

Section 1. Purpose and Authority

1.1 Purpose and Authority

1.1.1. Title

This Ordinance shall be known as the "Durham City-County Zoning Ordinance".

1.1.2 Purpose

It is the purpose of this ordinance to promote the health, safety and general welfare of the residents of Durham City and County. In support of these purposes, the ordinance contains regulations designed to:

- A. Address future needs, growth, and change in the jurisdiction;
- B. Conserve land and water resources;
- C. Recognize geologic features, soil and topography;
- D. Lessen congestion in the streets;
- E. Secure safety from fire and other dangers;
- F. Provide adequate light and air;
- G. Prevent overcrowding of land and undue concentrations of population;
- H. Provide adequate transportation, water supplies, sewer service, schools, parks, open space, and public facilities;
- I. Conserve the value of buildings;
- J. Examine the most appropriate use of the land;
- K. Regulate the location of business and industry;
- L. Regulate the height and bulk of buildings;
- M. Protect the capacity of floodways in order to prevent loss or damage to homes or property;
- N. Regulate the area of yards and open spaces for buildings;
- O. Protect historic sites and areas.

1.1.3 Authority

The authority to adopt and enforce this ordinance is granted by the Charter of the City of Durham, NCGS 160A Article 19 to the City of Durham, NCGS 153A Article 18 to Durham County, and any other general or special statutes of the State of North Carolina.

1.2 Other Ordinances

1.2.1 Repealed Ordinances

All ordinances previously adopted by the County of Durham and the City of Durham which relate to zoning are repealed upon the effective date of this ordinance. All other ordinances or parts of ordinances which are in conflict with this ordinance are repealed to the extent necessary to give this ordinance full force and effect.

1.2.2. Violations in Progress

The prosecution of violations which occurred under previous ordinances shall continue until resolved.

1.3 Jurisdiction

The provisions of this ordinance shall apply to all properties within the County of Durham and the City of Durham and shall govern development and use of the land. No building shall be erected or structurally altered nor any land development activity take place, unless it conforms to the provisions of this ordinance. Uses of property shall be limited by the provisions of this ordinance.

1.4 Relationship to Adopted Plans

The Comprehensive Plans and Small Area Plans adopted by the Governing Bodies indicate desired development at various levels of intensity. These documents should be used as a guide for the application of this ordinance to land within the areas covered, as well as for the provision of public services.

1.5 Zoning Districts

The ordinance establishes the following general zoning districts:

1.5.1

- A. RD – Rural Districts
- B. R-20 – Residential 20
- C. R-15 – Residential 15
- D. R-10 – Residential 10
- E. R-8 – Residential 8
- F. R-5 – Residential 5

- G. R-3 – Residential 3
- H. RM – Multifamily Residential
- I. PDR – Planned Density Residential
- J. MU – Mixed Use
- K. O&I-1 – Transitional Office and Institutional
- L. O&I-2 – General Office and Institutional
- M. NC – Neighborhood Commercial
- N. SC – Shopping Center
- O. GC – General Commercial
- P. CBD – Central Business District
- Q. CT – Commercial Trade
- R. RSCH – Research Park
- S. RAD – Research Applications
- T. I-1 – Industrial Park
- U. I-2 – Light Industrial
- V. I-3 – Heavy Industrial

1.5.2

The ordinance establishes the following overlay districts:

- A. Airport Overlay
- B. Downtown Transition Area Overlay
- C. Major Transportation Corridor Overlay
- D. Downtown Design Overlay
- E. Water shed protection Overlay
- F. Historic Districts and Landmarks Overlay
- G. Research park Building Coverage Overlay
- H. Interim Transit Oriented Development – Compact Neighborhood [ITOD-CN] Overlay

1.5.3 Hierarchy of Districts

The general zoning districts listed in Section 1.5.1, are ranked in descending order from the highest to the lowest zoning classification. For the purposes of this ordinance, "A" shall be the highest classification. The Governing Body may rezone a property to a higher classification than that requested by the applicant but only with the consent of the applicant.

1.6 Zoning Map

1.6.1. Official Zoning Map

The location and boundaries of zoning districts shall be as shown on a geographic coverage layer entitled "Zoning" that is maintained as part of the City's and County's geographic information system (GIS) under the direction of the Planning Director. This depiction of zoning boundaries as shown on the GIS system shall constitute the official zoning map for the City's and the County's zoning jurisdiction, and is adopted into the zoning ordinance by reference. The Planning Director shall authorize certain designated persons to revise the official zoning map when amendments are passed by the Governing Body in accordance with Section 15 of this ordinance. Such revisions shall be made as soon as possible after the effective date of the amendment but in no event later than 5 working days after such effective date. No unauthorized person may alter or modify the official zoning map. Errors in the zoning map shall be corrected as they are discovered, and the corrected information shown on the GIS system. The Planning Director may authorize printed copies of the official zoning map to be produced, and shall maintain digital or printed copies of superseded versions of the official zoning map for historical reference. Within the City's jurisdiction, the updated zoning map shown on the geographic information system shall be considered the official map book in accordance with GS 160A-79(b). The City Clerk may, upon validation by the Planning Director's designee(s), certify a paper copy of the zoning map, or portions of the map, as a true and accurate copy of the zoning map, or a portion thereof, under the authority of GS 160A-79(b).

1.6.2 Map Interpretation

A boundary shown on the zoning map as following a lot line or parcel boundary shall be construed as following the lot line or parcel boundary as it actually existed at the time the zoning boundary was established, as shown on maps submitted or used when the boundary was established. If a zoning boundary splits an existing lot or parcel, the metes and bounds description, if one was submitted at the time the zoning boundary was established, shall be used to establish the boundary. If maps and metes and bounds descriptions used when a

zone boundary was established did not accurately reflect the lot lines or parcel boundaries existing at that time, but it appears that the intent at the time of the zone change was for the zone boundary to conform to existing lot lines or parcel boundaries, the zone boundary shall be construed to conform to the lot lines or parcel boundaries that existed at the time the zone boundary was established. If, subsequent to the establishment of the zoning boundary, a minor property line adjustment is made, such as from settlement of a boundary dispute, the zoning boundary shall be construed to move with the lot line or parcel boundary if the adjustment is less than 10 feet. In cases where lot lines or parcel boundaries have not been used to establish zone boundaries, the rules set forth below shall apply. The Planning Director may authorize periodic changes to the boundaries in conformance with these rules. Interpretations of zone boundaries may be appealed to the Board of Adjustment.

Where the ordinance establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follow the feature, the boundary shall be construed as following that feature as it actually exists.

A boundary shown on the zoning map as approximately following a river, stream, lake or other watercourse shall be construed as following the actual centerline of the watercourse. If, subsequent to the establishment of the boundary, the centerline of the watercourse should move as a result of natural processes (flooding, erosion, sedimentation, etc.), the boundary shall be construed as moving with the centerline of the watercourse.

A boundary shown on the zoning map as approximately following a ridgeline or topographic contour line shall be construed as following the actual ridgeline or contour line. If, subsequent to the establishment of the boundary, the ridge line or contour line should move as a result of natural processes (erosion, slippage, subsidence, etc.), the boundary shall be construed as moving with the ridge line or contour line.

A boundary shown on the zoning map as approximately following a street or railroad line shall be construed as following the centerline of the street or railroad right-of-way. If, subsequent to the establishment of the boundary, the centerline of the street or railroad right-of-way should be moved as a result of its widening or a minor realignment (such as at an intersection), the boundary shall be construed with moving with the centerline only if the centerline is moved no more than twenty-five (25) feet.

A boundary shown on the zoning map as approximately following the zoning jurisdiction boundary of an adjacent municipality shall be construed as following that boundary as described in the ordinance or resolution establishing or extending the municipality's zoning jurisdiction (e.g., an annexation ordinance adopted by the municipality or a resolution adopted by the County Board of Commissioners granting the municipality extraterritorial jurisdiction).

A boundary shown on the zoning map as approximately parallel to, or as an apparent extension of, a feature described above shall be construed as being actually parallel to, or an extension of, the feature.

If the specific location of the boundary cannot be determined from application of the above rules to the zoning map, it shall be determined by scaling the mapped boundary's distance from other features shown on the map.

1.7 Severability

Should any section or provision of this ordinance be declared invalid, the remaining sections or provisions shall remain valid.

1.8 Interpretation

The provisions of this ordinance are intended to be the 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. Where this ordinance imposes conflicting provisions that cannot be reconciled through interpretation, the more stringent of the provisions shall apply. The Planning Director or his/her designee is authorized to make all final interpretations regarding the provisions of this ordinance. In the case of interpretations regarding allowable uses, the Director shall apply the closest existing use category to the activity in question. If there are no such categories, the Director may disallow the use.

1.9 Adoption

This ordinance is adopted on September 29, 1993, and shall become effective on January 1, 1994.