



# Unified Development Ordinance (UDO) Text Amendment Application

City-County Planning Department

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Planning

Application Guide, Online Payment, and Submittal Portal: <https://durhamnc.gov/5007>

Application Questions: [Growth@DurhamNC.gov](mailto:Growth@DurhamNC.gov) | 919-560-4137

APPLICANT INFORMATION:	
Applicant Name: Patrick Byker	Amendment Initiated By: LINCOLN AVENUE COMMUNITIES, LLC
Current UDO Reference(s): 3.26.6.B.3	
Proposed Text Amendment Name: Exceptions to environmental requirements of Article 4 Zoning Districts and Article 8, Environmental Protections	
Jurisdiction: <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both	
APPLICATION REQUIREMENTS (INCLUDE LIST NUMBER IN ATTACHMENT NAME WITH SUBMITTAL)	
1. A PDF version of this completed application	4. Pre-Submittal Meeting Summary Notes
2. Current and proposed text (with strike-out of deleted text and underline of proposed text), diagram, and/or illustration; OR detailed description of desired change	5. Payment Receipts (Confirm with staff before making any payment)
3. Justification for the amendment(s), including: a. How the proposal is consistent with the Comprehensive Plan citing applicable goals, objectives, and/or policies; and b. How the proposal is reasonable and in the public interest.	6. Community Engagement Plan (if determined by staff as applicable)
ACKNOWLEDGEMENTS	
I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge. Applications are considered accepted only after they have been determined to be complete according to paragraph 3.2.4 of the Unified Development Ordinance, not upon submission.	
	<b>Applicant</b>
Name:	Patrick Byker
Firm:	Morningstar Law Group
Phone:	919-590-0384
Email:	pbyker@morningstarlawgroup.com
Address:	700 W. Main Street, Durham NC 27701
Digital Signature:	Patrick Byker
Date Signed:	December 9, 2024

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### Justification Statement

#### How the proposal is consistent with the Comprehensive Plan

*The proposal is consistent with many goals and policies of the New Comprehensive Plan (the “Plan”) adopted in October of 2023.*

##### Community Goals and Objectives – Affordable Housing

*The objective states that “we need every Durham resident to have affordable housing that meets their needs.”*

*The Plan says “The current system of housing management, ownership, and development allows landlords, investors, and developers to control the price of rent, how well a house is maintained, and the cost of homeownership. This leads to rapidly increasing housing prices and property taxes that makes homeownership increasingly difficult and leaves many residents vulnerable to eviction and displacement. Without reliable low- cost transportation options, residents have to pay more in combined housing and transportation costs than they can afford.”*

*This change would assist a developer, like the applicant for this UDO text amendment, who owns a small parcel and wishes to facilitate a small multifamily community creating 160 affordable housing dwelling units.*

*Ultimately, this is a creative solution that would facilitate more affordable housing options for residents that meets housing needs and no longer leaves residents vulnerable to eviction and displacement.*

Policy 40 - Affordable housing should be included in new development proposals. Encourage and incentivize housing that meets the needs of Durham residents in terms of cost, unit size, housing type, ADA accessibility, and location. Tenures for housing affordability should run, where feasible, with the land in perpetuity. When this is not possible, affordability tenures should last for a minimum of 30 years and have an associated deed restriction.

*This proposal will encourage affordable housing in new developments to meet the needs of Durham residents. The proposal will allow exceptions to the environmental requirements within Article 4, Zoning Districts; and Article 8, Environmental Protection to incentivize developers to commit to much needed affordable housing.*

##### Housing Action – 2

Encourage the use of proffers or statutory development agreements to commit to the development of affordable housing and to the acceptance of housing vouchers in new development.

*This proposal to revise the UDO supports the commitment to affordable housing. Currently, there are no exceptions to the environmental requirements within Article 4, Zoning Districts; and Article 8, Environmental Protection. These requirements place a burden on development of small lots such as the one owned by the applicant when the desire is to commit to affordable housing. If this proposal is adopted, developers will be able to make exceptions to the environmental requirements if there is a commitment to much needed affordable housing.*

### **How the proposal is reasonable and in the public interest**

*The proposal will allow exceptions to the environmental requirements within Article 4, Zoning Districts; and Article 8, Environmental Protection to incentivize developers to commit to much needed affordable housing. It supports the UDO's commitment to affordable housing to meet the housing needs of Durham residents.*