

**PART 3**

[Amendments to Article 6 primarily regarding housing types and standards for zoning districts, and amendments to cluster subdivision standards]

**Sec. 6.2 Residential Rural (RR) Development Intensity**

[Paragraphs not listed remain unchanged]

**6.2.2 Permitted Housing Types**

Only Single-Family Detached Houses, as described in paragraph 7.1.2, and manufactured homes shall be permitted. For conservation subdivisions in the Suburban Tier, single-family, duplex, and townhouse housing types are allowed.<sup>1</sup>

**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.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M		
	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
<u>Small Lot Option</u> <sup>2</sup>	---	<u>2.0</u>	---	<u>12.0</u>	---	<u>12.0</u>	---	<u>12.0</u>	<u>18.0</u>
Open Space (% of gross area) <sup>1</sup>									
Conventional Subdivision	—	—	15	—	15	—	18	—	—
Cluster Subdivision	—	—	15	—	15	—	18	—	—
Site Area (acres)									
Conventional Subdivision	—	—	—	—	—	—	—	—	—
Cluster Subdivision	4	—	4	—	4	—	—	—	—
Site Width (feet)	—	—	—	—	—	—	200	—	—
<u>Lot Area (square feet)</u>	<u>20,000</u>	—	<u>10,000</u>	—	<u>8,000</u>	—	<u>5,000</u>	—	—

<sup>1</sup> Allows for more variety of housing types while not increasing the allowed density.

<sup>2</sup> Density limit on the small lot option, originally included with the small lot standards, is added here to keep density rules together.

Dimensional Standard	RS-20		RS-10		RS-8		RS-M		
	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max. without Development Plan	Max. with Development Plan (see paragraph 3.5.6)
Conventional Single-Family Detached <sup>3</sup>									
Area and Width Requirements Lot Area	See Sec. 7.1, Housing Types								
Height (feet) <sup>2</sup>	—	35	—	35	—	35	—	35	

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

<sup>2</sup> Height is, or may be, further limited when using the Small Lot Option, the Reduced Pole Width flag lot option, Infill standards, a neighborhood protection overlay, or by a local historic district.

2. The maximum residential density does not apply to actions listed under paragraph 3.6.2, Actions Exempt from Subdivision Requirements ([Exempt Plats](#)). Where this maximum does apply, density can be increased in accordance with paragraph 6.3.3B, RS-M District Major Roadway Density Bonus, or Sec. 6.6, Affordable Housing Bonus. Other than these options, the maximum density shown cannot be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.
3. For cluster subdivisions in the RS-20, RS-10, and RS-8 districts, the lot size reduction would be added to the minimum open space requirement.
4. For both conventional and cluster subdivisions in the RS-M District open space requirements also apply to the development standards for apartments.
5. Minimum lot area for conventional, single-family detached housing types can be reduced in accordance with paragraph 6.3.3C, Lot Averaging.
6. ~~In the Suburban Tier, Additional additional~~ height in the RS-20, RS-10, and RS-8 districts is permitted 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.<sup>4</sup>
7. For projects in the RS-M District, additional height is permitted at a rate of one additional foot for every one foot of additional setback provided, if shown on a development plan meeting the requirements of paragraph 3.5.6, Development Plan.
8. Minimum lot area may be higher as required by the County Health Department for individual wastewater treatment systems or “Package Plant” style wastewater treatment systems.

<sup>3</sup> Deleted due to redundancy with section 7.1.2.

<sup>4</sup> The added specification to the Suburban tier is due to the fact that in most instances the infill standards for height and setbacks will apply.

### 6.3.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RS-20	RS-10	RS-8	RS-M
Single-Family Detached	✓	✓	✓	✓
Zero Lot Line House		✓	✓	✓
Patio house		✓ <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>
Traditional House <sup>5</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>
Semi-Attached House <sup>6</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>	✓
Duplex <sup>7</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>	✓
Townhouse <sup>8</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>	✓ <sup>1</sup>	✓
Multiplex				✓
Apartment				✓

<sup>1</sup> Cluster subdivision only; see Sec. 6.7, Cluster Subdivision.

<sup>2</sup> [Only applicable within the Urban Tier, or cluster subdivisions in the Suburban Tier.](#)

### D. Application of Density Requirements for Single-Family and Two-family Development

For single-family and two-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.<sup>9</sup>

### Sec. 6.4 Residential Urban (RU) Development Intensity

[Paragraphs not listed remain unchanged]

#### 6.4.1 Development Standards

##### A. Dimensional Standards

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

<sup>5</sup> This addition is re-organizing existing allowances and standards. The standards associated with a “traditional house” housing type were always allowed but were categorized under the “Single-Family Detached” housing type.

<sup>6</sup> “Semi” is deleted because no current or proposed standard regulates the amount the two units must be attached. The allowance is expanded consistent with the expanded allowance for Duplexes.

<sup>7</sup> The expansion of the allowances for duplexes is limited to the Urban tier and within cluster subdivisions.

<sup>8</sup> Townhouses would be limited to cluster subdivisions in all RS districts except RS-M.

<sup>9</sup> Maintains current standard and adds applicability to duplexes, where allowed.

Dimensional Standard	RU-5		RU-5(2)		RU-M		
	Min.	Max.	Min.	Max.	Min.	Max. without a Development Plan	Max. with a Development Plan (see paragraph 3.5.6)
Residential Density (units per acre)							
Project Under Four Acres	—	8.0	—	8.0	—	12.0	20.0
Project Four Acres or Greater	6.0	8.0	6.0	8.0	8.0	12.0	20.0
<a href="#">Small Lot Option</a>	---	<a href="#">12.0</a>	---	<a href="#">12.0</a>	---	<a href="#">12.0</a>	<a href="#">20.0</a>
Open Space (% of gross area) <sup>1</sup>	5	—	5	—	6	—	
<a href="#">Site Area</a> <a href="#">Site Width</a> <a href="#">Lot Area</a> <a href="#">Area and Width Requirements</a>	See Sec. 7.1, Housing Types						
Height (feet) <sup>2</sup>	—	35	—	35	—	55	

<sup>1</sup> Please see Sec. 12.5, Recreation Lands, for additional requirements that may apply.

<sup>2</sup> Height is, or may be, further limited when using the [Small Lot Option](#), the [Reduced Pole Width flag lot option](#), [infill standards](#), [a neighborhood protection overlay](#), or by a [local historic district](#).

2. Maximum density can increase in accordance with paragraph 6.4.3, Residential Density, and/or Sec. 6.6, Affordable Housing Bonus. Other than these options, the maximum density shall not be exceeded even though the use of an alternative housing type may impose smaller lot size requirements.
- ~~3. Additional height in the RU-5 and the RU-5(2) districts is permitted 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.<sup>10</sup>~~
43. If the project in the RU-M District is on at least a four acre lot, the maximum height can be increased up to 75 feet through the issuance of a minor special use permit.

### 6.4.2 Permitted Housing Types

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type <sup>11</sup>	RU-5	RU-5(2)	RU-M
Single-Family Detached	✓	✓	✓
Zero Lot Line House	✓	✓	✓
Traditional House	✓	✓	✓
<a href="#">Patio house</a>	✗	✗	✗

<sup>10</sup> This provision conflicts with infill standards.

<sup>11</sup> Patio houses are proposed for deletion, and duplex allowance is expanded into RU-5.

Housing Type <sup>11</sup>	RU-5	RU-5(2)	RU-M
Semi-Attached House	✓	✓	✓
Duplex	✓	✓	✓
Townhouse	✓ <sup>1,2</sup>	✓	✓
Multiplex <sup>12</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>	✓
Apartment			✓

<sup>1</sup> Cluster subdivision only, see Sec. 6.7.

<sup>2</sup> ~~See also paragraph 6.4.3D, Townhouse transitional use, where applicable. Only pursuant to paragraph 6.4.3B, Thoroughfare Density Bonus.~~

### 6.4.3 Residential Density

#### B. Thoroughfare Density Bonus

1. Projects located along major or minor thoroughfares, or boulevards, with rights-of-way greater than 50 feet in width can develop as townhouses, using the dimensional provisions of paragraph 7.1.8, Townhouses, so long as the average width of the townhouse lots is at least 20 feet. 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.~~<sup>13</sup>
2. Projects located along major thoroughfares or boulevards, with rights-of-way greater than 50 feet in width can develop as multiplexes, using the dimensional provisions of paragraph 7.1.9, Multiplex. Projects developed utilizing this option shall meet all of the requirements of Sec. 6.8, Infill Development in Residential Districts, where applicable.<sup>14</sup>

#### ~~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.~~<sup>15</sup>

#### ED. Application of Density Requirements for Single-Family and Two-family Development

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.<sup>16</sup>

<sup>12</sup> Multiplexes would only be allowed if meeting the requirements of paragraph 6.4.3B.

<sup>13</sup> Deletion of infill lot width requirements are proposed; thus this standard is no longer necessary.

<sup>14</sup> Expands the allowance of 3-4 unit apartment buildings (a multiplex) along major thoroughfares and other higher volume roadways.

<sup>15</sup> This allowance is deleted because it is very hard to interpret and most instances would be covered under 6.4.3B.

<sup>16</sup> Maintains current standard but adds title consistent with section 6.3.

**Sec. 6.5 Residential Compact (RC) Development Intensity**

[Paragraphs not listed remain unchanged]

**6.5.2 Permitted Housing Types**

Residential uses allowed pursuant to Sec. 5.1, Use Table, shall be limited to the housing types permitted in accordance with the following table. For illustrations, lot dimensions, and required yards for each housing type, see Sec. 7.1, Housing Types.

Housing Type	RC	
	Support Area	Core Area
Single-Family Detached	✓	1
Zero Lot Line House	✓	1
Traditional house	✓	1
Patio House	✓	1
Semi-Attached House	✓	1
Duplex	✓	1
Townhouse	✓	✓
Multiplex	✓	✓
Apartment	✓	✓

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

**Sec. 6.7 Cluster Subdivision**

[Paragraphs not listed remain unchanged]

**6.7.1 Purpose**

To encourage innovation in residential subdivision design, cluster subdivisions shall be permitted providing for more efficient layout of lots, streets, and utilities, for the preservation of open space and recreation areas, and for the protection of unique site features and scenic vistas. ~~Cluster subdivisions shall permit reductions in lot area in exchange for equal amounts of open space on a one-to-one basis, subject to the following standards.~~<sup>17</sup>

**6.7.4 Housing Types**

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

**6.7.5 Open Space**

A. The subdivision shall include ~~designated~~ the minimum required common open space as referenced below.

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

<sup>17</sup> This standard is relocated to section 6.7.5B.

**B. Additional Open Space**

1. Reductions in lot area in exchange for equal amounts of common open space on a one-to-one basis shall be provided in addition to the open space requirements referenced in paragraph A, above.<sup>18</sup>
2. For duplex lots where the duplex housing type is allowed only in a cluster subdivision, the lot reduction/additional open space calculation referenced in paragraph 1, above, shall be based upon the conventional lot size of a detached single-family lot for the zoning district.
3. For the townhouse housing type, the required open space shall be at least 20% of the gross area of the development.<sup>19</sup>

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

**6.7.6 Perimeter Treatment**

Property on the edge of cluster developments shall either:

- A. Be set aside in open space that includes a buffer with an opacity of ~~60~~20%<sup>20</sup>, as set forth in Article 9, Landscaping and Buffering; or
- B. Be platted as single-family or two-family residential lots as follows:
  1. When adjacent to, or directly across a public right-of-way from, property that is not a cluster subdivision or is a conventional lot within a cluster subdivision, then the lot shall be platted with conventional subdivision dimensional requirements.
  2. When adjacent to, or directly across a public right-of-way from, property that is a cluster subdivision, and the adjacent property is open space or is a lot with reduced dimensional requirements due to clustering provisions of this or previous ordinances, then the lot can be platted with cluster subdivision dimensional requirements.

**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**

1. The following residential development shall be allowed as indicated with a “✓”.

Zoning District	Residential Development Allowed				
	Single-Family Detached House/ <u>Duplex</u> (paragraphs 7.1.2 and 7.1.6)	Townhouse (paragraph 7.1.87)	Multiplex (paragraph 7.1.98)	Apartment (paragraph 7.1.109)	Upper Story Residential
CI, CG, OI	—	✓	✓	✓	✓
CN	✓	✓	✓	✓	✓

<sup>18</sup>New location of existing text.

<sup>19</sup> Items 2 and 3 are added to address situations where duplexes would only be allowed in a cluster subdivision, and for townhouses since there are no minimum lot sizes for townhouses.

<sup>20</sup> The buffer is not a requirement, only an option, and would allow for more flexible development options.

Zoning District	Residential Development Allowed				
	Single-Family Detached House/ <u>Duplex</u> (paragraphs 7.1.2 and 7.1.6)	Townhouse (paragraph 7.1.87)	Multiplex (paragraph 7.1.98)	Apartment (paragraph 7.1.109)	Upper Story Residential
(County Only) SRP-C	—	✓	✓	✓	✓

2. For a Single-Family Detached House and Duplex, the following zoning district development standards pursuant to paragraph 6.2.1, Development Standards, or paragraphs 7.1.2B or 7.1.6B, Development Standards, as applicable, shall apply:

Tier of the Development Site	Applicable Zoning District Development Standard
Rural	RR (watershed and non-watershed, as applicable)
Suburban	RS-M
Urban	RU-M
Compact Neighborhood	RC

**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/ <u>Duplex</u>	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

**Sec. 6.12 Measurement and Computation**

[Paragraphs not listed remain unchanged]

**6.12.4 Density**

**A. Calculation of Density**

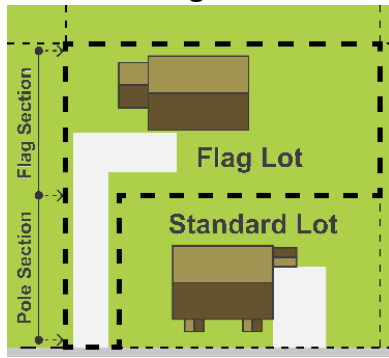
Density calculations may result in a fraction. If the fraction is less than 0.5, the fraction shall be deleted. If the fraction is 0.5 or greater, the number shall be rounded up to the next whole number.

**B. Right-of-Way**

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



### 6.12.5 Flag Lots



#### A. Dimensions

##### 1. Standard Flag Lot

The extension, or “pole,” for flag lots shall be a minimum of 20 feet in width.

##### 2. Reduced Pole Width Option<sup>21</sup>

In the Urban Tier and lots with RU zoning in the Suburban Tier, the extension, or “pole,” for flag lots can be a minimum of 12 feet in width. The following shall also apply.

a. Only one flag lot with a pole less than 20 feet shall be subdivided from a parent parcel.

b. Only ribbon driveways shall be allowed if vehicular access is not taken from an alley. Standards for such driveways shall be pursuant to paragraph 7.1.2C.4(a), Driveway Design.

##### c. Structure Size and Height Limit

The primary structure on a flag lot with a pole less than 20 feet shall have a maximum height of 25 feet and maximum size of 1,200 square feet.

(1) A plat shall be recorded to specify the house size limitations.

(2) Primary structures existing prior to February 25, 2019 shall not be limited to these standards and may be improved in accordance to the applicable single-family detached housing type standards and other applicable standards.

(3) A vacant flag lot with a pole of less than 20 feet recorded prior to the effective date of these standards may be developed as a Standard Flag Lot.

##### d. Remaining Standard Lot

The minimum lot width of the remaining standard lot created from the parent parcel shall be 35 feet.<sup>22</sup>

#### B. Setbacks

The front setback on any flag lot shall be the equivalent side yard setback established in Sec. 7.1, Housing Types, for the particular housing type proposed for use on the lot. Flag lots shall not be held to street yard requirements pursuant to Sec. 6.8, Infill Development in Residential Districts.

<sup>21</sup> The intent of this new option is to provide an additional option for flag lots, particularly for lots that are narrow but deep. As with the Reduced Lot Density Bonus option, housing size is limited and no ADU is permitted.

<sup>22</sup> This lot width standard replaces the lot width reductions that were proposed in the November and March drafts, and helps facilitate flag lots. Although this standard would allow for a smaller lot width than the base zoning would allow, it does not reduce the minimum required lot area.

**C. Access**

Where a flag lot abuts an improved and maintained alley, motor vehicle access shall only be taken from the alley.<sup>23</sup>

**D. Driveways**

Driveways shall be shared with a recorded shared access agreement for multiple flag lots, and for the new flag lot and remaining standard lot if the driveway for the standard lot is new or to be relocated.

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<sup>23</sup> Although already included in the infill standards, this is added for instances where infill may not apply and would thus reduce the amount of impervious surface associated with a long access driveway.