

Note: The following tables do not include changes that are technical changes or clarifications.

Topic	Current Requirement	Governing body Draft	Consistency with previous drafts and PC recommendation	Staff Comments
Accessory Dwelling Units (ADUs)				
Where an ADU can be placed				
Where on a lot	If detached, to the rear of the primary structure. (ADUs can also be part of the primary residence- attic, basement, side, addition)	For detached, added side allowance, but limited to along the back ¼ of the primary structure.	November discussion Draft: Yes March PC draft: Yes (*added provision for certain civic uses allow to side or rear) PC Recommendation: Yes	Provides additional flexibility for placement on a lot while keeping the ADU primarily towards the back of a lot.
The current use of the lot	Any residential property with only one dwelling unit.	Keep current allowance (<i>which would allow for new small lot option and the narrow-pole flag lot option</i>), and revised to allow for: 1. a duplex; and 2. Certain civic uses	November discussion Draft: Yes, except for the new civic uses proposal March PC draft: No, except for the new civic uses proposal PC Recommendation: No, except for the new civic uses proposal and allowing for the single-family small lot option	ADUs have been permissive since allowed by-right in the UDO in 2006. The November draft expanded the permissiveness, but staff recommended restrictions in the March PC draft in order to craft a more overall incremental approach. This raised many concerns since ADUs are considered a potentially effective, discreet way to introduce a more attainable and affordable residential option within a neighborhood. Thus, the governing body proposal includes the November Discussion Draft proposal. Staff has also maintained the additional allowances for ADUs for certain civic uses proposed in the March draft and supported by the Planning Commission.
Nonconforming lots (legal lots of record that do not meet current dimensional standards)	Prohibited ADU if lot didn't meet minimum lot area requirements of the zoning district	Deletes this provision	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Provides more opportunities for an ADU
Setbacks (applies to all accessory structures)	RU districts- 3 feet minimum from side and rear property lines Other districts- 5 feet minimum from side and rear property lines	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	
How an ADU is permitted	By right (staff reviewed and inspected to verify zoning standards are met). Does not count toward density.	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	The by-right allowance was established in 2006 with the adoption of the UDO, where the previous Merged Zoning Ordinance required a special use permit. Counting towards density provides an additional obstacle for generating them. ADUs have not been currently counted towards density or through the previous Merged Zoning Ordinance.
Maximum size	30% of primary dwelling	800 sq. ft. maximum	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	The maximum size is consistent with many other jurisdictions, and not requiring a percentage calculation creates less of a regulatory burden .

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Maximum number	1 per lot	1 per lot, except for certain civic uses where a maximum of 3 would be allowed	November discussion Draft: Yes, except for the new civic uses proposal March PC draft: Yes PC Recommendation: Yes	Allows additional opportunities for ADUs on certain civic properties such as a place of worship.
Detached from, or part of, the primary structure	Can be either	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Maintains flexibility in providing an ADU.
Height (applies to all accessory structures)	RS zoning- 15 foot maximum if within 10 feet of property line RU zoning- 25 feet maximum if within 5 feet of property line	All accessory structures, including those containing an ADU, shall be a maximum of 25 feet. Infill height rules shall not apply.	November discussion Draft: No March PC draft: No PC Recommendation: Yes	Staff and the PC agree that an overall simpler way of regulating not only detached ADU height, but any accessory structure height, is worthwhile. The proposed method is simpler to understand and regulate, while not sacrificing the ability to provide detached ADUs, other accessory structure uses such as garages, or combinations of such.
Conversion of existing, nonconforming accessory structure	Prohibits ADU if accessory structure is nonconforming	Allow partial or complete conversion to an ADU. Depending upon the scope of the project, a special use permit or variance may be necessary.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Opens up more opportunities for converting existing structures to an ADU.
Appearance	Must maintain single-family appearance	Deletes this provision	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Not legally enforceable unless in a local historic district, where a certificate of appropriateness would currently be required.
Travel trailers and other RVs	Prohibited for use as ADU	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Consideration of “tiny homes” was discussed at a table at the April 27 Community Conversation. This was never considered part of this initiative due to the potential health, building, housing, and other codes that would need to be considered, along with zoning. Staff would need to research and develop appropriate regulations.
Parking	Not required	No change proposed. Clarifying text is added.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	No parking is currently required, and is not proposed, based upon the premise of removing obstacles for providing ADUs. Requiring additional parking potentially adds more impervious surface, cost, and possible redundant parking if available on-street or on-site.
Regulated flood plain	Prohibits ADU	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Promoting more residential uses within a regulated floodplain is not a recommended policy, and no request to do so has been received.

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Infill Development Standards in Residential Districts				
Applicability	Urban tier: Any development on a site less than 4 acres in a residential district	Adds same applicability to RU districts in the Suburban tier	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	There are a limited number of neighborhoods zoned with RU zoning in the Suburban tier and generally reflect the same development pattern as those in the Urban Tier.
Minimum Lot width	Requires new lots to have a minimum width that is the smaller of: - The average of adjacent lots along same block face; or - Median of all lots on same block face	Deletes this provision	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	These rules currently override base zoning lot width rules. If these rules are maintained, the proposed Small Lot Option would be moot. Furthermore, this rule has created barriers for creating more housing lots that would meet base zoning requirements.
Street yards	Required street yard shall be anywhere between the smallest and deepest established street yards on lots on the same block face. Minimum street yard provisions apply to corner lots, allowing to apply an infill standard or base zoning allowance.	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Street yard standards for infill, especially in regards to corner lots, where recently amended in the last omnibus text amendment. Staff will monitor effectiveness and suggest changes if necessary.
Landscaping	Infill development shall continue the pattern of street yard trees that has been established on all lots within 150 feet of the property unless an intervening street exists prior to that distance, in which case the street location shall define the terminating point of the required street tree pattern. When new trees are planted, they shall be a variety that, at maturity will be similar in height, width, and form to existing trees in the context area	Plant or preserve one canopy or understory tree, in addition to any required street tree, anywhere on the lot. The Durham Landscape manual shall be used to determine allowable species.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	The current standard is subjective and unenforceable. This establishes a simple, clear, and enforceable standard while addressing tree canopy and stormwater issues.
Building width	<i>Context area:</i> any principal buildings located on lots within 150 feet of the property line of the proposed site - New construction shall not exceed the average building width for existing residential structures in the context area by more than 25%, unless a building articulation of at least six feet in depth at a point that mimics the average building width in the context area is provided.	Maintains current standards, except the context area is deleted and replaced with the context area used for street yards (along the block face)	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	The current text references a second type of context area other than the one used for determining street yards (already established along the block face). Staff determined this wasn't necessary and that the street yard context area should be sufficient.

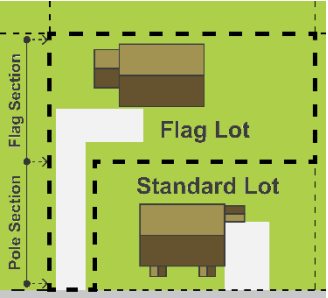
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Maximum Building height	The lesser of: - The base zoning maximum, or - More than 14 feet taller than the height of any adjacent structure, except for portions that lie more than 25 feet from an adjacent structure.	- Maintains standard but removed the 25-foot exception. - Adds specific clarification as to which adjacent structures and if adjacent lots are vacant.	November discussion Draft: Yes March PC draft: No PC Recommendation: No	Concerns were raised that the current limitation wasn't sufficient, thus staff proposed a new methodology in the March draft, utilizing established height on the same and opposing block face. Staff also proposed exempting additions to the rear from infill standards. Concerns over this revision were also raised, citing either the November draft was sufficient or that the new method regulated to a possible outlier scenario. The Planning Commission proposed another method by regulating to the mode of existing structures. Concerns were also raised for the proposed exemption for rear additions that could create bump-up additions to the rear of the structure. Based upon comments, staff has proposed the November draft version, which keep the current regulations, but make adjustments to clarify which structures to use for comparison and removes the 25-foot exemption.
Vehicular use area (on-site parking and driveways)	Shall conform to the predominate location of parking within the context area.	Adopts the Old West Durham and Tuscaloosa-Lakewood NPO maximum driveway width of 12 feet, and the additional width allowance per Old West Durham.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	The current requirement is somewhat subjective, and the standard already established through the two NPOs are specific and appear reasonable. It also helps address impervious surface concerns.
Parking	None required if the lot is less than 40 feet wide and required building placement conflicts with required parking dimensional standards. Otherwise, approximately 2 per unit with one allowed as on-street if 23 feet of frontage is available. No parking is required for an official affordable housing unit.	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Staff determined no changes were warranted at this time. On-site parking allowances and reductions already exist, and in certain cases parking is already waived. As previously discussed, adding additional on-site spaces for ADUs adds cost, impervious surface, and creates an overall additional barrier for establishing an ADU.
40% Maximum Building Coverage Would apply only to any building greater than 144 square feet. Does not apply to driveways, patios, etc.	Not in current ordinance	Not proposed	November discussion Draft: not proposed March PC draft: Proposed PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	Although the proposed building coverage maximum was informed by analysis of current building coverages within residential districts in the Urban tier (the median building coverage for all residential districts in the Urban tier is 18%, and it ranges based upon zoning district from approximately 15%-23%), and was used in early zoning ordinances (35-45% for single- and two-family zoning), this additional requirement raised concerns centered on adding an additional regulatory task and confusion, did not aid in the provision of more varied housing options and could limit additions to existing homes, and other simpler methods already proposed helped address impervious surface issues.

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Locations for Duplexes and other housing types				
Duplexes	Of the residential districts, only allowed in the RU-5(2), RU-M, and RS-M.	- Expands allowance to all residential districts in the Urban Tier, and RU-5 in the Suburban tier - Allows in cluster subdivisions - Allows in conservation subdivisions	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	The proposal allows primary dwellings other than single-family throughout the Urban tier, and provides more variety of housing options for cluster and conservation subdivisions that primarily happen in the Suburban tier. <i>Cluster and conservation subdivisions</i> are currently allowed types of subdivisions that allow for smaller lots in trade for additional open space and conservation areas. The allowed densities do not change.
Townhouses	Allowed in RU-5(2), RU-M, and RS-M residential districts. Also allowed through the Townhouse Transitional Use and Thoroughfare Density bonuses (RU district only)	- Deletes Townhouse Transitional Use; - Allows in cluster subdivisions - Allows in conservation subdivisions	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	Allowing townhomes in these types of subdivisions would not change the maximum densities allowed, while providing for a wider variety of housing options.
Multiplexes (3-4 unit apartment building on one lot)	Allowed in RS-M and RU-M residential zoning districts	Added to the existing Thoroughfare Density Bonus for RU districts.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	As previously noted, allowing more opportunities for multiplexes along major thoroughfares allows for more housing diversity along major transportation and transit routes.
Apartments	Only allowed in RS-M and RU-M	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	
Single-family housing types (detached, attached, zero lot line, traditional, patio home)	Most allowed in any RS or RU residential districts; Attached House only allowed in RS districts in a cluster subdivision	- Patio home is deleted - Clarifies that <i>any</i> single-family housing type can be used within a conservation or cluster subdivision - Expands allowance of the Attached House type to RS districts in Urban tier (to be consistent with duplex allowances)	November discussion Draft: Yes, except the Attached House type was not specifically discussed. March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	Patio homes were never utilized and require a “patio” that adds significant amounts of impervious surface. The other proposed changes expand the use of current single-family housing types.
Small lot (a small lot option allowing for minimum 2,000 sq. ft. lots with 25 foot width. Limits on structure size and height, and additional development parameters would apply)	Not in current Ordinance	Allow as duplex or single-family in all residential districts in the Urban tier except RS-20, and RU districts in the Suburban Tier.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	A newly proposed lot reduction option that would allow for small lots but require small house/duplex (1,200 sq. ft. maximum for the entire structure; maximum 800 sq. ft. footprint; and a maximum height of 25 feet). Originally proposed in November as a new housing type, it was re-structured as a Small Lot Option B in the March PC draft.

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Density				
Maximum Density - the number of primary dwelling units per acre (du/acre)				
RS-20	2 du/acre	No change proposed	November discussion Draft: No March PC draft: No PC Recommendation: Yes	Staff proposes, for not only simplifying the proposal but also as a method of making incremental change, to maintain current base density limits (except for the small house/duplex option below), with the understanding that there may be recommended changes as a result from the completion of the new Comprehensive Plan initiative. Additionally, affordable housing providers can still utilize the Affordable Housing Bonus.
RS-10	4 du/acre			
RS-8	5 du/acre			
RU-5	8 du/acre			
RU-5(2)	8 du/acre			
RS-M	8 du/acre (18 w/ re-zoning with development plan)			
RU-M	12 du/acre (20 with re-zoning with development plan)			
2,000 sq. ft. “Small Lot” option	NA	Maximum 12 dwelling units/acre	November discussion Draft: Yes, except for density limit March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	Staff proposed a density limit (12 dwelling units/acre) with the March PC draft as an attempt, along with other revisions, make the potential increase in number of units to be more incremental. Based upon the concerns raised with the proposed limit, the removal of the overall incremental lot area and width reductions, to simplify the proposed changes, and that current density rules are exempt from exempt plats staff proposes no limit as was proposed in November.
Application of Maximum Density	Only for projects requiring subdivision or site plan approval (exempted if keeping the lot as is or if subdivided through state-mandated exempt plat (up to 3 lots form a lot of less than 2 acres))	No change proposed	November discussion Draft: Yes March PC draft: No PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	<i>Exempt plats</i> are the subdivision or recombination of property that, in a limited set of circumstances mandated by state statute, do not have to follow statutory subdivision regulations. One circumstance is if a lot of 2 acres or less is subdivided into no more than 3 lots. The limit was proposed in the March draft to address concerns raised that the number of units that could be generated would not be done in an incremental amount. Based upon concerns raised that the change would actual suppress the number of units that could be generated, the proposal includes the November version that did not include any change.
Calculating density	No ordinance standard for fractions-practice is to delete any fraction (if a density calculation results in 2.37 units or 2.86 units, then it is 2 units either way). As for ADUs, an ADU does not count towards density.	Adds a specific standard that allows rounding up if the fraction was 0.5 or greater	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	This method allows for an incremental increase in units allowed, and is the same method used for calculating parking spaces. As previously mentioned, ADUs have not been counted towards density limits, and would be an additional barrier for generating them if required to be counted.

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Other Density bonuses				
Affordable Housing bonus	Where a development provides at least 15% affordable housing, an additional 2 units for every one affordable housing unit is allowed.	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	
Thoroughfare Density Bonus (applies to RU districts)	Allows townhouses along minor and major thoroughfares, and boulevards, with a minimum right-of-way of 50 feet.	Modified to allows multiplexes along major thoroughfares or boulevards	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	Allowing multiplexes along major thoroughfares allows for more housing diversity along major transportation and transit routes.
Townhouse Transitional Use (applies to RU districts)	Allows townhouses when property is located “immediately between and adjacent to nonresidential and single-family residential uses.”	Deletes this provision	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	Difficult to determine and apply, ultimately the intent is captured through the Thoroughfare Density bonus option, above.
Major Roadway Density Bonus Area (applies to RU districts)	“For projects located adjacent to streets with a right-of-way over 50 feet in width, the area for the project may be calculated to include that portion of right-of-way in excess of 50 feet for purposes of determining density.”	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	
RS-M District Major Roadway Density Bonus	An increase in the maximum density by one unit/acre if the site maintains at least 500 feet of frontage along a major thoroughfare or boulevard, or along a service road for a limited or full control access roadway and it is utilized for access.	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	

Minimum Lot dimensions (lot area= square feet; lot width= feet)				
Single-family Detached (a standard house), and other single-family detached house types- zero lot line and traditional house				
• RS-20	20,000; 100	No change proposed	November discussion Draft: No March PC draft: No PC Recommendation: No, although the PC recommendation recommended exempting EHC provisions from local historic districts unless it is an affordable housing project.	Staff proposes, in the goal of simplifying the proposal, to maintain current lot area and width requirements for these housing types, with the understanding that there may be recommended changes resulting from the completion of the new Comprehensive Plan initiative. The small lot (2,000 sq. ft.) proposal is maintained, however (see below). Additionally, lot area and dimensional standards can still be modified if using the Affordable Housing Bonus program standards.
• RS-10	10,000; 75			
• RS-8	8,000; 60			
• RU-5	5,000; 45			
• RU-5(2)	5,000; 45			
• RS-M	5,000; 45			
• RU-M	3,500; 35			
• RC	5,000; 45			
Duplexes (a house with two units in it on one lot)				
• Urban tier	7,000; 50	Changed to match single-family detached dimensional and setback requirements	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	This reflects allowing a building with two units in it be treated the same way as a building (house) with one unit in it.
• Suburban tier	7,500; 60			
Attached House (a.k.a. Single-family Attached): like a duplex, but each unit is on its own lot	3,000; 35 (per building site minimum is 7,000 sq. ft.)	Changed to match single-family detached dimensional and setback requirements, consistent with the change proposed for Duplex, but the dimensions would apply to the <i>pair</i> of units/lots. <i>RU-5 example:</i> the <i>pair</i> of lots must total a minimum of 5,000 sq.ft. with a total lot width of the <i>pair</i> to be 45 feet.	November discussion Draft: No March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	Changed to match changes made for duplexes, and where the standards apply to the pair of units/lots.
Townhouse	No minimum lot area or width requirements	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	
Multiplex (a structure with three or four dwelling units)	No minimum lot area. Minimum lot width- 70 feet.	For the Urban tier, minimum lot width is revised to 50 feet	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	For this missing-middle housing type, the change recognizes a reasonable need to make a distinction with dimensional standards for lots in the Urban vs. Suburban Tiers.
Apartment	No minimum lot area. minimum lot width- 75 feet.	No change proposed	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	

Patio home (type of small, grouped zero lot line houses that requires minimum amount of patio space)	Per group- 25,000 sq. ft. Per unit- 3,000 square feet Lot width- 35 feet	Deletes this provision	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	This was a housing type that was never used and requires patio areas that create additional impervious surface.
New- “Small lot” - allowed as single-family or duplex	Not a current option	Lot area- minimum 2,000 sq. ft. lot width- minimum 25 feet	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	A newly proposed lot reduction option that would allow for small lots but require small house/duplex (1,200 sq. ft. maximum for the entire structure with an 800 square foot maximum footprint). Additional parameters are proposed to help address issues such as tree canopy and impervious surface. Also meant to maintain intent to be a small house/duplex on a small lot.
Flag lot 	Allowed by right. • Pole width must be a minimum of 20 feet. • Lot area minimums must be met	For the Urban tier: • Adds a narrow pole option to allow for 12-foot width, with limits on the number (one) and size/height of structure (1,200 sq. ft.; 25 feet in height). • If this option is used, the minimum lot width for remaining standard lot (the non-flag lot) would be 35 feet. • New shared driveway requirements.	November discussion Draft: Yes, except for the lot width reduction and shared driveway. March PC draft: Yes, except for the lot width reduction and shared driveway. PC Recommendation: No, because the recommendation would exempt local historic districts unless it is an affordable housing project.	Flag lots allow for the use of very deep lots. The narrow pole option allows for narrower lots to take advantage of this lot pattern, with limitations. The proposed lot width reduction, to allow for a 35-foot wide lot if the new flag lot option is used, is a modification from the proposal in the Planning Commission draft for reduced lot widths for all of the residential districts in the Urban Tier. This allowed smaller lot width for the standard lot is limited to when a narrow-pole flag lot is created. Shared driveways help limit the amount of impervious surface and curb cuts onto a street.

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Other Proposed changes				
Residential in Nonresidential Districts	Nonresidential districts currently allow residential development. The Commercial Neighborhood (CN) district only allows single-family detached.	Allows duplexes in the CN district	November discussion Draft: No March PC draft: Yes PC Recommendation: No, the recommendation would exclude local historic districts unless it is an affordable housing project	Consistent with matching single-family development with duplex development.
Double Frontage lots	Single-family residential lots limited to one access, with other street access barred.	Modified to allow access from either side if for duplex lots or lots with an ADU.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, the recommendation would exclude local historic districts unless it is an affordable housing project	The modifications to allow for additional access provide more design flexibility and usage of the street network.
Nonconforming single-family use exemption	Allows reconstruction of a non-conforming single-family residence	Adds an allowance for duplex	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, the recommendation would exclude local historic districts unless it is an affordable housing project	Creates additional relief for residents.
Nonconforming single-family lot	Allows by-right construction of a single-family residence on a nonconforming lot if the zoning allows it and if the minimum lot width is 35 feet.	Expanded to include duplexes and reduce minimum lot width to 30 feet.	November discussion Draft: Yes March PC draft: Yes PC Recommendation: No, the recommendation would exclude local historic districts unless it is an affordable housing project	Creates more by-right opportunities for housing on legal nonconforming lots.
Cluster Subdivision provisions	Proposed amendments in Sec. 6.7, Cluster subdivision, are consistent with the March PC draft. The proposed additional open space requirements account for the inclusion of duplexes as an allowed housing type in these types of subdivisions, and to require an additional open space standard for townhouses. The Governing Body draft modifies the amount of additional open space required for townhouse, since landscaped project boundary buffers would be required, and the previous proposed amount accounted for an unreasonably substantial amount of a site to be set aside, taking into account the other improvements needed in addition to the actual building sites. Furthermore, if it is only a townhouse development, the perimeter would be required to be buffered, whereas single-family or two-family developments a buffer in certain instances an option.			
Definitions	Amendments to certain definitions are included as a result of other proposed changes, or as an opportunity to provide a technical correction.			

Additional items				
Delayed effective date	An effective date for any approved ordinance is required. The standard practice the Planning Department has used for most text amendments is to synchronize the effective dates for City Council and Board of Commissioners approvals, typically to the first day of the following month. (for example, if City Council approval is on the 5th of the month and the BOC is the 15th of the month, the effective dates would be on the first of the following month)	Default, based upon standard practice and the hearing dates: October 1, 2019	No dates were determined at those times	The PC recommendation, consistent with other requests, is to delay the effective date to align with other housing programs that could be developed if the bond referendum is passed in November. Staff is supportive of any effective date the governing bodies deem appropriate.
Local Historic District Exemption	The Planning Commission recommends exempting all EHC proposed changes (except those for ADUs) from local historic districts, except for affordable housing projects.	Not included in Governing Body draft	Not included in November or March drafts	This recommendation is not included in the draft presented to the governing bodies for the following reasons: 1. One purpose of Durham’s local historic districts is to function as design-based, not use-based, overlay districts. The state enabling legislation allows for both types of local historic districts, but Durham has opted for design-only regulatory districts. This would be a major change to the purpose of the districts. 2. Many have raised concerns about the lack of design/aesthetic regulations for the proposed changes, and some have asked for a delay to develop such regulations for national historic districts (state legislation would allow for this). Since local historic districts maintain enforceable design controls, staff believes that including local historic districts in the Expanding Housing Choices proposal as recommended works to both provide additional housing units and maintain the historic character of a given local district through the certificate of appropriateness process. 3. The proposed changes do not guarantee a wholesale disintegration of the local historic districts (as many fear), but generally reflect the historical uses within most districts-ADUs, duplexes, and variety of housing size. Furthermore, local historic districts can delay demolition, which can have the effective of changing a property owner’s mind. Special legislation by the State legislature would have to be approved in order for Durham to deny a building demolition. 4. Local historic districts also do not preserve neighborhoods as-is, but actually allow for a variety of design. Thus the proposed changes do not introduce or promote a phenomenon that doesn’t already exist or is implemented. 5. Although the Planning Commission rightly points out that local historic districts account for only approximately 4.8% of single-and two-family lots in the Urban tier, singling-out the local historic district neighborhoods sets a policy precedent that historic preservation is more important policy than other policies, such as attainable housing options, equitable development strategies, and accommodation of current and anticipated growth. It also makes a statement the EHC is harmful to historic preservation or is inconsistent with historic preservation policies, which staff does not believe is true for the reasons stated above.

Changes to NPOs	Durham established two Neighborhood Protection Overlay (NPO) districts- Tuscaloosa Lakewood (2008) and Old West Durham (2018). Both are located in the Urban tier	The proposed changes modify the NPOS as follows: Tuscaloosa-Lakewood 1. Deletes the 50-foot minimum lot width requirement 2. Deletes the prohibition on flag lots 3. Deletes the prohibition of duplexes in the RU-5(2) district 4. Adds townhouses as an allowed multifamily housing option 5. Additional technical text clarifications. Old West Durham 1. Deletes the 50-foot minimum lot width requirement 2. Deletes the prohibition on flag lots	November discussion Draft: Yes March PC draft: Yes PC Recommendation: Yes	The proposed changes to the NPOs reflect the goal to apply the proposed EHC changes consistently, and not to single-out any specific neighborhood in the Urban tier.
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