

**A RESOLUTION CALLING A PUBLIC HEARING ON A LAND USE ORDINANCE TEXT AMENDMENT THAT
AMEND THE DENSITY AND SETBACK PROVISIONS RELATING TO DEVELOPMENT UTILIZING THE
AFFORDABLE HOUSING DENSITY BONUS**

WHEREAS, the Carrboro Board of Aldermen seeks to provide ample opportunities for the public to comment on existing policies and regulations; and

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen call a public hearing on April 23, 2002 to consider adopting "An Ordinance Amending the Land Use Ordinance Provisions Relating to Affordable Housing."

BE IT FURTHER RESOLVED that the draft ordinance be referred to Orange County for review per the Joint Planning Agreement and to the Planning Board for comment and recommendations to the Board.

This is the 12th day of March in the year 2002.

WORKSESSION: INFILL DEVELOPMENT

The Board of Aldermen has expressed an interest in exploring the benefits and limitations associated with infill development and has reviewed this matter on several occasions since March 2000. Following a review of related information in March 2001, the Board directed the Agenda Planning Committee to schedule a worksession. A resolution that provides an opportunity for the Board of Aldermen to specify its objectives regarding infill development was presented. Trish McGuire, the Town's Planning Administrator, made the presentation.

Alderman Dorosin suggested that the affordable housing bonus be expanded to all zoning districts. He asked that the Town staff determine whether there is any property that could be down zoned to allow construction of affordable

It was the consensus of the Board to request that the Town Attorney draft an ordinance to expand the affordable housing bonus provision to include all zoning districts with the exception of the watershed district.

Excerpted LUO Provisions Relating to Residential Density

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 subsection (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 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)

$$\frac{(\text{amount of square footage in lot}) - (\text{minimum lot size for that district})}{(.5) \times (\text{Minimum square feet per dwelling unit for multi-family development in that district})}$$

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)

(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)

(h) Notwithstanding the foregoing, the minimum square feet per dwelling unit required for any residential development consisting solely of single-room occupancy units shall be 500 square feet in the B-1(g) and R-2 districts. (AMENDED 10/10/00)

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 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
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(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 Sections 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.
- (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.
- (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 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).

REVIEW: SCREENING, SETBACK REQUIREMENTS AND SPECIAL EXCEPTIONS

The Board of Aldermen 2001-2002 Action Agenda calls for a review of screening and setback requirements and the special exception permit provision. A report was presented. A resolution receiving the report was recommended for the Board's approval. Trish McGuire, the Town's Planning Administrator, made the presentation.

Alderman McDuffee stated that her interest is in determining whether the town's setback and screening requirements meet the Board's interest in developing walkable communities and pedestrian-friendly communities and how they will affect village-mixed uses and other plans for the downtown visioning process.

Alderman Dorosin stated that he was interested in adjusting open space requirements for affordable housing projects.

Alderman Broun suggested that the architecturally integrated subdivision provision be used in conjunction with the affordable housing bonus.

The following resolution was introduced by Alderman Alex Zaffron and duly seconded by Alderman Joal Hall Broun.

**A RESOLUTION ACCEPTING A REPORT:
SETBACKS, SCREENING AND SPECIAL EXCEPTIONS
Carrboro Board of Aldermen Page 3 January 15, 2002**

Resolution No. 79/2001-02

WHEREAS, the Carrboro Board of Aldermen has requested information on setback and screening requirements, and on special exception permits.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen have reviewed materials compiled to address this request and have accepted this report, and requests that the Agenda Planning Committee schedule a worksession to discuss changes in setback and screening requirements and whether these requirements are meeting the Board's goals for the Town, and that the town staff provide street maps showing:

- zoning districts
- setback requirements
- permissible uses
- remaining developable land

The foregoing resolution having been submitted to a vote, received the following vote and was duly adopted this 15th day of January, 2002:

Ayes: Joal Hall Broun, Mark Dorosin, Jacquelyn Gist, John Herrera, Michael Nelson, Diana McDuffee, Alex Zaffron

Noes: None

Absent or Excused: None

The Board requested that the town staff analyze options for adjustments to setbacks for affordable housing density bonus projects.

AN ORDINANCE AMENDING THE LAND USE ORDINANCE PROVISIONS
RELATING TO AFFORDABLE HOUSING

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-182.4 of the Carrboro Land Use Ordinance is amended by rewriting subsection (b) and adding new subsections (f) and (g) as follows:

(b) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the provisions of Sections 15-182, 15-182.1, or 15-182.3 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 otherwise be 100 dwelling units, 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.

(f) If, by using the affordable housing density bonus provided for in this section, the number of dwelling units within a development increases to the point where the type of permit required for the project based on the number of units would otherwise change from a zoning to a special use permit or from a special use to a conditional use permit in accordance with the provisions of Section 15-147, the developer may nevertheless seek approval for the project under the permit process that would be applicable if no density bonus was sought under this section.

(g) As provided in subsection 15-184(t), developments that use the affordable housing density bonus provisions of this section may be entitled to relief from the setback requirements under some circumstances.

Section 2. Section 15-184 is amended by adding a new subsection (t) to read as follows:

(t) Notwithstanding the other provisions of this section, if a development that seeks to use the affordable housing density bonus provisions of Section 15-182.4 cannot practicably do so consistent with the setback requirements of this section, then the permit issuing authority may allow a reduction of not more than 50% in the otherwise allowable setback requirements of this section in order to make practicable the use of the affordable housing density bonus provisions.

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

Section 4. This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this ____ day of _____, 2002.

Ayes:

Noes:

Absent or Excused: