

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
REGARDING PRIVATE STREETS (TC1800006)**

**WHEREAS**, the Durham Board of County Commissioners wishes to amend certain provisions in the *Unified Development Ordinance* (UDO) in order to add an additional allowance for private streets; 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 12, Infrastructure and Public Improvements, of the *Unified Development Ordinance* is amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

**PART 1**

**Sec. 12.2 Ingress and Egress Requirements**

[Paragraphs not listed remain unchanged]

**12.2.2 Other Forms of Access**

No building shall be erected or enlarged on a parcel in any district unless such parcel abuts upon or has access to a publicly-accepted and maintained street, except in the following circumstances.

**A. Private Streets or Roads**

Private streets or roads are allowed in the following circumstances. Such streets shall be designed and constructed ~~according to~~ to meet or exceed public street standards of the City of Durham Public Works Department or NCDOT standards, ~~as applicable. If the City or NCDOT does not conduct the inspection to certify the design and construction of the private street(s), inspection and certification by a third-party engineering firm approved by the City or NCDOT, as applicable, shall be provided.~~

**1. Residential**

- a. For up to six single-family detached or duplex lots. Lots permanently protected as open space, on which no development rights remain, shall not be counted in determining the number of lots on a private street;
- b. For multifamily developments or multifamily areas of development;
- c. If shown on an approved development plan as private streets; ~~or~~
- d. Within Conservation Subdivisions designed and established pursuant to paragraph 6.2.4, Conservation Subdivision; or
- e. (County only) For single-family subdivisions that meet both of the following conditions:
  - (1) The private street(s) are within an additional phase to an existing single-family subdivision that already maintain private streets; and
  - (2) The subdivision as a whole crosses a county line in which the other county allows private streets.

**2. Nonresidential**

For any nonresidential development in a nonresidential district.

**PART 2**

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

**PART 3**

That this amendment of the Unified Development Ordinance shall become effective upon adoption.