive of the PDR project, Certificates of Compliance shall be issued for at least 25% of the residential units before Certificates of Compliance are issued for the ~~retail~~commercial or office uses. This requirement shall not apply when residences are located in the same building as the ~~retail~~commercial or office uses.
 - e. Nonresidential square footage shall promote a range of services for residents. Except for Public and Civic uses pursuant to Sec. 5.1, Use Table, The the nonresidential component within a PDR shall not exceed 50,000 square feet and shall be devoted to more than one business.

6.11.7 Mixed Use (MU)

D. Residential Density

2. Maximum

Tier	Maximum Density: Horizontal Integration of Uses (dwelling units/acre)	Maximum Density: Vertical Integration of Uses (dwelling units/acre)
<u>Suburban</u>	<u>14</u>	<u>18</u>
<u>Urban</u>	<u>16</u>	<u>20</u>
<u>Compact Neighborhood</u>	<u>Core: 42 Support: 16</u>	<u>53</u>

~~Residential density shall not exceed 80% of the maximum density permitted within the development tier as reflected in Sec. 6.3, Residential Suburban Development Intensity, Sec. 6.4, Residential Urban Development Intensity, and Sec. 6.5, Residential Compact~~

~~Development Intensity, unless residential development is integrated vertically within the development. Projects that integrate residential and nonresidential uses vertically may develop at 100% of the maximum density permitted in the tier.~~

Sec. 6.12 Design Districts

[Paragraphs and illustrations not listed remain unchanged]

6.12.2 All Design Districts

A. General

6. Alternative forms of compliance for the following standards may be approved through a design special use permit issued pursuant to Sec. 3.9, Special Use Permit:

- a. Building standards in paragraphs 6.12.2D.2 through 7 for the applicable Frontage Types.
- b. Paragraph 6.12.2D.8.c, Building Standards, and paragraph 6.12.2D.8.d, Front Facade Street Yard Standards, for the Monumental Building Type.
- c. Paragraph 6.12.2E, Additional Standards.
- d. Paragraph 6.12.2F, Architectural Standards.
- e. Paragraph 6.12.2G, Streetscape Standards.
- f. Paragraph 6.12.3A.1 or 6.12.4A.1, Building Placement Standards.
- g. Height Articulation (Massing) standards in the table in paragraph 6.12.3A.2.a or 6.12.4A.2.a.

7. Durham Design Manual

The Durham Design Manual shall contain the following:

- a. Recommended standards and methodologies for building and site design within the Downtown Design District.
- b. Standards to conform to streetscape requirements of this Section.

8. For projects with no proposed changes to the site, only the following standards shall apply, as appropriate:

- a. Paragraph 6.12.2A.9.
- b. Paragraph 6.12.2E.2.b.
- c. Paragraph 6.12.2F.2.c.
- d. Paragraph 6.12.2G.1.b.
- e. Paragraph 6.12.2G.3, Streetscape Amenities.

9. Street Level Residential Uses within Design Districts

- a. Residential uses at street level shall be raised a minimum of 30 inches from the average finished ground level.
- b. For buildings with multiple residential entries, the finished floor elevation for each residence's floor plate shall be a minimum of 30 inches above the grade at street level.
- c. Exemptions from paragraphs 9.a and 9.b, above:
 - (1) Utilization of the Forecourt Frontage type with a minimum forecourt depth of 10 feet.
 - (2) Residential uses on the ground floor of a building located at least 20 feet from the street facing facade.
 - (3) Entry areas to residential uses, such as lobbies, foyers, or common areas.

[Commentary remains unchanged]

C. Height Articulation

~~1. Building Height to Street Width Ratio~~

1. Podium Height

~~Ratios establish minimum~~ The minimum and maximum ~~required initial building heights~~ (or podium heights) is established along the street frontage based on sub-district. ~~Ratios shall be provided as required by the corresponding Building Height and Massing table for each district. See paragraph 6.12.3A.2.a for the DD District and paragraph 6.12.4A.2.a for the CD District.~~

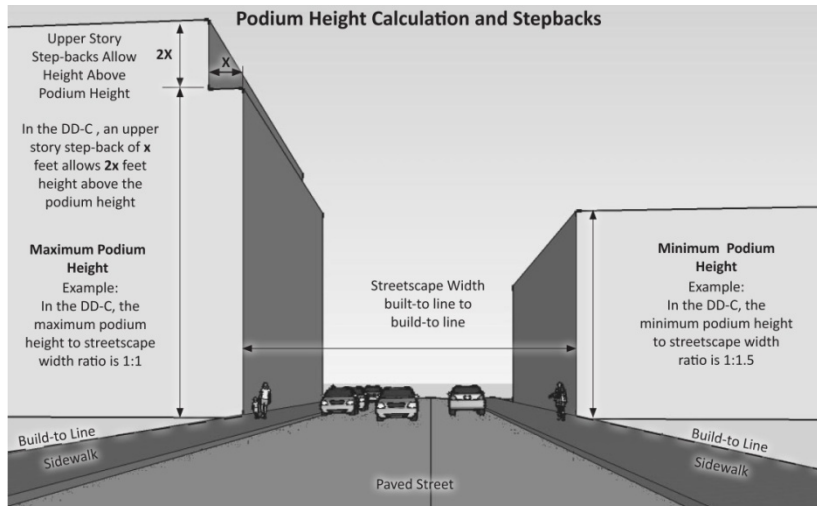
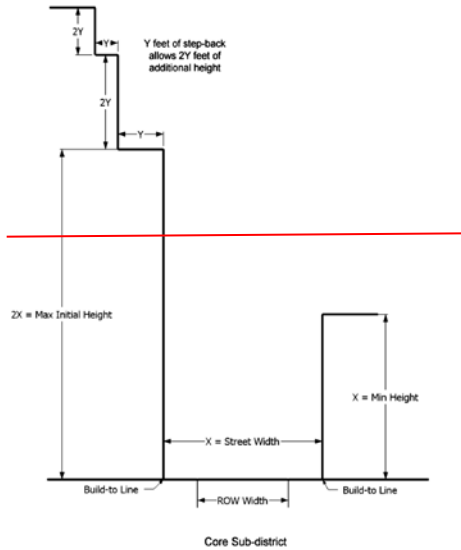
- a. Minimum and maximum podium heights are established pursuant to paragraph 6.12.3A.2 for the DD District and paragraph 6.12.4A.2 for the CD District.
- b. All Building Types and Frontage Types, except the Forecourt Frontage Types and the Monumental Building Type, shall meet the minimum podium height at the build-to line.
- c. Forecourt Frontage Types shall meet the minimum podium height at the back of the forecourt, pursuant to 6.12.2D.6.b(1).

Commentary: Building height is typically comprised of two components: the podium (the initial building height) and the upper story step-back. In some instances, a building consists only of podium height. Urban design principles include both a minimum enclosure of the public realm for pedestrian-scaled development, and a maximum enclosure to ensure light and air access on the street. The minimum building-podium height to streetscape width ratios provide a minimum enclosure. The maximum building-podium height to streetscape width ratios and the upper story building step-backs provide a maximum enclosure.

2. Upper Story Building Step-backs

Upper story step-backs can be used above the minimum podium height, and shall be used above the maximum podium height, pursuant to paragraph 6.12.3A.2 for the DD District and paragraph 6.12.4A.2 for the CD District.

- a. Upper story building step-backs shall be provided as required by the corresponding Building Height and Massing table for each district.
- b. Step-backs shall apply until the final 25% of the site area is reached at which point the building can extend up without further step-backs until the maximum allowable height is reached. ~~See paragraph 6.12.3A.2.a for the DD District and paragraph 6.12.4A.2.a for the CD District.~~



Commentary: In the DD-C sub-district, for X feet of street width, the maximum initial height is 2X. In this sub-district the minimum height is X. For every Y feet of step-back provided, 2Y feet of additional height shall be permitted up to the maximum allowable height in the sub-district. Multiple step-backs may be provided to reach the maximum height.

D. Frontage and Building Types

Frontage Types define the interface of the development with the streetscape. They apply to all street facades and the adjoining streetscape, including public and private streets and public access and common areas, generally at ground level. Building Types regulate massing of the entire building along all sides, beyond just that along the street frontage. They include standards regarding all sides of the building. A building with multiple street frontages can employ different Frontage Types on its facades, but Building Types cannot be combined. If a property has street frontage on all sides, a single street frontage can be designated as a service frontage and thereby be exempt from meeting all frontage type standards.

1. Permitted Frontage and Building Types

Permitted Frontage and Building Types are indicated by a “✓” in the table below.

Sub-District		Frontage or Building Type					
		Storefront	Arcade	Courtyard	Forecourt	Parking Structure	Monumental
Downtown Design	DD-C	✓	✓	✓	✓	✓	✓
	DD-S1	✓	✓	✓	✓	✓	✓
	DD-S2	✓	✓	✓	✓	--	✓
Compact Design	CD-C	✓	✓	✓	✓	✓	--
	CD-S1	✓	✓	✓	✓	--	✓
	CD-S2	✓	✓	✓	✓	--	✓
	CD-P	✓	✓	✓	--	--	--

[†]Permitted frontage and building types are indicated by a “✓” in the table above.

2. General Standards

- a. A building can employ different Frontage Types, but Building Types cannot be combined.
- b. If a property has street frontage on all sides, a single street frontage can be designated as a service frontage on the site plan and thereby be exempt from meeting all Frontage Type standards where designated.

23. Storefront Frontage Type

b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Storefront Frontage Type.

~~(1) 80% of podium building facade shall be at the build-to-line.~~

~~(21)~~ [Text remains unchanged]

~~(32)~~ [Text remains unchanged]

~~(43)~~ [Text remains unchanged]

~~(54)~~ A secondary, tripartite, horizontal articulation shall be made within the ground floor facade (for example: kickplate, storefront, and transom).

~~(65)~~ [Text remains unchanged]

~~(76)~~ Recessed entries, required in paragraph ~~6-(5)~~ above, shall be proportionally wider (Y) than they are deep (X). ~~The depth (X) of a recessed entry shall be a maximum of 1.5 times the width (Y) of the recessed entry).~~

34. Arcade Frontage Type

b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Arcade Frontage Type.

~~(1) 80% of podium building facade shall be at the build-to-line.~~

(21) [Text remains unchanged]

(32) The depth (~~XX~~) of the recessed street level, or arcade, shall be a minimum of 8 eight feet and a maximum of 20 feet, measured from the build-to line.

(43) [Text remains unchanged]

(4) Voids between columns shall not be permanently filled in.

(5) A minimum of 65% of the colonnade facade at the ground level shall be open.

45. Courtyard Frontage Type

b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Courtyard Frontage Type.

(1) Dimensional Standards

Requirement	Minimum	Maximum
Required Street Frontage of the Lot (W)	100 feet	---
Required Width (Z) at Build-to Line	20% of the building frontage or 30 feet, whichever is greater	50% of the building frontage
Required Courtyard Depth (Y)	50% of courtyard width (Z) or 30 feet, whichever is greater	---
Required Courtyard Width to Building Height Ratio (Z:X)	2:1	1:2
Required Courtyard Interval (defined as wing, courtyard opening, and wing)	---	200 feet

(12) [Text remains unchanged]

(23) [Text remains unchanged]

(34) [Text remains unchanged]

56. Forecourt Frontage Type

a. Description

A structure with facades that are separated from the sidewalk and/or street by a small ~~street yard~~forecourt. The forecourt shall be either at the same average grade as the adjacent street-(forecourt), or situated as follows: above grade (raised court), below grade (light court), or with a raised entry (stoop).

b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Forecourt Frontage Type.

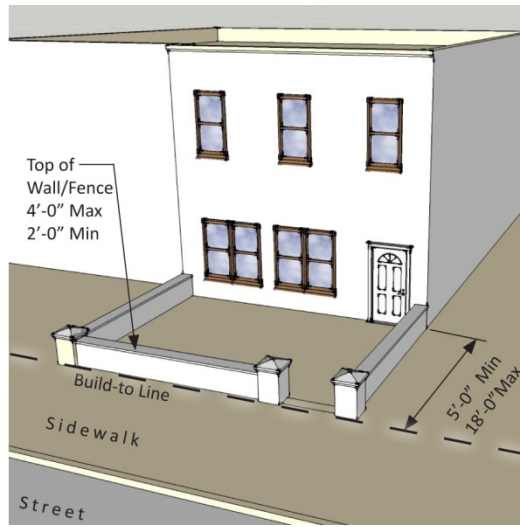
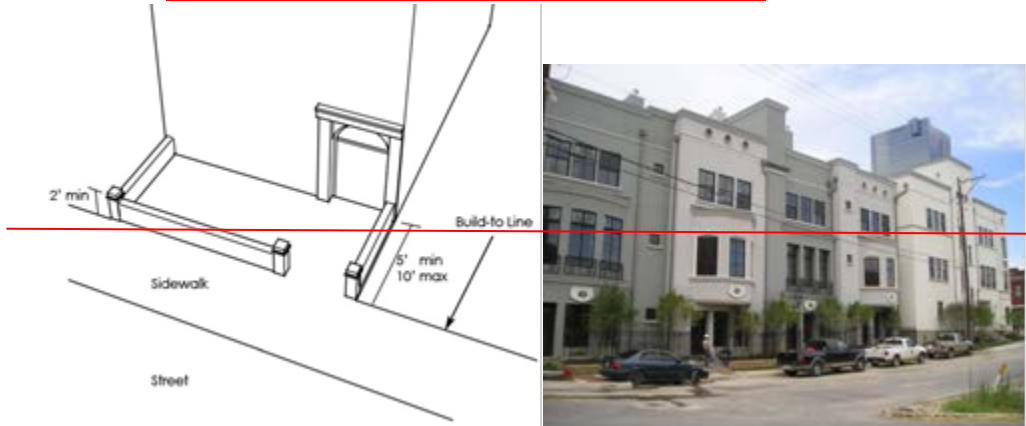
(1) The required ~~street yard~~forecourt shall have a minimum depth of 5-five feet and maximum depth of 15-18 feet measured from the build-to line.

~~(2) A minimum of 60% of the podium building facade shall be located directly abutting the back of the street yard.~~

(32) A minimum 2-two-foot high fence or street wall is required ~~within two feet in front of or behind~~at the build-to line and must comply with the provisions of Sec. 9.9, Fences and Walls. This requirement shall only apply to ~~street~~

~~yards~~ forecourts at the adjacent street grade (~~forecourt~~) for 60% of the street frontage.

Forecourt at same average grade as the adjacent street:



(4) Forecourt Sub-~~t~~I Types

(a) ~~A raised~~ Raised court and/or stoop type can be created when the ground level of the forecourt is raised above the adjacent street level.

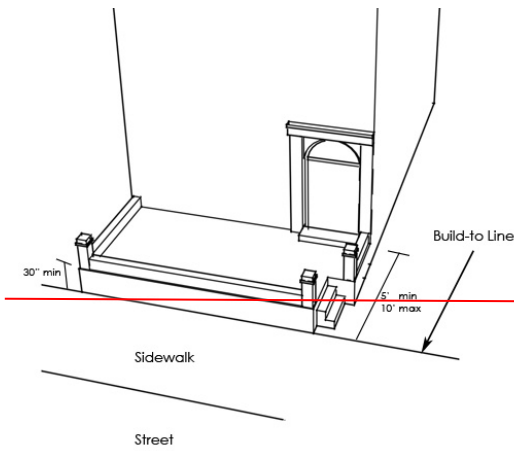
(i) The raised court shall be:

- a. a ~~A~~ minimum of 30 inches and a maximum of four feet above street grade level; and
- b. More than 50% of the width of the building bay.

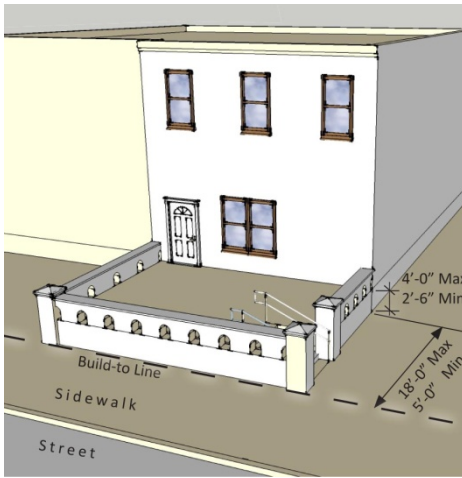
(ii) A stoop shall be:

- a. A minimum 20 square foot landing area;
- b. Raised a minimum of 30 inches and a maximum of six feet above the average grade at the street provided that the stoop corresponds to building entries; and
- c. Less than 50% of the width of the building bay.

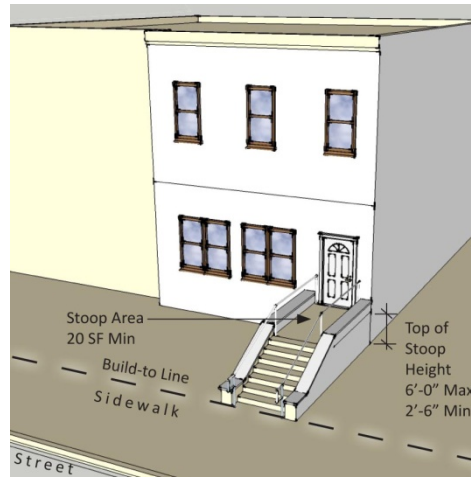
~~Raised Court~~



Raised Court:

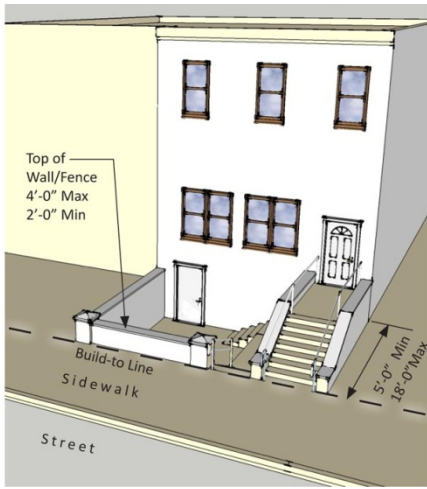
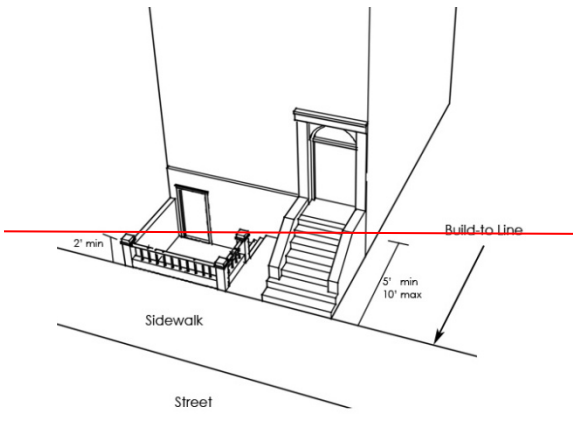


Stoop:



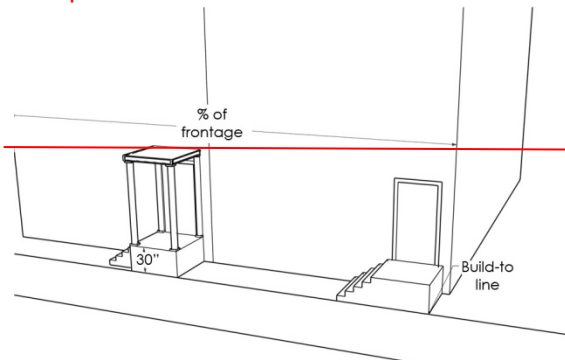
(b) A light court ~~type~~ can be created when the ground level of the forecourt is lowered below the average adjacent street grade level. The light court shall be a usable space accessible from ~~either~~ the street and/or the building.

Light Court:



~~(c) A stoop type may be created when a minimum 20-square-foot landing area raised a minimum of 30 inches and a maximum of six feet above the average grade at the street is provided that corresponds to building entries.~~

Stoop



67. Parking Structure Frontage Type



b. Building Standards

In addition to the standards in paragraph 6.12.2F, Architectural Standards, the following standards shall apply to the Parking Structure Frontage Type.

- ~~(1)~~ A minimum of 80% of the podium building facade shall be at the build to line.
- ~~(2)~~ Parking structures that do not include ground floor retail shall be built to allow conversion of a minimum of 75% of the ground floor along the street frontage to retail space.
- ~~(3)~~ For parking structures with more than 200 feet in contiguous length along the street frontage, other than a freeway or limited-access thoroughfare, a conditioned interior space ~~of 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.
- ~~(4)~~ Access points for pedestrians ~~must shall~~ be located to minimize pedestrian and vehicle conflicts. Pedestrian sight distance triangles measuring ~~10'-10 feet~~ by ~~10' 10 feet~~, or pedestrian warning devices, shall be provided at all access points.
- ~~(5)~~ The following specific architectural standards shall apply:
 - ~~(c)~~ For exposed parking areas on all levels, a decorative wall or other decorative screening of sufficient height to screen parked vehicles shall be provided. Louvers shall not be used for screening openings at street level.
 - ~~(d)~~ Glazing requirements within the table in paragraph 6.12.2F.2.a, do not apply. Openings shall be provided for each level of the facade facing the street at a minimum rate of 40% of the facade.
 - ~~(e)~~ Openings for parking areas on all levels, not including driveway access, shall be a maximum of 100 square feet.
 - ~~(f)~~ Where parking spaces are exposed at the ground-podium levels, openings shall be articulated with additional columns or pilasters, window frames, decorative screens, trellises, or vegetative walls.
 - ~~(g)~~ No more than 30% of the parking structure materials along the street frontage shall be unfinished concrete ~~along the street frontage~~.

78. Monumental Building Type

d. Front Facade Street Yard Standards

The front facade street yard shall meet the following requirements:

- (1) It shall be ~~within no more than~~ three vertical feet ~~of higher than~~ sidewalk grade at the street frontage for a minimum depth of five feet, measured from the property line at the right-of-way and shall be publicly accessible.
- (2) It shall have a minimum depth of 20 feet from the back-of-curb, and shall extend a minimum of the length of the building along the street frontage, and be comprised completely of landscaping and hardscaping as described below.
- (4) A minimum of 30% of the street yard area shall be comprised of landscaping and shall include the following:
 - (a) One 2 ½-inch caliper tree per 1,000 ~~sq ft~~square feet of landscaped area shall be required; and
 - (5) It shall not be blocked, gated, or barred in such a manner to prevent 24-hour public access.

E. Additional Standards

1. Pedestrian Mall Standards

- b.** A clear zone, free of obstructions, and at least ten-10 feet in width, shall be provided along the length of the pedestrian mall.
- c.** Pedestrian malls shall ~~provide a have~~ hardscaped surfaces ~~between building facades.~~ A maximum of 50% of the pedestrian mall ~~shall be permitted to can~~ be landscaped provided the required clear zone is hardscaped and maintained for the length of the pedestrian mall.
- e.** The requirements of paragraph 6.12.2G.3, Streetscape Amenities, shall apply ~~to pedestrian malls.~~ Amenities shall be distributed throughout the length of the pedestrian mall.
- g.** Pedestrian malls shall not be blocked, gated, or barred in such a manner to prevent 24-hour public access.
- gh.** A public access easement for the entire area of any pedestrian mall shall be granted in perpetuity to the City of Durham.

F. Architectural Standards

1. Building Access and Pedestrian Connectivity

- a.** The primary entrance shall:
 - (1) Be within 30 inches of street level;
 - (2) Face the street; and
 - (3) Have direct access to the street. ~~to each street level area shall be directly from and face the street. Entrances to the Courtyard and Forecourt Frontage Types, per paragraph 6.12.2D.4, Courtyard Frontage Type and paragraph 6.12.2D.5, Forecourt Frontage Type, are exempt from this standard.~~
- b.** Exemptions from paragraph a, above:
 - (1) Entrances to the Courtyard and Forecourt Frontage Types, per paragraph 6.12.2D.5, Courtyard Frontage Type, and paragraph 6.12.2D.6, Forecourt Frontage Type.
 - (2) Existing entrances designed and used as the primary entrance for the building, as long as access to the street is maintained.
- bc.** [Text remains unchanged]

- ~~ed.~~ Residential uses at street level ~~shall be raised a minimum of 30 inches from street level. Entries to residential uses can be lower than 30 inches above street level so long as the finished floor elevation of the residential units meets the minimum of 30 inches above street level. This provision shall not apply to the forecourt frontage types when a street yard of 10 feet or greater is utilized~~ shall be pursuant to paragraph 6.12.2A.9, Street Level Residential Uses within Design Districts.
- ~~de.~~ For every 250 feet in facade length along the street frontage, a minimum of one exterior pedestrian passage shall be provided between or through buildings to allow for pedestrian connectivity.
- (1) Such passages shall maintain a minimum of 8-eight feet of clearance in width and height.
- (5) Such passages not be blocked, gated, or barred in such a manner to prevent 24-hour public access. For projects that are 100% residential (not including ancillary uses provided for residents of the development, such as leasing offices, pools, fitness facilities, etc.), these passages can have limited access for security.

2. Fenestration Requirements

- a. A minimum percentage of building facades facing street frontages shall be glazed window or door openings as follows:

Ground Level Facade Location	Glazing Required	Glazing for <u>P</u> portion with 4% <u>S</u> slope or <u>G</u> reater ¹
Non-residential at grade ground level (sidewalk level) <u>Storefront and Arcade Frontage Type at Sidewalk Level</u>	65%	50%
<u>Forecourt Frontage Type at Sidewalk Level</u>	<u>50%</u>	<u>25%</u>
<u>Monumental Building Type at Ground Level</u>	<u>30%</u>	<u>25%</u>
<u>Parking Structure Frontage Type, All Levels</u>	<u>See paragraph 6.12.2D.7.b(4).</u>	
<u>All Podium Levels except at Sidewalk Level for All Uses</u>	<u>25%</u>	<u>25%</u>
<u>All Levels Above the Podium</u>	<u>20%</u>	<u>20%</u>
<u>Non-residential ground level that is either above or below sidewalk level</u>	50%	30%
<u>Exceptions to the Above Criteria:</u>		
<u>Overnight Accommodations at ground Sidewalk Level</u>	30%	<u>30</u> <u>25%</u>
<u>Residential at ground Sidewalk Level</u>	30%	<u>30</u> <u>25%</u>
<u>Upper Floors for All Uses²</u>	<u>30%</u>	<u>30%</u>

¹ Slope is measured parallel to the street.

~~² Upper floor windows greater than 10 square feet in area shall be divided by a minimum of one muntin, mullion, or sash.~~

- ~~b.~~ (1) The area of any exterior air intake louvers or vents used for mechanical equipment or HVAC systems can be subtracted from the total wall area when calculating glazing requirements.

- (2) Upper floor windows greater than 10 square feet in area shall be divided by a minimum of one muntin, mullion, or sash.
- (3) Street-facing facades at any level and placed 40 feet or more away from the build-to line shall provide the fenestration as listed for “All podium levels except at sidewalk level for all uses” in the table above.
- (4) Courtyards with facades completely internal to the site and not applicable to the Courtyard Frontage Type as described in 6.12.2D.5, Courtyard Frontage Type, are exempt from minimum fenestration requirements.

eb. Street-Level Window Design Standards

All street-level glazing used to meet these fenestration requirements shall comply with the following standards to ensure visual interest along the streetscape:

- (3) Street-level glazing shall not be obscured by materials applied to the inside of the glass including, but not limited to: paper, ~~signs covering more than 10% of the window area,~~ and paint. Signs allowed pursuant to Article 11, Sign Standards, are exempt from this requirement.

3. Materials

- c. Incidental changes in material, such as but not limited to quoins or keystones, are allowed.

4. Facades

- ~~a-~~ Facades of ~~structures-buildings~~ visible from public or private streets, or from private access and common areas, shall be designed as follows: Portions of building facades in the aforementioned locations and used as retaining walls shall also be subject to these standards.

a. Building Bays

- (1) Building bays shall be articulated ~~each~~ with a maximum width of 50 feet for each bay and building entrances at a maximum interval of 100 feet. To gain additional 25-foot increments of spacing between entrances, up to a maximum of 200-foot intervals, bay widths shall be decreased in ~~5-five~~ foot increments per 25 feet of added spacing.

Example: To provide building entrances at 175-foot intervals for a project, bay widths of 35 feet would be required $(100+3(25)=175; 50-3(5)=35)$.

- (2) Building bays shall be designed with vertical articulation elements (e.g. pilasters, reveals) that create relief from the main facade surface ~~(e.g. pilasters, reveals).~~
- (4) For buildings in the Pedestrian Business sub-district (Ninth Street) of the CD District, the rhythm established by typical building bay widths of the traditional commercial structures on the east side of Ninth Street between Perry Street and West Markham Avenue shall be maintained instead of the increment established in paragraph 6.12.2F.4.a(1).

(5) Building bays shall be articulated from street level to the top of the podium.

- b. Building tops shall be articulated with ~~discernable~~discernible cornice lines, parapets and/or fascias that create three-dimensional relief or reveal.
- ~~d. Create architectural variety by stepping back upper floors or otherwise varying building massing.~~ Corner Facades

- ~~e.~~(1) Buildings on corner lots shall be designed with ~~two~~all street-facing facades ~~of having similar architectural expression and articulation.~~
- ~~f.~~(2) Any corner tower element shall wrap both sides of the corner and be articulated as a distinct vertical element. This element shall not appear merely as a coplanar extension of the main facade.

G. Streetscape Standards

1. Sidewalks

- ~~b.~~ For the Monumental Building Type, or sites where the build-to line is greater than 18 feet from back-of-curb due to paragraphs 6.12.3A or 6.12.4A, Site Design Standards, the sidewalk shall be a minimum of 10 feet wide and a landscape strip with a minimum width of three feet can be provided against the back-of curb, rather than the standard in paragraph 6.12.2G.1.a, above.
- ~~b.c.~~ A continuous, unobstructed area, or “clear zone,” of five feet shall be maintained at all points along the sidewalk. In lieu of this standard, For Pedestrian Malls, shall maintain clear zones ~~shall be established as~~ per paragraph 6.12.2E.1.b.
- ~~d.~~ Parking areas, loading zones, and other similar features shall not utilize, or encroach into, the required sidewalk area as described in paragraphs 6.12.2G.1.a or b, above.

3. Streetscape Amenities

- a. Amenities shall be provided within the streetscape as indicated in the table below; and shall be calculated by rounding to the nearest linear foot or receptacle.

Sub-District	Required Amenity Standards			
	Seating	Solid Waste Receptacles	Decorative Street Lights	<u>Street Trees</u>
Core (-C)	One linear foot per 15 linear feet of street frontage	One per 150 linear feet of street frontage	When existing street lights are replaced or new street lights are installed, they shall meet the specifications for decorative street lights found in the <i>Durham Design Manual</i> .	<u>Pursuant to Sec. 9.6, Street Trees. See planting guidelines and details in the <i>Landscape Manual</i> and the <i>Durham Design Manual</i></u>
Support 1 (-S1)	One linear foot per 20 linear feet of street frontage	One per 200 linear feet of street frontage		
Support 2 (-S2)	One linear foot per 25 linear feet of street frontage	One per 250 linear feet of street frontage		
Pedestrian Business (-P)	One linear foot per 15 linear feet of street frontage	One per 150 linear feet of street frontage		

- ~~e.~~ Streetscape amenities shall be distributed along the full length of the street frontage rather than in one location.
- ~~f.~~ Required streetscape amenities can be provided within the right-of-way or on private property within five feet of the property line, provided that they are publicly accessible.
- ~~g.~~ For projects with multiple street frontages, each street frontage shall have a discrete calculation and requirement.
- ~~h.~~ Streetscape amenities shall meet the applicable specifications within the *Durham Design Manual*.

H. Additional Requirements

1. Vacant Lots

Any lot that becomes vacant due to demolition, for which a building or construction permit has expired or does not exist, shall meet the following standards in addition to any sedimentation and erosion control requirements of paragraph 12.10.4B, Stabilization of Disturbed Land:

- a. The lot shall be planted with ground cover, grass or other appropriate landscape material, or covered with hardscape material, and maintained. No bare earth shall remain visible.
- b. A wall, opaque fence, or landscaping with a minimum height of 36 inches and a maximum height of 48 inches shall be installed on the build-to line along the length of the street frontage. The screening shall be in conformance with the *Durham Design Manual* ~~in accordance with “Crime Prevention through Environmental Design” principles.~~
- c. These actions must be completed within 30 days of demolition or the expiration of a building or construction permit, whichever comes last.

2. Temporary Pedestrian Paths

Any existing pedestrian path that will be inaccessible for more than seven days shall require approval of a pedestrian traffic control plan as per MUTCD standards. Prior to the path becoming inaccessible, the pedestrian traffic control plan shall be submitted to and approved by the Transportation Director or designee, and NCDOT, as applicable, through the Construction Drawing approval process. Pedestrian traffic control plans shall include new or temporary pedestrian circulation routes and pedestrian protection measures, as appropriate.

6.12.3 Downtown Design (DD) District

A. Site Design Standards

1. Building Placement Standards

Unless otherwise specified within the individual Frontage or Building Type standards pursuant to paragraph 6.12.2D, Frontage and Building Types, the following standards shall apply for all Frontage and Building Types.

~~a. These standards shall apply to Frontage and Building Types:~~

Frontage Type	Build-to-Line	Side-Yard Setback	Minimum-Lot Frontage
Storefront	12 feet	25 feet total max. 20 feet max. on one side	n/a
Arcade			n/a
Courtyard			100 feet
Forecourt			n/a
Parking Structure			n/a
Building Type	Setback (from ROW)	Side-Yard Setback	Minimum-Lot Frontage
Monumental	20 feet min.	20 feet min.	200 feet

- a. Except as specified in paragraphs (1) and (2), below, the minimum percentage of building podium specified in the following table shall be met at the build-to line.

<u>Sub-District</u>	<u>Percent of Building Podium Along Street Frontage (minimum)</u>
<u>Core (-C)</u>	<u>80%</u>
<u>Support 1 (-S1)</u>	<u>70%</u>
<u>Support 2 (-S2)</u>	<u>60%</u>

- (1) Courtyard Frontage Type buildings shall meet the building placement standards found in paragraph 6.12.2D.5, Courtyard Frontage Type.
- (2) Forecourt Frontage Type buildings shall meet the minimum percentage of podium, specified in the table above, along the street frontage and within the forecourt while meeting the standards in paragraph 6.12.2D.6.b(1).
- b. A build-to line along each street frontage shall be established between 12 feet and 18 feet from the back-of-curb.
- c. Where the right-of-way line is further from the curb than the build-to line, the required build-to line shall be at the right-of-way line.
- d. Where build-to lines conflict with public utility easements or required sight distance triangles, the build-to line at the location of the conflict shall be adjusted to the minimum amount necessary to resolve the conflict.
- e. Except in DD-S2, no rear yard shall be required. In DD-S2, a 25 foot rear yard shall only be required adjacent to a residential district or residential use outside of the DD District.
- f. For projects that encompass multiple parcels, no more than 20% of the street frontage shall be allowed as side yard on any given frontage.
- g. No minimum lot width shall apply, unless otherwise specified within the applicable frontage or building type standards in paragraph 6.12.2D.
- h. Except for Monumental Buildings, the total of side yards for all sub-districts shall be a maximum of 25 feet. The maximum side yard can be increased only to the extent necessary to meet minimum fire and life safety site access code requirements.
- i. Monumental Buildings
- (1) The minimum setback from the right-of-way shall be 20 feet.
- (2) The minimum side yard shall be 20 feet on each side.
- ~~b. No rear yard shall be required, except in the Support 2 sub-district where a 25-foot rear yard shall be required adjacent to a residential district or use outside of the DD-District.~~
- ~~c. For projects that encompass multiple parcels, no more than 20% of the street frontage shall be allowed as side yard on any given frontage.~~
- ~~d. Where the right of way line is further from the curb than the build to line, the required build to line shall be at the right of way line; structures shall not be allowed in the public right of way.~~
- ~~e. To allow for variety, buildings may be built two feet in front of or behind the build to line.~~

2. Building Height and Massing

- a. These standards shall apply to all Frontage and Building Types, except as specified below:

Building Height and Massing						
	Height¹		Optional Corner Tower Elements	Height Articulation (Massing)²		
DD Sub-Districts	Max.	Additional with Amenities	Max. Height Above Main Bldg. Height	Podium Height to Street Width Ratios		Upper Story Step-Back Ratios
Core (C)	300 feet	Unlimited	30 feet	1:1.5 min ²	1:1 max	x feet of step-back allows 2x feet of height
Support 1 (S1)	100 feet	150 feet	20 feet	1:2 min ²	1.5:2 max	x feet of step-back allows 1.5x feet of height
Support 2 (S2)	50 feet	---	12 feet	1:3 min ²	---	---

¹Corner elements shall be allowed in addition to additional height.

²Monumental Building Types shall be exempted from height articulation minimums.

³Height Articulation standards are described and illustrated in paragraph 6.12.2C.1 and 2.

Building Height and Massing						
DD Sub-Districts	Height Articulation (Massing)¹			Maximum Building Height without Amenities	Maximum Building Height with Amenities	Optional Corner Tower Elements: Additional Height Above Proposed Podium Height
	Minimum/Maximum Podium Height Ratios (Podium Height to Streetscape Width)		Upper Story Step-Back Ratios			
Core (C)	1:1.5 min ²	1:1 max	x feet of step-back allows 2x feet of height	300 feet	Unlimited	30 feet
Support 1 (S1)	1:2 min ²	1.5:2 max	x feet of step-back allows 1.5x feet of height	100 feet	150 feet	20 feet
Support 2 (S2)	1:3 min ²	---	---	50 feet	---	12 feet

¹Height articulation standards are described and illustrated in paragraph 6.12.2C.1 and 2.

²The Monumental Building Type shall be exempt from height articulation minimums.

c. Additional Maximum Building Height with Amenities

- (1) ~~At the time of preliminary plat or site plan approval, additional building height is allowed pursuant to the project amenities table below. A maximum building height with amenities, as indicated in paragraph a, above, can be achieved by~~

providing amenities for the development site pursuant to the table below.
 Project amenities required elsewhere in this Ordinance or in the City Code shall not ~~be used as amenities to~~ qualify as amenities to achieve the height for additional height.

[Table remains unchanged]

~~(2) Additional height granted per this section is subject to the upper story setback requirements of paragraph 6.12.2C, Height Articulation and paragraph 6.12.3A.2.a, Building Height and Massing table.~~

~~(3)d.~~ The Board of Adjustment may grant Additional height beyond that granted by the approving authority what is allowed in the Support 1DD-S1 or Support 2DD-S2 sub-districts pursuant to paragraph a, above, may be granted upon the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit, with the following additional findings:

B3. Over-s~~Street~~ **Connectors** [Text remains unchanged]

1a. [Text remains unchanged]

2b. [Text remains unchanged]

6.12.4 Compact Design (CD) District

A. Site Design Standards

1. Building Placement Standards

Unless otherwise specified within the individual Frontage or Building Type standards pursuant to paragraph 6.12.2D, Frontage and Building Types, the following standards shall apply for all Frontage and Building Types.

~~a. These standards shall apply to Frontage Types:~~

Frontage Type	Build-to Line	Side Yard Setback (maximum)	Rear Yard Setback (minimum)	Minimum Lot Frontage
Storefront	12 feet	25 feet total max. 20 feet max. on one side	10-foot	n/a
Arcade				n/a
Courtyard				100 feet
Forecourt				n/a
Parking Structure				n/a
Building Type	Setback (from ROW)	Side Yard Setback	Rear Yard Setback (minimum)	Minimum Lot Frontage
Monumental	20 feet min.	20-foot min.	10-foot	200 feet

a. For all Frontage Types except as specified in paragraphs (1) and (2) below, the minimum percentage of podium along the street frontage, as specified in the table below, shall be met at the build-to line.

<u>Sub-District</u>	<u>Percent of Building Podium along Street Frontage (minimum)</u>
<u>Core (-C)</u>	<u>80%</u>
<u>Support 1 (-S1)</u>	<u>70%</u>
<u>Support 2 (-S2)</u>	<u>60%</u>
<u>Pedestrian Business (-P)</u>	<u>60%</u>

- (1) Courtyard Frontage Type buildings shall meet the building placement standards found in paragraph 6.12.2D.5, Courtyard Frontage Type.
- (2) Forecourt Frontage Type buildings shall meet the minimum percentage of podium, specified in the table above, along the street frontage and within the forecourt, while meeting the standards in paragraph 6.12.2D.6.b(1).
- b. For all Frontage Types, each project shall establish a build-to line along each street frontage between 12 feet and 18 feet from the back-of-curb.
- c. Where the right-of-way line is further from the curb than the build-to line, the required build-to line shall be at the right-of-way line. Structures shall not be allowed in the public right-of-way.
- d. Where build-to lines conflict with public utility easements or required sight distance triangles, the build-to line at the location of the conflict shall be adjusted to the minimum amount necessary to resolve the conflict.
- e. For projects that encompass multiple parcels, no more than 20% of the total street frontage shall be permitted as side yard on any single frontage.
- f. For all Building and Frontage Types, the minimum rear yard shall be 10 feet.
- g. For all Frontage Types, side yards shall be as follows:
- (1) The maximum individual side yard shall be 20 feet.
 - (2) The maximum individual side yard can be increased only to the extent necessary to meet minimum fire and life safety site access code requirements.
 - (3) The maximum total side yard shall be 25 feet.
- h. Monumental Building Type
- (1) The minimum setback from the right-of-way shall be 20 feet.
 - (2) The minimum side yard shall be 10 feet on each side.
- i. In CD-P and CD-S2, the maximum building length along each street frontage shall be 400 feet.
- j. No minimum lot width shall apply, unless otherwise specified within the applicable Frontage or Building Type standards in paragraph 6.12.2D.
- ~~b. To allow for variety, buildings may be built two feet in front of or behind the build to line.~~
- ~~c. Where the right of way line is further from the curb than the build to line, the required build to line shall be at the right of way line; structures shall not be allowed in the public right of way.~~
- ~~d. For projects that encompass multiple parcels, no more than 20% of the total street frontage shall be permitted as side yard on any single frontage.~~
- ~~e. In the P sub-district and the S2 sub-district of the CD District, the maximum building length along the street frontage shall be 400 feet.~~

2. Building Height and Massing

a. These standards shall apply to all Frontage Types and Building Types, except as specified below:

Building Height and Massing						
CD Sub-Districts	Height¹		Optional Corner Tower Elements	Height Articulation (Massing)⁵		
	Max.	Additional with MSUP²	Max. Height Above Main Bldg. Height	Podium Height to Street Width Ratios⁴		Upper Story Step-Back Ratios⁴
Core (C)	90 feet	110 feet	20 feet	1:1.5 min	1:1 max	x feet of step-back allows 2x feet of height
Support 1 (S1)	60 feet	75 feet	15 feet	1:2 min	1.5:2 max	x feet of step-back allows x feet of height
Support 2 (S2)	45 feet	—	—	1:3 min	1:2 max	
Pedestrian Business (P)	40 feet/ 55 feet ³	—	—	1:3 min	1.5:2 max	2x feet of step-back allows x feet of height

¹Corner tower elements shall be allowed in addition to additional height.

²Project amenities shall be provided according to paragraph 6.12.4A.2.d.

³Specific height restrictions are located in paragraph 6.12.4A.2.c.

⁴Monumental Building Types shall be exempted from height articulation minimums.

⁵Height Articulation standards are described and illustrated in paragraph 6.12.2C.1 and 2.

Building Height and Massing						
CD Sub-Districts	Height Articulation (Massing)¹		Maximum Building Height	Maximum Building Height with a Minor Special Use Permit	Optional Corner Tower Elements: Additional Height Above Proposed Podium Height	
	Minimum/Maximum Podium Height Ratios (Podium Height to Streetscape Width)	Upper Story Step-Back Ratios				
Core (-C)	<u>1:1.5 min²</u>	<u>1:1 max</u>	<u>x feet of step- back allows 2x feet of height</u>	<u>90 feet</u>	<u>110 feet</u>	<u>20 feet</u>
Support 1 (-S1)	<u>1:2 min²</u>	<u>1.5:2 max</u>	<u>x feet of step- back allows x feet of height</u>	<u>60 feet</u>	<u>75 feet</u>	<u>15 feet</u>
Support 2 (-S2)	<u>1:3 min²</u>	<u>1:2 max</u>		<u>45 feet</u>	<u>---</u>	<u>---</u>
Pedestrian Business (-P)	<u>1:3 min²</u>	<u>1.5:2 max</u>	<u>2x feet of step-back allows x feet of height</u>	<u>40 feet/ 55 feet³</u>	<u>---</u>	<u>---</u>

¹ Height articulation standards are described and illustrated in paragraph 6.12.2C.1 and 2.

² The Monumental Building Type shall be exempt from height articulation minimums.

³ Specific height restrictions are located in paragraph 6.12.4A.2.c.

d. Additional Maximum Height with Minor Special Use Permit

~~At the time of site plan approval, In accordance with paragraph a, above,~~ additional building height may be granted through the issuance of a minor special use permit, ~~as per~~ pursuant to Sec. 3.9, Special Use Permit, ~~in accordance with the table in paragraph 6.12.4A.2.a above,~~ provided that the ~~additional~~ following additional findings are made:

Sec. 6.13 Measurement and Computation

[Paragraphs not listed remain unchanged]

6.13.1 Height

B. The height limitations shall not apply to steeples, decorative features including parapet walls less than four feet tall, air conditioning units, utility poles, mechanical features, penthouses for mechanical equipment or stairways, belfries, lightning rods, antennas other than those regulated in Article 5, Use Regulations, water towers, clock towers, or any other towers which ~~are~~ is not used for transmitting and receiving electronic signals or is not a corner tower element regulated within Sec. 6.12, Design Districts.

6.13.3 Required Yards

B. Encroachments into Required Yards

The following encroachment standards shall apply ~~to all required yards~~, so long as they do not extend in any easements:

10. 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.

11. 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.

~~11~~12. [Text remains unchanged]

~~12~~13. [Text remains unchanged]

Sec. 7.1 Housing Types

[Paragraphs not listed remain unchanged]

7.1.1 ~~In~~ General

A. Applicability in Design and Planned Districts

1. Housing types do not apply to the Design Districts, where all uses, including residential, shall comply with paragraph 6.12.2D, Frontage and Building Types.

2. Housing types can be used in Planned districts if the residential use is allowed according to paragraph 5.1.2, Use Table. The standards for the housing types shall conform to the standards within the Planned District.

7.1.9 Multiplex

A. Description



MULTIPLEX
Units are Attached but not Vertically Mixed

D. ~~Residential Protection~~ Location of Common Recreation Facilities [Text remains unchanged]

7.1.10 Apartment

A. Description

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



Units are Attached and Vertically Mixed

C. ~~Residential Protection~~ Location of Common Recreation Facilities [Text remains unchanged]

Sec. 7.2 Open Space

[Paragraphs not listed remain unchanged]

7.2.3 Use of Required Open Space

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

2. Exemptions

Useable open space is not required in the Rural Tier or for ~~nonresidential~~ development ~~in residential districts~~ pursuant to Sec. 6.9, Nonresidential and Group Living Development in Residential Districts.

Sec. 7.4 Outdoor Lighting

[Paragraphs not listed remain unchanged]

7.4.3 Standards

A.

Type of Lighting	LIGHT LEVEL (in foot-candles)	
	Minimum At Any Point	Maximum At Any Point
	Exterior Open-air Open-Air Pedestrian Passages and Malls (Sec. 6.12)	0.5

Sec. 7.6 Utility and Solid Waste Facilities

[Paragraphs not listed remain unchanged]

7.6.4 Additional Requirements for Solid Waste Facilities

A. All required solid waste facilities shall be designed with appropriate means of access to a street or alley in a manner that will least interfere with traffic movement, and will most facilitate the service of the facilities. Site design shall not create a condition that requires solid waste collection vehicles to back out of sites.

F. Additional Requirements for Design Districts

~~3. Site design shall not require solid waste collection vehicles to back out of sites.~~

43. A site can be designed to allow solid waste collection vehicles to back a maximum of 40 feet into sites given the following criteria:

- a. Pickup only occurs during off-peak hours, as determined by the Transportation Director or designee; and
- b. The street is not a State-maintained road; and
- ~~c. The development is on a lot of one acre or less.~~

54. A dedicated area for the separation, collection, and storage of recyclables shall be provided.

Sec. 8.3 Tree Protection and Tree Coverage

[Paragraphs and tables not listed remain unchanged]

8.3.1 Tree Coverage Standards

E. Replacement Tree Coverage

Areas proposed as tree replacement shall meet the following requirements to satisfy the standards found in paragraph 8.3.1C, Tree Coverage:

3. When replacement trees are provided in order to satisfy the requirements of paragraph 8.3.1C, Tree Coverage, coverage credit shall be accrued in accordance with the following table with credit calculated based on the required planting area for the proposed trees ~~up to a maximum credit for any single tree of 275 square feet.~~

EXAMPLE: ~~10~~Ten trees at 2½-inch caliper requires 2,000 square feet of planting area (~~10~~ X 200 = 2,000), and provides 2,000 square feet of replacement tree credits.

5. A minimum of 50% of replacement trees shall be ~~large, maturing,~~ hardwood canopy species native to Durham County. The remainder of the replacement trees shall be a mix of canopy and understory hardwood and non-hardwood species ~~native to Durham County~~, as long as no more than 50% of this remainder ~~are~~is pines.
6. Replacement trees shall be provided as a mix of species, in accordance with the standards set in paragraph 9.2.3B.6, Mixing of Tree Species, and shall consist of species allowed for "Tree Coverage" in tables 1A through 1H within the Landscape Manual for Durham, North Carolina.
67. [Text remains unchanged]
78. [Text remains unchanged]
89. [Text remains unchanged]
910. [Text remains unchanged]

Sec. 8.4 Floodplain and Flood Damage Protection Standards

[Paragraphs not listed remain unchanged]

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

A. General

1. Development and land disturbing activity within Special Flood Hazard Areas and Future Conditions Flood Hazard Areas shall be prohibited, except as provided below.
2. The Floodplain Administrator and the ~~governing bodies~~Board of Adjustment, as applicable, shall not approve development that is located below the regulatory flood protection elevation if such development is otherwise required to be located at or above the regulatory flood protection elevation or is not permitted within the Special Flood Hazard Areas or Future Conditions Flood Hazard Areas.
3. Development addressed under paragraph 8.4.3C, Floodplains without Base Flood Elevations, and paragraph 8.4.3D, Floodplains with Base Flood Elevations but no Established Floodway or Non-Encroachment Areas, shall be deemed floodway development for purposes of this section.

AB. Development Allowed

Land ~~in Special Flood Hazard Areas may~~can be used for the following purposes, with no special approvals required:

1. Agricultural uses, including active agriculture, pasture forestry, wildlife sanctuary, game farms, and similar uses; and
2. Lawns and gardens.

BC. Development Requiring Floodplain Administrator Approval

The following shall only require Floodplain Administrator approval in association with any applicable site plan, plat, construction drawings, or building permit approval.

3. Development with a valid site plan or preliminary plat approval prior to the most recent and applicable Flood Insurance Rate Map(s) (FIRM) for Durham County. This shall also include any necessary site plan or preliminary plat amendment that is a result of the impacts of the FIRM.
34. The following uses, with the ability to utilize fill in support of the use: ~~of land in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas. Fill can be used in support of such uses.—~~
 - b. Constructed or restored wetlands or riparian buffers for mitigation.
 - e. Level spreaders and vegetative filter strip stormwater runoff devices.

CD. 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 ~~additional~~ review factors ~~per 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

Any fill or development (e.g., parking or floodproofing or elevation by design) in the floodway fringe, non-encroachment area fringe, 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. ~~In addition to the findings required in paragraph 3.9.8A, the Board of Adjustment shall also find that:~~

- ~~a. 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, nonencroachment area fringe, or Areas of Shallow Flooding (Zone AO); and~~
- ~~b. The proposed fill or development represents the minimum amount of floodway fringe, non-encroachment area fringe, or Areas of Shallow Flooding (Zone AO) intrusion to achieve this better balance.~~

2. Fill or Development in the Floodway or Non-Encroachment Area

a. Land Uses listed below and located in the floodway or non-encroachment area ~~can be used for the following purposes~~ that do not qualify for Floodplain Administrator approval pursuant to paragraph 8.4.4B4C, Development Requiring Floodplain Administrator Approval:

- (1) Crossings by streets, driveways, pedestrian walkways, and railroads.
- (2) Intakes, docks, piers, utilities (including water and wastewater treatment, including stormwater control and sedimentation and erosion control facilities), bridges, other public facilities, and water-dependent structures.
- (3) Other encroachments authorized by FEMA.

b. Fill may be proposed, ~~and may be filled~~ in support of such uses.

c. ~~if the~~ Certification required under paragraph 8.4.3C, Floodplains without Base Flood Elevations, paragraph 8.4.3D, Floodplains with Base Flood Elevations but no Established Floodway or Non-Encroachment Areas, or paragraph 8.4.3E, Floodway and Non-Encroachment Areas, as appropriate, ~~has been~~ shall be provided:

- ~~a. Crossings by streets, driveways, pedestrian walkways, and railroads.~~

~~b. Intakes, docks, piers, utilities (including water and wastewater treatment, including stormwater control and sedimentation and erosion control facilities), bridges, other public facilities and water dependent structures.~~

~~c. Other encroachments authorized by FEMA.~~

~~DE.~~ [Text remains unchanged]

~~EF.~~ [Text remains unchanged]

Sec. 8.7 Watershed Protection Overlay Standards

[Paragraphs not listed remain unchanged]

8.7.2 General Requirements

D. Ownership, Design, and Maintenance of Engineered Stormwater Controls

3. Except as allowed in ~~(c.)~~paragraph c., below, no building permit shall be issued for a site proposed for development, until:
 - c. For office, institutional, commercial, industrial, and multi-family projects, building permits may be issued; but construction drawing approval, or water or sewer permit approval, shall be withheld until compliance with paragraph s a and b above.
 - d. The Agreement and Covenants, or Operation and Maintenance Agreement required under paragraph a-z above, may be required prior to site plan or preliminary plat approval.

F. Wastewater Treatment and Facilities

2. Sanitary Sewer Services

- c. In considering such extensions, all reasonable alternatives shall be considered prior to a decision to extend the sewer services. All service connections, installed in accordance with the North Carolina Plumbing Code, shall be permitted only in accordance with Article III, Water and Sewer Main ~~Extensions~~Extensions*, of Chapter 70, ~~Utilities~~Utilities*, of the Durham City Code.

Sec. 8.8 Steep Slope Protection Standards

[Paragraphs not listed remain unchanged]

8.8.5 Density Credits

The amount of land designated as steep slopes shall be credited for residential density ~~on adjacent land in the same development~~ at a rate of 15% of that allowed by the zoning.

Sec. 9.4 Project Boundary Buffers

[Paragraphs not listed remain unchanged]

9.4.1 Applicability

C. Design Districts

1. No project boundary buffers shall be required for property in Design Districts, unless the proposed project is adjacent to a residential district or use in the Urban or Suburban Tier.
2. Where required, project boundary buffers in Design Districts shall be provided at ~~0-2~~20% opacity in accordance with paragraph 9.4.5C, Urban and Compact Neighborhood Tiers.

3. No buffers shall be required along rights-of-way in Design Districts regardless of their width.

E. No project boundary buffers shall be required in a residential district or use adjacent to a Design district.

Sec. 9.6 Street Trees

[Paragraphs not listed remain unchanged]

9.6.2 Required Street Trees

A. Street Trees in Districts other than CI or Design Districts

1. ~~In all developments outside the CI or DD District except residential development exempted pursuant to paragraph 9.6.1, Applicability, the developer shall either retain or plant trees~~ Trees shall either be retained or planted such that there is an average of at least one street tree for every 40 feet of street frontage along the sides of all existing and proposed rights-of-way (except alleys), and private street easements.

2. Street trees shall be located within 30 feet of the right-of-way or street easement and in a street yard unless:

a. ~~the~~ The City Public Works Director in consultation with the City Transportation Director or City Urban Forestry Division, as applicable, or the NCDOT, or designees, as appropriate, authorize their location in a right-of-way; ~~and,~~

b. ~~if~~ If the trees are existing trees, the root protection zone outside of the right-of-way is protected; ~~and~~

c. There is no conflict with public utilities.

~~except where the location of the street trees in the right of way will conflict with public utilities.~~

3. If a conflict exists with public utilities, street trees shall be located in the required street yard.

Sec. 9.9 Fences and Walls

[Paragraphs not listed remain unchanged]

9.9.1 Height

A. The maximum height of a fence or wall shall be as shown in the table below, unless:

[Paragraphs 1 through 4 remain unchanged]

Fence Location	Maximum Height, in Feet				
	Rural Tier	Suburban/All Other Tiers	Urban	Compact	Downtown
Street Frontage*					
By Right, Non-electric	8	4	4	4	4
With a Minor Special Use Permit:					
Non-electric	8	8	8	8	8
Electric	10	10	10	10	10
No Street Frontage					
By Right, Non-electric	8	8	8	8	8
By Right, Electric	10	10	10	10	10

~~*Note: Fences and walls located between the front of a structure and the right of way shall meet this standard, unless the fence or wall is more than 50 feet from the right of way, in which case the "No Street Frontage" standards shall apply.~~

B. Fences or walls located between the structure and the street, and located up to 50 feet from the right-of-way, shall use the “street frontage” standards, except for the following which shall utilize the “no street frontage” standards:

~~within required street yards shall comply with the street frontage height standard except for~~

- ~~1. fences~~Fences or walls ~~in street yards that are~~ located to the rear of a primary structure. ~~Fences in these locations can be built to the height limit of fences and walls not in street yards, so long as such fences are not within sight distance triangles.~~
2. Fences or walls that are non-electric and are located along a side yard located beyond the minimum or maximum street yard, as applicable.

F. Sight distance triangles shall be maintained pursuant to paragraph 12.3.1D, Sight Triangles.

9.9.2 Fences

B. Razor wire, concertina wire, barbed wire, and similar fencing materials shall be prohibited ~~in~~ as follows:

1. In all residential districts and in sites adjacent to residential uses, except in the Rural Tier; and
2. In all Design districts and the CI District.
3. Exception: Barbed wire is allowed ~~in all development tiers~~ where associated with a major or minor utility.

D. Electric Fences

1. ~~Applicability and Approvals~~ Exemption

~~The construction or use of an electric fence for other than animal control shall be allowed only as provided in this section. The construction or use of an electric fence under this section shall not be considered development for purposes of Sec. 3.7, Site Plan Review. It shall be unlawful for any person to install, maintain, or operate an electric fence in violation of this section.~~ Underground electric fences shall be exempt from the requirements of this section.

Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle Parking and Bicycle Parking

A. Parking Rates

4. Parking Rate Table

Use Category	Specific Use	Motor Vehicle (MV) Spaces	Minimum Bicycle Parking, except in the Downtown and Compact Neighborhood Tiers
RESIDENTIAL USES			
Household Living	All household living ¹	2 per unit	Multifamily: 1 per 10 units

¹For Compact Neighborhood Tier, see paragraph 10.3.1B.7.

B. Required Parking

1. The amount of motor vehicle parking shall be a percent of the amount indicated in paragraph 10.3.1A.4, Parking Rate Table. The minimum and maximum parking rates are as follows:

Location	Minimum	Maximum
Downtown Tier	None	100%
Compact Neighborhood Tier ¹ , CI District	80%	100%
Urban Tier	90%	175%
Suburban and Rural Tiers	100%	175%

¹For all household living within the Compact Neighborhood Tier, see paragraph 10.3.1B.7.

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

Compact-Compact Neighborhood or CI District: Minimum - 80 spaces; maximum - 100 spaces

7. In the Compact Neighborhood Tier, the minimum required motor vehicle parking for household living shall be one parking space per dwelling unit, and the maximum number of motor vehicle parking spaces shall be two parking spaces per dwelling unit.

78. Methods to Exceed Maximum Parking [Text remains unchanged]

89. Parking Reductions Allowed By-Right [Text remains unchanged]

910. Parking Reductions Allowed with a Minor Special Use Permit [Text remains unchanged]

C. Alternate Forms of Compliance

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

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

f. The spaces provided by the donor site are in excess of the minimum parking requirements for that site, or the shared parking requirements pursuant to paragraph 10.3.1B.89.a, can be satisfied;

10.3.3 Bicycle Parking in the Downtown and Compact Neighborhood Tiers

B. All Other Non-Residential Uses

A minimum of two bicycle parking spaces shall be required. For ~~all non-non~~ residential uses of 10,000 square feet or more, bicycle parking shall be provided at a minimum rate of one bicycle parking space per 2,500 square feet of usable floor area, ~~with a minimum requirement of 2 parking spaces.~~

Sec. 10.4 Design Standards

[Paragraphs not listed remain unchanged]

10.4.2 Parking Space Design Standards

A. Dimensions

1. Area

a. Standard Spaces

(1) A required off-street parking space shall be at least eight feet, six inches in width and 18 feet in length exclusive of any access drives, aisles, or columns.

(2) Within parking structures, columns can extend into a parking space as follows:

(a) Encroachments are not allowed for compact spaces.

(b) A maximum of 30% of the total number of parking spaces within the structure can be affected by an encroachment.

(c) If the encroachment impacts only one space, then the maximum amount of encroachment shall be 18 inches. If the encroachment impacts two or more adjacent spaces, then the maximum amount of encroachment shall be 24 inches, with a maximum individual encroachment of 18 inches.

10.4.4 Design Standards for Bicycle Parking

A. General Standards

7. Outdoor bicycle parking facilities shall be surfaced in the same manner as the motorized vehicle parking area, ~~and shall be equally~~ level, and accessible to the street.

C. Standards for Other Tiers

2. Bicycle parking, except as otherwise permitted below, shall be located either between the vehicle use area and the facade containing the main entrance of the building, or no further from the building's main entrance than the closest motorized vehicle parking space, excluding parking for persons with disabilities. When there are multiple main entrances, bicycle parking shall be distributed to accommodate each entrance.

Sec. 10.5 Vehicle Stacking

[Paragraphs not listed remain unchanged]

10.5.2 Design and Layout of Stacking Spaces

A. Size

Stacking spaces shall be a minimum of eight feet in width by ~~25~~20 feet in length.

Sec. 11.2 General Requirements for Signs

[Paragraphs not listed remain unchanged]

11.2.7 Changeable Copy on On-Premise Signs

- B. The ~~displayed display of~~ copy shall not ~~be~~ changed more than eight times in one day, except for time and temperature displays.

Sec. 11.4 Signs Allowed in All Districts without a Permit

[Paragraphs not listed remain unchanged]

11.4.1 General

A. The ~~following~~ signs under this section shall be allowed in all zoning districts.

B. No sign permit shall be required; however, the property owner's consent shall be obtained before erecting such signage.

C. ~~Additionally, other~~ Other than vending machines, automatic tellers, and gasoline pumps, no signs allowed under this section shall be illuminated.

D. All signs shall be located outside the public right-of-way and outside of any required sight distance triangle except signs pursuant to paragraph 11.4.2D, Directional Signs for Sale, Lease, or Rental of Residential Property.

11.4.2 Table of Sign Types Allowed Without a Sign Permit

~~1A.~~ **Banner Signs** [Text remains unchanged]

Standards (a) through (f) are renumbered 1 through 6; [text remains unchanged]

~~2B.~~ **Construction Signs** [Text remains unchanged]

Standards (a) through (e) are renumbered 1 through 5; [text remains unchanged]

~~3C.~~ **Customary Identification Signs** [Text remains unchanged]

4D. Directional Signs For Sale or Rent of Residential Property [Text remains unchanged]

Standards [Paragraphs (a) through (f) are renumbered 1 through 6; text remains unchanged]

5E. Farm Signs [Text remains unchanged]

Standards [Paragraphs (a) through (e) are renumbered 1 through 5; text remains unchanged]

6F. Historic Markers [Text remains unchanged]

Standards [Paragraphs (a) through (d) are renumbered 1 through 4; text remains unchanged]

7G. Home Occupation Signs [Text remains unchanged]

8H. Incidental Signs [Text remains unchanged]

9I. Murals [Text remains unchanged]

Standards [Paragraphs (a) through (c) are renumbered 1 through 3; text remains unchanged]

10J. Public Art Placards [Text remains unchanged]

11K. Public or Non-Profit Announcements

Announcements by public or non-profit organizations of fund raising events, special events or activities of interest to the general public, other than political signs. Events or activities that are typically routine, such as but not limited to hours of operation, weekly worship times, and other similarly repeated activities shall not be construed to meet this standard.

Standards [Paragraphs (a) through (c) are renumbered 1 through 3; text remains unchanged]

~~(d)~~4. Signs shall indicate the date(s) of the activity or event.

5. The sign may be erected up to two weeks prior to the event and shall be removed within seven days after the event. However, in no case shall a sign be posted for more than 30 days.

12L. Public Signs [Text remains unchanged]

13M. Real Estate Signs on Nonresidential Property, ~~Multi-F~~Multifamily Property, or Subdivision Standards

A sign advertising—located on nonresidential property, ~~multi-multifamily~~ multifamily residential property, or in one subdivision if applicable to multiple lots and advertising the property in one subdivision, for sale, rent, or lease.

Standards

~~(a)~~1. [Text remains unchanged]

~~(b)~~2. One wall sign per building facade shall be allowed if the entire building is for sale, rent, or lease. Facades with a frontage measuring less than 100 linear feet shall be allowed a wall sign which shall not exceed 16 square feet in area. Facades with a frontage measuring 100 linear feet or more shall be allowed a wall sign which shall not exceed 32 square feet in area.

~~(c)~~3. If portions of a building are for sale, rent, or lease, a single wall sign not to exceed eight square feet shall be allowed for each leasable/rentable/salable unit.

~~(d)~~4. The signs shall be removed within 15 days after closing or execution of a rental or lease agreement.

14N. Real Estate Signs on Residential Property (Other than ~~Multi-F~~Multifamily Property or Subdivision)

~~(a)~~**1.** [Text remains unchanged]

~~(b)~~**2.** The signs shall be removed within 15 days after closing or execution of a rental or lease agreement.

15O. Traffic Control Signs on Private Property [Text remains unchanged]

Standards [Paragraphs (a) and (b) are renumbered 1 and 2; text remains unchanged]

16P. Vending Machines, Automatic Tellers, Gasoline Pumps [Text remains unchanged]

17Q. Window Signs [Text remains unchanged]

Standards [Paragraphs (a) and (b) are renumbered 1 and 2; text remains unchanged]

18R. Yard Sale Signs [Text remains unchanged]

Standards [Paragraphs (a) through (c) are renumbered 1 through 3; text remains unchanged]

Sec. 11.5 Signs Allowed in Right-of-Way

[Paragraphs not listed remain unchanged]

11.5.1 General

D. Signs erected pursuant to a ~~permit for~~ temporary use permit issued by the ~~Inspections Planning~~ Director, or designee, subject to such ordinances or regulations as may apply.

Sec. 11.6 Signs Requiring Permits

[Paragraphs not listed remain unchanged]

11.6.1 Table of Signs Requiring Permits

F. Roof Signs

Standards

Roof signs shall be allowed subject to the following regulations:

3. Roof signs on buildings with less than five stories are allowed through the approval of a Design Special Use Permit, pursuant to Sec. ~~3.253.9, Design~~ Special Use Permit.

H. Temporary Signs

Standards

Temporary signs shall be allowed in every district, subject to the following requirements:

1. The sign may be erected up to two weeks before the event and shall be removed within seven days after the event. However, in no case shall a sign be posted for more than 30 days.

3. Only one sign shall be allowed per business per special event and shall include the date(s) of the event in the sign copy.

5. Construction information, or sales, rental, or leasing information, must meet the standards of paragraphs 11.4.2, 11.4.13, and 11.4.14 as applicable.

6. Exception for Downtown Design District: Signs on vacant buildings that drape the building facades or cover the windows, and that display only decorative graphics or public art, shall be allowed with no maximum square footage, number, or duration. Such signs shall be removed prior to occupancy. ~~Construction information, or sales or leasing information, must meet the standards of paragraphs 11.4.2, 11.4.13, and 11.4.14 as applicable.~~

11.6.2 Standards for Freestanding Signs

A. Design Districts, and Nonresidential Districts and Uses

6. Design Standards

- a. ~~Except for signs located within Design districts, Sign-pylon sign~~ supports shall consist of at least 30% of the total sign ~~widthwidth; each. In no case shall a~~ single support ~~shall~~ consist ~~of at least of less than~~ 15% of the total sign width.
- b. Within Design Districts, freestanding signs shall incorporate the following design standards:
 - (1) All freestanding signs shall have three-part design as follows:
 - (a) Monumental signs shall be composed of a decorative base, sign face, and cap.
 - (4) Proportion
 - ~~(a) Monumental signs shall be proportionally wider than they are tall.~~
 - ~~(b) Pylon signs shall be proportionally taller than they are wide.~~

Sec. 12.2 Ingress and Egress Requirements

[Paragraphs not listed remain unchanged]

12.2.2 Other Forms of Access

B. Ingress/Egress Easements Other than Private Streets

2. Other than in the Rural Tier

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

~~Ingress/Egress/Regress easements of record that were recorded Lots with ingress/egress easements of record, and developed through the use of the easement,~~ as of September 16, 1996, can continue to serve as access.

Sec. 12.3 Streets

[Paragraphs not listed remain unchanged]

12.3.1 Street Layout

A. Right-of-Way

3. Right-of-way dedication shall be for the purposes of conformance to adopted plans or for the accommodation of other public purposes such as but not limited to streets, sidewalks, bicycle facilities, and utilities. Dedication of right-of-way that does not satisfy, or aid in satisfying, an identified public purpose shall not be shown or approved on any applicable site plan or plat.

12.3.2 Street Names

A. General

1. Street names shall not duplicate nor closely approximate existing street names within the City or County in spelling or pronunciation.
2. Extensions of existing, named streets shall bear the existing street name.
3. The Planning Director or designee shall be the approving authority for street names.

B. Public or Private Streets

1. A street name shall be established for a public street or a private street.
2. Proposed street names shall be included on a final plat.

C. Townhouses and Pedestrian Malls

1. A street name can be established for a driveway allowed for access within a townhouse development under paragraph 12.2.2B.2.b., above, and for a pedestrian mall under paragraph 6.12.2E.1, Pedestrian Malls, ~~unless the approving authority determines that establishing~~ Establishing a name ~~would encourage~~ shall not result in circumventing circumvention of development requirements for private streets, sidewalks, street trees, or other items.
2. Any street name established for a driveway in a townhouse development or for a pedestrian mall shall be included on the ~~subdivision final~~ plat or site plan, as applicable, ~~and a subdivision~~ plat revision or site plan amendment, as applicable, shall be required in order to establish a street name for a driveway within an existing townhouse development or an existing pedestrian mall.

~~B. Street names shall not duplicate nor closely approximate existing street names within the City or County. Extensions of existing, named streets shall bear the existing street name. A complete list of previously used names shall be maintained by the Planning Department.~~

Sec. 15.4 Penalties

[Paragraphs not listed remain unchanged]

15.4.5 Settlement of ~~Violations~~ Penalties

- A. The Planning Director, or designee, shall be authorized to determine the amount of payment of penalties that shall be accepted in full and final settlement of some or all of the claims the City or County may have in connection with the violation. The Planning Director, or designee, shall indicate in writing the claims from which the violator is released.
- B. If the violation has not been remedied, payment of penalties shall not release a violator from potential criminal prosecution or a claim for injunctive relief and/or an order of abatement.

Sec. 16.3 Defined Terms

[Definitions not listed remain unchanged]

~~**Apartment:** A multifamily structure on a single tract or parcel of land containing three or more units.~~

Building Base: The portion of the building and building facade at the ground level and any exposed foundation wall, including retaining walls, visible at grade.

Building Bay: Vertical divisions of the exterior facade, as marked by architectural features such as: columns, pilasters, groups of windows, or other architectural elements.

Building Podium: See Podium.

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, ~~and requires a building permit from the City County Inspections Department.~~

Day Treatment Facility: A facility licensed through the NC Department of Health and Human Services, Division of Medical Assistance, which provides supplemental therapeutic or clinical services coordinated with academic and/or vocational services for adults, children, or ~~and~~

adolescents with mental health or substance abuse treatment needs, and their families. No overnight accommodations are provided.

Multifamily: A residential use consisting of at least three dwelling units. As described in Sec. 7.1, Housing Types, includes: townhouse; multiplex; or apartment. ~~This definition does not include duplex.~~

Podium: The initial portion of a building, beginning at ground level, specifically designed and articulated as the base or plinth of the building, above which the building steps back to greater height. Building podiums can vary from less than one story to several stories in height.

Residential District: Any zoning district with the "R" designation, (~~RDRR, R-2ORS-20, etc.~~), including the PDR ~~d~~District.

Single-Family: A residential use ~~that permits a maximum~~ consisting of one dwelling unit per lot of record. As described in Sec. 7.1, Housing Types, includes: single-family detached house; zero lot-line house; traditional house; patio house; or semi-attached house. Not to include manufactured housing.

Streetscape: The area between build-to lines of opposing properties intended for pedestrian and vehicular use, which may include public right-of-way and private property.

Duplex~~Two-Family:~~ A residential use consisting of A building containing two individual dwellings units on a single lot of record. This definition does not include a single-family dwelling with an accessory dwelling unit.

PART 3

[Corrections or clarifications to standards modified due to the removal of discretionary regulations pursuant to text amendment TC1100007]

Sec. 2.1 Governing Bodies

[Paragraphs not listed remain unchanged]

2.1.2 Powers and Duties

The governing bodies shall be responsible for final action regarding the following:

H. The Durham Design Manual and the Landscape Manual for Durham, NC (the Landscape Manual), including any subsequent revisions.

Sec. 2.2 Joint City-County Planning Committee

[Paragraphs not listed remain unchanged]

2.2.3 Powers and Duties

C. The JCCPC shall be responsible for review ~~and approval~~ of the Administrative Guidelines established by the Planning Director governing neighborhood meetings pursuant to Sec. 3.2.3, Neighborhood Meeting; the guidelines for establishing Neighborhood Protection Overlays pursuant to Sec. 4.6.2, Establishment of Overlay; the *Landscape Manual* pursuant to paragraph 9.2.1, Landscape Manual; and the *Durham Design Manual* pursuant to paragraph 6.12.2A.7, Durham Design Manual.

Sec. 3.5 Zoning Map Change

[Paragraphs not listed remain unchanged]

3.5.12 Deviations from Approved Development Plans

A. Significant Deviations

9. A ~~significant~~ change in the number, location, or configuration of access points to the development; or a ~~significant~~ change to previously shown public road improvements;
10. A ~~significant~~ change in the location, square footage, or size of a building adjacent to a residential district or use;

Sec. 3.6 Subdivision Review

[Paragraphs not listed remain unchanged]

3.6.9 ~~Waivers~~ Alternative Subdivision for Financing Purposes [Text remains unchanged]

Sec. 3.7 Site Plan Review

[Paragraphs not listed remain unchanged]

3.7.1 General

Site plan review, when applicable, shall verify that proposed development:

- A. Complies with all applicable Ordinance requirements, including any applicable development plan;

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:

- B. Development that does not require review by any City or County department for conformance with the standards of this Ordinance; or does not require a permit such as, but not limited to, fences or flagpoles. In instances where these types of development require a certificate of appropriateness (COA) or a special use permit, a site plan will not be required.
- C. Change of use where no additions to buildings or structures, or exterior land improvements, are proposed and the change of use:
 1. Does not require additional parking or stacking.
 2. Does not require additional landscaping.
 3. Does not require a Traffic Impact Analysis (TIA) or no improvements are required as a result of a TIA analysis.
 4. Only requires Architectural Review per Section 3.23.

3.7.5 Site Plan Requirements

- B. Site plans shall demonstrate compliance with all applicable Ordinance requirements, including any variance obtained pursuant to Sec. 3.14, Variance, and any other applicable development requirements. Site plan documents shall contain the information required within the site plan checklists maintained by the Planning Department unless expressly exempted by another provision of this Ordinance, or unless the Planning Director or designee makes the determination that less detailed information is adequate for review.

3.7.6 Submittal of Corrections

- A. Corrections or modifications for site plans shall be returned to the Planning Director or designee within 90 days from the date comments are officially issued or the site plan application shall be considered withdrawn.
- B. Corrections or modifications for site plans submitted to address a Notice of Violation shall be returned to the Planning Director or designee within 30 days from the date comments are officially issued or the site plan application shall be considered withdrawn.

3.7.7 Final Approval

- B. Approved plans shall be stamped, signed, and dated by the approving authority or designee.

Sec. 4.1 General

[Paragraphs not listed remain unchanged]

4.1.4 Rules for Interpretation of District Boundaries

B. Boundaries That Follow Lot Lines

- 2. If, subsequent to the establishment of the zoning boundary, a ~~minor~~ property line adjustment is made, ~~such as from settlement of a boundary dispute,~~ based upon a court ruling, the zoning boundary shall be construed to move with the lot line or parcel boundary if the adjustment is less than 10 feet.

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.3 Public and Civic Use Standards

H. Parks and Open Areas

2. Setbacks

- a. For all structures, picnic areas, playgrounds, and unlighted basketball courts and athletic fields:

(3) Through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permits, the setback may be reduced to as little as ten feet. ~~The following review factors shall be considered in addition to those within paragraph 3.9.8B, Review Factors: building orientation; topography; distance to offsite improvements; physical obstructions; developability of the park site; and environmental constraints.~~ In addition to the required findings in paragraph 3.9.8A, General Findings, the applicant shall demonstrate that the proposed design provides for equal or better functionality of the park, focusing on factors including but not limited to, proposed building orientation and location of amenities in relation to neighboring properties, and physical or environmental constraints.

5.3.4 Commercial Use Standards

L. Firing Range, Outdoor

- 6. The range shall have backstops and embankments which meet the dimensional standards listed below. ~~Alternatives to these standards may be approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.~~

7. A Suburban Tier buffer of 80% adjacent to vacant land, or 100% adjacent to developed land, as applicable, consistent with that of an Industrial Use adjoining a Residential Use in the Suburban Tier shall be required around the perimeter of the site.

Sec. 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

6.11.4 University and College Districts (UC and UC-2)

I. Parking

1. ~~Determination of the~~The required number and location of motorized and bicycle parking spaces ~~required, including the extent of bicycle parking required,~~ shall be tied to the university or college's documentation of adequate parking availability during peak periods of typical academic days. ~~Parking can include spaces located outside a UC district that are controlled by the university or college.~~ In order to ~~make this determination~~document that there are adequate parking facilities, a plan from each university or college covered by a UC district shall be filed with the City-County Planning Department and reviewed and approved by the Planning Director or designee. ~~to demonstrate that adequate parking is being provided by the university or college, considering both the location and amount of parking provided.~~

The following information shall be provided in the plan:

- a. A map depicting the location of parking lots within the UC ~~district~~and those outside the UC District which are utilized to satisfy parking requirements.
- b. An inventory of the number of parking spaces, per parking lot or structure, including the ~~type of parking spaces (compact, handicap accessible, reserved, visitor, etc.);~~ Totals shall be provided for sub-areas as well as district-wide. Parking can include spaces located outside the UC District that are controlled by the university or college, as long as that parking serves the UC District.
- c. A report indicating the typical maximum occupancy of each parking lot or structure at typical peak-period. Data shall distinguish between permit-parking and visitor parking. The occupancy data shall be collected within six months of the date of plan submittal and shall include the date(s) and time(s) of the data collection.
- d. The inventory of bicycle parking spaces within the UC ~~district~~, indicating the total number of spaces within each section or sub-area within the campus, as well as district-wide. The exactGeneral locations of bicycle parking spaces ~~need not~~shall be identified ~~on a map; however, the total number of spaces within each section or subarea within the campus shall be provided.~~
- e. A summary report describing any Traffic Demand Management (TDM) programs operated by the university or college within the UC ~~district~~.
- f. A report indicating any changes in enrollment and employment by the ~~U~~university or college within the UC ~~district~~ since the last plan update and any projected changes within the next four years.
- g. A summary report indicating the availability of the following within the UC ~~district~~:
 - (1) Sidewalk connectivity;
 - (2) Transit and remote parking services; and
 - (3) Bicycling amenities.

2. The documentation shall demonstrate that the following minimum standards are met:
 - a. The vacancy rate for total, district-wide motorized parking shall be at least 10%.
 - b. The individual vacancy rates for total parking and visitor parking within each sub-area shall be at least 5%.
 - c. The total number of bicycle parking spaces shall be at least 10% of total motorized parking district-wide; and at least 5% or two parking spaces, whichever is greater, within each sub-area.
3. If a sub-area does not meet the minimum parking standards, any proposed development in that sub-area that requires a site plan, except for Level 1 plans, shall include motor vehicle and/or bicycle parking, as applicable, to lessen the deficiency. In lieu of providing additional motor vehicle parking, documentation of new or revised remote parking facilities that remove or lessen the deficiency, but do not create new deficiencies elsewhere, can be provided.
4. If a college or university has provided documentation of TDM programs, then the minimum motor vehicle vacancy rates shall be reduced by 1%.
5. Sub-areas shall be geographically and functionally cohesive. Remote parking can be identified as serving a sub-area.
26. Approved parking plans shall be valid for a four-year period. ~~Parking requirements are not required for site plans in a UC district if an approved valid parking plan is in place.~~
37. Parking requirements pursuant to paragraph 10.3.1, Required Motorized Vehicle and Bicycle Parking, are not required for site plans in a UC district if an approved, valid parking plan is in place. If there is not an approved, valid parking plan in effect at the time a development approval is requested by an institution, the parking requirements of Sec. 10.3, Required Parking, shall be applied. Alternatively, processing of the requested development approval may be delayed until a new parking plan is approved.

L. Infrastructure

2. Sidewalks

- b. Sidewalk can be placed as permitted in paragraph 12.4.2C.1; however, locations shall be prioritized as follows:
 - (2) Within the TUA located within one mile of the project site~~Along public right-of-way internal to the campus;~~
 - (3) Within the TUA located within one mile of the project site~~Along public right-of-way internal to the district.~~

6.11.7 Mixed Use (MU)

J. Parking

2. Nonresidential

- a. The maximum number of parking spaces allowed in any project shall not exceed 25% above the total minimum parking requirements for all applicable uses within the development as defined in Sec. 10.3, Required Parking. In order to achieve this number, the applicant shall demonstrate that the number of parking spaces exceeding the minimum requirements of Sec. 10.3, Required Parking, is located in structured parking facilities, such as parking decks or underground garages. ~~each of the following conditions are met:~~

- ~~(1) That the number of parking spaces exceeding the minimum requirements of Sec. 10.3, Required Parking, are located in structured parking facilities, such as parking decks or garages under a building, in order to minimize the impervious surfaces on the site;~~
- ~~(2) That techniques for reducing parking demand, such as Travel Demand Management [TDM] programs, transit use to and within the project, shared parking and on-street parking shall be implemented but will not reduce the demand for parking; and~~
- ~~(3) That the need for parking beyond the minimum is justified by comparable projects in other locations.~~

Sec. 9.2 Landscape Design

[Paragraphs not listed remain unchanged]

9.2.1 Landscape Manual

The *Landscape Manual for Durham, North Carolina*, also referred to as the *Landscape Manual*, ~~shall be maintained by the Planning Director or designee, approved by the JCCPC pursuant to paragraph 2.2.3C, and~~ shall provide the following:

Sec. 9.4 Project Boundary Buffers

[Paragraphs not listed remain unchanged]

9.4.5 Constructed Buffer

E. Specimen Trees Retained

Existing specimen trees, as defined in paragraph 8.3.5, Specimen Trees, ~~that are~~ located within a required project boundary buffer shall be retained, ~~;~~ except where the removal of such trees is required to provide ~~safe and reasonable~~ access to the property.

Sec. 12.3 Streets

[Paragraphs not listed remain unchanged]

12.3.1 Street Layout

D. Sight Triangles

4. Alternative Dimensions

Alternative dimensions ~~can~~ 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 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 ~~and sealed by a registered engineer and shall consider the following:~~

- a. Street width;
- b. Posted speed limits;
- c. Stopping position;

- d. Field obstructions;
- e. Horizontal and vertical curves;
- f. Travel direction (one-way vs. two-way streets); and
- g. Traffic control measures (signals, roundabouts, etc.).

Sec. 12.9 Other Utilities

[Paragraphs not listed remain unchanged]

12.9.1 Installation

- B. Utilities shall be installed underground ~~unless it is not feasible to do so, as determined by the Planning Director, or designee~~ for any subdivision requiring preliminary plat approval.

Sec. 13.6 Street Connectivity Requirements

[Paragraphs not listed remain unchanged]

13.6.1 Connectivity Defined

B. Connectivity in Design Districts

- ~~1. Connectivity shall be defined as the continuation of the traditional grid pattern established by the existing road network and creation of new blocks according to paragraph 13.4.2, Block Standards.~~
- ~~2. Rights of way shall intersect at right angles, unless otherwise allowed pursuant to design standards maintained by the City Transportation Director, or NCDOT, as applicable.~~

PART 4

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

PART 5

That this amendment of the *Unified Development Ordinance* shall become effective September 1, 2014. Any site plan or plat submitted prior to the effective date of this Ordinance may be reviewed and approved under the regulations in place at the time of submittal.