ATTACHMENT 'A'

Draft #2 Aug. 7, 2001

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ALLOW THE TRANSFER OF IMPERVIOUS SURFACE CAPACITY FROM ONE LOT TO ANOTHER WITHIN THE TOWN'S PLANNING JURISDICTION.

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Subsection 15-266(c) of the Carrboro Land Use Ordinance is amended by adding a new subsection (6) to read as follows:

(6) At any time after the recording of a final plat that shows the allocation of impervious surface among the lots created by such final plat as provided in subsection (c)(5) above, a reallocation of impervious surface may take place by the recording of an instrument which clearly shows the reallocation, signed by the owners of all lots that are either gaining or losing impervious surface allocation, so long as the reallocation continues to comply with all of the provisions of this subsection (c).

Section 2. Section 15-266 of the Carrboro Land Use Ordinance is amended by adding a new subsection (g) to read as follows:

(g) When the maximum impervious surface coverage permissible on any lot within a WR zoning district has been reduced below the square footage authorized under subsection (b) of this section, either through use of the allocation process described in subsection (c) or otherwise, then the maximum impervious surface coverage permissible on such lot may thereafter be increased if and to the extent such lot receives a transfer of impervious surface allocation from another lot in accordance with the provisions of this subsection.

(1) The lot from which the impervious surface allocation is transferred shall be referred to as the "grantor lot," and the lot receiving the transfer shall be referred to as the "grantee lot."

(2) For purposes of this subsection, the term "impervious surface allocation" means the amount of impervious surface coverage permissible on a lot within a WR zoning district under the provisions of this section.

(3) Both the grantor lot and the grantee lot must be located within either the corporate limits of the town, the town's extraterritorial planning jurisdiction, or the Carrboro Joint Planning Area at the time of the transfer.

(4) The transfer shall be effectuated by the recording of an instrument, signed by the owners of the grantor lot and the grantee lot, pursuant to which the owners of the grantor lot transfer to the owners of the grantee lot, their heirs, successors, and assigns, for the use and benefit of the grantee lot, a specified number of square feet of impervious surface allocation that would otherwise

be available to the grantor lot under the provisions of this section. The form of such instrument shall be approved by the town attorney. The instrument shall acknowledge that any impervious surface allocation so transferred shall not be available to the grantor lot and may limit the development potential of such grantor lot.

(5) No transfer under this subsection shall become effective unless the instrument effectuating the transfer bears on its face a certificate signed by the planning director stating that the grantor lot has available the amount of impervious surface allocation being transferred.

(6) In no event may the procedure authorized in this subsection be used to increase the amount of impervious surface permissible on any lot beyond the maximum square footage authorized under subsection (b) of this section.

(7) Upon the recordation of an instrument as provided in subsection (g)(4) above, the impervious surface allocation of the grantor lot under this section shall be reduced by the amount of the transfer specified in such instrument. If the grantor lot is thereafter subdivided, then allocation of impervious surface among the subdivided lots pursuant to subsection (c) of this section shall reflect this reduction.

(8) The provisions of this subsection supplement rather than replace those set forth in subsection (c)(6) above.

Section 3. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 4. This ordinance shall become effective upon adoption.

Rec'd 8/22/0

TOWN OF CARRBORO

ATTACHMENT 'B'

LAND USE ORDINANCE AMENDMENT REQUEST

To the Board of Aldermen, the Planning Board, and the Appearance Commission, as appropriate, of the Town of Carrboro:

I (we), the undersigned do hereby respectfully make application and petition the Board of Aldermen to amend the Land Use Ordinance. In support of this application, the following facts are shown:

1) The Land Use Ordinance, at present, would allow (description/quote, page and number of section in question):

no transfers of impervious surface except within a neighborhood or adjacent non-neighborhood parcel

2) The proposed amendment to the Land Use Ordinance would allow (describe briefly intended change):

transfers of impervious capacity from one lot to another within the town's planning jurisdiction

3) State the reasons for the proposed amendment:

This would give property owners more flexibility to acquire needed impervious surface. In our particular case, our 5 acre lot only received 2.7% IS under the allocation rules. We have used this entire allotment for our house and a long driveway. The amendment would permit us to purchase additional IS (but our total would never exceed 4%) from outside the neighborhood since no neighbors have IS they are willing to sell.

SIGNATURE: [signature] applicant — CHRISTOPHER J. CONOVER {print}

ADDRESS: 124 WINSOME LANE
CHAPEL HILL NC 27516

TELEPHONE NUMBER: 967-4644 (H) 684-8026 (W)

has been demarcated, the edge of the water) and a point one hundred feet from that point along the above-described perpendicular line.

(2) **Intermittent streams flowing into creeks and tributaries.** Measure along a line running perpendicular to the centerline of the intermittent stream fifty feet from such stream centerline.

(3) **Intermittent streams flowing directly into University Lake.** Measure along a line running perpendicular to the centerline of the intermittent stream one hundred feet from such stream centerline.

(4) **Intermittent streams flowing into streams which flow directly into University Lake.** Measure along a line running perpendicular to the centerline of the intermittent stream fifty feet from such stream centerline.

(5) **University Lake.** Measure along a line running perpendicular to the high water mark or floodplain boundary (whichever is farther from the Lake) one hundred feet from such high water mark or floodplain boundary (whichever is farther from the Lake) plus an additional distance equal to:

4 x slope x 100

where "slope" is expressed as a percentage derived by dividing by 100 the rise in elevation between the high water line of the Lake and a point one hundred feet from that point along the above described perpendicular line.

(c) Subject to subsection (e), the existing natural vegetation in a designated buffer area shall not be disturbed in any way that would reduce the buffer area's effectiveness in achieving the objectives set forth in subsection (a). In addition, buffer areas from which the vegetative cover has been removed shall be planted or otherwise provided with ground cover, devices, or structures sufficient to allow the buffer area to accomplish the objectives set forth in subsection (a). **(AMENDED 11/11/86)**

(d) Notwithstanding the remaining provisions of this article, whenever a floodplain lies between a watercourse and a designated buffer area or within a designated buffer area, the floodplain shall be considered a part of the buffer area for purposes of the development restrictions set forth in subsection (c).

(e) Notwithstanding the foregoing provisions, the permit issuing authority may authorize the crossing of a designated buffer area by a street, bikeway, sidewalk, water or sewer line or pump station, or water dependent structure under the circumstances specified in Subsection 15-184(g) or (h). **(AMENDED 12/14/93)**

Section 15-266 Impervious Surface Limitations (AMENDED 12/7/83; 05/15/90)

(a) Within a B-5 or WM-3 zoning district (the total area of which comprises less than one percent of the are of the University Lake Watershed and all of which is located more than one-half mile from the normal pool elevation of University Lake), not more than twenty-four percent (24%) of the land on any lot may be covered by an impervious surface such as a street, drive,

sidewalk, parking lot, building, or other roofed structure, etc. In the event that the area of impervious surface is greater than six percent (6%) of the total lot, stormwater management techniques must be employed that would retain the first one inch of rainfall running off of all impervious surfaces on a lot. A registered engineer must certify that the stormwater techniques used will accomplish this objective before a permit is issued, and it shall be a continuing condition of the permit that the owner provide necessary maintenance so that the stormwater retention techniques continue to function effectively. Such stormwater retention techniques shall be subject to inspection by the Town at least annually. In granting the conditional use permit authorizing such facilities, the Board shall require the developer to post a cash bond or other sufficient security to guarantee that the developer or his successor shall adequately maintain such stormwater retention facilities so that such facilities will continue to operate as intended. **(AMENDED 07/06/93; 10/15/96)**

(b) Subject to subsections (c) and (d), within a C or WR zoning district the maximum impervious surface coverage permissible on any lot shall be as shown in the following Table of Impervious Surface Calculations, which establishes a sliding scale of permissible impervious surface coverage based on lot size. For purposes of applying the table, lot sizes shall be rounded to the nearest tenth of an acre. Lot sizes of less than 0.5 acres may not exceed 4200 square feet of impervious surface, and lot sizes in excess of five acres may not exceed an impervious surface area equal to 4% of the lot size. For purposes of this subsection, impervious surface includes but is not limited to areas such as a street, driveway, sidewalk, parking lot, building, or other roofed or paved structure.

LOT SIZE		IMPERVIOUS SURFACE	
ACRES	SQUARE FOOTAGE	SQUARE FOOTAGE	PERCENTAGE
0.5	21,780	4,200	19.28
0.6	26,136	4,300	16.45
0.7	30,492	4,400	14.43
0.8	34,848	4,500	12.91
0.9	39,204	4,600	11.73
1.0	43,560	4,700	10.79
1.1	47,916	4,800	10.02
1.2	52,272	4,900	9.37
1.3	56,628	5,000	8.83
1.4	60,984	5,100	8.36
1.5	65,340	5,200	7.96
1.6	69,696	5,300	7.60
1.7	74,052	5,400	7.29
1.8	78,408	5,500	7.04
1.9	82,764	5,600	6.77
2.0	87,120	5,700	6.54
2.1	91,476	5,800	6.34
2.2	95,832	5,900	6.16.
2.3	100,188	6,000	5.99
2.4	104,544	6,100	5.83
2.5	108,900	6,200	5.69
2.6	113,256	6,300	5.56
2.7	117,612	6,400	5.44
2.8	121,968	6,500	5.33
2.9	126,324	6,600	5.22
3.0	130,680	6,700	5.13
3.1	135,036	6,800	5.04
3.2	139,392	6,900	4.95
3.3	143,748	7,000	4.87
3.4	148,104	7,100	4.79
3.5	152,460	7,200	4.72
3.6	156,816	7,300	4.66
3.7	161,172	7,400	4.59
3.8	165,528	7,500	4.53
3.9	169,884	7,600	4.47
4.0	174,240	7,700	4.42
4.1	178,596	7,800	4.37
4.2	182,954	7,900	4.32
4.3	187,308	8,000	4.27
4.4	191,664	8,100	4.23
4.5	196,020	8,200	4.18
4.6	200,376	8,300	4.14
4.7	204,732	8,400	4.10
4.8	209,088	8,500	4.07
4.9	213,244	8,600	4.03
5.0	217,800	8,712	4.00

(c) If a tract is subdivided, then impervious surface shall be calculated as follows:

(1) The area of each lot shown on a proposed final plat shall be calculated. For purposes of this calculation, all street right-of-way created as part of the subdivision shall be allocated to the adjoining lots by extending lot lines. If lots are created on either side of a proposed street, lot lines shall be extended to the centerline of the right-of-way.

(2) Maximum impervious surface area for each lot shall be determined in accordance with subsections (a) or (b).

(3) The sum total of impervious surface area permissible on the entire tract shall be determined by adding together the impervious surface area available to each lot as determined under subsections (a) or (b).

(4) The impervious surface area within streets and other areas, (such as common areas) outside of individual lot boundaries shall be subtracted from the total area calculated pursuant to subsection (3).

(5) Following the calculation set forth in subsection (4), the remaining permissible impervious surface area shall be allocated by the subdivider to each lot, subject to the applicable limitations set forth in this section, and subject to the further limitation that, with respect to a cluster subdivision, in no case may the overall impervious surface area allocation for the subdivided tract exceed 4% of the area of that tract. For purposes of this calculation, the area of each lot shall exclude street right-of-way. The allocation assigned to each lot shall be indicated on the face of the subdivision final plat, and purchasers of each lot shall be bound by such allocation.

(d) If a development is completed in phases or stages, the percentage restrictions set forth in this section shall apply to each separate phase or stage.

(e) All development within the JLWP that requires a sedimentation and erosion control plan under 15A NCAC 4 or the Orange County Sedimentation and Erosion Control Ordinance shall be subject to the following requirements:

(1) Density and built-upon area shall be limited as follows:

a. For single family residential subdivisions, minimum lot sizes of 20,000 square feet or maximum of two dwelling units per acre; or

b. Twenty-four percent built-upon area for all other residential and non-residential development; or

c. Three dwelling units per acre or thirty-six percent built-upon area for properties without curb and gutter systems.

(2) Stormwater runoff from such developments shall be transported by vegetated conveyances to the maximum extent practicable.

(AMENDED 10/15/96)

(f) For purposes of this section, the term "built-upon area" means that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. Wooden slatted decks and the water area of a swimming pool are considered pervious. **(AMENDED 10/15/96)**

Section 15-267 Additional Development Standards Within C and WR District. (AMENDED 11/11/86; 05/15/90)

(a) Buildings and other impervious surfaces within the C and WR zoning districts shall be located, to the extent reasonably possible, so as to *(i)* take full advantage of the assimilative capacity of the land and *(ii)* avoid areas described in subsection 15-198(e) and (f). **(AMENDED 09/05/95).**

(b) To avoid the creation of lots that will be difficult to build upon in a manner that complies with the standard set forth in subsection (a) and the impervious surface limitations set forth in Section 15-266, preliminary and final plats for the subdivision of land within the C and WR zoning districts shall show buildable area and approximate driveway locations for all lots within such subdivision. Thereafter, no zoning permit may be issued for construction of buildings or driveways outside the buildable areas so designated on the final plat unless the zoning administrator makes a written finding that the proposed location complies with the provisions of subsection (a) of this section as well as section 15-266.

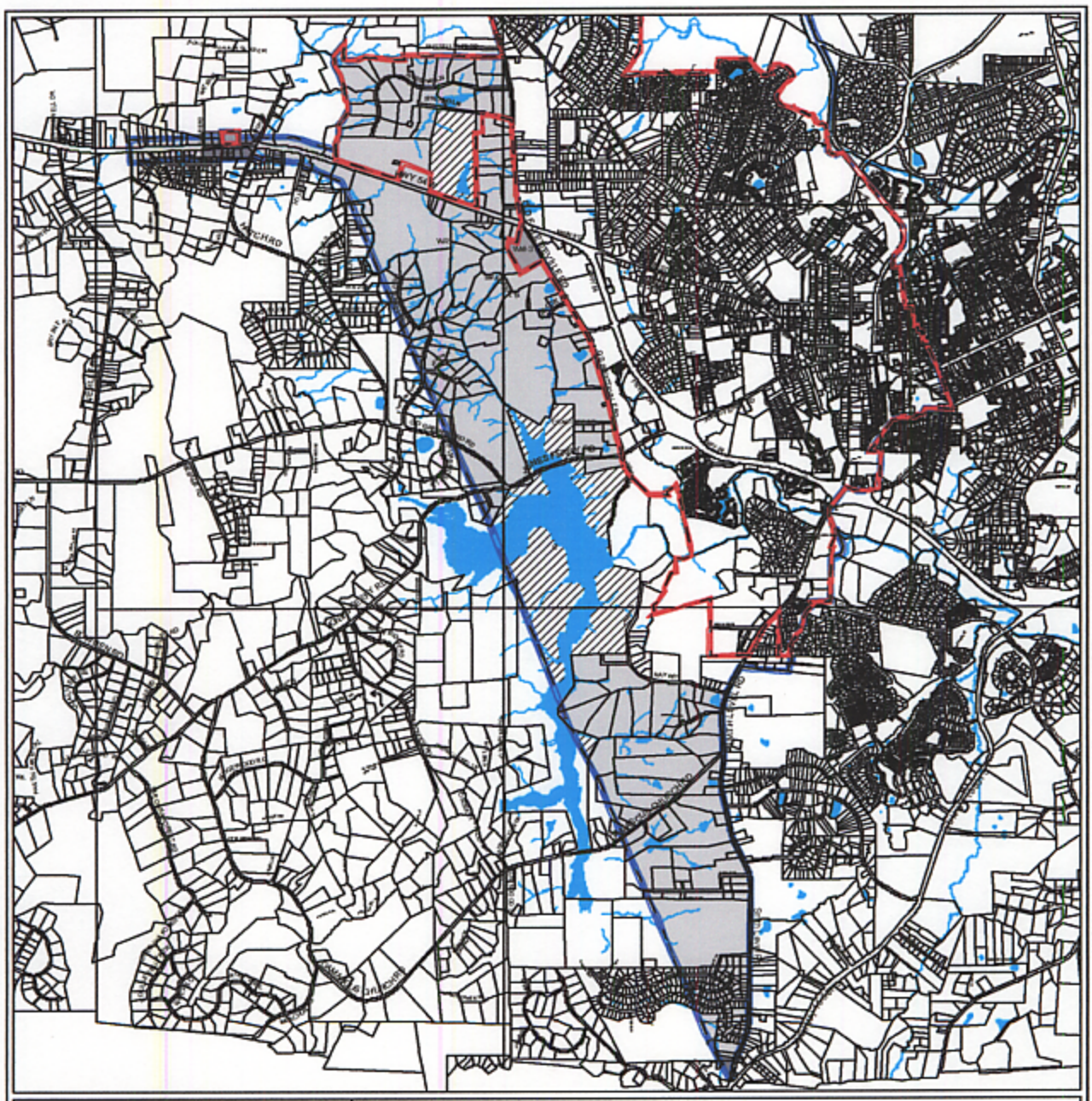
Section 15-268 Protective Buffers Along Streams Outside of the Water Supply Watershed (AMENDED 12/06/88)

(a) All streams located outside of the University Lake Watershed and designated in paragraphs (b) and (c) of this section shall have a naturally vegetated, undisturbed protective buffer maintained along them. The purpose of these protective stream buffers is to minimize the likelihood for nuisance flooding by encouraging the location of structures outside of areas likely to experience flooding during large storms, as well as to promote the infiltration of stormwater into the ground and help maintain local streams' capacity for carrying off storm water.

(b) Streams located outside of the University Lake Watershed, with drainage areas smaller than one square mile (640 acres) in area, and where there are no mapped regulatory floodplains, but larger than 50 acres in area shall have a natural protective buffer width of fifty (50) feet or five times the average width of the stream as it flows through the property in question, whichever is larger, maintained on each side of the stream perpendicular to the stream channel, and measured perpendicular to the stream channel from the edge of the stream bank. With the exception of uses permitted by the provisions of subsections (f) and (g) of this section, this protective buffer shall be kept in its natural, undisturbed state, and is not permitted to be cleared.

(c) Streams located outside of the University Lake Watershed, with drainage areas smaller than 50 acres in size shall have a natural protective buffer width of fifteen (15) feet or five

ATTACHMENT "D"



3200 0 3200 Feet

NC State Plane Coordinate System (NAD83)

TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

2 October 2001
Ruth Heaton, Planning Department
918-7328

THIS MAP IS NOT A CERTIFIED SURVEY AND IS FOR REFERENCE ONLY

The reporter must be aware of data conditions and ultimately bear responsibility for the appropriate use of the information with respect to possible errors, original map scale, collection methodology, currency of data, and other conditions specific to the data.

Watershed Zones

Text Street Names
Carrboro City Limits
Properties
Carrboro Planning Jurisdiction
Streams from the 1998 Aerial Photography
Water Bodies from the 1998 Orthophotography
Watershed Zoning
B-5
C
WM-3
WR

TOWN OF CARRBORO **ATTACHMENT E**

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

RECOMMENDATION

OCTOBER 4, 2001

LUO Text Amendment: To Transfer Impervious Surface Capacity from One Lot to Another in Certain Districts

MOTION WAS MADE BY JOHN MARSHALL AND SECONDED BY SUSAN POULTON THAT THE PLANNING BOARD RECOMMENDS THAT THE BOARD OF ALDERMEN NOT AMEND THE CARRBORO LAND USE ORDINANCE TO ALLOW THE TRANSFER OF IMPERVIOUS SURFACE CAPACITY FROM ONE LOT TO ANOTHER IN CERTAIN DISTRICTS.

VOTE: AYES (3) (Haven O'Donnell, Marshall, Poulton); NOES (2) (Babiss, Hogan); ABSTAIN (2) (Searing, Treat); ABSENT/EXCUSED (3) (BATESON, SNIDER AND WEST).

Adam Searing, Chair *(date)*

TOWN OF CARRBORO

ENVIRONMENTAL ADVISORY BOARD

Meeting on September 10, 2001 at 7:30 p.m.
at the Carrboro Town Hall
Carrboro, North Carolina

RECOMMENDATION

LAND USE ORDINANCE TEXT AMENDMENT – TRANSFER OF IMPERVIOUS SURFACE CAPACITY

MOTION WAS MADE BY KEITH BURWELL AND SECONDED BY MIKE MATTHEWS THAT THE ENVIRONMENTAL ADVISORY BOARD RECOMMENDS THAT THE BOARD OF ADJUSTMENT DENY THE REQUEST TO AMEND THE LAND USE ORDINANCE TO ALLOW THE TRANSFER OF IMPERVIOUS SURFACE CAPACITY FROM ONE LOT TO ANOTHER IN SPECIFIED ZONING DISTRICTS FOR THE FOLLOWING REASONS:

AFTER CONSIDERATION OF THE MATTER, THE CARRBORO ENVIRONMENTAL ADVISORY BOARD (EAB) MADE A UNANIMOUS DECISION TO ADVISE THE BOARD OF ALDERMEN THAT THEY SHOULD NOT AMEND THE CARRBORO LAND USE ORDINANCE TO ALLOW THE TRANSFER OF IMPERVIOUS SURFACE CAPACITY FROM ONE LOT TO ANOTHER WITHIN THE TOWN'S PLANNING JURISDICTION (UNIVERSITY LAKE WATERSHED RESIDENTIAL). EAB MEMBERS NOTED THAT SUCH TRADING OF IMPERVIOUS SURFACE AMONG LANDOWNERS WOULD FACILITATE THE MAXIMUM DEVELOPMENT OF IMPERVIOUS SURFACE, POSSIBLY AT AN ACCELERATED RATE. THE OVERALL EFFECT WOULD BE TO DEGRADE WATER QUALITY. OUR TASK AS A BOARD IS TO ENSURE SOUND ENVIRONMENTAL ADVICE TO THE BOARD OF ALDERMAN, KEEPING IN MIND THE WELFARE OF OUR COMMUNITY AS A WHOLE. THE IMPERVIOUS SURFACE AMENDMENT THESE INDIVIDUALS ARE SEEKING MAY JEOPARDIZE FUTURE WATER QUALITY FOR CARRBORO COLLECTIVELY, AS WELL AS OTHER ORANGE COUNTY RESIDENTS. IN ADDITION, SEVERAL EAB MEMBERS EXPRESSED CONCERN THAT TO INCORPORATE A TRADING SYSTEM COULD SET A PRECEDENT WITH POSSIBLE UNFORESEEN APPLICATIONS IN THE FUTURE. IT IS HOPED THAT OTHER INNOVATIVE SOLUTIONS WILL BE SOUGHT TO ADDRESS LANDOWNER NEEDS.

VOTE: AYES (6) (Brown, Burwell, Gore, High, Matthews, Pohlman); NOES (0); ABSENT/EXCUSED (1) (Gallagher).

Glynis Gore, Chair — 4 Oct 01 (date)

ATTACHMENT "F"

MINIMUM CRITERIA FOR DENSITY AVERAGING PROVISIONS

I. WHAT IS DENSITY AVERAGING OF NONCONTIGUOUS PARCELS?

Density averaging involving noncontiguous parcels is based on the idea that the development plans for a pair of parcels can be submitted together and treated as a single development project for purposes of regulation. The amount of development allowed for the paired parcels taken in tandem can not exceed the amount of development that would be allowed if the parcels were developed and reviewed separately for compliance with water supply watershed protection regulations.

Density averaging is an option that is available to local governments through the water supply rules [15A NCAC 2B .0104(u)]. Prior to approval of the density averaging ordinance amendment, the local government must demonstrate to the Water Quality Committee (WQC) of the Environmental Management Commission (EMC) that (1) the provisions meet or exceed the state's minimum requirements and (2) a mechanism exists to ensure the orderly and planned development potential throughout the watershed jurisdiction. Local governments must be able to demonstrate that they can administer the Density Averaging of Noncontiguous Parcels provision when submitting their ordinance amendment to the WQC for approval. The local government must be able to document that it is sufficiently staffed and financially and technically capable of implementing the density averaging provisions.

A parcel pair used for averaged-density development must be located in the same water supply watershed and preferably within the same drainage area of the watershed. Paired parcels do not need to be located within the same portion of the water supply watershed (for example, both within the Protected Area); however, a local government may find it administratively easier to include such a restriction. Both parcels of the paired parcel cannot be located in the Critical Area. If one of the parcels is located in the Critical Area, that parcel shall not be developed beyond any existing development that may already be present. The purpose of this provision is to preserve open space in the more sensitive areas of the watershed such as the Critical Area.

If a local government decides to allow for density averaging of noncontiguous parcels they must modify their ordinance to meet or exceed the minimum criteria established by the WQC, resubmit their ordinance for review and receive permission from the WQC prior to implementation. Again, density averaging is an option for local governments; they are not required to amend their water supply watershed protection ordinance to incorporate a density averaging provision.

The model ordinance amendment is intended to serve as criteria for local governments who may choose to implement density averaging of noncontiguous parcels. The density-averaging rule is not explicit. Without such criteria staff and the WQC do not have a basis from which to judge the adequacy of a local government request to implement density averaging of noncontiguous parcels.

II. MINIMUM CRITERIA TO BE IMPLEMENTED BY LOCAL GOVERNMENT

A. Parcel pairs being submitted for approval under this provision shall be submitted for development approval as a single unitary proposal.

B. Overall density of the paired-parcel averaged-density development, calculated either by dwelling units per acre or built upon area, shall not exceed the density that would be allowed if the parcels were developed separately. The parcel pair shall be located in the same water supply watershed and preferably in the same drainage area of the watershed. Parcel pairs may be located in the Critical Area and in the Protected Area (or Balance of the Watershed). However, if one of the parcels is located in the Critical Area and one is located in the Protected Area (or Balance of the Watershed), the Critical Area parcel shall not be developed beyond any existing development that may be present. The purpose of this provision is to preserve open space in more sensitive areas of the watershed such as the Critical Area.

C. The paired parcels in a paired-parcel averaged-density development may include or be developed for single-family or multi-family residential development or non-residential development.

D. Buffers shall at least meet the appropriate minimum statewide water supply watershed protection requirements on both parcels in the parcel pair according to the density of development occurring on each parcel.

E. Built upon areas on the parcel(s) shall be designed to:
   1. minimize stormwater runoff impact to the receiving waters by minimizing concentrated stormwater flow;
   2. maximize the use of sheet flow through vegetated areas;
   3. minimize impervious surface areas; and
   4. locate development away from surface waters and drainageways to the maximum extent practicable.

F. The portion of the parcel(s) which is not developed as part of the paired-parcel averaged-density development, but that is being averaged in the land area being evaluated to meet the built upon surface area, shall remain in a vegetated or natural state and be placed in a permanent conservation easement granted under G.S. 121-35 to the [county][town] or a land conservation organization.

G. A Special Use Permit shall be obtained from the Watershed Review Board to ensure that both parcels considered together meet the standards of the ordinance and that potential buyers have notice of how the watershed regulations were applied to the parcel pair. Only the owner(s) of both of the paired parcels may submit the application for the Special Use Permit. A site plan for both of the parcels must be submitted and approved as part of the Special Use Permit. If such a permit is granted, no change in the development proposal authorized for either parcel shall be made unless the permit is amended. Upon issuance of such permit, one copy will be forwarded to the Local Government Assistance Unit of the Division of Water Quality. Included with the Special Use Permit will be a site plan, registered plats for both

properties, a description of both properties, and documentation reflecting the development restrictions to the parcel pair that will remain undeveloped.

H. The conservation easement shall be recorded in the deed for the parcel to which it applies. The Special Use Permit shall be recorded in the deed for each of the parcels in the parcel pair. Both the easement and the permit shall be noted on the subdivision plat or site plan that applies to each of the parcels.

I. Paired-parcel averaged-density developments that meet the low density option development requirements shall transport stormwater runoff from the development by vegetated conveyances to the maximum extent practicable.

J. No parcel for which a watershed variance has been granted, or would be required, may be included as part of a parcel pair.

K. The development proposal for the parcel pair shall be consistent with the orderly and planned distribution of development throughout the watershed.

L. The Watershed Review Board shall make written findings supported by appropriate calculations and documentation that the paired-parcel averaged-density development plan as a whole conforms to the intent and requirements of this Article and Section, and that the proposed agreement assures protection of the public interest and achievement of the objectives of this article.

If the following apply, include in the ordinance:

M. Stormwater runoff from paired-parcel averaged-density development which meet the high density option development requirements shall be controlled on the parcel(s) where the high density development is occurring in accordance with the criteria specified in the applicable Section of the [county][town] Watershed Protection Ordinance for high density development.

N. The ten-seventy (10/70) provision does not apply in the Critical Area of water supply watersheds. The built upon surface area of the parcel(s) that fall within the Balance of the Watershed or Protected Area cannot exceed seventy (70) percent.

WHEN DENSITY AVERAGING IS UTILIZED BY A LOCAL GOVERNMENT, THE FOLLOWING DEFINITIONS SHOULD BE INCORPORATED INTO THE LOCAL WATER SUPPLY PROTECTION ORDINANCE:

1. Paired-parcel averaged-density development: A development proposal that includes a parcel pair meeting the development standards of this Article and Section and that qualifies for local development approval under the density-averaging provision of 15A NCAC 2B .0104(u).

2. Parcel pair: Two noncontiguous parcels of land under the same or separate ownership, or two contiguous parcels of land under separate ownership, the development plans for which

have been submitted in tandem so as to qualify for density averaged development permission under this Section.

3. Developed parcel: Any parcel of a parcel pair that, under any approval granted under this part, may be developed to a development density or intensity that exceeds the maximum development density or intensity that would apply to the parcel if the paired-parcel averaged-density development option were not available.

4. Undeveloped parcel: Whichever parcel in a parcel pair is not the developed parcel.