

ATTACHMENT A

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 196/2006-07

WHEREAS, an amendment to the text of the Carrboro Land Use ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to replace requirements for open space in the downtown residential developments with requirements for urban amenities.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020, the Carrboro Land Use Ordinance, and the Facilitated Small Area Plan for Carrboro's Northern Study Area.

Section 2. The Board concludes that its adoption of the above-described amendment is reasonable and in the public interest because the Town of Carrboro seeks to have urban amenities installed in the downtown, without requiring outdoor space.

Section 3. This resolution becomes effective upon adoption.

**A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR REJECTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 197/2006-07**

WHEREAS, an amendment to the text of the Carrboro Land Use ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to replace requirements for downtown open space in residential developments with requirements for urban amenities.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above-described amendment is not consistent with Carrboro Vision 2020: Policies through the year 2020, the Land Use Ordinance, and/or the Facilitated Small Area Plan for Carrboro's Northern Study Area.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing practices, policies, and procedures are sufficient; or because an accompanying alternative text amendment better would better fulfill town policies.

Section 3. This resolution becomes effective upon adoption.

ATTACHMENT C

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR ADOPTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 198/2006-07

WHEREAS, an amendment to the text of the Carrboro Land Use ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to replace requirements for open space in residential developments in the downtown with requirements for downtown livability space and urban amenities for residential, mixed use, and nonresidential developments.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above described amendment is consistent with Carrboro Vision 2020: Policies through the year 2020, the Carrboro Land Use Ordinance, and the Facilitated Small Area Plan for Carrboro's Northern Study Area.

Section 2. The Board concludes that its adoption of the above-described amendment is reasonable and in the public interest because the Town of Carrboro seeks provision of outdoor space in the downtown that is conducive to social gathering, artistic expression, sustenance of wildlife, management of stormwater, promotion of walking and biking, and/or relief from the high-density built environment.

Section 3. This resolution becomes effective upon adoption.

A RESOLUTION ADOPTING A STATEMENT EXPLAINING THE BOARD OF
ALDERMEN'S REASONS FOR REJECTING
AN AMENDMENT TO THE TEXT OF THE CARRBORO LAND USE ORDINANCE
Resolution No. 199/2006-07

WHEREAS, an amendment to the text of the Carrboro Land Use ordinance has been proposed, which amendment is described or identified as follows: An Ordinance Amending the Carrboro Land Use Ordinance to replace requirements for downtown open space in residential developments with requirements for downtown livability space and urban amenities for residential, mixed use, and nonresidential developments.

NOW THEREFORE, the Board of Aldermen of the Town of Carrboro Resolves:

Section 1. The Board concludes that the above-described amendment is not consistent with Carrboro Vision 2020: Policies through the year 2020, the Land Use Ordinance, and/or the Facilitated Small Area Plan for Carrboro's Northern Study Area.

Section 2. The Board concludes that its rejection of the above described amendment is reasonable and in the public interest because existing practices, policies, and procedures are sufficient; or because an accompanying alternative text amendment would better fulfill town policies.

Section 3. This resolution becomes effective upon adoption.

May 16, 2007

Bd. of Aldermen:

Thanks in advance for your consideration of our proposed text amendment. This proposed text amendment has made its way through the advisory boards. The Transportation Advisory Board and the Economic Sustainability Board both suggested that a town-owned parking structure could be an urban amenity (as described in the proposed text amendments). We're in whole –hearted agreement with this idea. Part of this thought is that the percentage we propose for on-site urban amenities could be altered, increasing the amount that would paid into a fund to construct a town-owned parking structure in lieu of a fund to improve and or maintain existing amenities and open spaces. The amount would be determined prior to the public hearing, with the amount to be paid into the fund prior to issuance of the certificate of occupancy.

Thanks,

Jack Haggerty

Text Amendment Submitted by Jack Haggerty on behalf of
Carr Mill Investment Limited Partnership (final rev. 4/27/07)

**AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE AS IT
PERTAINS TO DOWNTOWN LIVABILITY AREA AND URBAN AMENITIES
REQUIREMENTS**

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article II, Section 15-15 of the Carrboro Land Use Ordinance is hereby amended by adding the following definitions in appropriate alphabetical order:

Urban Amenities. In the downtown, improvements designed, installed, and maintained to provide relief from the environment (for example by mitigating urban temperature, pollution, glare), enhance the pedestrian experience, promote non-vehicular transportation, assist with stormwater management, provide food or habitat for wildlife, provide opportunities for artistic expression. Examples of urban amenities include, but are not limited to:

water features (reflecting pools, fountains); public art; historic markers, features, or places; shade-producing street trees; outdoor furniture for seating, playing games, or picnicking; arbors, trellises, or pergolas with live plants; covered bike racks; garden perimeter walls low and wide enough to accommodate sitting and lounging.

Section 2. Article XIII, subsection 15-196(i) of the Carrboro Land Use Ordinance is repealed:

~~The active recreational facilities requirement for developments located in the B-1(c), B-1(G), B-2, and CT zoning districts may be satisfied by alternative amenities, such as, but not limited to, sculpture, fountains, benches, and mini-parks. The point value of any alternative amenities shall be determined using the methodology set forth in Appendix G.~~

Section 3. Article XIII, subsection 15-198 of the Carrboro Land Use Ordinance is amended to read as follows:

Except as otherwise provided in subsection (j) and Section 15-203, every residential development in zoning districts other than the R-2, ORMU, B-1(C), B-1(G), B-2, and CT zoning districts shall be developed so that at least forty percent (40 percent) of the total area of the development remains permanently in open space. Every residential development in the R-2 and ORMU district shall be developed so that at least twenty

percent (20 percent) of the total area of the development remains permanently as open space.

Section 4. Article XIII of the Carrboro Land Use Ordinance is amended by adding thereto three new sections 15-204, "Downtown Livability Area and Urban Amenities Provisions" that read as follows:

- (a) The Board finds that residential developments in the Downtown commercial zones shall contribute to the livability of the Downtown by the provision of amenities that enhance the Downtown experience. This provision serves some or all of the following important objectives to the benefit of both residents of the downtown and the general public who come there to work, shop, dine or enjoy the recreational opportunities available:
- 1) It can help to relieve the pressures of the busy, built environment.
 - 2) It can help reduce the "heat island" effect in an area of considerable paved surface.
 - 3) It can provide relief from the press of multi-floor buildings against the pedestrian realm.
 - 4) It can provide gathering space that will facilitate various kinds of social activity and help build a greater sense of community.
 - 5) It can provide habitat for wildlife in the Downtown.
 - 6) It can help to manage storm water in the Downtown.
 - 7) It can provide opportunities for artistic expression that enrich the physical fabric of the Downtown.

The following are examples of urban amenities. The applicant may propose alternatives or variations in consultation with town staff.

- open space- legally, practically, and visually accessible to the general public
- pocket parks, mini-plazas, courtyards, colonnades (any paved surface beyond the 8' wide sidewalks where required by the Master Sidewalk Plan along right of ways) - legally, practically, and visually accessible to the general public:
- the connection or extension of current or proposed Town of Carrboro bikeways. (the land, and improvements per Town of Carrboro standards, shall be dedicated to the town);
- water feature
- public art
- street trees
- historic markers
- climbing wall
- outdoor furniture
- green roof
- benches, landscape walls, planting beds

(b) All residential developments and mixed-use developments with a residential component in the BI-C, BI-G, and CT zoning districts shall provide urban amenity in accordance with the remaining provisions of this section.

The provision of urban amenities shall be by the formula below:

Tax assessed land value (per s.f.) x residential square footage x .15 = urban amenity requirements in dollars.

The entirety of the residential area of heated square footage of the proposed development shall be used in the calculation. In the case of a mixed use project, only the residential portion, including accessory spaces (lobby, support spaces, etc.) shall be used in the calculation.

75% of urban amenity funds required shall be spent on on-site amenities. The balance shall be paid into a fund to improve existing open spaces that are all within 1/2 mi. of the areas zoned BI-C, B-1G, B-2 and CT.

(c) Where open space is proposed, the value of that space shall be double the tax-assessed value of the property. Any open space must be free of underbrush and debris and maintained in that state.

(d) Urban amenity facilities and areas should be located throughout the development so that they can be reached safely and easily by the anticipated users. Such facilities and areas should be on land that is suitable for the intended purpose.

(e) The requirements set forth in this article concerning the provision of urban amenities to be provided in connection with residential developments in the BI-C, BI-G and CT zoning districts and their conditional use counterparts are established by the Board as standards that presumptively will result in increased livability in the Downtown. The Board recognizes, however, that due to the particular nature of a lot, or the nature of the facilities proposed for installation, or other factors, the underlying 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.

(f) 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.

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE
AS IT PERTAINS TO DOWNTOWN LIVABILITY AREA AND URBAN AMENITIES
REQUIREMENTS

THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Article XIII, subsection 15-196(i) of the Carrboro Land Use Ordinance is repealed.

Section 2. Article XIII, subsection 15-198(c) of the Carrboro Land Use Ordinance is amended to read as follows:

(c) Except as otherwise provided in subsection (j) and Section 15-203, every residential development in zoning districts other than the R-2, ORMU, B-1(c), B-1(G), B-2, and CT zoning districts shall be developed so that at least forty percent (40 percent) of the total area of the development remains permanently in open space. Every residential development in the R-2 and ORMU district shall be developed so that at least twenty percent (20 percent) of the total area of the development remains permanently as open space.

Section 3. Article XIII of the Carrboro Land Use Ordinance is amended by adding thereto new sections 15-204, 15-205, and 15-206, as follows:

Section 15-204 Downtown Livability Area and Urban Amenities Provisions

(a) The Board concludes that when land is developed in the downtown, defined for purposes of this section as those areas zoned B-1(G), B-1(c), B-2, or CT, the public health, safety, and welfare are best served when portions of such properties are developed as “downtown livability areas” and improved with “urban amenities” as those terms are used in this section. The development of such properties in this way may serve some or all of the following important objectives, to the benefit of downtown business owners, shoppers, workers, pedestrians, and residents, as well as the general public:

- (1) provide relief from the high-density built environment (for example by mitigating urban temperature, pollution, glare);
- (2) enhance the pedestrian experience;
- (3) promote walking and biking in the downtown area;
- (4) decrease stormwater runoff;
- (5) provide food or habitat for wildlife;
- (6) provide opportunities for artistic expression or the enjoyment of the same;
- (7) provide opportunities for social gathering.

(b) For purposes of this section, “downtown livability area” (DLA) refers to an outdoor area that (i) is not devoted to use as a roadway, parking area, required sidewalk, **or required shade tree islands in parking lots**; (ii) is legally and practically accessible to all of the residents, occupants, tenants, and owners of the property to which the DLA appertains (except that **balconies and** roof areas developed as green roofs, **and planted balconies** need not be so accessible); (iii) is not encumbered with any substantial structure other than an urban amenity; and (iv) with or without the improvement of an urban amenity, achieves one or more of the objectives set forth in subsection (a) of this section. An “outdoor area” means an area that is either not under roof or, if under roof, is permanently open to the outdoors on at least 50% of the circumference of such area. A “green roof” means a roof of a building or structure (or portion thereof) that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

(c) For purposes of this section, “urban amenities” refers to improvements that (i) are located or constructed within downtown livability areas, and (ii) are designed, installed, and maintained to achieve one or more of the objectives set forth in subsection (a) of this section, together with any improvements necessary to support the function or safety of or provide access to such amenities. Urban amenities include but shall not be limited to the following: water features (reflecting pools, fountains); public art; historic markers, features, or places; shade-producing street trees; outdoor furniture for seating, playing games, or picnicking; arbors, trellises, or pergolas with live plants; **balcony plantings**; birdfeeders, birdhouses, and birdbaths; widened sidewalks; covered bike racks; garden perimeter walls low and wide enough to accommodate sitting and lounging; green roofs.

(d) For downtown developments in 25-100 percent of the floor space is for residential use only, the downtown livability area and urban amenities requirements are as follows:

- (1) The site shall be developed so that an area (measured in square feet) equal to at least 25 percent of the total land area remains permanently as downtown livability area, provided that:
 - a. The square footage of DLA otherwise required by this subsection as provided above may be reduced by a percentage amount (subject to a maximum reduction of 50%) equal to the percentage amount by which the dollar value of the urban amenities installed within the DLA exceeds the minimum dollar amount of such amenities required by subsection (d)(2). Thus, a 20% increase in the dollar value of urban amenities installed within the DLA over the minimum amount required by subsection (d)(2) entitles the developer to provide 20% less downtown livability area.
 - b. Any DLA that is substantially landscaped with grass, vegetative ground cover, plants, shrubs, bushes, or other vegetative landscaping and that is shaded to the extent of at least 35% of such area at noon on June 21st by building, awnings, pergolas, other structures, or shade trees, constructed or planted within or adjacent to such DLA shall be credited at the rate of 1.25

square feet for every square foot of such area. For purposes of this subsection a “shade tree” means a tree whose height at maturity can be expected to exceed 20 feet, and of a species, according to its shape, size, and leaf size, that can be expected to provide shade during the growing season. (Please refer to LUO Appendix E, page E-13, “Trees for Shading” for examples of appropriate tree species for provision of shade.)

- c. Any DLA that is legally, practically, and visually accessible to the general public shall be credited at the rate of 1.25 square feet for every square foot of such area;
 - d. Any DLA that meets both the criteria set forth in (d)(1)b and (d)(1)c shall be credited at the rate of 1.5 square feet for every square foot of such area.
- (2) The dollar value of the urban amenities to be installed within the downtown livability area shall an amount equal to ~~25~~ **12.5** percent of the assessed value of the land that constitutes the development site, determined as of the date the development permit is approved. When a development that is subject to this requirement contains a residential component, and the developer either provides recreation facilities or makes a payment in lieu to satisfy the requirements of this article, then such developer shall receive a credit toward the fulfillment of such developer’s urban amenities obligation in the amount of 50% of the dollar value of the recreational facilities installed (determined by multiplying the recreational points associated with the facilities installed by the dollar value of such points as set forth in the town’s miscellaneous fees and charges schedule) or the dollars paid in lieu of installing facilities.
- (e) For downtown developments with less than 25 percent floor space designated for residential use, as well as downtown developments that contain no residential component, the downtown livability area and urban amenities requirements are as follows:
- (1) The site shall be developed so that an area (measured in square feet) equal to at least 20 percent of the total land area remains permanently as downtown livability area, provided that:
 - a. The square footage of DLA otherwise required by this subsection as provided above may be reduced by a percentage amount(subject to a maximum reduction of 50%) equal to the percentage amount by which the dollar value of the urban amenities installed within the DLA exceeds the minimum dollar amount of such amenities required by subsection (e)(2). Thus, a 20% increase in the dollar value of urban amenities installed within the DLA over the minimum amount required by subsection (e)(2) entitles the developer to provide 20% less downtown livability area.
 - b. Any DLA that is substantially landscaped with grass, vegetative ground cover, plants, shrubs, bushes, or other vegetative landscaping and that is

shaded to the extent of at least 35% of such area at noon on June 21st by building, awnings, pergolas, other structures, or shade trees constructed or planted within or adjacent to such DLA shall be credited at the rate of 1.25 square feet for every square foot of such area. For purposes of this subsection a “shade tree” means a tree whose height at maturity can be expected to exceed 20 feet, and of a species, according to its shape, size, and leaf size, that can be expected to provide shade during the growing season. (Please refer to LUO Appendix E, page E-13, “Trees for Shading” for examples of appropriate tree species for provision of shade.)

- c. Any DLA that is legally, practically, and visually accessible to the general public shall be credited at the rate of 1.25 square feet for every square foot of such area;
- d. Any DLA that meets both the criteria set forth in (e)(1)b and (e)(1)c shall be credited at the rate of 1.5 square feet for every square foot of such area.

- (2) The dollar value of the urban amenities to be installed within the downtown livability area shall an amount equal to ~~20~~ 10 percent of the assessed value of the land that constitutes the development site, determined as of the date the development permit is approved. When a development that is subject to this requirement contains a residential component, and the developer either provides recreation facilities or makes a payment in lieu to satisfy the requirements of this article, then such developer shall receive a credit toward the fulfillment of such developer’s urban amenities obligation in the amount of 50% of the dollar value of the recreational facilities installed (determined by multiplying the recreational points associated with the facilities installed by the dollar value of such points as set forth in the town’s miscellaneous fees and charges schedule) or the dollars paid in lieu of installing facilities.

(f) The dollar value of the urban amenities shall be determined in the permit review process. The developer shall submit sufficiently detailed information as to the particular amenities to be installed and the cost of such amenities to allow the permit issuing authority to determine whether the requirements of this section will be satisfied.

(g) The requirements of this section shall not apply to permits issued for single-family or two-family dwellings or to those developments described in Section 15-197 of this article.

(h) The requirements of this section shall not apply to previously developed lots if the developer demonstrates to the reasonable satisfaction of the permit issuing authority that the cost of the work proposed under the new permit is less than 50% of the assessed value of the improvements already on the lot when the applications for the new permit is filed.

(i) For the purposes of this section, the term “development site” shall mean the lot where the development occurs, except that if less than fifty percent of such lot is proposed to be the subject of improvements authorized under the requested permit (including the construction of

buildings, parking, landscaping, and/or significant improvements), then the term “development site” shall refer just to the portion of such lot where the improvements authorized by the permit are to be constructed.

Section 15-205 Fees in Lieu of Downtown Livability Area and Urban Amenities

(a) When the permit-issuing authority determines that it is physically impossible or impracticable for a development to satisfy the downtown livability area and urban amenities requirements of Section 15-204, then the permit-issuing authority may authorize the developer to pay a fee to the town’s downtown livability area and urban amenities fund in lieu of complying with such requirements. The permit authority may allow such a payment in lieu only if it concludes that the objectives set forth in Subsection 15-204(a) could also be adequately met by having the town construct urban amenities on town property that is located within the downtown area. 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.

(b) The amount of the fee paid under this section in lieu of downtown livability area shall be equal to the product of the number of normally required square footage of DLA that is not being provided times the per square foot assessed value of the lot on which such development is proposed. The amount of the fee paid under this section in lieu of urban amenities shall be determined as follows: the dollar amount of urban amenities that would otherwise be required to be constructed on the development site in accordance with the provisions of Section 15-204 shall be calculated, and from this amount shall be subtracted the dollar amount of urban amenities (if any) that are placed on the development site within any downtown livability areas that are provided.

(c) With respect to any development that is authorized to pay a fee in lieu of providing downtown livability area or urban amenities, no use may be commenced, lot 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.

Section 15-206 Ownership and Maintenance of Downtown Livability Areas and Urban Amenities

(a) Downtown livability areas and urban amenities provided in accordance with Section 15-204 shall remain under the ownership and control of the developer (or his successor) or a property owners’ association or similar organization that satisfies the criteria established in Section 15-201. Such downtown livability areas and urban amenities shall be made available to all owners, residents, occupants, and tenants of the development under reasonable rules and regulations established to encourage and govern the use of such downtown livability areas and urban amenities by the users without payment of separate optional fees or charges other than membership fees in a property owners’ association.

(b) The person or entity identified in subsection (a) as having the right of ownership and control over such downtown livability areas and urban amenities shall be responsible for the continuing upkeep and proper maintenance of the same.

Section 4. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 5. This ordinance shall become effective upon adoption.

TOWN OF CARRBORO



LAND USE ORDINANCE AMENDMENT REQUEST

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

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

1) The Land Use Ordinance, at present, would ^{require} ~~allow~~ (description/quote, page and
number of section in question): LOO 15-198 C
40% OPEN SPACE IN ZONING DISTRICTS BI-C, BI-G
AND OTHER "DOWNTOWN" DISTRICTS FOR
ANY PROJECT WITH A RESIDENTIAL COMPONENT.

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

"LIVEABILITY" FEATURES IN VIEW OF OPEN SPACE

3) State the reasons for the proposed amendment:

THE DESIRE FOR GREATER DOWNTOWN DENSITY IS
AT ODDS WITH A REQUIREMENT FOR CONSIDERABLE
OPEN SPACE FOR RESIDENTIAL & MIXED USE PROJECTS
W/ RESIDENTIAL COMPONENTS IN THE "DOWNTOWN"
DISTRICTS

SIGNATURE:

[Handwritten Signature]
applicant

JACK HAGGERTY
(print)

ADDRESS:

205 W. MAIN ST., STE 213
CARRBORO, NC

TELEPHONE NUMBER:

967-5191



TOWN OF CARRBORO

NORTH CAROLINA

TRANSMITTAL

PLANNING DEPARTMENT

DELIVERED VIA: ☒ *HAND* ☐ *MAIL* ☐ *FAX* ☐ *EMAIL*

To: Carrboro Board of Aldermen

From: Kendal Brown, Planner, Zoning/Development Specialist

Date: May 22, 2007

Subject: Land Use Ordinance Text Amendment –
Downtown Livability Area Requirements for Developments in the Downtown

PURPOSE

The town has received a request to amend the text of the Land Use Ordinance to revise the open space requirements for residential developments in the downtown (B-1(G), B-1(C), B-2, and CT zoning districts).

BACKGROUND INFORMATION

Overview of Current LUO Provisions regarding Open Space and Recreation Space: The current LUO open space requirement of 40 percent applies to residential development townwide (except in the ORMU district where the requirement is 20 percent), and was not developed specifically for residential development in the downtown. Instead of providing 40 percent open space onsite, subdivided residential developments of fewer than 15 dwelling units may offer dedication of open space if the town agrees to accept it; or may make a payment-in-lieu. SRO-only multi-family developments are exempted entirely from open space requirement. (For detailed current provisions related to open space, please refer to subsections 15-196 and 15-197 of the LUO in *Attachment J*.)

A purpose statement in the LUO open space provisions states that open space should be set aside in order to enhance the public health, safety, and welfare of not only residents within a residential development, but also the general public. (Please refer to LUO subsection 15-198). Some of the listed benefits of retaining open space are the following: providing vistas; providing relief from an urban landscape; and preserving environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Another listed benefit is the provision of areas for passive recreation, such as walking or jogging. Current regulations do not require amenities within the required open space.

If a development site contains primary conservation areas (floodplains, hardwood areas identified on the Carrboro Natural Constraints Map, certain stream areas, severe slopes), those areas must be designated as open space. In the downtown, this provision will have limited applicability, as most

sites are nearly flat, are not forested, are above the floodplain, and/or are already highly developed. There are a few sites having hardwood areas identified on the Carrboro Natural Constraints Map and there are a handful of very small pockets of steep slopes. We know of no downtown sites having floodplains or wetlands, lakes or ponds, or road buffer requirements.

Regarding recreation space, the LUO requires a minimum of 1,200 square feet of recreation space, with additional recreation space and facilities according to the scale of the development, with recreation facilities tallied using a point system for various recreation improvements. Examples of recreation facilities include a tennis court (245 points), picnic shelter (37 points), and play equipment (136 points). In the B-1(c), B-1(G), B-2, and CT zoning districts, amenities such as sculpture, fountains, benches, and mini-parks may be provided as alternatives to traditional recreation improvements. Exempted are developments with 80 or fewer points required and subdivided residential developments of 15 or fewer units or may make a payment in lieu. (For detailed current provisions related to recreation space, please refer to subsections 15-198 through 15-203 of the LUO.)

B-1(f) and Overlay District Subcommittee Recommendation: In June, 2004, the B-1(f) and Overlay District Subcommittee was established by the Board of Aldermen and was charged with three tasks: to make a recommendations on a new B-1(f) zoning district; on establishing and locating the CORE overlay district; and on whether the open space requirements for downtown residential development should be continued.

On May 4, 2005, this subcommittee proposed to the Board of Aldermen livability provisions for downtown commercial areas to replace the 40 percent open space requirement for residential development in downtown. These provisions called for outdoor civic space and/or civic amenities such as courtyards, pedestrian alleys, community gardens, water features, outdoor furniture, and public art. The proposal noted that the amenities should be quantified relative to the scale of development, but did not include a formula. A point system, similar to the current point system for recreation improvements, was suggested as a mechanism for relating the type and scale of improvements to the size of development.

The subcommittee proposal allowed for amenities to be located on site, or off-site if within the downtown. (Please see the attached May 4, 2005 recommendation from the subcommittee to the Board of Aldermen.) The Board of Aldermen referred the matter to several advisory boards (Planning, Environmental, and Downtown Development, later renamed Economic Sustainability). Subsequent to advisory board review, the Board of Aldermen also directed staff to review the proposal and prepare a response, following receipt of advisory board comments. The advisory board review was completed in the Fall of 2006. Staff review had been scheduled to occur following the completion of other LUO modifications related to floodplains, stormwater management, stream buffers, and lighting.

LUO Text Amendment regarding Urban Livability Proposed by Developers: In January of this year, Mr. Jack Haggerty, representing several developers, submitted a text amendment calling for urban amenities such as public art, street trees, open space, courtyards, and outdoor furniture to replace current open space requirements. A revised application was submitted in late March.

Partly driving the developers' request for amending the 40% open space requirement in the downtown is scarcity of available land, and, related to land scarcity, the high cost of property

downtown. (Tax assessed land values downtown range from about \$7.00 to \$25.00 per square foot.) The appropriateness of dedicating 40 percent of the site to open space was questioned.

Under the applicant's revised proposal, the number and type of amenities would be determined according to a formula based on land value and percentage of construction cost of the residential portion of the proposed development. (Cost of amenities = 15% x residential square footage x tax assessed land value). This formula represents approximately doubling the value of the amenities proposed in the applicant's original proposal. Another new key additional feature is that three-fourths of the amenities would be provided on site; a quarter of the amenities value would be placed in a fund, to be administered by the town, for improvements of open space within ½ mile of the downtown.

As in the previous version, the revised proposal does not require the setting aside of part of the site for the installation and enjoyment of the amenities, though open space is one of a number of possible amenities that a developer could offer. Where open space is selected as the urban amenity, the proposed formula for valuation of the open space is twice the tax-assessed value of the square footage of property designated as open space. We note that the proposed amendment does not define "open space" in this context. Under the current ordinance, open space would need to be left in its natural state and be at least 50 feet wide. We are not sure this would be practical, practicable, or desirable in the downtown.

Text Amendment Proposed by Staff: The staff recommended ordinance includes the following:

- Repeals the open space requirement
- Requirement for 6.7-20 percent downtown livability area (DLA) on the site and 10 percent of the land value in amenities for commercial projects
- Requirement for 8-25 percent downtown livability area on the site and 12.5 percent of the land value in amenities for residential projects
- Incentives for landscaping and public access
- In residential projects, credit for up to half the recreation improvement value towards fulfilling amenities requirement
- Exemptions for single- and two-family dwellings
- Exemptions for some redevelopment

Comparison Table (updated May 9, 2007)

Staff has prepared a table comparing the current regulations with the applicant's proposed provisions and with the B-1(f) and Overlay District Subcommittee recommendations:

	Current LUO	Applicant's New Proposal (March 2007)	B-1(f) Subcommittee Recommendation	Staff Recommendation
Improve- ment type	Open space, rec space (no amenities)	Urban amenities & offsite open space improvements	Outdoor civic space and/or civic amenities	Downtown Livability Area & Urban Amenities
Amenity types	N/A	Bike racks, wide garden walls, public art, pergolas, water features, historic markers/features, street trees, outdoor furniture	Similar to applicant's proposal, minus bike racks, plus wildlife attracting features	Similar to applicant's proposal, plus wildlife attracting features, widened sidewalks, and green roofs

	Current LUO	Applicant's New Proposal (March 2007)	B-1(f) Subcommittee Recommendation	Staff Recommendation
		(seating, playing games, picnicking)	and green roofs	
Type devmt	Residential only	Residential only	Residential only	All downtown development
Land set aside?	Open space required, unless subdivided resid developmt of <15 units provides PIL	Open space possible, but not required; is one type of amenity.	Outdoor civic space possible, but not required.	Downtown Livability Area with amenities. Area requirement depends on type of uses, whether or not landscaped and/or publicly accessible, and/or value of amenities to be installed.
Provisions - commercial only developmt	No open space, no rec space reqmt for commercial-only development	None	None	Requires some livability area; less if landscaped and/or publicly accessible, and/or increased value of amenities
Publicly accessible?	Not necessarily	Many types amenities would be	Yes for most spaces/amenities	Incentives for making publicly accessible
Green?	Resid: Yes, req'd open space.	Possible; not required	Possible; not required.	Not required. Incentives for landscaping
Formula for calculating value of open space	Formula for PIL: s.f. or required open space x unadjusted tax value/s.f. of land x increase in Consumer Price Index since last evaluation date	(If open space chosen as the "amenity"): 2x land value	None. Point system similar to recreation facilities, suggested as method.	In the case of PIL (extreme cases only): Tax assessed land value for applicable downtown livability area plus cost of amenities otherwise required
Quantification formula for improvements	N/A	Value of amens = 15% x land value/s.f. x s.f. res. construction. (75% amens provided on site; 25% of value for fund for off-site open space improvements)	None. Point system suggested as method	For 25-100% residential: 12.5% value of assessed value of the site. For <25% residential: 10% value of assessed value of site. Increased value of amenities can reduce land area requirement by half.
Deviations from standards allowed?	Yes, presumptive standards. Also, PIL or off-site dedication are possible	Presumptive standards	Not addressed	Presumptive standards. PIL only if on-site DLA physically/practicably impossible
Payment-in-lieu (PIL)	Possible	25% of amenity value for improving existing open space in ½ mile	Not mentioned	PIL only if on-site DLA physically/practicably impossible
Off-site provisions or dedicatn	Possible	25% of amenity value for improving existing open space in ½ mile	Possible if located in downtown commercial districts	PIL would go to fund urban amenities on town property in downtown
Town responsibilities	Dedication of open space only if town agrees. When PIL	Town to administer funds for off-site improvements. When bikeways, sidewalks selected as amenities, such will be	Not addressed	When PIL accepted, town administers PIL funds and constructs/installs

	Current LUO	Applicant's New Proposal (March 2007)	B-1(f) Subcommittee Recommendation	Staff Recommendation
	accepted, town administers funds	dedicated to town; town would maintain.		amenities on town-owned land
	Current LUO	Applicant's New Proposal (March 2007)	B-1(f) Subcommittee Recommendation	Staff Recommendation

POLICY ISSUES

Various policies regarding the downtown:

Downtown-related policies in Carrboro Vision 2020 and the adopted Downtown Design Guidelines call for increasing commercial space, incorporating residential space, encouraging and providing for alternative transportation, providing gathering spaces for socializing and special events, keeping or creating a necklace of green spaces, placemaking with plants, and incorporating the arts in the public domain. Related to scarcity of available land is the town's policy of increasing density in Carrboro generally, and in downtown particularly. Implementing all these policies, including some which conflict, presents challenges.

B1-F and Downtown Overlay District Subcommittee recommendation: Increasing density is more difficult to achieve, even with additional building height, if only 60% of the land area can be built upon. Yet, in the Carrboro Vision 2020 process, citizens repeatedly expressed the desire to keep the downtown "green and walkable."

All of these goals and objectives involve the use of limited space, both indoor and outdoor. The challenge in developing new open space regulations will be balancing these objectives.

We note that in the policy documents, there is little language regarding the quantification of open space, though landscaping, shade trees, and sidewalk networks are frequently mentioned.

We have prepared a policy comparison chart to aid in analyzing the proposals in the context of existing town policies and guidelines pertaining to the downtown.

COMPARISON TABLE RE: MEETING POLICIES AND OBJECTIVES

Town Policies/Guidelines Related to Downtown (Sources: Vision 2020 ("V"); and Downtown Business District Guidelines for Design ("DDG"))	Fulfillment of policy/guideline objectives:		
	Applicant's Proposal	B-1(f) Subcom	Staff Proposal
ECONOMIC			
Double commercial s.f. in downtown (V.3.0; 3.21)	Continues no requirements for open space or amenities (no additional expense)	N/A	Added expense since DLA/amen. requirements for all downtown development. DLA reqmt may encourage building up. More expense for residential
New commercial must minimize negative environmental impact (V.3.1)	Landscaping possible, not required	Landscaping possible, not required	Incentives to landscape (urban heat island, water quality, raingardens, green roofs) and possibly to build up; option for wildlife sustenance amenities
Downtown as economic/social/cultural center, should include public social spaces (V.3.2)	Possible, not required	Possible, not required	Requires outdoor space. Cannot legally require public access, but incentives provided.
Build up, not out (V.3.21)	Amenity values tied to amount of residential s.f., so may discourage additional floors of residential	N/A	By tying amenity value to land value, may prompt developer to maximize use of land, add floors.
Improve infrastructure (parking, sidewalks, lighting, shading) (V.3.21)	yes	yes	Yes; landscaping incentive could lead to more shading
Increase walkability and pedestrian safety/comfort (V.3.25)	possible	possible	Yes, by providing outdoor space & encouraging landscaping/access
New developments should bear the costs of ..upgrades to serve pedestrians and bicycles (V.4.52)	Possible with amenities provisions	Possible with amenities provisions	Increased likelihood with required provision of DLA and amenities. Possible with amenities provisions
SOCIAL SPACES			
Downtown as economic/social/cultural center, should include public social spaces (V.3.2) Downtown should remain center...where people work, gather, shop, socialize, and recreate (V 2.41)	Possible, not required	Possible, not required	Requires outdoor space, which could be for eating and gathering. Cannot legally require public access, but incentives provided.
When street has only..buildings constructed up to the sidewalk there is no place for people to linger...establish a minimum 6' deep zone beyond the sidewalk along the front façade...require that 50% of this area is free of building...encourage the development of the public part of this zone with amenities such as benches, chairs, plantings...other pedestrian oriented features	No outdoor space required. PIL would fund outdoor amenities on public property	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities (such as widened sidewalks, outdoor dining,

Town Policies/Guidelines Related to Downtown	Fulfillment of policy/guideline objectives:		
	Applicant's Proposal	B-1(f) Subcom	Staff Proposal
(Sources: Vision 2020 ("V"); and Downtown Business District Guidelines for Design ("DDG"))			
The goal of this guideline is not to decrease density but to encourage complex public/private interface at the ground floor level...friendly to the pedestrians and which provide places for sidewalk activity (DDG, pp.23-24)	within ½ mile		
Smaller green spaces feature special plantings or public art. Larger green spaces should be developed as outdoor rooms. These can support both formal & informal social activities and special events. (DDG, p. 11)	Neither outdoor space nor landscaping required	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities; incentives for landscaping
LANDSCAPING/PEDESTRIAN COMFORT			
There is very little green space available in the CBD which can be used by the public for informal gatherings & as landscaped pathways for pedestrian, bicyclists, and drivers...greenspace is necessary for a comfortable pedestrian environment...existing green spaces in downtown Carrboro are isolated, primarily very small, and they fail to encourage pedestrian movement from one area to another. Connect larger green spaces and smaller green spaces with landscaped pathways. Consider all vacant areas large & small as opportunities for additional green space with a goal of having at least one small green space in every block. Encourage the use of trees & landscaping for the shade & shelter of pedestrian pathways. (DDG, pp. 11-12)	Neither outdoor space nor landscaping required.	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities; incentives for landscaping (including balcony, greenroofs)
Encourage sidewalk landscaping, landscaping in the public/private setback zone...on upper floor balconies & hanging planters...discourage any reduction in the existing public green spaces (DDG, p. 47, specifically for East Main Street)	Neither outdoor space nor landscaping required.	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities; incentives for landscaping
Consider pocket parks in strategic locations...encourage preservation of existing trees...planting of new trees needed to create a regular pattern of street trees throughout the district (DDG, pp.51, 59, specifically for Historic/Commercial Area)	Neither outdoor space nor landscaping required.	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities; incentives for landscaping
Encourage grass & landscaping in front yards..25% of lot minimum left as open green space..maintain existing trees DDG, p.55, specifically for West Main/Weaver Streets)	Neither outdoor space nor landscaping required	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities; incentives for landscaping (20-25% of lot; less required if landscaped)
ARTS and CULTURE			
The town should support, fund and purchase public art...and encourage public art projects like the Public Gallery of Carrboro's Art on Weaver (V. 1.27)	If no outdoor space onsite, public art on private property not as likely, but PIL would	Possible, if both civic space and civic amenities provided; but not	DLA onsite and amenity requirements would make this possible, but not required

Town Policies/Guidelines Related to Downtown (Sources: Vision 2020 ("V"); and Downtown Business District Guidelines for Design ("DDG"))	Fulfillment of policy/guideline objectives:		
	Applicant's Proposal	B-1(f) Subcom	Staff Proposal
	allow town to purchase public art and improve open space within ½ mile.	required	
Open spaces and pathways provide opportunities for local designers, artists, & craftspeople to contribute to the making of these spaces...cultural & performance events in the outdoor areas of a downtown...help attract large numbers of people who in turn patronize the downtown businesses & bring life & activity to the streets (DDG, p.44)	No outdoor space required	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities
These kind of (periodic) events can be further encouraged in places like the Carrboro Town Commons <i>and other developed outdoor places</i> . Public art objects and events can enhance the success of downtown activities (DDG, p.44).	No outdoor space required	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities
Provide incentives for owners of buildings & businesses to commission the making of function or non-functional elements within the public realm...create performance opportunities in green public spaces (DDG, p. 45)	No outdoor space required	Possible, if both civic space and civic amenities provided; but not required	Encouraged via requirement for outdoor space and urban amenities

OTHER KEY ISSUES

In the analysis of town policies, current open space requirements for developments downtown, current conditions in the downtown, the developers' requests, and staff's draft response, all parties, including advisory boards, agree that 40 percent open space is not needed or desired for downtown residential development, and on the general types of amenities desired downtown and that recreation space requirements for residential development should remain.

However, several key issues remain:

- Are urban amenities enough, or is outdoor space needed?
- If outdoor space is required, how much?
- Valuation of urban amenities
- Type of development to which new standards should apply
- Relationship between open space and urban amenities
- Accessibility to the public
- Landscaping versus hardscape
- What are advantages and disadvantages of off-site dedication and/or payment-in-lieu?
- For substitutions, off-site improvements, and payment-in-lieu, how should value be established?

- For various options, what responsibilities will rest with the town?

Each of these issues is discussed below.

1. Are urban amenities enough, or is outdoor space needed?

Applicant's Proposal: In the applicant's proposal, though no open space would be required, open space is listed as one possible "urban amenity." A developer could also provide a pocket park, mini-plaza, courtyard, water feature, and/or plantings, all of which would be located in open outdoor space. However, at the other extreme, a developer could provide all vertical features (climbing wall, mural, historic marker), with almost no open space.

Subcommittee Recommendation: The subcommittee recommendation refers to meeting the spirit of the 40% open space requirement by providing "public space and/or amenities that enhance the downtown experience," and goes on to describe examples of both civic space and civic amenities (courtyards, plazas, outdoor seating, community gardens, wildlife feeding areas, public art, children's play equipment). No quantification scheme was included in the recommendation.

Staff response: We believe that with these proposals there is an exciting opportunity for provision of features which would enhance the downtown, benefiting not only downtown residents, but for downtown employees, customers, clients, and the public. Simultaneously, we believe that in order to meet the multiple goals listed in Carrboro's policy documents, some outdoor space should be included, and a significant portion of the outdoor space should include landscaping with shade trees. According to adopted policies, the outdoor space should also include areas for socializing, sitting, public art, and special events.

2. If outdoor space is required, how much is needed?

Current LUO: Current regulations require 40 percent open space for downtown developments which include residential use. There is no open space requirement for nonresidential development.

Applicant's Proposal: The applicant's proposal is to delete any requirement for open space. However, open space is one of several urban amenities that could be selected by a developer. On a given piece of property, the urban amenities requirement is based on the square feet of proposed residential space. In calculating the value of the total amenities package, any open space provided would be valued at double the tax-assessed value of the square feet set aside as open space.

Subcommittee Recommendation: Meeting the subcommittee recommendations for either outdoor civic space or civic amenities in most cases would involve providing on-site outdoor space. The recommendation did not include a method of quantifying the space needed.

Staff Response: We believe that requiring provision of some amount of outdoor space within the downtown, whether at ground level or on rooftops or balconies, is necessary in order to address comments from advisory boards, incorporate the B1-f and Downtown Overlay District Subcommittee recommendations, and achieve Town policies regarding the future look, feel, and function of the downtown area. Most of the civic amenities proposed in the B1-f and Downtown Overlay District Subcommittee recommendation require outdoor space, as do all the civic spaces recommended. Regarding quantification, we believe that 40 percent open space is not workable or

desirable for scarce and expensive land downtown. In reviewing existing and proposed site plans, it is evident that about half that amount is achievable. Also taking into account Carrboro's environmental, transportation, visual, cultural, and social objectives for downtown, providing some outdoor space is desirable.

In contrast to the 40% open space requirement, the staff-proposed ordinance calls for provision of 7 to 20% of land area to be set aside for downtown livability area (DLA) for developments of less than 25% residential use. It should be noted that urban livability is not the same as open space. DLA is outdoor space that can be at ground level or on a rooftop and is expected to include urban amenities. The exact percentage would depend on whether the area is landscaped and/or publicly accessible, and on the proposed amenity package value. For developments of a higher percentage of residential use, the range is 10 to 25% of land area. For comparison purposes, we note that there is a 20% open space requirement for developments in the Office/Retail Mixed Use (ORMU) zoning district in the downtown.

Of significance is the fact that under the staff recommended ordinance, outdoor dining areas, landscaping, shade trees, widened sidewalks and plazas, features already likely to be included in downtown development can count towards fulfilling downtown livability area and/or urban amenities. We believe the reduction in the land set-aside requirement for residential developments, together with requirements for urban amenities and accompanied by incentives for landscaping and accessibility, is reasonable.

3. Valuation of land and/or improvements

Current Regulations and Policies: The LUO describes specific formulae for recreation facilities and open space land value. Regarding the former, a point system is used for assigning value to various recreation improvements. Examples of recreation facilities include a tennis court (245 points), picnic shelter (37 points), and play equipment (136 points). The point system takes into account the underlying land value. Points for any recreation facility proposed by a developer, but not listed in LUO subsection 15-196(b), are also calculated taking into account the land value underneath the improvement (refer to LUO Appendix G).

Subsection 15-196(b) states that the land underneath recreation improvements cannot generally also be credited towards fulfillment of open space requirements; it does not allow double-counting the same portion of land. However, play fields and portions of bike and pedestrian paths within a dedicated non-vehicular easement may be "double-counted" as both recreation space and open space.

The minimum fee for payment-in-lieu of open space is calculated by multiplying square feet of required open space by the unadjusted Orange County tax value per square foot times the increase in the Consumer Price Index since the date of the last evaluation.

Applicant's Proposal: The applicant's proposal includes a formula for quantifying the value of amenities: cost of amenities is equal to 15% of the tax assessed land value per square foot multiplied by square feet of residential space. In the downtown, 15% of the estimated value of \$7.00-\$25.00/per square feet of land would be roughly \$1.00 - \$3.75 per square foot. This figure would be multiplied times the number of residential square feet proposed in the project.

Where open space is proposed as an “urban amenity”, the applicant’s formula would yield a value of twice the tax-assessed value of the square footage of property designated as open space (about \$14.00-\$50.00/s.f.). 10,000 square feet of residential space on a site would generate \$10,000-\$37,500 worth of amenities.

Subcommittee Recommendation: No specific formula was recommended, though a point system, similar to that used for recreation facilities, was mentioned as a possible mechanism for assigning value to civic space and civic amenities. Regarding the B1-f Subcommittee’s recommendation of a point system, within a given amenity category, there can be high variability as to size and other more subjective characteristics such as “quality.” Developing a point system and/or assigning a dollar value to livability amenities and civic amenities would present a significant challenge.

Staff Response: Bricking a courtyard costs about \$10-15/square foot. Soil preparation and landscaping with a minimum of grass and shade trees costs about \$1.25/square foot, not including gardens or irrigation systems. Green roofs cost \$10-24/square foot. The costs of sculptures, pools, play equipment, covered bike racks, picnic shelters, climbing walls, etc. are highly variable, depending on size, materials, and quality.

Illustrative Example: For a 40,000 square foot downtown development site for which over 25% of the floor area is proposed to be for residential use (20,000 s.f.), the current ordinance would require 16,000 square feet of open space, regardless of the amount of residential floor area. In addition, some recreational improvements, but no urban amenities, would be required.

Under the applicant’s proposal, no outdoor space would be required. Recreation improvement requirements would remain the same, and could be fulfilled by a private indoor gym. Thus it would be possible to provide no outdoor space. \$15,000-\$30,000 worth of urban amenities would be provided on site and \$5,000-\$10,000 would be placed in a fund for improving existing open space within ½ mile (figures depend on the underlying land value).

Under the staff proposal, using the same development example, the applicant could include 10,000 square feet of downtown livability area (DLA) and provide \$80,000 worth of amenities (based on median tax value for land downtown. This figure could be higher or lower, depending on the land value.) The \$80,000 amount could be spent to create a brick plaza, paved outdoor dining area, or courtyard (\$60,000) using half the DLA; landscape the rest with lawn and trees (\$6,250), and add an irrigation system, a fountain, sculpture, and/or outdoor furniture with the remaining \$13,750). (Landscaping would entitle the applicant to an additional reduction in the DLA, depending on the square footage devoted to landscaping. In this case, the DLA could be further reduced by 1,600 square feet.)

Under the staff proposal, if the applicant chose to reduce the land area requirement by half, he could provide 5,000 square feet of DLA and increase the value of amenities to \$120,000. Alternatively, he could reduce the DLA from 10,000 square feet to 6,700 by landscaping the DLA and making it publicly accessible, and the amenity package would still be \$80,000.

The staff proposal allows much flexibility in the required DLA (7-25% of the site) and as to the type of amenities to be installed.

Irrespective of what value level the Board of Aldermen adopts for the amenities package, at the time of permit approval, there would need to be a relatively objective method of determining compliance. In order for staff to evaluate the required minimum value of proposed amenities, we recommend that the developer provide cost estimates prior to issuance of a permit, similar to the current practice of providing construction cost estimates prior to issuance of a building permit.

4. Type of development to which new standards should apply

Current LUO Regulations: The LUO now requires 40 percent open space, and recreation improvements, for developments with any residential use included. Nonresidential developments are not required to provide open space or recreation improvements.

Applicant's Proposal: The applicant's proposal calls for no open space requirement for any downtown development, though open space may be selected by the developer as one of many possible urban amenities. Recreation space and improvements would still be provided for residential development (no change from current LUO recreation provisions).

Subcommittee Recommendation: The subcommittee recommended that the 40 percent open space requirement for residential development in the downtown be replaced with civic spaces and/or civic amenities.

Staff Response: The staff ordinance removes the open space requirement for all downtown residential development. Based on feedback from advisory board members, including the B-1(f) subcommittee, and on adopted policies, the draft ordinance was revised to establish new livability requirements for all downtown development – residential, mixed use, and nonresidential. We believe that some outdoor space is needed in order to accomplish a number of policy objectives in the downtown such as provision of social spaces; attenuation of noise, glare and heat; enhanced pedestrian and bicycle paths; beautification, etc. We believe that this requirement is not overly burdensome, given that the draft ordinance allows a range of area, as low as 7 percent, for nonresidential development, to accommodate the installation and enjoyment of urban amenities; together with the fact that several features commonly provided in commercial developments (e.g., outdoor dining space, benches, bike racks, landscaping, and shade trees) are allowed as urban amenities within the outdoor space. In addition, downtown livability area is not restricted to ground level; rooftop gardens are considered DLA with urban amenities.

Regarding site redevelopment, the draft ordinance exempts property owners who are improving existing developments to no more than 50 percent increase of their present value.

5. Relationship between open space and recreation space

Current Regulations and Policies: Under the current ordinance, recreation space is required only for developments which are partially or wholly for residential use. Thus, this issue applies only to those downtown developments which are proposed to be residential or mixed use with a residential component.

Under the LUO, recreation space is considered to be area that is designated for active or passive recreational use. It may be open outdoor space (such as a playfield or park); covered outdoor space

(such as a picnic shelter); or indoor recreation space (a weight room or racquetball court). Recreation space is not required to be accessible to the public.

Open space is an outdoor area that is not encumbered with any substantial structure; not devoted to use as a roadway, parking area, or sidewalk; not part of a privately owned residential lot; and is legally and practicably accessible to the general public or to the residents of the development where the open space is located.

Recreation space in a development cannot be counted as open space, and vice-versa. However, Subsection 15-196(i) states that recreation facilities requirements in residential developments in the B-1(c), B-1(g), B-2, and CT zoning districts may be satisfied by alternative amenities, such as sculpture, fountains, benches, and mini-parks.

Meeting recreation space requirements entails the use of a point system (please see LUO subsection 15-196(b) and LUO Appendix G). When the points were calculated by the town for each type of recreation facility, the value of the land underneath the facility was accounted for. Points for any recreation facility proposed by a developer, but not listed in 15-196(b), are calculated taking into account the land value underneath the improvement.

Subsection 15-196(h) states that the land underneath recreation improvements cannot generally also be credited towards fulfillment of open space requirements; it does not allow double-counting the same portion of land. However, playfields and portions of bike and pedestrian paths within a dedicated non-vehicular easement may be double-counted as both recreation space and open space.

Applicant's Proposal: The applicant proposes substitution of urban amenities only for open space; recreation space requirements would remain the same.

Subcommittee Recommendation: The subcommittee listed a number of possible civic spaces and/or civic amenities as substitutes for open space; recreation space requirements would remain the same.

Staff Response: We note that in both proposals, some of the amenities and spaces proposed as substitutes for open space are recreational in nature. The current ordinance already provides that in these downtown zoning districts, urban improvements such as street furniture and public art may be installed in lieu of more typical recreation improvements.

We recommend removing the LUO section which allows street furniture and public art to be counted as recreation improvements. We recommend a more inclusive approach. Under the draft ordinance, when recreation features such as climbing walls, picnic tables, street furniture, and equipment for outdoor games are proposed which meet criteria for urban amenities, we recommend that a developer be able to fulfill up to half the recreation facilities requirements with these same features.

6. Accessibility to the Public

Current Regulations and Policies: While recreation space is to benefit primarily the residents within a particular residential development, the LUO specifies that open space associated with the development must benefit the general public as well. The provisions list passive recreation and

preservation of special habitats or features among some of the objectives for open space designation. However, public accessibility is not required.

Applicant's Proposal: The applicant's proposal states or assumes that most of the listed on-site amenities would be publicly accessible. In addition, the proposal calls for one-quarter of the amenity value to be placed in a fund for improvement of public open space within ½ mile of the downtown.

Subcommittee Recommendation: The subcommittee recommendation clearly states that both civic space and civic amenities should be publicly accessible.

Staff Response: Public accessibility cannot be required. The staff proposed draft ordinance includes incentives for making the downtown livability space publicly accessible.

7. Landscaping and Hardscape (Buildings and Pavement)

Current Regulations: For developments with a residential component, the LUO requires 40% of the land area be preserved as open space, with no buildings or pavement, with the exceptions of bikeways and sidewalks. Open space is typically comprised of wooded areas, landscaped areas, lawn, or other vegetation.

Applicant's Proposal: The applicant's proposal calls for provision of amenities, with no requirement for outdoor space to be set aside, nor for landscaping.

Staff Proposal: We note that at the same time town policies call for increasing density and commercial development, they also call for providing landscaping and shade trees as relief from the hardscape for environmental, comfort, and visual reasons; and for providing outdoor space for social gathering, entertainment, and artistic expression (please see the chart on pages 6 and 7 of this report for a summary of these policies).

We believe that the draft ordinance strikes a balance between the competing policies by reducing required outdoor space for residential developments and by encouraging, but not requiring landscaping. If the DLA is landscaped, accessible, and has a high-value urban amenity array, a development with more than 25% of floor area for residential use could have a DLA requirement as low as 8.4% of the site; and a development with less than 25% of floor area for residential use, could have a DLA requirement as low as 6.7%. It is worth noting that the landscaping is not restricted to ground level, but could be installed on roof tops and/or balconies. We anticipate that with land scarcity in the downtown, these incentives would encourage establishment of green space in the downtown. With the flexibility of several options within the draft provisions, we believe that landscaping could occur without creating a significant burden to developers.

8. On-Site Provision of Open Space vs. Off-site dedication and/or Payment-in-lieu

Current Regulations and Policies: Current LUO regulations state that subdivided residential developments of less than 15 dwelling units are exempt from the open space requirements unless the town agrees to accept an offer of open space dedication. In addition, the town, if it determines that it will be possible to provide usable nearby open space reasonably expected to benefit or serve the residents of the development, may allow the developer to make a payment-in-lieu to the town's

open space and recreational facilities fund. The minimum fee is calculated by multiplying square feet of required open space by the unadjusted Orange County tax value per square foot times the increase in the Consumer Price Index since the date of the last evaluation.

Applicant's Proposal: The applicant's proposal calls for the provision of funds for improvements to existing open space within ½ mile of the downtown.

Subcommittee Recommendation: The subcommittee's recommendation states that civic amenities could be provided "by a project separately or in the context of a civic space....amenities may be provided off-site, but must be located somewhere else in the downtown commercial districts."

Staff Response: We offer the following list of advantages and disadvantages of payment-in-lieu for off-site open space.

Advantages:

- Allows the town flexibility as to timing, type, quality, mix, and location of improvements
- Helps fund development of existing sites

Disadvantages:

- Limited amount of open space/rec space in town now within ½ mile
- ½ mile is further than some people would travel to enjoy the enhanced outdoor space
- If outdoor space not provided on site, less gathering will occur within the actual downtown
- Once space is built upon, the downtown outdoor space is permanently lost, reducing chances for "necklace of green spaces," "place making with plants," etc.
- Requires town administration/tracking of funds, as well as purchase, construction, and/or installation of site improvements
- If funds not used promptly, value of funds depreciates (diminished result for the dollars contributed)
- Construction of improvements by the town is expensive if need more than in-house resources
- Administrative costs/burden

Regarding the relationship between payments-in-lieu and areas which might be enhanced with open space/recreation funds, the following town-owned properties are within one-half mile of downtown:

- Baldwin Park (2.5 acres): adjacent to downtown
- Brewer Lane Mini Park (1 acre): adjacent to downtown
- Carrboro Elementary School Park (3 acres): 0.5 mile
- Century Center: located downtown
- Libba Cotten Bikeway: adjacent to downtown
- Town Commons (1.7 acres): adjacent to downtown
- Wilson Park (8.5 acres): 0.5 mile

We believe that when possible, amenities should be provided on the site, so that people can enjoy the amenities as part of the downtown experience, and to remove the town from administrative and construction obligations as much as possible. We believe the payment-in-lieu option should be

available only in unusual circumstances preventing onsite improvements. The draft ordinance reflects this recommendation.

9. Valuation of substitutions, off-site improvements, and PIL

Current LUO regulations: Current regulations for residential projects call for 40% of the site to be designated as open space. Tax-assessed value of land ranges from about \$7.00-15.00/square foot in the downtown. If the town accepts a fee in lieu of actual open space, the minimum fee is calculated by multiplying the square feet of open space otherwise required x the adjusted tax value of the land/square feet.

There are no site improvements required for open space.

A point system, in part determined by the underlying land value, is used for calculating requirements for recreation space improvements.

Applicant's proposal: The applicant's proposal, which applies only to residential development, calls for site amenities only (no outdoor area requirement). The amenities' value would be calculated as follows: 15% x (tax assessed land value/square feet) x square feet of proposed residential development. (Please see Key Issue #3 above for more on calculating the required amenity value.) The value of the amenities package would be applied both on-site and off-site. Three-quarters of the value of the amenities requirement would be applied to on-site improvements. The remainder would go into a fund to improve existing open space within ½ mile of the downtown.

B1-f Subcommittee: The committee recommended that the scope of the provision should be proportional to the size of the property and/or the proposed project. No quantification scheme was described, other than the suggestion of using a point system similar to that used in calculating recreation improvement requirements.

Staff response: We recommend the amenity value be calculated as a percent of the site x the tax assessed land value, so that developers are not penalized for increased floor area, and so that even projects with no floor area, such as a parking lot or parking deck, would provide landscaping and/or green roofs, public art, and other amenities. Also under this formula, on-site improvements would be required unless on-site provision is physically impossible or impracticable, in which case a payment-in-lieu could be accepted. The value of off-site improvements would equal the tax assessed land value of the DLA *not* provided on site, plus the value of the amenities that would otherwise have been required on the site. The funds would go into a downtown livability area and urban amenities fund for enhancing the downtown area.

10. Responsibilities of the Town

Current LUO provisions: The payment-in-lieu option for open space or recreation improvements is used in cases when the development is very small scale (less than 15 units). When a payment is accepted in lieu of providing open space or recreation improvements, the town is responsible for administering the funds and then acquiring or improving public property.

Applicant's proposal: Under the applicant's proposal, the town would be in the position of accepting funds for every residential project downtown.

B1-f Subcommittee: The committee recommendation did propose off-site amenities as an option, as long as they were located in the downtown, but did not address ownership of the receiving site, nor whose responsibility it would be to install the off-site amenities.

Staff response: We recommend the attached draft ordinance in which the default scheme is provision of DLA and urban amenities on the site. The PIL option would be for extreme cases of unforeseen circumstances in which on-site provision would be physically impossible or impracticable. Thus, we believe there will be few cases in which a PIL would be accepted, and thus the town would rarely be responsible for administering funds and constructing/installing improvements. We recommend provision of improvements on site when possible, for the reasons listed in the previous section, pages 15 and 16 of this report.

Recommendation From Orange County and from Carrboro Advisory Boards

This item was referred to Orange County, the Carrboro Planning Board, Economic Sustainability Commission, Transportation Advisory Board, Appearance Commission, and the Environmental Advisory Board. The comments from these boards are attached (*Attachment L*).

STAFF RECOMMENDATION

We recommend adoption of the staff recommended text amendment which calls for provision of both outdoor space and urban amenities instead of 40 percent open space, and which would apply to nonresidential development as well as residential development. We believe this text amendment responds not only to the B1-F and Downtown Overlay District Subcommittee recommendation, but also to advisory board comments in March and May, as well as a number of town policies, as enumerated in the policy chart included in this report. (Please see the recommendation on the accompanying abstract.)



B-1(f) and Overlay District Subcommittee
TOWN OF CARRBORO
RECOMMENDATION STATEMENT
05/04/2005

WEDNESDAY, MAY 4, 2005

LIVABILITY PROVISION FOR DOWNTOWN COMMERCIAL AREAS

MOTION WAS MADE BY NATHAN MILLAN AND SECONDED BY BLAN HOLMAN THAT THE B-1(F) REVIEW SUBCOMMITTEE RECOMMENDS THAT THE BOARD OF ALDERMEN ACCEPT THE RECOMMENDATIONS OUTLINED BELOW:

The Committee recommends the 40 percent open space requirements for residential projects in downtown zones be repealed and replaced with a **Livability Provision** for any projects in the downtown having a residential component.

We believe, however, that some sort of contribution to the public realm by downtown residential projects, analogous in spirit to the 40 percent Open Space requirement, would serve the public health, safety, and welfare. We propose that residential developments in the Downtown commercial zones be required to make a contribution to the livability of the downtown by the provision of public space and/or amenities that enhance the downtown experience. This provision would serve some or all of the following important objectives, to the benefit of both residents of the Downtown and the general public who come there to work, shop, dine or enjoy the recreational opportunities available:

- 1) It can help to relieve the pressures of the busy, high-density built environment.
- 2) It can help reduce the "heat island" effect in an area of considerable paved surface.
- 3) It can provide relief from the press of multi-floor buildings against the pedestrian realm.
- 4) It can provide gathering space that will facilitate various kinds of social activity and help to build a greater sense of community.
- 5) It can provide habitat for wildlife in the Downtown.
- 6) It can help to manage storm water in the Downtown.
- 7) It can provide opportunities for artistic expression that enrich the physical fabric of the Downtown

The committee proposes two types of Livability Provision that can be provided by a project, *Outdoor Civic Space*, and/or *Civic Amenities*, examples of which are listed below.

The committee has not quantified how the scope of the provision would be determined, only that it should be in proportion to the size of the property and/or proposed project. We suggest the format for such quantification could be similar to the point system used for the Town's Recreation Space requirement. Amenities may be located off-site, but must be located somewhere else in the downtown commercial districts.

Listed below are *examples* of both kinds of provision. The list is not intended to be either fully prescriptive or proscriptive but to illustrate a broad range of possibilities. An applicant could satisfy the requirement with one or with a combination of features. This ordinance should be written to allow

latitude in how the objectives listed above are satisfied, and to give both Staff and the Board of Aldermen guidance in determining that proposed civic space or amenities meet one or more of the objectives.

Outdoor Civic Space

The following are examples of Outdoor Civic Space.

- 1) Outdoor public space where people can enter, sit, interact, play, or engage in an activity, such as playing music, dancing, playing chess, climbing, etc. This space can include:
 - a. pocket parks & mini-plazas (these may be thought of as "outdoor rooms")
 - b. courtyards, mews and atriums
 - c. space under a street-side colonnade
 - d. sidewalk width in excess of the 10' downtown standard; sidewalk dining space; stairs wide enough that people can sit & socialize without impeding circulation.
 - e. sanctuary or meditation grotto
 - f. a memorial area
 - g. seating niches included within a building's contours

This space must be accessible both to residents of the project and to the public as well, and must be universally accessible from the street or sidewalk.

- 2) Bike and/or pedestrian link to town parks or path systems.
- 3) Pedestrian Alleys that link other paths of travel.
- 4) Urban Community Gardens – a group of small plots that may be gardened by individuals.
- 5) Urban Natural Areas designed to attract & sustain wildlife, such as a butterfly garden or bird feeding/roosting area.

Civic Amenities

The following are examples of Civic Amenities that could be provided by a project separately or in the context of a Civic Space. They should be accessible to the public as well as to residents of a project.

- 1) Water feature (reflecting pool, fountain, etc) with appropriate seating.
- 2) Free-standing work of art, or artwork incorporated into the building, that is accessible to the public.
- 3) Recycled architectural elements incorporated into a building façade.
- 4) Planting beds or wells for street trees, and living trees maintained within them.
- 5) Historic feature, marker or memorial piece, such as a plaque or other form of remembrance.
- 6) Play equipment for children.
- 7) Climbing wall.
- 8) Furniture for seating, playing games, dining, changing of diapers, etc.
- 9) Arbors, pergolas and trellis for live plants.
- 10) A green roof of a minimum percentage of a project's size, maintained in healthy condition, could also satisfy this requirement.

Vote: AYES (8) (Carnahan, Clinton, Gist, Holman, Milian, Morgan, Rivest, Zaffron); NOES: (0); Abstentions: (0)



B-1f Subcommittee Chair

June 7, 2005
Date

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	5.94
Two Bedroom	9.47
Three or more Bedroom	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)

- (i) The active recreational facilities requirement for developments located in the B-1 (c), B-1 (g), B-2, and CT zoning districts may be satisfied by alternative amenities, such as, but not limited to, sculpture, fountains, benches, and mini-parks. The point value of any alternative amenities shall be determined using the methodology set forth in Appendix G. **(AMENDED 4/8/03)**

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)**

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(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)**

Section 15-198 Open Space. (AMENDED 04/24/84; 03/26/85; 12/10/85; 11/11/86; REWRITTEN 06/27/95; 06/20/06)

(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; 6/20/99)**
 - 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 and R-MU districts 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 and OR-MU districts 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; 06/20/06)**

(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: **(AMENDED 6/20/06)**

- (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)**

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(5) Notwithstanding the foregoing, the playfield requirement will not apply to residential mixed use developments located within the OR-MU zoning district.

(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).

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(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 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

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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 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

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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 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.

ORANGE COUNTY PLANNING & INSPECTIONS DEPARTMENT

Craig N. Benedict, AICP, Director

**Comprehensive Planning
(919) 245-2589
(919) 644-3002 (FAX)
www.co.orange.nc.us**



**306F Revere Road
P O Box 8181
Hillsborough,
North Carolina, 27278**



May 2, 2007

Kendall Brown
Planning & Zoning Development Specialist
Town of Carrboro
301 W. Main St.
Carrboro, NC 27510

SUBJECT: Joint Planning Review of Proposed Ordinance Amendment

Dear Kendall:

Thank you for the opportunity to review the following proposed amendment to the Town's Land Use Ordinance proposed for public hearing on May 22, 2007:

- 1. The Land Use Ordinance text would be amended to remove requirements regarding open space for all residential developments in the downtown, and add requirements for downtown livability area and urban amenities in all downtown developments.*

Section 2.6.C of the Joint Planning Agreement specifies that objections to proposed amendments to the Town's Land Use Ordinance "...**shall be based on a determination by Orange County that the proposed amendment is inconsistent with the adopted Joint Planning Area Land Use Plan.**" We have no comment on the proposed amendment as it pertains to an area outside the Town's Joint Planning Transition Areas.

Sincerely,

A handwritten signature in cursive script that reads "Gene Bell".

R. Eugene Bell, AICP
Planning Systems Coordinator

cc: Laura Blackmon, County Manager
Craig Benedict, AICP, Planning Director
Donna Davenport, Administrative Assistant II

Town of Carrboro Planning Department



MEMORANDUM

Date: May 1, 2007
 To: Board of Aldermen
 From: Environmental Advisory Board (EAB)
 Through: D. Will Autry, Environmental Planner
 Copy: Kendal Brown, Planner/Zoning Development Specialist
 Marty Roupe, Development Review Administrator
 Subject: Land Use Ordinance Text Amendment - Downtown Livability Area Requirements for Developments in the Downtown

On March 1st and May 3rd 2007, Planning Department staff presented proposals for downtown livability amendments to the Land Use Ordinance for joint review at Town Hall. Based on those presentations, the EAB recommends the following:

1. That priority be given to preserving green space downtown or banking payments in lieu to purchase open space within a half mile of the project site, and that, to meet the spirit of the open space requirement as outlined in Section 15-198(a) of the Land Use Ordinance (LUO), the final language of the downtown livability provisions require that amenities have demonstrable environmental benefits (as outlined in Section 15-204(a) 1-5 of the draft ordinance).
2. That it is necessary to list out examples of ways in which a developer could meet the various objectives. For example, "to provide relief from the high-density built environment (for example by mitigating urban temperature...);" possibilities include but are not limited to increased percentages of shade trees in parking lots, cool roofs with certain levels of solar reflectance and thermal emittance, green roofs, deciduous trees planted to the west and southwest of buildings, and deciduous vines planted on trellises to shade west and east facing walls and windows.
3. That the objectives outlined in Section 15-204(a) 6-7 of the proposed amendment be removed. "Opportunities for artistic expression or the enjoyment of same," as well as, "opportunities for social gathering," are more appropriately addressed in the recreation space requirements of the land use ordinance (Sections 15-198 through 15-203).
4. That payment in lieu, totaling 15%* of the residential value of the property, to a fund for urban open space (as proposed by Mr. Jack Haggerty), is preferred to the requirement of on-site urban amenities. If payment in lieu is not chosen by the developer, no less than 10%* of the land area of the property must be set aside, in a prominent location, for urban amenities. A higher percentage of land (i.e. 15%* should be required if such amenities are not accessible or appreciable to the public to encourage public accessibility). Urban amenities must total 12%* (or some % less than

15%* that takes into account the loss of land associated with delivering on-site amenities) of the residential value of the property. In other words developers pay only the 15%* and give up no land if they make the payment in lieu, so if they choose to do on-site amenities and give up 10%* of the land, they should pay something less than the full 15%*). If the full 12%* is not used on such amenities, the remainder shall go to a fund that can be used by commercial developers to purchase urban amenities for placement on voluntarily contributed land for use by the public. Commercial only developments, defined as 100% commercial and 0% residential, will therefore not be required to take part, but will be encouraged to contribute some publicly accessible open space on which they can provide amenities which will be paid for from the above mentioned fund.

5. * **That all percentages and formulas, which at this point seem somewhat arbitrary, be adequately tested in realistic scenarios before this ordinance is adopted.** The intent of the proposal is to allow maximum use of scarce downtown buildable space, to hold down development costs, and to encourage downtown development and redevelopment. In order to achieve this goal, the urban amenities would have to cost much less than the 40% open space would have, and that does not appear to be the case.

6. The following is a partial list from a May 3rd Planning Department staff memo (attached) identifying remaining key issues (**bold**), and the EAB's comments on each (*italics*):

- **Should urban amenities partially or wholly substitute for open space?**
Urban amenities could substitute for open space if the associated environmental benefit can be measured and deemed to be offsetting.
- **If land area is required, how much?**
(See comments (4) and (5) above.)
- **Valuation of urban amenities**
(See comments (4) and (5) above.)
- **Type of development to which new standards should apply**
- *The new standards should apply to residential development only as outlined in comment (4) above.*
- **Relationship between open space and urban amenities**
(See comment (4) above.)
- **Accessibility to the public**
Encourage public accessibility of on-site open space by requiring significantly more area (+5%) to be set aside for those amenities that are private. Since the alternative is setting aside land on top of the percentage taxed for residential value, the plan outlined in comment (4) above will encourage payment in lieu, which will provide publicly accessible open space,
- **Landscaping versus hardscape**
In general, landscaping is preferred to hardscape. An exception would be hardscape dedicated to sidewalks or bikeways.
- **What are advantages and disadvantages of off-site dedication and/or payment-in-lieu?**
Advantages include larger tracts of cheaper land available. Also, developers will have more flexibility. Disadvantages include having to keep track of payment-in-lieu funds.

Please note that no participating advisory board members have any direct, substantial financial interest in the approval of these amendments.

VOTE via email: Formal vote not yet completed.

Tom Cors, Chair May XX, 2007

CARRBORO TRANSPORTATION ADVISORY BOARD**RECOMMENDATION****May 3, 2007**

SUBJECT: LUO Text Amendments re: replacing open space requirements for residential developments in the downtown with requirements for urban amenities and/or downtown livability area.

COMMENT: The Board felt an amendment regarding urban amenities and/or downtown livability space needed careful consideration, as it had the potential to affect the appearance and function of the downtown for years to come. Absent examples of possible results from enactment of either proposed amendment, the Board was reluctant to endorse either text amendment as written.

MOTION: That the Transportation Advisory Board (TAB) recommend that the Carrboro Board of Aldermen adopt a text amendment along the lines of the applicant's proposal, applying only to residential development, with a simple formula, and encouraging commercial development in the downtown.

Moved: O'Leary

Seconded: Perry

VOTE: **Passed:** 7 – 0: Ayes (Deming, High, Amoni, de Nazelle, Hileman, O'Leary, Perry);

Noes (None).

ADDITIONAL COMMENT: In the review of the effects of either text amendment on an individual lot, the Board recognized that parking requirements (by lenders, tenants, and/or the town) strongly influence the lot layout, restricting opportunities for increased floor area. To further the town's goal of increasing commercial floor area in the downtown, the Board encouraged the town to explore options for funding and constructing parking deck(s).

Heidi Perry by KB
Transportation Advisory Board Chair

May 10, 2007
Date



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

R E T O M M E N D A T I O N

MAY 3, 2006

Ordinances Amending the Land Use Ordinance to Replace Open Space Requirements for Development in the Downtown

Motion was made by Rich Bell and seconded by Seth Chadbourne that the Planning Board finds that after reviewing the draft ordinances submitted by Jack Haggerty and prepared by staff and entitled "An Ordinance Amending the Carrboro Land Use Ordinance as it Pertains to Downtown Livability Area (DLA) and Urban Amenities (UA) Requirements," it believes that both DLA and UA should be included and should apply to all projects in downtown and that the Board of Aldermen should adopt the version of the draft ordinance establishing such requirements prepared by staff subject to the following modifications:

- value of the urban amenities as recommended by should be reduced
- amount of downtown livability area should be reduced
- both UA and DLA should be reduced when affordable housing is provided
- incentive for creation of publicly accessible space should be increased
- provision of off-site UA and DLA allowed to meet up to 25 percent of the requirements as provided in the applicant's draft ordinance
- tree islands alone should not be considered DLA
- small lots should be excluded

VOTE: AYES: (10) (Barton, Bell, Carnahan, Chadbourne, Clinton, Fritz, Lavelle, Paulsen, Poulton, West); ABSENT/EXCUSED: (0); NOES (0); ABSTENTIONS (1) (Cook)

Associated Findings

By a unanimous show of hands, the Planning Board membership also indicated that no members have any financial interests that would pose a conflict of interest to the adoption of this amendment.

Furthermore, the Planning Board of the Town of Carrboro finds that the land use regulations and procedures should be consistent with Carrboro Vision 2020, particularly policies 2.41, 2.42, 2.43, and 3.1 related to protection of the town's character and expectations for new development and the Carrboro Downtown Business District Guidelines for Design provisions relating to green spaces (p. 11) and sidewalk amenities (p. 25).

Motion in support of this finding was made by James Carnahan and seconded by David Clinton.

VOTE: AYES: (10) (Barton, Bell, Carnahan, Chadbourne, Clinton, Cook, Fritz, Lavelle, Paulsen, Poulton, West); ABSENT/EXCUSED: (0); NOES (0); ABSTENTIONS (0)

James Carnahan, Chair

May 18, 2006
(date)

Main Street Properties of Chapel Hill LLC

PO Box 2152
Chapel Hill, NC 27515
919-923-4343
919-933-6776 (fax)
mainstreetproperties@mindspring.com

5/18/07

To: Carrboro Board of Aldermen
From: Laura Van Sant

I will be unable to attend your meeting Tuesday but would like to pass along a few thoughts regarding the proposed downtown livability requirements.

First, I'd urge you to not implement the requirements at all for commercial development. Attracting commercial development downtown already is a tall order, due to such factors as high land prices, distance from major highways and a challenging regulatory system, to name a few. Burdening downtown commercial development with a new requirement that doesn't apply to other areas of Carrboro would only make it harder to achieve your goal of doubling your commercial square footage downtown.

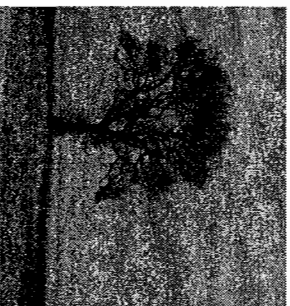
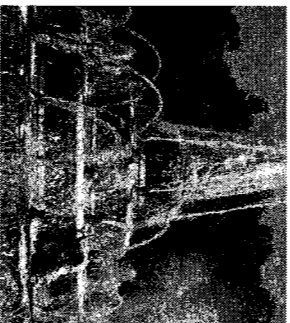
If you decide to implement this proposal, I hope you'll consider a few changes:

1. Reduce the livability area percentage. The model for downtown livability space in Carrboro has got to be the Weaver Street Market lawn, and it's not even close to comprising 20 percent of Carr Mill Mall's property. If every development had 20- or 25-percent open space, downtown would begin to resemble a suburban office campus. A more appropriate standard would be 20 percent for residential (matching what you just did behind the cement plant) and 10 percent for commercial.
2. Find a fairer benchmark for urban amenities than relating it to property values. Just as an example, the tax value per acre of our property on East Main Street is more than twice that of the old farmers' market lot on Roberson Street. This recommendation would mean that a development on Main Street would require twice the park benches, fountains and other amenities as an identical one two blocks away. That makes no sense at all.
3. Develop a point system or some other mechanism for quantifying amenities that isn't tied directly to a dollar amount. Aside from being ripe for abuse (it wouldn't be hard to get some paperwork to say a \$200 park bench really cost \$500), a monetary target doesn't necessarily lead to the desired outcome. A developer could buy one overpriced piece of sculpture and call it a day, but that wouldn't meet many of the objectives of this proposal.
4. If you want to encourage building parking decks instead of parking lots downtown, exempt the land devoted to structured parking from the calculations

for livability area and urban amenities. A developer building structured parking is already contributing to downtown livability simply by putting something more interesting than a sea of cars on part of his or her land.

I propose these changes despite the fact that our 300 East Main proposal would have no trouble meeting the ordinance as the staff has recommended. But I still believe it would be a bad ordinance for downtown Carrboro because it would discourage other new development and would force development that does occur to adhere to an open-space model that is inappropriate for a downtown setting.

DLA



Residential	25% -->	12.5%	10 %	8.3%
	25%	X	20%	16.7%
	25%	X	X	X
Commercial	20% -->	10%	8%	6.7%
	20%	X	16%	13.4%
	20%	X	X	X
	Basic amenities	Deluxe amenities	Landscaping or access	Landscaping & access