



Date: January 5, 2026

To: Claudia Hager, County Manager
Through: Maurice Jones, Deputy County Manager
From: Sara M. Young, AICP, Planning & Development Director
Subject: New *Unified Development Ordinance* (UDO) Update

Executive Summary

The creation of the new *Unified Development Ordinance* (UDO) is intended to be an important tool for the implementation of the 2023 *Durham Comprehensive Plan* (see **Attachment A: UDO Related Actions from the Comprehensive Plan**). This draft is being produced by Code Studio and a team of technical consultants. Planning & Development Department staff are leading the community-wide engagement and T.G. Allen and Associates is managing the Engagement Ambassadors’ Program for the project. Staff, Code Studio, and T.G. Allen and Associates have been working collaboratively through three phases of engagement over the last 18 months to share proposed UDO content with residents for their feedback. This presentation will provide project background and an overview of the content to date, including proposed policy shifts from the existing ordinance and highlights from the engagement results.

Motion

To receive a presentation regarding the New *Unified Development Ordinance* (UDO) project and provide any necessary direction to staff.

Background

The technical consultant team, Planning staff, and the engagement consultant held two open houses to kick off the new UDO and inform residents about the project in February of 2024. Code Studio’s work then began with an audit of the existing code which highlighted issues within the current ordinance, described potential challenges associated with implementing the Comprehensive Plan, and provided a roadmap for the drafting of the new UDO. This audit was presented to the Joint City-County Planning Committee (JCCPC) in May of 2024 and to the Board of County Commissioners and City Council in June (see **Attachment B: Code Audit and Approach Summary**). From there, Code Studio collaborated with Planning staff to draft new code sections, which were released in modules. A brief overview of the first three modules is described below:

Module 1 Fall 2024	Module 2 Spring/Summer 2025	Module 3 Fall 2025
Standards for new zoning districts, a new use table, and a new zoning map showing an initial draft of how the new zoning districts could be mapped across Durham County.	New development standards which would apply across zoning districts (e.g. landscaping requirements, pedestrian and bicycle improvements, standards for fences, etc).	New infrastructure standards (e.g. street designs and neighborhood layout) and environmental protection standards (e.g. tree coverage and open space, etc).

A full draft of the new UDO is expected to be released for community feedback in early 2026. This complete first draft will contain updated versions of content from the first three modules as well as additional administrative sections. A brief overview of a projected timeline can be found below:

End of Calendar Year	2026
<ul style="list-style-type: none"> Complete draft of the new UDO is finished 	<ul style="list-style-type: none"> January / February: Education and outreach regarding the draft and the adoption process February 24th: Planning Commission special meeting March 10th: 2nd Planning Commission meeting April: Special meeting for a joint public hearing with the City Council and the Board of County Commissioners May: Return to the City Council and the Board of County Commissioners Work Sessions to present revisions prior to adoption

Note that adherence to this timeline may require expedited review procedures, as denoted within UDO Sec. 5.4.11B and Sec. 3.19.5B.

New UDO Content

This section provides further detail on the three modules of content released to date and highlights the differences between the existing ordinance and the new proposed standards (see **Attachment C: Draft New UDO Content**). Additional content will include the *Administration* and *Definitions* sections, which will be released in the full draft published in early 2026. Staff has presented new information about this project every month to representatives from the governing bodies and the Planning Commission at the JCCPC; further information on each topic below is provided as a link to relevant agenda items (both memos and video recordings).

Zoning Districts

New zoning districts have been proposed in order to further align Durham's development patterns with the adopted Place Type Map within the Comprehensive Plan (see **Attachment D: Quick Guide to New Zoning Districts** for more information).

Mixed Use	Residential	Commercial	Employment	Community
CX: Commercial Mixed Use RX: Residential Mixed Use	R-A: Residential Preserve R-B: Residential Suburban R-C: Manufactured Home Park R-D: Residential Neighborhood	CN: Commercial Neighborhood CG: Commercial General CH: Commercial Heavy	IX: Industrial Mixed Use IH: Industrial Heavy IU: Innovation Urban IC: Innovation Campus	CIV: Civic PK: Park CON: Conservation UC: University College

One of the most significant shifts from the existing zoning districts is the creation of two groups of mixed-use districts: one with a commercial focus and one with a residential focus, both at various intensities. These districts work towards implementing the Transit Opportunity Area, Mixed Use Neighborhood, and Downtown Place Types, as well as the 15-minute communities framework from the Comprehensive Plan. These districts focus on creating a pedestrian-friendly mix of uses and are mapped to complement existing high-frequency transit corridors. By transforming underutilized areas with

existing transit service into mixed-used communities where residents can access more of the resources needed in daily life, we can reduce reliance on personal vehicles and realize the vision of a more resilient community outlined by the Comprehensive Plan. These districts include:

- **Commercial Mixed-Use Districts (CX-3, CX-5, CX-8, CX-20):** where the number following CX- indicates how many stories or floors can be built in each district (prior to any bonuses). Many non-residential uses are allowed in CX- districts and upper-story residential is encouraged.
- **Residential Mixed-Use Districts (RX-3, RX-5, RX-8):** where the number following the RX- indicates how many stories or floors can be built in each district (prior to any bonuses). Some limited non-residential uses are permitted in these districts in order to encourage ground-floor activity and promote access to neighborhood-scale commercial uses without the need for a vehicle.

Another significant shift is the introduction of the **Park (PK)** and **Conservation (CON)** districts. These districts are intended to implement the specific Recreation and Open Space (ROS) Place Type in the Comprehensive Plan. The **PK** district designates parks and other natural areas where recreation will be a primary use, while the **CON** district designates natural areas which will be focused primarily on land preservation. In addition to implementing the ROS Place Type, these districts will implement many Comprehensive Plan policies calling for greater conservation of natural areas and increased tree canopy coverage in Durham County.

The New UDO also includes the creation of a **Civic (CIV)** district, which is intended to implement aspects of the Community Institution Place Type. The Civic district is focused on uses such as government facilities, schools, hospitals, and social services. This represents a shift from those uses being permitted in zoning districts which are not specific to these institutional uses (e.g. within residential zoning districts).

The proposed UDO will also allow for the creation of a new **Planned Development (PD)** district. The intention with this district is to provide greater flexibility for large scale projects through the rezoning process. Planned developments are intended to allow for a mix of uses, while ensuring high quality design, connectivity, and enhanced environmental protection measures. This flexibility is provided through the legislative process where the specific conditions of the site should be master planned. This process would require that the applicant hold multiple neighborhood meetings prior to review by the Planning Commission and approval by the appropriate governing body. The PD District would be intended only for large-scale sites and would require both a street network and a mix of housing types in order to meet the tenets of the Comprehensive Plan. The applicant must demonstrate that the proposed PD alternative outperforms the base zoning districts.

Further information:

- **Overview of Module 1 including Districts, Map, and Use Table:** October 2024 JCCPC ([Memo](#), [Recording](#))
- **New UDO: Revised Zoning Map, other Module 1 Updates:** February 2025 JCCPC ([Memo](#), [Recording](#))
- **New UDO: Planned Developments, Administrative Updates, and Mapping:** December 2025 JCCPC ([Memo](#), [Recording](#))

Use Table

An initial draft use table was developed by Code Studio to translate the existing allowed uses to match the newly proposed zoning districts. Modifications to this initial draft use table have been underway since it was released, as staff has worked to further incorporate Comprehensive Plan policies and address resident feedback during the engagement process. Staff has shared updates and sought guidance from the JCCPC on the proposed Use Table (see ***Attachment E: Draft Use Table*** for the most recent draft).

Further information:

- ***New UDO: Use Table Audit: December 2024 JCCPC*** ([Memo](#), [Recording](#))
- ***New UDO: Use Table and Neighborhood Protection Overlays: April 2025 JCCPC*** ([Memo](#), [Recording](#))

Zoning Map

After developing draft zoning districts, Code Studio and staff have worked to create a proposed new zoning map that implements the vision in the Comprehensive Plan. The Plan calls for densification within the adopted Urban Growth Boundary (UGB), pedestrian-centered design in redevelopments and new neighborhoods, and alignment with the established Place Type Map. While the Place Type Map calls for a specific Place Type to be implemented on each property within the city and county, most Place Types have the potential to be implemented through more than one zoning district. Since the new UDO project is intended to implement the vision of the Comprehensive Plan, staff has developed a key denoting which districts most effectively implement each Place Type (see ***Attachment F: Place Type Map to Zoning Districts Key***). This is intended to help guide residents as they provide feedback on the proposed map.

An interactive version of the map showing the existing zoning, adopted Place Type, and proposed new zoning for every property in Durham was initially published in the fall of 2024. Staff has been soliciting resident input on the map since it was first published and will continue do so until the adoption process begins. The interactive zoning map tool allows residents to leave comments on any parcel in Durham; this feedback has been compiled and assessed at multiple points throughout the project. In February and June of 2025, staff presented potential policy shifts to the JCCPC for guidance and subsequently published updated maps to reflect those changes. A few of the shifts included:

- Parcels which were proposed to be zoned R-D and located within a residential place type currently zoned RR or RS-20 and located outside of the city limits were changed to R-B. Additionally, allowable uses for the R-D and the R-B zoning districts were expanded in order to ensure that agricultural uses were not reduced through the zoning map process;
- The mixed-use districts (RX- and CX-) were further calibrated to follow incremental development patterns and meet Comprehensive Plan goals (e.g. properties along frequent transit routes were shifted to CX-8, and properties adjacent to residential parcels were changed to CX-3).
- All existing places of worship and other civic uses in residential zones were changed to the civic zoning district (CIV), even those not designated Community Institution in the Comprehensive Plan.
- The R-D district was added to the list of possible districts that implement the Apartment Townhome Neighborhood Place Type since the Compact and Affordable options for this district can yield these housing types (shown in ***Attachment F, Place Type Map to Zoning Districts Key***).

Development Plans

As currently drafted within the new UDO, Durham will retain its ability to utilize development plans within the zoning map change process, as provided by special legislative authority for both the City and County (N.C.G.S. Session Law 1975-671, § 92 and Session Law 1989-950, respectively). Applicants will be able to utilize a development plan whenever they apply for a rezoning and wish to include proffered commitments (e.g. an applicant requesting a zoning map change from the R-B zoning district to the R-D district may opt to pursue a development plan in order to proffer affordable units, therefore their new zoning designation would be R-D(D): Residential Neighborhood with a Development Plan, if approved). Like with all zoning designations, development plans run with the land indefinitely; given that Durham has had the ability to utilize development plans for over four decades, there are many development plans which have failed to materialize on the ground (due to any number of factors: change in market conditions, failure to secure financing, etc.). Additionally, some of these plans have proffered commitments which may not align with the tenets of the Comprehensive Plan (e.g. promoting auto-oriented suburban-style development, planting of species now considered to be invasive, etc.). Lastly, many of these projects have been built out and the text commitments have been completed, therefore having a site-specific set of development standards for these developments may no longer be warranted.

Given that the new zoning districts were designed in order to more closely align with the adopted Place Type Map and better match development outcomes with Comprehensive Plan goals (e.g. promoting land uses which better support 15-minute communities, creating mixed-use development along high-frequency transit corridors, etc.), staff is proposing a potential invalidation date for any development plan **submitted prior to January 1, 2015**. After a preliminary analysis of approved development plans, staff believes that this date will ensure that all proffers regarding the provision of affordable housing units and/or voluntary contributions to Durham Public Schools and the City's dedicated Affordable Housing Fund will be captured.

Further information:

- ***New UDO Update: Revised Zoning Map & Other Module 2 Updates: February 2025 JCCPC*** ([Memo](#), [Recording](#))
- ***Updates to Proposed Zoning Map: June 2025 JCCPC*** ([Memo](#), [Recording](#))
- ***New UDO: Planned Developments, Administrative Updates, and Mapping: December 2025 JCCPC*** ([Memo](#), [Recording](#))

Housing

The Comprehensive Plan calls for connected and varied neighborhoods including:

- Focused development within the **Urban Growth Boundary (UGB)**, including more residential infill units within areas that have existing infrastructure;
- **A mix of housing types and densities in new neighborhoods**, along with supportive non-residential uses and pedestrian-friendly design and infrastructure;
- The retrofit of aging and vacant shopping centers to **mixed use, transit-supportive developments that include housing**;
- The incremental change of existing neighborhoods to **incorporate a variety of housing options with a mix of units, heights, and densities**, and the inclusion of new uses that provide access to daily needs and that fit in with the scale of the neighborhood;

- Creating **effective incentive structures for affordable housing** in both new and infill development proposals.

The new UDO project attempts to uphold the adopted Urban Growth Boundary through two primary mechanisms: the new R-D district and the newly proposed mixed-use zoning districts. These new residential/mixed-use districts are intended to provide densification within the existing bounds of the UGB by focusing density along existing transit corridors, as well as providing height and density incentives for both compact and affordable units throughout the entirety of the UGB, rather than channeling growth into specific areas. For more information, please see the following maps:

Attachment G depicts all the proposed Residential Districts (R-A, R-B, R-C, and R-D)	<p>As currently mapped, many of these districts represent a translational zoning designation:</p> <ul style="list-style-type: none">- The R-A (Residential Preserve) district is closely aligned with the current RR (Residential Rural) district and is mapped primarily outside of the UGB, given its low development intensity.- The R-B (Residential Suburban) district is closely aligned with the current RS-20 (Residential Suburban – 20) district. Both of which feature half-acre lots and a density of approximately 2 dwelling units per acre (DU/AC).- The R-C (Manufactured Home Park) district was created in order to protect existing manufactured home parks and was mapped onto these areas. <p>The R-D (Residential Neighborhood) district mostly closely resembles the existing RU-5 and RU-5(2) (Residential – Urban 5) districts. It is currently mapped to align with the Established Residential Place Type. The implementation of this district represents the largest potential density increase within the Residential Districts.</p>
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Attachment H depicts the amount of potential density increase across the implementation of the **R-D district**

The R-D district is mapped to align with the Established Residential Place Type and therefore covers a large portion of the residentially zoned land within the Urban Growth Boundary. This is intended to focus development within the bounds of the UGB and ensure that the associated bonuses for compact and affordable units are available throughout the entirety of the UGB (rather than concentrated in specific areas).

- Given that the **R-D district** aligns closely with our RU-5/RU-5(2) districts, the implementation of this district represents little change given that the base lot size remains 5,000 square feet (SF) and the UDO's existing small lot option is comparable to the compact unit option. Therefore, the only significant density increase in these areas is the potential for applicants to use the affordable option, in which they will be required to provide 8% of their units at 80% AMI (or 4% at 30% AMI) for a period of no less than 30 years.
- Durham's current zoning districts are mapped across a gradient of concentric development tiers which decrease in density as they move outward. Therefore, the implementation of the **R-D district** represents the largest potential increase in density for suburban-style developments which exist on the outer edge of this gradient and along the fringes of the Urban Growth Boundary.

Attachment I depicts parcels which are currently zoned RS-20, which are being proposed to either the **R-B or R-D districts**.

Given that one of the largest potential density increases when translating the existing RS-20 district to the R-D district, this map delineates when the RS-20 district is translated to the R-B district (which most closely resembles the existing RS-20 district standards) or to the R-D district (which currently allows for approximately 8 units per acre within the base scenario, as compared to the 2 units per acre permitted within RS-20).

- Note that many parcels located within Urban Growth Boundary and within the Established Residential Place Type are proposed to be R-B instead of R-D, due to their location outside of the city limits. These parcels will require an annexation in order to develop at the development intensity associated with the R-D district.
- Additionally, many existing residential subdivisions may have private covenants which could limit the increased development within the R-D district
- Lastly, note that the R-B zoning district is modeled after existing suburban-style development and does not contain an incentive structure for the provision of affordable or compact units.

Attachment J depicts all of the proposed **Mixed-Use Districts (RX-3, 5, 8 or CX-3, 5, 8, 20)**

These districts were mapped in order to align with a few differing Place Types (e.g. Apartment and Townhouse Neighborhood, Mixed Residential Neighborhood); however, the highest intensity mixed-use districts were proposed within the Downtown and Transit Opportunity Area Place Types (depicted on the map). Many of these areas are replacing existing lower-intensity commercial zoning districts with higher-intensity commercial mixed-use districts, in order to facilitate increased density and disincentivize auto-centric development along existing transit corridors. Like the R-D district, the mixed-use districts also include an incentive structure for the provision of affordable and compact units.

The proposed districts (and their incentive structures) are described in further detail below.

The proposed **R-D (Residential Neighborhood)** zoning district is designed to align with the tenets of Established Residential Place Type from the adopted Comprehensive Plan. As such, it was created with the intention of allowing for multiple types of residential development (e.g. “single-family homes, duplexes, and some townhomes and smaller apartments”, pg. 194, Comprehensive Plan), allowing for increased and incremental densification for infill development within the bounds of the adopted Urban Growth Boundary (UGB). To that end, the R-D district currently incorporates an incentive structure which allows for three types of development within one district. Applicants may opt for one of three differing by-right development scenarios:

- **Base:** Applicants may construct one single-family residence (or duplex) on one lot which is no smaller than 5,000 square feet (SF). An accessory dwelling unit (ADU) will also be allowable, should it meet the required design standards (e.g. subordinate in size and located behind the front plane of the primary structure). The base scenario is comparable to our existing RU-5 and RU-5(2) zoning districts.
- **Compact:** Applicants can opt to build a maximum intensity of 1 unit per 1,250 SF of lot area if the units are a maximum of 1,200 SF each. In a 5,000 SF example, this would allow 4 compact units. This incentive is intended to encourage smaller units as one approach to reducing cost. Given that this option is completely voluntary (as applicants are always able to construct under the base scenario), it is legal to attach additional regulations and design standards which are prohibited under N.C.G.S. § 160D-702. The compact option scenario is comparable to our existing small lot option, which allows applicants to create lots as small as 2,000 SF as long as the primary structure created does not exceed a heated square footage of a maximum of 1,200 SF.
- **Affordable:** Applicants can opt to build a maximum intensity of 1 unit per 625 SF of lot area if the units meet an affordability requirement. Staff are proposing a required affordability percentage of **8% of units at 80% AMI**, or **4% of units at 30% AMI** within the affordable option of the R-D zoning district. In a 5,000 SF example, this would allow 8 units with one of those units required to be affordable at 80% AMI for a 30-year tenure (note that in this example, both the 4% and 8% would require one unit, which would thereby incentivize provision of units at the 80% AMI level. However, the provision of units at the 30% AMI level requires significant public subsidy or subsidization of cost through construction of multiple units, and staff therefore does not expect this incentive to be utilized often for small-scale projects. This incentive is more likely to be used for larger developments.)

In addition to the above approach, the vision for housing accessibility and affordability is likewise implemented through the proposed mixed-use zoning districts (CX- and RX-). These districts are primarily mapped over Transit Opportunity Area Place Types, which are located along high-frequency transit corridors. Many of these areas are opportunities to transform existing underutilized development into pedestrian-friendly places where residents can live, work, and play while providing access to existing transit service. As with the R-D districts, applicants may opt for one of three by-right development scenarios:

- **Base:** Each of the mixed-use districts is form-based and therefore does not regulate density by dwelling units per acre. Rather, applicants are instead limited by the form of the structure (i.e. in RX-3, an applicant is not limited by a maximum density, however they are restricted to specific design standards: no more than 3 stories of height, a building coverage maximum, and a build-to requirement along the frontage, etc.). The number in each district name refers to the maximum number of stories that an applicant can provide in the base scenario (e.g. a CX-5 parcel cannot exceed 5 stories in height, etc.).
- **Compact:** Similar to the R-D zoning district, these districts also contain an incentive for the provision of smaller units in order to incentivize lower rents. However, given that multifamily development needs to provide a range of unit sizes in order to accommodate a variety of housing needs for residents (single renters, families, etc.), staff is proposing additional height in these districts if 25% of the units provided are 450 SF or smaller. The height bonuses for each district are denoted in the table below.
- **Affordable:** Each mixed-use district provides an additional height incentive for the provision of affordable units. Staff is proposing that the unlimited height bonus can be used when mixed-use developments provide a minimum affordability requirement of **8% of units at 60% AMI**, or **4% of units at 30% AMI**.

A summary of the proposed base, compact, and affordable options is denoted below:

DISTRICT	BASE	COMPACT	AFFORDABLE ¹
R-D	1 single-family residence or duplex per 5,000 SF	1 unit for every 1,250 SF of lot area, if every unit is 1,200 SF or less.	1 unit for every 625 SF of lot area if 8% of units at 80% AMI , or 4% of units at 30% AMI
		All mixed-use districts: if 25% of units are 450 SF or smaller:	
RX-3	3 stories of height	5 stories of height	Unlimited height bonus if 8% of units at 60% AMI or if 4% of units at 30% AMI
RX-5	5 stories of height	8 stories of height	
RX-8	8 stories of height	13 stories of height	
CX-3	3 stories of height	5 stories of height	
CX-5	5 stories of height	8 stories of height	
CX-8	8 stories of height	13 stories of height	
CX-20	20 stories of height	30 stories of height	
IX	5 stories of height	8 stories of height	

¹ As currently drafted, **all affordability requirements must be maintained for a 30-year tenure.**

Further information:

- **Affordable Housing Density Bonus Program Review:** September 2025 JCCPC ([Memo](#), [Recording](#))
- **Infill Development and Sustainability Matrix:** November 2025 JCCPC ([Memo](#), [Recording](#))

Transportation

The Comprehensive Plan provides a vision to require complete streets design for all new streets, including:

- reducing vehicle travel lane widths to reduce speeds and shortening pedestrian crossing lengths;
- providing safe and comfortable options for people to walk, bike, roll, and reach transit stops; and
- increasing connectivity to create more pedestrian-friendly places by creating more direct routes, reducing travel distances, and enhancing safety.

In addition, Durham's recently adopted Vision Zero Action Plan, which is focused on reducing traffic injuries and fatalities to zero, states that a key outcome of the plan is that "the City's Unified Development Ordinance (UDO) will have updated street cross-sections and standards that prioritize safety of vulnerable road users who walk, bike, and use a mobility aid."

To implement these policies, the New UDO:

- Establishes new **NACTO-aligned street typologies** for new rights-of-way serving neighborhood and mixed-use developments; these are intended as a strategic intervention to implement NACTO guidelines for our most commonly constructed rights-of-way while a new **Street Design Manual** is developed;
- Retains the language from recently adopted text amendments regarding **street connectivity** and **block size standards** (TC210007), translated to new zoning districts. A maximum **block perimeter** is also **added for sites** which are **10 acres** or greater **outside of the UGB**;
- Retains the language from recently adopted text amendments regarding **phased development** (TC2200004); and
- Incorporates **pedestrian-friendly design into the development standards**, focused on reducing the amount of land dedicated to auto-centric uses and establishing development patterns which prioritize pedestrian movement instead (e.g. requiring buildings closer to the street, decreasing driveway widths, and introducing new types of required pedestrian access points for enhanced connectivity, etc.).

Further information:

- **Module 2 Pedestrian and Bicycle Mobility, Vehicle Access and Parking:** April 2025 JCCPC ([Memo](#), [Recording](#))
- **Vision Zero and the New UDO:** May 2025 JCCPC ([Memo](#), [Recording](#))
- **Module 3 Content Overview:** October 2025 ([Memo](#), [Recording](#))

Environment

The Comprehensive Plan provides a vision for more sustainable development practices and the preservation of important natural areas and resources, including:

- Establishing 30% of Durham County as permanently conserved land;

- Maintaining or increasing to 55% of Durham County land as tree canopy, prioritizing native tree species;
- Encouraging green infrastructure and innovative stormwater management practices; and
- Specifically revising the UDO to increase open space and tree coverage standards.

To implement these policies, the new UDO:

- Incentivizes **increased density within the existing UGB**, rather than continuing to expand outwards;
- Creates new **Park (PK) and Conservation (CON) zoning districts** in order to further strategic conservation and recreation planning goals;
- Retains existing standards for **street trees, parking lot landscaping, mass grading, and phased development**;
- Increases **the species diversity requirements** from the existing ordinance;
- Requires the preservation of existing plant material whenever a transition (landscape buffer) is required;
- **Retains existing riparian buffer protection standards**, but further clarifies jurisdictional review authority for the Neuse River Basin (North Carolina Department of Environmental Quality, Water Resources Division) and the Jordan Water Supply Basin (Durham);
- **Updates the riparian buffer protections for the Neuse River Basin** to the most recently adopted State requirements (15A NCAC 02B .0714);
- **Establishes the Lake Michie/Little River District C (M/LR-C) Watershed Protection Overlay** to replace the Rural Village designation within the ML/R-B District; this will follow the exact bounds of the existing Rural Village. Since the Rural Village was established via the now-defunct Future Land Use Map, this change is required in order to ensure that **there is no increase in the allowable impervious within the Lake Michie/Little River Watershed Protection Overlay**;
- Requires that any disturbed steep slope be reconstructed at a grade of 3:1 (33%) rather than 2:1 (50%), in order to **reduce down-slope erosion and further minimize grading and the removal of vegetation** (at the recommendation of the Environmental and Street Services Department);
- Recalibrates the tree coverage standards for all new zoning districts, **which expands the 7% tree coverage requirement** from the Tuscaloosa-Lakewood Neighborhood Protection Overlay to **all R-D-zoned parcels**;
- Allows for **piedmont prairies to count towards tree coverage requirements**, providing further protection for a wider array of Durham's natural areas. These areas consist of open woodlands or grasslands occurring in patches throughout the central region of the state; while they often contain less than the UDO required 60% tree cover, they are composed of significant species representative of Durham's native ecology;
- **Consolidates existing tree protection, tree coverage, and open space standards** into a single unified section to improve clarity and useability;
- Removes conservation subdivisions from the Ordinance, and instead requires that the **primary conservation areas (when existing on-site) be retained in all subdivisions**;
- Introduces new standards for **decreasing light trespass**, especially when adjacent to natural areas (in order to reduce the impact on wildlife);
- Incorporates the **Lick Creek Watershed into the HQW standards**, which will add a 20-acre grading limit (in addition to the existing phased development standards);

- Introduces flexibility by expanding the list of elements which can be counted towards required open space standards (with a **new incentive structure for public art and public plazas/courtyards, and a requirement for the preservation of natural and cultural resources**); and
- Establishes a **new sustainable development matrix** which will provide an array of options so that development patterns within the UGB will densify more sustainably (with opportunities for **increased conservation measures, native landscaping, green stormwater infrastructure, community agriculture**, etc.). Providing a large number of options allows us to tackle multiple goals from the Comprehensive Plan across multiple development scenarios, as well as incentivize environmental regulations which exceed what we can legally require from applicants.

Zoning as a tool for conservation is limited by the Fifth Amendment, which states that governments cannot substantially remove property rights without “just compensation” (or else those regulations would be considered “regulatory takings”); while the new UDO does provide some ability to increase conservation measures, as denoted above, it cannot serve as a tool to completely remove development rights. However, there are additional upcoming opportunities to further the environmental protection goals denoted within the Comprehensive Plan:

- Planning & Development staff are currently coordinating with General Services’ Urban Forestry Division to conduct an updated **Tree Canopy Assessment** to map where existing canopy within the entirety of the adopted Urban Growth Boundary. This will provide further data required to calibrate tree coverage requirements and ensure that Durham is on-track to meet its 55% canopy conservation goal within the city limits;
- Staff will be updating the **Durham Landscape Manual** after the adoption of the new UDO to ensure that native species are prioritized and that the regulations are cohesive (e.g. removal of references to Development Tiers, etc.);
- As part of the FY25-26 budget, the Planning & Development Department was granted a budget request to coordinate a **Countywide Open Space Plan**, which will serve as an additional tool for strategic planning regarding conservation goals, recreation, and land acquisition. Staff is currently finalizing the contract with the selected consultant to develop this plan.

Further information:

- **DarkSky Certification and Bird-Friendly Design:** August 2025 JCCPC ([Memo](#), [Recording](#))
- **Public Art Regulations and Incentives:** October 2025 JCCPC ([Memo](#), [Recording](#))
- **Module 3 Content Overview:** October 2025 ([Memo](#), [Recording](#))
- **Infill Development and Sustainability Matrix:** November 2025 JCCPC ([Memo](#), [Recording](#))

Engagement Overview and Results

In February of 2024, Code Studio hosted two open houses to introduce residents to the project and get initial feedback and ideas around housing, transportation, and environment topics for the New UDO. As draft content has been published, staff and T.G. Allen and Associates have engaged residents on each Module, including asking how well it implements the Comprehensive Plan vision, and how supportive they are of the proposed changes. These engagement phases included:

- **Module 1:** Zoning Districts, Zoning Map, and Use Table – Fall 2024
- **Module 2:** Development Standards – Spring 2025

- **Module 3:** Infrastructure, Public Improvements, and Environmental Protection Standards – Fall 2025

These engagements have prioritized hearing the varied perspectives of all residents and have included a variety of methods including an Engagement Ambassador program, in-person and virtual sessions, technical presentations by Code Studio, and regular office hours with staff. Staff has shared highlights from resident feedback with JCCPC throughout the project to provide direction on how to address these concerns and direct Code Studio to revise the drafts accordingly.

Further information:

- **New UDO Code Audit and Approach (including February 2024 engagement results):** May 2024 JCCPC ([Presentation](#), [Recording](#))
- **New UDO Engagement Approach:** September 2024 JCCPC ([Memo](#), [Recording](#))
- **Preliminary Responses to Engagement Results:** February 2025 JCCPC ([Memo](#), [Recording](#))
- **Module 2 Engagement Update:** May 2025 JCCPC ([Memo](#), [Recording](#))
- **Module 2 Engagement Results:** September 2025 JCCPC ([Memo](#), [Recording](#))

Issues

As we prepare a full draft of the new UDO to share with the community and begin the public hearing and adoption process in early 2026, there are a few potential issues to highlight. The new UDO project is primarily focused on implementing the Comprehensive Plan, which calls for a community where alternative forms of transportation are feasible options, where multiple forms of housing are accessible and affordable, and where resiliency and sustainability are actualized. This entails densification within the Urban Growth Boundary and implementation of the Place Types through the creation and implementation of new zoning districts. This new UDO project is an opportunity to significantly shift our development patterns to those that are less auto-centric and to recalibrate an affordable housing incentive strategy that actually yields more affordable homes.

Staff has heard direction from JCCPC supportive of upzoning properties as part of the New UDO in order to implement the Comprehensive Plan's Place Type Map and concentrate Durham's continued growth within the Urban Growth Boundary. As mentioned above, each Place Type has multiple zoning districts that can implement that vision (see **Attachment F, Place Type to Zoning Districts Key**). While the Comprehensive Plan calls for varied types of housing throughout the UGB and higher density along transit corridors, policy direction is needed on how much upzoning should occur in Transit Opportunity Areas. It is important to note that direction for specific properties will need to be evaluated on a case-by-case basis in order to ensure that the new zoning district does not constitute a "down-zoning" (as defined per SB382 and discussed in further detail below). For example, a parcel which is currently zoned as CG (Commercial General) within the Urban Tier is currently allowed 55 feet in height; opting to map that parcel as CX-3 could potentially constitute a down-zoning, given that the CX-3 zoning only allows for a maximum of 3 stories with a maximum height of 45 feet.

As denoted above, new legislation passed during December of 2024 ([SB382 / Session Law 2024-57](#)) presents a complicating factor as we work within these legal restrictions to realize the local community vision described within the Comprehensive Plan. This legislation has created significant hurdles: namely that local governments cannot enact new zoning map changes which constitute a "down-zoning" (decreasing density, reducing the number of permitted uses, or create non-conforming situations) without

explicit authorization from property owners. Further information on the proposed approach as it relates to the new UDO project was [presented to the JCCPC in February of 2025](#).

Additionally, staff has heard concerns from residents that the new UDO project will no longer create situations in which a zoning map change (or “rezoning”) will be required. The concern is that new developments would only be constructed through “by-right” administrative processes, thereby lessening the potential opportunities for resident feedback and/or additional proffered commitments. There is the potential that there may be fewer rezoning requests inside the current city limits (as the mapping logic is intended to match the desired development outcomes aligned with the Place Type Map). However, it is important to note that any property which is outside of the city limits will **still require an annexation (and therefore a public hearing)** in order to obtain access to city services and develop at a greater intensity. (Even when these properties are located *within* the Urban Growth Boundary – this project is not/cannot propose any changes to the city limits.) For context, the table below shows the number of zoning map change applications for each year listed and the portion of those that included an annexation request as well.

Year	Total Submitted Rezoning Requests	Total Requests That Also Included Annexation ¹
2023	47	29 (or 62%)
2024	43	19 (or 44%)
2025*	36	25 (or 69%)

*to date

¹ These cases also generally represent larger projects (or projects with higher associated acreages). For the **2023 cases**: rezoning requests without an associated annexation request averaged approximately 13 acres; those with annexations averaged approximately 63 acres. For the **2024 cases**: rezoning requests without an associated annexation request averaged approximately 10 acres; those with annexations averaged approximately 46 acres.

There will still be rezoning requests as property owners pursue potential development patterns which differ from the newly proposed zoning standards. In addition, the new UDO draft also creates new situations in which a rezoning will be required. For example: rather than allowing schools, places of worship, or government facilities within residential zoning districts with a special use permit (as currently allowed), these civic uses will instead require a rezoning to the Civic (**CIV**) zoning district. This was done in order to address ongoing concerns regarding the limited amount of public input allowable within the quasi-judicial proceedings associated with special use permits (e.g. residents are required to have legal “standing” in order to provide public input, etc.). Given that these developments can have significant impacts on residents, the legislative process (which does not restrict public input in the same manner) is more appropriate.

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Attachments

Attachment A: Related Actions from the Comprehensive Plan

Attachment B: Code Audit and Approach Summary
Attachment C: Draft New UDO Content
Attachment D: Quick Guide to New Zoning Districts
Attachment E: Draft Use Table (April 2025)
Attachment F: Place Type to Zoning Districts Key
Attachment G: R- Districts Map
Attachment H: R-D District Density Change Map
Attachment I: RS-20 Proposed for R-B or R-D Map
Attachment J: RX- and CX- Districts Map
Attachment K: Presentation