

Comparison Table with Comments Received

Topic	Current Requirement	November Discussion Draft	March Planning Commission Draft	Comments received	Staff Comments
Accessory Dwelling Units (ADUs)					
Where an ADU can be placed					
<ul style="list-style-type: none"> Where on a lot 	If detached, to the rear of the primary structure. (ADUs can be anywhere as part of the primary residence- attic, basement, side, addition)	For detached, added side allowance, but limited to along the back ¼ of the primary structure.	No change from November (*added provision for certain civic uses allow to side or rear)	None	Provides additional flexibility for placement on a lot while keeping the ADU primarily towards the back of a lot.
<ul style="list-style-type: none"> The current use of the lot 	Any residential property with only one dwelling unit.	Added allowance for duplex lot and new “small lot” proposal	<ul style="list-style-type: none"> Removed the duplex allowance; Removed allowance for Small Lot Option B; Limited allowance to single-family attached and townhomes to developments of 4 acres or more <i>NEW</i>: added provision for certain civic uses such as a place or worship) 	<ul style="list-style-type: none"> a. Do not implement new limits based upon the housing type, thus allow for new duplex ADU, and keep ADU allowance for townhouse, single-family attached, narrow pole flag lot and small lot options. b. Do not allow for duplex c. Allow for house option with Small lot Option B d. Allow for <i>existing</i> duplexes 	March changes are intended to address concerns raised regarding the resulting scale of the amount of new units (primary and accessory) the new regulations would allow. The “New” provision expands and clarifies allowances for certain civic uses.
<ul style="list-style-type: none"> Nonconforming lots (legal lots of record that do not meet current dimensional standards) 	Prohibited ADU if lot didn’t meet minimum lot area requirements of the zoning district	Deleted this provision	No change from November	None received	Provides more opportunities for an ADU
<ul style="list-style-type: none"> Setbacks (applies to all accessory structures) 	RU districts- 3 feet minimum from side and rear property lines Other districts- 5 feet minimum from side and rear property lines	No change, except detached ADU is placed to the side per the proposed allowance, it must meet standard side yard requirements.	No change from November <i>NEW</i> : provision for certain civic uses such as a place or worship- must meet side yard requirements	Allow for a shared accessory structure across a property line- would create more placement flexibility and potentially lessen impact on existing lots (may save a tree)	
How an ADU is permitted	By right (staff reviewed and inspected to verify zoning standards are met). Does not count toward density.	No change	No change	Count towards density	The by-right allowance was established in 2006 with the adoption of the UDO; previously required a special use permit. Counting towards density provides an additional obstacle for generating them. ADUs have not been counted towards density by at least this ordinance or through the previous merged zoning ordinance.
Maximum size	30% of primary dwelling	800 sq. ft. maximum	No change from November	None received	The maximum size is consistent with many other jurisdictions, and not requiring a percentage calculation creates less of a regulatory burden
Maximum number	1 per lot	No change	<i>New</i> : added provision for certain civic uses such as a place or worship- allow up to three	None received	Allows additional opportunities for ADUs on certain civic properties such as a place of worship

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Detached from, or part of, the primary structure	Can be either	No change	No change	None received	
Height (applies to all accessory structures)	RS zoning- 15 foot maximum if within 10 feet of property line RU zoning- 25 feet maximum if within 5 feet of property line	No change	For any district: <ul style="list-style-type: none"> • Within 10 feet of property line- 16 feet max. • Beyond 10 feet but within required yard, or accessed by alley- 25 feet maximum • Outside of required yards- base zoning allowance 	a. Keep current height allowance (as done in November draft) b. For all zoning- Allow maximum 25 feet if more than 5 feet from property line (similar to current standards, height would allow for ADU over garage) c. Keep lower heights when closer to property line.	The March PC changes addressed concerns raised with staff regarding taller structures very close to side property lines. A 25-foot structure would allow for an ADU over a garage. Critics indicate that the 16-foot height restriction would lessen ability to generate ADUs and create wasted space on a lot.
Conversion of existing, nonconforming accessory structure	Prohibits ADU if accessory structure is nonconforming	Allow partial or complete conversion to an ADU without expansion of the structure	No change from November	None received	Opens up more opportunities for converting existing structures to an ADU
Appearance	Must maintain single-family appearance	Deleted	No change from November	None received	Not legally enforceable.
Travel trailers and other RVs	Prohibited for use as ADU	No change	No change	Allow to be considered tiny homes or ADUs	This was discussed at a table at the April 27 community conversation. This was never considered part of this initiative due to the potential health, building, housing, and other codes that would need to be considered, along with zoning. Staff would need to research and develop appropriate regulations.
Parking	Not required	No change	No change	Add a parking requirement	The parking requirement is not required based upon the premise of removing obstacles for providing ADUs. Requiring additional parking potentially adds more impervious surface, cost, and possible redundant parking if available on-street.
Regulated flood plain	Prohibits ADU	No change	No change	None received	
Density					
Maximum Density - the number of primary dwelling units per acre (du/acre)					
<ul style="list-style-type: none"> • RS-20 • RS-10 • RS-8 • RU-5 • RU-5(2) • RS-M • RU-M 	2 du/acre 4 du/acre 5 du/acre 8 du/acre 8 du/acre 8 du/acre (18 w/ re-zoning with development plan) 12 du/acre (20 with re-zoning with development plan)	No change Urban tier only- 6 du/acre Urban tier only- 9 du/acre 12 du/acre 12 du/acre Urban tier only- 12 du/acre (20 with re-zoning with development plan) No change	No change, but re-structured/re-labeled as Small Lot Bonus Option A with the lot size and width reductions discussed below. Thus, the current density and dimensional standards remained. The Small lot bonus options would be allowed by-right, as similarly proposed in November.	None received for the proposed density increases. Comments received focused on removing the additional parameters for using the bonuses (driveway design, downspout, tree planting)	The additional parameters were added to address concerns regarding stormwater, impervious surface, and tree canopy.

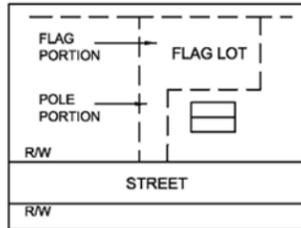
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			Staff added additional parameters for using the bonuses such as driveway design, additional tree planting, and downspout placement.		
<ul style="list-style-type: none"> 2,000 sq. ft. "small lot" proposal 	NA	No density limit applied	Re-labeled as Small lot Bonus Option B : Maximum density of 12 du/acre	Do not require a density limit- will not generate more than 35' wide lots allowed in Option A within RU districts, which would also allow for 12 DU/acre.	Staff proposed a density limit with the March PC draft as an attempt, along with other revisions, make the potential increase in number of units to be more incremental. The 12 DU/acre limit coincides with the future land use map for most residential areas of the Urban tier, which are designated as 6-12 units/acre. Some areas are designated at a higher density of 8-20 units/acre.
Application of Maximum Density	Only for projects requiring subdivision or site plan approval (exempted if keeping the lot as is or if subdivided through state-mandated exempt plat (up to 3 lots form a lot of less than 2 acres))	No change	Require density cap for Exempt plats	Keep current standard (thus keep density cap exemption for exempt plats)	<p><i>Exempt plats</i> are the subdivision or recombination of property that, in a limited set of circumstances mandated by state statute, do not have to follow statutory subdivision regulations. One circumstance is if a lot of 2 acres or less is subdivided into no more than 3 lots.</p> <p>The limit was proposed in the March draft to address concerns raised that the number of units that could be generated would not be done in an incremental amount.</p>
Calculating density	No ordinance standard for fractions- practice is to delete any fraction (if a density calculation results in 2.37 units or 2.86 units, then it is 2 units either way). As for ADUs, an ADU does not count towards density.	Added a specific standard that allowed rounding up if the fraction was 0.5 or greater- based off of same method used for calculating required parking spaces	No change from November	Count an ADU towards density	<p>This method allows for an incremental increase in units allowed, and is the same method used for calculating parking spaces.</p> <p>As previously mentioned, ADUs have not been counted towards density limits, and would be an additional barrier for generating them if required to be counted.</p>
Other Density bonuses					
<ul style="list-style-type: none"> Affordable Housing bonus 	Where a development provides at least 15% affordable housing, an additional 2 units for every one affordable housing unit is allowed.	No change	No change	No comments	
<ul style="list-style-type: none"> Thoroughfare Density Bonus (applies to RU districts) 	Allows townhouses along minor and major thoroughfares, and boulevards, with a minimum right-of-way of 50 feet.	Changed to eliminate applicability along minor thoroughfares, and added allowance of multiplexes	Changed to keep current text as applied to townhouses, but only allows multiplexes along major thoroughfares or boulevards	No comments	Allowing multiplexes along major thoroughfares allows for more housing diversity along major transportation and transit routes. The change from November to March drafts addressed a comment raised by EAB regarding the limitation to townhouses.
<ul style="list-style-type: none"> Townhouse Transitional Use 	Allows townhouses when property is located "immediately between and	Deleted.	No changed from November	No comments	Difficult to determine and ultimately the intent is captured through the Thoroughfare Density bonus

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(applies to RU districts)	adjacent to nonresidential and single-family residential uses.”				option, above.
<ul style="list-style-type: none"> Major Roadway Density Bonus Area (applies to RU districts) 	“For projects located adjacent to streets with a right-of-way over 50 feet in width, the area for the project may be calculated to include that portion of right-of-way in excess of 50 feet for purposes of determining density.”	No change	No change	No comments	
<ul style="list-style-type: none"> RS-M District Major Roadway Density Bonus 	An increase in the maximum density by one unit/acre if the site maintains at least 500 feet of frontage along a major thoroughfare or boulevard, or along a service road for a limited or full control access roadway and it is utilized for access.	No change	No change	No comments	
Locations for Duplexes and other housing types					
Duplexes	Only allowed in RU-5(2), RU-M, and RS-M residential districts.	<ul style="list-style-type: none"> Expanded allowance to all residential districts in the Urban Tier, and RU-5 in the Suburban tier Allow in cluster subdivisions Allow in conservation subdivisions 	No change from November	<ul style="list-style-type: none"> a. Only allow if one unit serves a family at 60% AMI or less for at least 25 years (80% AMI if sale unit) b. Only allow if uses prototypes consistent with existing character 	<p>The proposal Allows primary dwellings other than single-family throughout the Urban tier, and provides more variety of housing options for cluster and conservation subdivisions that primarily happen in the Suburban tier.</p> <p><i>Cluster and conservation subdivisions</i> are currently allowed types of subdivisions that allow for smaller lots in trade for additional open space and conservation areas. The allowed densities do not change.</p> <p>The comments are difficult to enforce, penalize those who succeed in earning more than 60% by losing housing, and prototypes could be done as suggested forms, but “consistent with character” is subjective and not always needed or warranted.</p>
Townhouses	Allowed in RU-5(2), RU-M, and RS-M residential districts. Also allowed through the Townhouse Transitional Use and Thoroughfare Density bonuses (RU district only)	<ul style="list-style-type: none"> Deleted Townhouse Transitional Use; Allow in cluster subdivisions Allow in conservation subdivisions 	No change from November	No comments	Allows more housing variety in these types of subdivisions. This would not change the maximum densities allowed for these types of subdivisions.
Multiplexes (3-4 unit apartment building on one lot)	Allowed in RS-M and RU-M residential zoning districts	Added allowance through the existing Thoroughfare Density Bonus	No change from November	No comments	As previously noted, allowing more opportunities for multiplexes along major thoroughfares allows for more housing diversity along major transportation and transit routes.
Apartments	Only allowed in RS-M and RU-M	No change	No change	No comments	
Single-family housing types	Most allowed in any RS or RU	Patio home deleted; otherwise no	<ul style="list-style-type: none"> Patio home remains deleted 	No comments	Patio homes were never utilized and require a

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(detached, attached, zero lot line, traditional, patio home)	residential districts; Attached single family only allowed in RS districts in a cluster subdivision	change	<ul style="list-style-type: none"> Clarify that any single-family housing type can be used within a conservation or cluster subdivision Expand allowance of single-family attached to RS districts in Urban tier (to be consistent with duplex allowances) 		“patio” that adds significant amounts of impervious surface.
Small lot house	NA	New Housing Type- Allow as duplex or single family in all residential districts in the Urban tier, and RU districts in the Suburban Tier.	<ul style="list-style-type: none"> Re-structured as Small Lot Bonus Option B (and not as a distinct, separate housing type) Not allowed in RS-20. 	Apply lot reductions in RS-20 too (both Options A and B)	A newly proposed lot reduction option that would allow for small lots but require small house/duplex (1,200 sq. ft. maximum for the entire structure with a maximum height of 25 feet). Originally proposed in November as a new housing type, it is re-structured as a Small Lot Option B.
Minimum Lot dimensions (lot area= square feet; lot width= feet)					
Single-family Detached (a standard house), and other single-family detached house types- zero lot line and traditional house					
<ul style="list-style-type: none"> RS-20 RS-10 RS-8 RU-5 RU-5(2) RS-M RU-M RC 	20,000; 100 10,000; 75 8,000; 60 5,000; 45 5,000; 45 5,000; 45 3,500; 35 5,000; 45	No change Urban Tier only- 8,000; 60 Urban Tier only- 5,000; 45 3,500; 35 3,500; 35 Urban Tier only- 3,500; 35 3,000; 35 3,500; 35	No change, but restructured to be a by-right option (Small lot Option A) from the current requirements. Additional performance requirements have been added including driveway location and design, tree plantings, and downspout placement.	a. Apply to RS-20 b. Delete all additional requirements (additional trees, driveway design, downspout) c. Are ribbon driveways too costly? Provide a narrower driveway option? d. 35’ wide lots too narrow	The proposed changes allow for the option of an incremental reduction in lot dimensions with certain additional requirements. The November version simply revised the table of dimensional standards. The March version keeps the current base allowances but re-structures the reductions as an Option A. RS-20 remains unchanged due to the few number of lots, the uniqueness of those lots (substantially larger single-family lots), and that the next increment reduction – to RS-10 standards- was not deemed to be incremental. No suggested reduction has been proposed.
Duplexes (a house with two units in it on one lot)					
<ul style="list-style-type: none"> Urban tier Suburban tier 	7,000; 50 7,500; 60	Changed to match single-family dimensional and setback requirements	No change, but re-structured as discussed above.	No comments	This reflects allowing a building with two units in it be treated the same way as a building (house) with one unit in it.
Single-family Attached (like a duplex, but each unit is on its own lot)	3,000; 35 (per building site minimum is 7,000 sq. ft.)	No change	The dimensions would apply to the pair of units/lots. (RU-5 base requirement example: the <i>pair</i> of lots must total a minimum of	No comments	Changed to match changes made for duplexes, and where the standards apply to the pair of units/lots.

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			5,000 sq.ft. with a total width of the pair to be 45 feet		
Townhouse	No minimum lot area or width requirements	No change	No change	No comments	
Multiplex	No minimum lot area; minimum lot width- 70 feet	Urban tier- 50 feet	No change from November	No comments	
Apartment	No minimum lot area; minimum lot width- 75 feet	No change	No change	No comments	
Patio home (type of small, grouped zero lot line houses that requires minimum amount of patio space)	Per group- 25,000 sq. ft. Per unit- 3,000 square feet Lot width- 35 feet	Deleted	No change from November	No comments	This was a housing type that was never used and requires patio areas that create additional impervious surface.
New- "Small lot" - allowed as single-family or duplex	NA	2,000; 25	No change, but restructured to be a by-right option (Small Lot Option B) Additional performance requirements have been maintained or added including option A requirements, structure size limit of 1,200 sq. ft. and building footprint, height limit of 25 feet, specific minimum yards, <i>new</i> density cap, <i>new</i> prohibition on ADUs, <i>new</i> shared driveway requirement.	a. Delete additional parameters. b. Delete height limit c. Delete restriction on ADUs d. Allow an ADU if a single-family lot e. Delete building coverage f. Remove/revise density cap	A newly proposed lot reduction option that would allow for small lots but require small house/duplex (1,200 sq. ft. maximum for the entire structure with a 40% building coverage maximum- the November version specified 800 square foot maximum footprint). Originally proposed in November as a new housing type, it is re-structured as a Small Lot Option B. As mentioned previously, the additional parameters help address issues such as tree canopy and impervious surface. Also meant to maintain intent to be a small house/duplex on a small lot.
Flag lot 	Allowed by right. <ul style="list-style-type: none"> • Pole width must be a minimum of 20 feet. • Lot area minimums must be met 	Added narrow pole version to allow for 12-foot width, with limits on the number (one) and size/height of structure (1,200 sq. ft.; 25 feet).	Added prohibition on ADUs and driveway design requirement.	a. Require houses to face the side b. Require parking c. Allow ADUs on reduced-pole flag lots d. Allow to choose which side is rear yard e. Delete limit of one narrow pole f. Delete ribbon driveway design requirement g. Delete allowance of existing narrow pole flag lots to develop as standard flag lots.	Flag lots allow for the use of very deep lots. The narrow pole option allows for narrower lots to take advantage of this lot pattern, with limitations. The purpose of requiring a house to face sideways is unclear. Parking is already required.
Infill Development Standards in Residential Districts					

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Applicability	Urban tier: Any development on a site less than 4 acres in a residential district	Add same applicability to RU districts in the Suburban tier	No change from November	No comments	There are a limited number of neighborhoods zoned with RU zoning in the Suburban tier and generally reflect the same development pattern as those in the Urban Tier.
Minimum Lot width	Requires new lots to have a minimum width that is the smaller of: <ul style="list-style-type: none"> The average of adjacent lots along same block face; or Median of all lots on same block face 	Deleted	No change from November	No comments	These rules currently override base zoning lot width rules. If these rules are maintained, the proposed lot reduction allowances would be moot.
Street yards	Required street yard shall be anywhere between the smallest and deepest established street yards on lots on the same block face. Minimum street yard provisions apply to corner lots, allowing to apply an infill standard or base zoning allowance.	No change	No change from November	For corner lots, add that one side is street yard and one side is side yard	No concerns with the current street yard infill standards have been made until after the March draft. The comment is similar to the current requirement, but instead of regulating both street frontages as street yards as the ordinance requires throughout, it mandates one side be a "side yard".
Landscaping	Infill development shall continue the pattern of street yard trees that has been established on all lots within 150 feet of the property unless an intervening street exists prior to that distance, in which case the street location shall define the terminating point of the required street tree pattern. When new trees are planted, they shall be a variety that, at maturity will be similar in height, width, and form to existing trees in the context area	Revised and replaced with planting or preserving one canopy or understory tree, in addition to any required street tree, planted to the rear of the structure. The Durham Landscape manual shall be used to determine allowable species.	No change from November, except allowing the preserving or planting anywhere on the lot as long as the root protection zone is maintained. Per small lot Bonus options A and B, an additional tree would also require protecting or planting.	Proposal is too complicated/ root zone protection issue.	This establishes a clear, enforceable standard while addressing tree canopy and stormwater issues. The current standard is subjective and unenforceable. It also clarifies the similar tree coverage requirements for residential infill proposed through TC1800005 Tree Coverage and Landscaping Revisions.
Building width	<ul style="list-style-type: none"> <i>Context area:</i> any principal buildings located on lots within 150 feet of the property line of the proposed site New construction shall not exceed the average building width for existing residential structures in the context area by more than 25%, unless a building articulation of at least six feet in depth at a point that mimics the average building width in the context area is provided. 	Deleted the context area and replaced with the context area used for street yards (along the block face)	No change from November	Requirement is confusing	The current text references a second type of context area other than the one used for determining street yards (already established along the block face). Staff determined this wasn't necessary and that the street yard context area should be sufficient. No explanation as to the confusing nature was provided.

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Maximum Building height	The lesser of: <ul style="list-style-type: none"> The base zoning maximum, or More than 14 feet taller than the height of any adjacent structure, except for portions that lie more than 25 feet from an adjacent structure. 	<ul style="list-style-type: none"> Maintained standard but removed the 25 foot exception. Added specific clarification as to which adjacent structures and if adjacent lots are vacant. 	<ul style="list-style-type: none"> Changed to allow maximum height to be the maximum of the existing structures on the same and opposing block face (similar to street yard context area, but added the opposing block face). Allows for more height with a minor special use permit. Would not apply to accessory structures or additions located to the rear of the existing structure. 	<ol style="list-style-type: none"> Maintain the current standard/ November version/maybe slight modification Create a dynamic height increment standard- allow 1 story over the mean Eliminate exemption for rear additions Keep current standard but change from “lesser” to “greater” 	<p>Concerns were raised that the current limitation wasn’t sufficient, thus staff has proposed a new methodology, utilizing established height on the same and opposing block face.</p> <p>Additions to the rear were proposed for exemption to allow more flexibility or additions that were set back from the block face, but can create bump-up additions to the rear of the structure.</p>
Vehicular use area (on-site parking and driveways)	Shall conform to the predominate location of parking within the context area.	Adopts the Old West Durham and Tuscaloosa-Lakewood NPO maximum driveway width of 12 feet, and the additional width allowance per Old West Durham.	No change from November. Additional driveway placement and design would apply if reducing lot sizes through options A or B	No comment beyond other related comments to delete the extra driveway design requirement.	The current requirement is somewhat subjective, and the standard already established through the two NPOs are specific and appear reasonable. It also helps address impervious surface concerns.
Parking	<p>None required if the lot is less than 40 feet wide and required building placement conflicts with required parking dimensional standards.</p> <p>Otherwise, approximately 2 per unit with one allowed as on-street if 23 feet of frontage is available.</p> <p>No parking is required for an official affordable housing unit.</p>	No change	No change	<ol style="list-style-type: none"> Create a waiver program approved by staff if the residential street of the development is parked at less than 50% during morning and evening peak hours, verified by time-stamped picture EAB- reduce or eliminate parking Add parking for ADUs 	<p>Staff determined no changes were warranted at this time. On-site parking allowances and reductions already exist, and in certain cases parking is already waived.</p> <p>As previously discussed, adding additional on-site spaces for ADUs adds cost, impervious surface, and creates an overall additional barrier for establishing an ADU.</p>
NEW: Maximum Building Coverage	NA	NA	<p>Maximum of 40%.</p> <p>Includes all buildings except those measuring 144 sq. ft. or less.</p> <p>Allows more coverage with a minor special use permit.</p>	<ol style="list-style-type: none"> Delete this provision- too onerous Allow larger building coverage for duplexes/triplexes 	<p>Informed by analysis of current building coverages within residential districts in the Urban tier, and was used in early zoning ordinances (35-45% for single- and two-family zoning). The median building coverage for all residential districts in the Urban tier is 18%, and it ranges based upon zoning district from approximately 15%-23%.</p> <p>This provision was proposed to help address impervious surface concerns.</p>
Other Proposed changes					
Residential in Nonresidential Districts	Nonresidential districts currently allow residential development. The Commercial Neighborhood (CN) district only allows single-family.	No change	Allow duplexes in CN		Consistent with matching single-family development with duplex development.
Double Frontage lots	Single-family residential lots limited to one access, with other street	Allow access from either side if for ADU or for duplex sites.	No change from November	For corner lots, require only one street yard and one side yard for	The modifications to allow for additional access provide more design flexibility and usage of the

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	access barred.			sides fronting a street	street network.
Nonconforming single-family use exemption	Allows reconstruction of a non-conforming single-family residence	Add allowance for a duplex	No change from November	None	Creates additional relief for residents.
Nonconforming single-family lot	Allows by-right construction of a single-family residence on a nonconforming lot if the zoning allows it and if the minimum lot width is 35 feet.	Expand to include duplexes and reduce minimum width to 30 feet	No change from November	None	Creates more by-right opportunities for housing on legal nonconforming lots.
Additional General comments received				<ul style="list-style-type: none"> a. Do not allow any proposed revisions in local historic districts, except for ADU revisions. b. Provide a sunset clause c. Develop a steering committee d. Develop design criteria for properties in historic districts as allowed by statute. e. EAB- Reduce/eliminate residential parking requirements. f. EAB- Expand allowances for triplexes g. Appearance Commission- maintain neighborhood context standards h. Appearance commission- strategy for discouraging demolitions i. Develop tax/financial programs for encouraging construction of second housing units 	