

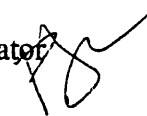


TOWN OF CARRBORO

NORTH CAROLINA

STAFF REPORT

To: Robert W. Morgan, Town Manager
Mayor and Board of Aldermen

From: Patricia J. McGuire, Planning Administrator 

Date: February 22, 2000

Subject: LUO Provisions relating to Minor Subdivisions, Infill, and Density Options

OVERVIEW

The term "infill" has been defined as "the development of new housing or other buildings on scattered, vacant sites in a built-up area" (*Development Definitions*, Moskowitz and Lindbloom (1993), p. 187).

On at least three occasions in the previous year, questions associated with infill development have been raised. These questions were raised in association with the review of land use ordinance text amendments establishing the small houses requirements, implementing the Northern Study Ordinance, and the permit review of a major subdivision. These questions have addressed the desirability, type, and appropriateness of infill development throughout the town and in specific locations. The degree to which town regulations serve as a barrier or an invitation to infill development has been questioned as well.

In follow-up to these questions, staff has determined the level of development within the town and examined land use ordinance provisions relating to infill development. This information is presented in two parts. The first part presents what is known about the level of development, and development opportunities, within the town. The second summarizes how land use ordinance provisions may affect these development opportunities.

Level of Development and Infill Opportunities

The city limits of Carrboro comprise approximately 2,900 acres of land. Last June, a review of parcel data for this area revealed that about 8 percent (220 acres) was vacant, and 3 percent (100 acres) was sparsely developed. A table presenting the results of this review is attached (*Attachment B1*). It must be noted that this review included land in all zoning districts, not just districts with residential development, as some type of residential use is permitted in almost every zone and most are permitted in all zones. The M-1, C, and WM-3 districts do not allow

any residential uses. As is shown, the level of development of land within the city limits is fairly high and the opportunities for infill development fairly limited.

In and of itself, infill development may be fairly attractive to the development community, and, with exceptions, acceptable to the community. Typically, the transportation system is established and utilities require only minimal extensions, which must result in higher land costs. However, due to the town's land use regulations, surrounding developed land is typically similarly developed and offers some greater certainty of acceptance and approval. Where this is not the case, additional regulations specify architectural features and screening requirements in order to minimize any negative impacts on adjacent uses.

Land Use Ordinance Provisions

Provisions included in Chapter 15 of the Town Code – Land Use Ordinance, to a large degree, control Land use in the Town of Carrboro. This document, a unified ordinance specifies the overall intentions of the town with regard to land use from the perspective of both policy and regulation. The regulation address uses, as well as the manner in which uses may be carried out, in keeping with the overall goals of the community. Due to its broad purview, elements of the ordinance at times conflict with the particular features and peculiarities of properties and the desire of citizens.

The overall zoning designations applied in Carrboro follow, for the most part, a fairly standard model. In this pyramidal scheme, the most intensive zones are located at the base of the pyramid and allow a wide range of uses. As you ascend the pyramid, uses within zoning districts become more limited. As was noted above, residential uses are permitted in residential zones, but also in commercial and resource protection areas. In order to completely evaluate the extent to which LUO provisions influence the likelihood of infill development, a parcel-by parcel analysis would be required. That analysis has not been conducted at the present time. Instead, a number of ordinance provisions have been identified and are discussed in the table below. Comments regarding the manner in which they encourage or discourage infill development have been included. Please note that while this summary focuses on those ordinance provisions that seem to have the greatest effect on the likelihood of infill development, all provisions could be evaluated in this manner.

LUO Provisions	Encourage / Discourage Infill	LUO Reference	Attachment
ENCOURAGES			
1. Exempt Subdivision	Defined by GS, this provision allows fairly small and large-lot subdivisions to be developed while meeting only minimum standards.	15-15 (123)	B2
2. Table of Permissible Uses	Allows most housing types in most zoning districts, enabling developments to meet 40 percent open space on site. Also allows more than one unit per lot in most districts.	15-146 (in part – residential uses only)	B3
3. Affordable Housing Density Bonus	Additional density may offset higher land costs in infill areas.	15-182.4	B4

LUO Provisions	Encourage / Discourage Infill	LUO Reference	Attachment
4. Density on Lots Where Portion is Dedicated for Public Purpose	Allows lot area to include land that has been dedicated for public purposes for when density is calculated.	15-182.2	B5
5. Density Bonus for Two- and Multi-Family Purposes	Grants a 25 percent lot area bonus for lots < 1 acre in size that existed prior to April 24, 1984 and developed for two- or multi-family purposes.	15-182 (c)	B6
6. Presumptive Lot width	Lots are not required to meet a minimum width. Flag lots are permitted, enabling infill lots to be created to the rear of existing structures if density requirements can be met. Lots developed under provision are not entitled to variances from building setback requirements.	15-183	B7
7. Minor Subdivision	May be exempted from open space and recreation requirement. If developed for single-family purposes, with three lots or less, may be developed with private roads that do not meet public standards. There is no limit on the number of times the minor subdivision process may be used as long as there is no conflict with other provisions.	15-197 15-220(c)	B8
8. Single-Room Occupancy	Relaxes open space, parking and setback requirements in selected commercial areas.	15-198 15-15	-
9. Road access requirement	Lots developed under the exempt and minor subdivision provisions are required only to meet a "reasonable means of ingress and ingress for emergency vehicles" standard. Shared driveway easements and other private ways can meet this standard.	15-211	B9
10. Major Subdivision	AIS subdivisions of a certain size may be developed with private roads that do not meet public street standards.	15-220 (b)	B10
DISCOURAGES			
1. Limit on percent of units with more than 3 bedrooms	Two- and multi-family developments of smaller than 5 units are restricted from having any units with more than 3 bedrooms.	15-146	See B3
2. R-SIR Zoning	Allows density bonuses for housing developments that meet specified criteria of type and ownership. No undeveloped land in this district is available for development.	15-182.1	B11

LUO Provisions	Encourage / Discourage Infill	LUO Reference	Attachment
3. Active Recreational Facilities Required	Establishes minimum number of recreational points per dwelling unit. Point values or costs may be used to meet requirement. Smaller projects are allowed to make payments-in-lieu of providing active recreational facilities on site. Recreational requirements, based on the current point values of \$148.32 range from \$881.02 for a one-bedroom, multi-family unit to \$1541.04 for a single-family, detached unit.	15-196	B12
4. 40 percent open space	May discourage infill of detached housing, except for major subdivisions of 15 units or less that may make a payment in lieu (although this is a costly alternative).	15-198	B13
5. Roads required in AIS subdivisions	AIS subdivisions of less than 15/25 units (depending on road frontage) must meet public street standards for vehicle accommodation areas.	15-220 (b)	See B10

There are many ways in which the LUO provisions encourage infill development and several, based on anecdotal and other evidence, that serve as significant hindrances to such development. When examined more closely, the limiting factors do not halt all infill development. Instead, they appear to direct developers to select types of development that will circumvent those regulatory components that have the greatest affect on the overall appearance, neighborhood integration, and function of the new development. Developments without public streets don't have to be connected. Cul-de-sacs are permitted. Standard lots can be created without providing open space or making a payment-in-lieu, potentially yielding a significant bonus to the developer/seller of these lots as the selling price can be established from the market and not the particular costs of the development. Despite the encouragement of small duplex or multi-family housing units, unsubdivided developments are not exempted from open space or recreation requirements and those additional costs reduce the affordability of these traditionally, more-affordable units. Some further evaluation of these mechanisms is needed in order to match the desires and needs of the community with the town's land use policies and regulations.

Clearly, the policy and regulatory context plays a role in the likelihood of infill development. In 1999, the town concluded a lengthy planning process that had been undertaken to define desirable development opportunities in what is believed to be the primary growth area over the next decade or so – the Northern Study Area (NSA). Between November 1997 and December 1998, a development moratorium on the review of special and conditional use permits in the NSA was in force. While a few NSA projects, which had been submitted just before the moratorium was enacted, were reviewed, the submittal of new projects slowed considerably.

Density Options

As evidenced by its overall land use, Carrboro is principally a residential community, and, by North Carolina standards, one with fairly high population density. This density has resulted from the specific action of the town's founders – mill operators- and subsequent leaders. In the

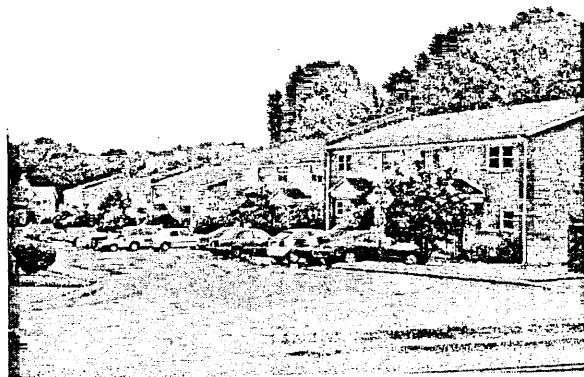
context of the LUO, density is measured in terms of area per residential unit. From the regulatory perspective, three areas of the LUO affect the density that may be permitted on any property.

1. Density Allocation. A density requirement is established for all zoning districts, including residential and non-residential, except for the B-1(c). Based on the type of residential development proposed, minimum lot size requirements, which typically mirror density requirements, may also be a consideration in determining the overall level of development. In all but the R-10, R-15, R-20, and RR, the density is based on the gross acreage of the tract of land.
2. Density Bonus. Section 15-176.2(b)(1) allows land set aside for commercial purposes to be included in density calculations and allows dwelling units above commercial spaces in commercial areas in addition to the residential units otherwise permitted. Section 15-182.4 established a density bonus of up to 150 percent of that otherwise permitted in accordance with the provision of housing units that meet the definition of affordability.
3. Density Reduction for Natural Constraints. Residential density in the four zoning districts noted above is calculated using a net density calculation. In these instances, the area of the property from which density is calculated is reduced based on the presence of eight categories of constraints.

Staff Report on Infill, Density – Addendum
Photos of Infill Development in Carrboro



Roberson Place Subdivision, Sweet Bay Place



Cedar Court Condominiums, N. Greensboro Street



Demolition on Pine Hill Drive



Cedars at Bolin Forest, N. Greensboro Street



Brighton Square Townhomes, Westview Drive



Whispering Hills Townhomes, Daffodil Lane



Lloyd Tract (undeveloped property) on Deer Street



Cheswick Subdivision, Cheswick Court

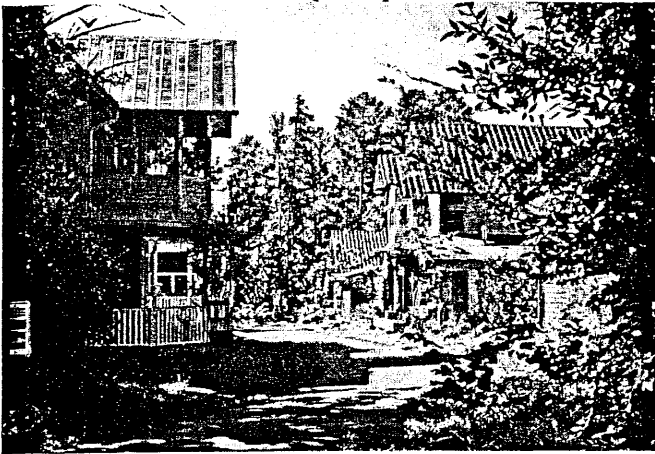
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Photos of Infill Development in Carrboro



Robert Hunt Drive in the Quarterpath Trace Subdivision



Harward/Story Subdivisions, Hillsborough Road



Arcadia, Circadian Way



Williams Woods at Cates Farm, Autumn Drive



Andrews Subdivision, Old Pittsboro Road (above);
Ellington Place, W. Poplar Avenue (below)



Elm Street – Infill (above) Pine Hill Drive (below)



ATTACHMENT "B1"

Town of Carrboro
Vacant and Sparsely Developed Properties
by Zoning District in the City Limits

<i>ZONING</i>	<i>Acres Per Zone</i>	<i>% of Town</i>	<i>Vacant Acres</i>	<i>% of Zone Vacant</i>	<i>Sparsely Developed Acres</i>	<i>% of Zone Sparsely Developed</i>
B-1C	31.66	1.10%	1.20	3.78%		
B-1G	46.75	1.63%	2.74	5.86%		
B-2	13.39	0.47%	0.40	2.97%		
B-3	14.55	0.51%	2.51	17.27%		
B-4	70.90	2.47%	19.20	27.08%		
C	54.78	1.91%				
CT	12.90	0.45%	2.15	16.66%		
M-1	46.24	1.61%	1.33	2.88%		
O	4.78	0.17%	3.76	78.61%		
O-A	32.63	1.14%	9.20	28.19%		
R-10	629.78	21.95%	38.52	6.12%	45.59	7.24%
R-15	254.67	8.88%	9.51	3.73%	12.46	4.89%
R-2	22.00	0.77%	0.66	3.02%	8.89	40.39%
R-20	578.55	20.16%	26.56	4.59%	16.87	2.92%
R-3	192.57	6.71%	9.89	5.13%		
R-7.5	417.40	14.55%	26.82	6.43%	16.29	3.90%
R-SIR	181.55	6.33%				
R-SIR-2	34.38	1.20%	0.11	0.32%		
W-M3	15.21	0.53%				
WR	215.49	7.51%	65.17	30.24%		
<i>Total</i>	2870.19		219.72	7.66%	100.09	3.49%

- (115) **STREET, COLLECTOR.** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.
- (116) **STREET, CUL-DE-SAC.** A street that terminates in a vehicular turn-around.
- (117) **STREET, LOCAL.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but not more than twenty-five dwelling units and is expected to or does handle between seventy-five and two hundred trips per day.
- (118) **STREET, MARGINAL ACCESS.** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
- (119) **STREET, MINOR.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy-five trips per day.
- (120) **STREET, SUBCOLLECTOR.** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six but not more than one hundred dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.
- (121) **STRUCTURE.** Anything constructed or erected.
- (122) **SUBDIVISION.** The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter applicable strictly to subdivisions: (i) the combination or recombination of portions of previously plotted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter, (ii) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or (iii) the public acquisition by purchase of strips of land for widening or opening streets; or (iv) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter.

TABLE OF PERMISSIBLE USES

ATTACHMENT "B3"

Last Amended: 01/11/2000

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3- T	B-4	M-1	M-2	CT	C- R	B-5	WM-3	O	O/ A
1.000 Residential																					
1.100 Single Family Residences																					
1.110 Single Family Detached																					
One Dwelling Unit Per Lot																					
1.111 Site Built/Modular	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z	Z			Z	Z
1.112 Class A Mobile Home			Z	Z	Z	Z	Z										Z				
1.113 Class B Mobile Home																					
1.120 Single Family Detached																					
More Than One Dwelling																					
Unit Per Lot																					
1.121 Site Built/Modular	*	*	*	*	*	*	*		*	*	*	*				*				*	*
1.122 Class A Mobile Home			*	*	*	*	*														
1.123 Class B Mobile Home																					
1.200 Two-Family Residences																					
1.210 Two-Family Conversion	*	*	*	*	*	*	*	*	*	*	*	*				*				*	*
1.220 Primary Residence with																					
Accessory Apartment	*	*	*	*	*	*	*	*	*	*	*	*				*				*	*
1.230 Duplex	*	*	*	*	*	*	*	*	*	*	*	*				*				*	*
1.231 Maximum 20% units																					
> 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*				*				*	*
1.232 No bedroom limit	*	*																		*	*
1.240 Two Family Apartment	*	*	*	*	*	*	*	*	*	*	*	*				*				*	*
1.241 Maximum 20% units																					
> 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*				*				*	*
1.242 No bedroom limit	*	*																		*	*
1.300 Multi-Family Residences																					
1.310 Multi-Family Conversion	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC				SC	SC
1.320 Multi-Family Townhomes	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC				SC	SC
1.321 Maximum 20% units																					
> 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC				SC	SC
1.322 No bedroom limit	SC	SC																			
1.330 Multi-Family Apartments	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC				SC	SC
1.331 Maximum 20% units																					
> 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC				SC	SC
1.332 No bedroom limit	SC	SC																			
1.340 Single-Room Occupancy	SC							SC	SC	SC	SC					SC					
1.400 Group Homes																					
1.410 Fraternities, Sororities,																					
Dormitories and Similar																					
Housing	C	C	C	C	C	C	C		C	C						C					
1.420 Homes for Handicapped,																					
Aged or Infirm	Z	Z	Z	Z	Z	Z	Z		Z	Z						Z	C				
1.430 Boarding Houses,																					
Rooming Houses	S	S	S	S	S	S	S		C	S						C	C				
1.500 Temporary Residences																					
1.510 Hotels and Motels	C							C	C				C			C		C			C
1.520 Tourist Homes and other																					
Temporary Residences																					
Renting Rooms for																					
Relatively Short																					
Periods of Time	S	S	S	S						S								C			
1.530 Bed and Breakfast	S	S	S	S	S	S	S														
1.600 Homes Emphasizing Services,																					
Treatment or Supervision																					
1.610 Nursing Care Homes,																					
Intermediate Care Homes	S	S	S	S	S	S	S		C	S						C		C			
1.620 Halfway Houses	S	S	S	S	S	S	S			S							C				
1.630 Child Care Homes	S	S	S	S	S	S	S			S							C				
1.640 Temporary Homes for the																					
Homeless		S	S				S	S		S	S	S									
1.650 Overnight Shelters for								S		S	S	S									
Homeless																					
1.660 Senior Citizen Residential																					
Complex				C	C																
1.700																					
1.800																					
1.900 Home Occupation	Z	Z	Z	Z	Z	Z	Z			S	S	S				S	Z			Z	Z
2.000 Sales and Rental of Goods, Merchandise																					
and Equipment																					
2.100 No Storage or Display of Goods																					
Outside Fully Enclosed Building																					
2.110 High-Volume Traffic																					
Generation								ZC	ZC		ZC	ZC	ZC	ZC	ZC	C		C			

Art. XII DENSITY AND DIMENSIONAL REGULATIONS

- (6) Floodplains: multiply the 100-year floodplain by a factor of 0.5.
- (7) Moderately steep slopes: multiply the area with natural ground slopes of between 15 and 25 percent by a factor of 0.4.
- (8) Land traversed by underground utility lines (not within a street right of way): multiply the area within the easement (or if no easement exists, the area within ten feet on either side of the line) by a factor of 0.3.

(d) If the development is not to be served by OWASA owned water and sewer lines, then the maximum number of dwelling units shall be determined in reference to an actual yield plan prepared by the developer in accordance with the provisions of this subsection. The yield plan shall be a conceptual layout of a single family residential subdivision (containing proposed lots that meet the minimum lot size requirements of the district where the property is located, streets, easements, and other pertinent features) that could be developed within the tract in question in accordance with the provisions of this chapter. Although the yield plan must be drawn to scale, it need not reflect any great degree of site engineering. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the topography of the land and natural constraints, existing easements and encumbrances, and the applicable provisions of this chapter, particularly those relating to open space, recreational facilities, and street rights of way. In addition, the yield plan shall be prepared under the assumption that each lot will be served with an individual septic tank located on the same lot as the house it serves. The applicant shall submit evidence (in the form of a preliminary soils evaluation from Orange County or comparable information from a qualified source) that there appears to be sufficient suitable soil within each of the proposed lots to support a septic tank system serving at least a three-bedroom house. When a yield plan meeting the requirements of this subsection has been submitted, the zoning administrator shall confirm this in a letter to the developer, which letter shall indicate the maximum number of dwelling units that can be developed on the tract in accordance with this subsection.

Section 15-182.4 Residential Density Bonuses for Affordable Housing (AMENDED 05/25/99)

(a) For purposes of this section, an affordable housing unit means a dwelling unit (i) that is offered for sale at a price that does not exceed two and a half times an amount equal to eighty percent of the annual median income level for a family of four in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area or is offered for rent at a monthly rate that does not exceed an amount equal to 12 percent of the monthly median income level for a family of four in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area, and (ii) with respect to which the developer has arranged for the affordable housing units to remain affordable as described herein for a period of not less than 100 years, commencing from the date of initial occupancy of the units, by including provisions to ensure such continued affordability in legally binding agreements (including but not limited to a ground lease, a deed restriction or other covenant) running with the unit. Such agreements shall be reviewed and approved by the Town of Carrboro prior to initial occupancy of the units. The units may not be occupied and the agreements may not be

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recorded or filed until such agreements are reviewed and approved by the Town of Carrboro, and (iii) that conforms to the town's recommended "Village Mixed Use and Affordable Housing Vernacular Architectural Standards." For the purposes of determining whether the subdivision requires a zoning permit, special use permit, or conditional use permit under Subsection 15-147(a), the number of units shall exclude the bonus units associated with this Section.

(b) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the provisions of subsection 15-182.3(b) shall be increased by two dwelling units for every one affordable housing unit included within the development, up to a maximum of 150% of the density otherwise allowable. To illustrate, if the maximum density of a tract would be 100 dwelling units considering only the provisions of subsection 182.3(b), a developer who chose to construct 10 affordable housing units as part of the development of that tract would be allowed to construct 10 additional dwelling units that did not satisfy the "affordability" criteria set forth in subsection (a), for a total density of 120 dwelling units. In this illustration, the maximum possible density that could be achieved would be 150 dwelling units if the developer constructed at least 25 affordable housing units.

(c) Within any development that provides affordable housing units, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units, subject to a maximum reduction of 10 percent in the amount of open space otherwise required.

(d) Affordable housing units constructed in accordance with this section shall be interspersed throughout the development rather than isolated in one area and segregated from the other dwellings that do not satisfy the "affordability" criteria set forth in subsection (a).

(e) In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that units "may not be issued until the corresponding affordable housing units are constructed and offered for sale or rent for an amount that is consistent with the definition set forth in subsection (a).

Section 15-183 Minimum Lot Widths.

(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- (1) Could be used for purposes that are permissible in that zoning district; and
- (2) Could satisfy any applicable setback requirements for that district.

(b) Without limiting the generality of the foregoing standard, the following minimum lot widths are recommended and are deemed presumptively to satisfy the standard set forth in

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ATTACHMENT "B5"

determined by dividing the total area of the lot to be developed by the appropriate figure of square feet per dwelling unit, and rounding off to the nearest whole number.

MINIMUM SQUARE FEET PER DWELLING UNIT				
	No (b)(3) Criteria Met	(b)(3)(a) met	(b)(3)(b) met	(b)(3)(c) met
Neither (b)(1) nor (b)(2) met		6,500 sq. ft.	5,000 sq. ft.	3,500 sq. ft.
(b)(1) or (b)(2) met	7,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	3,000 sq. ft.

(d) When a developer takes advantage of the density bonuses offered in this section and part of the development consists of a single-family residential subdivision, the 10,000 square foot minimum lot size may be reduced pursuant to Section 15-186 (cluster subdivisions) and 15-187 (Architecturally Integrated Subdivisions).

(e) Land that is zoned R-S.I.R.-2 may be developed in the same manner as that which is zoned R-S.I.R. except that the minimum square feet per dwelling unit shall in no case be less than 6,000 square feet. (AMENDED 5/12/81)

Section 15-182.2 Density on Lots Where Portion Dedicated to Town.

(a) Subject to other provisions of this section, if (i) any portion of a lot lies within an area designated on any officially adopted town plan as part of a proposed public park, greenway, or bikeway, or the town or the N.C. Department of Transportation otherwise seeks to acquire a portion of a lot for any public use, and (ii) before the lot is developed, the owner of the lot, with the concurrence of the town, dedicates to the town or the N.C. Department of Transportation that portion of the lot so designated or sought to be acquired, or the town or the N.C. Department of Transportation condemns the same, then, when the remainder of the lot is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development. (AMENDED 11/26/85; 11/28/89)

(b) If the portion of the lot that remains after dedication as provided in subsection (a) is divided in such a way that the division either does not constitute a subdivision or constitutes only a minor subdivision (as these terms are defined in Section 15-15), then, when each of the lots so created is later developed for residential purposes, the permissible density at which each lot may be developed shall be calculated in the following manner:

- (1) Divide the area of the particular lot in question by the total area of the portion of the original lot not dedicated to the town.
- (2) Multiply the fraction derived from step (1) above times the total area of the dedicated portion of the original lot.

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- (3) Regard the area derived from the calculation in step (2) above as if it were part of the lot in question and calculate the density on the basis of this combined area.

(c) In no case may the density permitted under this section exceed a level of fifteen dwelling units per acre.

(d) Notwithstanding any other provisions of this ordinance, the town may condemn additional right-of-way along an existing street even though such condemnation creates a nonconforming lot, and the property owner may at the request of the town dedicate additional right-of-way along an existing street even though such dedication creates or results in the creation of nonconforming lots. (AMENDED 11/26/85)

Section 15-182.3 Residential Density of Major Developments in Certain Districts. AMENDED 05/25/99

(a) Notwithstanding the provisions of Section 15-182, when any tract of land within the R-10, R-15, R-20, and RR districts is developed under circumstances requiring the issuance of a special or conditional use permit, the maximum number of dwelling units that may be placed on that tract shall be determined in accordance with the provisions of this section.

(b) If the development is to be served by OWASA owned water and sewer lines, then the maximum number of dwelling units for any type of residential development shall be determined by dividing the adjusted tract acreage [calculated in accordance with the provisions of subsection (c) below] by the "minimum square feet per dwelling unit" associated with the zoning district of the property to be developed as set forth in Section 15-182. (AMENDED 06/22/99)

(c) The adjusted tract acreage shall be calculated by deducting from the gross acreage of the tract the sum total of each of the following areas that may be located within the tract in question. If an area within the tract qualifies under more than one of the following categories, then that area shall be included only within the one category that involves the most restrictive (i.e. the greatest) deduction.

- (1) Floodways: multiply the area within a floodway by a factor of 1.0.
- (2) Wetlands: multiply the area of designated wetlands by a factor of 0.95.
- (3) Major Rock Formations: multiply the area of major rock formations by a factor of 0.90.
- (4) Steep Slopes: multiply the area of land with natural ground slopes exceeding 25 percent by a factor of 0.80.
- (5) Land traversed by high-tension electrical transmission lines (69kv or higher): multiply the area within the power easement by a factor of 0.75.

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(c) Lots within the JLWP overlay district (see Section 15-141.1) shall be subject to the limitations set forth in Subsections 15-266(e) and (f). (AMENDED 10/15/96)

Section 15-182 Residential Density.

(a) Subject to the other provisions of this section and the provisions of Section 15-186 (Cluster Subdivisions), 15-187 (Architecturally Integrated Subdivisions) and 15-182.1 (Density in R-SIR Zoning), every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land (by dividing the total number of square feet the tract contains by the minimum per dwelling unit), fractions shall be dropped. (AMENDED 4/24/84; 1/22/85; 2/4/86; 11/14/88; 05/15/90; 04/26/91)

ZONE	MINIMUM SQUARE FEET PER DWELLING UNIT, MULTI-FAMILY AND DUPLEX
R-2	2,000
R-3	3,000
R-7.5	7,500
R-10	10,000
R-S.I.R.	10,000
R-15	15,000
R-20	20,000
RR	43,560 (one acre)
B-1(c)	None
B-1(g)	3,000
B-2	7,500
B-3	7,500
B-3-T	7,500
CT	7,500
O	7,500
O/A	7,500

(b) Two-family conversions and primary residences with an accessory apartment shall be allowed only on lots having at least 150% of the minimum square footage required [under subsection (a)] for one dwelling unit on a lot in such district. With respect to multi-family conversions into three or four dwelling units, the minimum lot size shall be 200% and 250% respectively of the minimum required (under sub-section (a)) for one dwelling unit. (AMENDED 4/24/84)

(c) Within the zoning districts named below, lots that were created before the effective date of this section and that are less than one acre in size may be developed for two-family and multi-family residential purposes at a density such that the lot contains at least the following number of square feet for each dwelling unit constructed thereon. In determining the number of

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dwelling units permissible on a tract of land (by dividing the total number of square feet the tract contains by the minimum per dwelling unit), fractions shall be dropped. (AMENDED 4/24/84; 1/22/85; 11/14/88)

ZONE	MINIMUM SQUARE FEET PER DWELLING
	UNIT
R-7.5	5,625
R-10, R-SIR	7,500
R-15	11,250
R-20	15,000

(d) In any district where such use is permitted, a use that falls within the 1,400, 1,520, or 1,600 classifications and is designed to accommodate not more than seven residents is permissible on a lot having at least the minimum number of square feet for a lot in that district (see Section 15-181). If a lot is larger than the minimum lot size required for that particular district, then, subject to the definitional limitations, the number of residents that any of the foregoing uses may have on such lot is seven plus the number derived from the following formula: (AMENDED 4/24/84)

(amount of square footage in lot) - (minimum lot size for that district)

(.5) x (Minimum square feet per dwelling unit for multi-family development in that district)

Fractions shall be rounded to the nearest whole number.

(e) Notwithstanding any other provisions of this chapter, if a conditional use permit authorizing the construction of a phased residential development was issued after July 1, 1980 and, as of April 24, 1984 one or more but less than all of the phases of such project had been completed and the permit to complete the remaining phase or phases has expired under Section 15-62, then the land within the remaining phases or phases may be developed for two-family or multi-family residential purposes at a density such that such area contains at least the following number of square feet for each dwelling unit constructed thereon: (AMENDED 4/9/85; 11/14/88)

Zone	Minimum Square Feet Per Dwelling Unit
R-7.5	5,625
R-10, R-SIR	7,500
R-15	11,250
R-20	15,000

(f) The table set forth in subsection (a) contains no reference to the WR (watershed residential) zoning district because only single family detached residences are permitted within this district, and therefore residential density is established by the minimum lot size requirements in Section 15- 181. (AMENDED 05/15/90)

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recorded or filed until such agreements are reviewed and approved by the Town of Carrboro, and (iii) that conforms to the town's recommended "Village Mixed Use and Affordable Housing Vernacular Architectural Standards." For the purposes of determining whether the subdivision requires a zoning permit, special use permit, or conditional use permit under Subsection 15-147(a), the number of units shall exclude the bonus units associated with this Section.

(b) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the provisions of subsection 15-182.3(b) shall be increased by two dwelling units for every one affordable housing unit included within the development, up to a maximum of 150% of the density otherwise allowable. To illustrate, if the maximum density of a tract would be 100 dwelling units considering only the provisions of subsection 182.3(b), a developer who chose to construct 10 affordable housing units as part of the development of that tract would be allowed to construct 10 additional dwelling units that did not satisfy the "affordability" criteria set forth in subsection (a), for a total density of 120 dwelling units. In this illustration, the maximum possible density that could be achieved would be 150 dwelling units if the developer constructed at least 25 affordable housing units.

(c) Within any development that provides affordable housing units, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units, subject to a maximum reduction of 10 percent in the amount of open space otherwise required.

(d) Affordable housing units constructed in accordance with this section shall be interspersed throughout the development rather than isolated in one area and segregated from the other dwellings that do not satisfy the "affordability" criteria set forth in subsection (a).

(e) In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that units may not be issued until the corresponding affordable housing units are constructed and offered for sale or rent for an amount that is consistent with the definition set forth in subsection (a).

Section 15-183 Minimum Lot Widths.

(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

- (1) Could be used for purposes that are permissible in that zoning district; and
- (2) Could satisfy any applicable setback requirements for that district.

(b) Without limiting the generality of the foregoing standard, the following minimum lot widths are recommended and are deemed presumptively to satisfy the standard set forth in

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subsection (a). The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot. (AMENDED 5/26/81; 12/7/83; 2/4/86; 11/14/88; 05/15/90; 04/16/91)

ZONE	LOT WIDTH
C	None
RR	100
R-20	100
R-15	85
R-10	75
R-S.I.R.	75
R-7.5	75
R-3	50
B-1(c)	None
B-1(g)	None
B-2	50
B-3	75
B-3-T	75
B-4	None
B-5	100
M-1	100
M-2	100
WM-3	100
WR	100
CT	100
R-2	100
O	75
O/A	75

(c) No lot created after the effective date of this chapter that is less than the recommended width shall be entitled to a variance from any building setback requirement.

Section 15-184 Building Setback Requirements.

(a) Subject to Section 15-187 (Architecturally Integrated Subdivisions) and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth below: (AMENDED 1/22/85)

- (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from

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Art. XIII RECREATIONAL FACILITIES AND OPEN SPACE

(e) If the proposed development contains land subject to the provisions of 15-198(e), then a bike and pedestrian path that has the potential of connecting with similar type facilities on adjoining tracts that also have lands subject to the provisions of 15-198(e) shall be provided within this area, unless the permit issuing authority concludes that such a bike and pedestrian path would be environmentally undesirable or economically unfeasible. (AMENDED 06/27/95)

(f) Play equipment suitable for children under 12 should comprise at least 10% of the total required recreation points of single-family units and 5% of the points required of multi-family units in a development.

(g) Active recreational facilities and areas should be located throughout the development so that they can be reached safely and easily by their anticipated users. Such facilities and areas should be on land that is suitable for the intended use, have a minimum of 1200 square feet per area, and be sufficiently screened to minimize the impacts on adjacent residences.

(h) When the cost of the land associated with recreational facilities is included in calculating the recreational points for such facilities under this section, then such land may generally not also be credited toward the fulfillment of the mandatory open space requirements set forth under Section 15-198. Exceptions to this policy are as follows:

- (1) Play fields, including without limitation baseball fields, soccer fields, and football fields;
- (2) Bike and pedestrian paths constructed pursuant to subsection (e) of this section. (Only the area that is within the width of the dedicated easement for the bike and pedestrian area is subject to the double counting provision.)

(AMENDED 06/27/95)

Section 15-197 Exception to Recreational Facilities and Open Space Requirements.

(a) If an application is submitted for a subdivision and the application does not also seek approval for the development of improvements to the subdivision (such as the extension of water and sewer facilities or the creation of public streets or private roads) or the construction of buildings or other substantial improvements on any lot so subdivided, then the Board (for a major subdivision) or the planning director (for a minor subdivision) may approve the subdivision without requiring the provision of active recreational areas and facilities (Section 15-196) or the provision of usable open space (Section 15-198) if the subdivision approval authority finds that the property is being subdivided for purposes other than the desire to accommodate a present plan to develop any of the lots so created in any manner other than the use as a single-family detached residence. (AMENDED 10/08/96)

(b) The requirements of this article shall not apply to the reconstruction or enlargement of pre-existing single-family residential dwelling units or to the reconstruction or renovation of pre-existing multi-family units, except to the extent that such reconstruction or

*Art. XIV STREET AND SIDEWALKS (con't)***Section 15-220 Public Streets and Private Roads in Subdivisions.**

(a) Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 15-211. For purposes of this subsection, the term "public street" includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this chapter and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street. (AMENDED 2/14/84)

(b) Architecturally integrated residential subdivisions containing either twenty-five or more units, or fifteen or more units and having a ratio of less than 25 feet of linear roadway per dwelling unit, may be developed with private roads that do not meet the public street and sidewalk standards of this chapter as long as: (AMENDED 11/26/85)

- (1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
- (2) No road intended to be private is planned to be extended to serve property outside that development; and
- (3) The standards applicable to unsubdivided developments set forth in Section 15-221 and 15-222 are complied with.

(c) Subdivisions containing any number of lots may be developed with private roads that do meet the public street and sidewalk standards of this chapter but that are not intended for dedication to the public so long as:

- (1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
- (2) No road intended to be private is planned or expected to be extended to serve property outside the development; and
- (3) The subdivider demonstrates to the reasonable satisfaction of the Board that the private roads will be properly maintained.

(d) A subdivision in which the access requirement of Section 15-211 is satisfied by a private road that meets neither the public street standards nor the standards set forth in Section 15-221 may be developed so long as, since the effective date of this chapter, not more than three lots have been created out of that same tract.

Art. XIV STREET AND SIDEWALKS (con't)

- (1) The intent of this subsection is primarily to allow the creation of not more than three lots developed for single-family residential purposes. Therefore, the permit-issuing authority may not approve any subdivision served by a private road authorized under this subsection in which one or more of the lots thereby created is intended for (i) two-family or multi-family residential user or (ii) any non-residential use that would tend to generate more traffic than that customarily generated by three single-family residences.
- (2) To ensure that the intent of this subsection is not subverted, the permit-issuing authority may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a private road authorized under this subsection be smaller than the permissible size lots on which two-family or multi-family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this subsection be recorded before final plat approval.

(e) No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:

- (1) "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Carrboro Land Use Ordinance."
- (2) "The policy of the Town of Carrboro is that, if the town improves streets (i) that were never constructed to the standards required in the Carrboro Land Use Ordinance for dedicated streets, and (ii) on which 75% of the dwelling units were constructed after July 1, 1979, 100% of the costs of such improvements shall be assessed to abutting landowners."

(f) The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road, in accordance with the requirements set forth in G.S. 136-102.6. The intention of this subsection is to afford the same protection to purchasers of lots on private roads within the town as is provided to purchasers of lots outside the town by G.S. 136-102.6.

(g) For purposes of this section, a private road meets the public street and sidewalk standards of this chapter if it is designed and constructed and sufficient setbacks are provided so that, if intended for dedication, it could be accepted as a public street in conformity with the requirements of this chapter. (AMENDED 11/26/85)

Section 15-221 Road and Sidewalk Requirements in Unsubdivided Developments.

(a) Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and

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Art. XIV STREET AND SIDEWALKS (con't)

provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.

- (6) **ARTERIAL:** A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. The following streets are arterial streets:

Culbreth Road	Main Street
Dairyland Road	Merritt Mill Road
Damascus Church Road	N.C. Hwy 54
Estes Drive	Old Greensboro Road
Eubanks Road	Old Hwy 86
Greensboro Street	Old Fayetteville Rd.
Hillsborough Road	Rogers Road
Homestead Road	Smith Level Road
Jones Ferry Road	Weaver Street

(AMENDED 06/04/91)

- (7) **MARGINAL ACCESS STREET:** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
- (8) **LOOP STREET.** A street having two points of intersection with the same street. (AMENDED 06/21/94)
- (9) **ALLEY.** A one-way service road providing a secondary means of public access to abutting property and not intended for general traffic circulation with a maximum length of 550 feet. (AMENDED 09/27/94)

Section 15-211 Access to Public Streets in General.

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. (AMENDED 5/10/83; 4/24/84)

Section 15-212 Access to Arterial Streets.

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street.

Section 15-220 Public Streets and Private Roads in Subdivisions.

(a) Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 15-211. For purposes of this subsection, the term "public street" includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this chapter and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street. (AMENDED 2/14/84)

(b) Architecturally integrated residential subdivisions containing either twenty-five or more units, or fifteen or more units and having a ratio of less than 25 feet of linear roadway per dwelling unit, may be developed with private roads that do not meet the public street and sidewalk standards of this chapter as long as: (AMENDED 11/26/85)

- (1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
- (2) No road intended to be private is planned to be extended to serve property outside that development; and
- (3) The standards applicable to unsubdivided developments set forth in Section 15-221 and 15-222 are complied with.

(c) Subdivisions containing any number of lots may be developed with private roads that do meet the public street and sidewalk standards of this chapter but that are not intended for dedication to the public so long as:

- (1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;
- (2) No road intended to be private is planned or expected to be extended to serve property outside the development; and
- (3) The subdivider demonstrates to the reasonable satisfaction of the Board that the private roads will be properly maintained.

(d) A subdivision in which the access requirement of Section 15-211 is satisfied by a private road that meets neither the public street standards nor the standards set forth in Section 15-221 may be developed so long as, since the effective date of this chapter, not more than three lots have been created out of that same tract.

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(g) Lots within the JLWP overlay district (see Section 15-141.1) shall be subject to the limitations set forth in subsections 15-266(e) and (f). (AMENDED 10/15/96)

Section 15-182.1 Residential Density in R-SIR Zoning.

(a) Land that is zoned R-SIR may be developed in the same manner and at the same density as land within an R-10 zoning district. However, the provisions of this section are designed to encourage development that furthers the town's housing goals by offering density bonuses for such development.

(b) A major housing goal of the town is to obtain in the community a sufficient number of housing units by type, style and price to afford residents a suitable dwelling of their choice. To the degree that a development meets one or more of the performance criteria set forth below, it helps to further this housing goal and therefore should be entitled to a density bonus determined in accordance with subsection (c).

- (1) The development consists of at least thirty but less than eighty percent ownership units. Each undeveloped lot in a residential subdivision as well as each single-family residence shall be considered an ownership unit. Condominiums shall also be considered ownership units.
- (2) The development offers at least three different number-of-bedroom options, with each type comprising at least ten percent of the total number of dwelling units. Lots intended for sale in their undeveloped state shall not be considered for purposes of this performance criterion.
- (3) The development offers a variety of the following six residential building styles: (i) single-family on lots 7,500 square feet or greater, (ii) single-family on lots smaller than 7,500 square feet, (iii) one-story multi-family or duplex, (iv) two or three-story multi-family or duplex, each unit having a separate ground level entrance, (v) two or three-story multi-family or duplex, each unit not having a separate ground level entrance, and (vi) multi-family high rise (i.e., four or more stories). This performance criteria may be satisfied at the following three levels:
 - a. Two building styles (thirty percent minimum, each style).
 - b. Three building styles (twenty five percent minimum, each style).
 - c. Four or more building styles (fifteen percent minimum for each of at least four styles).

(c) Residential development in the R-SIR zoning district that meet one or more of the performance criteria described in subsection (b) may be developed according to the density set forth below. Notwithstanding subsection 15-154(b), the total density of the development shall be

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determined by dividing the total area of the lot to be developed by the appropriate figure of square feet per dwelling unit, and rounding off to the nearest whole number.

MINIMUM SQUARE FEET PER DWELLING UNIT				
	No (b)(3) Criteria Met	(b)(3)(a) met	(b)(3)(b) met	(b)(3)(c) met
Neither (b)(1) nor (b)(2) met		6,500 sq. ft.	5,000 sq. ft.	3,500 sq. ft.
(b)(1) or (b)(2) met	7,000 sq. ft.	6,000 sq. ft.	4,000 sq. ft.	3,000 sq. ft.

(d) When a developer takes advantage of the density bonuses offered in this section and part of the development consists of a single-family residential subdivision, the 10,000 square foot minimum lot size may be reduced pursuant to Section 15-186 (cluster subdivisions) and 15-187 (Architecturally Integrated Subdivisions).

(e) Land that is zoned R-S.I.R.-2 may be developed in the same manner as that which is zoned R-S.I.R. except that the minimum square feet per dwelling unit shall in no case be less than 6,000 square feet. (AMENDED 5/12/81)

Section 15-182.2 Density on Lots Where Portion Dedicated to Town.

(a) Subject to other provisions of this section, if (i) any portion of a lot lies within an area designated on any officially adopted town plan as part of a proposed public park, greenway, or bikeway, or the town or the N.C. Department of Transportation otherwise seeks to acquire a portion of a lot for any public use, and (ii) before the lot is developed, the owner of the lot, with the concurrence of the town, dedicates to the town or the N.C. Department of Transportation that portion of the lot so designated or sought to be acquired, or the town or the N.C. Department of Transportation condemns the same, then, when the remainder of the lot is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development. (AMENDED 11/26/85; 11/28/89)

(b) If the portion of the lot that remains after dedication as provided in subsection (a) is divided in such a way that the division either does not constitute a subdivision or constitutes only a minor subdivision (as these terms are defined in Section 15-15), then, when each of the lots so created is later developed for residential purposes, the permissible density at which each lot may be developed shall be calculated in the following manner:

- (1) Divide the area of the particular lot in question by the total area of the portion of the original lot not dedicated to the town.
- (2) Multiply the fraction derived from step (1) above times the total area of the dedicated portion of the original lot.

ARTICLE XIII**RECREATIONAL FACILITIES AND OPEN SPACE****Section 15-196 Active Recreational Areas and Facilities Required. (AMENDED 5/10/83; 4/24/84; 12/10/85)**

(a) Subject to subsection (d) and Sections 15-197 and 15-203, all residential developments shall provide active recreational areas and facilities to such an extent that the sum total of recreation points assigned to each recreational area and facility [under subsection (b)] equals or exceeds the number of recreation points required of that development in accordance with the remaining provisions of this section.

(b) For purposes of this section, a recreation point is a unit of measurement that allows various types of recreational areas and facilities to be compared to one another. As set forth more fully in Appendix G to this chapter, the principal criterion upon which recreation points are assigned to various facilities is the cost associated with the development of such facilities. The following table establishes the recreation points assignable to the facilities listed. Points for facilities not included in the table below shall be determined by the permit issuing authority by applying the methodology set forth in Appendix G.

TYPE FACILITY	POINTS PER SQUARE FOOT	TYPICAL POINTS	SQUARE FEET
Swimming Pool	.463	356	(768)
Swimming Pool Patio	.020	6	(2820)
Tennis Court (1)	.034	245	(7200)
Tennis Court (2)	.028	403	(14400)
Tennis Court (4)	.025	720	(28800)
Basketball Court	.058	139	(2400)
Volleyball Court	.014	25	(1800)
Hiking/Biking Trail	.016	64	(4000)
Fitness Station	.022	9	(400)
Picnic Shelter	.148	37	(250)
Gazebo	.326	102	(314)
Clubhouse	.508	609	(1200)
Play Equipment	.107	136	(1275)
Slide	.514	8	(16)
Swing	.176	8	(48)
Climber	.160	8	(50)
Ladder	.108	5	(48)
Balance Beams	.075	3	(40)
Pullup Bars	.330	3	(8)
Seesaw	.076	6	(80)
Whirl	.333	9	(28)
Sandbox	.097	6	(64)
Baseball Field	.010	675	(67500)
Football/Soccer Field	.011	396	(36000)

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(c) The minimum total of recreation points required of any development shall equal the sum of the recreation points assigned to each type of dwelling unit or lot proposed for that development in accordance with the following (The methodology for determining the assignment of recreation points to residential type is set forth in Appendix G.):

TYPE OF RESIDENCE (By Use Classification)	POINTS PER DWELLING UNIT
1.100 Single Family detached	10.39
1.120 Includes mobile home parks	11.25
1.200 Two-family residences	10.39
1.300 Multi-family residences	
One Bedroom	5.94
Two Bedroom	9.47
Three or more Bedroom	11.81

With respect to residential subdivisions other than architecturally integrated subdivisions, each lot that is large enough for only a single dwelling unit or that is limited by restrictive covenants to development only with a single dwelling unit shall be deemed to house one single-family detached dwelling unit. Subject to Section 15-197, lots that are large enough to accommodate more than one dwelling unit and are not so limited by restrictive covenants shall be deemed to house the largest number of two-bedroom multi-family units that could be approved under this chapter.

(d) The Board recognizes that some developments will contain such a small number of dwelling units that the active recreational areas and facilities required pursuant to this section would be of minimal practical value and that maintenance of such areas for so small a development would likely prove problematic. Therefore, the following types of residential developments shall not be required to provide active recreational areas and facilities under this section but shall be required to pay to the town's open space and recreational facilities fund a fee in lieu thereof in accordance with Section 15-203 if the town determines that it will be feasible to provide active recreational areas and facilities on land that can reasonably be expected to serve the residents of such developments:

- (1) Unsubdivided developments that are small enough so that the minimum amount of recreation points required of such developments is not more than 80. (AMENDED 2/24/87)
- (2) Subdivided residential developments of less than fifteen dwelling units. (AMENDED 06/27/95)
- (3) For purposes of this subsection, the term "development" refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership or control, regardless of whether the development is constructed in phases or stages. (AMENDED 2/24/87)

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(e) If the proposed development contains land subject to the provisions of 15-198(e), then a bike and pedestrian path that has the potential of connecting with similar type facilities on adjoining tracts that also have lands subject to the provisions of 15-198(e) shall be provided within this area, unless the permit issuing authority concludes that such a bike and pedestrian path would be environmentally undesirable or economically unfeasible. (AMENDED 06/27/95)

(f) Play equipment suitable for children under 12 should comprise at least 10% of the total required recreation points of single-family units and 5% of the points required of multi-family units in a development.

(g) Active recreational facilities and areas should be located throughout the development so that they can be reached safely and easily by their anticipated users. Such facilities and areas should be on land that is suitable for the intended use, have a minimum of 1200 square feet per area, and be sufficiently screened to minimize the impacts on adjacent residences.

(h) When the cost of the land associated with recreational facilities is included in calculating the recreational points for such facilities under this section, then such land may generally not also be credited toward the fulfillment of the mandatory open space requirements set forth under Section 15-198. Exceptions to this policy are as follows:

- (1) Play fields, including without limitation baseball fields, soccer fields, and football fields;
- (2) Bike and pedestrian paths constructed pursuant to subsection (e) of this section. (Only the area that is within the width of the dedicated easement for the bike and pedestrian area is subject to the double counting provision.)

(AMENDED 06/27/95)

Section 15-197 Exception to Recreational Facilities and Open Space Requirements.

(a) If an application is submitted for a subdivision and the application does not also seek approval for the development of improvements to the subdivision (such as the extension of water and sewer facilities or the creation of public streets or private roads) or the construction of buildings or other substantial improvements on any lot so subdivided, then the Board (for a major subdivision) or the planning director (for a minor subdivision) may approve the subdivision without requiring the provision of active recreational areas and facilities (Section 15-196) or the provision of usable open space (Section 15-198) if the subdivision approval authority finds that the property is being subdivided for purposes other than the desire to accommodate a present plan to develop any of the lots so created in any manner other than the use as a single-family detached residence. (AMENDED 10/08/96)

(b) The requirements of this article shall not apply to the reconstruction or enlargement of pre-existing single-family residential dwelling units or to the reconstruction or renovation of pre-existing multi-family units, except to the extent that such reconstruction or

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renovation of multi-family residences increases the number of dwelling units or bedrooms within any such residential development. (AMENDED 10/08/96)

Section 15-198 Open Space. (AMENDED 04/24/84; 03/26/85; 12/10/85; 11/11/86; REWRITTEN 06/27/95)

(a) The Board finds that when land is developed for residential purposes, the public health, safety, and welfare are best served when substantial portions of the tracts so developed remain as common open space. The preservation of such open space areas serves the following important objectives, to the benefit of the residents of such developments as well as the general public:

- (1) Preservation of open vistas, providing relief from an urban landscape;
- (2) Preservation of environmentally sensitive lands;
- (3) Preservation of habitat for wildlife;
- (4) Preservation of historically or archaeologically significant areas;
- (5) Provision of areas for passive recreation, such as walking or jogging.

(b) For purposes of this section:

- (1) Open space refers to an area that:
 - a. Is not encumbered with any substantial structure;
 - b. Is not devoted to use as a roadway, parking area, or sidewalk;
 - c. Is not part of any privately owned lot that is used or intended for use for residential purposes.
 - d. Is legally and practicably accessible to the general public or to the residents of the development where the open space is located.
- (2) Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space within the meaning of this section unless such areas:
 - a. Are at least 50 feet in width and capable of functioning as a substantial visual buffer; or

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- b. Are configured and/or improved (e.g. through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (i.e. walking or jogging) by residents of the development where located.
- (3) The following areas shall be regarded as open space if such areas satisfy at least the criteria set forth in Subdivision (1) a, b, and c of subsection (b) of this section:
 - a. Utility easements located outside of street rights of way;
 - b. Cemeteries located on a tract prior to its development.
 - c. Areas used for the growing of crops, such as hay, corn, or vegetables, if and to the extent that such uses occur within an area that is subject to the control of a homeowners association and such uses are approved by the homeowners association. (AMENDED 05/25/99)
- (4) The term "primary conservation areas" shall mean: (AMENDED 05/25/99)
 - a. Areas containing slopes greater than 25%
 - b. Hardwood areas identified on the Carrboro Natural Constraints Map
 - c. Wetlands as defined pursuant to Section 404 of the Clean Water Act
 - d. Floodplains
 - e. With respect to streams designated on the adopted Stream Classification Map of Carrboro, those areas within an average perpendicular distance of sixty feet from the edge of the floodway of the stream, if the floodway is designated on the "Flood Boundary and Flood Map" prepared by the U.S. Department of Housing and Urban Development, or sixty feet from the centerline of the stream where the floodway is not designated on this map.
 - f. Lakes and ponds;
 - g. Road buffers as required by Section 15-312 of this Chapter, except for those portions of the buffers that must be included in road or utility crossings.
- (5) The term "secondary conservation areas" shall mean: (AMENDED 05/25/99)

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- a. Areas containing slopes greater than 15% but not more than 25%;
- b. Wooded areas other than hardwood areas identified on the Carrboro Natural Constraints Map;
- c. Vistas along entranceways to the town;
- d. Other areas containing unusual natural features (such as major rock formations);
- f. Other environmentally, historically or archaeologically significant or unique areas.

(c) Except as otherwise provided in subsection (j) and Section 15-203, every residential development in zoning districts other than the R-2 district shall be developed so that at least forty percent (40%) of the total area of the development remains permanently as open space. Every residential development in the R-2 district shall be developed so that at least twenty percent (20%) of the total area of the development remains permanently as open space. (AMENDED 09/05/95)

(d) Subject to subsection (g), every residential development containing at least 25 lots or dwelling units shall contain, as part of its required open space, one or more areas that are relatively flat, well drained, grassed, and otherwise well suited for use as a play field:

- (1) Each such area shall contain a minimum of 20,000 square feet configured in such a manner as to be useful as a play field.
- (2) Every development covered by this subsection shall set aside in one or more play fields meeting the criteria of this subsection a minimum of 400 square feet of area per lot or dwelling unit within the development.
- (3) Play fields provided under this section shall be located with due regard for the safety and convenience of those using such facilities as well as the welfare of residents living nearby. The play fields required by this subsection shall be located such that 90% of the lots or dwelling units within any development that is required to install such play field are within 1,500 feet of a play field installed to meet the requirements of this subsection, unless the developer demonstrates by clear and convincing evidence that adherence to this requirement would not be feasible.
- (4) Play fields constructed to meet the requirements of this subsection may be used by the developer to satisfy the active recreational requirements set forth in Section 15-196 as well as the open space requirements of this section. However, the recreation points assigned to such play fields shall

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be based upon the actual cost of constructing such play fields, exclusive of land costs.

(AMENDED 05/25/99)

(e) Subject to subsection (g), if a tract where a residential development is proposed contains any areas defined above as primary conservation areas, then such areas shall be designated as open space. (AMENDED 05/25/99)

(f) **RESERVED** (AMENDED 05/25/99)

(g) A developer shall not be required to set aside as open space under the provisions of subsections (d) and (e) more than the minimum required percentage of open space set forth in subsection (c). If the sum total of open space otherwise required under the provisions of subsections (d) and (e) exceeds forty percent of the development tract (twenty percent in the R-2 district), then the permit issuing authority shall allow the developer to set aside a smaller area of open space under subsections (d) and (e), individually or collectively, so that the developer is not required to preserve as open space more than forty percent of the development tract (twenty percent in the R-2 district). However, if areas that constitute primary conservation areas have not been set aside as open space, then the development plans shall otherwise provide for the preservation of such areas even though they may be located within privately owned lots (e.g. by specifying buildable areas within individual lots). Notwithstanding the foregoing, hardwood areas identified on the Carrboro Natural Constraints Map that are not set aside as common open space shall be preserved except to the extent that removal of such hardwood trees is necessary to accommodate the permitted uses created out of land not set aside as common open space. (AMENDED 09/05/95; 05/25/99)

(h) If the area of open space required to be preserved under subsections (d) and (e) does not exceed forty percent (40%) of the area of the development tract (20% in the R-2 district), then the permit issuing authority may require that the developer set aside from among the areas that constitute secondary conservation areas as defined above an amount of open space equal to the difference between the amount of open space preserved under subsections (d) and (e) and forty percent (40%) of the development tract (20% in the R-2 district). (AMENDED 09/05/95; 05/25/99)

(i) Except as otherwise set forth in this section, the choice as to the areas to be set aside as open space shall remain with the developer.

(j) Subdivided residential developments of less than fifteen dwelling units are exempt from the requirements of this section unless the town agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made. Subdivided residential developments exempted by this subsection from the requirement of providing usable open space shall be required to make a payment in lieu thereof to the town's open space and recreational facilities fund in accordance with Section 15-203 if the town determines that it will be possible to provide usable open space areas that are reasonably expected to benefit or serve the residents of such developments. For purposes of this subsection, the term "developments" shall have the same meaning as is set forth in subsection 15-196(d)(3).

**REVIEW OF LAND USE ORDINANCE PROVISIONS RELATING TO MINOR SUBDIVISIONS,
INFILL AND DENSITY OPTIONS**

Questions regarding the degree to which land use ordinance provisions serve as either incentives or disincentives to infill development were raised on several occasions in 1999. Staff has evaluated the level of development within the town and examined the land use ordinance in response to these questions. A resolution that expresses the Board's acceptance of this report and, if desired, identifies any concerns or wishes to alter the existing regulations and policies was recommended for the Board's adoption.

Trish McGuire, the town's Planning Administrator, made the presentation and showed slides of existing infill developments within the town.

Mayor Nelson expressed concern about site designs in infill development.

Alderman Gist suggested that the Board hold a worksession to further discuss this matter.

Alderman McDuffee asked that the Planning Board discuss this matter and possibly have a joint worksession with the Board to discuss what the town's goals are for infill and problems to avoid.

Alderman Zaffron requested that the TAB be involved in the worksession and asked the Town Attorney to review information he had obtained from Montgomery County, Maryland.

Alderman Dorosin asked how the issues of infill development affect affordable housing.

Alderman Broun asked for an analysis on how OWASA's requirements prevent more aesthetically pleasing siting of homes.

Mayor Nelson stated that his goal would be to develop a vision for how infill development relates to existing neighborhoods.

Alderman Spalt suggested that this matter be considered by all the town's advisory boards, including the Board of Adjustment, Downtown Development Commission and Neighborhood Forum.

It was the consensus of the Board to hold its own worksession prior to holding a worksession with the advisory boards.

**WORKSESSION: LAND USE ORDINANCE PROVISIONS RELATING TO MINOR
SUBDIVISIONS, INFILL AND DENSITY OPTIONS**

The Board of Aldermen received a staff report on these issues on March 28, 2000 and decided that worksession was needed to further evaluate and consider possible changes to the land use provisions.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Mark Dorosin.

**A RESOLUTION RECEIVING THE REPORT ON
MINOR SUBDIVISIONS, INFILL AND DENSITY OPTIONS
Resolution No. 6/2000-2001**

WHEREAS, the Carrboro Board of Aldermen, in seeking ample opportunities to review existing policy, requested a staff report on minor subdivisions, infill and density options.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen has discussed the report provided by the Planning Staff and requested that the town staff prepare a proposal to include the following areas for further discussion with the Planning Board and Board of Adjustment:

- Creation of an overlay zone
- Increasing density to take advantage of existing infrastructure
- Increasing density to address diversity and affordability of housing
- Different infill in different areas of town
- The impact of open space and recreation requirements
- Graduated scale based on size of project
- Traffic impacts and compatibility with neighborhoods

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of August, 2000:

Ayes: Joal Hall Broun, Mark Dorosin, Diana McDuffee, Jacquelyn Gist, Allen Spalt, Alex Zaffron

Noes: None

Absent or Excused: Michael Nelson

Alderman Zaffron requested that an analysis of the Montgomery County affordable housing ordinance be provided to the Board.

JOINT WORKSESSION WITH THE PLANNING BOARD AND BOARD OF ADJUSTMENT/INFILL DEVELOPMENT

Patricia McGuire, the town's Planning Administrator, stated that on August 15, 2000 the Board of Aldermen held a worksession on land use ordinance provisions relating to infill, minor subdivisions and density. The Board requested that staff prepare a proposal for review in a joint worksession with the Planning Board and Board of Adjustment. A resolution specifying next steps was prepared for the Board's review.

The Board comments to date on this topic have included situations in which greater or lesser density is desired and where differing mechanisms have been suggested based on the scale and location of development projects. Specific geographical boundaries, parameters for appropriate levels of bonuses or incentives, or standards for acceptable/unacceptable impacts to existing infrastructure have not yet been decided, but will be needed. The comments, presented below with a preliminary staff response, reveal that some additional specificity is required in order to identify desired changes to the town's land use regulations.

Task	Response/Comment
1. Creation of an overlay zone.	Clear parameters are needed so that a process of identifying boundaries of overlay zone can begin. Criteria that may be considered include: properties located within the municipal boundary, lots that are currently under- or sparsely developed, lots (or recombination of lots) at least one acre in size, proximity to existing infrastructure of pre-determined capacity (e.g. water/sewer, sidewalks, drainage).
2. Increasing density to take advantage of existing infrastructure.	This issue is double-edged. The argument for additional density where there's infrastructure is reasonable, except such a bonus may result in additional traffic that is unacceptable to current neighbors. The need to possibly retrofit existing facilities that do not meet town standards is an associated issue. The existing infrastructure at Hanna Ridge was deemed inadequate enough to justify approving a project less dense than allowed by the ordinance. Carrboro Apartments, proposed at its permitted density, was located within 200 feet of an arterial road, but denied because of associated expected impacts.
3. Increasing density to address diversity and affordability of housing.	Section 15-182.4 provides additional density for affordable housing (AHDB). SRO provisions also include a density bonus (in the R-2 and B-1(g). The RHDC overlay provides a density bonus for those portions of the B-1(g) included within the overlay zone. In these locations, density is calculated based on the R-2 district (2,000 square feet per dwelling unit) rather than the B-1(g) density of 3,000 square feet per dwelling unit. Housing diversity is currently addressed through R-SIR provisions, and the VMU requirements for a mix of housing types. These mechanisms provide a range of examples from which other LUO provisions may be developed.
4. Different infill in different areas of town.	Infill is expected to follow the patterns established by existing zoning districts, and current LUO provisions allow a broad range of residential types in most zones. Some Board members have spoken in favor of infill projects that are different from surrounding development (particularly responding to concerns about townhouses at Hanna Ridge). Yet others have spoken in favor of providing mechanisms (or removing others) that would allow infill projects to match older developments (particularly those built before open space requirements). A map showing residential development, by type, since 1980 will be available for review during the Joint Worksession.
5. The impact of open space	Open space and recreation requirements impact almost all-new residential

Task	Response/Comment
and recreation requirements.	development. Where applicable, they are uniform, adding to the cost of all development through design changes or payments-in-lieu. Exceptions are provided, most currently in the SRO provisions. Removing or reducing the open space and recreation requirements for infill development would grant a considerable bonus to developers of these projects; one that might not be balanced by expected community benefits. Such a mechanism could be considered for very limited circumstances, such as those, which are very similar to projects that would be exempted from the requirements (e.g. very small projects where there is no infrastructure extension/development or developments that are utilizing the AHDB). Other applications are problematic. Will homes or lots in such projects be priced lower than those in subdivisions that include open space or recreation? If so, is the price difference significant or merely nominal? If only nominal, what purpose is served by granting such a bonus? If the purpose is to allow the same types of homes in neighborhoods, is this the best mechanism? Is open space of lesser importance in existing neighborhoods?
6. Graduated scale based on the size of the project.	The break points for open space and recreation payments-in-lieu could serve as a model. In this instance, larger projects could be eligible for additional density. Through economies of scale, larger projects may be considered most appropriate and capable of dealing with associated impacts of additional density.

Richard Ellington stated that the Board of Adjustment will be dealing with an infill project tomorrow evening. Mr. Ellington raised questions about the relationship of this proposed development with the surrounding uses.

Alderman McDuffee stated that the Board had expressed its desire to increase density.

Adam Searing stated the Planning Board has been discussing taller buildings in the downtown. In addition, there is no way to prevent students from moving into rental housing and that's not what is wanted, but as long as there are two or three bedrooms and two bathrooms, families could rent those units.

Alderman Dorosin expressed concern about placing all dense development in certain areas of town.

Alderman Broun stated that there are going to be areas of transition. It would be appropriate to have dense development in areas that are accessible to public transit, etc. Standards should be set for the character of the development.

Richard Ellington stated that the size of the house really has nothing to do with the price of the house.

James Bateson stated that infill developments will set the template for reconstruction. The aesthetic aspects of infill development are important. All of the infill developments will be a matter of judgement on the part of the town leaders.

Randee Haven-O'Donnell stated that the central area of downtown has potential for the right kind of development. The question is how to clarify the connection between what the vision is for the next 20 years and how to pace us to move toward that. How do we involve realtors and developers in this process?

Alderman Zaffron suggested a presentation to the advisory boards on the downtown visioning process.

Rob Hogan stated we need to pay close attention to the downtown area so that downtown remains. The downtown needs to be protected.

Randee Haven-O'Donnell stated that contiguous neighborhoods should be involved in infill development or redevelopment.

Stan Babiss stated that connectivity is very important.

James Bateson stated that when more density is wanted, pedestrian access has to be considered.

Alderman Zaffron suggested that the Montgomery County, Maryland ordinance be reviewed.

The Board referred this matter to the Agenda Planning Committee to schedule further Board discussion.

Alderman Broun suggested that the Board set aside time at the second planning retreat to discuss this matter.

CONTINUED DISCUSSION OF INFILL DEVELOPMENT

On November 14, 2000, the Board of Aldermen held a joint worksession with members of the Board of Adjustment and Planning Board on land use ordinance provisions relating to infill, minor subdivisions, and density. The Board requested that the agenda planning committee schedule this topic for further Board review. A resolution that provides an opportunity for the Board of Aldermen to specify its objectives regarding infill development was prepared for the Board's consideration.

Mayor Nelson suggested that the Board table the report on infill at this time and discuss possible areas that could be rezoned to accommodate apartments, condominiums and townhouses.

The Board requested that the Agenda Planning Committee schedule a worksession on infill development and a separate worksession to discuss possible areas that could be rezoned to accommodate apartments, condominiums and townhouses.
