

ATTACHMENT 5

Sec. 94.2. - Low and moderate income housing; density bonuses.

- (a) The city council may provide for the granting of density bonuses in one or more zoning districts in which residential uses are permitted, or provide other incentives of value to a developer of housing within the city and its extraterritorial zoning jurisdiction (if any), if the developer agrees to construct at least 15 percent of the total housing units within the development for persons and families of low and moderate income. The size of the density bonus may vary with the percentage of housing units constructed within the development for persons or families of low and moderate income.
- (b) The city council may provide for the enforcement of a developer's commitment to provide low and moderate income housing by ordinance or through the adoption of rules and regulations. Such ordinance or rules and regulations may require the developer to record restrictive covenants applicable to the property, to convey real estate interests in the property, to enter into binding contracts satisfactory to the city or to take any other lawful action prescribed by the city. The city may prescribe the period of time during [which] the developer's commitment shall be binding.
- (c) When used in this section, the following words or terms have the meanings indicated:
 - (1) Density bonus means an increase in the number of housing units allowed on the tract of land upon which the development is located, when compared to the maximum number of housing units which would be allowed on the tract of land in the absence of the density bonus.
 - (2) Low and moderate income has the meaning prescribed by regulations of the United States Department of Housing and Urban Development applicable to the City of Durham's metropolitan area. In the absence of such regulations, the term "low and moderate income" shall have the meaning prescribed by the city council by ordinance or resolution. The term "low and moderate income" shall also be construed to mean low or moderate income.

(Laws 1991, Ch. 503, § 1)