

ATTACHMENT A

A RESOLUTION TO REVIEW DRAFT ORDINANCE CONSIDERATIONS FOR THE ACTIVE RECREATIONAL FACILITIES REQUIREMENTS Resolution No. 136/2003-04

WHEREAS, the Carrboro Board of Aldermen seeks to ensure that its existing and proposed policies and regulations are responsive to community needs; and

NOW, THEREFORE BE IT RESOLVED BY THE CARRBORO BOARD OF ALDERMEN:

Section 1. The Board of Aldermen discussed the matter of active recreational facilities requirements in this work session.

Section 2. The Board of Aldermen approves to maintain the current system because the basic philosophy of this ordinance provides benefits to the community.

Section 3. The Board of Aldermen reviewed the list of recreational facilities in Appendix G and approved to maintain the current list or modify the list as follows

Section 4. This resolution shall become effective upon adoption.

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/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)

(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

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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 Two Bedroom Three or more Bedroom	5.94 9.47 11.81
1.34 Single-Room Occupancy	2.97

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. **(AMENDED 10/10/00)**

(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)**

(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

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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. Residential developments consisting of solely single-room occupancy units shall be exempt from the requirement to provide play equipment suitable for children. (AMENDED ON 10/10/00)

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

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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
 - 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.

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- (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)**
 - 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;

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- 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 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)**

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(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).

(k) Residential developments consisting solely of multi-family, single-room occupancy units (1/340) shall be exempt from the requirements of this section. **(AMENDED 01/11/00)**

Section 15-199 Ownership and Maintenance of Recreational Facilities and Open Space Not Dedicated to the Town. (REWRITTEN 06/27/95)

(a) Unless the town requires that recreational facilities or open space be dedicated to the town or agrees to accept an offer of dedication voluntarily made by the developer, such recreational facilities and open space shall remain under the ownership and control of the developer (or his successor) or a homeowners' association or similar organization that satisfies the criteria established in Section 15-201. If such recreational facilities and open space are not

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publicly dedicated, they shall be made available to all residents of the development under reasonable rules and regulations established to encourage and govern the use of such facilities and open space by the residents without payment of separate optional fees or charges other than membership fees in a homeowners' association. Such facilities and open space may be made available to a limited extent on a fee basis to persons who are not residents of the development where such facilities or open space are located, so long as such use does not become so extensive as to remove the facilities and open space from the category of an accessory use to a residential development and transform the use to a separate principal use classification (see use classification 6.000) under the Table of Permissible Uses.

(b) The person or entity identified in subsection (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

Section 15-200 Dedication of Open Space. (AMENDED 11/26/85; REWRITTEN 06/27/95; REPEALED 09/05/95)

Section 15-201 Homeowners' Association. (AMENDED 11/26/85)

Homeowners' associations or similar legal entities that, pursuant to Section 15-199, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

- (1) Provisions for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;
- (2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;
- (3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities; and
- (4) The association will establish a capital fund for the maintenance and upkeep of common areas and facilities and a method of contributing to that fund which will spread the costs of said maintenance and upkeep to the residents over a number of years. (AMENDED 11/26/85)

Section 15-202 Flexibility in Administration Authorized.

(a) The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Board as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted town plans. The Board recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying

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objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

(b) Whenever the permit issuing board authorizes some deviation from the standards set forth in this article pursuant to subsection (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

Section 15-203 Fees in Lieu of Active Recreational Areas and Facilities or Usable Open Space.

(a) When the permit-issuing authority determines (upon the recommendation of the recreation director) that the recreational needs of a development required by Section 15-196 to construct active recreational areas and facilities could also be adequately met by facilities constructed on town property that is located close enough to such development to reasonably serve its residents, the town may authorize the developer to pay a fee to the town's open space and recreational facilities fund in lieu of providing on-site facilities. For purposes of this subsection, "town property" means property that is owned by the town or that the town has made plans to acquire within a reasonable time. (AMENDED 2/20/90)

(b) With respect to residential developments that are exempt from the requirement of providing on-site active recreational areas and facilities under Subsection 15-196(d) or exempt from the requirement of providing usable open space under Subsection 15-198(j) and that choose not to provide such facilities or open space, the town shall accept and the developer shall pay a fee to the town's open space and recreational facilities fund if the permit-issuing authority determines that the town has acquired or has made plans to acquire within a reasonable time the necessary land to provide usable open space or a site for recreational facilities that can be expected to benefit or serve such developments.

(c) The minimum amount of the fee paid under this section in lieu of active recreational areas and facilities shall be determined by multiplying the amount of recreation points that would otherwise be required of the development under Section 15-196 by the dollar value per point established in the town's miscellaneous fees and charges schedule. However, nothing herein shall prevent a developer from paying a fee that exceeds the minimum fee established pursuant to this subsection, and the town's willingness to allow a payment of fees in lieu of on-site provisions of facilities or open space under subsection (a) may depend upon the developer's agreement to pay fees in excess of the minimum.

(d) The minimum amount of the fee paid under this section in lieu of usable open space shall be determined by multiplying the square footage of open space that would otherwise be required of the development under Subsection 15-198(c) by the dollar value per square foot established in the town's miscellaneous fees and charges schedule.

(e) With respect to any development that is authorized or required by this section to pay a fee in lieu of providing recreational facilities or usable open space, no use may be commenced, lot

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sold, or building occupied unless the fee has been paid. If a development is intended to be sold or occupied on a phase-by-phase basis, payment of the fee relating to each phase must first be made.

Sections 15-204 through 15-209 Reserved.

APPENDIX G

METHOD FOR CALCULATING POINT VALUES FOR ACTIVE RECREATION FACILITIES

(AMENDED 10/06/87)

The procedure described in Sections (1) to (4) below shall be used in order to determine the value, in recreation points, of any active recreation facilities not already listed in the table of facilities and their point per square foot values included in Section 15-196(b). Whenever such calculations are completed for a new type of facility, that facility type and its associated recreation point value shall be added to the list in Section 15- 196(b).

(1) Determine the normal or typical size, in square feet, of the facility in question. This area should include necessary runoff and/or approach areas, in addition to the space required for the facility itself. For example, the estimated space for a basketball court includes the court itself, and adequate sideline and baseline areas.

(2) If the facility is made up of two or more substantial improved surfaces with a wide disparity of costs, and where one of the surfaces can vary widely in size in relation to the other, then for the purpose of estimating recreation points the facility should be artificially subdivided into two facilities, one for each improved surface. An example of this is the case of a swimming pool and swimming pool patio, which have separate recreation point values called out in Section 15-196(b).

(3) Determine both the land cost for the facility and the facility's construction cost in \$1985. During years after 1985, the construction cost component in \$1985 is to be calculated by determining the cost in current year's dollars, and adjusting it to \$1985 using the annual Consumer Price Index figures for years between the current year and 1985. During years after 1985, the land cost component in \$1985 shall be determined by multiplying the total facility land area defined in (1) above by \$0.75 per square foot. Add together the land and facility construction costs so calculated, to determine the total cost of the facility in \$1985.

(4) Divide the total cost of the facility calculated in (3) above by the total square feet calculated in (1) above to obtain the facility's cost per square foot. Then divided that per square foot cost by 100 to arrive at points per square foot.

Recreation Facilities

Year by Month	Permit	Project Name	# of Units	Points Required	Points Provided	Pay-in-Pool	Chouse	Play Struc	Tot Lot	Tennis	#	Gazabo Pad/Bike Sidewalk	Remarks
	SUP	Horne Hollow		8	89	93	\$0.00				0		Sandbox and see-saw
October 1980		Brighton Square		57	0	0	\$0.00				0		picnic area, benches, play area
January 1981		Walnut Court		23	0	0	\$0.00				0		bench, picnic table, no recr points info
April 1981		Old Poplar Village		12	0	0	\$0.00				0		
March 1982		Oakwood Apartments		30	0	0	\$0.00				0		
September 1982		White Oak		98	0	0	\$0.00				0		Mini-Park Area Required 20,277.18 sf, provided 27,784 sf
February 1983	CUP	Woodbridge Apartments		170	0	0	\$0.00				2		
March 1983		Cedarwood Lane		41	0	0	\$0.00				0		picnic shelter, benches, play area, mini park area required
October 1983		Abbey Court/ Old Well		0	0	0	\$0.00				2		
January 1984	CUP	Canterbury		112	0	0	\$0.00				0		.83 acre mini-park
February 1984		Spring Valley		118	0	0	\$0.00				0		35,511 sf mini-park, dock
	CUP	Whispering Hills		58	0	0	\$0.00				0		
March 1984		Rock Creek Apartments		188	0	0	\$0.00				1		req recr area: 38,899 sf, provided 40,950 sf miniparks
June 1984		Village Square		36	0	0	\$0.00				0		req recr area 8625 sf, provided 8805 sf, 4 recreation areas
January 1985		Chambers Ridge		102	0	0	\$0.00				0		req recr area 19906.9sf, provided 20,792 sf, volleyball
February 1985	CUP	Cobblestone		64	0	0	\$0.00				0		22,303 sf required, 43,560 sf with play equipment provided
		Fairoaks Phase V		23	239	250	\$0.00				0		
		Fairoaks		141	0	0	\$0.00				0		req recr area 77254 sf, provided 11588 sf for tot lot
April 1985		Crest Street Apartments		12	0	0	\$0.00				0		rec area req: 3594 sf, provided 3800sf, sandlot volleyball
	CUP	Highland Hills		270	0	0	\$0.00				2		req recr area 1.28 acres, provided 3.34 acres, picnic tables
		Somerset Place		16	35	35	\$0.00				0		volleyball court, 3833 sf req recr space, 4000 sf provided
November 1985		The Villages V		76	0	0	\$0.00				3		total recr space req: 1 594 acres; total recr space existing 4,173 acres
February 1986	CUP	Ramsgate		188	0	0	\$0.00				0		1.08 acres of designated recreation space
July 1986		Bolin Forest, Phase II-IV		78	810	889	\$0.00				0		barbeque, picnic table, bench, mini park area
July 1987		Cheswick (aka Oakbridge)		143	0	0	\$0.00				0		

Year by Month	Permit	Project Name	# of Units	Points Required	Points Provided	Pay-in-New Pool	Chouse	Play Struc	Tot Lot	Tennis	#	Cazado Ped/Bike Sidewalk	Remarks
April 1988	CUP	Quaterpath Trace	80	831	831	\$83,618.72					0		
July 1988		Berryhill	105	1209	1904	\$0.00					2		
May 1989		Berryhill Phase 1	144	1030	1904	\$0.00					1		
January 1990		Meadow Run	13	0	0	\$13,699.00					0		
September 1990		Camden	24	0	0	\$0.00					0		Exercise equipment fee-in-lieu
May 1991		Teal Place	5	0	0	\$0.00					0		
July 1991	CUP	Wexford	91	997	1049	\$0.00					2		Basketball court. Pool not included in points provided
June 1992		Ridgehaven Townhomes	45	508	510	\$0.00					0		
		Cates Farm	73	758	758	\$97,675.77					0		
October 1992	CUP	Highland Meadows	20	208	208	\$25,906.43					0		
May 1993		Arcadia	33	343	496	\$0.00					0		Sand box
November 1993		Sudbury/Fairoaks Phase VI	21	218	237	\$0.00					0		volleyball court, park benches, swings
February 1994		Williams Woods at Cates Fa	26	270	279	\$0.00					0		
March 1994		Bel Arbor	30	312	340	\$0.00					0		Arbor, fitness station, benches, picnic area
September 1994		Brewer Lane	16	189	189	\$0.00					0		bike racks, bbq grill, weight room
October 1994	SUP	Tupelo Ridge I	12	0	0	\$6,857.40					0		
March 1995	CUP	Lake Hogan Farms	438	4566	6555	\$0.00					1		Basketball court and picnic shelter
June 1995		Sunset Creek	69	738	2363	\$0.00					0		
September 1995		Autumn Woods	236	1994	2180	\$0.00					0		exercise room, picnic area
January 1996		Roberson Place	128	1135	577	\$78,292.00					0		Picnic tables, benches, bike rack, graded and dedicated
March 1996		Carolina Spring	124	910	2590	\$0.00					0		Various comm. rooms in bldg, bike rack, picnic shelter
April 1996	SUP	Tupelo Ridge II	12	104	115	\$0.00					0		
June 1996	CUP	Highlands North	18	187	187	\$26,063.11					0		
October 1996	SUP ?	Carr Court Townhomes	0	0	0	\$0.00					0		"Rec. requirements do not apply per BOA (8/20/96)
December 1996	CUP	University Commons	72	850	1148	\$0.00					0		bike racks, picnic table and bench in play area
April 1997		UCC Living Centers, Inc	77	229	509	\$0.00					0		activity room
		UCC Living Centers, Inc	40	238	424	\$0.00					0		activity room, exercise room
		Cedars	49	509	516	\$0.00					0		Benches, garden, grilles
November 1997		Kent Woodlands	26	270	273	\$0.00					0		Gravel walkway

Year by Month	Permit	Project Name	# of Units	Points Required	Points Provided	Pay-in-New Pod	Chouse	Play Struc	Tot Lot Tennis	#	Gazabo Pod/Bike Sidewalk	Remarks
February 1998	SUP	Andrews Heights	10	0	0	\$14,913.81	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0	<input checked="" type="checkbox"/>	Payment-in-lieu for open space as well
October 1998	CUP	Berryhill III and IV	59	613	751	\$0.00	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	0	<input type="checkbox"/>	Playfield, soccer goals

Public and Private Recreational Facilities

- Dedications for Public Use/Access
- Proposed Greenway
- Town-owned property
- County-owned for schools and/or recreation
- Private Pools
- Bikeway
- Existing
- Proposed
- Rec facilities
- Rec facilities
- Town Boundary
- Gway
- Parcel
- 83
- Text Road Names (Major)
- Streets

4600 0 4600 Feet

ATTACHMENT C-4

NC State Plane Coordinate System (NAD83)

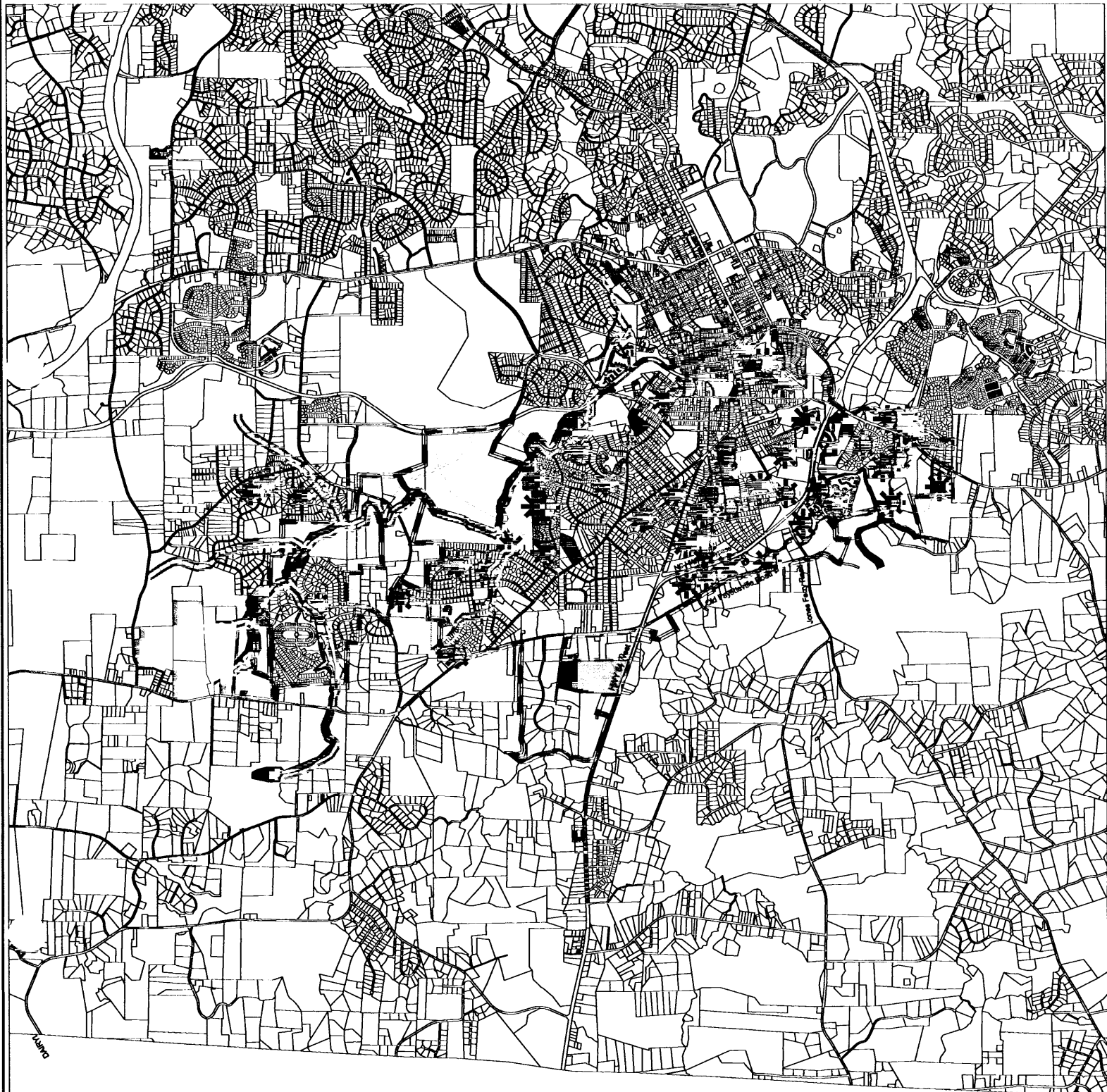


TOWN OF CARRBORO
301 W. Main St.
Carrboro, NC 27510

2 April 2004
Trish McGuire, Planning Department
919-771-7114

THIS MAP IS NOT A CERTIFIED SURVEY AND IS FOR REFERENCE

The requester must be aware of data conditions and ultimately bear respons the appropriate use of the information with respect to possible errors, original collection methodology, currency of data, and other conditions specific to this work.



RECREATIONAL FACILITIES AND OPEN SPACE SUBCOMMITTEE **REPORT**

The Board of Aldermen's 2002-2003 Action Agenda assigned the Recreation and Parks Commission and Planning Board the task of reviewing the active recreational facilities requirements of the of the Land Use Ordinance. A subcommittee was formed to review the requirements.

The subcommittee met on a monthly basis between October 2002 and February 2003. During this time, the group reviewed Town and National Standards for recreational facilities, examined the legal parameters of the existing requirements and discussed alternative strategies for achieving community objectives associated with active recreation facilities.

At the final meeting on February 24, 2003, the subcommittee developed a set of findings to be presented at individual board meetings during the month of March. Then, the full membership of each board met on March 20, 2003, to prepare a recommendation for the Board of Aldermen. The group reached consensus on the following four items:

- Adequate funding for Parks and Recreational facilities is needed
- The Town of Carrboro must seek alternative funding sources and pursue creative partnerships in future development of recreation facilities
- Payments to the Town should be required unless one of the following conditions are met:
 - a. Trails providing connectivity are dedicated to the Town of Carrboro
 - b. Public access to recreational facilities included in the development plan, even if a reasonable membership fee is required
- The list of active recreational facilities should be modified eliminating swimming pools, gazebos, picnic shelters and clubhouses and adding community gardens and multi-purpose play fields

Another item was discussed, however received a split vote:

- There should be no credit given for private recreation facilities

The Planning Board supported this item and the Recreation and Parks Commission did not support this item.

The findings of the Active Recreation Requirements of the Land Use Ordinance Review were presented to the Board of Aldermen during the April 22, 2003 meeting. Staff provided a subcommittee work summary and the Recreation and Parks Commission and Planning Board Chairs provided a group perspective. The Board then directed staff to review the recommendations prepared by the Recreation and Parks Commission and Planning Board and provide information for a future work session.

MEMORANDUM

Memorandum to: Mayor and Board of Aldermen

From: Mike Brough

Subject: LUO Provisions Requiring Active Recreational Facilities

Date: January 26, 2004

On April 22, 2003, a report was presented to the Board of Aldermen summarizing recommendations made by the Planning Board and the Recreation and Parks Commission relating to the active recreational facilities requirements of the Land Use Ordinance. The Board directed the staff to review the recommendations and bring this matter back for additional discussion. The purpose of this memorandum is to present the issues that the Board may wish to address as it continues its discussion.

As the Board is aware, the ordinance requires developers (with certain exceptions discussed below) to provide active recreational facilities within their developments to serve the residents of those developments. The extent of those facilities is determined by a point system that establishes a specified number of points per dwelling unit. The developer is then able to meet his or her "quota" by providing one or more facilities, each of which is assigned a certain number of points by the ordinance. A formula is also provided to assign points to facilities not specifically listed in the ordinance. Under some circumstances (described below), a developer is authorized to make a cash payment to the Town in lieu of constructing such recreational facilities, with the expectation that the Town will use these funds to provide public recreational facilities that benefit the residents of the developments which generated the funds.

The philosophy behind the ordinance is that the Town should require private developments to meet at least some of the recreational needs of their residents, thereby lessening to some extent the demand on the Town to provide public recreational facilities.

The issues raised by the current ordinance are as follows:

1. *Should the Town continue to require developments to provide recreational facilities at all?* The reason for the current requirements is set forth above. It must be recognized, however, that the facilities constructed pursuant to the ordinance within such developments are private, and that the Town cannot require that they be dedicated to public use. Therefore, if the objectives of the ordinance are met, and to that extent public recreational facilities are not constructed, those who reside in developments that have such facilities are served by them and those who do not reside in such developments do not have such access.

2. *If the Board chooses not to continue to require developments to provide recreational facilities, what alternatives are there?* Two basic choices are available. First, the Board could simply remove the requirement altogether, letting the private market dictate when to provide private recreational facilities and what types. Second, the Board could consider imposing an

impact fee on some or all types of residential developments, requiring a payment to the Town in accordance with a formula based on the number of residents expected to live within such developments. Two issues are raised by this alternative, however. First, while the Town does have special legislation authorizing impact fees for certain purposes, such as the construction of streets and sidewalks, the legislation does not apply to recreational facilities. An argument can be made that the general law is broad enough to provide such authority, but this is by no means certain. Second, this approach would obligate the Town to expend the funds obtained through impact fees to provide recreational facilities to serve the developments which generated the funds. But the funds so generated will certainly not (and probably legally cannot) cover the full cost of the needed facilities. Thus, an imperative for the appropriation of other Town funds will be created that does not now exist.

3. *If the Board chooses to proceed with an impact fee system, should credit be allowed for developments that construct facilities voluntarily?* Consideration could be given to allowing credit (either on a dollar for dollar or some reduced basis) for some types of major facilities that remain private (e.g. swimming pools or tennis courts) or for any facilities that are dedicated to the public.

4. *If the Board chooses to keep some version of the present system, should the ordinance be modified to add or delete types of recreational facilities that can be used to satisfy the requirement?* A concern has been expressed that the ordinance allows the recreation points requirement to be fulfilled with some types of facilities that provide little recreational value. [To the extent these concerns arise in connection only with smaller developments, see the discussion below]. If the Board wants to continue with some version of the present ordinance, the Board may wish to direct the staff, in consultation with the Recreation and Parks Commission, to review the table set forth in Section 15-196 of the ordinance and make suggestions for revisions.

5. *If the Board chooses to keep some version of the present system, to what extent should smaller developments be required to install recreational facilities or make a payment in lieu?* When the current ordinance was adopted, it was recognized that the recreation points required of very small developments would not be sufficient to generate facilities that had much real value, and the maintenance of such facilities would be problematic for small developments in any event. Therefore, Subsection 15-196(d) of the ordinance exempts subdivisions of less than 15 homes, and unsubdivided developments of comparable size from the requirement of installing recreational facilities. The ordinance does require such small developments to make a payment in lieu "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." Prior to the adoption of the Recreation and Parks Master Plan some years ago, payments in lieu from smaller developments were not generally required because there was no plan to use those funds to provide such recreational facilities. Following the adoption of the Master Plan, however, these smaller developments have been required to make such payments (or install their own facilities) on the basis that the Town either has or has plans to acquire land and facilities to serve such developments.

The current interpretation has caused some hardship for smaller developments, raising the question of whether such developments should be exempted as they once were. (The problem is

ATTACHMENT E-3

compounded by a comparable provision requiring such developments to provide open space or make a payment in lieu based on the value of the land). Additionally, collecting funds from smaller, scattered developments raises the practical issue for the Town of spending these funds (and other Town dollars) in a manner that benefits the developments that generated them.

	\$ COLLECTED	PROJECT FUNDED WITHIN SECTOR
SECTOR A: SOUTH		
WEATHER HILL	\$3,068.24	N/A
TEAL PLACE	\$5,190.00	
UNITED CHURCH RETIREMENT HOME - OPEN SPACE	\$2,000.00	
RICHARDSON	\$6,271.40	
TOTAL SECTOR A	\$16,529.64	TOTAL PROJECTS \$ -
		remaining: \$ 16,530
SECTOR B: CENTRAL		
FAIR OAKS	\$30,584.00	SMALL PARK - LAND \$ 276,000
QUARTER PATH TRACE	\$94,492.46	SMALL PARK - DESIGN \$ -
CATES FARM	\$48,168.87	
CATES FARM II	\$50,744.76	
ANDREW HEIGHTS - RECREATION SPACE	\$14,479.50	
ANDREW HEIGHTS - OPEN SPACE	\$38,376.00	
RECONCILING FIGURE	\$454.00	
TOTAL SECTOR B	\$277,299.59	TOTAL PROJECTS \$ 276,000
		remaining: \$ 1,299.59
SECTOR C: DOWNTOWN (UNDESIGNATED)		
ROBERSON PLACE -OPEN SPACE (Reimbursed)	\$15,239.00	TOTAL PROJECTS (Reimbursed) \$15,239.00
		remaining: \$ -
SECTOR D: NORTH OF HOMESTEAD		
HIGHLANDS	\$25,114.00	SMITH MIDDLE SCHOOL \$ 101,424
HIGHLANDS NORTH - OPEN SPACE	\$26,063.00	
THOMAS DICKS SUBDIVISION	\$2,270.65	
MEADOW RUN	\$13,699.00	
HIGHLAND MEADOWS	\$26,760.48	
TUPELO RIDGE	\$9,959.34	
TOTAL SECTOR D	\$103,866.47	TOTAL PROJECTS \$ 101,424
		remaining: \$ 2,442.00
TOTAL PAYMENT IN LIEU REVENUE COLLECTED		\$412,934.70
total remaining:		\$ 20,271