

**AN ORDINANCE TO AMEND VARIOUS PROVISIONS
OF THE *UNIFIED DEVELOPMENT ORDINANCE* (TC1700005)**

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; Articles 6, District Intensity Standards; Article 7, Design Standards; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 12, Infrastructure and Public Improvements; Article 16, Design Districts, and Article 17, Definitions of the Unified Development Ordinance are amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1

[Amendments to Articles 2, Review Authority and 3, Applications and Permits]

Sec. 2.2 Joint City-County Planning Committee (JCCPC)

[Paragraphs not listed remain unchanged]

2.2.3 Powers and Duties

C. The JCCPC shall be responsible for review 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

3.5.7 Deferral and Withdrawal of an Application for Zoning Map Change

A. Deferral Requests Approved by the Planning Director

1. Deferrals shall be granted by the Planning Director, or designee, under the following criteria:
 - c. If the request for deferral is received by the Planning Director or designee and the reasons for the request are made in writing ~~at least ten days, prior to prior to notification being performed for~~ the first Planning Commission or governing body meeting where the item would otherwise be considered.
 3. If ~~notification of the hearing has already been sent by the time deferral is requested each request shall be accompanied by two sets of mailing labels imprinted with the names and addresses of all previously notified property owners and a fee equivalent to the postage required to re-notify the property owner~~ the Planning Commission or governing body, as applicable, grants a deferral then new notification and associated fees shall be required.

Sec. 3.6 Subdivision Review

[Paragraphs not listed remain unchanged]

3.6.7 Preliminary Plat Approval

F. Issuance of Required Permits

1. Upon preliminary plat approval, the applicant may apply for the required permits to begin site work and the installation of improvements.
2. All site work shall be performed in compliance with the requirements of this section and other applicable regulations of the city, county, and state.
3. No required permit may be issued until the required preliminary plat is approved.

3.6.8 Final Plat Approval

A. Applicability

1. A final plat shall be required for all subdivision of land within the jurisdiction of this Ordinance except as allowed under North Carolina General Statute.

2. Minor Plats

A minor plat is a final plat for subdivision that does not qualify as an exempt plat or require a preliminary plat approval pursuant to paragraph 3.6.7, Preliminary Plat Approval. In addition to the applicable requirements pursuant to paragraph 3.6.8E, Action by the Planning Director, the following shall apply:

- a. No part of the tract or parcel to be divided has been divided 10 years prior to the application.
- b. A Stormwater Impact Analysis shall be submitted that documents and supports how the project foregoes any stormwater control measure(s).
- c. The subdivision shall comply with all applicable City and/or County utility requirements.

B. Conformity with Preliminary Plat

1. The final plat shall conform to the approved preliminary plat, if any, and
2. may The final plat may constitute only that portion of the preliminary plat which is proposed for recordation.

Sec. 3.7 Site Plan Review

[Paragraphs not listed remain unchanged]

3.7.12 Coordination with Construction Drawings

Construction drawings shall be approved in accordance with the approved site plan.

3.7.1213 Continuing Validity of Site Plans [Text remains unchanged]

Sec. 3.10 Sign Permit

[Paragraphs not listed remain unchanged]

3.10.3 Action by the Planning Director

- A. Upon review of the application, the Planning Director or designee shall approve the sign permit provided the sign meets all requirements of this Ordinance, and all other applicable electrical and North Carolina Building Code requirements.
- B. Corrections or modifications for sign permit applications shall be returned to the Planning Director or designee within 30 days from the date comments are officially issued or the application shall be considered withdrawn. An extension period may be granted by the

Planning Director or designee with documentation that a good faith effort is being made to address the issued comments.

C. Signs shall be installed in accordance with the approved sign permit within six months of the date of official permit approval or the permit shall expire and require a new sign permit application and approval. The Planning Director or designee may extend the validity of the sign permit with documentation that a good faith effort is being made to install and receive final approval of the subject sign(s).

PART 2

[Amendments to Articles 4, Zoning Districts and 5, Use Regulations]

Sec. 4.6 Neighborhood Protection Overlay (-P)

[Paragraphs not listed remain unchanged]

4.6.3 Modification of Standards

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

5. Landscaping and buffering standards in Article 9, Landscaping and Buffering; **or**
6. Parking standards in Article 10, Parking and Loading; or
67. Sign standards in Article 11, Sign Standards.

Sec. 5.1 Use Table

[Paragraphs and portions of tables not listed remain unchanged]

5.1.1 Use Table Key

A. Types of Uses

2. Permitted Subject to Limitations (L)

An "L" indicates that a use shall be permitted by right, provided that the use meets the additional requirements imposed by the referenced section in the "Notes" column of the table. These could include appropriate limited use standards set forth in Sec. 5.3, Limited Use Standards, and, for residential uses, the intensity standards imposed in Article 6, District Intensity Standards ~~and/or~~ the design standards imposed in Article 7, Design Standards; and/or Article 16, Design Districts. Such uses are subject to all other applicable requirements of this ordinance, including restrictions and prohibitions within an approved development plan of record for the property under consideration.

5.1.2 Use Table

USE CATEGORY	SPECIFIC USE	RESIDENTIAL					NONRESIDENTIAL					PLANNED				DESIGN							
		RR	RS	RS-M	RU	RU-M	RC	C	CN	OI	CG	SRP	SRP-C ³	IL	L	PDR	UC	CC	IP	MU	DD	CD	NOTES:
RESIDENTIAL USES																							
Household Living	Single-family	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, Art. 16
	Two-family			L	L	L	L									‡				‡	L	L	6.3.2, 6.4.2, 6.5.2, 6.12, Art. 16 , 7.1.7

		RESIDENTIAL					NONRESIDENTIAL					PLANNED				DESIGN							
USE CATEGORY	SPECIFIC USE	RR	RS	RS-M	RU	RU-M	RC	C	CN	OI	CG	SRP	SRP-C ³	IL	L	PDR	UC	CC	IP	MU	DD	CD	NOTES:
	Multifamily			L	L	L	L	L	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 , 7.1.8, 7.1.9, 7.1.10, Art. 16

Sec. 5.2 Use Categories

[Paragraphs not listed remain unchanged]

5.2.6 Industrial Use Categories

F. Heavy Industrial

Characteristics: Firms involved in industrial and manufacturing-related activities that often have significant environmental impacts or require special measures to ensure compatibility with adjoining properties. Firms involved in research and development activities without light fabrication and assembly operations; limited industrial/manufacturing activities. The uses emphasize industrial businesses, and sale of heavier equipment. Factory production and industrial yards are located here. Sales to the general public are limited.

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:

(2) ~~In~~ Design Districts,

Except as required for the Incidental Building Type, a 15-foot setback shall be maintained instead of the required build-to ~~line zone~~ in paragraphs 16.2.1, Building Placement Standards.

- b. For lighted facilities such as tennis courts, basketball courts, and athletic fields:

(2) ~~In~~ Design Districts,

Except as required for the Incidental Building Type, a 30-foot setback shall be maintained instead of the required build-to ~~line zone~~ in paragraphs 16.2.1, Building Placement Standards.

5.3.4 Commercial Use Standards

G. Convenience Stores with Gas Sales

- 7. One parking space per two fueling stations can be credited towards minimum parking requirements per paragraph 10.3.1, Required Motorized Vehicle and Bicycle Parking, with the following limitations:

a. No more than 50% of required parking spaces shall be provided at fueling stations.

b. Required handicapped accessible parking shall not be permitted at fueling stations.

Q. Outdoor Recreation

2. Except in the SRP-C (County Only), CD and DD Districts, a 50-foot setback from any property line adjacent to a residential district or use shall be maintained for any unlighted structure, food sale or dining area, playground, viewing area, court, field, or other athletic or entertainment area or facility.

a. **CD District**

Except as required for the Incidental Building Type, In the CD District, a 15 foot setback shall be maintained instead of the build-to line-zone in paragraph 16.2.1, Building Placement Standards.

b. **DD District**

Except as required for the Incidental Building Type, In the DD District, no setback or build-to line-zone is required.

3. Except in the SRP-C (County Only), CD and DD Districts, a 100-foot setback from any property line adjacent to a residential district or use shall be maintained for any lighted structure, food sale or dining area, playground, viewing area, court, field, or other athletic or entertainment area or facility.

a. **CD District**

Except as required for the Incidental Building Type, In the CD District, a 30 foot setback shall be maintained instead of the build-to line-zone in paragraph 16.2.1, Building Placement Standards. In addition, the site plan shall include documentation by a registered professional with experience in lighting certifying that the lighting does not exceed 0.5 foot-candle at the property line of any adjacent residential district or use.

b. **DD District**

Except as required for the Incidental Building Type, In the DD District, no setback or build-to line-zone is required.

5. In the DD District the following standards shall apply:

d. **Design Standards**

- (1) Uncoated Chain chain link fencing is prohibited except when the outdoor recreation use is on the roof of a structure and the fencing is not visible from the adjacent right-of-way.
- (2) For outdoor recreation uses provided at, or within five feet of, ground level, a fence or wall shall be provided at the build-to line of the property within the build-to zone as established by paragraph 16.2.1, Building Placement Standards.

T. Self Service Storage

1. The facility shall be screened from view from adjacent properties pursuant to Sec. 9.7, Screening, except in the DD District, with the following exceptions:

a. **Facilities in the DD District**

b. **Facilities where all access to individual storage units are from corridors internal to the building.**

V. Vehicle Service, and Vehicle Service Limited Minor or Major

Vehicle service (full or limited minor or major) shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. Fuel pumps shall be at least 15 feet from property lines, and the number of fueling stations shall be the same as those allowed pursuant to paragraph 5.3.4G, Convenience Stores with Gas Sales.

Sec. 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

5.4.2 Accessory Dwellings

A. General

1. Accessory dwellings shall not be permitted in Special Flood Hazard Areas or Future Conditions Flood Hazard Areas.
2. One additional off street parking space shall be provided, except in the DD District.

5.4.4 Home Occupations

C. Other Home Occupations

In all districts other than RR, or in RR-zoned properties less than ten acres, the following standards apply in addition to the standards of paragraph A. above:

2. No outside storage use or activity (except parking and, required recreation areas for day care homes, and required recreation areas for instructional services that require an outdoor facility such as a swimming pool for swim classes) shall be associated with the home occupation.

Sec. 5.5 Temporary Uses

[Paragraphs not listed remain unchanged]

5.5.2 Specific Temporary Uses

M. Special Events

1. Special events of a civic, religious, or non-profit nature shall include, but are not limited to, outdoor concerts, markets, and festivals. Such events shall not require a temporary use permit if located on public property.
2. If an event requires a permit, the issuance period shall be a once every six months period instead of the 12 month period referenced in paragraph 5.5.1, General.

PART 3

[Amendments to Articles 6, District Intensity Standards and 7, Design Standards]

Sec. 6.2 Residential Rural (RR) Development Intensity

[Paragraphs not listed remain unchanged]

6.2.1 Development Standards

A. Dimensional Standards

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

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

²For conservation subdivision dimensional requirements, see below.

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 residential building located on a site of less than four acres in a residential district. A residential building shall also include a building converted to a non-residential use.

6.8.2 Lot Width

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

- A1. The average width of the adjacent lots fronting on the same linear block; or
- B2. The median of the widths for all other lots fronting on the same linear block.

B. The base zoning requirement for lot width can apply for lots developed for affordable housing dwelling units.

6.8.3 Yards

A. Street Yards

1. Context Area

- a. The context area for the required street yard of the subject lot shall be the established street yards (as defined by the distance between the primary structure on each property and the edge of the right-of-way) on residential lots, including structures converted to non-residential use, with residential zoning along the same block face.
3. Alleys shall not be considered to create a new block. Parcels on the opposite side of an alley shall be considered adjacent or along the same block face, as applicable.

Sec. 6.10 Nonresidential District and Group Living Development Intensity

[Paragraphs not listed remain unchanged]

6.10.1 Nonresidential and Group Living Development Standards

A. Rural Tier

1. Standards for All Districts

- a. The standards for I zoning shall apply to IL zoning.
- ab. Minimum side yards in the CN and CG districts can be reduced to 15 feet if adjacent to a nonresidential district or use.
- bc. Additional height in the I District, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
- cd. A development within the CN District, with new project floor area over 5,000 square feet, no development plan, and residential zoning districts adjacent (including directly across a public right-of-way) to two or more property lines requires a minor special use permit pursuant to Sec. 3.9, Special Use Permit. The applicant shall hold a neighborhood meeting pursuant to paragraph 3.2.3, Neighborhood Meeting, unless it previously held one for the development at issue.

B. Suburban Tier

2. Standards for the SRP, IL, and I Districts

Dimensional Standard	SRP		IL		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	---	---	25,000	---	30,000	---
Lot Width (feet)	300	---	100	---	150	---
Street Yard (feet)	100	---	40	---	40	---
Side Yard (feet)	100	---	30	---	50	---
Rear Yard (feet)	100	---	25	---	40	---
Building Coverage (%) ¹	---	15	---	60	---	65
Height (feet)	---	120	---	50	---	90

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

d. Additional Height

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

(1) IL District

On sites with a minimum three acre site area, the maximum height can be increased as follows:

(a) Maximum 90 feet with a 50 foot street yard.

(b) Maximum 120 feet with a 75 foot street yard.

(c) Over 120 feet to a maximum 145 feet with a 75 foot street yard and issuance of a minor special use permit pursuant to Sec. 3.8, Special Use Permit.

(2) In the IL with site acreage less than three acres, SRP, and I Districts, additional height, up to 145 feet, is allowed if approved through the issuance of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

Sec. 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

6.11.3 Planned Development Residential (PDR)

B. Dimensional Requirements

1. Site Area

- a. The ~~minimum~~-area required for the initial approval of the zoning district shall be as follows:
 - (1) Within the Urban Tier, ~~a minimum of two contiguous acres no minimum acreage~~ shall be required.
 - (2) Within the Suburban Tier, a minimum of four contiguous acres shall be required.

Sec. 7.1 Housing Types

[Paragraphs not listed remain unchanged]

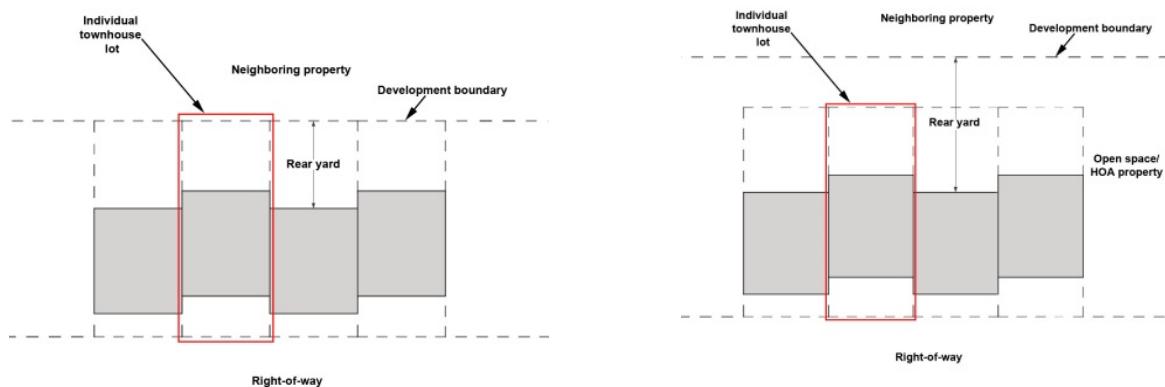
7.1.8 Townhouse

B. Development Standards

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

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

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



PART 4

[Amendments to Articles 9, Landscaping and Buffering; 10, Parking and Loading; and 12, Infrastructure and Public Improvements]

Sec. 9.2 Landscape Design

[Paragraphs not listed remain unchanged]

9.2.5 Installation

A. Easements

1. Trees can be planted in access or utility easements, including stormwater ~~BMP facilities~~ control measure access and maintenance easements, provided that they are a species adapted for the nature of the easement.
 - a. ~~and, in all easements other than overhead utilities, the Approval by the entity or Department~~ responsible for the easement shall be required approves for the location of the trees proposed for planting.
 - b. Compliance with additional requirements by the responsible entity or Department shall be required.
2. ~~Existing trees can remain in dry detention ponds provided that the natural grade is undisturbed in the root protection zone, they are a species adapted to seasonal flooding, and it is documented that the pond shall be adequately maintained without disturbance to root protection zones.~~
32. Shrubs shall be installed at least five feet away from the flow line of a swale.
43. Shrubs can be planted in a public utility easement provided they are approved by the utility provider.
54. If the entity responsible for an existing easement denies the location of landscaping material that is otherwise required by this Article, the required landscaping location can be modified to the minimum extent necessary to avoid conflict with the easement.

Sec. 9.4 Project Boundary Buffers

[Paragraphs not listed remain unchanged]

9.4.5 Constructed Buffer

B. Rural and Suburban Tier

1.

Opacity	Min. Width	Alternative 1	Alternative 2	Alternative 3	Alternative 4
		Mixed Evergreen	Deciduous	Evergreen	Overhead Utility
Plant Material Required Per 100 Linear Feet					
0.2	10 feet	1 Deciduous Canopy Tree 0 Evergreen Canopy Tree 1 Deciduous Understory Tree 2 Evergreen Understory Trees 13 Shrubs	2 Deciduous Canopy Trees 0 Evergreen Canopy Tree 2 Deciduous Understory Trees 0 Evergreen Understory Tree 12 Shrubs	0 Deciduous Canopy Tree 2 Evergreen Canopy Trees 0 Deciduous Understory Tree 3 Evergreen Understory Trees 13 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 3 Deciduous Understory Trees 2 Evergreen Understory Trees 10 Shrubs
0.4	20 feet	3 Deciduous Canopy Trees 1 Evergreen Canopy Tree 2 Deciduous Understory Trees 5 Evergreen Understory Trees 40 Shrubs	4 Deciduous Canopy Trees 0 Evergreen Canopy Tree 6 Deciduous Understory Trees 0 Evergreen Understory Tree 38 Shrubs	0 Deciduous Canopy Tree 4 Evergreen Canopy Trees 0 Deciduous Understory Tree 9 Evergreen Understory Trees 38 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 7 Deciduous Understory Trees 5 Evergreen Understory Trees 30 Shrubs
0.6	30 feet	6 Deciduous Canopy Trees 1 Evergreen Canopy Tree 4 Deciduous Understory Trees 9 Evergreen Understory Trees 70 Shrubs	7 Deciduous Canopy Trees 0 Evergreen Canopy Tree 10 Deciduous Understory Trees 0 Evergreen Understory Tree 67 Shrubs	0 Deciduous Canopy Tree 7 Evergreen Canopy Trees 0 Deciduous Understory Tree 16 Evergreen Understory Trees 68 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 12 Deciduous Understory Trees 9 Evergreen Understory Trees 53 Shrubs
0.8	50 feet	6 Deciduous Canopy Trees 1 Evergreen Canopy Tree 4 Deciduous Understory Trees 10 Evergreen Understory Trees 77 Shrubs	8 Deciduous Canopy Trees 0 Evergreen Canopy Tree 11 Deciduous Understory Trees 0 Evergreen Understory Tree 73 Shrubs	0 Deciduous Canopy Tree 8 Evergreen Canopy Trees 0 Deciduous Understory Tree 17 Evergreen Understory Trees 74 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 13 Deciduous Understory Trees 10 Evergreen Understory Trees 58 Shrubs
1.0	80 feet	7 Deciduous Canopy Trees 1 Evergreen Canopy Tree 5 Deciduous Understory Trees 12 Evergreen Understory Trees 85 Shrubs	10 Deciduous Canopy Trees 0 Evergreen Canopy Tree 13 Deciduous Understory Trees 0 Evergreen Understory Tree 80 Shrubs	0 Deciduous Canopy Tree 10 Evergreen Canopy Trees 0 Deciduous Understory Tree 20 Evergreen Understory Trees 83 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 16 Deciduous Understory Trees 12 Evergreen Understory Trees 65 Shrubs

C. Urban, Compact Neighborhood, and Downtown Tiers

1.

Opacity	Min. Widt	Alt. 1					Alt. 2					Alt. 3					Alt. 4					Alt. 5 Intense				
		Mixed	Deciduo	Understory	Evergree	Overhead	Deciduo	Understory	Evergree	Overhead	Deciduo	Understory	Evergree	Overhead	Deciduo	Understory	Evergree	Overhead	Deciduo	Understory	Evergree	Overhead	Deciduo	Understory	Evergree	Overhead
Plant Material Required Per 100 Linear Feet Of Buffer																										
0.2	10 feet	1 Deciduous Canopy Tree 1 Evergreen Canopy Tree 1 Deciduous Decid. Understory Tree 1 Evergreen Evergr. Understory Tree 3 Shrubs	1 Deciduous Canopy Tree 0 Evergreen Canopy Tree 1 Deciduous Decid. Understory Tree 0 Evergreen Evergr. Understory Tree 4 Shrubs	0 Deciduous Canopy 1 Evergreen Canopy Tree 0 Deciduous Decid. Understory Tree 2 Evergreen Evergr. Understory Trees 4 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 2 Deciduous Decid. Understory Trees 1 Evergreen Evergr. Understory Tree 1 Shrub																					
0.4	15 feet	2 Deciduous Canopy Tree 1 Evergreen Canopy Tree 2 Deciduous Decid. Understory Trees 3 Evergreen Evergr. Understory Trees 9 Shrubs	4 Deciduous Canopy Tree 0 Evergreen Canopy Tree 3 Deciduous Decid. Understory Trees 0 Evergreen Evergr. Understory Tree 14 Shrubs	0 Deciduous Canopy 3 Evergreen Canopy Tree 0 Deciduous Decid. Understory Tree 5 Evergreen Evergr. Understory Trees 12 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 5 Deciduous Decid. Understory Trees 3 Evergreen Evergr. Understory Trees 3 Shrubs																					
0.6	20 feet ¹	4 Deciduous Canopy Tree 1 Evergreen Canopy Tree 3 Deciduous Decid. Understory Trees 5 Evergreen Evergr. Understory Trees 18 Shrubs	7 Deciduous Canopy Tree 0 Evergreen Canopy Tree 5 Deciduous Decid. Understory Trees 0 Evergreen Evergr. Understory Tree 27 Shrubs	0 Deciduous Canopy Tree 6 Evergreen Canopy Tree 0 Deciduous Decid. Understory Tree 5 Evergreen Evergr. Understory Trees 24 Shrubs	0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 9 Deciduous Decid. Understory Trees 5 Evergreen Evergr. Understory Trees 5 Shrubs	2 Deciduous Canopy Tree 4 Evergreen Canopy Tree 2 Deciduous Decid. Understory Trees 0 Evergreen Evergr. Understory Tree 19 Shrubs 6-Foot Wall ²																				
0.8	22.5 feet										0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 13 Deciduous Decid. Understory Trees 7 Evergr. Evergreen Understory Trees 7 Shrubs 6-Foot Wall ²	0 Deciduous Canopy Tree 5 Evergreen Canopy Tree 3 Deciduous Decid. Understory Trees 0 Evergr. Evergreen Understory Trees 28 Shrubs 6-Foot Wall ²	3 Deciduous Canopy Tree 5 Evergreen Canopy Tree 3 Deciduous Decid. Understory Trees 0 Evergr. Evergreen Understory Trees 31 Shrubs 6-Foot Wall ²													
1.0	37.5 feet										0 Deciduous Canopy Tree 0 Evergreen Canopy Tree 13 Deciduous Decid. Understory Trees 7 Evergr. Evergreen Understory Trees 7 Shrubs 6-Foot Wall ²	4 Deciduous Canopy Tree 6 Evergreen Canopy Tree 4 Deciduous Decid. Understory Trees 0 Evergr. Evergreen Understory Trees 31 Shrubs 6-Foot Wall ²														

Sec. 9.9 Fences and Walls

[Paragraphs not listed remain unchanged]

9.9.1 Height

B. Fences or walls located between the structure and the [public or private](#) 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:

Sec. 10.2 General Requirements

[Paragraphs not listed remain unchanged]

10.2.2 Facilities Required

B. Required Park and Ride Parking Spaces

4. Handicapped accessible parking spaces shall be provided in the amount pursuant to paragraph 10.3.2, Handicapped Accessible Parking. The spaces provided shall count towards the overall number of required park and ride spaces.

Sec. 10.3 Required Parking

[Paragraphs not listed remain unchanged]

10.3.1 Required Motorized Vehicle 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 (except townhomes): 1 per 10 units

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

B. Required Parking

7. In the Compact Neighborhood Tierfollowing tiers, the minimum and maximum motor vehicle parking rates for household living dwelling units shall be as follows:

	Minimum	Maximum
Compact Neighborhood Tier:		
Household Living, except as listed below	1 space/ unit	2 spaces/unit
Affordable Housing Dwelling Units	None	2 spaces/unit
Urban Tier:		
Affordable Housing Dwelling Units	None	<u>2 spaces/unit</u>

8. Methods to Exceed Maximum Parking

- a. The additional parking spaces and drive aisles shall be pervious paving pursuant to the definition of pervious paving in Sec. 17.3, Definitionsfollowing:
 - (1) Pervious paving shall be considered surface improvements such as interlocking concrete paving blocks, brick pavers, grid pavers, or other similar improvements which permit the infiltration of water through the improved surface.
 - (2) Sub-surface preparation to accommodate the water infiltration allowed through the surface material shall be required.
 - (3) Gravel shall not be considered a pervious paving surface.

C. Alternate Forms of Compliance

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

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

- c. Credit for non-handicapped accessible parking spaces shall not be given for designated handicapped accessible spaces, loading zones, or taxi stands.
- d. For required handicapped accessible spaces, existing or proposed spaces designated along the same blockface as the development site shall satisfy the requirement. Designation of new on-street handicapped accessible spaces shall meet the City Transportation Department or NCDOT requirements, as applicable.

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

~~Credit cannot be used for single family or duplex residential development.~~

f. Single and Two-family Lot Exception

One off-street parking space shall be required regardless of the amount of contiguous street frontage.

Sec. 12.4 Pedestrian and Bicycle Mobility

[Paragraphs not listed remain unchanged]

12.4.2 Sidewalk Requirement

B. Preliminary and minor plats, and developments required to improve existing right-of-way to City or NCDOT standards, as applicable, shall provide public sidewalk within right-of-way pursuant to paragraph 12.4.2A, Sidewalk Requirement.

PART 5

[Amendments to Article 16, Design Districts]

Sec. 16.3 Building Design

[Paragraphs not listed remain unchanged]

16.3.3 Height

C. Sub-District Requirements

1. DD District

- a. Unless otherwise specified, the following standards shall apply to all Frontage and Building types.
 - (2) For In the S2 sub-district, the maximum building height shall be 35 feet when within 75 feet of non-design district zoning.
 - (a) Measurement shall be made from the zoning line. Right-of-way shall be excluded from the 75-foot measurement.
 - (b) The maximum building height can be 50 feet with approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

(3) The upper-story step back is applied to all stories that exceed the maximum podium height. However, no step-back is required in the S2 sub-district unless maximum building height with provisions is utilized.

2. CD District

- a. Unless otherwise specified, the following standards shall apply to all Frontage and Building types.
 - (2) In the S2 sub-district, the maximum building height shall be 35 feet when within 75 feet of non-design district zoning.
 - (a) Measurement shall be made from the zoning line. Right-of-way shall be excluded from the 75-foot measurement.
 - (b) The maximum building height can be 45 feet with approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.
 - (3) The upper-story step back is applied to all stories that exceed the maximum podium height. However, no step-back is required in the S2 sub-district unless maximum building height with provisions is utilized.
- (34) The Monumental Building Type shall be exempt from height articulation requirements.
- (45) Incidental and Accessory Structure Building Types shall be exempt from the requirements in paragraph a, above.
- (56) Balconies and bay windows that extend out from the building are not required to meet step-back requirements.

Sec. 16.4 Streetscape, Right-of-Way, and Block/Lot Standards

[Paragraphs not listed remain unchanged]

16.4.2 Streetscape

A. Sidewalk Standards

2. Forecourt Frontage Type and Monumental Building Type
 - a. For the Forecourt Frontage Type, sidewalk shall be measured to the frontage of the forecourt and not the building itself.
 - b. For the Monumental Building Type, the sidewalk shall be a minimum of 12 feet wide, and a landscape strip with a minimum width of three feet can be provided against the back-of curb.

PART 6

[Amendments to Article 17, Definitions]

Sec. 17.3 Defined Terms

Lot, Flag: A lot with two distinct parts:

1. The flag, which is the only building site; meets the lot width requirement of the zoning district; and is located behind another lot; and
2. The pole, which connects the flag to the street; provides the only street frontage and access for the lot; and at any point is less than the minimum lot width for the zone.

B) A lot when, as a result of an approved and recorded street closing or withdrawal, the only street frontage and access to the lot is less than the minimum lot width,

in which case the “pole” shall be considered the width of frontage along the street.

~~An irregularly shaped lot which has an appendage or extension which does not meet the lot width requirements of the district at the street.~~

Yard, Street: That portion of a yard extending between the edge of the street right-of-way (or easement, for private streets; or common access drive, for townhouses) and the required building placement; the portion of a lot adjoining a street as measured from the right-of-way. The street yard width is measured perpendicular to the street right-of-way. Corner lots and through lots shall be considered to have two street yards. A street yard does not exist adjacent to an alley.

PART 7

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

PART 8

That this amendment of the Unified Development Ordinance shall become effective March 1, 2018