

TC2200001 Detailed Analysis by Topic

This document provides a detailed analysis of the proposed text amendment provisions, including describing each change and how it is different from the current ordinance requirement, where the change applies, what the applicant’s intended purpose is behind the change, and a staff recommendation. Please note that the statements regarding the purpose of the changes were written by the applicant and are not the work of staff.

The following acronyms are used throughout this document:

ADU – Accessory Dwelling Unit	IL – Industrial Light	RS-20 – Residential Suburban 20	RU-M – Residential Urban Multifamily
AMI – Area Median Income	MU – Mixed Use	RS-10 – Residential Suburban 10	RC – Residential Compact
CI – Commercial Infill	NPO – Neighborhood Protection Overlay	RS-8 – Residential Suburban 8	SRP-C – Science and Research Park Center
CG – Commercial General	OI – Office and Institutional	RS-M – Residential Suburban Multifamily	UDO – Unified Development Ordinance
CN – Commercial Neighborhood	PDR – Planned Development Residential	RU-5 – Residential Urban 5	
FAR – Floor Area Ratio	RR – Residential Rural	RU-5(2) – Residential Urban 5 with Duplexes	

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Topic 1: Site Plan Review Exemptions					
3.7.2	Adds a statement that a development that is subject to a Common Plan of Development must meet the requirements of a Common Plan of Development.	City only (references definition of Common Plan of Development in City Code)	Required to align with existing code.	There is no difference. This is already a requirement per City Code.	This change will have no impact as it is already required. Staff has no objection to reiterating the requirement in the UDO as long as the City Code is referenced.
3.7.2B	Adds a new exemption from site plan review for townhouse or detached rowhouse developments of 10 units or less (and a footprint of 1,000 square feet or less per unit) and limits land disturbance for projects under this exemption to 1 acre in the Jordan Reservoir watershed, 12,000 square feet in the Falls Reservoir watershed, and 0.5 acres in the Neuse River Basin.	City and County, in RS-20, RS-10, RS-8, RS-M, RU-5, RU-5(2), RU-M, RC, OI, CI, CG, CN, IL, SRP-C and conservation subdivisions in RR in the Suburban Tier	Required to make infill townhome development viable on small projects. Community feedback suggested townhomes might have been more ideal on Gregson and Club. Current code made townhomes non-viable here, SCAD would introduce the choice.	Currently townhouse development of any size requires site plan review.	The City’s stormwater code already allows for this exemption, therefore removing the site plan requirement aligns with the existing exemption. Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.

TC2200001 Detailed Analysis by Topic

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3.7.2C	Adds a new exemption from site plan review for ADU developments of 20 units or less where the primary use is civic, and limits land disturbance for projects under this exemption to 1 acre in the Jordan Reservoir watershed, 12,000 square feet in the Falls Reservoir watershed, and 0.5 acres in the Neuse River Basin.	City and County, in all zoning districts that allow civic uses	Aligns with nearly all NC cities which have reasonable size and project threshold at which site plan review and requirements kick in. Specifically targeted at the small property owner and mission-based non-profits.	Currently, any development on a property where the primary use is nonresidential requires a site plan.	The City’s stormwater code already allows for this exemption, therefore removing the site plan requirement aligns with the existing exemption. Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
3.7.2D	Adds a new exemption from site plan review for development on lots that are 20,000 square feet or less and utilizing the CI dimensional standards, and limits land disturbance for projects under this exemption to 12,000 square feet in the Falls Reservoir watershed.	City: CI district in the Urban and Compact Neighborhood Tiers and in the OI, CN, CG and IL districts when using the CI standards. County: Leigh Village Compact Neighborhood (same district applicability as above).	Aligns with nearly all NC cities which have reasonable size and project threshold at which site plan review and requirements kick in. Targeted at the small business/restaurant/retail community, who in Durham would like to own/build their own buildings, but currently cannot.	Currently, all nonresidential development requires a site plan.	The City’s stormwater code already allows for this exemption, therefore removing the site plan requirement aligns with the existing exemption and with the practices of other jurisdictions. Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
Topic 2: Creation of New Detached Rowhouse Housing Type					
4.6.5D.2	Adds detached rowhouse as a permitted housing type.	City: Tuscaloosa-Lakewood Neighborhood Protection Overlay	Improves design choices and flexibility under townhome guidelines. Townhomes/detached rowhouses remain only possible on wide rights-of-way, not applicable to most residential lots.	Since Detached Rowhouse is a new proposed housing type it is not currently an option.	Staff recommend adding Detached Rowhouse as a permitted housing type in all zoning districts as it is a hybrid between a single-family house and a townhouse, which is compatible with established residential areas but can result in more variety of housing options and slightly higher densities.

TC2200001 Detailed Analysis by Topic

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5.2.3	Adds Detached Rowhouse to the list of housing types considered a principal residential use.	City and County	Required to be consistent with townhouse provisions.	Since Detached Rowhouse is a new proposed housing type it is not currently included.	Staff recommend adding Detached Rowhouse as a permitted housing in all zoning districts as it is a hybrid between a single-family house and a townhouse, which is compatible with established residential areas but can result in more variety of housing options and slightly higher densities.
5.4.9B	Adds detached rowhouses as an applicable housing type subject to the community pools regulations.	City and County	Applicants support this change to be consistent with the requirements for pools associated with other housing types.	Since Detached Rowhouse is a new proposed housing type it is not currently subject to the community pool regulations.	Staff recommend this change to be consistent with the requirements for pools associated with other housing types.
6.2.2, 6.3.2, 6.4.2, 6.5.2	Adds detached rowhouse as a permitted housing type in all residential districts.	City and County	Adds an additional housing type. Detached rowhouses are only allowed in specific districts where townhouses are currently allowed.	Since Detached Rowhouse is a new proposed housing type it is not currently an option.	Staff recommend adding detached rowhouse as a permitted housing in all zoning districts as it is a hybrid between a single-family house and a townhouse, which is compatible with established residential areas but can result in more variety of housing options and slightly higher densities.
6.4.3B	Adds detached rowhouse as another housing type eligible for the Thoroughfare Density Bonus.	City and County	Required to be consistent with townhouse provisions.	Currently the bonus only allows townhouse development.	Staff recommend this change for consistency with the other listed housing types.
6.7.5B.3	Establishes the same open space requirements for detached rowhouse in cluster subdivisions as for townhouses.	City and County	Required to be consistent with townhouse provisions.	Since Detached Rowhouse is a new proposed housing type there are no applicable open space requirements for it.	Staff recommend establishing open space requirements for this new housing type that are consistent with the ones for townhouses.

TC2200001 Detailed Analysis by Topic

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6.10.2A.1	Adds detached rowhouse as a permitted housing type for residential development in nonresidential districts.	City and County, in the CI, CG, CN, OI, IL, and SRP-C districts	Required to align with townhouse provisions.	Since Detached Rowhouse is a new proposed housing type it is not currently an option.	Staff recommend adding detached rowhouse as a permitted housing type in nonresidential districts, consistent with townhouses.
7.1.8	Creates a new detached rowhouse housing type.	City and County	Adds flexibility to townhouse type, creating more consumer choices.	This housing type does not currently exist in the UDO.	Staff recommend adding Detached Rowhouse as a housing type as it is a hybrid between a single-family house and a townhouse, which is compatible with established residential areas but can result in more variety of housing options and slightly higher densities.
8.7.2D	Adds detached rowhouse to the list of development types that may be allowed to delay construction of stormwater controls and submission and approval of as-built drawings.	City and County	Adds flexibility to townhouse type, creating more consumer choices.	Currently, the Stormwater Division of the City may allow for delay in approval of construction of stormwater controls and submission and approval of as-built drawings for single-family housing, duplexes, and townhouses and other developments requiring multiple certificates of occupancy in accordance with adopted policies of the City.	Staff recommend this change for consistency with the other listed housing types.
12.2.2B.2.b	Expands the allowance of driveways for access to include detached rowhouse developments.	City and County	Required to be consistent with townhouse provisions.	Currently, a driveway network can be used to access multiple parcel developments or townhouse developments.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.

TC2200001 Detailed Analysis by Topic

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12.2.3	Adds detached rowhouse as one of the residential development types that is permitted to use private drives for access and must meet City standards prior to acceptance by the city for maintenance.	City and County	Required to be consistent with townhouse provisions.	Currently, only townhouses are listed, as the detached rowhouse is a new housing type.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.
12.3.2C	Adds detached rowhouse to the types of driveway-accessed developments than can establish street names for the driveways.	City and County	Required to be consistent with townhouse provisions.	Currently, only townhouses are listed, as the detached rowhouse is a new housing type.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.
12.3.3A	Adds detached rowhouse to the types of driveway-accessed developments than can install street name signs.	City and County	Required to be consistent with townhouse provisions.	Currently, only townhouses are listed, as the detached rowhouse is a new housing type.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.
12.3.3B	Adds detached rowhouse to the types of driveway-accessed developments that must install signs denoting the beginning and ending of public street maintenance.	City and County	Required to be consistent with townhouse provisions.	Currently, only townhouses are listed, as the detached rowhouse is a new housing type.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.
12.4.3D.1.c	Adds detached rowhouse to the types of rear-loaded, driveway-accessed developments that do not require internal walkways	City and County	Required to be consistent with townhouse provisions.	Currently, only townhouses are listed, as the detached rowhouse is a new housing type.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.
16.3.1A.2.b	Adds detached rowhouse to the types of development along an alley subject to frontage type requirements.	City only, in design districts	Required to be consistent with townhouse provisions.	Currently, in design districts, frontage types do not apply along alleys, except for townhouse developments that have no other street frontage.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.

TC2200001 Detailed Analysis by Topic

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16.4.4D.2, 16.4.4D.3	Adds detached rowhouse to the types of development in design districts that are not required to front on a public street or pedestrian mall.	City only, in design districts	Required to be consistent with townhouse provisions.	Currently, in design districts, townhouses are allowed to front solely on an alley, instead of a public street or pedestrian mall.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.
17.3	Adds detached rowhouse to the definition of “multifamily”.	City and County	Required to be consistent with townhouse provisions.	Currently, the “multifamily” definition includes the townhouse, multiplex and apartment housing types.	Staff recommend this change as it treats detached rowhouses consistent with townhouses.
Topic 3: Permitted Uses					
5.1.2	Adds the following permitted uses to the districts listed: <ul style="list-style-type: none"> • Single-family in CI, OI, CG, and IL • Two-family in CI, OI, CG, and IL • Multifamily in IL • Family Care Home in CI, OI, and IL • Upper story Residential in IL • Co-living in IL • Congregate Living Facility in IL • Group Home in IL • Independent Living Facility in IL • Vocation, Trade or Business Schools in CN • Bed and Breakfast in IL 	City and County	Required to unify use tables within neighborhood commercial districts. Note that residential is only allowed in IL districts on lots 20,000 or smaller.	Currently, this use is not permitted in those districts.	By state law (NCGS 160D-907), family care homes must be allowed in any districts where single-family uses are allowed. Therefore, if single-family is being added to these nonresidential districts, then family care homes must also be permitted. Staff recommend this change to comply with state law. Staff also recommend evaluating the effectiveness and impacts of allowing residential uses in IL as part of the UDO re-write, as residential and industrial uses are generally incompatible with one another and require additional mitigation of nuisance impacts from the industrial use on the residential use.

TC2200001 Detailed Analysis by Topic

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6.10.2A.1	Allows residential development in the IL district on lots 20,000 square feet or smaller.	City and County, in the CI, CG, CN, OI, IL, and SRP-C districts	Required to align with townhouse provisions.	Residential is currently prohibited in the IL district.	Staff recommend evaluating the effectiveness and impacts of allowing residential on small IL lots as part of the UDO re-write and may recommend proactive rezonings of those lots instead as part of the Comprehensive Plan implementation actions.
Topic 4: Accessory Structures and Accessory Dwelling Units					
4.6.6C.1	Removes the square footage of garages, ADUs and accessory structures from the required FAR calculation.	City: Old West Durham Neighborhood Protection Overlay	Residents have indicated that they want to add housing to their property and Durham, but NPO guidelines prevented this.	Currently, these areas are included in the FAR calculation to limit the bulk of structures.	Staff recommend this change if the majority of NPO residents support it, as the NPO was designed by the residents of that neighborhood through a neighborhood-initiated process that involved much engagement.
5.2.4	Expands allowance for ADUs associated with a place of worship by removing the reference to “staff”.	City and County	Required to empower mission-based faith institutions to build housing for the community.	Currently, ADUs associated with places of worship are only permitted for occupancy by place of worship staff.	Staff recommend this change as it was the original intent to allow more than just staff to occupy these units.
5.4.1A	Clarifies that accessory structures must be smaller in square footage than the primary structure. Limits the height of accessory structures to either two stories and 32 feet or the height of the primary structure, whichever is greater.	City and County	Replaces vague, subjective language with a clearer, easy to verify standard.	Currently, accessory structures must be subordinate to the primary structure in size and purpose.	Staff recommend this change as it replaces vague, subjective language with a clearer, easy to verify standard.

TC2200001 Detailed Analysis by Topic

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5.4.1B.1	Changes where accessory structures can be located, allowing them behind the front building line (facade).	City and County	In suburban form (in particular) accessory structures such as garages are to the side of the house, not behind (very common in Hope Valley and Forest Hills). This removes nonconformities allowing more design flexibility and alignment with real-world conditions.	Currently, accessory structures are only allowed behind the rear building line. The change would permit them in side yards, beside the primary structure, as long as they do not stick out beyond the front facade of the main structure.	Staff recommend this change as it returns to a historical pattern of development seen throughout the city and would eliminate some nonconformities.
5.4.1B.3	<p>Adds new standards for the location of accessory structures associated with a place of worship:</p> <ul style="list-style-type: none"> • Set back three feet from side and rear property lines in the RU and RC districts and at least five feet in all other districts. • On parcels smaller than two acres they cannot be located in the street yard (front setback), except for corner lots, where that only applies to one of the two street-facing sides. • No more than 75% of the site can contain accessory structures in the Urban and Downtown Tiers; no more than 50% in all other tiers. 	City and County	Required for alignment with 5.4 accessory dwellings. Largely at suggestion of Planning Commission committee.	Currently, accessory structures' location requirements are differentiated by zoning district and not by use.	Staff recommend implementing these limitations on the placement of ADUs associated with a place of worship and evaluating the effectiveness and impacts of this change as part of the UDO re-write.

TC2200001 Detailed Analysis by Topic

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5.4.1B.5	Clarifies that accessory structures on corner lots be subject to one street yard.	City and County	Clarification to deal with regulatory ambiguity which led to inconsistent interpretations.	Currently, the UDO does not address how corner lot setbacks apply to accessory structures.	Staff recommend this additional clarification.
5.4.1B.6	Clarifies that accessory structures on flag lots do not have to be behind any primary building line (can be located anywhere on the lot in relationship to the primary building).	City and County	Correct provisions that led to undesirable designs. Citizen wishing to build two units at the rear of their yard currently have to offset them front to back, creating yard loss, wasted space, and poor design just to comply.	Currently, accessory structures on flag lots must follow the same rules as those on any other lots, typically limited to the rear yard.	Since the orientation of primary structures on flag lots is flexible, staff recommend this change to remove overly prescriptive location requirements for accessory structures on flag lots.
5.4.2B.1.b.(1)	Allows an unspecified number of ADUs for places of worship.	City and County	Required to empower mission-based faith institutions to build housing for the community.	Currently, all civic uses, including places of worship are limited to three ADUs.	Places of worship may have excess property that is underutilized and could be developed to meet a variety of small-scale housing needs in conjunction with the place of worship's operations. Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
5.4.2B.1.b.(3)	Increases the maximum size of ADUs to 1,000 square feet on a single story or 1,200 square feet total on multiple stories and clarifies that there is no maximum collective square footage (of all units added together).	City and County	Planning Commission suggestion to encourage/ provide for age-in-place housing which need to be on single story. Required to facilitate faith-based institutions expressed desire to develop Godhuis/Senior housing.	Currently, ADUs are limited to 800 square feet.	Staff recommend an incremental increase in the allowable size of an ADU to 1,000 total square feet See analysis for 5.4.2B.4.

TC2200001 Detailed Analysis by Topic

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5.4.2B.1.b.(5)	Clarifies that a special use permit is not required for ADUs associated with a place of worship, even if the place of worship does not already have a use permit.	City and County	Required to empower mission-based faith institutions to build housing for the community.	Currently, the UDO does not clearly address whether or not a use permit is required for ADUs associated with a place of worship that requires a special use permit.	Places of worship require special use permits when located in residential districts due to the need to assess and mitigate potential impacts of a nonresidential use in a residential area. Since ADUs are residential uses that are already permitted in residential districts by right, staff recommend this clarification to exempt them from a use permit.
5.4.2B.1.b.(6)	Require site plan review for the development of 10 or more ADUs associated with a place of worship.	City and County	Required to empower mission-based faith institutions to build housing for the community.	Currently, the UDO limits ADUs associated with civic uses to three and does not require site plan review for them.	While ADUs have not historically been subject to site plan review, staff recommend adding the requirement since development of larger numbers of these units is more akin to the development of a small neighborhood.
5.4.2B.1.d	Allows a single-family dwelling to have a duplex accessory dwelling as long as the two duplex units combined do not exceed 1,200 square feet.	City and County	Many citizens have expressed the desire to invest in Durham and to help address housing shortages. Currently three homes are allowed per lot, but many citizens report unwillingness to duplex their primary home. This fix allows them to provide the housing currently allowed, while preserving their personal needs for primary dwelling.	The UDO allows a lot with a duplex to have one ADU, bringing the total number of dwellings on that lot to three. However, the provision does not work in reverse.	Staff recommend this change if the duplex units combined do not exceed 1,000 square feet.

TC2200001 Detailed Analysis by Topic

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5.4.2B.2.a	Allows an ADU to be constructed before a primary dwelling.	City and County	A “rosemary beach” method, provides flexibility to allow incremental lot development consistent with familiar and career capital arcs.	Currently, the UDO presumes that a primary structure must be present before an accessory structure can be built, based on definition of accessory structure.	Allowing a smaller scale dwelling to be built first, with a larger house being built later can afford property owners additional flexibility to build out over time. Since this provision is unusual staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
5.4.2B.4	Increases the maximum size of ADUs to 1,000 square feet on a single story or 1,200 square feet total on multiple stories.	City and County	Planning Commission suggestion to encourage/ provide for age-in-place housing which need to be on single story.	Currently, accessory ADUs are limited to 800 square feet.	The proposed 50% increase in the size of an ADU is significant. Under the current 800 square foot limit and ADU could accommodate living spaces and up to two bedrooms. Increasing the size to 1,200 square feet would result in ADUs the size of typical older three-bedroom houses. Staff recommend implementing a smaller incremental increase in the allowable size of an ADU, such as 1,000 square feet, or evaluating the effectiveness and impacts of this change as part of the UDO re-write..
Topic 5: Building Height					
5.4.1D	Changes the maximum height of an accessory structure heights in a residential district to 32 feet and removes the reference to infill height requirements.	City and County	Required to align with height measurement simplifications.	Currently, accessory structures in residential districts are limited to 25 feet in height.	This change is consistent with other proposed changes in height measurement throughout the proposal.

TC2200001 Detailed Analysis by Topic

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5.4.1F	Adds a visual height articulation maximum of three stories and increases the maximum height of accessory structures in design districts to 40 feet.	City and County	Required to align with height measurement simplifications.	Currently, accessory structures in design districts are limited to 35 feet in height.	This change is consistent with other proposed changes in height measurement throughout the proposal.
6.2.1A.1, 6.3.1A.1, 6.10.2A.4.a	Increases the maximum height to 40 feet and adds a maximum visual height articulation standard of three stories.	City and County, in the RR, RS-20, RS-10, RS-8, RS-M, CI, CG, CN, OI, IL, and SRP-C districts	Required to align with height measurement simplifications.	Currently, height is limited to 35 feet, regardless of stories.	Staff recommend this change as it simply adjusts height to reflect measuring to a sloped roof apex instead of midpoint. The five-foot increase is conservative for this type of calculation conversion and in some instances may result in a shorter structure. Staff recommend adding the visual articulation standard to ensure that buildings are designed with a reasonable and human scale compatible with existing buildings.
6.2.1A.3, 6.3.1A.6, 6.10.2A.4.b	Changes the allowance of additional height to be one additional story of height for every ten feet of additional setback.	City and County, in the RR, RS-20, RS-10, RS-8, RS-M, CI, CG, CN, OI, IL, and SRP-C districts	Required to align with height measurement simplifications.	Currently, one foot of additional height is permitted for every foot of additional setback.	Staff recommend this change as it is comparable to the existing regulation.

TC2200001 Detailed Analysis by Topic

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6.3.1A.7	Changes the maximum height with a special use permit to 60 feet or five stories.	City and County, in the RS-M district	Required to align with height measurement simplifications.	Currently, the maximum is 55 feet, regardless of stories.	Staff recommend this change as it simply adjusts height to reflect measuring to a sloped roof apex instead of midpoint. The five-foot increase is conservative for this type of calculation conversion and in some instances may result in a shorter structure. Staff recommend adding the visual articulation standard to ensure that buildings are designed with a reasonable and human scale compatible with existing buildings.
6.4.1A.1	Increases the maximum height in the RU-5 and RU-5(2) districts to 40 feet and adds a maximum visual height articulation standard of three stories and increases the maximum height in the RU-M district to 60 feet with a five-story visual height articulation maximum. In addition, the maximum density in RU-M is increased to 40 dwelling units per acre.	City only in the RU-5, RU-5(2), and RU-M districts	Required to align with height measurement simplifications. Density required to make RU-M lots consistent with provide missing middle densities.	Currently, height in RU-5 and RU-5(2) is limited to 35 feet, regardless of stories, and the maximum in RU-M is 55 feet, regardless of stories. The maximum density is currently 20 units per acre.	Same as above.
6.4.1A.3	Changes the maximum height with a special use permit to 80 feet or seven stories.	City only in the RU-M district	Required to align with height measurement simplifications.	Currently, the maximum is 75 feet, regardless of stories.	Same as above.

TC2200001 Detailed Analysis by Topic

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6.5.1A.1	Increases the maximum height to 80 feet and adds a maximum visual height articulation standard of seven stories and increases the maximum density to 40 dwelling units per acre.	City only in the RC district	Required to align with height and density measurement simplifications.	Currently, the maximum is 75 feet, regardless of stories. The maximum density is currently 20 units per acre.	Staff recommend this change as it simply adjusts height to reflect measuring to a sloped roof apex instead of midpoint. The five-foot increase is conservative for this type of calculation conversion and in some instances may result in a shorter structure. Staff recommend adding the visual articulation standard to ensure that buildings are designed with a reasonable and human scale compatible with existing buildings. Staff recommend the increase in density as RC is intended to be the UDO's most intense residential district.
6.5.1A.3	Limits height within 150 feet of residential property outside the Compact Neighborhood Tier to 50 feet or four stories, whichever is less. Also changes the maximum height with a special use permit to 80 feet or seven stories.	City only in the RC district	Required to align with height measurement simplifications.	Currently, height in that 150-foot zone is limited to 45 feet, regardless of stories. With a use permit the maximum is 75 feet, regardless of stories.	Same as above.
6.6.2E.1	Changes the maximum affordable housing height bonus to five stories and 60 feet or nine stories and 100 feet, based on specific location criteria.	City and County, in the Compact Neighborhood Tier	Required to align with height measurement simplifications.	Currently, bonus heights are limited to 50 feet and 90 feet, based on specific location criteria, regardless of stories.	Same as above; while the height adjustment is slightly larger at 10 feet (instead of five), that increase is modest for the Compact Neighborhood Tier, which is intended to have more intense transit-oriented development.
6.6.3D	Changes the affordable housing height bonus to one additional story or 15 feet of height, whichever is less.	City and County, in the Suburban and Urban Tiers	Required to align with height measurement simplifications.	Currently, the bonus height is 15 feet, regardless of stories.	Staff recommend this change as it is comparable to the existing regulation.

TC2200001 Detailed Analysis by Topic

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6.10.1C.1, 6.10.1D.1	Increases height in the CI district to 40 feet and allows it to be measured to the roof apex.	City and County, in the Urban and Compact Neighborhood Tiers	Required to align with height measurement simplifications.	Currently, height is limited to 35 feet, measured to the midpoint of a sloped roof.	The height change is consistent with other proposed changes in height measurement throughout the proposal.
6.11.3C.3	Increases height to 100 feet and adds a visual articulation maximum of nine stories. Changes the height that must be shown on a development plan to 40 feet.	City and County, in the PDR district	Required to align with height measurement simplifications.	Currently, height is limited to 90 feet, regardless of stories, with any building over 35 feet required to be shown on a development plan.	Staff recommend this change as it simply adjusts height to reflect measuring to a sloped roof apex instead of midpoint. The ten-foot increase is modest for this type of calculation conversion and in some instances may result in a shorter structure. Staff recommend adding the visual articulation standard to ensure that buildings are designed with a reasonable and human scale compatible with existing buildings.
6.12.1A	Changes the height measurement for residential uses to the top of the highest roof surface	City and County	Required to align with height measurement simplifications.	Currently, height is measured to the top of the finished roof surface for flat roofs and to the midpoint of the roof for sloped roofs.	Staff recommend this change as it is easier to understand and cannot be manipulated by changing the slope of the roof like midpoint height can. See Attachment E, Section Summaries, for a graphic that explains this issue.

TC2200001 Detailed Analysis by Topic

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6.12.5A.2.c (now 6.12.5A.2.a)	Increases height to 32 feet and add a visual articulation standard of two stories.	City and County	Required to align with height measurement simplifications.	Height is currently limited to 25 feet, regardless of stories.	Staff recommend this change as it simply adjusts height to reflect measuring to a sloped roof apex instead of midpoint. The seven-foot increase is modest for this type of calculation conversion and in some instances may result in a shorter structure. Staff recommend adding the visual articulation standard to ensure that buildings are designed with a reasonable and human scale compatible with existing buildings.
7.1.2C.2	Increases height to 32 feet and adds a visual articulation maximum of 2 stories for the small lot option.	City and County	Developed to maximize opportunities to save homes from demolition.	Height is currently limited to 25 feet regardless of stories.	Staff recommend this change as it simply adjusts height to reflect measuring to a sloped roof apex instead of midpoint. The seven-foot increase is modest for this type of calculation conversion and in some instances may result in a shorter structure. Staff recommend adding the visual articulation standard to ensure that buildings are designed with a reasonable and human scale compatible with existing buildings.
17.3	Changes the definition of “basement” to be the lowest level or story which has its floor sub-grade on at least one side.	City and County	Required to align with height measurement simplifications.	Currently, “basement” is defined as the lowest level or story which has its floor sub-grade on at least three sides.	Staff recommend this change to provide for more flexibility in designing steep sites.
17.3	Adds a new definition for “story” as a level that is principally above ground, and not below grade, nor below street level, or within roofline, tower or a roof deck.	City and County	Required to align with height measurement simplifications.	The UDO does not currently define “story”.	Staff recommend adding this definition to clarify what portions of buildings must be counted (or excluded) when calculating compliance with the proposed maximum visual height articulation standards.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
Topic 6: Progressing Affordably Towards Housing (PATH) Program					
6.6.4A	Creates a new affordable housing incentive program option applicable to all residential projects, which exempts projects from any Neighborhood Protection Overlay standards and the requirement to distribute affordable units throughout a development and make them indistinguishable from market rate units (unless there are more than 20 units). In addition, projects must follow a new set of compliance and reporting requirements (draft is Attachment J).	City and County	Required as part of the Affordable PATH to make small scale locally built affordable housing viable again.	Currently, the affordable housing bonus is available to all residential projects in the Suburban and Urban Tiers, but only projects of at least 15 units in the Compact Neighborhood Tiers. Affordable units must be dispersed throughout the development and be indistinguishable from market rate units regardless of the number of units.	Often, financing structures for affordable housing projects require that the affordable units be a separate project and not intermixed with market rate units. Staff recommend exempting projects from the requirement that units be intermixed in order to make financing easier, as well as expanding the applicability to any residential project.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.6.4B	To be eligible for the program at least 25% of the dwelling units in the development must be affordable to households at 60% AMI or less for five years for rental units or at 80% AMI or less for sale units.	City and County	Survey of prospective local builders indicate willingness to participate drops precipitously each year over required. The primary issue is red-tape and inconclusive filing requirements. The commitments were set to maximize total years of affordability is the goal. It is important to start every conversation on this topic with the fact that currently no small practitioner is using the 30-year commitment.	The current bonus requires that 15% of the units be affordable to households at 60% AMI or less for a period of 30 years.	Without a required period of affordability for the for-sale units, affordability is only guaranteed for the original buyer, who can immediately turn around and sell the unit at market rate. While this can be a wealth building mechanism, it can also potentially result in quickly converting the affordable units into market rate ones, thus eliminating the longer-term affordability benefits to the community. Staff recommend establishing a period of affordability for the for-sale units. For the rental units, while the shorter period of affordability is being offset by producing a higher percentage (and number) of affordable units, staff recommend a period longer than five but less than 30 years. Given the relatively low usage of the existing bonus staff recommend trying a different incentive combination and evaluating its effectiveness compared to the current bonus.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.6.4C	The density calculation is based on the total gross acreage and is rounded up to the nearest whole number. For each affordable unit provided, two additional market rate units can be built.	City and County	Required for consistency.	In the Suburban and Urban Tiers the current density calculation is also based on gross acreage but is rounded down to the nearest whole number, and two additional market rate units are allowed for every affordable one (no difference). In the Compact Neighborhood Tiers density of 75 units per acre or the base density, whichever is more is allowed.	The proposed density calculation and bonus is consistent with the existing one. Staff recommend rounding up that the change also be made to the existing bonus in 6.6.3C.1 (which is not currently included in this proposal).
6.6.4D	The program provides one additional story of height as a bonus.	City and County	Required to align with height measurement simplifications.	In the Suburban and Urban Tiers the current bonus provides 15 feet of additional height. In the Compact Neighborhood Tiers height s permitted to either 50 feet or 90 feet based on specific location criteria.	Since the proposed height bonus is comparable (and potentially slightly less) than the existing bonus, staff recommend this bonus provision.
6.6.4E	Allows minimum lot area, lot width, and setbacks to be reduced by 20% when using this incentive program.	City and County	Required for consistency with current affordable housing dimensional bonuses.	The current bonus also reduces lot area, lot width and setbacks by 20% for single-family and two-family lots in RU-5, RU-5(2) and the small lot option. However, in all other districts those reductions are allowed to be up to 35%.	The proposal is consistent with the relief provided by the existing bonus in urban infill areas but provides less relief for suburban affordable housing projects. Staff recommend re-evaluating whether the greater relief is warranted in suburban areas where lots are typically larger as part of the UDO re-write.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.6.4F	Allows permissible encroachments to increase up to 20%.	City and County	Additional incentive for affordable housing.	Currently, there are no additional encroachment allowances for affordable housing projects.	The amount of encroachment permitted by the UDO is modest and a 20% increase would result in increases in encroachments ranging from less than four inches to approximately two feet at a maximum. Staff recommend these modest increases to provide additional flexibility.
6.6.4G	Allows ADUs to count as affordable units for the incentive program.	City and County	Required to allow necessary flexibility for small scale affordable projects, which are not possible under inflexible rules that assume dozens of units.	The current bonus does not explicitly allow ADUs to count as affordable units.	Staff recommend allowing affordable ADUs to count towards the required affordable units.
6.6.4H	Allows for-sale projects where all of the units are affordable to be subdivided in such a way that the resulting lots do not have to comply with the typical lot sizes, density, and setbacks (yards) as long as the housing type and overall density (before subdivision) is compliant with the UDO. Street yards are required along streets, but all other perimeter setbacks are treated as side yards. The subdivided lots must have a minimum of five feet of street frontage individually or ten feet collectively, and if the subdivision bonus is used then the density, height, lot dimension, and encroachment bonuses cannot also be used.	City and County	Required for viability of the Affordable PATH, developed with staff and supporting departments.	Currently, the UDO does not have a by-right mechanism for relief from dimensional standards for the subdivision of lots.	This component of the PATH incentive program can allow for creative site design and layout and since the subdivision bonus cannot be used with the other bonuses, resulting projects will be of a similar density and scale to what the UDO already allows. Staff recommend testing out this new bonus option and evaluating its effectiveness and impacts as part of the UDO re-write.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
Topic 7: Infill Standards					
6.8.2A.2.a	Allows applicants to use either the base zoning requirements or the infill standards for required yards.	City and County, in the Urban and Suburban Tiers	Required to facilitate better design on small sites.	Currently, there is no option to use the base zoning standards; only the infill standards can be used.	The proposed changes would make the infill standards optional, which defeats the purpose of having the standards. While the option can provide more flexibility in developing constrained sites staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
6.8.2A.2.b	Requires that the base zoning be used when there are less than two developed lots in the context area.	City and County, in the Urban and Suburban Tiers	Allows for better flexibility on block faces with no context.	Currently, if less than two lots are developed in the context area the applicant can choose between using the infill standards or the base zoning standards.	While the proposed change removes flexibility, staff is not opposed to it since it will help reestablish a more uniform rhythm along the streetscape.
6.8.2A.2.c	Allows corners lots to have one street yard and one side yard.	City and County, in the Urban and Suburban Tiers	Fixes long standing code issues that functionally made corner lots non-buildable.	Currently, corner lots must have two street yards (one facing each street).	Staff recommend this change as it allows better utilization of corner lots and re-establishes historic building patterns.
6.8.2A.2.d	Allows the street yard requirement for duplexes to be met by one of the duplex units.	City and County, in the Urban and Suburban Tiers	Required to clarify staff interpretation inconsistency issue.	Currently, the UDO does not specify whether one or both duplex units need to meet the yards standards.	Staff recommend this change as it can create more varied architecture and massing.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.8.3	Removes all standards related to building width, height, entries, garages and downspouts from the infill standards.	City and County In the Urban Tier: all residential projects on four or less acres in residential districts; In the Suburban Tier: multifamily projects on four acres or less and completely surrounded by single-family.	Fixes driveway codes that were problematic leading to bad urban design and over paved yards. Requirements become so onerous, they were requiring substantially more impervious surface than market desired, for the sole purpose of complying with the code. Downspouts to pervious remains an option. However, in some cases that results in directing water to neighbor’s foundation and SCAD addresses that issue.	Currently, infill development cannot vary from the average width of nearby structures by more than 25%, must either follow the base zoning height limits or be no more than 14 feet taller than the shortest building in the context area. Main entries for multifamily structures must face a street. Where an alley exists, vehicular access must be from the alley. Garage doors are limited to 22 feet wide. Multifamily garages must use the same materials as the primary structure. Downspouts directing water to pervious area and not the street are required in the Urban Tier when there are no stormwater controls.	The infill standards are intended to ensure that infill development is compatible with existing neighborhoods, primarily in terms of scale and placement. However, the building requirements can also limit opportunities for multifamily development. As overall density increases due to infill projects, the infill standards can help address concerns from long-time residents about new structures being grossly out of scale with the existing neighborhood and escalating redevelopment pressure in an area. Staff recommend removing the standards for building width, entries, garages, and downspouts as these are primarily aesthetic considerations. However, height limitations are one of the most important and significant aspects of the infill standards and staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write .

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.8.4 (new 6.8.3)	Replaces all prior parking requirements in the infill standards with the limitation that vehicular use areas on lots greater than 20,000 square feet cannot exceed 25% of the lot area.	City and County, in the Urban and Suburban Tiers	Maximizes impervious surface allowed for parking. Fix required to prevent mass paving of greenspace.	Currently, the UDO limits vehicular use area for infill development to only 12 feet wide at the street, which can expand up to 24 feet wide behind the front building line, at least 20 feet from the property line. Total area of vehicular use area is limited to 400 square feet.	The original parking standards were intended to limit how much of a lot could be paved. The proposed changes do that in a different manner but will result in more impervious area from driveways (compare the existing 400 square foot cap to the potential of unlimited area for lots smaller than 20,000 square feet or 5,000 square feet, or more for lots starting at 20,000 square feet). Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
Topic 8: Nonresidential District Standards					
6.10.1C.1, 6.10.1D.1	Moves the minimum CI district street setbacks from the back of curb from the table to text.	City and County, in the Urban and Compact Neighborhood Tiers	Required to deal with unusual situation where no curb exists.	There is no actual change in the setback regulations, as the proposal simply moves the same requirement to display it differently.	Staff recommend leaving the street yard regulations as-is since there is no actual change.
6.10.1C.2.e, 6.10.1C.3.d, 6.10.1D.2.e, 6.10.1D.3.f	Allows lots smaller than 20,000 in the CN, OI, CG, and IL districts to be developed utilizing the CI dimensional standards.	City and County, in the Urban and Compact Neighborhood Tiers	Required to facilitate neighborhood commercial district building for locally owned and developed commercial projects. Simplified staff suggestion to address applicant solution that was more complex.	Currently, all development in the CN, OI, CG, and IL districts must follow their respective standards.	The CI standards were developed to aid in the redevelopment of small commercial lots where traditional commercial zoning regulations would otherwise yield small lots undevelopable. Staff recommend this proposed expansion of the applicability of CI standards to facilitate small-scale commercial infill by-right in other nonresidential districts.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.10.2A.3	Allows multifamily development in nonresidential districts to utilize either the base zoning or CI zoning standards.	City and County, in the CI, CG, CN, OI, IL, and SRP-C districts	Required to facilitate residential in neighborhood commercial zones.	Currently, multifamily development in nonresidential districts must follow the housing type and base zoning standards.	As multifamily developments have a built intensity that is compatible with nonresidential development, staff recommend this change, which would facilitate multifamily development on hard to develop small properties.
6.10.2B.1	Adds minimum residential density requirements of five units per acre for CI the Rural Tier, eight units per acre for CI, CN, CG, and OI in the Suburban, Urban and Compact Neighborhood Tiers and removes the maximum density limits in the Urban and Compact Neighborhood Tiers.	City and County, in the CI, CG, CN, OI, and SRP-C districts	Establish minimum densities to prohibit large lot, large home development within these walkable districts, addressing specific community concern.	Currently, there are no minimum densities required for any residential development in nonresidential districts and density maximums in the Urban and Compact Neighborhood Tiers range from 11 to 18 units per acre, depending on the district and tier combination.	Staff recommend the addition of minimum density requirements in nonresidential districts to ensure that these more intense areas are not underutilized and to encourage an appropriate (and modest) residential density in nonresidential areas. Likewise, staff recommend removing density caps for residential development in nonresidential districts in the Urban and Compact Neighborhood Tiers as these are areas intended for higher density and intensity development overall.
6.10.2B.2	Exempts development using the CI standards or that has at least 10,000 square feet of heated space from density minimums or maximums.	City and County	Required to shift neighborhood commercial districts to min-form code, more regulating relationship with public realm interface, a less with usage.		Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write, as changes towards more form-based regulations should be developed comprehensively and not piece-meal.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.10.2B.3	Clarifies that for residential development in nonresidential districts the provisions of 6.3.3D (which exempt single-family and duplex development from density regulations if a subdivision or site plan is not required) do not apply, meaning they are subject to density regulations.	City and County, in the CI, CG, CN, OI, and SRP-C districts	Required to prevent McMansions in walkable neighborhood commercial districts. Aligns with staff suggestion and community desire.	Currently, the UDO exempts single-family and duplex development in the Suburban Tier from having to meet density requirements if a subdivision or site plan is not required.	Staff recommend this clarification.
Topic 9: Planned Development Residential (PDR) District Standards					
6.11.3A.3.a	Allows residential units and commercial or office uses to be completed in any order or mix.	City and County, in the PDR district	Required to maximize project flexibility and viability.	Currently, at least 25% of the residential units must be completed before the commercial or office uses are completed.	Since commercial or office uses cannot exceed 50,000 square feet total in a PDR and the majority of a PDR must be residential, staff recommend providing the additional flexibility to build out the PDR in any order.
6.11.3A.3.b	Allows nonresidential acreage to be included in residential density calculations.	City and County, in the PDR district	Required to start future-proofing greenfield development. Removes mixed use penalty preventing greenfield developers from considering mixed use project. Planning Commission suggestion.	Currently, nonresidential acreage must be omitted from residential density calculations.	Staff recommend this change as it will result in a modest increase in total unit counts since the nonresidential portion of a PDR is limited in size regardless of the overall size of the PDR.
6.11.3A.3.c	Removes the requirement that building heights, orientation and spacing be specified on the development plan.	City and County, in the PDR district	Removes redundancy.	Currently, these items must be specified on the development plan.	Staff recommend removing these items from identification on the development plan as they are typically included as notes or typical lot layout diagrams. It is not necessary to reiterate height requirements on a development plan that are already in the UDO.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.11.3A.3.e	Requires that projects with at least 100 dwelling units reserve a 5,000 square foot (or larger) parcel for civic or commercial uses, and those with at least 300 units reserve two 5,000 square foot parcels or one 10,000 square foot (or larger) parcel.	City and County, in the PDR district	Introduces basic urbanist principle for planning for mixed use communities. Planning Commission suggestion.	Currently, the PDR district allows, but does not require, nonresidential uses.	Staff recommend this change as it begins to implement the 15-minute neighborhood concept and policies from the new Comprehensive Plan.
6.11.3C.2	Changes the nonresidential intensity to use that of the CI district.	City and County, in the PDR district	Replaces inflexible standards with simplified ones better for small scale development.	Currently, the nonresidential portion of a PDR must follow the CN or OI standards.	Staff recommend this change as nonresidential development within a PDR neighborhood should be compact and pedestrian oriented.
6.11.3D.1	Removes the requirement that single-family house height be shown on the recorded plat.	City and County, in the PDR district	Removes redundancy.	Currently, single-family house height must be shown on the recorded plat.	Staff recommend this change as height is generally not shown on plats.
6.11.3D.2 (now 6.11.3D.1)	Eliminates the height-based building separation requirements.	City and County, in the PDR district	Removes redundancy where zoning codes suffer scope creep to building code.	Currently, building separation is required and increases with height from 10 feet for buildings under 35 feet tall to 66 feet for buildings 90 feet tall.	Staff recommend removing these requirements as building separation is regulated by the building code.
6.11.3D.3	Removes the building articulation requirements.	City and County, in the PDR district	Removes provisions that mandates poor townhome design.	Currently, townhouses in long rows must vary the setbacks of individual units so that no more than four units have the same setback within a contiguous row.	Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.11.3E	Clarifies that no minimum yards apply, and yards are governed by the development plan, unless an old development plan cannot be located, in which case the historical yard table is retained and applies to those plans.	City and County, in the PDR district	Removes redundancy, all PDR subject to design review anyway.	Currently, PDRs of up to a residential density of 8 units per acre have a minimum street yard of eight feet, and those above that density have a minimum 15 foot street yard. There are no rear or side yard requirements. Nonresidential uses must maintain 30-foot side and rear yards against residential uses.	Staff recommend this change since PDRs are required to identify setbacks (yard requirements) on the development plan, which gives the governing body the ability consider the appropriateness of any proposed setbacks in making its decision about a PDR rezoning.
6.11.3H	Requires that any parking provided for nonresidential uses be located to the side or rear of nonresidential structures.	City and County, in the PDR district	Required to align with 10.3 deletions.	Currently, only required parking must be to the side or rear, and any parking provided in excess of those requirements can be located anywhere on the site.	Staff recommend this change as it will maintain the locational requirement once required parking is removed as proposed in these amendments.
Topic 10: Measurement and Encroachments					
6.12.1B	Exempts roof access structures and towers less than 250 square feet from height limitations.	City and County	Increases design flexibility, allows small tower features to create special spaces and capture unique viewsheds, needed to make rooftops viable / better in many situations.	Currently, only steeples, decorative features, including parapet walls less than four feet tall, air conditioning units, utility poles, mechanical and solar energy features, penthouses for equipment or stairs, belfries, lightning rods, antennas, water towers, and clock towers are exempted from meeting height limitations.	Staff recommend this change as the new elements are comparable to the elements already exempted.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.12.3A.4, 6.12.3A.5	Allow applicants to choose which yard will be treated as the rear yard for uniquely shaped lots and corner lots.	City and County	Remove regulatory ambiguity, which has led to interpretive conflicts.	Applicants are already given the choice for corner lots, however on uniquely shaped lots staff makes the determination of yards based on the definition of rear yard.	Staff recommend this change to give applicants flexibility and remove ambiguity of who gets to decide.
6.12.3B.3	Allows non enclosed covered stoops (up to 50 square feet) to encroach up to five feet into required yards, and go all the way to the front property line.	City and County	Adds needed flexibility for outdoor spaces.	Currently, only cornices, eaves, ornamental features and awnings can extend this distance into a required yard, but must stay at least two feet away from any property line.	Staff recommend including small stoops in this encroachment allowance and allowing them up to the front property line to allow for added design flexibility.
6.12.3B.7	Increases the distance that non enclosed decks and porches can encroach into a required street or rear yard to eight feet as long as they remain either five feet from the property line or at the required street yard, whichever is smaller.	City and County	Current code allows for six foot encroachment, which is a compromised depth. Good architectural practice is eight foot minimum. The fix aligns local coding to good design principles.	Currently, these features are only allowed to encroach six feet, but must remain at least five feet from the property line.	Staff recommend this modest increase to provide more usable outdoor living space on small lots.
6.12.3B.9	Increases the allowable encroachment of bay windows, entrances, balconies and similar features to three feet into any required yard, regardless of their width.	City and County	Minor fix allows maximum design flexibility for better architecture. Applicants support staff suggestion.	Currently, these features may only encroach one and one-half feet and must be no wider than 10 feet.	This is a modest increase in the encroachment; however, staff recommend a clarification that entire building floors may not be cantilevered under this encroachment allowance (since the width limitation is being removed).

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.12.3B.11	Allows residential mechanical equipment to encroach into side and rear yards as long as a one foot setback from the property line is maintained.	City and County	Current code is more restrictive than comparable communities. Trades report difficulties unique to Durham. This minor fix maximizes placement flexibility.	Currently these encroachments are only allowed in the side yard and must remain at least three feet from the property line.	Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write, as mechanical equipment is noisy and can be a nuisance depending on what it is placed near.
Topic 11: Flag Lots					
6.12.5A.2	Expands the applicability of the reduced pole width to the RS-M district in the Suburban Tier.	City and County	Maximizes opportunities to more affordable small lot communities on multifamily lots. Increases prevalence of for-sale affordability relative to for-rent product	Currently, the reduce pole flag lot option is only available in the Urban Tier and in RU lots in the Suburban Tier.	Staff recommend expanding the applicability to include RS-M lots, as they are intended for denser development.
6.12.5A.2.a	Removes the limitation on how many reduced pole width flag lots can be created from a parent parcel.	City and County	Maximizes small home potentiality and removes access penalty that leads to bizarre, less desirable site plans.	Currently, only one flag lot with a reduced width pole (20 feet wide) can be subdivided from a parent parcel.	Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
6.12.5A.2.b	Removes the requirement for ribbon driveways for reduced pole width flag lots.	City and County	Ribbons were well intended, but problematic in implementation.	Currently, reduced pole flag lots must use ribbon driveways unless they are being accessed from an alley.	Staff recommend this change as ribbon driveways have pros and cons. While they do reduce impervious, they also allow motor vehicle fluids to infiltrate directly into the ground which is an environmental concern.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.12.5A.2.c, 7.1.2C.4.c (new)	Adds a sustainability requirement for reduced pole width flag lots and small lots, where applicants must provide one of the following: ribbon driveway, solar panels, solar hot water heater, spray foam insulation, Green Building Certification, WaterSense products, no on-site parking, downspouts not piped to the street or using the affordable housing bonus.	City and County	Introduces sustainable principles into code. Gives applicant maximum flexibility as opposed to prescriptive demand with no choice (which proved problematic, with undesirable results)	Currently, ribbon driveways and downspouts that do not direct water to the street are required for small lot and reduced pole flag lots.	Staff recommend introducing a menu of sustainable options to provide flexibility and ensure at least one sustainable measure is incorporated into the design.
6.12.5B	Changes yard requirements for flag lots to treat all yards as side yards.	City and County	Fixes problem in 2019 reforms where reduced pole flag lots were supposed to be like ADUs that you can sell. ADUs had five-foot rear setback and reduced pole flag lots have 15 feet. The 15 feet led to undesired site, with useless space behind the home and unnecessarily compressed shared yard between the two homes.	Currently, all reduced pole flag lot setbacks are treated as side yards, but standard flat lots have three side yards and one rear yard, which can be either the yard furthest from the street or the pole (applicant's choice).	Staff recommend this change to simplify flag lot yard standards and provide flexibility in site layout.
6.12.5D	Removes the requirement that driveways for multiple flag lots be shared.	City and County	Consistent with 10.3 and 6.8 fixes.	Currently, multiple flag lots must share a driveway.	Staff recommend removing the requirement and making shared driveways optional to provide additional flexibility.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
6.12.5E	Allows a flag lot to have a five-foot pole for utilities.	City and County	Required to make narrow deep lots buildable, fixes a market reality incongruency with NC state law that required road frontage for each lot.	There is no current requirement or allowance for a utility-only flag lot pole.	Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
6.12.6	Allows up to five flag lots to be subdivided using the combined width of their poles to meet the pole width standards and allows a shared driveway (optional).	City and County	Required to make difficult to reach lots non-viable to comply with utility access.	Currently, reduced pole flag lots are limited to one subdivided from the parent parcel, but standard flag lots have no limitation on the number that can be subdivided from the parent parcel. However, each must meet the pole width requirements independently.	Allowing flag lots to have narrow poles (for pedestrian access only) as long as their combined flag pole width meets the minimum requirement is an innovative approach to flag lot design. Staff recommend testing this provision as a way to promote denser infill housing and evaluating the effectiveness and impacts of this change as part of the UDO re-write.
17.3	Adds a new definition for “Green Building Certification” that entails meeting one of the following certifications or standards: Leadership in Energy and Environmental Design (LEED), Energy Star, SystemVision, Living Building Challenge, Home Energy Rating System score of 50 or lower, Passive House, or National Green Building.	City and County	Part of introduction of sustainable alternatives to Durham’s zoning, the first application of such principles.	The UDO does not currently have a definition for “Green Building Certification”.	Staff recommend adding this definition to support and clarify the proposed sustainability requirements.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
Topic 12: Pre-1950s Structures					
7.1.1C.1	Allows any lot with a pre-1950 structure to be subdivided using the small lot option.	City and County	Required to make narrow deep lots buildable, fixes a market reality incongruency with NC state law that required road frontage for each lot.	Currently, there is no differentiation in subdivision regulations based on the age of the structure.	Staff recommend this provision as it incentivizes the retention of older structures, and can reduce the number of demolitions of smaller, older housing stock, which tends to be more affordable than larger, newer structures.
7.1.1C.2	Allows any single-family or duplex structure built before 1950 to be moved to any lot of record and be exempt from dimensional standards with a Minor Special Use Permit.	City and County	Developed to maximize opportunities to save homes from demolition.	Currently, there is no dimensional standards exemption for the relocation of older structures.	Staff recommend this provision as it incentivizes the retention of older structures, and can reduce the number of demolitions of smaller, older housing stock, which tends to be more affordable than larger, newer structures.
7.1.1C.3	Allows any residential structure built before 1950 to be moved on its lot and be exempt from dimensional standards with a Minor Special Use Permit.	City and County	Developed to maximize opportunities to save homes from demolition.	Currently, there is no dimensional standards exemption for the relocation of older structures.	Staff recommend this provision as it incentivizes the retention of older structures, and can reduce the number of demolitions of smaller, older housing stock, which tends to be more affordable than larger, newer structures.
Topic 13: Yard (Setback) Reduction					
6.10.1C.1.f, 6.10.1D.1.f	Allows the CI district rear yard to be eliminated on parcels that are not adjacent to residential districts or any single-family or two-family dwellings.	City and County, in the Urban and Compact Neighborhood Tiers	A previous version of the SCAD proposal eliminated these 10-foot rear yards. Based on feedback, 10-foot rear yards were reinstated when adjacent to residential districts to ensure separation in those instances.	All CI properties are currently subject to a 10-foot minimum rear yard.	Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
7.1.2B	Reduces single-family detached house street yards to 15 feet along collector (or larger) streets and 10 feet on other streets in the RU-5 and RU-5(2) districts, to 10 feet (along all street types) in the RU-M district, and reduces side yards in the RS-M, RU-5, RU-5(2), and RU-M districts to five feet. For cluster subdivisions in all districts, street yards are reduced to five feet.	City and County	Developed to make infill more viable, “next increment up” under strong towns principles.	Currently, single-family street yards in RU-5 and RU-5(2) are 20 feet, regardless of street type and in RU-M they are 15 feet, regardless of street type. Side yards for RS-M, RU-5, RU-5(2), and RU-M are six feet. Cluster subdivision street yards range from 15-25 feet depending on the district.	Staff recommend these changes as most of them are modest decreases. The more significant decreases in the cluster subdivision standards should further support the intent of the clustering, by allowing fuller utilization of the property.
7.1.4B	Reduces traditional house side yards in RU-5, RU-5(2), RU-M, and RC districts to five feet. Eliminates traditional house street yards for cluster subdivisions in all applicable districts.	City and County	Five feet is standard urban setback, unifying with building code. Also makes non-small lot projects more viable.	Currently, traditional house side yards in RU-5, RU-5(2), RU-M, and RC are six feet. Street yards for cluster subdivisions of this housing type are five feet.	Staff recommend these modest decreases as they align with the intent of a traditional house, typical of older denser urban neighborhoods.
7.1.5B, 7.1.6B	Reduces attached house and duplex street yards to 15 feet along collector (or larger) streets and 10 feet on other streets in the RU-5 and RU-5(2) districts, to 10 feet (along all street types) in the RU-M district, and reduces side yards in the RU-5, RU-5(2), RU-M, and RC districts to five feet. Eliminates street yards for cluster subdivisions in all applicable districts.	City and County	Creates alignment with single family dimensional standards.	Currently, attached house and duplex street yards in RU-5 and RU-5(2) are 20 feet, regardless of street type and in RU-M they are 15 feet, regardless of street type. Side yards for RU-5, RU-5(2), RU-M, and RC are six feet. Cluster subdivision street yards range from 15-25 feet depending on the district.	Staff recommend these changes as most of them are modest decreases. The more significant decreases in the cluster subdivision standards should further support the intent of the clustering, by allowing fuller utilization of the property.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
7.1.7B.1	Eliminates street and rear yards for townhouse cluster subdivisions. Removes building separation requirements and minimum distances between the buildings and parking in the Suburban Tier.	City and County	Required to create more walkable townhouse projects. Current code effectively dictated front-parked design. By moving townhome forward, it creates more viability for rear-parked plans.	There are no separate yard requirements for townhouse cluster subdivisions, which must follow the standard townhouse street yards of five to 25 feet, depending on access, and 20-foot rear yards. In the Suburban Tier shared parking must be 12 feet away from buildings. A minimum building separation of 10 feet is required.	Staff recommend these changes as the significant decreases in the cluster subdivision standards should further support the intent of the clustering, by allowing fuller utilization of the property, building separation is governed by the building code.
Topic 14: Small Lot Option					
7.1.2C.1	Expands the small lot option to all zoning districts in the Urban Tier and any lot of record in the applicable districts.	City and County	Fixes a codifying snafu that was supposed to be done in Expanding Housing Choices.	Currently, the small lot option is available for the RC, RS-M, RU-M, RU-5, and RU-5(2) districts in any Tier and the RS-8 and RS-10 districts in the Urban Tier.	Staff recommend expanding the applicability of the small lot option as it has been the most used of all of the Expanding Housing Choices provisions.
7.1.2C.3	Removes garages from counting towards the maximum dwelling size under the small lot option.	City and County	Required for consistency with other regulatory bodies' definition of square footage, reduce confusion.	Currently, garages are included in the calculation of total dwelling floor area.	Staff recommend removing garages from the floor area calculation to be consistent with real estate square footage calculations and reduce confusion.
7.1.2C.4.a	Removes requirements for ribbon driveways and shared driveways for the small lot option.	City and County	Fixes ribbon driveways, which proved problematic.	Currently, driveways for paired lots must be shared, and ribbon driveways are required.	Staff recommend this change as ribbon driveways have pros and cons. While they do reduce impervious, they also allow motor vehicle fluids to infiltrate directly into the ground which is an environmental concern.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
7.1.2C.4.c	Removes requirements for downspouts for the small lot option.	City only, in the Urban Tier	Fix replaces downspout requirement with sustainable alternatives. Multiple cases reported code required dumping water on neighbor just to comply with code. This fix fixes that problem.	Currently, downspouts are required to direct water to pervious area and not the street.	Staff recommend this change to avoid negatively impacting neighbors.
7.1.5F	Allows the small lot option to apply to attached houses.	City and County	Increases homeownership opportunities with smaller homes. Desired by affordable home builders.	Currently, the small lot option is available for the single-family detached, zero lot line, traditional house, and duplex housing types.	Since attached houses are the same built housing product as duplexes, just on individual lots instead of a shared lot, staff recommend including attached houses in the small lot option, just like duplexes.
Topic 15: Project Boundary Buffer Exemptions					
6.7.6	Exempts cluster subdivisions from the perimeter treatment requirements if they are exempt from project boundary buffer requirements and expands the allowance of cluster subdivision platting adjacent to a cluster subdivision along a shared alley to all tiers.	City and County	Required to fix provisions that disallows shared alleyways to be constructed to serve neighboring properties.	Currently, the perimeter treatment requirement coincides with the project boundary buffer requirement, and in the Urban Tier if an alley is provided along the perimeter of the cluster subdivision, then any lot outside of the development that has access from that alley can be platted using the same cluster standards even if they are not part of the original cluster development.	Staff recommend expanding the cluster platting along an alley option to all tiers. The exemption from project boundary buffers when applicable makes sense to be consistent with the proposed changes in 9.4.1H.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
9.4.1H	Eliminates project boundary buffers between uses in the same top level use category.	City and County	Residential should not be required to buffer from residential.	Currently, buffers are required between the same types of uses (e.g. residential to residential, commercial to commercial, etc.)	Project boundary buffers are intended to mitigate impacts between properties. Staff recommend this change as buffering between the same types of uses is not necessary since they produce the same impacts. However, staff also recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
9.4.3C.3	Allows a wall to be used instead of the required project boundary buffer for nonresidential uses, except industrial, next to residential properties in nonresidential districts.	City and County	Allows for the use of a wall to create full separation between uses without eliminating space that could be used for uses such as housing and commercial. Industrial uses must still adhere to the existing buffer requirement.	A wall is not an option that can be used to completely replace a required project boundary buffer. It can be used to reduce the buffer width up to 25%.	Staff recommend this change to facilitate development on sites that would otherwise be challenging to redevelop due to the buffer requirements. However, staff also recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
9.4.5C.4	Exempts projects, except industrial, on lots less than 20,000 square feet in the Urban Tier, CI district and design districts from project boundary buffers.	City and County	Fixes issue on small infill lots where large buffers between different zones made lots unbuildable, even when uses were the same.	Currently, buffers are required regardless of the size of the lot, based on zoning district adjacencies.	Staff recommend this change to facilitate development on sites that would otherwise be challenging to redevelop due to the buffer requirements. However, staff also recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
Topic 16: Parking Requirements					
6.11.7J	Removes minimum parking requirements for single-family detached, zero lot line and townhouse housing types and for nonresidential development.	City and County, in the MU district	Required to align with 10.3 deletions.	Currently, a minimum of one parking space per dwelling unit is required, and the minimum for nonresidential is 80% of the standard parking rate.	Staff recommend removing parking minimums and allowing parking to be provided as the market demands for multifamily and nonresidential development to help reduce impervious surface. Staff also recommend maintaining a minimum for single-family and duplex development on individual infill lots in the Urban Tier (as defined in 6.8.1C.1) as there is a greater likelihood that adequate on-street parking may not be available in those areas. In addition, staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
10.3.1B.1, 10.3.1B.7 (now 10.3.1B.6)	Removes all minimum parking rate requirements.	City and County	Reform mirrors Raleigh’s popular 2020 reforms.	Currently, a minimum amount of parking is required for the Rural, Suburban, Urban, and Compact Neighborhood Tiers. The amounts vary by tier and use.	Staff recommend removing parking minimums and allowing parking to be provided as the market demands to help reduce impervious surface, and evaluating the effectiveness and impacts of this change as part of the UDO re-write, particularly as it relates to residential properties.
10.3.1B.6	Deletes change of use parking requirements.	City and County	Removes redundancy.	Currently, this provision clarifies when changes of use are required to meet minimum parking requirements.	Since minimum parking requirements are being eliminated, this provision is no longer needed or applicable, and staff recommend its removal.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
10.3.1B.8 (now 10.3.1B.7)	Removes parking reduction standards.	City and County	Removes redundancy.	There are multiple ways to seek a reduction in the amount of minimum parking provided, including by utilizing shared parking, public transit, additional bicycle parking, additional tree coverage, on-street parking credits, off-site parking and through a special use permit.	Since minimum parking requirements are being eliminated, this provision is no longer needed or applicable.
Topic 17: Nonconformities					
14.4.1C.1, 14.4.1C.5	Removes height limitation for additions to, and reconstructions of, nonconforming structures.	City and County	Fixes variance application trigger that punishes those adding to historic homes, many of which were made non-conforming ex post facto.	Currently, additions to, and reconstructions of, nonconforming structures cannot exceed the height of the structure, even if it is below what the zoning district allows.	Staff recommend removing this limitation and instead defaulting to the base zoning requirements to encourage retention of existing structures and allow their vertical expansion like any conforming structure.
14.4.1C.4	Increases the allowable size of additions without a special use permit to 100% of the existing building square footage.	City and County	Fixes variance application trigger that punishes those adding to historic homes, many of which were made non-conforming ex post facto.	Currently, additions to nonconforming structures require a special use permit if they increase the square footage by more than 10%.	Staff recommend allowing a nonconforming structure to double in size since it cannot expand beyond its existing encroachment on any given side. This should help encourage the retention and expansion of existing structures over their demolition.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
Topic 18: Miscellaneous Provisions					
6.7.2	Reduces the minimum acreage required for a cluster subdivision to two acres.	City and County	Required to allows design flexibility on smaller parcels. Two acres is still a large threshold.	The current requirement is four acres.	Staff recommend this change to allow smaller projects to be designed as cluster subdivisions.
7.1.5E	Makes shared driveways optional for attached houses.	City and County	Unifies with principles in 10.3 required parking.	Currently, attached houses are required to share a driveway.	Staff recommend removing the requirement and making shared driveways optional to provide additional flexibility.
7.1.7B.2	Removes building articulation requirements.	City and County	Removes articulation requirement that led to bad design and was inconsistent with townhouse/rowhouse design principles.	Currently, townhouses in long rows must vary the setbacks of individual units so that no more than four units have the same setback within a contiguous row.	Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
7.1.7D	Eliminates the requirement for a privacy yard for townhouses.	City and County	Adds flexibility for urban townhouses which are more likely to feature shared yard spaces.	Currently, townhouses must have a privacy yard of at least 100 square feet.	Staff recommend evaluating the effectiveness and impacts of this change as part of the UDO re-write.
7.1.9A (now 7.1.10A)	Clarifies that apartment units can be attached or detached. Removes nonregulatory commentary about parking.	City and County	Clarifies longstanding staff interpretation on detached multifamily.	Currently, the UDO does not specify whether apartment units must be attached or not.	Staff recommend this clarification, which aligns with the department's long-standing interpretation of what constitutes apartments.
12.2.2B.1	Allows easements for access to two-family lots and remove the date limitation.	City and County	Fixes access penalty for small multifamily.	Currently, access through easements is only allowed for single-family residences on lots platted before September 16, 1996.	Staff recommend removing the date limitation and expanding the allowance for easement access to two-family uses to provide additional flexibility.

TC2200001 Detailed Analysis by Topic

Affected UDO Paragraphs	What is changing?	Where would this be applicable?	What is the purpose of the change? (From Applicant)	How is this different than the current requirements?	Staff Analysis and Recommendation
13.5.1	Recognizes driveways for any type of applicable residential development.	City and County	Required to be consistent with townhouse provisions.	Currently, this only recognizes that townhouses are allowed to utilize driveway access.	Staff recommend this change to recognize all the applicable residential developments allowed with driveway access.