

Attachment A

AN ORDINANCE TO CREATE A NEIGHBORHOOD PROTECTION OVERLAY DISTRICT FOR TUSCALOOSA-LAKEWOOD

WHEREAS, the Durham City Council recognizes that the Tuscaloosa-Lakewood neighborhood is an existing neighborhood that contains a canopy of oaks and pines, a diversity of housing sizes and styles, and a mix of neighborhood businesses and residential properties, all of which contribute to its established character;

WHEREAS, the Neighborhood Protection Overlay is available under the Unified Development Ordinance to protect and preserve the established character of an existing neighborhood and may contain standards that limit the flexibility of the underlying base district and establish specific design guidelines for use in development review;

WHEREAS, the Durham City Council recognizes that the Tuscaloosa-Lakewood neighborhood desires a Neighborhood Protection Overlay in order to protect and preserve its established character and has worked with the City-County Planning Department to develop appropriate standards and guidelines; and

WHEREAS, the Durham City Council wishes to amend certain provisions in the Unified Development Ordinance regarding protection of the Tuscaloosa-Lakewood neighborhood's established character to better promote the community's health, safety, and welfare;

NOW, THEREFORE, be it ordained that Article 4, Zoning Districts, of the Unified Development Ordinance is amended to make the following changes:

SECTION 1

Supplement Section 4.5, Neighborhood Protection Overlay (-P), by adding the following standards.

Sec. 4.5.5 Tuscaloosa-Lakewood Neighborhood Protection Overlay

A.Purpose

The purpose of this section is to establish additional standards to ensure that new development protects and preserves the established character of the neighborhood as defined on the official zoning map.

B.Applicability

This section shall apply to the boundaries of the Tuscaloosa-Lakewood Neighborhood Protection Overlay as shown on the official Zoning Map.

C.General Standards

1.Landscaping

This section shall apply to construction of any primary structure.

a. Prior to the approval of a site plan, or a building permit where a site plan is not required, a plan sealed by a registered professional shall be submitted indicating the location, species, and size of all existing trees (not including trees of the *Pinus* genus) measuring 10 inches dbh or greater, all improvements, and the extent of clearing necessary for siting of all improvements.

b. Trees shown on the plan that measure 10 inches dbh or greater located within required yards shall remain undisturbed with appropriate root zone protection as defined in Section 8.3.2, Protection of Existing Vegetation, of the UDO. These trees may be removed if it is determined that:

- (1) The trees are unhealthy;**
- (2) The trees will not survive due to construction activity; or**
- (3) Replacement plantings, the preservation of trees not meeting the minimum size requirements, or a combination of both are proposed and deemed appropriate in size, species and location.**

c. The Planning Director or designee shall review and approve the plan when no site plan is required for the development. Where a site plan is required, the plan shall be included as part of site plan approval and shall require approval by the Development Review Board, that must find that the proposed clearing is both the minimum necessary for the proposed construction activity and situated to minimize adverse impacts on trees outside the required yards that measure 10 inches dbh or greater.

d. Where projects do not require site plan review, the above requirements shall be applicable until a Certificate of Occupancy has been issued.

2.Lot Design

No flag lots shall be permitted.

3.Building Height

The maximum height of a new building shall be 35 feet.

D.Single-Family Residential Structures and Duplexes

1.Site Design

a. The minimum lot width shall be 50 feet.

b. Driveways shall have a maximum width of 12 feet within the required street yard and at all points in front of the rear building line of the primary structure.

2.Building Design

a. Garages or carports facing the street shall be limited to a single bay unless located to the rear of the residential structure, in which case two bays may be permitted. In no case shall a garage or carport extend in front of the front building line of the residential portion of the structure.

b. New primary structures shall not have the same elevation with the same architectural features as existing primary structures, or those in process of being built, on the same block face. Review and recommendation of elevations and other design details by the Design District Review Team (DDRT) shall be required prior to issuance of a building permit. The DDRT shall find that:

(1)The architectural design of the proposed structure creates a unique elevation compared to other structures on the same block face, through the modulation of some or all of the following architectural features:

(a)Length, width and massing of the structure;

(b)Number of stories;

(c)Façade materials;

(d)Porches and other similar articulation of the front façade;

(e)Number and location of doors and windows; and

(f)Roof style and pitch.

(2)The design of structures of the same architectural style as other structures on the same block face is varied enough from other similar structures to ensure architectural variety through the modulation of the features listed above.

(3)Additional factors not listed may be considered by DDRT.

3.Housing Types

Duplexes shall not be permitted within the RU-5(2) zoning district.

E.Multiple-Family Residential

1.Building Design

a. New primary structures shall maintain a single-family detached residential appearance and scale. Residential appearance and scale shall expressly include details from residential uses within the context area as defined in Section 6.8.4A, Context Area. Review and recommendation of elevations and other design details by the Design District Review Team (DDRT) shall be required prior to the issuance of a building permit or site plan approval as applicable. Such details shall include the following features:

- (1)Roof type, including extent of eaves and eave ornamentation, if any;
- (2)Porches or other similar articulation of the front façade, including typical porch details associated with specific architectural styles found in the context area;
- (3)Façade materials; and
- (4)Size, pattern, style, and location of windows and doors.

b. Additional factors not listed may be considered by DDRT.

2.Housing Types

Multi-family structures shall be limited to multiplexes.

F.Non-Residential Uses and Structures

1.Landscaping

No buffer reductions permitted per Section 9.4.5C, Urban, Compact and Downtown Tier Constructed Buffer, shall be permitted.

2.Building Design

a. Any reconstruction, additions and/or renovations to structures originally designed for residential use but converted to non-residential use, shall maintain a single-family detached residential appearance. Residential appearance shall expressly include details from residential structures, or former residential structures, within the context area as

defined in Section 6.8.4A, Context Area. Review of recommendation of elevations and other design details by the Design District Review Team (DDRT) shall be required prior to the issuance of a building permit or site plan approval as applicable. Such details shall include the following features:

- (1)Roof type, including extent of eaves and eave ornamentation, if any;
- (2)Porches or other similar articulation of the front façade including typical porch details associated with specific architectural styles found in the context area;
- (3)Façade materials; and
- (4)Size, pattern, style, and location of windows and doors.

b. Additional factors not listed may be considered by DDRT.

SECTION 2

That the Unified Development Ordinance shall be renumbered as necessary to accommodate these changes and clarifications.

SECTION 3

That this amendment of the Unified Development Ordinance shall become effective upon adoption.