Attachment A

AN ORDINANCE TO AMEND VARIOUS PROVISIONS
OF THE *UNIFIED DEVELOPMENT ORDINANCE* (TC1500001)

WHEREAS, the Durham City Council wishes to amend certain provisions in the Unified Development Ordinance by making technical and minor policy revisions; and

WHEREAS, it is the objective of the Durham City Council 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 1, General; Article 2, Review Authority; Article 3, Applications and Permits; Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 8, Environmental Protection; Article 9, Landscaping and Buffering; Article 10, Parking and Loading; Article 11, Sign Standards; Article 12, Infrastructure and Public Improvements; Article 15, Enforcement; and Article 16, Definitions, of the Unified Development Ordinance are amended to make the following changes set forth in the deletions (strikethroughs) and additions (underlining) below:

PART 1
[Revise references to the "Division of Water Quality (DWQ)" to be the "Division of Water Resources (DWR)"]

Sec. 3.14 Variance
[Paragraphs not listed remain unchanged]
3.14.9 Watershed Protection
C. The Planning Director, or designee, shall keep a record of variances to Sec. 8.7, Watershed Protection Overlay Standards. This record of variances, not including those from Sec. 8.5, Riparian Buffer Protection Standards, as referenced in Sec. 8.7, shall be submitted to the Division of Water ~~Quality~~Resources, North Carolina Department of Environment and Natural Resources by January 1st of each year. The record shall provide a description of each project receiving a variance and the reasons for granting a variance. The record of variances from Sec. 8.5 shall be included in the annual report to the North Carolina Division of Water ~~Quality~~ Resources summarizing activities implementing the requirements of that section.

Sec. 8.5 Riparian Buffer Protection Standards
[Paragraphs and portions of tables not listed remain unchanged]
8.5.6 Maps and On-Site Determinations
B. On-Site Determinations
1. Within the Neuse River Basin
A landowner or other affected party who believes that surface water is inaccurately depicted shall consult the North Carolina Division of Water ~~Quality~~ Resources (Division) and may request an on-site determination by the Division.

8.5.10 Uses

F. Use Category Requirements

2. Allowable

An allowable use requires written authorization from the North Carolina Division of Water ~~Quality~~Resources, City, or County as appropriate and may occur following a finding of "no practical alternatives" and issuance of an Authorization Certificate pursuant to paragraph 8.5.11, No Practical Alternatives/Authorization Certificate.

3. Allowable with Mitigation

An allowable with mitigation use requires written authorization from the North Carolina Division of Water ~~Quality~~Resources, City, or County as appropriate and may occur following a finding of "no practical alternatives" and issuance of an Authorization Certificate pursuant to paragraph 8.5.11, No Practical Alternatives/Authorization Certificate, and approval of a mitigation strategy pursuant to paragraph 8.5.12, Mitigation.

G. Table of Uses

Use	Category
Key (see paragraph 8.5.10F, Use Category Requirements): E = Exempt; A = Allowable; AM = Allowable with Mitigation; X or not listed = Prohibited; NA = Not applicable	
Wetland, stream and, outside of the Neuse River Basin, buffer restoration:	
☐ Wetland, stream and buffer restoration that requires NC Division of Water ~~Quality~~ Resources approval for the use of a 401 Water Quality Certification.	E
☐ Wetland, stream and buffer restoration that does not require Division of Water ~~Quality~~ Resources approval for the use of a 401 Water Quality Certification.	A

8.5.11 No Practical Alternatives/Authorization Certificate

A. A person who wishes to undertake a use designated as allowable or allowable with mitigation shall first submit a request for a "no practical alternatives" determination. Within the Neuse River Basin, the request shall be submitted to the North Carolina Division of Water ~~Quality~~ Resources (Division). Outside of the Neuse River Basin, the request shall be submitted to the City or County as appropriate. In the request, the applicant shall certify that the project meets all of the following criteria:

8.5.12 Mitigation

Mitigation is required where: 1) a person wishes to undertake a use designated as allowable with mitigation and has obtained a "no practical alternatives" determination; and 2) a person is required to perform mitigation as a condition of variance approval under this section. Within the Neuse River Basin, the proposal shall be submitted to the North Carolina Division of Water ~~Quality~~ Resources (Division), which shall proceed pursuant to 15A NCAC 02B .0242. Outside of the Neuse River Basin, the proposal shall be submitted to the City or County as appropriate, which shall proceed pursuant to this section as authorized under 15A NCAC 02B .0268.

The appropriate jurisdiction (the Division acting pursuant to 15 NCAC 02B .0242) shall issue a mitigation approval upon determining that a proposal meets the requirements of this section. Within the Neuse River Basin, the approval shall specify the required area and location of mitigation. Outside of the Neuse River Basin, the approval shall identify at a minimum the

option chosen, the required and proposed areas, and the mitigation location or offset payment amount as applicable. As stated in paragraph 8.5.2, Applicability, compliance with this entire section is required even where State standards are less stringent. Within the Neuse River Basin, final review by the City or County shall occur after any State action is completed.

8.5.13 Variances

A. Within the Neuse River Basin

1. **Minor Variance**
   Pursuant to 15 NCAC 02B .0233 (9), a minor variance request shall be submitted to the North Carolina Division of Water ~~Quality~~ Resources (Division) for review and decision. The Division may attach conditions to approval that support the purpose, spirit and intent of the riparian buffer protection program. Appeal from the Division decision shall be to the Office of Administrative Hearings.
2. **Major Variance**
   Pursuant to 15 NCAC 02B .0233 (9)(c), a major variance request shall be submitted to the Division for initial review. If the Division determines that the request meets the requirements of paragraph 3, Variance Requirements, below, it shall submit preliminary findings to the NC Environmental Management Commission c/o the Division of Water ~~Quality~~Resources, 401 Oversight Express Permitting Unit, or its successor. Within 90 days after receipt by the Director of a complete application, the Commission shall approve, approve with conditions or stipulations, or deny the request. Upon and in accordance with the Commission's decision, the Division shall issue a final decision granting, granting subject to conditions or stipulations, or denying the major variance. Appeal from either the initial Division determination or the Commission decision shall be to the Office of Administrative Hearings.

B. Outside of the Neuse River Basin

2. **Major Variance**
   A major variance request shall be submitted to the City or County as appropriate for initial review. If the City or County determines that the request meets the requirements of paragraph 3, Variance Requirements, below, it shall submit preliminary findings to the North Carolina Environmental Management Commission c/o the Division of Water ~~Quality~~Resources, 401 Oversight Express Permitting Unit, or its successor. Within 90 days after receipt by the City or County of a complete application, the Commission approves, approves with conditions and stipulations, or denies the request. Despite the provisions of Section 2.4, Board of Adjustment, appeal from the initial City or County determination or the Commission decision shall be to Superior Court.

Sec. 8.9 Wetlands Protection Standards

[Paragraphs not listed remain unchanged]

8.9.2 Application of Wetlands Protection

The City and County acknowledge the pre-eminence of the Federal and State governments with regard to the identification and regulation of wetlands. Accordingly, the standards contained within this section shall not duplicate the requirements of the US Army Corps of Engineers (the Corps) or the North Carolina Department of Environment and Natural Resources (DENR), Division of Water ~~Quality~~ Resources (Division), but shall require the buffering of wetland areas,

identified by these agencies, on development plans, site plans, preliminary plats, final plats, and as otherwise required under Sec. 8.5, Riparian Buffer Protection Standards.

Sec. 16.2 Abbreviations
[Paragraphs not listed remain unchanged]
~~**DWQ**~~ **DWR or Division:** North Carolina Division of Water ~~Quality~~Resources

PART 2
[Revisions to Section 2.5, Historic Preservation Commission, to remove duplicative standards with the rules of procedure or interlocal agreement as similarly done with the Board of Adjustment and Planning Commission; and Sec. 3.16, Historic District or Landmark Designation, to correct district initiation process and remove unnecessary plan requirements]

Sec. 2.5 Historic Preservation Commission (HPC)
[Paragraphs not listed remain unchanged]
2.5.1 Establishment
The Durham Historic Preservation Commission (HPC) is established in accordance with the Interlocal Cooperation Agreement for the Historic Preservation Commission and NCGS §160A - 400.7. The HPC is designated as the historic preservation advisory and quasi-judicial body for the County and City, and shall have the powers and duties described in this section.
2.5.2 Membership, Terms and Compensation
The Historic Preservation Commission shall consist of nine members. Its composition, terms, vacancies, removals, and compensation shall be in accordance with the Interlocal Cooperation Agreement. Additionally:

A. All members of the HPC shall have equal rights regardless of whether the matters at issue are located inside or outside of the Durham City limits.
B. Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointing authority for the period of the unexpired term.

~~**A. Numbers**~~
~~The HPC shall consist of nine members. All County appointees shall be residents of Durham County and all City appointees shall be residents of the City.~~
~~**B. Composition**~~
~~**1.** A majority of the members of the HPC shall have demonstrated special interest, experience or education in history or architecture.~~
~~**2.** The HPC shall always include at least one of each of the following five designations:~~
~~a. Registered architect;~~
~~b. Registered landscape architect;~~
~~c. Social or cultural historian;~~
~~d. Representative of a lending institution or an attorney; and~~
~~e. Real estate agent, developer or builder.~~
~~**3.** The five designated members shall be appointed as follows:~~
~~a. The Board of Commissioners shall appoint a landscape architect, a social or cultural historian and a representative of a lending institution or an attorney; and~~

~~b. The City Council shall appoint an architect and a real estate agent, builder, or developer.~~

~~**4.** The HPC shall also include four at-large members, as follows:~~

~~a. Two of the at-large members shall be appointed by the Board of Commissioners; and~~

~~b. Two of the at-large members shall be appointed by the City Council, one of whom shall be selected by the Mayor.~~

~~**5.** In making appointments to the HPC, the Board of Commissioners and the City Council shall:~~

~~a. Give special preference to current members, to provide continuity in historic preservation planning;~~

~~b. Make a reasonable effort to provide representation for both urban and rural interests among geographic areas; and~~

~~c. Consider the recommendations for appointments from the JCCPC; however, neither elected body is bound to follow any recommendations for appointment which that Committee may make.~~

~~**6.** All members of the HPC shall have equal rights regardless of whether the matters at issue are located inside or outside of the Durham City limits.~~

~~**C. Terms**~~

~~**1.** The regular term of office for HPC members shall be three years.~~

~~**2.** A member may be reappointed for a second term. After two consecutive terms, a member shall be ineligible for reappointment until one calendar year has elapsed from the date of termination of his or her second term.~~

~~**3.** A term shall continue until a successor is appointed by the appropriate governing body.~~

~~**D. Vacancies**~~

~~Vacancies occurring for reasons other than the expiration of terms shall be filled by the appointing authority for the period of the unexpired term.~~

~~**E. Compensation of Members**~~

~~The members of the HPC may be compensated for their services in such amounts as from time to time shall be determined by the governing bodies.~~

2.5.3 Rules of Procedure, Organization, Meetings, Quorum

A. The Historic Preservation Commission shall adopt rules of procedure for the conduct of its business, consistent with Interlocal Cooperation Agreement, state law, and this Ordinance.

B. The Historic Preservation Commission officers, meetings, and quorum, shall be in accordance with the Commission's adopted *Rules of Procedure, the* Interlocal Cooperation Agreement, and State law as applicable.

~~**A. Officers**~~

~~The HPC shall elect its own officers. The HPC officers shall consist of a Chairperson and Vice Chairperson. The HPC may establish committees and subcommittees at its discretion.~~

~~**B. Meetings**~~

~~The HPC shall establish a regular meeting time and shall meet at least monthly, unless the Chairperson and the Planning Director, or designee, jointly determine that there is no business requiring that a meeting take place, in which case meetings may be cancelled. All meetings shall~~

~~be open to the public and shall conform to the North Carolina Open Meetings Law, Chapter 143, Article 33C of the North Carolina General Statutes.~~

~~**C. Minutes**~~

~~The HPC shall keep permanent minutes of its meetings. The minutes shall include the attendance of its members and its resolutions, findings, recommendations and other actions.~~

~~**D. Quorum**~~

~~The presence of five HPC members shall be necessary for a quorum, except in cases involving demolition by neglect, in which case six members shall be necessary for a quorum. A quorum is necessary to take official action. A roll call vote shall be taken upon the request of any member.~~

~~**E. Rules of Procedures**~~

~~The HPC shall adopt rules of procedure for the conduct of its business.~~

Sec. 3.16 Historic District or Landmark Designation

[Paragraphs not listed remain unchanged]

3.16.3 Designation of an Historic District

A. Initiation of an Historic District Preservation Plan

3. If the HPC finds that the proposed historic district meets the requirements of paragraph 3.16.1B above, then the Planning Director, or designee, shall ~~prepare a Historic District Preservation Plan, in accordance with paragraph 3.16.3B below~~forward the proposal to the appropriate governing body. The governing body shall determine whether to initiate the proposal to establish a local historic district and prepare the required Historic District Preservation Plan for the district.

4. Upon the completion of the Historic Preservation Plan, the Planning Director, or designee, shall give notice in accordance with paragraph 3.2.5, Notice and Public Hearings, that the designation of an historic district and the adoption of a Historic District Preservation Plan shall be considered by the HPC at a specified date and time.

B. Historic District Preservation Plan

~~**1.**~~ An Historic District Preservation Plan shall include an investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in the proposed historic district and a description of the boundaries of the proposed historic district, in accordance with NCGS §160A-400.4(1); principles and design review criteria (guidelines) for certificates of appropriateness as required in NCGS §160- 400.9(c); and a preservation strategy tailored to the individual needs of the specific area.

~~**2.** The preservation strategy shall include, but not be limited to, the following elements:~~

~~a. The need for the historic district in that area, including the specific reasons why the regulatory provisions of this section should be applied in order to effectively accomplish the preservation of that area;~~

~~b. The means by which existence of the historic district shall be publicized to historic district property owners and to the general public;~~

~~c. The principles, design guidelines and criteria to be followed in the historic district for exterior activities involving new construction, alteration, restoration, or rehabilitation and~~

~~which shall be the basis for the HPC's review and action upon an application for a certificate of appropriateness;~~

~~d. The means by which technical assistance shall be offered to property owners of the historic district by the HPC, City and County staff, or other groups;~~

~~e. A description of the various financial incentives that are proposed for use in promoting preservation activities within the historic district, how those incentives would be utilized and how property owners shall be made aware of them; and~~

~~f. A description of what, if any, measures the HPC, the City or County staff, or other groups will take to encourage economic activity and development which will be conducive to preservation activities within the historic district.~~

3.16.4 Designation of an Historic Landmark

E. Adoption of an Ordinance of Designation

1. A legal description of each property designated by the ordinance, including the tax ~~map~~ identification ~~reference~~ number for the property. The ordinance shall clearly indicate what elements of the property are designated as an historic landmark. Examples of those elements are a building's interior, its exterior, any specific or all outbuildings, other site elements or the entire site;

H. Effect of Subdivision or Recombination

1. Designation shall remain applicable to all properties subdivided from the originally designated property.
2. When designated property is recombined with non-designated property, the designation shall remain applicable only to the improvements and portion of property originally designated, and shall not extend to improvements and the portions of the recombined property not originally designated.

3.16.6 Repeal of Historic District or Historic Landmark Designation

A. The governing body may repeal an ordinance designating an historic district or an historic landmark. The repeal process shall be ~~in accordance with~~consistent with the adoption process prescribed within NCGS §160A-400.6. The governing body's action to repeal an ordinance of designation shall include the reasons for the repeal and a review by the State Historic Preservation Office.

PART 3

[General technical changes and clarifications]

Sec. 1.6 Minimum Requirements; Documents Incorporated by Reference

[Paragraphs not listed remain unchanged]

1.6.1 The provisions of this Ordinance are intended to be minimum requirements. Where the provisions of this Ordinance impose greater restrictions than other ordinances, the provisions of this Ordinance shall prevail. Where the provisions of another ordinance impose greater restrictions, the other ordinance shall prevail.

1.6.2 Unless otherwise stated within this Ordinance, references within this Ordinance to manuals, guides, and other similar documents shall refer to the most recent edition or version of the referenced document that has been accepted or adopted for usage by the entity, department, or agency charged with responsibility for the referenced document.

Attachment A

Sec. 1.10 Transitional Provisions

[Paragraphs not listed remain unchanged]

1.10.5 Zoning District Name Changes

A. The zoning district names in effect prior to the effective date of this Ordinance are hereby converted, as shown on the following table. The addition of new zoning districts or the deletion of zoning districts subsequent to the original adoption of this Ordinance is not reflected in the following table.

Attachment A

PREVIOUS DISTRICT		NEW DISTRICT	
Residential Districts			
RD	Rural District	RR	Residential Rural
R-20 R-15, R-10 R-8	Residential 20 Residential 15, 10 Residential 8	RS-20 RS-10 RS-8	Residential Suburban – 20 Residential Suburban – 10 Residential Suburban – 8
RM-8, RM-12, RM-16	Residential Multifamily 8, 12, 16	RS-M	Residential Suburban Multifamily
R-5 R-3	Residential 5 Residential 3	RU-5 RU-5(2)	Residential Urban – 5 Residential Urban – 5(2)
RM-16, RM-20	Residential Multifamily 16, 20	RU-M	Residential Urban Multifamily
ITOD-CN RM-CN 40 RM-CN 60 RM-CN 80	Interim TOD Compact Neighborhood Residential Multifamily Compact Neighborhood 40, 60, 80	RC	Residential Compact
Nonresidential Districts			
~~--~~	~~-- NEW --~~	~~CD~~	~~Compact Design~~
~~--~~	~~-- NEW --~~	~~CI~~	~~Commercial Infill~~
NC	Neighborhood Commercial	CN	Commercial Neighborhood
O&I-1, O&I-2	Transitional Office and Institutional, General Office and Institutional	OI	Office and Institutional
GC	General Commercial	CG	Commercial General
CBD	Central Business District	~~DD~~CBD	~~Downtown Design~~Central Business district
RSCH, RAD	Research Park, Research Applications	SRP	Science Research Park
I-2 CT	Light Industrial Commercial Trade	IL	Industrial, Light
I-3	Heavy Industrial	I	Industrial
Planned Districts			
PDR	Planned Density Residential	PDR	Planned Development Residential
UC	University and College	UC	University and College
SC	Shopping Center	CC	Commercial Center
I-1	Industrial Park	IP	Industrial Park
MU	Mixed Use	MU	Mixed Use
Overlay Districts			
--	-- NEW --	-P	Neighborhood Protection Overlay
--	-- NEW --	-TO	Transitional Office Overlay
60 to 65 LDN Above 65 LDN	Airport Overlay	-A60 -A65	Airport Overlay
-DDO	Downtown Design Overlay	-DDO	Downtown Design Overlay
MTC	Major Transportation Corridor Overlay	-MTC	Major Transportation Corridor Overlay
-H	Historic District Overlay	-H	Historic Districts & Landmarks Overlay
Watershed Protection Overlay			
M/LR-A, -B F/J-A, -B E- A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District	M/LR-A, - B F/J-A, -B E-A, -B	Lake Michie/Little River District Falls/Jordan District Eno River District

Sec. 2.7 Durham City-County Planning Department

[Paragraphs not listed remain unchanged]

2.7.4 Powers and Duties

B. The Planning Director or designee shall be responsible for reviewing and making recommendations regarding the following:

~~1. Applications for sign permits;~~

C. The Planning Director or designee shall be responsible for final action regarding the following:

2. ~~Administrative adjustments to the specified development standards of this Ordinance~~ Applications for Sign Permits;

Sec. 3.2 Common Review Procedures

[Paragraphs not listed remain unchanged]

3.2.3 Neighborhood Meeting

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

1. Each owner of record of any land located within 600 feet of the property for zoning map change requests that do not require a comprehensive plan amendment application. Otherwise, 1,000 feet shall be required for any other applicable development approval; ~~Each owner of record of any land located within 1,000 feet of the property for which development approvals are sought;~~ and
2. Neighborhood associations located within 1,000 feet of the site which have registered with the Planning Department to receive notice.

3.2.5 Notice and Public Hearings

A. Summary of Notice Required

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

Procedure	Published	Mailed	Posted
Comprehensive Plan Amendment	✓	✓	✓~~2~~
Zoning Map Change	✓	✓	✓
Site Plan		✓~~1~~	
Design or Minor Special Use Permit	✓	✓	✓
Major or Transportation Special Use Permit	✓	✓	✓
Variance	✓	✓	✓
Appeal of Administrative Decision	✓	✓	✓
Historic District Designation	✓	✓	
Historic Landmark Designation	✓	✓	
Minor or Major Certificate of Appropriateness ~~Minor~~ ~~Major~~	~~✓~~	~~✓~~ ✓	✓
UDO Text Amendment	✓	✓	
Vested Rights Determination	✓	✓	✓
Evaluation and Assessment Report	✓		

~~1 Mailed notice shall be required only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans.~~

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

2. Exceptions to the table above are as follows:
   a. Mailed notice for site plans shall be required only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans.
   b. Posting for comprehensive plan amendments shall be required only for amendments that change a Tier designation without an associated zoning map change.
   c. For initial zonings where the City proposes adopting the existing County zoning designation, no posting is required as long as the property owner is notified by mailed notice. (see *City of Durham Code of Ordinances: Part I, Chapter VI, Article 9, Sec. 94, Notice of public hearings*).
   d. For Appeal of Administrative Decision, posting is not required when the appeal is not site specific.

B. Public Notice Requirements

2. Mailed Notice

b. For amendments to the Comprehensive Plan, Zoning Map Changes, Site Plans that require mailed notice pursuant to paragraph 3.2.5A, Summary of Notice Required, Board of Adjustment hearings, and Major Special Use Permits, notice shall also be provided to any organization or individual located within 1,000 feet of the site under consideration which is registered to receive notice pursuant to paragraph 3.2.5D, Registration to Receive Notice. Notice shall be provided to each organization or individual in the manner specified in its registration information, which may be first class mail, electronic mail, or other manner offered by the Planning Director.

Sec. 3.7 Site Plan Review

[Paragraphs not listed remain unchanged]

3.7.3 Types of Site Plans

A. Administrative Site Plans

The approving authority is the Planning Director or designee.

~~**1. Level 1**~~

~~**Criteria:**~~

~~a. Requires only Planning Department review with no change in stormwater management; or~~

~~b. The improvements consist solely of streetscape alterations.~~

~~**2. Level 2**~~

~~Criteria: Requires review by other departments in addition to the Planning Department with no change in stormwater management.~~

~~**3. Level 3**~~

~~Criteria: Stormwater management, or a change in stormwater management, is required or proposed.~~

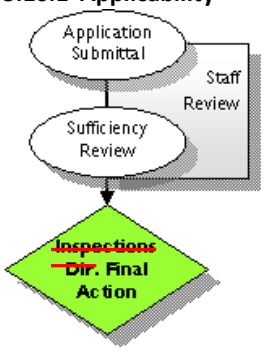
~~**4. Level 4**~~

~~Criteria: A TIA is required.~~

Sec. 3.10 Sign Permit

[Paragraphs not listed remain unchanged]

3.10.1 Applicability



3.10.3 Action by the ~~Inspections~~ Planning Director

Upon review of the application, the ~~Inspections~~ Planning Director or designee shall approve the sign permit provided the sign meets all requirements of this Ordinance, and all other applicable electrical and North Carolina Building Code requirements.

3.10.4 Inspection of Permanent Signs

A. The applicant shall request an inspection ~~by the appropriate inspector~~ after installation of the signs.

B. If the signs are found to be in compliance, the applicant shall receive a permanent seal which identifies the sign. The applicant shall attach the identification in a conspicuous location which is accessible to the ~~Inspections~~ Planning Director or designee. It is recommended that businesses place the permit in a lower corner of the front door of the business in those cases where the seal is not affixed to the sign.

Sec. 3.11 Common and Way-Finding Signage Plans

[Paragraphs not listed remain unchanged]

3.11.4 Revisions and Amendments

A. Revisions or amendments to a common signage plan shall require documentation of notification to ~~from~~ all owners and tenants on the property prior to approval. The notification shall indicate the proposed changes and shall be mailed between 10 to 25 days prior to application submittal.

B. Signs erected after September 1, 1989, and subsequently made nonconforming because of an amendment to a common signage plan shall be brought into compliance with the amended plan within six months of approval of the amended plan.

Sec. 3.12 Temporary Use Permit

[Paragraphs not listed remain unchanged]

3.12.3 Action by the Planning Director

B. Upon hearing recommendations from all appropriate departments, the Planning Director or designee shall approve the issuance of a temporary use permit subject to the following:

8. Required landscaped and vegetated areas remain undisturbed;
~~8~~9. Adequate provisions for trash disposal and sanitary facilities shall be provided; and
~~9~~10. When appropriate, adequate provisions for crowd control shall be provided.

Sec. 3.17 Certificate of Appropriateness
[Paragraphs not listed remain unchanged]
3.17.5 Administrative Certificate of Appropriateness
A. ~~With the concurrence of the chair of the HPC~~Pursuant to the HPC rules of procedure, the Planning Director, or designee, may approve or amend certificates of appropriateness for the following activities, or may refer them to the HPC for a decision:

Sec. 4.9 Major Transportation Corridor Overlay (-MTC)
[Paragraphs not listed remain unchanged]
4.9.3 Buffer Requirements
B. Buffer Width
2. The following buffer widths shall be provided for the following designated major thoroughfares:

MTC Overlay	Buffer Width (feet)	Segment
I-40	100 ~~ft.~~	Orange County line to Research Triangle Park
I-40	100 ~~ft.~~	Research Triangle Park to Wake County line
I-85	50 ~~ft.~~	Avondale Ave. to US Highway 70
I-85	100 ~~ft.*~~	US Highway 70 to Granville County line
I-540	50 ~~ft.~~	Wake County line to Wake County line

~~* - a buffer reduction is allowable under paragraph 4.9.3.D, Adjustments to the Required Buffer~~

D. Adjustments to the Required Buffer
1. Within areas of I-85 MTC Overlay where the required buffer width is identified as 100 feet in paragraph 4.9.3B, Buffer Width, the buffer width can be reduced to 50 feet without a major special use permit if the following conditions are met:
a. On properties proposed for residential purposes, with at least 900 feet of uninterrupted frontage along the limited access highway or frontage road, if present, a noise barrier is built to the NCDOT noise policy and to match existing NCDOT noise barriers; and,
b. On properties proposed for nonresidential purposes that provide a buffer with 80% opacity as defined in paragraph 9.4.5, Constructed Buffer.

Sec. 4.10 Historic Districts Overlay (-H)
[Paragraphs not listed remain unchanged]
4.10.5 Downtown Historic District Overlay
~~**F. Siting**~~
~~New construction placement shall maintain and enhance vistas of historic structures.~~
~~**G. Architectural Standards**~~

~~For development on sites with more than 50 feet of street frontage, the massing or facades of new buildings shall be varied or employ a level of architectural detailing sufficient to ensure visual interest.~~

~~**Commentary:** Building variations to ensure visual interest may include recesses and projections, changes in building materials, changes in fenestration patterns, roofline variations, or decorative elements.~~

Sec. 5.1 Use Table

[Paragraphs and portions of tables not listed remain unchanged]

5.1.1 Use Table Key

A. Types of Uses

1. **Permitted (P)**
   A "P" in the use table indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of this Ordinance, including restrictions and prohibitions within an approved development plan of record for the property under consideration. They are not subject to the limited use standards found in Sec. 5.3, Limited Use Standards.
2. **Permitted Subject to Limitations (L)**
   An "L" indicates that a use shall be permitted by right, provided that the use meets the additional requirements imposed by the referenced section in the "Notes" column of the table. These could include appropriate limited use standards set forth in Sec. 5.3, Limited Use Standards, and, for residential uses, the intensity standards imposed in Article 6, District Intensity Standards, and/or the design standards imposed in Article 7, Design Standards. Such uses are subject to all other applicable requirements of this ordinance, including restrictions and prohibitions within an approved development plan of record for the property under consideration. ~~The applicable requirements are cross-referenced in the far right column of the use table.~~

Attachment A

5.1.2 Use Table

		RESIDENTIAL						NONRESIDENTIAL								PLANNED					DESIGN		
USE CATEGORY	**SPECIFIC USE**	**RR**	**RS**	**RS-M**	**RU**	**RU-M**	**RC**	**CI**	**CN**	**OI**	**CG**	**SRP**	**SRP-C[3]**	**IL**	**I**	**PDR**	**UC**	**CC**	**IP**	**MU**	**DD**	**CD**	**NOTES:**
PUBLIC AND CIVIC USES																							
Community Service	Clubs and lodges	L/m	L/m	L/m	L/m	L/m	L/m	L	L	L	L	L	L	L		‡L/m		‡L	‡L	‡L	L	L	5.3.3C
Passenger Terminals	All passenger terminals, except as listed below	M									M	L		M	M								5.3.7
Places of Worship	All places of worship	L/m	L/m	L/m	L/m	L/m	L/m	~~L~~P	~~L~~P	~~L~~P	~~L~~P			~~L~~P		‡L/m	‡~~L~~	‡~~L~~	‡	‡~~L~~	~~L~~P	~~L~~P	5.3.3J
Utilities	Unipole Wireless Communication Facility	L/M[1]/m~~[2]~~	L/M[1]/m~~[2]~~					L/M[1]		L/M[1]	L/M[1]	L/M[1]	L/M[1]	L/M[1]	L/M[1]		‡L/M[1]	‡L/M[1]	‡L/M[1]	‡L/M[1]	L/M[1]	L/M[1]	5.3.3N
COMMERCIAL USES																							
Restaurants	All restaurants, except as listed below							P	P		P	L	P	P		‡		‡	‡	‡	P	P	5.3.7
Retail Sales and Service	All retail sales and service, except as listed below							P	P		L	L	P	P		‡	L	‡		‡	P	P	5.3.4B; 5.3.7
Vehicle Sales ~~and Service~~	~~Car wash~~										~~L~~			~~L~~	~~L~~			~~‡L~~	~~‡L~~				~~5.3.4E~~
	Manufactured home sales										L			L	L				‡L				5.3.4O
	Vehicle sales, leasing, and rentals										L		L	L	L			‡L	‡L		L		5.3.4U
	~~Vehicle service~~													~~L~~	~~L~~				~~‡L~~				~~5.3.4V~~
	~~Vehicle service, limited~~							~~L~~	~~L/m~~		~~L~~			~~L~~	~~L~~			~~‡L~~	~~‡L~~	~~‡L~~			~~5.3.4V~~
Vehicle Service	Car wash										L			L	L			‡L	‡L				5.3.4E
	Vehicle service, minor							L	L/m		L			L	L			‡L	‡L	‡L			5.3.4V
	Vehicle service, major													L	L				‡L				5.3.4V

Attachment A

Sec. 5.2 Use Categories

[Paragraphs not listed remain unchanged]

5.2.5 Commercial Use Categories

H. Vehicle Sales ~~and Service~~

Characteristics: Direct sales of ~~and service to~~ passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
Principal Uses	**Accessory Uses**	**Uses Not included**
~~Car wash~~ Manufactured housing sales Vehicle sales, rental, or leasing facilities (including passenger vehicles, motorcycles, trucks, boats, and other recreational vehicles) ~~Vehicle service; including alignment shop, auto body shop, auto paint facility, auto upholstery shop, towing service~~ ~~Vehicle service, limited; including auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, tire sales and mounting~~	Ancillary indoor storage Associated offices Incidental sale of parts Single-bay, automatic car wash ~~Towing~~ ~~Vehicle fueling~~ Vehicle storage	Convenience store with gasoline sales (see Retail Sales and Service) Retail sale of farm equipment and machinery and earth moving and heavy construction equipment (see Heavy Industrial) Vehicle parts sale as a principal use (see Retail Sales and Service)

I. Vehicle Service

Characteristics: Direct service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles.		
Principal Uses	**Accessory Uses**	**Uses Not included**
Car wash Vehicle service, major; including alignment shop, auto body shop, auto paint facility, auto upholstery shop, towing service Vehicle service, minor; including auto detailing, auto repair, battery sales and installation, fuel sales (other than with a convenience store), quick lubrication facilities, tire sales and mounting	Ancillary indoor storage Associated offices Incidental sale of parts Single-bay, automatic car wash Towing Vehicle fueling Vehicle storage	Convenience store with gasoline sales (see Retail Sales and Service) Retail sale of farm equipment and machinery and earth moving and heavy construction equipment (see Heavy Industrial) Vehicle parts sale as a principal use (see Retail Sales and Service) Maintenance yard or facility (see Light Industrial Service)

5.2.7 Industrial Use Categories

A. Light Industrial Service

Characteristics: Firms engaged in the manufacturing, assembly, repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products mainly by providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Principal Uses	**Accessory Uses**	**Uses Not included**
Building, heating, plumbing, or electrical contractor, contractor and others who perform services off-site, but store equipment and materials or perform fabrication or similar work on-site Clothing or textile manufacturing Commercial bakery Crematorium Equipment rental Exterminator Food Service Contractor Janitorial and building maintenance service, Laundry, dry-cleaning, and carpet cleaning plants Maintenance yard or facility Manufacture or assembly of equipment, instruments (including musical instruments), appliances, precision items or electrical items, and toys Microbrewery; micro-distillery Movie production facility Photo-finishing laboratory Printing, publishing, and lithography Production of artwork Repair of scientific or professional instruments, electric motors Sheet metal shop Sign-making Soft drink bottling Storage area used for manufacturing Welding, machine, tool repair shop Woodworking, including cabinet makers and furniture manufacturing,	Accessory medical clinic Ancillary indoor storage Associated office Cafeteria Day care Employee recreational facility On-site repair facility Residential unit for security purposes (single unit)	Brewery Caterer (see Restaurants and Retail Sales and Service) Manufacture and production of goods from composting organic material (see Waste-Related Service) Outdoor storage yard (see Warehousing and Freight Movement) Sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures (see Wholesale Trade)

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.3 Public and Civic Use Standards

C. Club or Lodge (Non-profit)

Non-profit clubs or lodges shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:

1. In Residential and PDR Districts:

a. All structures shall be located at least 30 feet from property lines. This distance can be reduced to ~~15 feet~~~~setbacks~~the yards allowed per Sec. 6.9, Nonresidential and

Group Living Development in Residential Districts, if a masonry wall at least six feet high is provided. The wall shall be located outside of the street frontage area and maintain the height limitations pursuant to Sec. 9.9, Fences and Walls.

b. Parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.

2. No outdoor public address systems shall be allowed.

~~**3.** In residential districts, parking located between the structure and the street shall be set back from the right-of-way beyond the minimum or maximum street yard, as applicable.~~

~~**4.** The requirements in paragraphs 1 and 3 do not apply in the Design Districts, in which the structure and parking location requirements of paragraphs 6.12.3A.1 and 6.12.4A.1, Building Placement, and paragraph 10.4.1A.3, Compact Neighborhood and Downtown Tiers, apply instead.~~

~~**5**~~**3.** Clubs and Lodges shall not be permitted in the S2 sub-district of the CD District.

5.3.6 Industrial Use Standards

E. Research and Development

~~**2.** Within the SRP District:~~

~~**a.** Helipads are allowed as an accessory use with approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.~~

~~**b.** Retail sales and service uses, and restaurants without drive-through windows, are allowed as an accessory use with the following conditions:~~

~~(1) No signs shall be visible off-site.~~

~~(2) The use shall be located within a building housing a principal use allowed in the District.~~

5.3.7 SRP District Use Standards

Within the SRP District:

1. Helipads are allowed as an accessory use with approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

2. Retail sales and service uses, and restaurants without drive-through windows, are allowed as an accessory use with the following conditions:

a. No signs shall be visible off-site.

b. The use shall be located within a building housing a principal use allowed in the District.

Sec. 5.4 Accessory Uses and Structures

[Paragraphs not listed remain unchanged]

5.4.2 Accessory Dwellings

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

6. The heated floor area of the accessory dwelling ~~shall be at least 400 square feet in area, but~~ shall not exceed 30% of the heated or air-conditioned floor area of the primary dwelling, except in the RR District, where the heated or air-conditioned floor area can be a maximum of 50% of the primary dwelling heated or air-conditioned floor area on lots of four acres or larger.

~~**Commentary:**~~ Examples of accessory dwelling square footage are:

A 1,333 square foot primary dwelling is needed for a separate 400 square foot accessory dwelling. (30% of 1,333 = 400 square feet)

A 2,000 square foot primary dwelling is needed for a separate 600 square foot accessory dwelling.

Commentary: As with primary dwelling units, accessory dwelling units are required to meet all applicable building and housing codes.

5.4.9 Swimming Pools

A. Private Pools

Private swimming pools (as well as the decking and equipment associated with the pool) located on any residential lots with the exception of those described in paragraph B below, shall not be located between the street and the principal structure unless located to the rear of the primary structure, and shall not be closer than five feet to any property line.

5.4.12 Limited Agriculture (City Only)

B. Domestic Chickens

4. ~~Permitted Housing Types~~Accessory to Single-Family Housing Types

Residents of single-family houses ~~and townhouses~~ can keep chickens as authorized under this section. A limited agriculture permit shall not be issued for chickens at other housing types.

7. Construction~~, and~~ Design, and Location for Coop and Pen

a. Location

Notwithstanding the location requirements of paragraph 5.4.1, Accessory Structures, chicken coops shall be located at least 15 feet from any property line or public right-of-way, and chicken pens shall be located at least five feet from any property line or right-of-way.

b. Coop

(1) Except as required in paragraph 5.4.12B.7.a, Location, ~~The~~the chicken coop shall comply with the requirements of ~~Sec.~~paragraph 5.4.1, Accessory ~~Uses and~~ Structures.

(2) The coop shall be enclosed with solid material on all sides and have a solid roof and door(s).

(3) The coop shall be at least 18 inches high, and provide at least ~~3~~ three square feet of floor area per chicken.

(4) The coop shall provide ~~1~~ one square foot of window per 15 square feet of floor area, and vents as necessary to ensure adequate ventilation. If the floor area is less than 15 square feet, then at least one window measuring one foot by one foot shall be provided. ~~The materials for each element, e.g., walls, roof, windows and doors, shall be uniform and in harmony with the surrounding area.~~

(5) Doors shall be constructed so that they can shut and lock. Windows shall be constructed so they can shut.

(6) Windows and vents shall be covered with wire that is ~~14 1/2~~16-gauge or ~~less~~ wider diameter with maximum spacing of ~~1~~ one inch by ~~1~~ one inch. ~~The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.~~

~~b.~~c. Pen

(1) The chicken pen shall be constructed of wood or metal posts and wire fencing material that is ~~14 1/2~~ 19-gauge or ~~less~~ wider diameter with maximum spacing, overall or along the lower portion for graduated poultry fencing, of ~~1~~ one inch by ~~6~~ six inches.

(2) The pen shall provide at least 10 square feet of area per chicken. The fence shall rise at least ~~4~~ four feet above the ground, and be buried at least ~~1~~ one foot in the ground.

(3) The pen shall be covered with wire, aviary netting, or solid roofing.

~~**11. Location**~~

~~Notwithstanding the location requirements of Sec. 5.4, Accessory Uses and Structures, chicken coops shall be located at least 15 feet from any property line or public right of way, and chicken pens shall be located at least 5 feet from any property line or right-of-way.~~

Sec. 5.5 Temporary Uses

[Paragraphs not listed remain unchanged]

5.5.1 In General

A. The maximum allowed time period for a Temporary Use Permit is 45 days, unless otherwise specified below. A Temporary Use Permit can be renewed for an additional 45 days, unless otherwise specified below.

B. No more than one permit and one renewal shall be issued for any temporary use on a property within a 12 month period, unless otherwise specified below.

C. Unless otherwise specified below and regardless of whether a temporary use permit is required, a temporary use shall not be located in required parking, or landscaping or vegetated areas; shall not obstruct pedestrian or vehicular access or circulation; and shall not obstruct access to fire hydrants or connections.

5.5.2 Specific Temporary Uses

N. Temporary Healthcare Structures

1. General

a. Temporary healthcare structures shall comply with the provisions for such structures pursuant to NCGS 160A-383.5 or 153A-341.3, as amended.

b. Connection to public or private water and sewer systems shall comply with all applicable City, County, and State regulations.

2. Permitted Timeframe

a. Temporary healthcare structures are allowed for one 12-month period. The temporary use permit can be renewed on an annual basis as long as compliance with all applicable regulations is documented and a renewal of a doctor's certification is provided.

b. Removal of the structure shall comply with NCGS 160A-383.5 or 153A-341.3, as amended.

~~N~~O. Temporary Structures on Nonresidential Development or Residential Development with at Least 50 Units [Text remains unchanged]

~~O~~P. Tents [Text remains unchanged]

Sec. 6.2 Residential Rural (RR) Development Intensity

[Paragraphs not listed remain unchanged]

6.2.1 Development Standards

A. Dimensional Standards

~~**2.** Minimum lot areas for conservation subdivisions shall be approved by the County Health Department for individual wastewater treatment systems or "Package Plant" style wastewater treatment systems. Where public wastewater systems are approved to serve the development, no minimum lot sizes shall apply~~.

~~**3**~~**2.** Within a conservation subdivision:

a. The minimum street yard shall be eight feet.

b. No minimum side yard shall apply; however, a minimum building separation of 10 feet shall apply.

c. Rear yards shall be those indicated for conventional subdivisions in the table in paragraph 6.2.1A.1 above.

d. Minimum lot areas for conservation subdivisions shall be approved by the County Health Department for individual wastewater treatment systems. Where public or community wastewater systems are approved to serve the development, no minimum lot size or width shall apply.

~~**4**~~**3.** Additional height is permitted for non-farm structures at a rate of one additional foot for every one foot of additional setback provided. In no event shall the structure be more than 45 feet in height.

C. Accessory Structure Requirements (City Only)

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

Commentary – The Durham City Code of Ordinances considers the accumulation of refuse and debris a public nuisance pursuant to Sec. 26-179, Accumulation of refuse and debris declared public nuisance; abatement.

6.2.4 Conservation Subdivision

F. Open Space Requirements

1. Relationship to other open space requirements

Except for paragraph ~~7.2.6~~7.2.5, Ownership and Management of Open Space, the requirements of Sec. 7.2, Open Space, do not apply to conservation subdivisions.

Sec. 6.3 Residential Suburban (RS) Development Intensity

[Paragraphs not listed remain unchanged]

6.3.1 Development Standards

A. Dimensional Standards

1. 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.

	RS-20		RS-10		RS-8		RS-M		
Dimensional Standard	**Min.**	**Max.**	**Min.**	**Max.**	**Min.**	**Max.**	**Min.**	**Max. without Development Plan**	**Max. with Development Plan (see paragraph 3.5.6)**
Residential Density (units per acre)	---	2.0	---	4.0	---	5.0	---	8.0	18.0
Open Space(% of gross area) [1]									
Conventional Subdivision	---	---	15	---	15	---	18	---	---
Cluster Subdivision	---	---	15	---	15	---	18		---
~~Useable Open Space~~	~~—~~	~~—~~	~~5~~	~~—~~	~~5~~	~~—~~	~~6~~		~~—~~
Site Area (acres)									
Conventional Subdivision	---	---	---	---	---	---	---	---	---
Cluster Subdivision	4	---	4	---	4	---	---	---	---
Site Width (feet)	---	---	---	---	---	---	200	---	---
Lot Area (square feet) Conventional Single-Family Detached	20,000	---	10,000	---	8,000	---	5,000	---	---
Other Housing Types	See Sec. 7.1, Housing Types								
Height (feet)	---	35	---	35	---	35	---	35	

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

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

2. Livestock shall be kept in pens, chicken coops, corrals, or similar enclosures. ~~Drainage shall be provided for the pen or enclosure to avoid creating breeding areas for insects.~~ **Commentary** – The Durham City Code of Ordinances considers the accumulation of refuse and debris a public nuisance pursuant to Sec. 26-179, Accumulation of refuse and debris declared public nuisance; abatement.

6.3.3 Residential Density

C. Lot Averaging

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

1. The maximum reduction allowed is 15% of the minimum lot area;

2. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and

~~2~~3. The overall density of the subdivision does not exceed the maximum permitted residential density.

D. Application of Density Requirements for Single-Family Development

For single-family developments, the density requirements in paragraph 6.3.1A, Dimensional Standards, do not apply if the project does not require subdivision or site plan approval.

Sec. 6.4 Residential Urban (RU) Development Intensity

[Paragraphs not listed remain unchanged]

6.4.3 Residential Density

C. Lot Averaging

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

1. The maximum reduction allowed is 15% of the minimum lot area;

2. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
~~2~~3. The overall density of the subdivision does not exceed the maximum permitted residential density.

D. Townhouse Transitional Use

Sites located immediately between and adjacent to nonresidential and single-family residential uses can develop as townhouses, using the dimensional provisions of paragraph 7.1.8, Townhouses, to serve as a transitional use. Projects developed utilizing this option shall meet all of the requirements of Sec. 6.8, Infill Development in Residential Districts, where applicable, except that the requirements regarding minimum lot width established in paragraph 6.8.2, Lot Width, shall not apply.

E. For single-family and two-family developments, the density requirements in paragraph 6.4.1A, Dimensional Standards, do not apply if the project does not require subdivision or site plan approval.

Sec. 6.5 Residential Compact (RC) Development Intensity

[Paragraphs not listed remain unchanged]

6.5.3 Residential Density

B. Lot Averaging

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

1. The maximum reduction allowed is 15% of the minimum lot area;
2. The average area of all lots in the subdivision meets or exceeds the minimum lot area; and
~~2~~3. The overall density of the subdivision does not exceed the maximum permitted residential density.

D. For single-family and two-family developments, the density requirements in paragraph 6.5.1A, Dimensional Standards, do not apply if the project does not require subdivision or site plan approval.

Sec. 6.8 Infill Development in Residential Districts

[Paragraphs not listed remain unchanged]

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 are allowed in street yards.~~

4. Corner Lots
   a. Each street yard shall be determined separately.
   b. At the discretion of the applicant, the minimum street yard shall be either:
      (1) The average street yard of the nearest two developed parcels (as defined by the distance between the primary structure on each property and the edge of the right-of-way) along the same block face and within the same zoning district; or
      (2) The base zoning district requirement.
5. Alleys shall not be considered to create a new block. Parcels on the opposite side of an alley shall be consider adjacent or along the same block face, as applicable.

Sec. 6.10 Nonresidential District and Group Living Development Intensity

[Paragraphs not listed remain unchanged]

6.10.2 Residential Development in Nonresidential Districts

A. Permitted Housing Types and Other Residential Development

3. For all other ~~housing types~~residential development, the development standards applicable to the housing type, or the base zoning district for upper story residential, shall apply.
4. **Height for Housing Types**
   a. The maximum height for the housing type shall be as follows:

Tier of the Development Site	Maximum Height, in feet	
	Single-Family Detached House	All other allowed Housing Types
Rural and Suburban	35	Height as allowed for the RS-M District per paragraph 6.3.1A, Dimensional Standards
Urban	35	Height as allowed for the RU-M District per paragraph 6.4.1A, Dimensional Standards
Compact Neighborhood	35	Height as allowed for the RC District per paragraph 6.5.1A, Dimensional Standards

   b. For Single-family detached house, additional height is allowed at a rate of one foot per one foot of additional setback provided, with a maximum height of 45 feet.

~~4.~~5. Street level residential development shall not be allowed in the CI District, except for townhomes.

Sec. 6.11 Planned Districts

[Paragraphs not listed remain unchanged]

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

I. Parking

3. If a sub-area does not meet the minimum parking standards, any proposed development in that sub-area that requires a site plan, except for ~~Level 1 plans~~the following exemptions, shall include motor vehicle and/or bicycle parking, as applicable, to lessen the deficiency.

a. In lieu of providing additional motor vehicle parking, documentation of new or revised remote parking facilities that remove or lessen the deficiency, but do not create new deficiencies elsewhere, can be provided.

b. Exemptions from providing any additional parking consist of the following improvements:

(1) Unmanned facilities of less than 1,000 square feet, such as storage rooms, mechanical equipment, coolers, or stand-alone ice kiosks;

(2) Buildings or additions of less than 1,000 square feet of building area;

(3) Improvements that are documented to solely bring existing facilities up to current health, safety, or building code requirements;

(4) Grading and/or utility improvements for sewer or water service; or

(5) Any site plan submittal that only requires review by the Planning Department.

6.11.7 Mixed Use (MU)

J. Parking

2. Nonresidential

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

~~**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.~~

a. Based upon the parking rates in paragraph 10.3.1A.4, Parking Rate Table, the amount of motor vehicle parking shall be required as follows:

Minimum	80% of the parking rate
Maximum	100% of the parking rate. An additional 25% is allowed as long as the additional parking spaces are located within structured parking (above ground or underground)

N. Additional Requirements

1. Unless the public transit provider indicates in writing to the Planning Director that a shelter is not required, ~~Construction~~ construction of bus shelters shall be mandatory wherever the project includes or is adjacent to an existing or previously identified transit

line extension proposed in adopted documents by ~~DATA, Triangle Transit, or another~~the public transit provider.

Sec. 7.1 Housing Types

[Paragraphs not listed remain unchanged]

7.1.2 Single-Family Detached House

B. Development Standards

Single-Family Detached Standards	RS-20	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision							
Lot Dimensions (min. square feet)							
Lot Area (w/o averaging.)	20,000	10,000	8,000	5,000	5,000	3,500	5,000
Lot Area (with averaging)[1]	17,000	8,500	6,800	4,250	4,250	2,975	4,250
Lot Width (feet)	100	75	60	35	45	35	35
Yards (min. feet)[2]							
Street Yard (adjoining collector or greater street)	35	25	25	25	20	15[3]	10[3]
Street Yard (adjoining local street)	35	25	25	20	20	15[3]	10[3]
Street Yard (with rear vehicular or alley access)	5	5	5	5	5	5	5
Side Yard (single)	12	10	9	6	6	6	6
Side Yard (total)	30	24	22	15	15	15	15
Rear Yard	25	25	25	25	25	25	25
Cluster Subdivision							
Lot Dimensions (min.)							
Lot Area (square feet)	10,000	5,000	4,000	---	3,500	---	---
Lot Width (feet)	75	40	40	---	40	---	---
Yards (min. feet)							
Street Yard	25	20	20	---	15[3]	---	---
Street Yard (with rear vehicular or alley access)	5	5	5	---	5	---	---
Side Yard (single)	9	6	6	---	5	---	---
Side Yard (total)	22	13	13	---	12	---	---
Rear Yard	25	25	25	---	25	---	---

[1] Lot area with averaging may only be used if the requirements of paragraph 6.3.3C, Lot Averaging, paragraph 6.4.3C, Lot Averaging, paragraph 6.5.~~3C~~3B, Lot Averaging, as appropriate are met.

[2] Yard modifications may be required pursuant to an adopted corridor study, a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

[3] Shall be 20 feet with front-loaded vehicular access or driveways.

7.1.3 Zero Lot Line House

B. Development Standards

Zero Lot Line House Standards	RS-10	RS-8	RS-M	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision						
Lot Dimensions (min. square feet)						
Lot Area (w/o averaging) Lot Area	10,000	8,000	5,000	5,000	3,500	5,000
(with averaging)[1]	8,500	6,800	4,250	4,250	2,975	4,250
Lot Width (feet)	75	60	35	45	35	35
Yards (min. feet)[2]						
Street Yard (adjoining collector or greater street)	25	25	25	20	15[3]	10[3]
Street Yard (adjoining local street) Street Yard	25	25	20	20	15[3]	10[3]
(with rear vehicular or alley access) Side Yard	5	5	5	5	5	5
(single)	0	0	0	0	0	0
Side Yard (total)	20	18	12	12	12	12
Rear Yard	25	25	25	25	25	25
Cluster Subdivision						
`Lot Dimensions (min.)						
Lot Area (square feet)	5,000	4,000	---	3,500	---	---
Lot Width (feet)	40	40	---	40	---	---
Yards (min. feet)						
Street Yard Street	20	20	---	15[3]	---	---
Yard (with rear vehicular or alley access)	5	5	---	5	---	---
Side Yard (single)	0	0	---	0	---	---
Side Yard (total)	12	12	---	10	---	---
Rear Yard	25	25	---	25	---	---

[1] Lot area with averaging may only be used if the requirements of paragraph 6.3.3C, Lot Averaging, paragraph 6.4.3C, Lot Averaging, paragraph 6.5.~~3C~~3B, Lot Averaging, as appropriate are met.

[2] Yard modifications may be required pursuant to an adopted corridor study, a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

[3] Shall be 20 feet with front-loaded vehicular access or driveways.

7.1.4 Traditional House

B. Development Standards

Traditional House Standards	RU-5, RU-5(2)	RU-M	RC
Conventional Subdivision			
Lot Dimensions (min. square feet) Lot Area (w/o averaging)	5,000	3,500	5,000
Lot Area (with averaging)[1]	4,250	2,975	4,250
Lot Width (feet)	45	35	35
Yards (min. feet)[2]			
Street Yard	5	5	5
Side Yard (single)	6	6	6
Side Yard (total)	15	15	15
Rear Yard	25	25	25
Cluster Subdivision			
Lot Dimensions (min.) Lot Area (square feet) Lot	3,500	---	---
Width (feet)	35	---	---
Yards (min. feet)			
Street Yard	5	---	---
Side Yard (single)	5	---	---
Side Yard (total)	12	---	---
Rear Yard	25	---	---

[1] Lot area with averaging may only be used if the requirements of paragraph 6.4.3C, Lot Averaging, and paragraph 6.5.~~3C~~3B, Lot Averaging, as appropriate, are met.

[2] Yard modifications may be required pursuant to an adopted corridor study, a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).

7.1.8 Townhouse

B. Development Standards

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

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

1 Yard modifications can be required pursuant to an adopted corridor study, a neighborhood protection overlay, or through application of infill regulations (Sec. 6.8, Infill Development in Residential Districts).
2 Yards can be reduced to as little as 12 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.
3 Front vehicular access can be reduced to as little as 20 feet if the structures are located interior to a project and do not front on a street classified as a collector or greater.

Sec. 7.6 Utility and Solid Waste Collection Facilities

[Paragraphs not listed remain unchanged]

7.6.2 Location

A. All utilities (including heating or air conditioning units and other mechanical equipment) and solid waste collection facilities shall be located on the same lot as the use served. Off-site solid waste collection facilities ~~unless shared facilities are approved by the approving authority~~are allowed with ~~evidence~~ documentation of a shared facility agreement between ~~all~~ property owners.

7.6.4 Additional Requirements for Solid Waste Collection Facilities

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

D. All solid waste collection facilities shall be designed to prevent wind-blown debris from leaving the site.

E. All food-related businesses shall provide water quality treatment in conformance with applicable standards and design guidelines for runoff from solid waste collection facilities.

F. Additional Requirements for Design Districts

2. Where shared solid waste collection facilities exist on sites to be redeveloped, the redevelopment shall continue to accommodate sufficient shared facilities.

Sec. 8.3 Tree Protection and Tree Coverage

[Paragraphs not listed remain unchanged]

8.3.1 Tree Coverage Standards

C. Tree Coverage

4. Tree coverage standards can be met either by preserving existing trees on the site, by planting replacement trees, or a combination of both.

a. Suburban Tier

The percentage of a tract which shall have tree coverage is as indicated in the table below. The total tree coverage area shown reflects the addition of replacement tree coverage area to the preserved tree coverage area shown. For certain calculation exclusions in paragraph 8.3.1C.5, Tree Coverage Calculation Exclusions, the total required tree coverage may be adjusted.

5. Tree Coverage Calculation Exclusions

a. For the purposes of calculating tree coverage requirements, the following shall be excluded from the total area of the development tract:

~~**a.**~~(1) The water surface area of ponds, lakes and other water bodies (excluding stormwater control structures).

~~**b.**~~(2) Right-of-way dedication for the widening of existing road right-of-way.

~~**C**~~**b.** For the purposes of calculating tree coverage requirements, the following exclusions can be applied:

(1) (City Only) For single-family residential development in the Suburban Tier: The area within a utility easement of record (power, gas, water, or sewer) that measures at least 50 feet in width and exists at the time of application submittal. If an application claims this exclusion, the following shall apply:

(~~1~~a) The exclusion shall only be applied to ~~paragraph 8.3.1E,~~the area calculation for Replacement Tree Coverage and shall allow for adjustment to the overall tree coverage percentage requirement to accommodate the exclusion;

Example: An application requires tree coverage for a 100-acre development tract, with five acres within a qualifying easement. Per the table in paragraph 8.3.1C.4.a, Suburban Tier, 15% is proposed for tree preservation, therefore requiring 8% for tree replacement for a total of 23% tree coverage. The exclusion shall be applied as follows:

15% of 100 acres = 15 acres for tree preservation

8% of 95 acres (5 acres removed from the 100 acres) = 7.6 acres

The total tree coverage required = 22.6 acres, or 22.6% (adjusted from the original 23% requirement to accommodate the exclusion)

(~~2~~b) No density credit shall be allowed for land within the easement; and

(~~3~~c) No pervious surface credit shall be allowed for land within the easement in determining the overall percentage of impervious surface of the development.

(2) Where evidence can be provided that a portion of a development tract has been in continuous agricultural use since January 1, 1980, the tree coverage standard indicated in paragraph 8.3.1C, Tree Coverage, can be reduced by the proportion of the entire development tract that is in such agricultural use, up to 33%. Such portion of the tract shall not be required to remain in agricultural use upon approval of a site plan by the approving authority. Tree coverage requirement reductions under this paragraph shall not apply to nonresidential development.

EXAMPLE: A 100 acre site in the Suburban Tier is to be developed as single-family housing. Twenty percent of the site is currently in agricultural use. Therefore, instead of the 20% tree coverage requirement, the overall site is only required to provide 16% tree coverage.

8. Trees can satisfy both tree coverage requirements, and landscaping and buffering requirements within Article 9, Landscaping and Buffers, as applicable, as along as all applicable standards can be met.

E. Replacement Tree Coverage

~~**8.** Where evidence can be provided that a portion of a development tract has been in continuous agricultural use since January 1, 1980, the tree coverage standard indicated in paragraph 8.3.1C, Tree Coverage, can be reduced by the proportion of the entire development tract that is in such agricultural use, up to 33%. Such portion of the tract shall not be required to remain in agricultural use upon approval of a site plan by the approving authority. Tree coverage requirement reductions under this paragraph shall not apply to nonresidential development.~~

~~**EXAMPLE:** A 100 acre site in the Suburban Tier is to be developed as single-family housing. Twenty percent of the site is currently in agricultural use. Therefore, instead of the 20% tree coverage requirement, the overall site is only required to provide 16% tree coverage.~~

~~**9**~~**8.** Areas designated as replacement tree coverage shall be subject to the use limitations imposed on preserved tree coverage in paragraph 8.3.1D.5, Construction in Preserved Tree Coverage Areas, except that stormwater control measures designed as bioretention facilities shall be allowed.

~~**10**~~**9.** Replacement trees shall be planted before any Certificate of Compliance is issued, unless the planting has been deferred to an appropriate season in accordance with the requirements of paragraph 9.11.2, Extensions for All Other Development.

Sec. 9.4 Project Boundary Buffers

[Paragraphs not listed remain unchanged]

9.4.3 Standards

B. Project Boundary Buffer Table

How to Use this Table: The second number represents the Total Buffer, which normally occurs across the property line, with unequal responsibility for buffering on both sides of the line based on intensity of the use or district. Therefore:

(1) The first number indicates the required opacity when adjacent to ~~vacant~~ undeveloped land.

(2) The second number is the opacity required when adjacent to a development without a buffer.

(3) If a buffer exists on adjacent property, the required opacity on the property to be developed shall be the difference between the opacity on the adjacent property from the total, or second, opacity number.

(4) A zero means no project boundary buffer is required.

Example: A new development in the CG District abutting a developed RS District without a buffer would be required to provide a buffer with a total opacity of .8 (80% opaque). If

the adjacent RS property were ~~vacant~~undeveloped, the requirement would be reduced to .6 (60% opaque), and the developer of the RS property would provide the remaining .2 (20%) at the time of development of the residential property.

9.4.5 Constructed Buffer

B. Rural and Suburban Tier

1. The buffer width and planting requirements in the table below shall be used to meet the opacity standards established in paragraph ~~9.4.3B, Project Boundary Buffer Table~~9.4.3, Standards. Use of the interactive buffer model established pursuant to paragraph 9.4.7, Interactive Buffer Model, shall not be permitted, except where the slope of the buffer is at least 15%, in which case the requirements of paragraph 9.4.5D, Existing Slope Impacts, shall be applied.

C. Urban, Compact Neighborhood, and Downtown Tiers

1. The buffer width and planting requirements in the table below shall be used to meet the opacity standards established in paragraph ~~9.4.3B, Project Boundary Buffer Table~~9.4.3, Standards, for the Urban Tier and those areas of the Downtown and Compact Neighborhood Tiers that adjoin development in the Urban or Suburban Tiers and the opacity standards established in paragraph 9.4.1C for Design Districts.

9.4.8 Walls, Berms and Fences in Buffers

A. Walls

8. Walls shall comply with the height requirements pursuant to Sec. 9.9, Fences and Walls, except that walls located outside of areas that qualify as street frontage shall be a minimum height of six feet.

9.4.10 Permitted Activity Within Project Boundary Buffers

A. ~~Driveways~~Vehicular and pedestrian passageways such as driveways, railroad right-of-way, and bicycle and ~~walkways~~pedestrian paths, and utilities can cross a project boundary buffer, provided they cross at a maximum of 15 degrees from perpendicular.

B. Stormwater management facilities can be located in a buffer provided that an upland area that meets or exceeds the opacity requirements of paragraph ~~9.4.3B, Project Boundary Buffer Table~~9.4.3, Standards, is ~~provide~~provided.

Sec. 9.7 Screening

[Paragraphs not listed remain unchanged]

9.7.2 Standards

A. The following is required screening material that can be used individually or in combination to provide year-round screening. Solid waste facilities shall only utilize options 1, 2, or 3 ~~below~~. Options 1, 2, and 3 may require additional screening per paragraph 9.7.2D, Screen Wall or Fence Visible Off-Site~~:~~.

1. Solid walls constructed of material per paragraph 9.9.3, Walls;

2. Wood fences with a minimum opacity of 85%;

3. Metal panels with a minimum opacity of 85%;

4. Solid evergreen hedge per paragraph 9.7.2C, Evergreen Hedges;

5. Earth berm constructed pursuant to paragraph 9.4.8B, Berms; or

6. Wood fences or metal panels with an opacity of less than 85% augmented with upright evergreen shrubs planted four feet on center along the length of the screening.

D. Screen Wall or Fence Visible Off-Site

One upright shrub of an evergreen species shall be installed per four linear feet of any screen wall or fence that is visible off-site. This shall not apply to screening around roof-top equipment, if option 6 is used per paragraph 9.7.2A, or for sites within the CI District or Design Districts.

Sec. 9.9 Fences and Walls

[Paragraphs not listed remain unchanged]

9.9.1 Height

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

1. A higher fence or wall is allowed by other provisions of this Ordinance; or

2. The fence is associated with a recreational facility, such as a tennis court; or

3. The fence is associated with an electrical substation; or

4. As required by the ~~U.S. Department of Homeland Security~~state or federal government.

Fence or Wall Location	**Maximum Height, in Feet**	
	Rural	**Other Tiers**
Street Frontage*		
By Right, Non-Electric	8	4
With a Minor Special Use Permit:		
Non-Electric	-	8
Electric	10	10
No Street Frontage		
By Right, Non-Electric	8	8
By Right, Electric	10	10

9.9.4 Retaining Walls

B. Retaining walls built to support a grade eight feet or more higher than the grade at the interior edge of the project boundary buffer shall also be set back 10 feet from ~~the interior edge of~~ the buffer.

Sec. 10.2 General Requirements

[Paragraphs not listed remain unchanged]

10.2.2 Facilities Required

B. Required Park and Ride Parking Spaces

Commercial and office developments which provide 400 or more parking spaces shall designate at least 5% of the required spaces as "Park and Ride" spaces. The following shall also apply.

1. ~~; however, no~~ No more than 100 spaces shall be required.

2. A sign or signs shall be used to designate that the spaces are reserved for park and ride use during non-holiday weekdays between 6 a.m and 6 p.m. ~~Park-and-ride spaces, for the purpose of this paragraph, shall be defined as spaces to be occupied by vehicles left by individuals who transferred to other modes of transportation for the remainder of their trip to an off-site location (for example, a driver who transferred from a car to a bus or carpool for the remainder of the trip to work or school).~~

3. Bus shelters shall be required ~~in the vicinity~~if the transit stop is within ¼-mile of the Park and Ride area unless ~~DATA, Triangle Transit, or another publicly sponsored transit~~the applicable public transit provider indicates in writing to the Planning Director that a shelter is not required~~ notifies the Planning Department that a shelter is not required~~.

10.2.5 Calculation of Spaces

B. Requirements for the number of parking spaces for motorized vehicles and bicycles for each use are listed elsewhere in this section. The requirements may result in the calculation of a fractional parking space.

1. If the fraction is less than 0.5, the fraction shall be deleted. If the fraction is 0.5 or greater, the fraction shall count as one parking space.
2. If the calculation results in a number less than two, then the minimum requirement shall be two spaces, unless:
   a. The parking is in addition to existing parking areas; or
   b. A different minimum requirement is specified.

Sec. 10.3 Required Parking

[Paragraphs and portions of tables not listed remain unchanged]

10.3.1 Required Motorized Vehicle and Bicycle Parking

A. Parking Rates

4. Parking Rate Table

Use Category	Specific Use	Motor Vehicle (MV) Spaces	Minimum Bicycle Parking, except in the Downtown and Compact Neighborhood Tiers
RESIDENTIAL USES			
Household Living	All household living	2 per unit	Multifamily (except townhome): 1 per 10 units
Educational Facilities	All educational facilities, except as listed below	6 per classroom + 1 per 300 SF floor area of administrative office space	1 per classroom
	~~Kindergarten, elementary,~~ Elementary (inclusive of pre-k and preschool programs), middle school	1 per classroom + 1 per 300 SF floor area of administrative office space	1 per classroom
	College or University	1.25 per dorm room + 1 per classroom + 1 per 300SF of administrative office space	20% of provided motor vehicle parking
	Distance Learning Facility	1 per 300 SF floor area	1 per 5,000 SF floor area, minimum 4 spaces

B. Required Parking

1. The amount of motor vehicle parking shall be a percent of the amount indicated in paragraph 10.3.1A.4, Parking Rate Table. The minimum and maximum parking rates are as follows. For fractions, refer to paragraph 10.2.5, Calculation of Spaces.~~:~~

Sec. 10.4 Design Standards

[Paragraphs not listed remain unchanged]

10.4.2 Parking Space Design Standards

A. Dimensions

~~**2.** All spaces shall have a minimum vertical clearance of eight feet.~~

~~**3**~~**2.** [Text remains unchanged]

~~**4**~~**3.** [Text remains unchanged]

~~**5**~~**4.** [Text remains unchanged]

D. Surfacing

2. In All Other Tiers

a. In the Urban and Suburban Tiers

(1) All required vehicle use areas and driveways, ~~and all vehicle use areas and driveways proposed in the Downtown Tier,~~ except for those associated with single-family dwellings, shall be paved in accordance with standards and specifications of the City Public Works Department.

~~**b.**~~ (2) All excess vehicle use areas, and those associated with single-family dwellings, shall be covered with an all-weather surface designed to support anticipated loads.

b. In the Compact Neighborhood and Downtown Tiers, all vehicle use areas and driveways shall be paved in accordance with standards and specifications of the City Public Works Department.

10.4.3 Design Standards for Handicapped Accessible Parking

A. A handicapped accessible parking space can be reduced to an eight-foot width as long as the space is adjacent to a minimum five-foot access aisle marked and constructed to ADA standards. Otherwise, the parking space shall be sized as a standard parking space.

~~**A**~~**B.** All off-street handicapped accessible parking spaces shall be located in the closest parking area to a public entrance to the building but no more than 250 feet from such entrance.

~~**B**~~**C.** All off-street handicapped accessible parking spaces shall be paved in accordance with standards and specifications of the City Public Works Department.

~~**C**~~**D.** All off-street handicapped accessible parking spaces shall be designated by a sign or other means specified by State requirements.

Sec. 11.5 Signs Allowed in Right-of-Way

[Paragraphs not listed remain unchanged]

11.5.1 General

The following signs are allowed within the public right-of-way in all zoning districts. Where such signs are permanent signs, they shall require a license agreement approved by the Public Works Director, or designee ~~(in the City~~) and/or an encroachment agreement approved by NCDOT ~~(in the County)~~ as applicable~~except as specified in Sec. 11.6, Signs Requiring Permits~~. Signs allowed in right-of-way shall meet all other applicable requirements of this Article.

E. Signs identifying a recognized community, subdivision or development provided that such signs are consistent with an approved overall sign plan, site plan or subdivision plat**.** This shall also include signs pursuant to paragraph 11.6.2A.10, Off-Premise Non-Residential Entry Signs.

Sec. 11.6 Signs Requiring Permits
[Paragraphs not listed remain unchanged]
11.6.2 Standards for Freestanding Signs
A. Design Districts, and Nonresidential Districts and Uses
10. Off-Premise Non-Residential Entry Signs
a. Signs shall be located on a property that is part of the development, within right-of-way that serves the development as allowed in Sec. 11.5, Signs Allowed in Right-of-Way, , or on a parcel adjacent to the development tract that is zoned non-residential or multifamily~~, and does not already maintain a freestanding sign within 300 feet of the proposed sign~~.
c. ~~The sign shall not be located or encroach within public right-of-way.~~ The sign shall be at least 300 feet from other freestanding signs that serve the development.

Sec. 14.2 Nonconforming Uses
[Paragraphs not listed remain unchanged]
14.2.1 Limitations on Nonconforming Uses
A. Floor area shall not be enlarged, except for improvements that allow existing buildings to meet local health, sanitary, or safety code requirements or that are necessary to ensure safe living or occupancy conditions~~the exceptions specified in paragraph 14.4.1B~~;

Sec. 15.4 Penalties
[Paragraphs not listed remain unchanged]
15.4.4 Amount
~~**A.**~~ The Planning Director, or designee, may impose a civil penalty of ~~up to~~ $500 per violation.
~~**B.** The Planning Director, or designee, shall formulate written guidelines for zoning enforcement officers to use in assessing civil penalties. Criteria for assessing civil penalties shall include, but not be limited to:~~
~~1. The violator's knowledge of legal requirements;~~
~~2. Whether the violator has been guilty of past violations;~~
~~3. The possible profit to the violator in continuing the violation;~~
~~4. The impact of the violation on the community;~~
~~5. The degree of noncompliance; and~~
~~6. The cost and time required to remedy the violation.~~

Sec. 16.3 Defined Terms
[Definitions not listed remain unchanged]

Affordable Housing Dwelling Unit: A dwelling unit committed for a minimum 15-year term as affordable, through covenants or restrictions, to households with incomes at 60% or less of the area median income for a family, as defined by the United States Department of Housing and Urban Development, for the jurisdiction; and where housing costs (rent or mortgage) do not exceed 30% of a family's income.

Floor Area: Area of enclosed (i.e. roofed and walled) built space, excluding any unfinished area used exclusively for storage or mechanical elements~~, uncovered steps and uncovered porches~~.

Group Home: A dwelling ~~operated under State regulations~~ that provides room and board for more than six, but less than 13 individuals who as a result of age, illness, handicap or some specialized program, require personalized services or a supervised living arrangement in order to assure their safety and comfort. Additional requirements may be imposed by the North Carolina Building Code.

Lot, Through: See "Lot, Double-Frontage."

Micro-distillery: A distillery that produces no more than 50,000 US gallons per year. Other typical names include, but are not limited to, "craft distillery," "small batch distillery," and "artisan distillery."

Park and Ride: Motor vehicle parking spaces to be occupied by vehicles left by individuals who transferred to other modes of transportation for the remainder of their trip to an off-site location (for example, a driver who transfers from a car to a bus, train, or carpool for the remainder of the trip to work or school).

Playground: A constructed area designated for play and recreation typically for children, surfaced with material recommended by the most current safety handbook published by the U.S. Consumer Product Safety Commission, and consisting of play structures and equipment, including but not limited to, slides, swings, rockers, and climbing apparatus.

Rural Village - An area delineated on the Future Land Use Map, within the Rural Tier, that can include residential, commercial, office, institutional, and open space/recreation land uses~~, and allows a residential density up to one dwelling unit per acre~~.

Yard, Rear: That portion of a yard between the required rear setback and the rear property line extending the full width of the lot between side lot lines. The rear yard width is measured perpendicular to the rear lot line. The rear yard shall be the yard on the opposing side of the primary structure from the main or primary entrance to the primary structure. No rear yard shall apply for triangular or pie-shaped lots where there is no rear property line.

Vehicle Storage ~~Areas~~Yard: A bulk and non-public holding facility for fleet vehicles, vehicles held for sale or repair, or the storage of operable or inoperable vehicles awaiting adjustment or settlement of insurance claims or motor vehicles that have been impounded by the police. No dismantling of vehicles is permitted.

PART 4
[Revisions that result in changes in policy]

Sec. 3.2 Common Review Procedures
[Paragraphs and portions of tables not listed remain unchanged]
3.2.5 Notice and Public Hearings
A. Summary of Notice Required
Notice shall be required for applications for development approval as shown in the table below.

Procedure	Published	Mailed	Posted
Comprehensive Plan Future Land Use Map Amendment	✓	✓	✓[2]
UDO or Comprehensive Plan Text Amendment	✓	✓	

[1] Mailed notice shall be required only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans.
[2] Posting is required only for amendments that change a Tier designation without an associated zoning map change.

A. Public Notice Requirements

2. Mailed Notice

Procedure	Notification Distance (ft)
Comprehensive Plan Future Land Use Map Amendment	1,000
Zoning Map Change	600
Initial Zoning	100
Site Plans[1]	600
Board of Adjustment Hearings	300
Governing Body Quasi-Judicial Hearings	600
Historic District Designation	600 and all subject properties
Historic Landmark Designation and Certificate of Appropriateness	All adjacent properties[2]
Vested Rights Determination	Subject property and all adjacent properties[2]

[1] Mailed notice shall be required only for major site plans pursuant to paragraph 3.7.3B, Major Site Plans.
[2] Adjacent properties shall include properties directly across the street from the subject property (where applicable).

b. For amendments to the Future Land Use Map of the Comprehensive Plan, Zoning Map Changes, Site Plans that require mailed notice pursuant to paragraph 3.2.5A, Summary of Notice Required, and Major Special Use Permits, notice shall also be provided to any organization or individual located within 1,000 feet of the site under consideration which is registered to receive notice pursuant to paragraph 3.2.5D, Registration to Receive Notice. Notice shall be provided to each organization or individual in the manner specified in its registration

information, which may be first class mail, electronic mail, or other manner offered by the Planning Director.

c. For UDO or Comprehensive Plan Text Amendments, notice shall be provided to any organization or individual that is registered to receive such notice pursuant to paragraph 3.2.5D, Registration to Receive Notice. Notice shall be provided to each organization or individual in the manner specified in its registration information, which may be first class mail, electronic mail, or other manner offered by the Planning Director.

Sec. 3.4 Comprehensive Plan Adoption/Amendment

[Paragraphs not listed remain unchanged]

3.4.1 Applicability

D. Amendments to the Comprehensive Plan can take the form of text amendments or amendments to the Future Land Use Map.

3.4.4 Neighborhood Meeting

All applicants applying for a plan amendment shall hold a neighborhood meeting in accordance with paragraph 3.4.4, Neighborhood Meeting, except for the following:

A. Cehanges made pursuant to paragraph 3.4.10, Evaluation and Assessment Report; or

B. Amendments that are solely text amendments not specific to a particular site.

3.4.8 Additional Criteria for Modification of Tier Boundary [text remains unchanged]

3.4.11 Amendments to Text of the Comprehensive Plan

A. Submittal

Applications submitted by a private individual or entity shall first be considered for appropriateness and priority by the Joint City-County Planning Committee (JCCPC) on an annual basis.

1. Staff shall provide the JCCPC with a preliminary analysis for each application.

2. Staff shall set annual deadlines for application submittals.

3. Fees shall be paid upon application submittal. Notification fees can be refunded upon request of the applicant if the applicant withdraws the application within two weeks from the date the JCCPC has provided final comment on the application.

B. Review Criteria

The following criteria, as applicable, shall be addressed by the applicant:

1. The proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;

2. The proposed amendment is in response to changes in state law;

3. The proposed amendment constitutes a substantial benefit to Durham as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;

4. The proposed amendment is consistent with other identified Plan policies and adopted area plans; and

5. The impact of the proposed amendment with regard to:

a. Established property or proposed development in the vicinity of the proposed amendment;

b. Existing or future land use patterns;

c. Existing or planned public services and facilities;
d. Existing or planned roadways;
e. The natural environment, including air, water, noise, stormwater management, wildlife and vegetation; and
f. Other policies of the Comprehensive Plan.

Sec. 3.5 Zoning Map Change
[Paragraphs not listed remain unchanged]
~~**3.5.16 Development Agreements**~~
~~Development agreements authorized under NCGS 160A-400.20 *et seq.* and NCGS 153A-379.1 *et seq.* are not authorized by this Ordinance.~~

Sec. 5.1 Use Table
[Paragraphs not listed remain unchanged]
5.1.1 Use Table Key
A. Types of Uses
4. Development Plan Required (‡)
A stacked addition symbol ("‡") indicates that a use is allowed through approval of a development plan submitted in accordance with Sec. 3.5, Zoning Map Change, or if not in conflict with an existing development plan for the property under consideration. For planned districts without a development plan (a zoning designation resulting from translational zoning from previous zoning ordinances), the stacked addition symbol ("‡") shall be considered Permitted ("P").

Sec. 5.3 Limited Use Standards
[Paragraphs not listed remain unchanged]
5.3.2 Residential Use Standards
B. Congregate Living Facility
Congregate living facilities shall be permitted in accordance with the use table in Sec. 5.1, Use Table, subject to the following:
4. Density limits indicated above may be exceeded with approval of a minor special use permit pursuant to Sec. 3.9, Special Use Permit.

Sec. 5.4 Accessory Uses and Structures
[Paragraphs not listed remain unchanged]
5.4.4 Home Occupations
Home occupations shall be allowed within any residential use subject to the following regulations:
A. General
The following requirements shall apply to all home occupations:
10. Tutoring or instructional services shall have no more than five students at one time.

Sec. 5.5 Temporary Uses

[Paragraphs not listed remain unchanged]

5.5.2 Specific Temporary Uses

I. Outdoor Sales

2. Nonresidential

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

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

c. Except for mobile food vendors in DD District, only one vendor shall be occupy a property at one time, and shall be limited to an area of 400 square feet. A temporary use permit shall be required when more than one vendor requests to occupy a property at one time.

~~c~~**d.** A temporary use permit shall be required for temporary outdoor sales except for the following:

(1) Mobile food vendors within the DD District or on construction sites;

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

(3) Mobile ice cream vendors;

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

(5) Sales of home grown produce.

Sec. 6.9 Nonresidential and Group Living Development in Residential Districts

[Paragraphs not listed remain unchanged]

6.9.1 Dimensional Standards

B. Open Space Exemptions

3. ~~Usable~~ Recreational open space pursuant to paragraph 7.2.3A is not required for nonresidential and group living development in residential districts.

Sec. 7.2 Open Space

[Paragraphs not listed remain unchanged]

7.2.3 Use of Required Open Space

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

1. Table of ~~Useable~~ Recreational Open Space

Types of ~~Usable~~ Recreational Open Space	Maximum Percent by Tier		
	Suburban	**Urban**	**Compact**
Property developed for active recreational purposes (ballfields with fixed improvements (eg. Goals, backstops, bleachers, etc.), tennis or basketball courts, golf courses, swim clubs, etc.); all-weather trails; playgrounds	~~50~~100%	~~50~~100%	~~50~~100%
~~All-weather walking paths, bicycle trails, benches~~Benches, picnic tables, shelters, gazebos, multi-use fields ~~prepared play areas, play equipment~~	~~50~~30 %	~~50~~30 %	~~50~~30 %
Publicly accessible plazas and courtyards	---	100%	100%

2. **Exemptions**
   ~~Useable~~ Recreational open space is not required in the Rural Tier or for development pursuant to Sec. 6.9, Nonresidential and Group Living Development in Residential Districts.
3. Except for walking paths and bicycle trails, ~~useable~~ recreational open space areas shall have at least one side with street frontage of at least 50 feet in length, and shall be accessible to residential development by sidewalks, pursuant to Article 12, Infrastructure and Public Improvement.
4. In the Urban Tier, ~~useable~~ recreational open space shall be located so that at least 95% of the residential units in the subdivision or development are within a 1,300-foot walking distance of useable open space.
5. In the Suburban Tier, ~~useable~~ recreational open space shall be located so that at least 95% of the residential units in the subdivision or development are within a 2,600-foot walking distance of usable open space.
6. In the MU District, ~~usable~~ recreational open space shall be located in a central commons area around which different uses are located.
   a. If the development is greater than 100 acres, multiple common areas shall be provided.
   b. Central commons areas are not required if the entire mixed use development is solely vertically integrated.

B. The remaining required open space, and 100% of required open space where ~~usable~~ recreational open space is not required as indicated in paragraph 7.2.3A.2, shall consist of the type and percentages indicated in the following table:

	Maximum~~% of Total Open Space~~ Percent by Tier			
Open Space Use	**Rural**	**Suburban**	**Urban**	**Compact**
Natural or Vegetated				
Agriculture, horticulture, silviculture or pasture uses	100%	50%	---	---
Naturally vegetated or revegetated to appear naturally vegetated.	100%	100%	100%	100%
Severe development constraints or other conditions that affect their usability by residents of the development, including properties in the flood fringe, floodway, water bodies, exceptionally low or wet soils, or steep slopes.	100%	50%	100%	100%
Durham Inventory Sites	100%	100%	100%	100%
Tree protection areas, project boundary buffers	100%	100%	100%	100%
~~Useable~~**Recreational**				
Property developed for active recreational purposes (ballfields with fixed improvements (eg. Goals, backstops, bleachers, etc.), tennis or basketball courts, golf courses, swim clubs, etc.) ; all-weather trails; playgrounds~~.~~	100%	50%	50%	50%
~~All-weather walking paths, bicycle trails, benches~~Benches, picnic tables, shelters, gazebos, multi-use playfields~~, prepared play areas, play equipment~~	100%	50%	50%	50%
Publicly accessible plazas and courtyards	---	---	100%	100%
Other				
Stormwater management and community wastewater disposal systems. Easements for drainage, access and underground utilities	25%	25%	50%	50%
Land dedicated per Sec. 12.5, Recreation Land	100%	100%	100%	100%

7.2.4 Open Space Calculation

A. Exclusions

1. Streets, driveways, vehicular use areas, and ~~required~~ yard spaces provided for residences shall not be counted toward the open space requirement.
2. Sidewalks and walkways required pursuant to Section 12.4, Pedestrian and Bicycle Mobility, shall not qualify as "all-weather trails" and shall not be counted towards open space requirements.

C. Individual Calculations

Unless otherwise noted below, the gross square footage of the open space area shall be utilized in calculating compliance with open space requirements.

1. To calculate trails, the square footage of the trail surface shall be used.
2. To calculate benches and picnic tables, the square footage of each amenity plus a two-foot wide walk zone around each amenity shall be used.
3. To calculate playgrounds, the square footage of each playground structure plus a six-foot wide walk zone around each structure shall be used.
4. Areas of overlapping walk zones shall be counted once.

Sec. 10.4 Design Standards

[Paragraphs not listed remain unchanged]

10.4.4 Design Standards for Bicycle Parking

A. General Standards

Unless otherwise modified below, all bicycle parking shall meet the following standards.

1. Where bicycle parking facilities are not clearly visible to approaching cyclists, signs shall be posted to direct cyclists to the facilities.

2. Bicycle parking locations shall not impede pedestrian or motorized vehicle movement or circulation.

3. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six feet in length and two feet wide.

4. An aisle or other space shall be provided for parking spaces for bicycles to enter and leave the facility. The aisle shall have a width of at least four feet to the front or the rear of a parking stall.

5. Bicycle parking shall remain accessible and not be rendered unusable by fixed or movable objects.

6. Overhead clearance shall be at least seven feet.

7. When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless other accessible, covered bicycle parking is located elsewhere on the site.

8. When a rack is utilized, the rack shall be permanently anchored to a floor, foundation or ground, wall, or ceiling as appropriate for the type rack proposed.

9. A rack shall support a standard bicycle frame at two points of contact without damage to frame, wheels, or components, allowing the bicycle frame and at least one wheel to be conveniently secured.

10. Bicycle racks placed within the public right-of-way shall not conflict with pedestrian use and encroachment agreements with the City or NCDOT, as applicable, must be obtained.

11. Lighting and other security design features shall be provided in outdoor or structured bicycle parking facilities equivalent to that provided in the facilities for motorized vehicles.

~~**A. General Standards**~~

~~1. Where bicycle parking facilities are not clearly visible to approaching cyclists, signs shall be posted to direct cyclists to the facilities.~~

~~2. Bicycle racks that are placed parallel to each other shall be spaced at least 30 inches apart. Bicycle racks shall be spaced 24 inches from walls, curb faces, pavement edges, and other obstructions.~~

~~3. An aisle or other space shall be provided for bicycles to enter and leave the facility. The aisle shall have a width of at least four feet to the front or the rear of a standard six-foot bicycle parked in the facility. Bicycle parking shall remain accessible and not be rendered unusable by fixed or movable objects.~~

~~4. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six feet in length and two feet wide. Overhead clearance shall be at least seven feet.~~

~~5. Outdoor bicycle parking spaces shall be clearly marked as such and shall be separated from motorized vehicle parking by a physical barrier designed to protect a bicycle from being hit by a motorized vehicle.~~

~~6. For outdoor bicycle parking, each bicycle parking space shall be provided with a rack permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using either a chain and padlock or a U-lock. The rack shall support a standard bicycle frame at two points of contact without damage to frame, wheels, or components. Examples of acceptable rack types are the "inverted U-rack," and the "swerve rack."~~

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

~~8. Lighting and other security design features shall be provided in outdoor or structured bicycle parking facilities equivalent to that provided in the facilities for motorized vehicles.~~

B. Types of Bicycle Racks or Storage

The following types of racks or storage can be used to satisfy bicycle parking requirements.

1. "Inverted U" and Circular Racks

The following depict typical inverted-U and circular bicycle racks.

a. Racks that are placed parallel to each other (side-by-side or angled) shall be spaced at least 36 inches apart.

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b. Racks placed end-to-end shall be at least 60 inches (five feet) apart if placed in a cluster parking configuration, and 96 inches (eight feet) apart if placed individually in a linear manner, such as along a sidewalk.

c. Racks shall be spaced at least 24 inches from walls, curb faces, pavement edges, and other obstructions. A rack can be placed closer than 24 inches to an obstruction; however, the space between the rack and obstruction shall not count as a parking space.

2. Bicycle Lockers

a. Unless placed within individual dwelling units, bicycle lockers shall be anchored in-place.

b. Bicycle lockers shall have an opening clearance of at least five feet.

3. Vertical Space Saver Racks

a. The minimum overhead clearance shall be eight feet.

b. Each bicycle stall shall be at least 16 inches wide.

c. Each bicycle stall shall provide a depth of at least 40 inches measured from the back of the stall to the nearest side of the access aisle.

d. Minimum spacing between a wall or other obstruction and the rack side shall be eight inches.

e. A loop or mechanism shall be provided to allow the bicycle frame to be secured using either a chain and padlock, or a U lock.

4. Double Decker Racks

a. The minimum overhead clearance shall be eight feet.

b. The minimum spacing between a wall or other obstruction and the rack side shall be eight inches.

c. The minimum spacing between a wall or other obstruction (not including units installed back-to-back) and the front or rear of the rack shall be 10 inches.

d. For double loaded aisles, the minimum aisle width shall be five feet.

e. A loop or mechanism shall be provided to allow the bicycle frame to be secured using either a chain and padlock, or a U lock.

~~**B. Standards for the Downtown Tier and Design Districts within Other Tiers**~~

~~1. General Standards~~

~~a. Bicycle parking shall be located to not impede pedestrian or motorized vehicle movement into or around the site.~~

~~b. Bicycle parking shall be installed in accordance with the guidelines set forth in the Durham Design Manual.~~

~~2. Standards for Restaurant and Retail Sales and Service Uses~~

~~a. Required bicycle parking spaces shall be located within 50 feet of the primary building entrance and visible from the public right-of-way.~~

~~b. Bicycle racks can be placed in the public right-of-way with approval from the City or State and where such racks do not conflict with pedestrian use.~~

~~c. In order to reduce streetscape clutter and provide greater visibility for bicycle parking areas, clustered facilities can be provided when located a maximum of 100 feet from the primary building entrance so long as they remain within the blockface.~~

~~3. Standards for Residential Uses~~

~~a. Required residential bicycle parking can only be provided internal to the dwelling unit if a designated bicycle storage space is provided.~~

~~b. The bicycle storage space can be provided within the residential unit or as a designated bike storage area.~~

~~4. Standards for All Other Uses~~

~~a. Bicycle parking shall be located within 100 feet of the primary or secondary entrance to the building.~~

~~b. Bicycle parking in a bicycle storage room, bicycle lockers, or bicycle racks within a building or parking structure can be provided to meet this requirement.~~

~~c. Bicycle parking located internal to a building shall not require access via stairs.~~

C. Outdoor parking

1. Bicycle parking can be located as follows:

a. between the vehicle use area and the facade containing the main entrance of the building; or

b. no further from the building's main entrance than the closest motorized vehicle parking space, excluding parking for persons with disabilities; or

c. up to 100 feet from a main entrance, if the following is provided:

(1) The parking area is covered by a permanent canopy.

(2) The parking area is visible from the front door of the building's main entrance.

(3) The canopy provides at least 72 inches in cover for the direction that bicycles will be oriented.

(4) Lighting shall be provided in the bicycle parking area equivalent to that provided in facilities for motorized vehicles.

d. Within the CI District, bicycle parking facilities shall be located within 50 feet of the primary building entrances and be visible from the public right-of-way. Racks shall be provided as part of the streetscape amenities.

2. When there are multiple main entrances, bicycle parking shall be distributed to accommodate each entrance.

3. Racks shall be constructed of weather-resistant materials.

4. Outdoor bicycle parking facilities shall be surfaced with an all-weather material, level, and accessible to the street.

5. Outdoor bicycle parking spaces located within a vehicle use area shall be designed to protect a bicycle from being hit by a motorized vehicle. Such design shall be a curb, post, bollard, or some other physical barrier.

~~**C. Standards for Other Tiers**~~

~~1. Bicycle parking locations shall be easily accessible and shall not impede pedestrian or vehicular circulation.~~

~~2. Bicycle parking, except as otherwise permitted below, shall be located either between the vehicle use area and the facade containing the main entrance of the building, or no further from the building's main entrance than the closest motorized vehicle parking space, excluding parking for persons with disabilities. When there are multiple main entrances, bicycle parking shall be distributed to accommodate each entrance. a. For non-residential and multi-family residential uses, bicycle parking can be located up to 100 feet from a main entrance, if the following is provided.~~

~~(1) The parking area is covered by a permanent canopy.~~

~~(2) The parking area is visible from the front door of the building's main entrance.~~

~~(3) The canopy provides at least 72 inches in cover for the direction that bicycles will be oriented.~~

~~(4) Lighting shall be provided in the bicycle parking area equivalent to that provided in facilities for motorized vehicles.~~

~~b. Bicycle parking facilities within the CI District shall be located within 50 feet of the primary building entrances and be visible from the public right-of-way. Racks pursuant to paragraph 10.4.4A shall be provided as part of the streetscape amenities.~~

~~c. Requirements for bicycle parking can be met by other methods as follows:~~

~~(1) Bicycle storage rooms or bicycle lockers within the primary structure(s);~~

~~(2) Bicycle racks, pursuant to paragraph 10.4.4.A, or bicycle lockers in a parking structure; or~~

~~(3) Bicycle racks pursuant to paragraph 10.4.4A within the public right-of-way where such racks do not conflict with pedestrian use and encroachment agreements with the City or NCDOT, as applicable, have been obtained.~~

~~3. When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless other accessible, covered bicycle parking is located elsewhere on the site.~~

D. Indoor parking

1. Except for bicycle parking within individual dwelling units, bicycle parking storage rooms or areas shall not require access via stairs.

2. Bicycle parking spaces proposed within individual dwelling units shall be allowed as follows:

a. A floorplan for each type of unit shall be provided indicating the bicycle parking space.

b. If a closet or storage room is enclosed, the access door shall swing out or slide completely clear of the opening.

3. Minimum Outdoor Parking Required

A minimum amount of bicycle parking spaces shall be publicly-accessible through outdoor parking or within parking structures at the following rates:

Total Required Bicycle Parking	Amount Required Outdoor or Within a Parking Structure
Less than 20 spaces	A minimum of two spaces
20 or more spaces	A minimum of six spaces or at least 5% of required bicycle parking spaces, whichever is greater

E. Standards for Design Districts

Bicycle parking shall comply with the requirements of paragraphs A through D, above, unless modified as follows.

1. Standards for Restaurant and Retail Sales and Service Uses

a. Required bicycle parking spaces located outdoors shall be located within 50 feet of the primary building entrance and visible from the public right-of-way.

b. In order to reduce streetscape clutter and provide greater visibility for bicycle parking areas, clustered facilities can be provided when located a maximum of 100 feet from the primary building entrance so long as they remain within the blockface.

2. For all other uses, bicycle parking shall be located within 100 feet of the primary or secondary entrance to the building.

3. Required bicycle racks shall comply with the specifications found within the *Durham Design Manual.*

Sec. 11.5 Signs Allowed in Right-of-Way

[Paragraphs not listed remain unchanged]

11.5.2 Moveable Signs on Sidewalk

A. A moveable sign shall not be permanently attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.

~~A~~B. Moveable signs can be located ~~on sidewalks~~ within the street right-of-way only on sidewalks ~~in pedestrian-oriented commercial areas~~ within the CI, CN, CG, ~~and~~ MU Districts, and ~~the Downtown Tier~~Design Districts ~~shall be allowed, but~~ ~~not~~ and shall not require a permit~~, provided that all the following requirements are met~~.

C. Standards

1. Only one moveable sign is allowed per building street frontage and shall only advertise for the business(s) accessed from that frontage.

2. The sign shall be located no more than 10 feet from the main pedestrian entrance. This amount can be increased only by the minimum amount necessary to achieve the minimum width for pedestrian clearance.

~~1~~3. Pedestrian Clearance

The ~~sidewalk in the area near the~~ moveable sign shall ~~be wide enough to~~ be placed to allow ~~for~~ at least five feet of sidewalk width for unrestricted pedestrian movement ~~with the sidewalk signs in place~~.

~~2~~4. Each sidewalk sign ~~allowed under this section~~ shall not exceed two and one half feet in width and four feet in height.

~~The sign itself shall be moveable, shall not be permanently attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk.~~

~~3~~5. ~~Each sidewalk sign allowed under this section,~~The sign shall be removed each day by the close of business, and shall be replaced or removed when the appearance or condition of the sign deteriorates.

~~B~~D. Within the CI, CN, CG, and MU Districts, the additional requirements must also be met: [Text remains unchanged]

Sec. 12.4 Pedestrian and Bicycle Mobility

[Paragraphs not listed remain unchanged]

12.4.2 Sidewalk Requirement

A. A ~~public~~ sidewalk shall be provided along public or private right-of-way as shown in the table below.

D. Sidewalk shall be provided along common access driveways and areas that serve as ingress/egress for the development site pursuant to paragraph 12.2.2B.2.b, Driveways.

1. Sidewalk shall be a minimum five feet in width;

2. Sidewalk shall be placed along both sides of the driveway or area;

3. Shall be located no more than five feet from the edge of driveway or area; and

4. Sidewalk shall be constructed of concrete unless a material of equal or better performance is approved by the City Public Works Director, or designee.

~~D~~E. Exemptions

1. Sidewalk shall not be required when site plan submittals consist of only the following:

~~1.~~ ~~Level 1 site plans.~~

~~2.~~ ~~Level 2 site plans under the following circumstances:~~

a. Improvements consist only of unmanned facilities of less than 1,000 square feet, such as storage rooms, mechanical equipment, coolers, or stand-alone ice kiosks;

b. ~~Improvements consist only of less~~ Additional motor vehicle parking consisting of less than four ~~additional motor vehicle parking~~ spaces;

c. ~~Improvements consist only of less~~ Additions of less than 1,000 square feet of building area; ~~or~~

d. Improvements that are documented to solely bring existing facilities up to current health, safety, or building code requirements~~.~~;

e. Grading and/or utility improvements; or

f. Only requires review by the Planning Department.

~~3~~2. Public sidewalk shall not be required when documentation is provided that sidewalk will be provided, through a scheduled and funded City or State roadway project, along the location where sidewalk would otherwise be required.

3. Sidewalk shall not be required along unimproved right-of-way that is not required to be improved as part of the development project.

~~E~~F. Alternative Pedestrian Plans [text remains unchanged]

Sec. 14.2 Nonconforming Uses

[Paragraphs not listed remain unchanged]

14.2.6 Single-Family Use Exemption

Single-family uses that were conforming uses prior to January 1, 2006, shall be exempt from the limitations of this Section.

Part 5

[Technical revisions to paragraph 5.3.3N, Wireless Communication Facilities for Transmitting and Receiving Electronic Signals (WCFs)]

Sec. 5.3 Limited Use Standards

[Paragraphs not listed remain unchanged]

5.3.3 Public and Civic Use Standards

N. Wireless Communication Facilities for Transmitting and Receiving Electronic Signals (WCFs)

3. General Requirements

c. Structural, Operational, and Insurance Requirements

Unless otherwise indicated below, ~~The~~ the following shall ~~be provided~~apply ~~with~~ to any site plan application ~~unless otherwise indicated~~.

(1) Documentation, sealed by a registered professional engineer with ~~related~~ WCF expertise, shall be provided indicating that the new WCF, or modification to an existing WCF, complies with the following~~,~~. Such compliance shall be maintained throughout the life of the WCF.

(a) ~~meets or exceeds all structural and~~ That the American National Standards Institute (ANSI) requirements for the proposed improvements are met; and

(b) All applicable building, structural, electrical, and safety codes and with all other laws codifying objective standards reasonably related to health and safety shall be met.

~~Structural and ANSI standards shall be met or exceeded throughout the life of the WCF.~~

4. Standards for Specific Wireless Communication Facilities (WCFs)

e. Freestanding, Concealed and Unipole WCF

(2) Approval

In addition to applicable site plan review, the following approvals are required:

(a) A minor special use permit pursuant to Sec. 3.9, Special Use Permit, and paragraph 5.3.3N.5, Applications Requiring Special Use Permit Approval, shall be required if the proposed WCF is located on a property with residential or PDR zoning, or within 450 feet of property zoned as residential or PDR, and is either:

(1) A monopine or faux tree, or unipole, of any height;~~,~~ or

(2) A~~a~~ny other freestanding, concealed ~~or unipole~~ WCF above 60 feet in height~~; and~~.

~~(2) Located on a property with residential or PDR zoning, or within 450 feet of property zoned as residential or PDR.~~

9. Structural Integrity Certification

A third-party structural analysis sealed by a registered professional engineer with WCF expertise shall be submitted by the owner of the facility to the Planning Director, or designee, every five years from the date of the issuance of the certificate of compliance for the support structure. The analysis shall certify that the structure has been inspected pursuant to the applicable building and safety codes and is structurally sound. If the required structural certification cannot be provided, the Planning Director shall issue a notice of violation and provide a timeframe to either repair or remove the facility.

PART 6

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

PART 7

That this amendment of the Unified Development Ordinance shall become effective upon March 14, 2016.