



**Date:** September 3, 2019

**To:** Thomas J. Bonfield, City Manager

**Through:** Keith Chadwell, Deputy City Manager

**From:** Patrick O. Young, AICP, Planning Director

**Subject:** *Unified Development Ordinance* Text Amendment, Expanding Housing Choices (TC1800007)

### **Summary**

Text amendment TC1800007 (Attachment B; B1-B6) includes amendments to the Unified Development Ordinance (UDO) that would allow for more, and more varied, housing choices to be created in a context-sensitive manner predominantly within, but not completely limited to, the Urban Tier. Proposed UDO revisions include expanding the allowance of duplexes, a new small lot option, aligning duplex and attached single-family housing types with detached single-family standards, increasing the opportunities for accessory dwelling units, modifications to residential infill standards, and modifications to other associated standards.

The proposed amendments staff recommends in Attachment B are informed by the outreach events and survey results, comments received from draft amendments released for public comment in November 2018, comments received from public review on a staff-recommended draft submitted to the Planning Commission in March 2019, and the final recommendation received from the Planning Commission in June 2019. The attached staff-recommended amendments include modifications that continue to seek a balance between the four goals discussed at the Planning Commission hearings: add housing units through incremental growth, add housing units that respect neighborhood character, develop regulations that would be used and that do not accelerate neighborhood change.

As staff has stated throughout in public meetings and hearings, this initiative is not primarily an official affordable housing program, but a method to address the need to allow for more and varied housing options to accommodate the anticipated population growth in the decades to come. These changes are anticipated to aid in providing more affordable and attainable housing options.

### **Recommendation**

That the City Council approve the attached Ordinance to amend Article 4, Zoning Districts; Article 5, Use Regulations; Article 6, District Intensity Standards; Article 7, Design Standards; Article 13, Additional Requirements for Subdivisions; Article 14, Nonconformities; and Article 17,

Definitions, of the *Unified Development Ordinance*; and approve the appropriate consistency statement regarding consistency with the Durham *Comprehensive Plan* and that the request is reasonable and in the public interest. Information supporting these recommendations is found within this memo, attached documents, and any information provided through the public hearing.

### **Background and Process**

Beginning in spring 2018 the Planning Department convened a group of affordable and market-rate housing practitioners (“practitioners’ panel”) to advise staff of the particular challenges they face in building a diversity of housing options at a range of price-points. Common themes that emerged from these meetings included:

- Restrictive zoning districts. Many zoning districts simply do not allow housing types other than single-family, require large tracts of land that are increasingly expensive and rare, and require too much parking;
- Cost of land, labor, construction materials; and
- Cost of compliance with City regulations, including stormwater control measures, connection fees, commercial building codes, and roadway build-out.

To measure public opinion and concerns regarding expanding housing choices in general, and certain housing types more specifically, a questionnaire was released and made available from June 15, 2018 through August 15, 2018. The questionnaire was advertised through the City and the County Public Affairs’ Offices. Additionally, in an effort to collect broader participation, Planning staff attended several events throughout the summer, including the Rock the Park concert series, the Durham Farmers’ Market, and the Latino Festival. Flyers were also distributed through the Police Department during National Night Out events. Over 1,300 people participated in the survey. The results are summarized in Attachment I.

Based on input from the practitioners’ group, results of the questionnaire, and best practices from across the country, staff compiled information regarding concepts for how to amend the UDO in order to allow for a greater variety of housing choices in a context-sensitive manner. These concepts were presented to the Joint City-County Planning Committee (JCCPC) in June 2018, and City Council and Board of Commissioners at their work sessions in August and September 2018, respectively. Presentations were also made to groups such as the Inter-Neighborhood Council (INC), the Coalition for Affordable Housing and Transit (CAHT), the Triangle J Council of Government’s (TJCOG) Housing Practitioners’ quarterly meeting, and the Planning Department’s practitioners’ panel. After receiving positive feedback from those work sessions, staff began developing specific revisions to the current regulations.

A public “Discussion Draft” was made available in late November. Planning staff hosted two in-person open house meetings and created an “online” open house for people unable to attend the meetings held at City Hall. A questionnaire seeking input and feedback on the “Discussion Draft” was available online from November 26<sup>th</sup> 2018 thru January 28<sup>th</sup> 2018 (Attachment J summarizes the results of the questionnaire). Presentations summarizing the “Discussion Draft”

were provided to the City Council and Board of Commissioners at their work sessions in December 2018 and January 2019, respectively, and as an informational item for the Planning Commission on January 3, 2019. Staff also met with a many different neighborhood and community groups to discuss the proposal and to receive feedback. A complete list of public outreach events can be found in Attachment K.

On February 25<sup>th</sup>, 2019, staff released the March Planning Commission public hearing draft. On March 12, 2019, the Planning Commission continued the hearing to its May 14<sup>th</sup> meeting, and asked staff to convene additional outreach. Staff continued to meet with groups as requested, and also held a Community Conversation event in Walltown on April 27<sup>th</sup>. On May 14<sup>th</sup>, the Planning Commission continued the hearing to its June 11<sup>th</sup> meeting, where in the interim a subcommittee met and provided a set of recommendations for the Planning Commission to consider at its June meeting (Attachment D).

On June 11, 2019, the Planning Commission recommended approval of the subcommittee recommendations by a vote of 12-1 (see Attachment D for the detailed recommendation and planning commissioners' comments). The Durham County Board of Commissioners is tentatively scheduled to consider this amendment at its September 23, 2019, meeting.

## **Issues and Analysis**

### *Growth Management*

Durham County is projected to grow by 160,000 people by 2045. In order to accommodate that level of growth, an additional (approximately) 2,000 dwelling units will be needed county-wide every year. Planning for where that growth occurs is a key goal of the Planning Department. Research suggests (see Attachment G) that promoting a denser pattern of development in areas closer and more connected to jobs and services and more easily served by existing infrastructure, can reduce our carbon footprint and be a more fiscally sound pattern of growth. Diminishing availability of developable and serviceable land on the fringes of the City means that some amount of new growth will need to be accommodated through dense redevelopment ("growing up"), or through incremental infill of existing neighborhoods ("growing in"). EHC addresses strategies for how to "grow in", particularly in the Urban Tier.

Every four years the Durham Chapel Hill Carrboro Metropolitan Planning Organization (DCHC MPO) completes a Metropolitan Transportation Plan (MTP) to help guide federal, state, and local transportation investments. It uses a land use model with data inputs from the adopted Comprehensive Plan and Future Land Use Map to inform where future growth is likely to occur in order to prioritize transportation projects. It also provides a benchmark of where growth needs to occur in order to accommodate additional households and jobs. As the table below shows, the Urban Tier is expected to absorb approximately 15 percent of new dwelling units by 2045 (approximately 9,500 units total or 300 annually) in order to accommodate new growth.

Projected New Dwelling Units by 2045		
Tier	Dwelling Units	Percentage of Growth
Rural	30	0.05%
Suburban	32,366	51.72%
Urban	9,510	15.20%
Downtown	5,732	9.16%
Compact	14,941	23.88%

Efforts to increase density like EHC are needed in order to meet these benchmarks. Over the last ten years, building permits show only an average of 95 dwelling units per year were built in the Urban Tier. With EHC approved, staff would monitor the number of additional units built per year over the 10-year average of 95 units. By 2024, an initial goal would be 140 new units/year in the Urban tier, considering a minimum 10% increase per year or an average of 11 additional units per year. This also recognizes that the proposed amendments will not be the sole source for additional housing since there are areas that currently allow for multifamily housing, or areas that could allow for additional housing with rezonings.

*Equity*

As urban planners today, we recognize that zoning designations that allow only single-family housing have had a significant role in perpetuating racial segregation, economic exclusion and the disparity of outcomes for multiple generations of low-to-moderate income Durham residents. In many instances, current zoning is a legacy of the past. While we are still learning and uncovering the role of institutionalized systems, like zoning, have had on these disparities, several recent resources have helped to illuminate our understanding:

- *The Color of Law*. A Forgotten History of How Our Government Segregated America. Richard Rothstein. 2017. A seminal book that details how segregation today is the byproduct of explicit government policies at the local, state and federal levels.
- Uneven Ground. Bull City 150. [https://www.bullcity150.org/uneven\\_ground/](https://www.bullcity150.org/uneven_ground/). A website/exhibit that presents major historical themes in the story of housing and land in Durham, underscoring the role of both race and class, from the time of colonial settlers through the 1960s. This work unearths how disparities today in Durham are rooted in institutional racism.
- *The role of racial bias in exclusionary zoning: The case of Durham, North Carolina, 1945-2014*. Economy and Space. Andrew Whittemore. <https://journals.sagepub.com/doi/abs/10.1177/0308518X18755144>  
 A detailed analysis of all rezoning cases in Durham between 1945 and 2014 concluded:

- a. Downzonings occurred in areas that were significantly whiter but not significantly higher-income or with significantly higher homeownership rates than average,
- b. That denied upzonings occurred in areas that were significantly whiter and with significantly higher homeownership rates but not significantly higher-income than average, and
- c. That both downzonings and denied upzonings occurred in areas that were significantly whiter but not with significantly higher incomes or higher homeownership rates than the areas where upzonings took place.

Whittemore's findings suggest that other possible drivers of exclusionary zoning practices (higher incomes and higher homeownership rates) offer less likely explanations than racial prejudice in causing exclusionary practices prior to 1985 in Durham.

Moving forward, we are called to be more mindful about how zoning rules may or may not be applied in ways that influence equity. In conversations we have had with individuals and communities three main threads that relate to equity have surfaced: Affordable Housing, Economic Displacement, and Teardowns.

*Affordable Housing for Low Income Households.* We agree that stand-alone zoning strategies will not be the ultimate solution for the production of housing that is truly affordable for low-income households earning less than 60 percent AMI. Fortunately, the EHC initiative is not standing alone. The City's Department of Community Development is considering leveraging federal community development money, local tax dollars dedicated to housing, institutional relationships, publicly owned land, and portion of a proposed \$95 million affordable housing bond to implement Durham's 2016-2021 Affordable Housing Goals.

While the net cast by EHC is intentionally large to affect all housing providers, it does help developers of Affordable Housing on a site by site basis. Using the Affordable Housing Density Bonus, developers will be able to yield more units on the limited land they have through increased site design flexibility, reduced parking requirements, and increased density.

*Economic Displacement.* People moving to Durham bring on average over \$10,000 more in annual income than the average current Durhamite – making new residents better able to compete for scarcer housing opportunities than existing Durham residents. We see this happening all over the city, but particularly in Urban Tier neighborhoods. If someone moving from Boston or San Francisco, where incomes are higher and real estate is worth more, cannot find a home to buy in Trinity Park or Watts Hillandale, for example, they might look to Walltown or East Durham where they can outbid middle income homebuyers and invest money in repairs, remodels and additions. In situations with limited availability of housing, upper income buyers will outbid middle income buyers,

and middle income buyers will outbid low income buyers. This phenomenon of economic displacement leaves the fewest choices for those at the bottom of the income spectrum. Strict single-family zoning rules that limit housing opportunities in the most in-demand neighborhoods can send the dominos into motion.

An aspirational goal of EHC is to make it *possible* (legal under the zoning ordinance) to build attainable market rate housing for middle income households, which in turn, may reduce economic displacement of low income households. Along with the increasing cost of labor and construction materials, zoning rules that require large lots (land is increasingly expensive) and limit housing types make it very challenging to build a housing unit that is market-rate affordable or attainable for middle income home buyers. While developers will still build luxury housing (if the market demands it), EHC aims to make it *economically possible* to build for middle income households by allowing smaller lots, more housing types, and more flexibility with accessory units.

An additional policy goal behind the proposals for Accessory Dwelling Units (ADUs) and the option to subdivide to a small flag lot is to help existing homeowners who may have excess land that they are willing to either build on or subdivide to generate additional needed income. Building an ADU can provide rental income to help with mortgage payments or tax bills, but can also be a complex and expensive process. Simplifying the approval process and providing access to financing mechanisms for middle and low income households is a logical next step. Subdividing the backyard into a separate flag lot for a small house is an alternative to building an ADU and could offer the existing homeowner an opportunity to access equity they have tied up in the land, allowing them to stay in place.

Additional programs should also be developed to better inform current residents of their rights as homeowners, and help understand the value of their property. Speculators currently send out letters offering cash for a home, and this can appear as an attractive offer (especially to low and moderate income households). The Community Development Department is currently investigating programs to provide aid and advice to homeowners in order to make informed decisions about their property. This is a needed service whether or not the proposed revisions are adopted.

*Teardowns.* As we have seen, the high demand for housing in Durham, especially in our Urban Tier neighborhoods, has led to teardowns and conversions of previously affordable housing to new, less-affordable housing. People often say that teardowns change the “character” of the neighborhood, sometimes referring to the diversity of people, and sometimes referring to the physical characteristics of the neighborhood (building height, bulk, rhythm, aesthetic). Market forces outside of our control are creating the pressure for teardowns, and these forces will continue to happen with or without the zoning changes introduced by EHC.

Today, if a home is torn down, in many zoning districts the only building that can be rebuilt is a single family house, which will likely be much larger and more expensive than what it replaced. By allowing duplexes and providing options for smaller lots, EHC would make it possible to replace that one unit with more units, which would be smaller and less expensive on a per-unit basis.

An important component of EHC is to address some neighborhood concerns that homes rebuilt after a teardown are “out of character” with the existing neighborhood. Mostly, that new houses are too big, too bulky, and do not preserve canopy trees. When Planning staff talks about “character” we often mean elements of the built environment that contribute to the basic feel of a street: the rhythm of buildings and lots, setbacks, bulk, height, trees, parking, etc. To address these concerns, EHC proposes:

- Maintaining, adding to, and clarifying infill standards;
- Limitations on impervious area used for driveways;
- Additional trees;
- Maximum building footprints and additional performance standards for the proposed small lot option.

The Planning Department is also committed to monitoring the impact these regulations have on teardowns (both numerically and geographically). Planning will continue to monitor trends to ensure these proposed regulations are not having unintended or negative consequences.

### *Environmental Impacts*

Multiple stakeholders have raised concerns about the environmental impact of adding additional density in the Urban Tier. Major issues raised include the impact to the tree canopy and the addition of impervious surfaces leading to stormwater runoff and flooding.

*Impact to tree canopy.* A tradeoff to adding additional housing in existing neighborhoods is the potential loss of trees. The urban canopy serves many purposes, from providing habitat, to reducing the urban heat island, to helping to define the character of neighborhoods. Even without adding additional housing units, the existing tree canopy faces challenges. A report issued by the Environmental Affairs Board in 2015 entitled *Recommendations for Sustaining a Healthy Urban Forest in Durham, NC* estimated that in 20 years, most of the City’s large willow oak trees planted in the 1930s will reach the end of their natural lifespan. The City’s Urban Forestry Manager estimates that an average of 650 large trees will be lost every year over the next twenty years. Major city-wide initiatives are underway to address this issue. For instance, the City’s General Service Department completed in 2018 an *Urban Forest Management Plan* which calls for planting at least 1,000 trees each year.

The proposed EHC Text Amendments address trees in a number of ways:

- a. As part of these proposals, revision to the current landscaping section for Infill Standards would more clearly prescribe maintaining or planting a tree, in addition to any street tree requirements. This standard would implement what was developed for the Old West Durham NPO.
- b. The proposed small lot reduction option would require additional tree protection or planting, requiring a minimum of one canopy and one understory tree, in addition to any required street tree.

Additionally, a separate tree and landscaping revision text amendment (TC1800005) recently received a recommendation of approval from the Planning Commission. This text amendment would include additional project boundary buffers for mass graded sites, an emphasis on using natural vegetation over new plantings, and increased Urban Tier tree coverage requirements.

*More impervious surface.* Another tradeoff to adding additional housing units is additional impervious surfaces. Impervious surfaces impede the infiltration of water into the soil, thus leading to an increased amount of stormwater flowing at faster speeds toward local streams. The effect can lead to more frequent and damaging flooding, erosion of stream banks, and increased water pollution.

Per state law, single and two-family developments are currently exempt from stormwater regulations that might otherwise require on-site capture and treatment; however, several measures have been included in the EHC text amendments that seek to encourage more permeable surfaces for residential infill in the Urban Tier, including:

- a. Maintaining exemptions to on-site parking standards for narrower infill lots, affordable housing units, and lots with adequate frontage to accommodate on-street parking.
- b. Revisions to the current vehicular use area (parking) section for Infill Standards to limit driveway width to 12 feet, to minimize the amount of driveway paving allowed, utilizing standards adopted with the Tuscaloosa-Lakewood and Old West Durham NPOs.
- c. If utilizing the proposed small lot option, ribbon driveways shall be required, which further limits the amount of impervious surface.
- d. As mentioned in regards to tree canopy, if utilizing the proposed small lot option, there is a new requirement to maintain or plant two trees.
- e. If utilizing the proposed small lot option, and also included in infill standards, downspouts would be required to direct water over pervious areas instead of directly into streets.

### *Neighborhood Character*

An important component of Expanding Housing Choices is to address concerns voiced by some that new homes are “out of character” with the existing neighborhood. Mostly, staff heard that new houses are too big or too bulky, and lead to excessive parking congestion.

*More parking congestion.* Additional housing units could add more cars to neighborhood streets. While the City is implementing several transportation plans to encourage more walking, biking, and transit use, the predominant method of transportation is still the car. The UDO currently requires each dwelling unit must accommodate a minimum of two parking spaces on-site. Current UDO parking requirements do not require parking for:

- ADUs;
- Affordable Housing Dwelling Units; and
- Narrow (less than 40 feet) lots where the required street yard would create a conflict with minimum parking requirements.

Additionally, current requirements allow one parking space to be accommodated with on-street parking if the lot has at least 23 feet of frontage to accommodate the parking space. At least one required parking space must be placed on-site.

No changes to minimum parking requirements are proposed. As mentioned above, limitations to driveway widths and design are proposed, including requiring ribbon driveways and locating driveways to the side of primary structures if choosing to utilize a lot reduction/density bonus option.

### *Monitoring and Future Steps*

Planning staff is committed to tracking and monitoring trends to ensure these proposed regulations are not having unintended or negative consequences. While community members have asked for a sunset clause, staff recommends annually monitoring and reporting to City Council the number, location, and diversity of housing units; demolitions; and possibly valuations. As discussed above, a goal of a 10% increase in units per year to 140 by units/year by 2024 is an initial goal. City Council can direct staff to modify regulations as appropriate based upon annual reports.

The Planning Commission and other groups have also recommended a delayed effective date to coincide with other housing programs that may be developed specifically for affordable housing. As currently submitted, the effective date would be October 1, 2019 to coordinate the effective dates for both governing bodies. As with any text amendment, the governing body can set an effective date as it deems appropriate.

## Consistency with the Planning Commission Recommendation

The following provides a brief discussion of how the proposed amendments are consistent, or not consistent, with the recommendation of the Planning Commission. The complete recommendation and individual comments issued by planning commissioners can be found in Attachment D.

1. *Amend the definition of “affordable housing dwelling unit.”* Staff agrees this definition should be modified for the reasons stated in the recommendation. In consultation with the Community Development Department, a separate, more comprehensive set of amendments will be developed to address this issue, along with other possible adjustments to UDO rules affected by this definition.
2. *Delay the effective date for 12 months to accommodate development of other housing programs, develop metrics to monitor impacts, and maintain ongoing public input.* The standard practice the Planning Department has used for most text amendments is to synchronize the effective dates for City Council and Board of Commissioners approvals, typically to the first day of the following month. This default is included in the attached ordinance under consideration, but staff will amend the effective date as deemed appropriate by the governing body. Furthermore, staff has consistently indicated a commitment to develop reasonable metrics and monitor the impacts of the proposed amendments, and a resolution to that effect is included for adoption in Attachment L.
3. *Allow an ADU for the single-family small lot option.* Staff has included this allowance. Staff has also included the allowance for an ADU on duplex lots, consistent with the November proposal. These allowances, in addition with other proposed changes to ADU standards, will provide more opportunities for ADUs.
4. *Limit ADU height to 25 feet.* Staff believes this is reasonable and has incorporated this recommendation into the current draft, and applied it to all accessory structures in an effort to reduce complexity.
5. *Remove the current standard to allow height up to 45-foot with additional street setback for the structure.* This is consistent with the staff March proposal and remains in the current proposal. The standard remains for development in the Suburban tier.
6. *Modify the infill height rules to measure based upon the mode of structures along the block-face, instead of the tallest existing structure along the block-face as proposed in the March draft.* Due to a lack of more workable and less complex options proposed, staff has opted to maintain the current standard in the UDO, with the changes and clarifications consistent with the November Discussion draft (see Attachment B2 for specific wording). These changes make the current standards less complex, more easily enforceable, and provide more flexibility in new house design and for additions to existing houses. Staff also has significant concerns about the impact of the proposed standard on allowing creation of additional housing units in the Urban Tier, since many Urban Tier neighborhoods consist solely of one-story residences.
7. *Except for the proposed changes to ADU standards, exempt the proposed changes from local historic districts unless part of an affordable housing project.* This recommendation is not included in the draft presented to the governing bodies for the following reasons:

- a. One purpose of Durham’s local historic districts is to function as design-based, not use-based, overlay districts. The state enabling legislation allows for both types of local historic districts, but Durham has opted for design-only regulatory districts. This would be a major change to the purpose of the districts.
  - b. Many have raised concerns about the lack of design/aesthetic regulations for the proposed changes, and some have asked for a delay to develop such regulations for national historic districts (state legislation would allow for this). Since local historic districts maintain enforceable design controls, staff believes that including local historic districts in the Expanding Housing Choices proposal as recommended works to both provide additional housing units and maintain the historic character of a given local district through the certificate of appropriateness process. The proposed changes do not guarantee a wholesale disintegration of the local historic districts (as many fear), but generally reflect the historical uses within most districts- ADUs, duplexes, and variety of housing size. Furthermore, local historic districts can delay demolition, which can have the effective of changing a property owner’s mind. Special legislation by the State legislature would have to be approved in order for Durham to deny a building demolition.
  - c. Local historic districts also do not preserve neighborhoods as-is, but actually allow for a variety of design. Thus the proposed changes do not introduce or promote a phenomenon that doesn’t already exist or is implemented.
  - d. Although the Planning Commission rightly points out that local historic districts account for only approximately 4.8% of single-and two-family lots in the Urban tier, singling-out the local historic district neighborhoods sets a policy precedent that historic preservation is more important policy than other policies, such as attainable housing options, equitable development strategies, and accommodation of current and anticipated growth. It also makes a statement the EHC is harmful to historic preservation or is inconsistent with historic preservation policies, which staff does not believe is true for the reasons stated above.
8. *Amend the definition of “family” at a later date.* Staff agrees that the current definition warrants review and possible revision, but that detailed consideration has not been done within this initiative. Thus, although some have requested modifying the definition as part of this initiative, an amendment to this definition is not included in the attached ordinance.
  9. *Consider the Suburban Tier in more housing solutions.* Staff agrees that a comprehensive consideration of how Durham grows and develops needs consideration of the Suburban Tier. While many of the proposed amendments focus on the Urban Tier, changes to ADU standards and expanding the allowance of different housing types in the Suburban Tier, for example, begin to address this issue. The development of the new Comprehensive Plan will focus even more on suburban development and on the overall issues of growing in, out, and up.

## Summary of Proposed Amendments

The following is a summary of proposed amendments found in Attachment B, and within the tables in Attachment C. This summary does not list all of the proposed changes.

1. *Accessory Dwelling Units (ADUs)*
  - a. Maximum size to be 800 square feet, unless the primary structure is less than 800 square feet.
  - b. Allows an ADU on nonconforming lots by-right and, in some cases nonconforming structures by-right (additional approvals may be necessary based upon the scope of work).
  - c. Accessory structure height (whether it contains an ADU or not) is simplified to a maximum of 25 feet, and not held to infill height restrictions.
  - d. Allows an ADU to the side of a primary structure, but towards the rear of it.
  - e. Keeps the current allowance of one per lot with one residential unit, and added an allowance for a duplex lot.
  - f. Adds provisions for up to three ADUs on lots with certain civic uses.
2. *Duplexes*
  - a. Allows throughout residential districts in Urban tier, and RU-5 in Suburban Tier.
  - b. Revises minimum lot size standards to be the same as single-family dimensional standards.
3. *Lot sizes/Density*
  - a. Maintains current lot sizes for housing types, except for Duplexes (see above) and Attached House (which are amended to be consistent with changes for duplexes).
  - b. Maintains current zoning densities, except allows for a higher density with the proposed Small Lot Option.
  - c. A narrow-pole flag lot option is proposed:
    - i. Limited to one per parent parcel.
    - ii. House size is limited to 1,200 square feet.
    - iii. An ADU is allowed.
    - iv. A minimum width of 35 feet for the remaining standard lot created from the parent lot.
  - d. A 2,000 square-foot Small Lot Option is proposed:
    - i. Allowed in any residential district in the Urban tier, except RS-20.
    - ii. Allowed in the RU-5, RU-M, and RS-M districts in the Suburban Tier.
    - iii. Additional standards and limits on building size are provided.
    - iv. Can be a duplex or single-family dwelling.
    - v. An ADU is allowed.
4. *Infill Rules*
  - a. Removes lot width rules.
  - b. Adds applicability to RU districts in the Suburban Tier.
  - c. Maintains height rules for primary structures, but are simplified and clarified.
  - d. Adds or revises standards for driveways, trees, and downspouts.

5. *Other*
  - a. Adds different housing types for cluster and conservation subdivisions.
  - b. Modifies allowances for duplexes in nonconforming lot situations.
  - c. Modifies access for double-frontage lots.
  - d. Adds duplex allowance to the CN district.
  - e. Adds multiplex allowance to the Thoroughfare Density Bonus.
  - f. Revises existing neighborhood protection overlays.

### **Consistency with the *Comprehensive Plan*; Reasonableness and in the Public Interest**

These amendments are supported by the *Comprehensive Plan* under the Summary of Issues in the Community Character and Design Element:

*“Both urban and suburban infill development become more important as the population of Durham continues to grow. Infill development, including residential, non-residential, and mixed use, are an important aspect of smart growth and will help support transportation alternatives and alleviate congestion related issues.”*

The amendments are further supported under Objective 4.2.2, *Encourage attractive and varied residential development throughout the community*. Policy 4.2.2a, states,

*“Through the Unified Development Ordinance, continue to provide variability of lot size and allow a variety of housing types and styles in new residential developments to avoid monotony.”*

Additionally, the proposed densities (maximum of 12 units per acre) are in line with the prescribed density ranges on the Future Land Use Map for the Urban Tier (6-12 and 8-20 dwelling units/acre).

The proposed standards appear reasonable and in the public interest as documented in the body of the staff report.

### **Staff Contacts**

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### **Attachments**

**Attachment A:** Statement of Consistency Pursuant to NCGS § 160A-383

**Attachment B; B1-B6:** An Ordinance to Amend the *Unified Development Ordinance* Regarding Expanding Housing Choices (TC1800007)

**B1:** Accessory Dwelling Units

**B2:** Residential Infill Development

**B3:** District Intensity

**B4:** Housing Types

**B5:** Miscellaneous Provisions

**B6: Neighborhood Protection Overlays**

- Attachment C:** Summary Tables of Proposed Changes
- Attachment D:** Planning Commission Recommendation and Individual Comments
- Attachment E:** Recommendations from the Durham Environmental Affairs Board (EAB)
- Attachment F:** Recommendations from the Durham Appearance Commission
- Attachment G:** Article Review
- Attachment H:** Zoning Ordinance Research
- Attachment I:** Summer 2018 Questionnaire Results
- Attachment J:** Discussion Draft (November 2018-January 2019) Questionnaire Results
- Attachment K:** Public Outreach Summary
- Attachment L:** Resolution for Continued Monitoring and Reporting