

Article 6 | District Intensity Standards

Sec. 6.1 District Intensity in General

6.1.1 Purpose

The district development standards of this Ordinance establish lot sizes and certain restrictions for all residential and nonresidential development. These standards allow for variety in housing and building types while striving to maintain the overall character of neighborhoods and commercial areas of Durham. Development standards established in this Ordinance are based on Durham’s five planning tiers as established in the Comprehensive Plan. Standards in this section are specific to each district and are above and beyond the general standards for all districts enumerated in Article 7, Design Standards, through Article 13, Additional Requirements for Subdivisions. Separate standards are established to regulate residential and nonresidential development in each tier and for certain nonresidential districts. This approach to district and tier development standards implements the Comprehensive Plan and has several public benefits:

- A. It allows for development that is more sensitive to the environment and allows for the preservation of open and natural areas.
- B. It promotes quality site layout and energy-efficient development.
- C. It promotes affordable and life-cycle housing.
- D. It promotes development intensities that match existing and proposed infrastructure investments.
- E. It promotes infill development that is consistent in character and scale with established neighborhoods.
- F. It promotes market-based development decisions while protecting shared public interests.

6.1.2 Flexible Development Tools by Plan Tier

The district intensity standards set forth in this Article provide for flexible development tools in each planning tier, as shown below:

Development Tool	Rural	Suburban	Urban	Compact	
				Neighborhood	Downtown
Conservation Subdivision	✓	✓			
Variable Housing Types		✓	✓	✓	✓
Major Roadway Density Bonus		✓	✓		
Affordable Housing Density Bonus		✓	✓	✓	✓
Lot Averaging		✓	✓	✓	✓
Cluster Subdivision		✓	✓		
Vertical Integration of Uses				✓	✓

Sec. 6.2 Residential Rural (RR) Development Intensity

6.2.1 Development Standards

A. Dimensional Standards

All residential development in the RR District shall meet the standards in the table below, except that, any legally established lot of record created prior to the effective date of this Ordinance may be developed with a single family residence subject to Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.

Dimensional Standard	Rural Tier Watershed		Rural Tier Non-Watershed		Suburban Tier	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)						
Conventional Subdivision	---	0.33	---	0.5	---	1.4
Conservation Subdivision	---	0.5	---	0.5	---	2.0
Open Space (% of gross area) ¹						
Conventional Subdivision	---	---	---	---	---	---
Conservation Subdivision	40	---	40	---	40	---
Lot Area						
Conventional Subdivision (min.)	3 ac.	---	2 ac.	---	30,000 s.f.	---
Conservation Subdivision	X ²	---	X ²	---	20,000 s.f.	---
Lot Width (feet)	200 ³	---	150 ³		100 ³	---
Street Yard (feet)	50 ³	---	50 ³		50 ³	---
Side Yard (feet)						
Minimum Each Side	25 ³	---	12 ³		12 ³	---
Minimum Both Sides (total)	50 ³	---	30 ³		30 ³	---
Rear Yard (feet)	50 ³	---	25 ³		25 ³	---
Height (feet)	---	35 ⁴	---	35 ⁴	---	35 ⁴

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

² Minimum lot area as approved by the County Health Department for individual wastewater treatment systems or “Package Plant” style wastewater treatment systems.

³ Within a conservation subdivision, these standards may be varied by the approving authority to reflect the clustering standards used by the conservation subdivision.

⁴ Additional height may permitted for non-farm structures at a rate of one additional foot for every one foot of additional setback provided. However, in no event shall the structure be more than 45 feet in height.

B. Development in the Rural Villages of Bahama and Rougemont as designated in the Comprehensive Plan may use the Suburban Tier dimensional standards subject to Sec. 8.7, Watershed Protection Overlay Standards, and the availability of water and wastewater treatment systems.

C. Accessory Structure Requirements (City Only)

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. New farm buildings and equestrian facilities; and

2. 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.

6.2.2 Permitted Housing Types

Only single-family detached dwelling units and manufactured homes shall be permitted.

6.2.3 Residential Density

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

6.2.4 Conservation Subdivision

A. Purpose

The conservation subdivision shall be established for the following purposes:

1. To provide flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
2. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
3. To preserve important historic and archaeological sites;
4. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
5. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
6. To promote interconnected greenways and corridors throughout the community;
7. To promote contiguous green space with adjacent jurisdictions;
8. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;
9. To encourage street designs that reduce traffic speeds and reliance on main arteries;
10. To promote construction of landscaped walking trails and bike paths conveniently located both within the subdivision and connected to neighboring communities, businesses and facilities to reduce reliance on automobiles;
11. To conserve scenic views from public roadways and reduce perceived density; and
12. To protect prime agricultural land and preserve farming as an economic activity.

B. Applicability of Regulations

This Conservation Subdivision option is available as a use by right subject to subdivision approval in accordance with Sec. 3.6, Subdivision Review.

C. Ownership of Development Site

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

D. Density Calculation

Density in a conservation subdivision shall be determined by multiplying the gross area of the tract of land, including all areas typically excluded from density calculations in Article 8, Environmental Protection, by the maximum gross density for the site as defined in subsection 6.2.1A, Dimensional Standards.

E. Application Requirements

1. Submittal Requirements

At the time of application for a Conservation Subdivision, in addition to all subdivision application materials required in accordance with Sec. 3.6, Subdivision Review, the applicant shall submit a site analysis map.

2. Site Analysis Map

The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this section. The site analysis map shall include the following features:

- a.** Property boundaries;
- b.** All streams, rivers, lakes, wetlands and other hydrologic features;
- c.** Topographic contours of no less than 10-foot intervals unless a more precise vertical scale is available;
- d.** All primary and secondary conservation areas labeled by type (see paragraph F. below);
- e.** General vegetation characteristics;
- f.** General soil types and areas suitable for installation of on-site wastewater treatment systems;
- g.** The planned location of protected open space;
- h.** Existing roads and structures; and
- i.** Potential connections with existing open space and trails.

F. Primary and Secondary Conservation Areas

1. Primary Conservation Areas

The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes

identified in Sec. 6.2.4A, Purpose, with preference given to resources in the order shown:

- a.** The 100-year floodplain;
- b.** Required riparian buffers along all perennial and intermittent streams;
- c.** Wetlands that are protected by either the Army Corps of Engineers or the North Carolina Department of Natural Resources Division of Water Quality;
- d.** Areas at least 5,000 contiguous square feet in area with slopes greater than 25%;
- e.** Wildlife corridors, trail corridors and other open spaces shown on adopted plans;
- f.** Existing trails that connect the tract to neighboring areas;
- g.** Known cemeteries and burial grounds;
- h.** Sites identified in the Durham Inventory of Natural Areas and Rare Species;
- i.** Sites identified in the North Carolina Natural Heritage Program;
- j.** Sites identified in the Durham County Inventory of Cultural and Natural Resources; and
- k.** Sites identified in the Durham County Archaeological Inventory and other known archeological sites.

2. Secondary Conservation Areas

The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible with preference given to resources in the order shown:

- a.** Significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
- b.** Existing healthy, hardwood forests at least one contiguous acre in area;
- c.** Areas less than 5,000 contiguous square feet in area with slopes greater than 25%;
- d.** Prime agricultural lands at least five contiguous acres in area;
- e.** Historic sites or structures, where previously designated or eligible for the National Register of Historic Places;
- f.** Sites listed with the Durham Architectural and Historic Inventory; and
- g.** Individual existing healthy trees greater than 18 inches dbh.

G. Open Space

Open space in a Conservation Subdivision shall be established in accordance with Sec. 7.2, Open Space.

Sec. 6.3 Residential Suburban (RS) Development Intensity

6.3.1 Development Standards

A. Dimensional Standards

All residential development in the RS Districts shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M	
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)	---	2.0 ¹	---	3.5 ¹	---	5.0 ¹	---	10.5 ^{1,2}
Open Space(% of gross area) ³								
Conventional Subdivision	---	---	15	---	15	---	18	---
Cluster Subdivision	---	---	15 ⁴	---	15 ⁴	---	18 ⁴	---
Useable Open Space	---	---	5	---	5	---	6	---
Site Area (acres)								
Conventional Subdivision	---	---	---	---	---	---	4	---
Cluster Subdivision	4	---	4	---	4	---	4	---
Site Width (feet)	---	---	---	---	---	---	200	---
Lot Area (square feet)								
Conventional Single-Family Detached	20,000 ⁵	---	10,000 ⁵	---	8,000 ⁵	---	5,000 ⁵	---
Other Housing Types	See Sec. 7.1, Housing Types							
Height (feet)	---	35 ⁶	---	35 ⁶	---	35 ⁶	---	35 ⁷

¹ Density may be increased in accordance with Sec. 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Density Bonus. Other than these options the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot requirements.

² Projects proposing densities greater than eight units per acre shall require the approval of a development plan meeting the requirements of Sec. 3.5.6, Development Plan.

³ Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

⁴ Minimum open space; cluster lot size reduction would be added to this percentage.

⁵ Lot area may be reduced in accordance with Sec. 6.3.3C, Lot Averaging.

⁶ Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided; however, in no event shall the additional height be more than 10 feet.

⁷ Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided, if shown on a development plan meeting the requirements of Sec. 3.5.6, Development Plan.

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

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. New farm buildings and equestrian facilities; and
2. 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.

6.3.2 Permitted Housing Types

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.

Housing Type	RS-20	RS-10	RS-8	RS-M
Single-family detached	✓	✓	✓	✓
Zero lot line house		✓	✓	✓
Patio house		✓	✓	✓
Semi-attached house		✓ ¹	✓ ¹	✓
Duplex				✓
Townhouse				✓
Multiplex				✓
Apartment				✓

¹ Cluster subdivision only, see Sec. 6.7, Cluster Subdivision.

6.3.3 Residential Density

A. Maximum Residential Density

Residential density shall not exceed the maximum densities set forth in Sec. 6.3.1A, Dimensional Standards.

B. RS-M District Major Roadway Density Bonus

All parcels with at least 500 feet of frontage on a major thoroughfare in the RS-M District shall be eligible for an increase in maximum residential density of one unit per acre.

C. Lot Averaging

Lot area averaging, as more specifically set forth in Sec. 7.1, Housing Types, is permitted, provided that:

1. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
2. The overall density of the subdivision does not exceed the maximum permitted residential density.

Commentary: Some lots in a proposed conventional subdivision may be reduced in area by up to 15% (a 10,000 SF lot could be reduced to 8,500 SF), provided that other lots exceeded 10,000 SF and the overall average lot area was 10,000 SF or greater.

Sec. 6.4 Residential Urban (RU) Development Intensity

6.4.1 Development Standards

All residential development in the RU districts shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RU-5		RU-5(2)		RU-M	
	Min.	Max.	Min.	Max.	Min.	Max.
Residential Density (units per acre)						
Project Under 4 Acres	---	7.4 ¹	---	7.4 ¹	---	17.5 ²
Project 4 Acres or Greater	6.0	8.7 ¹	6.0	8.7 ¹	8.0	17.5 ²
Open Space (% of gross area) ³	5	---	5	---	6	---
Site Area	See Sec. 7.1, Housing Types					
Site Width						
Lot Area						
Height (feet)	---	35 ³	---	35 ³	---	55 ⁴

¹ Density may increase in accordance with Sec. 6.4.3, Residential Density, and/or Sec. 6.6, Affordable Housing Density Bonus. Other than these options, the maximum density may not be exceeded even though the use of an alternative housing type may impose smaller lot requirements.

² Projects proposing densities greater than 12 units per acre shall require the approval of a development plan meeting the requirements of Sec. 3.5.6, Development Plan.

³ Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

⁴ Additional height may be permitted at a rate of one additional foot for every one foot of additional setback provided; however, in no event shall the structure be more than 45 feet in height.

⁵ If the project is on at least a 4 acre lot, the maximum height may be increased up to 75 feet through the issuance of a Minor Special Use Permit.

6.4.2 Permitted Housing Types

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.

Housing Type	RU-5	RU-5(2)	RU-M
Single-family detached	✓	✓	✓
Zero lot line house	✓	✓	✓
Traditional house	✓	✓	✓
Patio house	✓	✓	✓
Semi-attached house	✓	✓	✓
Duplex		✓	✓
Townhouse	✓ ¹	✓	✓
Multiplex			✓
Apartment			✓

¹ Cluster subdivision only, see Sec. 6.7.

6.4.3 Residential Density

A. Maximum Residential Density

Residential density shall not exceed the maximum densities set forth in Sec. 6.4.1, Development Standards.

B. Minimum Residential Density

Development on sites over four acres in size shall be required to meet or exceed the minimum densities set forth in Sec. 6.4.1, Development Standards.

C. Major Roadway Density Bonus Area

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.

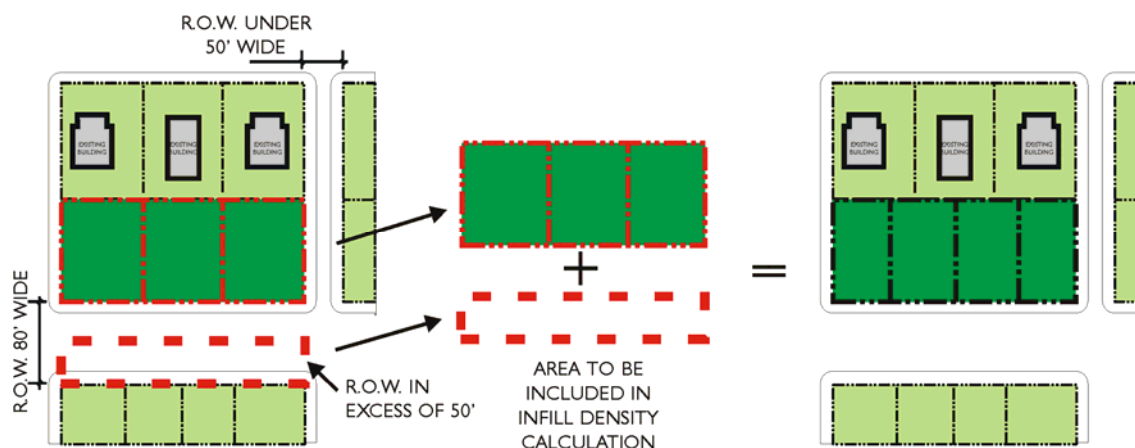
Commentary: Including the portion of the right-of-way in excess of 50 feet in the area calculation has the effect of increasing the project area, allowing a higher density for the proposed development. This encourages more intense development to occur adjacent to the arterial roads.

Sample Calculation: A project includes recombination of 3 lots measuring 75 by 100 feet, and lies adjacent to a right-of-way measuring 80 feet in width.

$75 \times 100 = 7,500 \text{ SF} \times 3 \text{ existing lots} = 17,500 \text{ SF}$ (standard calculation)

Frontage of 225 feet \times 30 feet (in excess of 50-foot R-O-W) = 6,750 SF Bonus Area

Density Allocation = 24,225 SF (.55 ac.) multiplied by 7.4 units per acre = 4.0 units (4 lots)



D. Lot Averaging

Lot area averaging, as more specifically set forth in Sec. 7.1, Housing Types, is permitted, provided that:

1. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
2. The overall density of the subdivision does not exceed the maximum permitted residential density.

Sec. 6.5 Residential Compact (RC) Development Intensity

6.5.1 Development Standards

A. Dimensional Standards

All residential development in the RC District shall meet the standards in the table below. For illustrations, lot dimensions and required yards for each housing type, see Sec. 7.1, Housing Types.

Dimensional Standard	RC	
	Min.	Max.
Residential Density (units per acre)		
Downtown	1	1
Core Area	12.0	52.5 ²
Support Area	6.0	17.5 ²
Open Space (% of gross area) ³		
Downtown	1.0	---
Core Area	2.0	---
Support Area	5.0	---
Site Area	See Sec. 7.1, Housing Types	
Lot Area	See Sec. 7.1, Housing Types	
Height (feet)		
Downtown	24	1
Core Area	24	75
Support Area	---	45 ⁴

¹ Density and height within the Downtown Tier (DDO-1,2,3) shall be determined in accordance with Sec. 4.8, Downtown Design Overlay, or subsection 6.10.2B, Residential Density, as appropriate.

² Density may be increased in accordance with Sec. 6.5.3, Residential Density, and/or Sec. 6.6, Affordable Housing Density Bonus.

³ Please see Sec. 12.5, Recreation Land, for additional land dedication requirements that may apply.

⁴ Height may be increased to 50 feet if the building is not within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins any property zoned and used for residential purposes.

B. Core and Support Area

1. Where a Compact Neighborhood Plan exists, the core and support area shall be as defined in such plan.
2. Where no plan exists, the following distances shall apply:
 - a. The core area shall be considered any site or portion of a site in the Compact Neighborhood Tier that lies no more than 1,250 feet from the station platform, measured in a straight line from the proposed or existing station platform; and
 - b. The support area shall be considered any site within the Compact Neighborhood Tier that lies outside the core area.

6.5.2 Permitted Housing Types

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.

Housing Type	RC		Downtown	
	Support Area	Core Area	DDO-3	DDO-1, DDO-2
Single-family detached	✓		✓	
Zero lot line house	✓		✓	
Traditional house	✓		✓	
Patio house	✓		✓	
Semi-attached house	✓		✓	
Duplex	✓		✓	
Townhouse	✓	✓	✓	✓
Multiplex	✓	✓	✓	✓
Apartment	✓	✓	✓	✓

¹ May be permitted pursuant to a Neighborhood Protection Overlay or through Sec. 6.8, Infill Development in Residential Districts.

6.5.3 Residential Density

A. Maximum Residential Density

Residential density shall not exceed the maximum densities as set forth in Sec. 6.5.1A, Dimensional Standards, unless a project provides for vertical integration of uses with at least 65% of the total floor area allocated to residential uses and at least 75% of the ground floor allocated for nonresidential uses. Projects which meet this requirement may increase their residential density by up to 50%.

B. Minimum Residential Density

Development in the RC District shall be required to meet or exceed the minimum densities set forth in Sec. 6.5.1A, Dimensional Standards, unless this density is not appropriate due to existing development patterns (historic districts, stream buffers, etc.). In these cases, the approving authority may approve a reduction in the number of units per acre below the established minimum.

C. Lot Averaging

Lot area averaging, as more specifically set forth in Sec. 7.1, Housing Types, is permitted, provided that:

1. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
2. The overall density of the subdivision does not exceed the maximum permitted residential density.

Sec. 6.6 Affordable Housing Density Bonus

6.6.1 Applicability

- A. This program may be utilized at the time of site plan or subdivision for projects with a minimum of 15 units or projects adding at least 15 units to an existing development in any zoning district where residences are permitted, except projects that are 100% “affordable” by the United States Department of Housing and Urban Development (HUD) standards shall not be eligible to utilize the bonus.
- B. At least 15% of the units shall have payments affordable to persons and families with annual incomes at or below 60% of the area median family income by family size, according to target income limits set by HUD for Durham.

6.6.2 Bonus Program

- A. A density bonus of up to 15% may be granted by the Approving Authority for projects providing units affordable to persons with incomes between 50% and 60% of the median family income for the jurisdiction. This density bonus may be permitted to double if the project is located with at least 500 feet of frontage on a major thoroughfare.
- B. A density bonus of up to 20% may be granted by the Approving Authority for projects providing units affordable to persons with incomes below 50% of the median family income for the jurisdiction. This density bonus may be permitted to double if the project is located with at least 500 feet of frontage on a major thoroughfare.
- C. Affordable units shall be incorporated throughout the project, and shall not be distinguishable from market-rate units through location, grouping, design or other physical characteristics.
- D. In single-family and duplex developments, lot sizes and yard requirements in internal lots may be reduced up to 20% in order to incorporate the additional units; however, no decrease in lot size or yard requirements in perimeter lots shall be permitted.
- E. Units added through this program shall not increase the amount of open space otherwise required for the project.
- F. Affordability limits in rental units shall be adhered to for a minimum of 15 years. An annual report shall be provided by the project developer or manager to the Housing and Community Development Director, for sites within the City’s jurisdiction, or to the County Manager, for sites within the County’s jurisdiction, which identifies the incomes of persons residing in the affordable units, and the rents or initial sales price being charged, to verify these are within the established limits.
- G. Affordability in for-sale units shall be required to be adhered to only in the initial sale.
- H. Compliance measures may be required at the time of approval, including but not limited to contracts, restrictive covenants, deed restrictions, and stipulated penalties.

Sec. 6.7 Cluster Subdivision

6.7.1 Purpose

To encourage innovation in residential subdivision design, cluster subdivisions shall be permitted providing for more efficient layout of lots, streets, and utilities, for the preservation of open space and recreation areas, and for the protection of unique site features and scenic vistas. Cluster subdivisions shall permit reductions in lot area in exchange for equal amounts of open space on a one-to-one basis, subject to the following standards.

6.7.2 Minimum Site Area

The minimum acreage required for a Cluster Subdivision shall be four acres.

Maximum Density

The maximum density shall not exceed the maximum density permitted in the base district.

6.7.3 Housing Types

A variety of housing types shall be permitted in a Cluster Subdivision in accordance Sec. 7.1, Housing Types.

6.7.4 Open Space

- A. The subdivision shall include designated common open space as referenced below.

District	Open Space
RS Districts	See Sec. 6.3.1A
RU Districts	See Sec.6.4.1
RC Districts	See Sec. 6.5.1A

- B. Open space in a clustered subdivision shall be established in accordance with Sec. 7.2, Open Space.

6.7.5 Perimeter Treatment

Property on the edge of cluster developments shall either:

- A. Be set aside in open space that includes a buffer with an opacity of 0.6, as set forth in Article 9, Landscaping and Buffering; or
- B. Be platted in lots that conform to the conventional single-family detached house requirements for the district; or
- C. Be platted in lots that satisfy the equivalent zoning district dimensional requirements of the immediately adjacent residential-zoned exterior property or, where the proposed cluster subdivision adjoins a right-of-way, the equivalent zoning district dimensional requirements of the property directly across the right-of-way from the proposed cluster subdivision.

Sec. 6.8 Infill Development in Residential Districts

Commentary: *In order to preserve the basic “feel” of a street, it is important that new construction complements existing construction and respects existing design elements that help define the public space.*

6.8.1 Applicability

A. Suburban Tier

1. This section shall apply to any multi-family development located on a site of less than four acres that is surrounded on all sides by single-family residential development.
2. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P)” pursuant to Sec. 4.5, Neighborhood Protection Overlay (-P).

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.
2. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P)” pursuant to Sec. 4.5, Neighborhood Protection Overlay (-P).

C. Compact Neighborhood and Downtown Tier

This section may be used to permit the development of single-family detached houses as a transition to adjacent single-family uses in the Core Area of the RC District and in DDO-1 and -2.

D. Nonresidential Development in Residential Districts

Infill standards shall not apply to the following uses.

1. Outdoor storage areas;
2. Outdoor sales;
3. Loading bays or loading areas.

6.8.2 Lot Width

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

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

6.8.3 Yards

A. Street Yards

The minimum street yard requirement shall be:

1. The average street yard of the two adjoining parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way), if both parcels are developed and share the same zoning district as the property proposed for development; or

2. The average street yard of all developed parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way) in the same block face as the property proposed for development, if either of the adjoining parcels is not developed and the block exceeds 500 linear feet; or
3. The average street yard for all developed parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way) in the same block face as the property proposed for development that also have the same zoning designation as the property proposed for development, if either of the adjoining parcels is not developed and the block is less than 500 linear feet.
4. In the Urban Tier, outdoor seating areas may be allowed in street yards with reduced yard requirements.

B. Side Yards

1. If the side wall of an existing structure is located on or within three feet of the property line, windows or other openings in the new structure that would allow for visibility into the side yard of the adjacent lot shall not be allowed unless a minimum 10-foot building separation is provided. Windows that do not allow visibility into the side yard of the adjacent lot, such as clerestory windows or translucent windows, shall be allowed.
2. Porte-cocheres may extend into the side yard when incorporated into the design and construction of the primary structure, but in no case shall they be permitted to be closer than three feet from the property line.

C. 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.

6.8.4 Buildings

A. Context Area

The context area for measurement of standards in this section shall be based on any principal buildings located on lots within 150 feet of the property line of the proposed site. Where an intervening street exists within this 150-foot distance, the street shall be considered the furthest extent of the context area (no measurements are required on neighboring blocks).

B. Building Width

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.

C. Building Height

The maximum height shall not exceed the height of the lesser of either of the following:

1. The maximum height permitted by the zoning district; or
2. More than 14 feet taller than the height of any adjacent structure, except for those portions of the new or modified structure that lie more than 25 feet from the adjacent structure.

D. Main Entrance

Every principal structure shall have a main entrance on a street other than an alley. On corner lots, the main entrance may face either street or may be oriented toward the corner. For buildings that have more than one main entrance (e.g., a duplex), only one main entrance shall be required to face a street.

E. Garages

1. Where an alley access is provided and developed, all vehicular access shall be taken from the alley.
2. When a garage entrance faces a street other than an alley, a single garage entrance shall be no more than 22 feet in width and such entrance shall be set back a minimum of 20 feet from the right-of-way or the average setback of the developed residential lots within the context area, whichever is greater.
3. The construction material of the garage shall match that of the primary structure.

6.8.5 Vehicular Use Areas

1. Residential

Infill residential uses shall locate on-site parking to conform to the predominant location of parking in the context area established in subsection 6.8.4A, Context Area, or to the rear of the structure.

2. Nonresidential

- a. On-site parking facilities shall not be located in any required street yard.
- b. If parking facilities are located to the rear of the subject structure, a rear entrance to the structure shall be provided.

Sec. 6.9 Nonresidential Development in Residential Districts

6.9.1 Dimensional Standards

- A. Nonresidential 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)	---	---	10	---	3	---	---	---
Downtown	---	---	---	---	---	---	1.0	---
Core Area	---	---	---	---	---	---	1.0	---
Support Area	---	---	---	---	---	---	3.0	---
Street Yard (feet)	50	---	25	---	15	---	8	---
Build-To Line								
Feet from ROW	---	---	---	---	20 ¹	---	15 ¹	---
% of Frontage	---	---	---	---	60	100	80	100
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 (%)	--	9 ²	---	60 ²	---	70 ²	---	70 ²
Height (feet)	---	45	---	45	---	45	---	45

¹ Build-to line may be modified subject to Sec. 6.8.3A, Street Yards.

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

- B. Development in the Rural Villages of Bahama and Rougemont as designated in the Comprehensive Plan may use the Suburban Tier dimensional standards subject to Sec. 8.7, Watershed Protection Overlay Standards and the availability of water and wastewater treatment systems.
- C. Development in Suburban Transit Areas as designated in the Comprehensive Plan may use the Compact Tier Support Area development standards subject to the availability of infrastructure to support them.

6.9.2 Building Separation

Where multiple structures are found on a single platted lot, such structures shall be separated by at least the following distances:

Standard	Separation Required (feet)
Building wall has primary entrance or exit	25
Building wall has secondary entrance or exit	20
Building wall has no entrance or exit	10

6.9.3 Recreation Areas

Recreation areas, such as a clubhouse, swimming pool, tennis, volleyball, or basketball court, shall be oriented internally to the development or along major roadways and away from adjacent residential development.

Sec. 6.10 Nonresidential District Development Intensity

6.10.1 Nonresidential Development Standards

A. Rural Tier

All nonresidential development in the Rural Tier as designated in the Comprehensive Plan shall comply with the standards in the table below:

Dimensional Standard	CN		CG		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (acres)	2	---	3	---	10	---
Project Floor Area (square feet)	---	20,000	---	50,000	---	---
Lot Width (feet)	100	---	150	---	250	---
Street Yard (feet)	25	---	25	---	40	---
Side Yard (feet)	25 ¹	---	25 ¹	---	50	---
Rear Yard (feet)	25	---	25	---	50	---
Building Coverage (%)	---	23 ²	---	35 ²	---	30 ²
Height (feet)	---	25	---	25	---	50 ³

¹ Side yard may be reduced to a minimum of 15 feet if adjacent to a nonresidential district or use.

² Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

³ Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

B. Suburban Tier

All nonresidential development in the Suburban Tier as designated in the Comprehensive Plan shall comply with the standards in the tables below:

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	60	---	100	---
Street Yard (feet)	25	---	25	---	25	---
Side Yard (feet)	15	---	20 ¹	---	25 ¹	---
Rear Yard (feet)	25 ¹	---	25 ¹	---	25 ¹	---
Building Coverage (%)	---	60 ²	---	60 ²	---	60 ²
Height (feet)	---	35	---	50 ³	---	50

¹ Side and rear yard may be reduced by up to 50% if adjacent to a nonresidential district or use or a railroad right-of-way.

² Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

³ Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

Sec. 6.10 Nonresidential District Development Intensity

Dimensional Standard	SRP		IL		I	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	---	---	25,000	---	30,000	---
Lot Width (feet)	400	---	100	---	150	---
Street Yard (feet)	150 ^{6,7}	---	40	---	40	---
Side Yard (feet)	150 ^{1,7}	---	30 ²	---	50 ²	---
Rear Yard (feet)	150 ^{1,7}	---	25 ³	---	40 ³	---
Building Coverage (%)	---	15	---	60 ⁴	---	65 ⁴
Height (feet)	---	120 ⁵	---	50 ⁵	---	90 ⁵

¹ Side and rear yard may be reduced to a minimum of 30 feet if adjacent to permanently protected open space that results in a building separation of at least 150 feet or eliminated if adjoining a railroad right-of-way.

² Side yard may be reduced by 10 feet if adjacent to a nonresidential district or use.

³ Rear yard may be reduced by up to 50% if adjacent to a railroad right-of-way.

⁴ Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

⁵ Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

⁶ The street yard in the SRP shall be increased by one foot for each acre of land in the site, up to a maximum of 250 feet,

⁷ No parking, loading, or storage shall be permitted within the required yard areas.

C. Urban Tier

All nonresidential development in the Urban Tier as designated in the Comprehensive Plan shall comply with the standards in the tables below:

Dimensional Standard	CN		OI		CG	
	Min.	Max.	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	20,000	---	20,000	---
Project Floor Area (square feet)	---	20,000	---	---	---	---
Lot Width (feet)	50	---	50	---	100	---
Build-To Line						
From ROW (feet)	---	15 ¹	---	15 ¹	---	15 ¹
% of Frontage	60 ¹	---	60 ¹	---	60 ¹	---
Side Yard (feet)	10	---	10	---	15	---
Rear Yard (feet)	25 ²	---	25 ²	---	25 ²	---
Building Coverage (%)	---	60 ³	---	60 ³	---	60 ³
Height (feet)	---	35	---	90 ⁴	---	50 ⁴

¹ Build-to line may be modified using the provisions of 6.10.IE, Street Yard Variations.

² Rear yard may be reduced by up to 50% if adjacent to a railroad right-of-way.

³ Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

⁴ Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

Dimensional Standard	IL		I	
	Min.	Max.	Min.	Max.
Site Area (square feet)	5,000	---	25,000	---
Lot Width (feet)	50	---	100	---
Setback (feet)	---	---	40	---
Build-To Line				
From ROW (feet)	---	20 ¹	---	---
% of Frontage	60 ¹	---	---	---
Side Yard (feet)	15	---	40	---
Rear Yard (feet)	25 ²	---	40 ²	---
Building Coverage (%)	---	60	---	65 ³
Height (feet)	---	50 ⁴	---	90 ⁴

¹ Build-to line may be modified using the provisions of 6.10.IE, Street Yard Variations.

² Rear yards may be reduced by up to 50% if adjoining railroad rights of way.

³ Building coverage may be further restricted by the impervious surface requirements of Sec. 4.11.4, Nonresidential Land Use Restrictions.

⁴ Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

D. Compact Tier, Downtown Tier, and CBD District

1. Compact Tier and Downtown Tier

- a.** All nonresidential development in the Compact and Downtown Tiers as designated in the Comprehensive Plan other than development on property designated CBD shall comply with the standards in the tables below:

Dimensional Standard	CN		OI	
	Min.	Max.	Min.	Max.
Project Floor Area (square feet)	---	20,000	---	---
Lot Width (feet)	50	---	50	---
Build-To Line ¹				
From ROW (feet)	---	15	---	15
% of Frontage	60	---	60	---
Side Yard (feet)	10	---	10	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	35	---	120 ^{2, 3}

¹ Build-to line may be modified using the provisions of 6.10.IE, Street Yard Variations.

² Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

³ Height shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.

Dimensional Standard	CG		IL	
	Min.	Max.	Min.	Max.
Lot Width (feet)	50	---	50	---
Build-To Line ¹				
From ROW (feet)	---	15	---	15
% of Frontage	60	---	60	---
Side Yard (feet)	10	---	15	---
Rear Yard (feet)	15	---	15	---
Height (feet)	---	90 ^{2, 3}	---	50 ³

¹ Build-to line may be modified using the provisions of 6.10.1E, Street Yard Variations.

² Additional height, up to 145 feet, may be approved through the issuance of a Minor Special Use Permit pursuant to Sec. 3.9, Special Use Permit.

³ Height shall be capped at 45 feet for any structures located within 150 feet of the perimeter of the Compact Neighborhood Tier where the Tier adjoins residentially used and designated property.

- b.** Areas designated CBD shall utilize the standards established in Sec. 4.8, Downtown Design Overlay, or the requirements of the Downtown Historic District, as appropriate.

2. CBD District

Nonresidential development in the CBD District in the Downtown Tier shall comply with the standards established in Sec. 4.8, Downtown Design Overlay, as modified by the requirements of the Downtown Historic District, where applicable.

E. Street Yard Variations

A new structure or modifications to an existing structure shall not be required to conform to the minimum street yard requirements of the district in the following circumstances:

- 1.** Where 50% or more of the lots on the same linear block as the lot in question are developed with less than the required street yard, the average setback of the buildings on the developed lots on the block with less than the required street yard shall be observed as the minimum setback for a new structure;
- 2.** Where the lot on which the new structure is proposed is between two adjacent existing developed lots with less than the required street yard, the average setback of the buildings of both adjacent lots shall be observed as the minimum street yard; or
- 3.** Where a linear block of less than 500 feet is split into more than one zoning district, the zoning district with the most frontage shall determine the minimum street yard setback. However, this provision shall not apply if the street right-of-way is less than 50 feet wide and property on the opposite side of the street is residentially used or zoned, in which case the provisions of subsection 6.8.3A, Street Yards, shall be applied.

6.10.2 Residential Development in Nonresidential Districts

A. Permitted Housing Types

Residential development in any nonresidential district shall be in accordance with Sec. 5.1, Use Table.

B. Residential Density

The residential density shall be based only on that portion of the tract dedicated to the residential use and the maximum residential density (shown as units per acre) allowed shall be as shown in the table below:

District	Rural	Suburban	Urban	Compact	Downtown
CN	0.2	8.7 ¹	10.5 ¹	14 ¹	100, unless higher densities are authorized pursuant to Sec. 4.8.6
OI	---	10.5 ¹	14 ¹	17.5 ¹	
CG	0.2	10.5 ¹	14 ¹	17.5 ¹	
CBD	---	---	---	---	

¹ Density may be increased through use of the Sec. 6.6, Affordable Housing Density Bonus.

Commentary: *The minimum lot size for residential units must conform to the smallest lot size allowed for the units of the type proposed within the Tier pursuant to Sec. 7.1.*

C. Open Space

Open space shall be provided in all residential developments within nonresidential districts consistent with the requirements for residential developments in each tier as referenced below.

District	Open Space
RR District	See Sec. 6.2.1A
RS Districts	See Sec. 6.3.1A
RU District	See Sec. 6.4.1
RC Districts	See Sec. 6.5.1A

Sec. 6.11 Planned Districts

6.11.1 Purpose

Planned districts shall be established to allow for design flexibility and to encourage efficient use of land and public services and high quality design. These regulations are intended to allow innovative development that is integrated with proposed adjacent uses and compatible with existing patterns of nearby development.

6.11.2 General Requirements

- A. A Development Plan meeting the requirements of Sec. 3.5.6, Development Plan, shall be required as part of the zoning map change application to any planned district, except in the UC District as indicated below.
- B. The initial zonings to establish the UC District on each campus, which shall be initiated by City Council for each of the three Durham university/college campuses, shall not require a Development Plan, though the university may submit a Development Plan, providing additional details and restrictions beyond minimum Ordinance requirements, for all or parts of the area associated with the initial zoning map change. A basic zoning map change application shall be required for the initial zoning map change, along with documentation on the availability of adequate parking and a limited surcharge fee to cover public notification requirements.
- C. Except in the MU District, uses shall be permitted only in the location shown on the approved Development Plan. Development of the property may not begin until a site plan has been approved for that portion of the property. Site plans shall be reviewed for conformance with an approved Development Plan. Should alterations or changes represent a substantial departure from the approved plan, an amendment is required. The same procedures as required for the original approval shall be required for Development Plan amendments.
- D. Unless alternative standards are explicitly established in the provisions below, all relevant standards and provisions of this Ordinance shall apply to development within any Planned District.

6.11.3 Planned Development Residential (PDR)

A. Uses

1. The primary use allowed within the PDR District shall be residences, including manufactured homes.
2. Manufactured homes shall be permitted only where they have been expressly indicated on the approved Development Plan. Manufactured house subdivisions and parks shall be designated as such on the development plan and show lot layouts and the orientation of the house to the street in the Development Plans.
3. Nonresidential uses allowed in the PDR District shall be limited to those uses listed in the Sec. 5.1, Use Table. Nonresidential uses may be approved subject to the use limitations established in Sec. 5.3, Limited Use Standards, and the following conditions being met:
 - a. The development shall provide for at least 100 dwelling units. The dwelling units may be separate structures from the retail or office uses or located in the same structure as the retail or office uses. 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 may be issued for the retail or office uses. The DRB may waive this requirement when residences are located in the same building as the retail or office uses.

- b.** Nonresidential acreage shall not be included in any calculations of residential density.
- c.** The building heights, location, orientation, and building-to-building spacing, shall be specified in the Development Plan.
- d.** Nonresidential uses shall be located with street access deemed adequate by the Public Works Department.
- e.** Nonresidential square footage shall promote a range of services for residents. The nonresidential component within a PDR shall not exceed 50,000 square feet and shall be devoted to more than one business.

B. Dimensional Requirements

1. Site Area

- a.** The minimum area required for initial zoning purposes shall be as follows:
 - (1) Within the Urban Tier, a minimum of two contiguous acres shall be required.
 - (2) Within the Suburban Tier, a minimum of four contiguous acres shall be required.
- b.** Additions to an existing approved PDR may be made in increments of any size.

2. Minimum Lot Area

- a.** No minimum lot area shall be specified.
- b.** Lot areas described on a Development Plan may be increased by the appropriate State agency or County Health Department in order to ensure adequate waste treatment.

C. Intensity

1. Residential Density

The specific maximum density in units per acre, other than the areas proposed for nonresidential development and areas precluded from consideration for density in Secs. 8.4.4, 8.5.7 and 8.8.4, Density, shall be included in the application. The allowable density shall be consistent with the land use designation shown in the Comprehensive Plan.

2. Nonresidential Intensity

The maximum nonresidential intensity shall reflect the CN and/or OI intensity, as appropriate, consistent with Sec. 6.10, Nonresidential District Development Intensity, for the tier in which the project is located.

3. Height

Maximum building height shall be 90 feet. Any building over 35 feet shall be identified on the Development Pan submitted for approval.

D. Building Orientation

1. Single-Family Detached

The building envelope for each lot shall be shown on the recorded plat.

2. Building Separation

a. Unless alternative building separation standards are established in Article 7, Design Standards, the minimum building separation shall be as follows:

Height of Taller Building	Distance Between Vertical Projections
Under 35 feet	10 feet
35.1 to 40.0 feet	30 feet
40.1 to 50.0 feet	60 feet
50.1 to 85.0 feet	70 feet
85.1 to 90.0 feet	80 feet

To determine the separation required, the vertical projections for each building shall be drawn from that point on each building that is horizontally closest to the other building.

b. Manufactured homes in parks shall maintain a distance of at least 16 feet between other manufactured homes. Added on rooms, porches, and other structures attached to the manufactured home shall be considered part of the manufactured home.

c. The governing body may reduce separations after consideration of the general bulk and scale in comparison with nearby development. Such modification shall only occur in conjunction with the approval of the development plan.

3. Building Articulation

In order to provide diversity and to avoid long rows of attached dwellings, no more than four contiguous townhouse units shall be allowed with the same setback. Variations in setback must be at least three feet.

E. Yards

1. Street Yards

No building shall be erected, reconstructed, altered or moved nearer to the property line along the street on which such building faces than is indicated in the following table.

Residential Density	Minimum Street Yard
1.0 to 8.0 units per acre	8 feet
8.1 to 16.0 units per acre	15 feet
More than 16.0 units per acre	25 feet

2. Side and Rear Yards

a. Residential Uses

No minimum side or rear yards shall be required although building separations established above shall be maintained.

b. Nonresidential Uses

When a retail or office component of the PDR shares a common boundary with a residential component of the PDR, side and rear yards of at least 30 feet shall be provided between the nonresidential and residential areas. This requirement shall not apply if the residential uses are within the same building as the retail or office uses.

Interpretation: PUD/PDR site plans approved prior to 1994 continue to use the property line setbacks for PUD/PDRs approved prior to the effective date of the Merged Durham Zoning Ordinance. (1/1/94) These setbacks are called out either dimensionally on the site plans or in a special conditions box.

F. Open Space

1. Required open space shall be provided based upon the density of the project as follows:

Residential Density	Percent of Gross Area
0 to 3.00 units per acre	15
3.01 to 6.00 units per acre	16
6.01 to 10.00 units per acre	17
10.01 to 16.00 units per acre	18
16.01 to 25.00 units per acre	20

2. Uses of open space shall be as defined in Sec. 7.2, Open Space.

G. Landscaping

Blank walls visible from the street shall be buffered with plantings. Landscaping improvements meeting the same requirements as the landscaping required for vehicle parking areas with exposure to the street established in Sec. 9.8, Vehicular Use Area Landscaping, shall be provided for all blank walls exceeding 50 feet in length.

H. Parking

At least 30% of the parking spaces required for nonresidential uses shall be located to the side or rear of nonresidential structures within any PDR.

I. Sidewalks

In addition to meeting all of the requirements of Sec. 12.4, Pedestrian and Bicycle Mobility, sidewalks shall be provided between the retail and office uses and the dwelling units within any PDR.

6.11.4 University and College District (UC)

A. Uses

1. The primary use allowed in the UC District shall be colleges and universities and such ancillary uses as are typically associated with a university or college that are customary and subordinate to the primary educational function of the university or college use, including dormitories, stadia, enclosed arenas, auditoriums, and museums.
2. Other uses shall be limited to those uses listed in Sec. 5.1, Use Table, that can demonstrate a direct relationship to a university academic use, such as university medical center uses, including teaching hospitals, medical schools, nursing schools, biomedical research facilities and support space.

B. Initial Zoning

The universities may elect to have all or parts of their campus covered in the initial zoning map change, so long as those areas are covered by the appropriate campus master plan; however, no areas of the campus that were not under the direct control of the university prior to January 1, 2002, may be included in the initial zoning map change.

C. Subsequent Zoning Map Change

Any property included as part of a university campus in a campus master plan may be included in the UC District. A campus master plan shall be submitted to the Planning Department prior to any zoning map change submittal. Such campus master plans shall be viewed as illustrative in nature and may be updated, in whole or in part, at any time.

D. Transitional Use Area

1. A Transitional Use Area shall be designed to establish standards at the edges of the campus that minimize any adverse impacts of proposed development on adjacent non-university properties. Standards shall be applicable to a 150-foot wide area at the boundaries of the UC District. Where applicable, the Transitional Use Area shall be measured from the midpoint of public right-of-way adjacent to the edge of the district. If a public right-of-way is wider than 200 feet, and contains no existing or planned structures, then a Transitional Use Area shall not be required.
2. Within a Transitional Use Area, the Design District Review Team shall, using the Durham Design Manual as a guide, review the site plan to assure building façade and site design are compatible with adjacent properties.

E. Height

1. Transitional Use Area

The maximum height of a structure shall not exceed 150% of the average height of buildings on adjacent properties (including those directly across a public right-of-way), to a maximum of 100 feet. In calculating the average height for the adjacent buildings, the following considerations shall be included: maximum permitted heights for developable vacant lots, the taller of buildings in front or behind each other and included within 150 feet of the perimeter transition area. Heights may not be increased beyond 150% of average surrounding heights unless a major special use permit is approved in

accordance with Sec. 3.9, Special Use Permit, in which case the height may be increased up to a maximum of 145 feet.

2. Internal Campus

The maximum height of a structure shall be 120 feet, unless a Major Special Use Permit is approved in accordance with Sec. 3.9, Special Use Permit, in which case the height may be increased up to a maximum of 145 feet.

F. Architectural Standards

- 1.** Within a Transitional Use Area, new buildings adjacent to public streets shall have compatible exterior facades with adjacent properties. Compatibility shall be demonstrated by documentation that the design of a proposed building is compatible with adjacent buildings and sites, considering both architectural and site designs. This design information shall be submitted with the site plan for each proposed development within the Transitional Use Area. Each building shall have a direct orientation and entryway facing a street.

G. Landscaping

1. Transitional Use Area

Within a Transitional Use Area, landscaping shall be provided so as to ensure compatibility with adjacent properties. Landscaping may also include appropriate design and handling of stormwater runoff.

2. Parking Areas

a. Transitional Use Area

Surface parking lots shall not be located immediately adjacent to or across from properties zoned and developed as single-family residential properties unless separated from the street by a landscaped area equivalent to the average street yard of existing buildings or parking lots on adjacent properties.

b. Internal Campus

Requirements for landscaping within parking areas may be rearranged by up to 50% if the university determines that a specific university use or activity is being served by such a change.

H. Parking

- 1.** Determination of the number of parking spaces required shall be tied to the university's documentation of adequate parking availability as determined by the Development Review Board. Parking may include spaces located outside the UC District.
- 2.** A report from each university covered by a UC District shall be filed with the City-County Planning Department to demonstrate that adequate parking is being provided by the university, considering both the location and amount of parking provided. Such reports shall be valid for a two-year period. If a valid report is not on file at the time a development approval is requested by an institution, no processing of that plan shall occur until a new report is provided by the university and reviewed by City Transportation and Planning staff, using parking standards and considering a variety of parking reduction techniques and commuter trip reduction guidelines (TDM) from appropriate ordinances,

including shared parking, remote parking, available transit service, bicycle and pedestrian facilities and other trip reduction techniques.

I. Sidewalks

Alternate walkway routes outside of regular sidewalk requirements within the public right-of-way shall be permitted in the internal campus and may be permitted in a Transitional Use Area. Such alternate routes must be submitted and approved by the Development Review Board as part of a campus-wide pedestrian plan pursuant to Sec. 12.4.1, General. Subsequent alternate routes proposed shall be consistent with that plan.

J. Lighting

Within a Transitional Use Area, new athletic fields shall not be illuminated after 11:00 PM.

K. Traffic and Stormwater Impact Analyses

Traffic and stormwater analyses shall be required with or in advance of site plan approval when appropriate thresholds on campus development are reached. Phasing plans on the implementation of facility recommendations from these analyses may be included.

6.11.5 Commercial Center (CC)

A. Uses

1. The primary use allowed within the CC District shall be commercial. Use of this District shall require multiple buildings and tenants.
2. Uses allowed in the CC District shall be limited to those uses listed in Sec. 5.1, Use Table. Proposed residential uses in a CC District shall be noted on the Development Plan.
3. Commercial outparcels shall not comprise more than 50% of the acreage or floor area of the development.

B. Dimensional Requirements

1. Site Area

- a. A minimum of four contiguous acres shall be required for initial approval.
- b. Additions to an approved CC District may be made in increments of any size.

2. Lot Area

No minimum lot area shall be required.

C. Transitional Use Area

1. A 50-foot wide Transitional Use Area shall be established around the perimeter of a CC District.
2. No structures shall be permitted within a Transitional Use Area that abuts a residential district or use.
3. Structures may be located in a Transitional Use Area that abuts a nonresidential district or use, subject to the maintenance of yards consistent with the CG District yard requirements of the tier within which the project is located. If a

buffer requirement imposes a greater width requirement than the Transitional Use Area, a buffer consistent with the requirements of Sec. 9.4, Project Boundary Buffers, shall be provided.

D. Development Standards

Within the Suburban and Urban Tier, residential development shall conform to the standards of the RS-M District. When a conflict occurs between this section and the RS-M standards, the stricter rules shall apply.

E. Density

1. Within the Suburban Tier, the maximum density shall be 12 units per acre.
2. Within the Urban Tier, the maximum density shall be 16 units per acre.

F. Height

1. The maximum height shall be determined by the square footage of the development, as indicated below:

Square Footage	Maximum Height
Less than 150,000	50 feet
150,000 to less than 250,000	90 feet
More than 250,000	145 feet

2. Any building over 50 feet shall have its proposed location and height shown on the Development Plan.

G. Design Guidelines

The applicant shall establish a set of design guidelines that illustrate how building and site design within the proposed development shall relate to surrounding uses in terms of scale, massing and height, as well as architecture. The design guidelines may be presented in the form of written text or illustrated elevations; however, if elevations are submitted during the hearing process such elevations shall be considered committed elements of the Development Plan.

H. Access

Access to all outparcels shall be from the project area. No outparcel shall have direct access onto a public road. Yards

All development shall maintain a street yard of 50 feet.

I. Sidewalks

Development Plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development, including outparcels.

6.11.6 Industrial Park (IP)

A. Uses

1. The primary use allowed within the IP District shall be industrial. Use of this District shall require multiple buildings.

2. Uses allowed in the IP District shall be limited to those uses listed in Sec. 5.1, Use Table.

B. Dimensional Requirements

1. Site Area

- a. A minimum of ten contiguous acres shall be required for initial approval.
- b. Additions to an approved IP District may be made in increments of any size.

2. Lot Area

No minimum lot area shall be required.

C. Transitional Use Area

A landscaped Transitional Use Area of at least 30 feet shall be established around the perimeter of the District and shall be shown on the Development Plan. If a buffer required pursuant to Sec. 9.4, Project Boundary Buffers, imposes a greater width requirement than the Transitional Use Area, the buffer requirement shall apply.

D. Height

The maximum height of any building shall be 90 feet, unless a taller building is identified on the Development Plan, in which case the maximum building height shall be 145 feet.

E. Yards

Other than the Transitional Use Area requirements, no yard requirements shall be established.

F. Sidewalks

Development Plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development.

6.11.7 Mixed Use (MU)

A. Uses

1. A mixed-use development shall require residential uses as listed in Sec. 5.1, Use Table, and uses from at least one of the following use categories, with the actual uses limited to those identified in the use table:
 - a. Public and Civic;
 - b. Commercial; or
 - c. Office.

The location of the uses shall be shown on the development plan.

2. Additions to MU developments shall not be required to include multiple use types provided the use types are present on the overall site and the required ratios of use established in paragraph B.2 below are maintained.

B. Dimensional Requirements

1. Site Area

- a.** A minimum of four contiguous acres shall be required for initial approval. A smaller initial site may be allowed, if the applicant can demonstrate to the governing body that certain circumstances exist that make an area of less than four acres suitable due to factors including but not limited to, location, topography, or compatibility with adjacent uses. Sites smaller than four acres shall comply with the other requirements of the district, including the requirement to provide at least two use types on the overall site.
- b.** Additions to an approved MU District may be made in increments of any size.

2. Use Area

- a.** For mixed use developments containing two uses, no use shall occupy less than 30% of the floor area or gross acreage of the project.
- b.** For projects with three or more uses, the 30% minimum for a single use shall be waived; however, no single use may occupy more than 60% of the floor area or gross acreage of the project.
- c.** Changes in the location of use areas within a project may be approved through the site plan process, provided that all other requirements of the district, including the required mix of uses, are met.

3. Lot Area

Any dimensional requirements for individual lots shall be specified in the Development Plan.

C. Transitional Use Area

A 50-foot wide Transitional Use Area shall be established around the perimeter of each MU District. Within these areas, use and building scale (massing and height) shall reflect the uses permitted within the adjacent property, except that a single-story (or 15 foot) differential in building height between the proposed and adjacent uses shall be allowed. If, as a result of the location of uses within an MU District, a use is proposed that would typically require a buffer from the use on an adjacent property not in the district, then the buffer requirements of the typical district shall apply, even if they require a greater buffer than the required Transitional Use Areas.

D. Residential Density

1. Minimum

The minimum gross residential density shall be four units per acre for any portions of a project that are developed solely as residential.

2. Maximum

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. Calculation of Density

a. Vertical Integration of Uses

For projects in which residential and nonresidential uses are integrated vertically, density may be calculated based upon the entire site acreage, including areas typically precluded from consideration for density in Article 8, Environmental Protection.

b. Horizontal Integration of Uses

For all other projects, residential density shall only be calculated based upon that portion of the site allocated for residential uses, excluding the areas precluded for consideration for density in Article 8, Environmental Protection.

E. Nonresidential Intensity

1. Minimum

The minimum floor area shall be 30% of the square footage of the particular parcel to be developed.

2. Maximum

No maximum floor area shall be established. The maximum building coverage shall be 70%.

F. Height

The maximum height of a structure shall be 50 feet, unless a greater height (up to 145 feet) is shown on the Development Plan or the project is located within the Downtown Tier, in which case the height limitations of Sec. 4.8.5, Height Requirements, shall apply.

G. Street Yards

1. Suburban Tier

A 25-foot street yard shall be maintained, unless the project is in a Suburban Transit Area as designated in the Comprehensive Plan. Projects in these areas may establish street yards as small as eight feet.

2. Urban Tier

A 15-foot street yard shall be maintained.

3. Compact and Downtown Tiers

Projects shall respect a build-to line such that at least 60% of any structure is no more than 15 feet from the edge of right-of-way.

H. Open Space

1. Minimum Required

a. Suburban Tier

At least 10% of the gross acreage of the entire site shall be devoted to open space, unless the project is located in a Suburban Transit Area as designated in the Comprehensive Plan. Projects in these areas may reduce the open space requirement to 2% of the gross acreage of the site.

b. Urban Tier

At least 5% of the gross acreage of the site shall be devoted to open space.

c. Compact and Downtown Tiers

At least 2% of the gross acreage shall be devoted to open space.

2. Location

a. Open spaces shall shape the design and character of the project and interconnect the various uses within the development. At least 30% of the open space shall be located in central common areas around which different uses are located. In the case of projects greater than 100 acres, multiple common areas may be provided. All centrally located open space shall be useable open space pursuant to Sec. 7.2, Open Space.

b. Open space shall be described and identified by location, size, use and improvements on the Development Plan.

(1) In the Suburban Tier, areas narrower in width than 50 feet shall not be utilized to meet the open space requirement, unless the project is located within a Suburban Transit Area as designated in the Comprehensive Plan. Projects in these areas may utilize areas at least 25 feet in width as part of their required open space.

(2) In the Urban and Compact Tiers, areas narrower than 25 feet shall not be utilized to meet the open space requirement.

c. These locational requirements may be waived for projects that are integrated vertically.

I. Landscaping

The applicant shall establish a set of design guidelines that provide provisions for landscaping throughout the entire development, ensuring that a common theme with consistent plant materials are utilized throughout the project.

J. Parking

1. Residential

a. Single Family Detached, Zero Lot Line, Townhouse

Parking shall be provided at a rate of one parking space per dwelling; additional spaces may be allowed at the time of approval but in no case shall the total number of spaces exceed an amount equivalent to 2.1 spaces per dwelling.

b. Multifamily

Multifamily parking shall not exceed an amount equivalent to 2.1 spaces per dwelling.

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

to the satisfaction of the Development Review Board that 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, including the, Travel Demand Management [TDM] programs, transit use to and within the project, shared parking and on-street parking shall be implemented but are unlikely to reduce the demand for parking; and
- (3) That the need for parking beyond the minimum is justified by similar projects in other locations.

- b.** Projects that fail to satisfy these requirements shall be limited to 100% of the minimum required parking for all applicable uses within the development as defined in Sec. 10.3, Required Parking,.

K. Sidewalks

1. Development plans shall indicate a continuous internal pedestrian system designed to permit ready access between all elements of the development.

L. Phasing

1. A Phasing Plan that identifies the stages of development shall be required as part of the zoning map change application proposing to use the MU District.
2. Some components of both residential and nonresidential uses shall be included in the first phase of any project in the MU District.

M. Traffic Impact Analysis

1. A traffic impact study shall be required as a part of the Development Plan when portions of the development or the entire development will generate vehicle trip levels in excess of those identified in Sec. 3.3, Traffic Impact Analysis; however, the TSUP that may be required pursuant to Sec. 3.3.8, Transportation Special Use Permit, shall not be required within the MU District.
2. The Public Works Department or NCDOT, as appropriate shall review the Development Plan as well as the projected on-site and off-site traffic impacts, and determine that the mixed use project is designed to adequately provide for transportation needs.
3. The Public Works Department or NCDOT, as appropriate may recommend that the governing body require the developer to limit access points, provide additional lanes, install traffic islands, provide transit facilities, install traffic signals, or make other improvements to assure traffic safety.

N. Additional Requirements

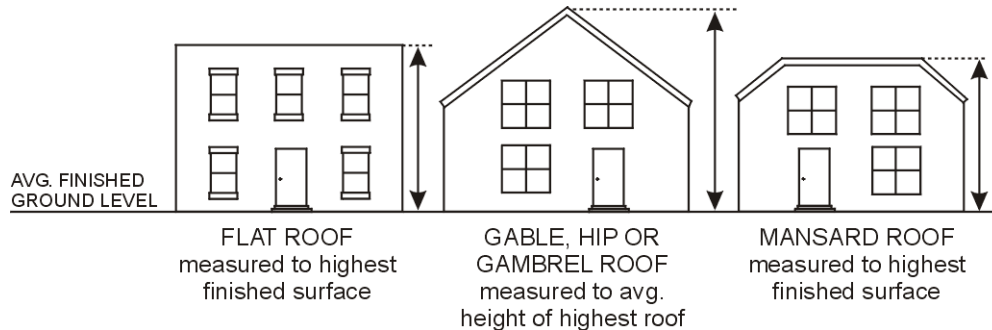
1. Construction of bus shelters shall be mandatory wherever the project includes or is adjacent an existing or previously identified transit line extension proposed in adopted documents by DATA, the Triangle Transit Authority, or another public transit provider.

- 2.** Lots may front on public or private streets. A plan for the future maintenance of project amenities and any private streets shall be submitted with the Site Plan.

Sec. 6.12 Measurement and Computation

6.12.1 Height

- A. Height shall be determined by the vertical distance from the average of the finished ground level to the highest finished roof surface of any flat roof or at the highest point of the highest roof having a pitch.



- B. The height limitations shall not apply to steeples, decorative features including parapet walls less than four feet, air conditioning units, utility poles, mechanical features, belfries, lightning rods, antennas, water towers, clock towers, or other towers which are not used for transmitting and receiving electronic signals.
- C. In approving a site plan or construction drawing containing features listed above, consideration shall be given to whether the addition or feature is architecturally harmonious in such aspects as materials, proportion, bulk, scale and design with the building or complex of which it is a part, and if a stand-alone structure, whether such structure is harmonious with the surrounding area.

6.12.2 Width

A. Building Width

Building width shall be measured by the distance along the front plane of any building (as determined by the location of an entrance fronting on a street) at the point of the street yard, except in accordance with Sec. 6.8, Infill Development in Residential Districts, when the prevailing setback shall be used to fit the point of measurement.

B. Lot Width

Lot width shall be measured by the distance between the side lot line (generally running perpendicular to a street), measured at the point of the street yard setback line along a straight line parallel to the front of the property line or to the chord of the front property line, or at the building line on flag lots or gore (triangular-shaped) lots.

6.12.3 Required Yards

A. General Standards for Required Yards

1. Required yards shall be unobstructed by objects constructed or erected in a fixed location on the ground, buildings or structures, unless allowed by standards found elsewhere in this Ordinance (for example, fences).

2. Required yards and other open areas provided for one lot or building shall not be considered as providing yard space for another building or lot.
3. Required yards shall be calculated from the adjacent property line and street right-of-way. If a new right-of-way width has been established by the adoption of an official thoroughfare planning document, then the yard requirement shall be measured from the proposed right-of-way line.

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:

1. Chimneys, pre-fabricated chimneys, flues, or smokestacks may extend into yard spaces but may not occupy more than 30 square feet of the required yard space.
2. Sills and ornamental features may project up to two feet into any yard.
3. Fire escapes may project up to eight feet into any required yard. Fire escapes in the CBD District may extend beyond the property line with the approval of the Development Review Board.
4. Cornices and eaves and awnings may extend up to five feet into any required yard, but shall remain at least two feet from the property line, except on zero lot line homes.
5. Marquee signs may extend into yard spaces in conformance with standards found in the Sec. 11.6, Signs Requiring Permits.
6. Pedestrian bridges, breezeways, building connections, and supports of these structures may extend into required yards upon findings by the approving authority that the connecting feature is necessary to provide safe pedestrian access or to improve transit access.
7. Security gates and guard stations may be located within any required yard.
8. At-grade patios, decks or uncovered terraces may extend up to four feet into any required side yard, or up to eight feet into any required street yard, or within four feet of a rear property line.
9. Uncovered steps and handicapped access ramps may be located within any yard.
10. Bay windows, entrances, balconies, and similar features that are less than ten feet wide may extend up to one and one-half feet into any required yard, but shall remain at least six feet from the property line.
11. Mechanical equipment for residential uses, such as HVAC units, may extend into any required side yard but shall remain at least six feet from the property line.

6.12.4 Density

Other than calculating the Infill Density Bonus Area pursuant to Sec. 6.4.3C, Major Roadway Density Bonus Area, all right-of-way shall be excluded from the calculation of the area of project for density purposes. Right-of-way shall mean the ultimate right-of-way as established by NCDOT or the City of Durham, as appropriate.