

**AN ORDINANCE TO AMEND THE *UNIFIED DEVELOPMENT ORDINANCE*
TO ESTABLISH NEIGHBORHOOD PROTECTION OVERLAY STANDARDS
FOR OLD WEST DURHAM (TC1800001)**

WHEREAS, in response to a request from the Old West Durham Neighborhood Association, the Durham City Council wishes to amend provisions in the *Unified Development Ordinance* to establish Neighborhood Protection Overlay standards for Old West Durham; and

WHEREAS, it is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community;

NOW, THEREFORE, be it ordained that Article 4, Zoning Districts, of the *Unified Development Ordinance* is amended to make the following changes set forth in the additions below:

PART 1

[Amend Sec. 4.6, Neighborhood Protection Overlay (-P), to establish standards for the Old West Durham Neighborhood Protection Overlay.]

Sec. 4.6 Neighborhood Protection Overlay (-P)

4.6.6 Old West Durham Neighborhood Protection Overlay

A. Purpose

This overlay establishes standards for the Old West Durham neighborhood to ensure that new residential development is compatible with the established urban form, modest scale, and mill village character of the neighborhood. Preservation of green space and tree canopy are primary motivations for the formulation of a number of these standards. The ordinance is not intended to reduce density within the neighborhood.

B. Applicability

This section shall only apply to the following types of single and two family residential development within the boundaries of the Old West Durham Neighborhood Protection Overlay, as shown on the official Zoning Map:

- Construction of, or addition to, any primary structure;
- Construction of, or addition to, any garage, accessory dwelling unit, and/or other accessory structure that requires a building permit and is enclosed on more than two sides;
- Enclosure by more than two walls of formerly unenclosed spaces;

- Construction of, or addition to, any vehicular use area; and/or
- Subdivision or consolidation of parcels.

C. General Standards

1. Primary & Accessory Structure Bulk (Floor Area Ratio)

a. The maximum floor area ratio (FAR) shall be 0.325 (32.5%). For purposes of this NPO only, floor area is defined as the heated square footage of the primary structure plus the total square footage (heated or unheated) of any garage, accessory dwelling unit, or any accessory structure that requires a building permit and is enclosed on more than two sides.

b. To calculate the FAR, the floor area is divided by the lot size.

Example

A 7,500 SF lot contains a single family home totaling 1,450 heated SF as well as a 400 SF unheated garage.

The FAR of this lot is

$(1,450 + 400) \text{ SF} / 7,500 \text{ SF} = 24.7\%$

In this scenario, 7.8% of the cap (588 SF) remains available for future qualifying development, as specified in this ordinance.

c. Regardless of the calculated FAR, each parcel shall be allowed a minimum of 2,200 square feet of floor area and no parcel shall exceed 3,600 square feet of floor area.

d. Provided that the structural footprint and height remain unchanged from {effective date of this ordinance}, a FAR may be exceeded by converting unheated fully enclosed square footage to heated square footage.

e. Heated square footage from a floor built below grade shall be exempt from the FAR calculation provided the exposed foundation wall is not more than 3 feet above grade at any point along any street facing façade.

f. The total square footage of an accessory structure shall not exceed 50% of the heated floor area of the primary structure and shall not exceed 700 square feet.

g. For accessory structures with sloped ceilings, only floor area with a ceiling height of five feet or more shall be included within the FAR.

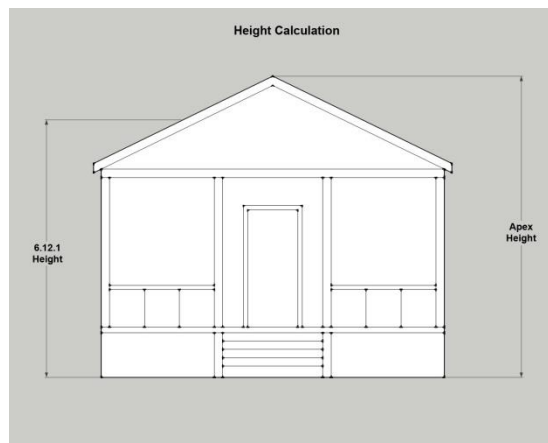
h. A building permit application or plot/site plan, as applicable, shall detail the existing and proposed FAR.

2. Primary & Accessory Structure Height

a. The height of the primary structure, as calculated in paragraph 6.12.1, Height, shall not exceed 26' and its apex height shall not exceed 31'. The apex height is defined as the structure's highest point, excluding chimneys and other appurtenances listed in paragraph 6.12.1B.

b. The height of an accessory structure, as calculated in paragraph 6.12.1, Height, shall not exceed 20' and its apex height shall not exceed 24'.

c. If the apex height of an accessory structure exceeds 16', then the structure must be set back at minimum of 10 feet from any property line, except where that property line abuts a dedicated right of way, undeveloped land, or a non-residential land use.



3. Lot Dimensions

a. The maximum lot area shall be 12,000 square feet.

b. The minimum lot width shall be 50'.

c. Flag lots shall be prohibited.

4. Trees

a. The area between the rear wall of the primary structure and the rear property line shall contain, at minimum, one canopy tree of at least 2 inches in caliper, in accordance with the *Landscape Manual for Durham, North Carolina*.

b. All trees required by the Unified Development Ordinance must be depicted on building permit applications or plot/site plans, as applicable, including the location, caliper, and species.

5. Vehicular Use Area and Off-Street Parking Requirements

a. For purposes of this NPO only, a vehicular use area includes all surface area designated or utilized for vehicle parking or vehicle access.

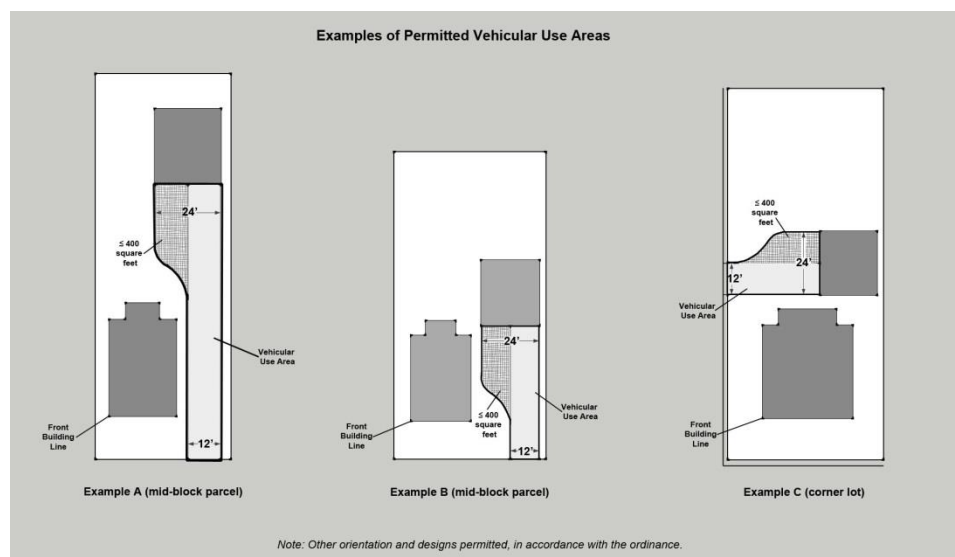
b. The minimum off-street parking requirement is one space per dwelling unit. Accessory dwelling units are not required to provide off-street parking.

c. The maximum width of the vehicular use area shall be 12'; however, the vehicular use area may expand up to 24' in width to accommodate garage access and parking. The total additional vehicular use area beyond 12' in width shall:

(1) Be behind the front building line;

(2) Be not less than 20' from the front property line; and

(3) Not exceed 400 square feet.



PART 2

That the Unified Development Ordinance shall be renumbered, including references, as necessary to accommodate these changes.

PART 3

That this amendment of the Unified Development Ordinance shall become effective upon *[insert effective date]*.