

PART 2

[Amendments to infill standards in Sec. 6.8]

Sec. 6.8 Infill Development in Residential Districts

[Paragraphs not listed remain unchanged]

6.8.1 Applicability

A. General

Unless otherwise stated, standard ordinance requirements shall apply unless modified by the standards set forth within this section.

B. Suburban Tier

1. This section shall apply to any multifamily development located on a site of less than four acres that is surrounded on all sides by single-family residential development.
2. This section shall apply to any new project or modification of any existing residential building located on a site of less than four acres in a RU district. A residential building shall also include a building converted to a nonresidential use.
23. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P)” pursuant to Sec. 4.6, Neighborhood Protection Overlay (-P).

C. Urban Tier

1. This section shall apply to any new project or modification of any existing residential building located on a site of less than four acres in a residential district. A residential building shall also include a building converted to a nonresidential use.
2. Neighborhood-specific modifications to the regulations listed in this section may be developed using the “Neighborhood Protection Overlay (-P)” pursuant to Sec. 4.6, Neighborhood Protection Overlay (-P).

D. Compact Neighborhood Tier

This section can be used to permit the development of single-family detached houses as a transition to adjacent single-family uses in the Core Area of the RC District.

E. Nonresidential Development in Residential Districts

Infill standards shall not apply to the following uses.

1. Outdoor storage areas;
2. Outdoor sales;
3. Loading bays or loading areas.

~~6.8.2 Lot Width~~

~~A. The minimum width of a lot shall be the smaller of:~~

- ~~1. The average width of the adjacent lots fronting on the same block face; or~~
- ~~2. The median of the widths for all other lots fronting on the same block face.~~

~~B. The base zoning requirement for lot width can apply for lots developed for affordable housing dwelling units¹.~~

~~6.8.36.8.2 Yards~~

¹ Maintaining this provision makes other allowances for smaller lots moot. It has also inhibited the normal application of subdivision allowances that would be consistent with Urban Tier character.

A. Street Yards

1. Context Area

a. The context area for the required street yard of the subject lot shall be the established street yards (as defined by the distance between the primary structure on each property and the edge of the right-of-way) on residential lots, including structures converted to nonresidential use, with residential zoning along the same block face.

(1) For the purposes of this Section, all lots on both sides along a cul-de-sac or other similar street section shall be considered a block face.

(2) Corner lots shall be included only if the main entrance of the primary structure on the lot faces the subject block face.

b. Vacant lots shall apply if the primary structure was demolished after January 1, 2006. GIS maps, demolition documents, and any available surveys shall be used to determine the street yard of the demolished building. If no documentation is available, then the minimum or maximum street yard of the zoning district, as applicable, shall be used.

c. Flag lots shall not be used for considering street yards. For flag lot yard requirements, see paragraph 6.12.5, Flag Lots.²

C. Landscaping

In addition to required street trees, at least one canopy or understory tree shall be planted or retained on the lot. For planting, the *Durham Landscape Manual* shall be used for species and planting area.³

~~infill development shall continue the pattern of street yard trees that has been established on all lots within 150 feet of the property unless an intervening street exists prior to that distance, in which case the street location shall define the terminating point of the required street tree pattern. When new trees are planted, they shall be a variety that, at maturity will be similar in height, width, and form to existing trees in the context area~~

6.8.46.8.3 Buildings

A. Context Area

~~The context area for measurement of standards in this section shall be based on any principal buildings located on lots within 150 feet of the property line of the proposed site. Where an intervening street exists within this 150-foot distance, the street shall be considered the furthest extent of the context area (no measurements are required on neighboring blocks).~~⁴

BA. Building Width

New construction shall not exceed the average building width for existing residential structures in the context area established in paragraph 6.8.3A.1, Context Area, by more than 25%, unless a building articulation of at least six feet in depth at a point that mimics the average building width in the context area is provided.

² To clarify how flag lots are reviewed.

³ Adapted from the Old West Durham NPO and clarifies a section that is subjective and difficult to enforce.

⁴ This standard created a different context area than the one used for street yards, which creates confusion and additional complexity. Staff has determined that the street yard context area standard is appropriate.

CB. Building Height⁵

The maximum height of a primary structure shall not exceed the height of the lesser of either of the following:

1. The maximum height permitted by the zoning district; or
2. More than 14 feet taller than the shortest height of primary structures on any adjacent structure lots along the block face, except for those portions of the new or modified structure that lie more than 25 feet from the adjacent structure.
 - a. If there is not a primary structure on an adjacent lot, the next lot along the block face shall be used.
 - b. If the next lot also lacks a primary structure, then the height of the vacant adjacent lot shall be the maximum allowed by the zoning district.

DC. Main Entrance [Text remains unchanged]

ED. Garages, and Access, and Parking

1. Where a lot abuts an alley access is provided and developed a publicly improved and maintained alley, all vehicular access shall be taken from the alley.
2. When a garage entrance faces a street other than an alley, a single garage entrance shall be no more than 22 feet in width.
3. The construction material of the garage shall match that of the primary structure. This shall not apply ~~to~~ if the primary structure is a single-family or two-family structure.

E. Downspouts

For sites in the Urban Tier where no other stormwater controls are required, downspouts shall direct stormwater run-off over pervious area and not piped to right-of-way.⁶

6.8.56.8.4 Vehicular Use Areas⁷

A. Residential

- ~~1. Infill residential uses shall locate on-site parking to conform to the predominant location of parking in the context area established in subsection 6.8.4A, Context Area, or to the rear of the structure.~~
- 2.1.** No on-site parking is required if placement of a single-family or two-family primary structure, based upon the required street yard, conflicts with the minimum dimensional standards for on-site parking. This parking exemption shall apply to lots measuring 40 feet in width or less.
2. A vehicular use area includes all surface area designated or utilized for vehicle parking or vehicle access.
3. The maximum width of the vehicular use area shall be 12 feet; however, the vehicular use area can expand up to 24 feet in width to accommodate garage access or parking. The total additional vehicular use area beyond 12 feet in width shall:
 - a. Be behind the front building line;

⁵ The current allowance is maintained, but modified consistent with the November discussion draft. The modifications make the current text simpler and provides clearer rules.

⁶ Originally proposed in the March draft to apply only to reduced lot sizes. Added to apply to any urban infill site.

⁷ The proposed changes utilize the standards from the Old West Durham NPO.

- b. Be at least 20 feet from the front property line; and
- c. Not exceed 400 square feet.

