



# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Meeting Agenda Board of Aldermen



---

Tuesday, June 10, 2014

7:30 PM

Board Chambers - Room 110

---

### 7:30-7:35

#### A. REQUESTS FROM VISITORS AND SPEAKERS FROM THE FLOOR

1. **14-0201** A Request to Consider the Immigrant Heritage Month Resolution - Foward.US

#### B. RESOLUTIONS, PROCLAMATIONS, AND ACKNOWLEDGEMENTS

### 7:35 - 7:40

#### C. CONSENT AGENDA

1. **14-0199** Approval of Previous Meeting Minutes

#### D. OTHER MATTERS

### 7:40-8:00

1. **14-0200** Update from the NCLM Regarding the Status of Hydraulic Fracturing and Exploration of Natural Gas in North Carolina - Sarah Collins

### 8:00-8:30

2. **14-0191** Presentation of Ideas for the Martin Luther King Jr. Park

PURPOSE: The purpose of this agenda item is for Tamara Sanders of Bicycle Pump Track, Maria Hitt of the Orange County Partnership for Young Children and Jeff Danner to share ideas for the development of Martin Luther King Jr. Park.

### 8:30-8:50

3. **14-0198** Consideration of a Resolution Approving the NCNGN-AT&T Master Network Development Agreement

PURPOSE: The purpose of this item is for the Board of Aldermen to receive information on the North Carolina Next Generation (NCNGN) - AT&T Master Network Development Agreement and then to consider a

resolution approving the AT&T Master Network Development Agreement.

**Attachments:** Attachment A  
Attachment B

**8:50-9:10**

4.       **14-0194**       Update the Board on the ESC's work plan for updating the Local Living Economy Task Force Recommendations and relaunching a Think Local First Campaign

**Attachments:** A RESOLUTION TO UPDATE THE LLETFF RECOMMENDATIONS  
Status Report of Local Living Economy

**9:10-9:40**

5.       [14-0196](#)       Work Session on Proposed General Use Zoning Strategy for NSA Implementation

PURPOSE: The purpose of this item is to provide the Board of Aldermen with an opportunity to further discuss a possible new mixed-use zoning classification as part of the strategy to implement recommendations from the Northern Study Areas Plan Implementation Review Committee (NSAPIRC).

**Attachments:**   [Att A - Resolution](#)  
                      [Att B - Staff Memo](#)  
                      [Att C - Excerpts from Article X of the LUO](#)  
                      [Att D- Excerpts from Article II of the LUO](#)

**E.       MATTERS BY TOWN CLERK**

**F.       MATTERS BY TOWN MANAGER**

**G.       MATTERS BY TOWN ATTORNEY**

**H.       MATTERS BY BOARD MEMBERS**

A RESOLUTION REGARDING SUPPORT FOR IMMIGRANT COMMUNITIES, CELEBRATION OF IMMIGRANT CONTRIBUTIONS, AND THE ESTABLISHMENT OF IMMIGRANT HERITAGE MONTH

WHEREAS, The Town of Carrboro has vibrant and healthy immigrant communities; and

WHEREAS, The encouragement of our immigrant communities is critical to preserving our legacy as a nation of immigrants; and

Whereas, the Town of Carrboro has long shown support for immigrant communities by calling for the reform of US Immigration Law and Policy, working to defeat wage theft, offering training programs for immigrant workers, adopting a policy that the Carrboro Police Department will not seek to arrest persons when the sole basis for arresting such persons is that such persons have or may have committed a civil immigration violation; and,

WHEREAS, A healthy local economy and society is one that fully appreciates the contributions of all of its residents; and

WHEREAS, Official recognition and celebration of the contributions of often marginalized groups is necessary for an inclusive city; and

WHEREAS, North Carolina and Carrboro's leadership in the global economy necessitates that the Board of Aldermen be a leader on issues of immigration; and

WHEREAS, Carrboro has a demonstrated legacy of advocating social justice and a commitment to an inclusive society; and

WHEREAS, Diversity, bilingualism, and exposure to other cultures serves to strengthen our city and our society in the interconnected world of the 21<sup>st</sup> Century,

NOW, THEREFORE, BE IT RESOLVED that:

Section 1- The Board of Aldermen of the Town of Carrboro supports and encourages its immigrant communities; and

Section 2- The Board of Aldermen of the Town of Carrboro reaffirms its commitment to representing and engaging with its immigrant residents; and

Section 3- The Board of Aldermen of the Town of Carrboro, in keeping with this commitment to its immigrant residents, supports efforts in Congress to advance commonsense, comprehensive, bipartisan immigration reform; and

Section 4- The month of June shall hereafter be celebrated as Immigrant Heritage month in Carrboro.

Section 5- Upon passage, a copy of this resolution shall be sent by mail to the mayors and legislative councils of Chapel Hill, Charlotte, Raleigh, Boone, Greensboro, Durham, Hillsborough, Rocky Mount, Asheville, and Winston Salem; and

Section 6- This resolution shall become effective upon successful passage.





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 14-0191

**Agenda Date: Version: 1**  
6/10/2014

**n Control:**  
Board of Ald

**Status:**  
Agenda  
Ready ☐  
**nFile Type:**  
Abstra

---

### TITLE:

Presentation of Ideas for the Martin Luther King Jr. Park

**PURPOSE:** The purpose of this agenda item is for Tamara Sanders of Bicycle Pump Track, Maria Hitt of the Orange County Partnership for Young Children and Jeff Danner to share ideas for the development of Martin Luther King Jr. Park.

**DEPARTMENT:** Recreation and Parks Department

**CONTACT INFORMATION:** Anita Jones-McNair - 918-7381 and Wendell Rodgers - 918-7371

**INFORMATION:** The first community input session for the Martin Luther King Jr Park design was held Wednesday, June 4<sup>th</sup>. The ideas expressed included maintaining the natural beauty of the park and incorporating more natural and passive opportunities for children and families.

Prior to the input session, several ideas surfaced for the development of Martin Luther King Jr Park. Alderman Haven-O'Donnell felt it would be beneficial to hear more about these ideas.

Tamara Sanders wants to educate the Board and community the concept of a pump track, the benefit to folks of all ages, and how it integrates into and bolsters our already biking community.

Maria Hitt will provide an update on the community gardens currently located on the park property. Jeff Danner has been working with Alderman Haven-O'Donnell, the NC Botanical Garden, the Xerces Foundation and the Pollinator Partnership on a proposal for a pollinator garden as an addition and companion to the community garden.

**FISCAL & STAFF IMPACT:** None at this time.

**RECOMMENDATION:** It is recommended that the Board of Aldermen accept the information, share information the with master plan consultant Derek Williams of Site Solutions and provide staff direction.





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 14-0198

**Agenda Date:** Version: 1  
6/10/2014  
**In Control:**  
Board of Al

**Status:** Other  
Matters  
**File Type:**  
Abstr

---

### TITLE:

Consideration of a Resolution Approving the NCNGN-AT&T Master Network Development Agreement

**PURPOSE:** The purpose of this item is for the Board of Aldermen to receive information on the North Carolina Next Generation (NCNGN) - AT&T Master Network Development Agreement and then to consider a resolution approving the AT&T Master Network Development Agreement.

**DEPARTMENT:** MO-IT

**CONTACT INFORMATION:** Andy Vogel, 919-918-7305, Michael Brough, 919-929-3905

**INFORMATION:** The North Carolina Next Generation Network (NCNGN) represents a regional effort by six municipalities and four major universities to work with current and potential network service providers to enhance economic development and address the digital divide by accelerating the deployment of ultra-high-speed broadband networks and internet access. The Towns of Carrboro, Chapel Hill and the University of North Carolina have worked closely in support of these efforts.

On May 13<sup>th</sup>, the Carrboro Board of Aldermen held a work session to receive information and to hold a discussion on the NCNGN negotiated AT&T Master Network Development Agreement. Board of Aldermen input was received by Town staff. Following this meeting, Town staff joined by the Town Attorney had further discussions with AT&T, as well as the NCNGN Program Director to address the feedback given by Board members during the work session. These further discussions did not produce any further build out commitments for public benefits beyond what had been established in the AT&T Master Network Development Agreement.

AT&T, or any other incumbent or new entrant, in North Carolina may proceed with a demand based build out with or without the support of local governments. NCNGN has been negotiating with AT&T, on behalf of member municipalities, over the past year to create an agreement that offered municipalities a potential for public benefits in trade for a speedy and predictable build out for AT&T. These potential public benefits are only being offered to NCNGN communities through the AT&T Master Network Development Agreement. These additional potential NCNGN-AT&T negotiated public benefits are not being offered to municipalities in other North Carolina AT&T build out areas.

There are four potential benefits being offered with the AT&T Master Network Development Agreement. NCNGN members have chosen to allocate these potential benefits roughly proportionally to population size.

---

The potential benefits across all municipalities include free 1 gigabit per second service to up to 100 community sites, free 3Mbps internet access for up to 10 eligible low income multi-dwelling unit apartment buildings with 45 - 300 living units, pre-wiring up to 100 commercial buildings that serve small and medium-sized businesses and optionally have the Town share installation costs with AT&T for free wireless internet for the public (that would be monetized through ads by AT&T). Carrboro does not qualify for all of these potential benefits per the terms of the agreement (such as the multi-dwelling unit apartment buildings). NCNGN members are working with the Town of Carrboro to trade benefits that will be usable by the Town of Carrboro per the terms of the AT&T agreement. By trading with other NCNGN members, the Town of Carrboro could potentially receive free 1 Gbps connections to five (5) community sites within Carrboro. Site selection would be made by the Town of Carrboro.

After municipal approval of the AT&T Master Network Development Agreement, NCNGN will continue to work with AT&T to solicit additional public benefits that will add further value beyond the agreement for NCNGN communities. Such possibilities include AT&T working with local organizations that already help address the digital divide in participating communities to provide funds for hardware and educational programs. The Town of Carrboro has been actively engaged in a digital divide discussion with the Chapel Hill-Carrboro City Schools and both organizations recognize that the digital divide will be addressed incrementally through a variety of approaches with no single entity providing the complete solution.

Representatives from NCNGN - Elise Kohn, Senior Advisor & NCNGN Program Director, AT&T - Walter Wells, Project/Program Management - Community Outreach and UNC Chapel Hill - Chris Kielt, Vice Chancellor for Information Technology and Chief Information Officer, will be available at this meeting to answer questions if needed.

The Master Network Development Agreement has been included as Attachment A. The resolution under consideration for approval has been included as Attachment B.

The approval of the AT&T Master Network Development Agreement in no way grants exclusivity to AT&T in the Town of Carrboro.

### **FISCAL & STAFF IMPACT:**

- AT&T is asking that the Town of Carrboro designate staff to facilitate coordination between AT&T, the Town and Town Departments and other NCNGN Participants; and
- Streamline permitting and inspection processes and applications; and
- Provide best efforts to allow AT&T access to Town rights-of-way and utility easements upon request; and
- Develop and implement community education program regarding benefits of high-speed network and services; and
- Continue existing non-discriminatory policies to treat all broadband Internet service providers in a competitively neutral manner; and
- Consider AT&T for future communications services, subject to applicable procurement laws and regulations.



---

**Agenda Date:** Version: 1  
6/10/2014  
**In Control:**  
Board of AI

**Status:** Other  
Matters  
**File Type:**  
Abstr

---

**RECOMMENDATION:** That the Board receive information on the NCNGN-AT&T Master Network Development Agreement and consider adopting the resolution approving the AT&T Master Network Development Agreement.

## **MASTER NETWORK DEVELOPMENT AGREEMENT**

This Master Network Development Agreement (the “Agreement”) is hereby entered into by and between the City [or Town] of \_\_\_\_\_, a municipal corporation duly formed under North Carolina law (“City”) [or “Town”], and AT&T \_\_\_\_\_, a \_\_\_\_\_ corporation formed under \_\_\_\_\_ law (“AT&T”).

### **RECITALS**

WHEREAS, to foster innovation, stimulate economic growth and expand the availability of state-of-the-art communications services for City residents and businesses, the City is soliciting private investment in the “next generation” fiber-based communications networks, capable of delivering services with service capability speeds up to 1 Gigabit per second in its jurisdiction and surrounding areas; and

WHEREAS, along with five other local municipalities and four universities (“NCNGN Participants”), the City is participating in the “North Carolina Next Generation Networks” (“NCNGN”) initiative, a cooperative effort to solicit deployment of such ultra-high speed fiber-based communication networks in local markets and involving Carrboro, Cary, Chapel Hill, Durham, Raleigh and Winston-Salem; and

WHEREAS, AT&T is an international communications service company that has a significant presence in North Carolina, where it employs thousands on an annual payroll measured in the hundreds of millions of dollars, and in the City; and

WHEREAS, AT&T has announced its plans to build such “next generation” fiber-based networks in markets in the United States where it is attractive to do so; and

WHEREAS, AT&T desires to deploy and operate a fiber-based network in the City’s jurisdiction to meet the standards of such an ultra-high speed network, and to thereby make a long-term commitment in the local market and use that network to provide industry-leading broadband Internet access, video programming, voice and other communications services to residential, business and governmental customers; and

WHEREAS, AT&T believes it is well-positioned to deploy such a fiber-based network to provide services to the citizens of the City, given it has already deployed fiber-to-the-premises in some municipalities of North Carolina and operates one of the largest Tier 1 Internet backbones globally; and

WHEREAS, this Agreement is accordingly intended to establish the framework under which AT&T will construct and deploy the “next generation” fiber-based network in the City, pursuant to all applicable local and other legal requirements, and also sets forth the parties’ roles and responsibilities for communicating to the public about the availability and benefits of having such an ultra-high speed network in the community; and

WHEREAS, this Agreement applies to upgrades and extensions of AT&T’s fiber-based network as well as other services described herein;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be bound, hereby enter this Agreement as set forth below:

**1. Design and Construction of the Network.**

**1.1 Network Description.** AT&T shall complete all necessary design work, and deploy and operate a fiber-based network that provides residential and business end-users with advertised broadband internet speeds of up to 1 Gigabit per second to customer locations chosen by AT&T within the corporate limits of the City (the “Network”), which may include any additional areas annexed by the City after the Effective Date (“Market Area”). The “Effective Date” is the date that this Agreement is last signed by either the City or AT&T. AT&T may host the fiber infrastructure electronics in its existing central offices and in cabinets in rights of ways (“ROWs”), which may house remote optical line terminals (“OLTs”), and provide or secure power to operate equipment for the Network to be located in public spaces, other than mutually agreed to exception equipment identified in Exhibit A (“Exception Equipment”), which list may be updated from time to time by written agreement of the parties. AT&T intends to utilize the Network primarily for commercial purposes to sell and provide various broadband Internet access, video programming, voice and other communication and entertainment services (“Services”) to consumers and businesses within the service area where the AT&T Network is deployed as determined solely by AT&T (“Service Area”), consistent with all applicable federal and state laws and regulations.

**1.2 Anticipated Investment.** AT&T will bear the costs for deployment of the Network, including design, engineering, construction, equipment and insurance. AT&T will also bear reasonable and customary costs of maintenance of the Network.

**1.3 Network Construction.** AT&T will deploy and, as it deems necessary in its sole discretion to construct the Network, said construction to be in compliance with all applicable local and other regulatory and permitting requirements and processes. As determined by AT&T, traditional infrastructure used for wireless and wireline network deployment shall be used, including, but not limited to, conduit, fiber, poles, rack space, nodes, buildings, facilities, central office locations and available land. As necessary, AT&T intends to use various construction techniques, which may include, but are not limited to, the following: (i) traditional open trench or boring; (ii) slot cut micro-trenching or trenching and boring; (iii) fiber attached to buildings or aerial structures; and (iv) installation of fibers within existing utility infrastructure. Construction and other work related to the Network may be completed by independent contractors and representatives engaged by AT&T. If so, AT&T’s agreements with the City will include customary provisions regarding AT&T being responsible for all negligent or intentionally wrongful acts or omissions of its independent contractors that occur in the City’s rights-of-way (“ROWs”) or on other City property or infrastructure when performing work on behalf of AT&T, or to the extent stricter standards exist within any applicable ordinance, in compliance with the City’s ordinances, policies and procedures.

## **1.4 Network Deployment.**

**1.4.1 Schedule.** The Network will be deployed and Services made available by AT&T in neighborhoods in which demand is expected to compensate AT&T fully for the cost to deploy and construct the Network. AT&T intends to define geographical areas (“Distribution Areas”) within the Market Area based on its network design and construction plans. Following analysis of the cost to build and deploy the Network and expected market demand, AT&T will identify the specific Distribution Areas where the Network will be deployed and the schedule of such deployment to residents within such areas. AT&T intends to provide potential customers an opportunity to express their interest to provide an early indication of where demand is greatest. This first phase of construction is expected to take one to two years to complete from the Effective Date. AT&T will provide Services in such areas (“Service Area”) to new or existing customers via the Network on an ongoing as-requested basis, for customers who satisfy and agree to customer terms and conditions for the Services. AT&T will also provide ad hoc updates from time to time upon request concerning, among other matters, demand thresholds required for residential neighborhoods, efforts to assess and increase demand, and deployment status.

**1.4.2 Promotional Programs.** To educate the public regarding deployment of the Network and its benefits, AT&T will sponsor promotional programs throughout the Market Area. Examples of such promotional activities may include block parties, outdoor concerts featuring local bands, other AT&T-sponsored events to address community needs, and academic contests and/or science fairs.

## **2. Gigabit Broadband Service to Community Centers or other Public Facilities.**

**2.1.1 Community Broadband Services.** As described more fully below, AT&T will provide a limited number of sites with community broadband Internet access service for identified public sites, as designated under the provisions of this Agreement, (“Community Sites”) in Distribution Areas where AT&T deploys the Network (“Community Broadband Service”). Community Broadband Service is Internet access service at up to 1 Gigabit per second speed provided primarily for use by the public. The Community Broadband Service will be substantially the same as those gigabit broadband services to be provided to AT&T’s residential customers. The Community Broadband Service is not intended for and should not be used for any emergency or mission critical services or functions. Community Broadband Service does not include any other services, including but not limited to telephone or television and shall not be used to support any commercial service offerings or operations provided to third parties for a fee or other valuable consideration (e.g., web-hosting or other online business, Wi-Fi service, etc.). Community Sites shall be agreed to by the parties and shall be public or non-profit facilities that provide access and services directly to citizens (e.g. civic buildings, recreations centers, or non-profits offering digital literacy or community technology access. The parties further agree that Community Sites may include public and non-profit incubators, but do not include schools and libraries unless such schools and libraries can be connected consistent with E-rate rules and regulations. AT&T agrees to provide Community Broadband Service at up to one hundred (100) geographically distributed (not more than one site per neighborhood) Community Sites across all six municipalities participating in the NCNGN initiative.

Accordingly, City and AT&T can agree on a Community Site only if the location/facility is one that the NCNGN cities collectively identified as one of the 100 Community Sites across all NCNGN cities. The parties agree to identify candidates for the 100 Community Sites within 120 days of the effective date of the last agreement signed with an NCNGN municipality or October 1, 2014, whichever comes first. During the Service Term (as defined in paragraph 2.1.2 below), and within the Service Area, AT&T will make Community Broadband Service available subject to AT&T's standard terms and conditions, which shall be substantially similar to AT&T's standard residential Internet access service terms and conditions and with respect to City-owned sites to the extent such terms and conditions may be reasonably expected of a North Carolina municipality and do not conflict with applicable legal requirements of the City, as well as subject to the conditions and requirements set forth in Section 2.1.2 below.

**2.1.2 Terms of Community Broadband Services.** Provided the City or a third party shall pay the initial network connection cost, which AT&T agrees shall typically be approximately \$300-\$500 per Public Site that is in the Service Area but could be substantially higher for a given site, AT&T shall provide Community Broadband Service at no additional monthly recurring charge to the City for the Service Term. AT&T, not the City, shall determine whether such service is being used in compliance with this Agreement. Once Community Broadband Services is installed at a Public Site, it shall be provided, per Public Site, for a term of seven (7) years from when the Community Broadband Services are first provided to the Public Site, including any extensions agreed upon (the "Service Term"), unless this Agreement is terminated earlier due to a default pursuant to paragraph 8.2.1 of this Agreement or the City fails to comply with the terms and conditions of this Agreement or AT&T's standard terms and conditions for such service to the extent such standard terms and conditions may be reasonably expected of a North Carolina municipality and do not conflict with applicable legal requirement of the City. In the event AT&T determines at any time that continued delivery of Community Broadband Service to any Public Site located in the Service Area is no longer feasible for any reason, as determined by AT&T, AT&T shall notify the City and the parties shall meet and attempt in good faith to identify a mutually satisfactory solution, such as AT&T delivering Community Broadband Service to another mutually agreed alternative Public Site in the Service Area, so long as that Public Site is geographic distributed from other identified Public Sites. AT&T agrees to begin to provide Community Broadband Services as soon as reasonably practicable following the time when AT&T completes deployment of the Network in the Distribution Area where a selected and mutually agreed to Public Site is located.

**2.1.3 Public Wi-Fi Hotspots.** Concurrent with or following completion of the Network, AT&T may choose to design, construct, install, and operate a Wi-Fi network within limited sections of the Market Area, which may be used for public Wi-Fi access and for commercial purposes. The City agrees to meet with AT&T and reasonably consider deploying AT&T's Wi-Fi network solution at agreed upon public sites and upon terms and conditions mutually agreed upon by the parties. The City acknowledges that those terms may require that the City pay construction and make-ready costs for any Wi-Fi hotspots that will be used to provide complimentary Wi-Fi to all members of the public (subject to users agreeing to customary terms and conditions). AT&T agrees that any construction and make-ready costs expected to be paid by the City will be limited to the provision of sufficient commercial power to the site and any pole, strand, traffic light, building, or City-owned or controlled fixture

attachment costs. The City further acknowledges that AT&T may negotiate a cost-sharing arrangement with the City for ongoing operations and maintenance costs in exchange for AT&T's agreement to provide this service without charge to members of the public even if AT&T monetizes the service via value exchange access models or through other means. The City acknowledges that AT&T will be the exclusive provider of public Wi-Fi in the agreed upon public sites. Any provision of Wi-Fi service by the City (or its contractors) to patrons of City facilities, such as entertainment venues or convention facilities, are not considered "public Wi-Fi" for purposes of this subsection. AT&T may also provide public Wi-Fi at such locations, with the City's consent, but shall have no obligation to do so. For the purpose of providing the best available user experience, if AT&T offers public Wi-Fi as contemplated in this paragraph at locations described within this subsection (other than for locations with wireless internet already provided by the City or its contractors), the City will include a radio frequency management policy in easements and licenses for City property to third parties providing Wi-Fi in those locations under any license, lease, or other agreement between the City and such third parties.

The City agrees and acknowledges that, at the sole discretion of AT&T, the public Wi-Fi service provided under this Agreement may be branded by AT&T and end users will be subject to AT&T's standard Terms of Service and Privacy Policy applicable to such service.

The City agrees and acknowledges that AT&T may decide not to deploy the Wi-Fi network. AT&T agrees and acknowledges that the City may decide not to pay construction and make-ready costs or negotiate a cost-sharing arrangement with AT&T if the City chooses instead (a) to deploy its own free public Wi-Fi network solution (b) to enter an agreement with another vendor willing to deploy a Wi-Fi network solution at public sites upon terms and conditions that the City considers favorable, or (c) to decide not to participate in the Wi-Fi network.

**3. Broadband Service to Multi-Dwelling Residential Units.** AT&T will use commercially reasonable efforts to ensure that free broadband internet service at 3 Megabits per second is provided to the residents in up to 10 qualified affordable housing apartment complexes (hereinafter called Multiple Dwelling Units – "MDUs") serving low-income households as set forth in this Section of the Agreement (a) across all six communities participating in the NCNGN initiative (the university NCNGN Participants shall not be eligible for any MDUs under this Agreement) and (b) distributed geographically in proportion to the NCNGN Participants' population among the eligible MDUs. For an MDU to qualify for this free service: (i) the property owner, to the extent permitted by law, will have to sign an exclusive marketing contract with AT&T with no fees owed to the property owner by AT&T and no fees, including installation fees, charged to any tenant for the free service, (ii) the MDUs must have 45-300 Living Units, unless some exception is agreed to by AT&T, (iii) the MDU is considered "affordable housing" because it is owned or operated and managed by a local public housing authority (or an affiliate) or because a significant number of the Living Units within the MDU are subject to low-income occupancy thresholds, rent restrictions, or affordability covenants associated with certain Federal, State, or local programs designed to increase the supply of affordable housing units, (iv) the inside wiring at the MDU is of sufficient quality to support delivery of broadband and TV service and compatible with AT&T technology, and (v) the MDU is located in the U-verse TV footprint, which AT&T shall solely determine. For the avoidance of

doubt, if there are not 10 qualifying MDUs across the six communities participating in the NCNGN initiative, then AT&T shall not be required to provide the service at other MDUs. This free service will be available at each participating MDU for five (5) years, plus any agreed upon extensions, running from the date the parties agree that an MDU will be covered by this provision and service is available at the MDU, unless this Agreement is terminated earlier due to a default pursuant to paragraph 8.2.1 of this Agreement, or the City fails to comply with the terms and conditions of this Agreement or the MDU fails to comply with commercially reasonable terms and conditions for service at the MDU. AT&T may cease providing the free service if the MDU ceases to be considered “affordable housing” at any time during the 5 year period or any agreed upon extension. AT&T agrees to work with the City, or its designee, to ensure that all qualifying MDU owners are aware of this offering and have an equal opportunity to apply to the program, on a timeline agreed to by AT&T and the City, or its designee, by indicating the MDU owner’s willingness to waive fees that might otherwise be charged to AT&T and to enter, to the extent permitted by law, into an exclusive marketing agreement with AT&T. If the number of applications from owners of qualifying MDUs exceeds the allocation of the City, AT&T will determine in its discretion which MDUs to connect within the City. Any users of the service at the MDUs must agree to AT&T’s standard terms and conditions for such service.

**4. Small and Medium Business Program.** AT&T agrees to pre-provision, in advance of any customer orders, fiber and electronics (“Fiber”) to up to 100 business buildings throughout the NCNGN municipalities, in a manner consistent with all applicable local and other laws, codes or policies. The City, or a designee of the City, will nominate locations for this pre-provisioning in consultation with AT&T, although it shall be AT&T’s sole decision whether to deploy Fiber to the location, including consideration of whether AT&T is able to seek customer orders at those buildings. If AT&T decides not to pre-provision a building nominated by the City, AT&T shall provide the City, or its designee (if applicable), the reasons for such decision (for example, insufficient customer demand, cost too high, etc.). For any identified business buildings where Fiber is to be deployed, AT&T and the City or its designee will work together to contact property owners about this program and will require point of entry for operational access. If the City does not nominate locations for this pre-provisioning within 120 days of the signing of this agreement, then AT&T may determine the sites to pre-provision in its discretion.

**5. Community Engagement.** The City will work with AT&T and other NCNGN municipalities and universities in developing digital literacy and training programs for low-income residents living in the City.

**6. City Support and Commitments.**

**6.1 Project Liaison and Contacts.** The City shall designate staff that will facilitate communications between AT&T and City staff and officials, and will coordinate between municipal departments as well as other NCNGN Participants regarding the project.

**6.2 Future Service.** The City will consider AT&T for future communications services including high speed data, voice, Internet access and cellular, subject to applicable procurement laws and regulations.

### **6.3 Permit Processing and Inspections.**

**6.3.1 Permit Processing.** Parties will use their best efforts to conduct, within 30 days after this Agreement is signed and prior to construction of the Network, a pre-construction conference to review and to plan for the construction to be undertaken by AT&T. The City will provide diligent and expeditious review and determinations of all applications for permits submitted by AT&T and will attempt, based on the nature and size of the work being permitted and any applicable legal requirements (including need for governing board approval), to approve or respond within one week from the date of the submission of the request, in connection with constructing and deploying the Network, including requests for any approvals necessary for construction, maintenance or other work within City's ROWs and easements or related to access to City's assets or infrastructure, all in accordance with all applicable regulations and ordinances and the City's standard processes and practices generally made available to all third parties. The City will accept electronic submission of documents to expedite approvals.

**6.3.2 Inspections.** In order to facilitate and ensure continuity and efficiency of inspections, the City will designate inspectors and supervisors with the collective authority to inspect all construction for the Network, maintenance and related work in connection with each applicable permit to be issued by the City to AT&T. The City will ensure that all such inspections are completed in an expeditious manner in accordance with applicable ordinances and the City's processes and practices made available to all third parties.

**6.3.3 Street Cuts.** Pursuant to the City's applicable code and policies, and if street cuts are permitted, AT&T shall be expected to repair only the street cuts that it, its agents, or subcontractors make in constructing, deploying or maintaining the Network.

**6.4 Access to Rights-of-Way for Construction and Maintenance of Facilities.** AT&T intends to access City ROWs and City-owned utility easements to the extent such ROWs and easements are available under the law and applicable easements, access will not overburden the easement, there is available capacity to allow for access, and they are determined by the parties as reasonably necessary or desirable for the Network. The City in its sole discretion will determine whether its utility easements permit or otherwise authorize the City to allow AT&T to have access to city utility easements. The City will use its best efforts to make the City ROWs and utility easements available to AT&T upon request, and upon entry or amendment to an appropriate encroachment or similar agreement, in order to allow AT&T and its contractors access to and to perform construction and other work related to the Network, and for maintaining such facilities in the City ROWs and easements. Such access will be provided in accordance with all applicable regulations and ordinances and the City's standard processes and practices generally made available to all third parties. If requested, the City shall also cooperate with AT&T's efforts to gain access to rights-of-way owned and controlled by the N.C. Department of Transportation or other third-parties.

**6.5 Access to Town Facilities and Infrastructure.** To the extent AT&T requires space on premises owned by the City for purposes of constructing, deploying and maintaining equipment or other components of the Network, the City will, subject to applicable legal



requirements, license AT&T to utilize such space for those purposes at rates or fees and other terms no less favorable than those granted to any other similar commercial service provider, provided that: (i) the City believes it has the space available and (ii) AT&T's equipment or other facilities will not interfere with the City's operations. Provided the City determines that space is available and no interference with the City's operations will result, the City will also, subject to the satisfaction of any applicable legal requirements, grant AT&T access to City-owned infrastructure that could be used for deployment of wireless or wireline components of the Network including, but not limited to, traffic signal poles, mast arms, and light poles. On or after the Effective Date, the parties shall enter into various agreements as applicable to provide for such licenses or attachment rights to AT&T, including license and structure agreements which will be negotiated by the parties.

**6.6 Community Education Program/Public Outreach.** Consistent with its public information office's policies and procedures, the City will develop and implement an informational program for community residents and businesses with respect to the benefits of Network and Services enabled by the Network. This program may include direct mailings, meetings, and/or other initiatives focused on informing the public about the benefits of gigabit networks.

**6.7 Map Data and Valid Address Data.** AT&T will require certain map data and address data in order to begin and complete construction and deployment of the Network. The City agrees to promptly provide AT&T with publicly available map and address information in the City's possession, and such other similar publicly available information reasonably requested by AT&T from time to time ("Map and Address Data"), provided, however, the Map and Address Data shall not in any event include resident names or other personally identifiable information, and the City makes no representation regarding the accuracy of such data.

**6.8 The City's Communication Needs.** During and after the Service Term, the City may negotiate individual commitments to purchase Services from AT&T for the City's business and operational needs.

**6.9 Non-Discriminatory Practices.** As to its non-discriminatory practices concerning the Network during the Term of the Agreement and as permitted under applicable law, it is the City's policy to treat broadband Internet service providers in the Market Area, including AT&T, in a competitively neutral and non-discriminatory way as to benefits, concessions, accommodations, and other rights that the City extends to providers of comparable broadband Internet services, depending on their availability and the similarity of services involved. If the City extends a better benefit, concession, accommodation or other right to another broadband Internet service provider in the Market Area providing services equivalent to the Network during the Term of this Agreement, the City will prospectively extend such right to AT&T subject to governing board approval if such governing board approval is required by any applicable law, regulation or policy. This provision does not abrogate existing contracts between the parties, and such agreements shall remain in full force and effect. This provision shall not reduce AT&T's obligations under Paragraphs 2-4 above.

**6.10 Project Announcement.** The parties will cooperate on one or more joint publicity and public relations initiatives related to the announcement of construction of the Network (the “Public Announcement”). Without limiting the terms and conditions outlined in Section 9 of this Agreement, neither party shall, prior to any such public announcements, issue any press releases or make any official public announcements related to the Network or the terms and conditions or existence of this Agreement without the other party’s prior written consent. For purposes of this provision, references related to the Network in agendas or similar documents do not constitute public announcements nor shall any releases of information in response to requests for public information under any applicable public records inspection requirements.

## **7. Effective Date, Term and Termination.**

**7.1 Initial Term and Renewal.** The term of this Agreement shall begin on the date the Agreement is last executed by either the City or AT&T, and shall expire at the end of AT&T’s obligations under Sections 2 and 3 of this Agreement as applied to the City or nine (9) years from the Effective Date, whichever occurs first, unless earlier terminated in accordance with the terms of this Agreement or renewed by mutual written agreement of the parties. For the avoidance of doubt, the expiration periods for the obligations on AT&T under Sections 2 and 3 are separate and expiration (or non-expiration) of one does not impact the other.

### **7.2 Termination.**

**7.2.1 Default.** Either party may terminate this Agreement due to a Default (as defined below) by the other party by providing written notice to the defaulting party, provide that (i) such Default is incapable of remedy; or (ii) such Default is capable of remedy and the defaulting party fails to remedy such Default within thirty (30) days of receipt of notice from the other party. A party will be in Default under this Agreement if (i) such party materially breaches a term or provision of this Agreement; (ii) such party becomes insolvent or ceases to operate as a going concern; (iii) a petition under any of the bankruptcy laws is filed by or against such party and, if involuntary, is not dismissed within sixty (60) days after it is filed; (iv) such party makes a general assignment for the benefit of creditors; (v) a receiver, whether temporary or permanent, is appointed for the property of such party or any part thereof; or (vi) AT&T fails to provide any Network services to City residential end-users within two years of the Agreement’s execution.

**7.2.2 Survival.** The provisions in Paragraph 9 of this Agreement shall survive and remain in effect after this Agreement is terminated as do AT&T’s obligations under Sections 2 and 3 to the extent sites are connected but the terms of service have not concluded. Also, any encroachment, license, attachment or other agreements that the parties enter into pursuant to this Agreement will remain in effect and shall expire by their own terms.

## **8. Confidentiality.**

**8.1.1 Confidential Documents.** “Confidential Documents” as used in this Agreement shall mean any and all records or other documents, whether stored or exchanged by the parties in hard copy or electronically, that contain information that are designated by either party as Confidential Documents and qualify as “trade secrets” as defined in G.S. 66-152(3).

Such documents may include, but is not limited to, business plans, business forecasts, research, financial information, customer lists, sales and merchandising efforts, marketing plans, design or engineering details and specifications

Documents shall in no event qualify as Confidential Documents if: (i) their relevant contents are publicly available prior to this Agreement or becomes publicly available without a breach by the receiving party; (ii) they are subject to inspection under the public records laws of the State of North Carolina and not within an exception to disclosure, (iii) rightfully received by the receiving party from third parties without accompanying confidentiality obligations; (iv) already in the receiving party's possession and was lawfully received from sources other than the disclosing party; (iv) independently developed by the receiving party; or (vi) approved by the disclosing party for release.

**8.1.2 Duties Regarding Confidential Documents.** Through the term of this Agreement, and in order to achieve the objectives of this Agreement, one party may have to provide the other with access to documents it considers to be Confidential Documents. In such case, documents shall be treated as confidential pursuant to this subparagraph if: (i) they in fact qualify as Confidential Documents under subparagraph 9.1.1 above, (ii) the disclosing party communicates in writing to the other party that it considers the information to be Confidential before, or at the time of the disclosure, and (iii) the documents are prominently labeled as confidential by the disclosing party at submission to the other party. In such event, the party which receives any Confidential Documents from the other party agrees to treat the same as confidential and shall not divulge, directly or indirectly, to any other person, firm, corporation, association or entity, for any purpose whatsoever, such documents, without the prior written consent of the disclosing party, except as required by law and except as provided in the paragraph below. The receiving party may, however, disclose Confidential Documents to its employees, agents and contractors on a need-to-know basis.

**8.1.3** If the City receives a public records request to produce documents which AT&T has labeled "confidential," "trade secret" or another equivalent designation, the City shall make an initial determination as to whether the Confidential Documents, in whole or in part, are subject to public inspection and promptly notify AT&T of such initial determination. Within ten (10) calendar days of the receipt of such notice, AT&T must notify the City whether it agrees with the City's initial determination and, if not, notify the City in writing which Confidential Documents, or parts thereof, are not subject to public inspection. The City will then make a final determination as to whether the Confidential Documents, or parts thereof, are subject to public inspection under applicable laws and will promptly notify AT&T of its final determination. The City will allow AT&T, if it disagrees with the final determination, three (3) calendar days after notice to obtain injunctive relief to prevent disclosure of the subject information before the City releases the information. If such justification is not provided with the notice to withhold materials, AT&T acknowledges that the notice shall be void and deemed of no effect and that the City may release the information without any resulting liability to AT&T. Further, if AT&T does not seek appropriate injunctive or other judicial action or relief to prevent the disclosure of the materials within this three (3) calendar day period, the City may release the information pursuant to the public records request without any resulting liability to AT&T. Nothing in this Agreement shall prevent a party from disclosing Confidential Documents received from the other

party if such disclosure is required by a court of competent jurisdiction or otherwise required by law. Finally, if the City decides not to release information that it deems to be entitled to an exception from any applicable public records laws (including if due to AT&T's seeking injunctive relief), then AT&T shall indemnify and hold the City harmless from all attorneys' fees and other costs associated with such decision.

Upon termination of this Agreement for any reason, each party agrees, to the extent permitted by law, to promptly deliver to the other party all Confidential Documents of the other party then in such party's possession.

## **9. Representations and Warranties; Limitation of Liability.**

**9.1 Representations.** Each party represents that (i) it has the requisite right and authority to enter into this Agreement; (ii) this Agreement has been duly authorized, executed, and delivered and constitutes a valid and binding obligation enforceable in accordance with its terms, except as the same may be limited by bankruptcy, insolvency, moratorium, and other laws of general application affecting the enforcement of creditors' rights; (iii) and that entering into or performing its obligations under this Agreement shall not breach or contravene any obligation to any third party. The parties each agree to comply with all applicable laws and regulations and City policies as they may be amended from time-to-time. For purposes hereof, the term "applicable laws and regulations" means any applicable constitution, statute, rule, regulation, ordinance, order, directive, code, interpretation, judgment, decree, injunction, writ, determination, award, permit, license, authorization, directive, requirement or decision of or agreement with or by the appropriate government authorities and all amendments thereto from time to time.

### **9.2 Limitation of Liabilities.**

**IN NO EVENT WILL EITHER PARTY BE LIABLE TO THE OTHER PARTY OR ANY OTHER PERSON OR ENTITY UNDER THE TERMS OF THIS AGREEMENT, OR ANY AGREEMENT ENTERED PURSUANT TO THIS MASTER AGREEMENT, FOR ANY INDIRECT, CONSEQUENTIAL, SPECIAL, INCIDENTAL, RELIANCE, OR PUNITIVE DAMAGES OF ANY KIND OR NATURE WHATSOEVER, INCLUDING BUT NOT LIMITED TO ANY LOST PROFITS, LOST REVENUES, LOST SAVINGS, OR HARM TO BUSINESS. EACH PARTY HEREBY RELEASES THE OTHER PARTY, ITS SUBSIDIARIES, PARENT COMPANIES AND AFFILIATES, AND THEIR RESPECTIVE TRUSTEES, OFFICERS, DIRECTORS, MANAGERS, EMPLOYEES, AND AGENTS, FROM ANY SUCH CLAIM.**

## **10. General Terms.**

**10.1 Independent Contractors.** The parties are independent contractors. Nothing in this Agreement creates or implies, or shall be construed to create or imply, any agency, association, partnership, or joint venture between the parties.

**10.2 No License or Franchise.** The parties acknowledge and agree that this Agreement is not a grant of any license, easement, or franchise by the City to AT&T, and that AT&T is not required to obtain a franchise from the City to offer the Services because of the terms and conditions of this Agreement.

**10.3 Reservation of Police Powers.** This Agreement does not alter the terms or conditions of any approval, permit or decision granted or made by the City, nor does it affect the general police powers of the City and does not relieve AT&T of any obligations under the City laws, policies, or regulations and does not constitute an approval, permit or decision by the City. Nothing in this Agreement shall be construed to bind, estop, direct, limit, or impair the future regulatory, legislative, or governmental discretion of the City in a manner not permitted by law.

**10.4 No Exclusivity.** Except as expressly stated otherwise in this Agreement, nothing in the Agreement shall be construed as precluding the City from entering into similar agreements with any other Services provider or precluding any such party from providing Services in the Market Area.

**10.5 No Third-Party Beneficiaries.** There are no third-party beneficiaries to this Agreement.

**10.6 Governing Law and Jurisdiction.** This Agreement and any action related to this Agreement will be governed by the laws of the State of North Carolina, excluding that body of law controlling conflict of laws and any application of the United Nations Convention on the International Sale of Goods. Any action, hearing, suit or proceeding arising out of or relating to this Agreement must be brought in the courts of the State of North Carolina, \_\_\_\_\_ County, or if it has or can acquire jurisdiction, in the United States District Court for the \_\_\_\_\_ District of North Carolina. Each of the parties to this Agreement irrevocably submits to the exclusive jurisdiction of each such court in any such proceeding and waives any objection it may now have or hereafter have to venue or to convenience of forum. The parties agree that it is their mutual intent that this Agreement conforms to applicable local, state, and federal law regulating the covenants and obligations contained in this Agreement.

**10.7 Dispute Resolution.** Except as otherwise specifically provided in this Agreement, all disputes, disagreement, or controversies arising in connection with this Agreement will first be resolved through good faith negotiations in order to reach mutually acceptable resolution. If, after negotiating in good faith for a period of at least thirty (30) days, the parties are unable to resolve the dispute, then either party may seek resolution by exercising any rights or remedies available to either party at law or equity.

**10.8 Assignment.** Except as set forth, neither party may assign or transfer its rights and obligations under this Agreement, in whole or part, to a third party without the prior written

consent of the other party, which shall not be unreasonably withheld or delayed. Provided, however, that AT&T may, upon sixty (60) days advance written notice to City, and without the City's prior consent, assign this Agreement or any or all of its rights and obligations under this Agreement to (i) any Affiliate (as defined below) of AT&T; (ii) any successor in interest to AT&T in connection with any merger, acquisition or similar transaction; or (iii) any purchaser of all or substantially all of AT&T's assets related to the Network. "Affiliate" means any entity that now or in the future, directly or indirectly controls, is controlled with or by or is under common control with AT&T; and (ii) "control" shall mean, with respect to: (a) a U.S. corporation, the ownership, directly or indirectly, of fifty percent (50%) or more of the voting power to elect directors thereof; or (b) a non-U.S. corporation, if the voting power to elect directors thereof is less than fifty percent (50%), the maximum amount allowed by applicable law; and (c) any other entity, fifty percent (50%) or more ownership interest in said entity, or the power to direct the management of such entity.

**10.9 Severability.** If any provision of this Agreement is found unenforceable or invalid, the remainder of the Agreement will remain in full force and effect and it and any related provisions will be interpreted to best accomplish the unenforceable provision's essential purpose. To the extent permitted by applicable law, if any provision of this Agreement is invalid or unenforceable a suitable and equitable provision shall be substituted therefor in order to carry out, so far as may be valid and enforceable, the intent and purpose of such invalid or unenforceable provision.

**10.10 Waiver.** A waiver of any provision of this Agreement by a party must be in writing to be effective and will in no way be construed as a waiver of any later breach of that provision. No failure or delay by either party in exercising any option, right, power, or privilege under this Agreement shall operate as a waiver thereof nor shall any single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, power, or privilege.

**10.11 Joint Drafting.** The Parties acknowledge that this Agreement has been drafted jointly by the parties and agree that this Agreement will not be construed against either party as a result of any role such party may have had in the drafting process.

**10.12 Remedies Cumulative, Specific Performance.** Except as provided otherwise in this Agreement, all rights and remedies granted to each party under this Agreement are cumulative and in addition to, and not in lieu of, any other rights or remedies otherwise available to such party at law or in equity. The Parties shall be entitled to specific performance of the terms hereof in addition to any other remedy at law or in equity, including monetary damages, that may be available to each.

**10.13 Further Agreements.** As noted herein, on or after the Effective Date, the parties contemplate negotiation of license, encroachment, and/or attachment and similar agreements to effectuate the purpose of this Agreement.

**10.14 Notices.** All notices must be in writing and delivered to the addresses and persons specified below. Notice will be deemed delivered (a) when verified by written receipt if

DRAFT

sent by personal courier, overnight courier, or mail; or (b) when verified by automated receipt or electronic logs if sent by facsimile or email.

**City**

**Licensee**

City of \_\_\_\_\_

P.O. Box \_\_\_\_\_

\_\_\_\_\_  
Phone

Fax

E-Mail:

Attn:

With a copy, which shall not  
constitute notice, to:

City Attorney

P.O. Box \_\_\_\_\_

\_\_\_\_\_

With a copy to:

Attn: \_\_\_\_\_

Email: \_\_\_\_\_

**10.15 Entire Agreement; Amendment; Signatures.** The headings in this Agreement are strictly for convenience and do not amplify or limit any of the terms, provisions or conditions hereof. This Agreement supersedes any prior agreements or understandings between the parties. This Agreement constitutes the entire Agreement between the parties related to this subject matter, and any change to its terms must be in writing and signed by both parties. This Agreement is for the exclusive benefit of their parties, their successors and permitted assigns. There are no third party beneficiaries to this Agreement. This Agreement may be executed in multiple counterparts, all of which taken together constitute one and the same instrument.

**10.16 E-Verify.** AT&T, and all subcontractors, will comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," and will provide documentation or sign affidavits or any other documents requested by the city demonstrating such compliance.

**[The remainder of this page is intentionally blank]**

DRAFT

The parties agree to the terms of this Agreement and have caused this Agreement to be signed by their duly authorized representatives.

**AT&T, \_\_\_\_\_**

**City of \_\_\_\_\_**

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Authorized Signature)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Title)

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

\_\_\_\_\_  
City Attorney



DRAFT

**EXHIBIT A**  
**EXCEPTION EQUIPMENT**

Emux  
Public Wi-Fi Equipment

## A RESOLUTION APPROVING A MASTER NETWORK DEVELOPMENT AGREEMENT WITH AT&T

WHEREAS, the North Carolina Next Generation Network (NCNGN) represents a regional effort by six municipalities (Cities and Towns of Carrboro, Chapel Hill, Cary, Durham, Raleigh and Winston-Salem) and four major universities (UNC Chapel Hill, North Carolina State University, Duke University, and Wake Forest University/Wake Forest Baptist Medical Center) to work with current and potential network service providers to enhance economic development and address the digital divide by accelerating the deployment of ultra-high-speed broadband network and internet access; and,

WHEREAS, in January 2013, the Carrboro Board of Aldermen authorized Town staff to participate in an NCNGN issued Request for Proposal (RFP) inviting vendors to submit proposals to develop a next-generation ultra-high-speed broadband network; and,

WHEREAS, eight responses to the RFP were received and evaluated by NCNGN subcommittees to understand the technical, financial, and service potential of each proposal; and,

WHEREAS, AT&T was one of the companies that responded to the RFP and has worked closely with NCNGN members to develop an agreement for serving all six municipalities with upgraded and extended fiber optic networks capable of delivering next generation technologies including internet at gigabit speeds, advanced television, and voice services; and,

WHEREAS, the Town of Carrboro is being asked by AT&T to make construction speedy and predictable by designating Town staff to facilitate coordination, streamline permitting and inspection processes and applications, provide best efforts to allow AT&T access to Town rights-of-way and utility easements upon request, develop and implement community education programs regarding the benefits of a high-speed network and services and continue existing non-discriminatory policies to treat all broadband internet service providers in a competitively neutral manner; and,

WHEREAS, AT&T has proposed initiatives to promote economic development and help the digitally disadvantaged including free 1 gigabit per second service to up to 100 community sites subject to the network being upgraded around those sites which will be selected based on a list of sites provided by NCNGN on behalf of its members with the cities paying standard installation charges, free 3Mbps internet access for up to 10 eligible low income multi-dwelling unit apartment buildings with 45 – 300 living units, pre-wiring up to 100 commercial buildings that serve small and medium-sized businesses so that businesses in those buildings do not face prohibitive installation costs and optionally have the Town share installation costs with AT&T for free wireless internet for the public; and,

WHEREAS, for each proposed initiative, NCNGN members have agreed to distribute those sites roughly proportionally based on municipal population and that final designations within the Town of Carrboro will be made by the Board of Aldermen; and,

WHEREAS, AT&T has offered to work with member Universities and other community stakeholders to explore creative applications of a gigabit network in a wide range of areas that could include health and medicine, education, shared digital divide programs, regional government, and local focus areas.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Board approve the AT&T Master Network Development Agreement and authorizes the Town Manager to execute and enter into the agreement with AT&T on behalf of the Town.





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 14-0194

**Agenda Date: Version:** 1  
6/10/2014  
**In Control:**  
Board of Al

**Status:** Other  
Matters  
**File Type:**  
Abstr

---

### TITLE:

Consider the ESC's request to update the Local Living Economy Task Force Recommendations and to re-launch the Local First campaign

**PURPOSE:** The purpose of this agenda item is to update the Board of Aldermen on the ESC's work plan to update the Local Living Economy Task Force Recommendation and to re-launch the Local First campaign.

**DEPARTMENT:** Economic and Community Development

**CONTACT INFORMATION:** Annette D. Stone, AICP Economic and Community Development Director 919-918-7319

**INFORMATION:** The Local Living Economy Task Force Recommendations was appointed by the Board of Aldermen in December of 2008 and the recommendations were adopted by the Board in May of 2010 to investigate and evaluate strategies by which the Town of Carrboro can help foster the development of a sustainable, locally-owned and -run economy. Studies include strategies regarding "thinking local first", identifying and plugging leaks, mobilizing small businesses, entrepreneurship training, investor mobilization, and public policy reform. There were six primary recommendations that came out of the report. All of the recommendations have been explored by Town staff and a report is attached regarding the implementation status of each strategy.

The Economic Sustainability Commission is now recommending that the Board of Aldermen direct the Commission to update the Local Living Economy strategies. The Commission recommends continuing to use BALLE principles laid out in the new BALLE manual as a guide and template for updating the document. The following is a link to Growing Local Living Economies: A Grassroots Approach to Economic Development by Michael Schuman and Kate Poole. <https://bealocalist.org/balle-manuals> In addition to the Growing Local Living Economies manual, there is also a link to a Local First Campaigns handbook on how to implement a Local First program.

One of the recommendations from the 2010 study was a Think Local First campaign. The ESC and Town Staff would like to re-launch the Think Local First Campaign with an event to be held on Town Commons that is centered on public education of why think local. The proposal is to host a premiere of the Real Value movie <http://realvaluefilm.com/>, where localists like Eric Henry and Lyle Estill talk about how business can be used to create value beyond profit; locally. During the event, the Town would introduce our Think Local First campaign that would be an outreach and expansion of the Town's newly adopted branding. Businesses that

---

**Agenda Date:** Version: 1  
6/10/2014  
**In Control:**  
Board of Al

**Status:** Other  
Matters  
**File Type:**  
Abstr

---

participate will be spotlighted and acknowledged during the event. It is recommended that a small committee of business leaders be appointed by the Board to work with Town staff and the Splinter group in developing an effective Think Local First program, again, utilizing the BALLE Local First Campaigns manual as a guide for implementation. A Local First campaign is an opportunity to engage local businesses and potentially spark an interest in reorganizing a Local Business Network.

**FISCAL & STAFF IMPACT:** The Economic and Community Development budget includes funds for the Local Living Economy and creative work on a Local First campaign.

**RECOMMENDATION:** Consider the recommendation of the Economic Sustainability Commission to update the Local Living Economy Task Force Recommendations and consider appointing a committee of local business owners to develop a Local First Campaign.

A RESOLUTION TO DIRECT THE ECONOMIC SUSTAINABILITY COMMISSION TO  
EXPLORE UPDATING RECOMMENDATIONS  
FROM THE LOCAL LIVING ECONOMY TASK FORCE  
Resolution No.

WHEREAS, The Board of Aldermen established the Local Living Economy Task Force (LLETf) in 2008 and charged it with investigating and evaluating strategies that the Town of Carrboro could use to help foster the further development of a sustainable, locally-owned and run economy;

WHEREAS, the studies included, but were not limited to, strategies regarding “thinking local first” and plugging market leaks, mobilizing small businesses, entrepreneurship training, investor mobilization, and public policy reform; and

WHEREAS, sustaining the arts and creating more affordable housing continue to be important issues that should be considered along with creating a Local Living Economy; and

WHEREAS, the LLETf presented a report in May 2010 to the Board of Aldermen and the Board adopted the recommendations and directed staff to work toward implementation of the recommendations; and

WHEREAS, all the recommendations have been investigated by staff and many of the recommendations have been implemented; and

WHEREAS, the Economic Sustainability Commission (ESC) is recommending the Board of Aldermen consider allowing the ESC to update the recommendations and prepare a new Economic Development Plan based on the principles of the Michael Schuman book The Small Mart Revolution and the BALLE manual Growing Local Living Economies: A Grassroots Approach to Economic Development; and

WHEREAS, a strong, creative Local First campaign is a critical element to growing a Local Living Economy.

NOW THEREFORE, THE CARRBORO BOARD OF ALDERMEN RESOLVES:

Section 1. The Board of Aldermen direct the ESC to undertake the task of updating the LLETf report and prepare Economic Development Plan based on the principles Michael Schuman’s book The Small Mart Revolution and the BALLE manual entitled Growing Local Living Economies: A Grassroots Approach to Economic Development.

Section 2. The Board of Aldermen will appoint a committee of local business owners to work with the Town Staff and the Splinter Group to create a new Local First campaign aimed at education of the consumer of why local matters and helping to identify locally owned operated businesses.

**Status Report of Local Living Economy  
Task Force Recommendations Implementation  
6-3-2014**

**RECOMMENDATION 1: Think Local First Campaign**

The best way to influence buying habits that foster a sustainable, locally-owned, locally-sourced and -run economy is to educate the community via a Think Local First campaign.

We recommend a long-term initiative with multiple components designed to help citizens understand the importance of buying local and to showcase how easy it is to do. Elements of the campaign include:

- ☐ Creating a Think Local First brand
- ☐ Identifying and promoting local businesses through advertising
- ☐ Promotions and industry campaigns (i.e., natural health, automotive, trades)
- ☐ Community events including forums, yard sales and co-branding with other organizations

Every attempt was made to create events and initiatives that are inclusive and are of value to the many local business sectors and demographic subsets of the Carrboro community. In many cases, there are opportunities for volunteer involvement in the planning and execution of items. These recommendations are based on concepts included in *Small-Mart Revolution* but were developed with an eye to leveraging Carrboro's unique character. Most items meet several objectives that have been established to improve local buying.

The success of each component and the overall campaign will be measured using a combination of owner-reported business metrics and participation data.

The members of the Local Living Economy Task Force respectfully ask the Board of Aldermen to look closely at this project and investigate items that could be led by the Town, enabling it to walk its talk on the local economy. We also ask members' help in continuing the dialog by reaching out to community and business groups to encourage them to participate in or take responsibility for a component of the campaign.

*See reference: Appendix A:*

COMMUNITY BUILDERS: Think Local First Campaign ATTACHMENT B-7

UPDATE - For the past three years, the Town has run a 'For the Love of Carrboro' campaign during the month of February which highlights Carrboro businesses. There is also an on-going 'For the Love of Carrboro' Facebook page where Carrboro businesses are featured along with postings from 'bealocalist.org' are shared to reinforce why Buy Local messages.

Now that the branding campaign is completed and the new brand is introduced it will be more effective to support an on-going Think Local First campaign for Carrboro.



## **RECOMMENDATION 2: Town to Consider Local Options for Banking, Investment, and Procurement**

A vibrant and sustainable local living economy requires exploration and support of more locally-based banking options for the Town's services and investments *and* to serve our residents and businesses.

Local banking options are key to:

- ☐ Keeping capital local
- ☐ Enabling more locally focused lending

Town exploration and support of locally-based banking services and increased procurement of local goods and services aligns political will with public need. Large institutions such as the Town have a significant impact on local banks and businesses. Directing Town banking and purchasing activities to them will make them more sustainable.

We recommend that the Town investigate:

- ☐ Options for local banking investment, including the possibility of becoming an institutional member of and depositing some town money with Latino Community Credit Union, which will open a new branch at Carrboro Plaza later this year.
- ☐ Support locally focused lending by charging the Economic Sustainability Commission to develop a methodology to follow and measure local lending (for shelter, transportation, college and business) by our locally-owned banking institutions
- ☐ Expand local procurement of goods and services by identifying needs and prioritizing local sources for procurement

Local focus can be measured by volume of local lending to residents and businesses and other behavioral measures.

*See reference: Appendix A:*

POLICYMAKERS: Consider Local Options for Banking, Investment, and Procurement

INVESTORS: Promote Local Banking ATTACHMENT B-8

UPDATE – In September of 2010 the Town considered RFP's submitted by local banking institutions. Although, Harrington Bank was considered it was not selected at the time due to the fact the bank was out of compliance with certain federal banking regulatory issues that precluded the Town from being allowed to use Harrington by the Local Government Commission. BB&T was selected for banking services and is currently the Town's bank.

The Local Government Commission also does not allow local governments to participate in Credit Unions.

The Town's written purchasing policies are to purchase local whenever possible.

### **RECOMMENDATION 3: Town Maintenance and Promotion of the Revolving Loan Fund**

A sustainable, thriving local living economy requires partnership between the town, local business, and local investors. Small business (the creator of more than 50 percent of jobs in the United States) is in a credit crunch with low loan availability and high cost.

The Carrboro Revolving Loan Fund is the Town's most effective current method of stimulating the creation and development of locally-owned businesses. Continuous improvement of the loan process and an expanded scope and volume of loans are measurable means of Town support.

We recommend that the Town direct the Economic Sustainability Commission and the Economic and Community Development Office to:

- ☐ Conduct a full review of the CRLF qualification process and loan portfolio, including:
  - Measures of success
  - Identification and prioritization of new types of business compatible with local living economy that could be targeted through CRLF
  - Integration of business needs survey results
- ☐ Pursue stimulus funds for expansion of this program.
- ☐ Investigate the creation of a private investment fund for local business creation and development.
- ☐ Expand existing local business surveys to assess current needs (capital, land, space) for expansion and success.

*See reference: Appendix A:*

INVESTORS: Expand the Use of Small Business Loans

INVESTORS: Business Survey of Local Capital Needs

POLICYMAKERS: Review and Expand Carrboro Revolving Loan Fund ATTACHMENT B-9

UPDATE- In 2012-13 the Town adopted revised criteria for the Revolving Loan fund and created a second pool of money that opened up more cash for business expansion. On May 27, 2014, the Board made its first loan from the fund to Barry Keith of Surplus Sids.

#### **RECOMMENDATION 4: Town Pursuit of Stimulus Funds**

Federal and State stimulus funds are available to municipalities to aid in the creation, development, and support of small local businesses. Those municipalities who choose to apply for these funds will be taking a proactive step in supporting their respective local living economy. Given the poor state of the U.S. economy and record level unemployment, the Federal Government instituted the \$862 billion American Recovery and Reinvestment Act of 2009 to stimulate the economy by increasing federal spending and cutting taxes. Approximately \$ 6.1 billion of this funding has been made available to North Carolina—35 percent of which is tax cuts. Funds awarded through contracts and grants are meant to shore up the North Carolina economy and provide jobs. A breakdown of the State's stimulus funds can be found here: [www.ncrecover.gov/investments/default.aspx](http://www.ncrecover.gov/investments/default.aspx).

We recommend that the Town begin by investigating the following funding opportunities:

- ☐ Community Development Block Grants (CDBG's): \$6.9M available
- ☐ Transportation/Infrastructure Improvements: \$70M available
- ☐ Energy Efficiency and Conservation: \$37M available
- ☐ Weatherization: \$131M available

In addition, the Town should make a concerted effort to publicize the services and resources offered by the following local business support organizations:

- ☐ The Small Business and Technology Development Center (SBTDC)
- ☐ Orange County JobLink Career Center
- ☐ Durham Tech's Small Business Center
- ☐ SCORE Chapel Hill Carrboro
- ☐ Council for Entrepreneurial Development (CED)
- ☐ Carrboro Revolving Loan Fund (CRLF)
- ☐ Orange County Small Business Loan Program
- ☐ Midway Business Center
- ☐ \$30 billion in federal Stimulus funds being redirected to community banks for small business loans

*See reference: Appendix A:*

POLICYMAKERS: Pursuit of Stimulus Funds ATTACHMENT B-10

UPDATE – The amount of federal dollars have substantially changed since this recommendation was made. However, the Town is in the process of administering a CDBG project for the installation of Sewer on Roberson Street.

Also, the Energy Efficiency Revolving Loan Fund has now been established and is currently regenerating for future loans.

## **RECOMMENDATION 5: Town Branding and Marketing**

Effective branding influences consumer behavior. Everything else being equal, consumers will regularly gravitate to or embrace a brand which has come to embody the traits or characteristics they value most.

The consistent use and promotion of a Town graphic and tagline provides a visual hook to uniquely identify those businesses, programs, events, products, people and the physical environment that define our community. Properly developed, this graphic and tagline could embody the unique traits and characteristics of the community (i.e. quality, successful, unique, healthy, committed, beautiful, funky, leading edge, fun, historic, active.)

Brands can convey positive or negative feelings. A successful town brand is one which reflects the best attributes of a community. When a successful brand is applied to a new and unproven business, product, or event the goal is for the positive attributes of the brand to be passed on so potential consumers choose to engage, try, or participate.

We recommend that the Board contract with a professional advertising firm to develop a Town graphic and tagline and to advise on how it might best be used.

*See reference: Appendix A:*

POLICYMAKERS: Branding and Marketing Effort ATTACHMENT B-11

UPDATE – The new brand has been adopted and implementation of the Brand is underway. With the launch of the new brand there are numerous opportunities to promote Carrboro for business recruitment (recommended in the RTS report for Creating Carrboro's Economic Future), for tourism, and buying local.

### **RECOMMENDATION 6: Support of Local Economy Business Network**

Local business networks play a leading role in building and sustaining a local living economy. The Town should leverage these networks in all its initiatives as it seeks to strengthen and grow the local business economy.

It is imperative that local businesses take a leadership role in the development of a local living economy. Without their intimate involvement up front, initiatives undertaken by concerned citizens or local government often fail when not embraced by the business community.

An engaged, local economy business network is best able to take the pulse of the business community. It will likely have the most current information available, and is therefore able to accurately give voice to businesses needs while simultaneously addressing those needs in partnership with Town advocates, local government and the community at large.

The Town has a wealth of resources at its disposal to aid local business networks in their efforts to grow the local living economy.

*See reference: Appendix A:*

Support Local Economy Business Network ATTACHMENT B-12

UPDATE – This effort has been presented to the Business Community on numerous occasions, but unfortunately has not found “the champion” it needs for successful implementation in Carrboro.





# Town of Carrboro

Town Hall  
301 W. Main St.  
Carrboro, NC 27510

## Agenda Item Abstract

**File Number:** 14-0196

**Agenda Date: Version:** 1  
6/10/2014

**n Control:**  
Board of Ald

**Status:**  
Agenda  
Ready ☐  
**nFile Type:**  
Abstra

---

### TITLE:

Work Session on Proposed General Use Zoning Strategy for NSA Implementation

**PURPOSE:** The purpose of this item is to provide the Board of Aldermen with an opportunity to further discuss a possible new mixed-use zoning classification as part of the strategy to implement recommendations from the Northern Study Areas Plan Implementation Review Committee (NSAPIRC).

**DEPARTMENT:** Planning

**CONTACT INFORMATION:** Christina Moon - 919-918-7325; Patricia McGuire - 919-918-7327;  
Mike Brough - 919-929-3905

**INFORMATION:** At the January 14, 2014 work session, the Board discussed a staff proposal to create a new mixed-use zoning classification for the Northern Study Area, tentatively described as the Mixed Use Rural-Transition District (MURT). (Information from that meeting can be found at: <https://carrboro.legistar.com/MeetingDetail.aspx?ID=278049&GUID=9338808C-AF83-4BD4-A2B8-6B1DB90A1C52&Options=info&Search=>>) The proposal was prepared in response to the February 2011 design workshops facilitated by the Durham Area Designers (DAD) to assist with the realization of some of the goals of the Facilitated Small Area Plan for Carrboro's Northern Study Area (NSA Plan) as identified by the NSAPIRC, and as identified by Omar Zinn the owner of the design workshop study site.

The January work session agenda materials included a summary memo providing a brief analysis of different approaches toward creating a new or modified zoning classification. Using the existing Office/Residential Mixed Use District (OR-MU) as a model, staff provided sample language for a potential Mixed Use Rural-Transition District (MURT), designed to provide a variety of different land use opportunities within a framework that responded to the landscape of the existing rural environment through open space, screening and buffer requirements. As part of an outline for the MURT district, staff included a list of potential land uses based on information from the property owner regarding a possible development project. Board members expressed interest in having further discussion regarding some of the specific elements of the MURT district, particularly the selection of land uses, the proposed residential density and potential for density bonuses, potential building heights, and the use of buffers. The following summary is designed to facilitate this discussion and provide staff the necessary guidance to begin refining the provisions for a potential new mixed-use district (Attachment B).

---

**Agenda Date:** Version: 1  
6/10/2014

**Status:**  
Agenda  
Ready ☐  
**File Type:**  
Abstra

**n Control:**  
Board of Ald

---

**FISCAL & STAFF IMPACT:** There is no fiscal impact related to the discussion of this item. Additional staff time is expected to finalize ordinance provisions. Costs associated with public hearings should be anticipated at the time the Board decides to advance LUO and map amendments for public input.

**RECOMMENDATION:** Staff recommends that the Board of Aldermen discuss the decision points relating to a possible new mixed-use zoning district and consider the resolution (Attachment A) to provide staff with direction toward drafting an ordinance creating a new mixed-use zoning district.



A RESOLUTION PROVIDING BOARD INPUT ON THE SPECIFICS OF A PROPOSAL TO  
ESTABLISH A NEW MIXED-USE ZONING DISTRICT

WHEREAS, in the winter of 2011, the Carrboro Board of Aldermen sponsored a design workshop to explore ways to implement the some of the recommendations of the Northern Study Areas Plan Implementation Review Committee (NSAPIRC); and

WHEREAS, the Carrboro Board of Aldermen considered a proposal to model a new mixed-use zoning classification entitled Mixed Use Rural-Transition District (MURT) based on the existing Office-Residential Mixed Use Zone (OR-MU) in January of 2014; and

WHEREAS, the Board expressed interest in reviewing and providing input on specific elements of the potential new zoning district,

NOW, THEREFORE, BE IT RESOLVED by the Carrboro Board of Aldermen that the Board directs staff to draft an ordinance providing for the creation of the MURT District based on the following:

- 1) The proposed MURT District shall contain residential and non-residential uses at a ratio of \_\_\_\_% residential \_\_\_\_% non-residential.
- 2) The residential density shall be allowed at a density consistent with the R-7.5 to R-15 zoning district.
- 3) Bonus residential density may be achieved for constructing affordable housing unit/payment in-lieu \_\_\_\_ or increased open space \_\_\_\_, or both affordable housing and increased open space \_\_\_\_.
- 4) Non-residential uses shall be allowed consistent with the B-4 zoning district \_\_\_\_ or B-3 zoning \_\_\_\_\_, and/or other \_\_\_\_\_.
- 5) The Board shall consider the allowing the following other non-residential uses:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 6) The maximum non-residential height shall be consistent with the B-4 district at 50 feet or the B-3 district at 28 feet or other\_\_\_\_\_
- 7) Other  
\_\_\_\_\_  
\_\_\_\_\_.

This is the 10th day of June in the year 2014.



## TOWN OF CARRBORO

NORTH CAROLINA

### TRANSMITTAL PLANNING DEPARTMENT

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

**To:** David Andrews, Town Manager  
Mayor & Board of Aldermen

**From:** Tina Moon, Planning Administrator

**Date:** June 6, 2014

**Subject:** Input toward Potential new Mixed-Use District

During the January 2014 work session, staff provided the Board of Aldermen with a brief summary of analysis from the 2011 design workshops. Participants in the design workshops identified specific criteria for inclusion in the new district with an emphasis on the following six: 40% open space, OWASA service, a traffic study requirement for all projects, street shade trees, parking lot shade trees, and approval subject to a conditional use permit with phasing such that residential and non-residential development would occur at a controlled rate and in tandem with one another. An important component of any new district from the property owner's perspective was to establish a general zoning district, not as a conditional use district. Recommendations from the NSAPIRC, likewise, encouraged the Town to create an appropriate district and rezone suitable properties to the new classification.

The Board's initial discussion of a possible new mixed-use zoning classification, entitled Mixed Use Rural-Transition (MURT) focused on the overall framework of establishing a new district using the Office-Residential Mixed Use (OR-MU) District as a model. Provisions relating to the OR-MU District, found in Section 15-140.1 of the Land Use Ordinance include a general purpose statement and a series of eight subsections which speak to the ratio of residential and non-residential uses, residential density, permissible uses in the non-residential portion of the district, phasing, etc.

To assist with the discussion, staff provided the Board an outline of similar requirements for the potential MURT District based on criteria and performance standards developed during the design workshops and correspondence from Omar Zinn, the first property owner to consider the new district for a development proposal. Board members expressed support for the overall framework but requested an opportunity to talk through the various uses in more detail. The following

sections explore different options for some of the key components of a potential new district. Recommendations from the design workshop participants and Mr. Zinn are provided at the beginning of each section.

### Land Uses

The following have been identified as potential land uses for the MURT District:

#### Residential Uses

- 1.110 Single Family Detached
- 1.220 Primary Residence with Accessory Apartment
- 1.320 Multi-Family Townhouses
- 1.330 Multi-Family Apartments
- 1.480 Nursing Care Home
- 1.630 Senior Citizen Residential Complex
- 2.110 High Volume Sales and Retail

#### Non-residential Uses

- 2.112 Specialty High Volume Retail
- 2.120 Display of Goods Outside Fully Enclosed Building - Retail Low-volume Traffic Generation
- 3.110 Office, Clerical, Research and Services designed to attract and serve customers on the premises, such as the office of attorneys, physicians, insurance and stock brokers, etc.) operations
- 3.120 Office, Clerical, Research and Services designed to attract little or no customer or client traffic
- 3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet o gross floor area
- 5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school buildings) school or secondary
- 8.100 Restaurants
- 8.200 Restaurants Outside Service and Consumption
- 8.700 Mobile Prepared Food Venders
- 10.100 Independent automobile parking lots or garages
- 22.100 Child Day Care-Home
- 22.200 Child Day Care Facility

### Residential Density

The design workshop participants identified a potential residential zoning density based on R-7.5 to R-15. The study property contains approximately 27 acres; which if calculating density based on the total acreage without any constraints could yield 156 dwelling units. With natural constraints factored in the yield would be somewhat less. The design workshop participants considered density based on approximately 15 acres, and calculated reductions for open space requirements and environmentally sensitive site features. The resulting dwelling unit yield: approximately 21 units under the existing RR zoning classification, 84 units under R-7.5 and 121 units under R-10. An important question to consider is how many dwelling units is appropriate for this location, and what type of ratio between residential and non-residential uses strikes the right balance.

### Non-Residential Zoning Classification

The design workshop analysis considered the B-4, B-3 and possibly O/A zoning districts as models for the non-residential portions of the new zoning district. Most of the proposed uses listed above are allowed in the three districts. However, high volume sales and retail use, which might include a book store, is not allowed in any of the three. Restaurants are not permitted in B-3. Independent parking lots, (a staff suggestion to allow for future park-and-ride lots) is only allowed in the B-4 district. A description of each of these districts is provided below.

#### ■ **B-4 Outlying Concentrated Business.**

This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.

■ **B-3 Neighborhood Business.** This district is designed to accommodate commercial needs arising at the neighborhood level, such as grocery stores, branch banks, gas sales, and the like, as well as other commercial and office uses that are of such size and scale that they can compatibly coexist with adjoining residential neighborhoods. To insure compatibility between B-3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 3/7/2006)**

■ **O/A Office/Assembly.** This district is intended to provide for office, administrative, professional, research, and specialized manufacturing (such as light assembly and processing) activities in close proximity to an arterial street. This district is intended to provide employment near residential areas; therefore, the required development standards are intended to be compatible to adjacent residential uses and provide a park-like setting for employment. It is strongly encouraged that development in the Office/Assembly zoning district be designed so that employees may easily utilize alternative forms of transportation (such riding buses, cycling or walking) to commute to their place of employment.

### Building Height

Board members also expressed concern over the potential for excessively tall buildings in the potential MURT district. The residential districts identified as possible have building height limits of 35 feet. The B-3 district has a maximum height limit of 28 feet and the B-4 district has a height limit of 50 feet. The O/A district is also limited to 35 feet.

### Open Space

All of the workshop designs recommended a 40 percent open space requirement, which considering the residential component and rural location seems appropriate. The Board may wish to consider an increase in open space as a potential requirement for a residential density increase. In addition to open space, the Board may wish to consider additional open space or screening requirements to help soften the visual effect of this type of more intensive development in areas

that are still transitioning from rural to more urban. There may be interest in applying the current 100 foot setback requirement R-R properties in Transition Area II, to the MURT as a boundary setback as well.

Staff anticipates that further refinement will be needed, but wanted to receive Board feedback, particularly with regard to potential land uses, before getting into too much more detail. The new district should respond to the varying interests in the transition area including but not limited to the NSAPIRC's recommendation for mixed-use development, traffic and visibility concerns along the Old NC 86 and Eubanks Road, and the need to balance the protection of rural character while providing for more urban growth in the future.

## **Article X**

### **PERMISSIBLE USES**

#### **Section 15-146      Table of Permissible Uses.<sup>1</sup>**

The following Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Section 15-15 and the other interpretative provisions set forth in this article.

<sup>1</sup>The Table of Permissible Uses was amended 05/12/81 to add the R-SIR-2 and W categories.

The Table of Permissible Uses was amended 12/07/83 to delete the W category and to add the C, R-40, R-80, B-5, and WM-3 categories.

The Table of Permissible Uses was amended 02/04/86 to add the R-2, B-1(c), B-1(g), and CT categories; 04/05/88 the B-3T; and 04/16/91 the O and OA zones.

The Table of Permissible Uses of the Carrboro Land Use Ordinance was amended 6/22/04 to modify the permit requirements for the 8.000 uses.

The Table of Permissible Uses was amended 5/24/2005 modifying the use classification 15.800.

The Table of Permissible Uses is further amended 5/24/2005 by adding a new classification 17.400 Underground Utility Lines.

The Table of Permissible Uses is amended 3/7/06 by adding the letter “S” opposite use classifications 3.110, 3.120, and 3.130 under the B-3 district column to indicate that these uses are permissible with the special use permit in that district.

The Table of Permissible Uses is further amended 3/7/06 by replacing the designation “ZC” opposite use classification 3.150 under the B-3 district column with the designation “S” to indicate that this use is permissible in this district with a special use permit.

The Table of Permissible Uses is amended 6/26/07 by modifying the use classification 21.000 Cemetery and Crematorium by creating two new subcategories for this use so that the permit requirements now read as follows: 21.200 All other cemeteries; and 21.300 Crematorium.

The Table of Permissible Uses is amended by deleting the entries for 1.510 Hotels and Motels and 1.530 Bed and Breakfast, renumbering the remaining Temporary Residential use classification that is remaining, 1.520 Tourist Homes and other Temporary Residences Renting Rooms for Relatively Short Periods of Time, from 1.520 to 1.510; and a new use classification 34.000 Temporary Lodging with associated permit requirements.

*Art. X PERMISSIBLE USES (con't)*

The Table of Permissible Uses is amended 6/26/07 by changing adding the letter “S” opposite use classification 22.100 under the B-1-C district column to indicate that this use is permissible with a Special Use Permit in that district. The Table of Permissible Uses is further amended by adding the letter “Z” opposite use classification 22.200 under the B-1-C district column to indicate that this use is permissible in this district with a Zoning Permit.

The Table of Permissible Uses is amended 6/26/07 by changing the letter “S” to letter “Z” opposite the classification 22.200 under the B-2, B-4, and CT district column to indicate that this use is now permissible with a Zoning Permit in these districts.

The Table of Permissible Uses is amended 6/26/07 by relabeling use 22.300 as Senior Citizens Day Care, Class A and by changing the letter “S” to letter “Z” opposite the classification 22.300 under the B-2, B-4, and CT district column to indicate that this use is now permissible with a Zoning Permit in these districts.

The Table of Permissible Uses is amended 6/26/07 by adding a new use classification, 22.400, Senior Citizens Day Care, Class B and adding the letter “S” opposite this use classification under the columns for the R-2, R-3 R-7.5, R-10, R-15, R-20, RR B-2, B-4, and CT zoning districts, by adding a “Z” under the columns for the B-1(G), B-1(C), B-3, M-1, O, and O/A zoning districts.

The Table of Permissible Uses is amended 11/27/07 by adding the letter “C” opposite use classifications 2.112, 2.120, 2.150, 3.120, and 3.220 under the WM-3 district column to indicate that these uses are permissible with a Conditional Use Permit in that district.

The Table of Permissible Uses is amended 6/24/08 by adding a new use classification 8.700 entitled “Mobile prepared food vendors” and by adding the letter “z” opposite this use classification under the B-1(C), B-1(G) and M-1 zoning district columns to indicate that this use is permissible in those districts with a zoning permit.

The Table of Permissible Uses is amended 10/28/08 by adding the letter “C” opposite use classifications 2.210, 2.220, 2.230 under the WM-3 district column to indicate that these uses are permissible with a Conditional Use Permit in that district.

The Table of Permissible Uses is amended 11/24/09 by the addition of a “Z(l)” opposite the 5.110 use classification in the column for the B-4 zoning district to indicate that these uses are permissible with a zoning permit in that district, subject to the limitations provided in Section 15-147(m).

The Table of Permissible Uses is hereby amended 6/22/10 to include “electronic gaming operations” as use # 6.150 and to add the electronic gaming definition. Electronic gaming operations shall be permitted with a special use permit in the B-4 zoning district, and the Table of Permissible Uses is amended accordingly.

*Art. X PERMISSIBLE USES (con't)*

The Table of Permissible is hereby amended on 4/23/13 is amended by changing the permit designation “ZS” to “ZC” wherever the former designation appears in the table under the zoning district columns applicable to the commercial and manufacturing districts. No change shall be made with respect to use classification 26.100 (major subdivisions).

<sup>2</sup>Use classifications amendment/repeal dates are as follows:

1.112—Amended 10/01/85	8.600—Amended 06/22/04
1.120—Amended 10/01/85	9.100—Amended 6/25/02
1.420—Amended 05/10/83; 06/22/04	15.147—Amended 06/22/04
1.480-- Amended 04/19/05	15.800—Amended 05/24/05
1.640—Amended 10/22/85	17.400—Amended 05/24/05
1.700—{Repealed}	18.200---Amended 11/12/85
1.800	19.100---Amended 05/12/81
2.110	19.200---Amended 05/12/81
2.120	21.000—Amended 06/20/06
2.111--Amended 04/15/81; 12/14/82	21.100—Amended 06/20/06
2.210—Amended 05/28/02 ; 10/28/08	21.200—Amended 06/20/06
2.220—Amended 10/28/08	21.300—Amended 06/20/06
2.230—Amended 5/28/02; 10/28/08	22.100—Amended 06/26/07
3.110—Amended 03/7/06	22.200—Amended 06/26/07
3.120—Amended 03/7/06	22.300—Amended 06/26/07
3.130---Amended 03/7/06	2.120—Amended 11/27/07
3.140---Amended 12/07/83	2.150—Amended 11/27/07
3.150—Amended 03/7/06	3.120—Amended 11/27/07
7.200---Amended 05/10/83	3.220—Amended 11/27/07
8.100—Amended 06/22/04	8.700—Amended 06/24/08
8.200—Amended 06/22/04	2.210---Amended 10/28/08
8.500—Amended 6/22/04	2.220---Amended 10/28/08
22.400--Amended 6/26/07	2.230---Amended 10/28/08
34.000--Amended 11/28/06	5.110---Amended 11/24/09
34.100--Amended 11/28/06	6.150---Amended 06/22/10
34.200--Amended 11/28/06	ZS to ZC --- Amended 04/23/13
2.112—Amended 11/27/07	



# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
<b>1.000 Residential</b>																						
1.100 Single Family Residences																						
1.110 Single Family Detached One Dwelling Unit Per Lot																						
1.111 Site Built/Modular	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.112 Class A Mobile Home			Z	Z	Z	Z	Z											Z				
1.113 Class B Mobile Home																						
1.120 Single Family Detached More Than One Dwelling Unit Per Lot																						
1.121 Site Built/Modular	*	*	*	*	*	*	*		*	*	*	*				*					*	*
1.122 Class A Mobile Home			*	*	*	*	*															
1.123 Class B Mobile Home																						
1.200 Two-Family Residences																						
1.210 Two-Family Conversion	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.220 Primary Residence with Accessory Apartment	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.230 Duplex	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.231 Maximum 20% units > 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.232 No bedroom limit	*	*																				
1.240 Two Family Apartment	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.241 Maximum 20% units > 3 bedrms/du	*	*	*	*	*	*	*	*	*	*	*	*				*					*	*
1.242 No bedroom limit	*	*																				
1.300 Multi-Family Residences																						
1.310 Multi-Family Conversion	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.320 Multi-Family Townhomes	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.321 Maximum 20% units > 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.322 No bedroom limit	SC	SC																				
1.330 Multi-Family Apartments	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.331 Maximum 20% units > 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC				SC					SC	SC
1.332 No bedroom limit	SC	SC																				
1.340 Single-Room Occupancy	SC							SC	SC	SC	SC					SC						
1.400 Group Homes																						
1.410 Fraternities, Sororities, Dormitories and Similar Housing	C	C	C	C	C	C	C		C	C						C						
1.420 Boarding Houses, Rooming Houses	S	S	S	S	S	S	S		C	S						C		C				
1.430 Adult Care Home, Class A	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.440 Adult Care Home, Class B	S	S	S	S	S	S	S		Z	Z						Z		S				
1.450 Child Care Home, Class A	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.460 Child Care Home, Class B	S	S	S	S	S	S	S		Z	Z						Z		S				
1.470 Maternity Home	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.480 Nursing Care Home	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z				Z		Z			Z	Z
1.500 Temporary Residences																						
1.510 Tourist Homes and other Temporary Residences Renting Rooms for Relatively Short Periods of Time	S	S	S	S						S									C			
1.600 Homes Emphasizing Services, Treatment or Supervision																						
1.610 Temporary Homes for the Homeless		S	S				S	S		S	S	S										
1.620 Overnight Shelters for Homeless								S		S	S	S										
1.630 Senior Citizen Residential Complex				C	C																	
1.700																						
1.800																						
1.900 Home Occupation	Z	Z	Z	Z	Z	Z	Z			S	S	S				S		Z			Z	Z

TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
2.000 Sales and Rental of Goods, Merchandise and Equipment																						
2.100 No Storage or Display of Goods Outside Fully Enclosed Building																						
2.110 High-Volume Traffic Generation								ZC	ZC		ZC	ZC	ZC	ZC	ZC	C			C			ZC
2.111 ABC Stores								ZC	ZC		C	C	C			C						
2.112 Specialty High Volume Retail										ZC										C		
2.120 Low-Volume Traffic Generation								ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	C			C	C		ZC
2.130 Wholesale Sales									ZC			ZC	ZC	ZC	ZC	C			C	C		ZC
2.140 Drive-In Windows											C	C	C	C								
2.150 Retail Sales with Subordinate Manufacturing and Processing								ZC												C		
2.200 Display of Goods Outside Fully Enclosed Building																						
2.210 High-Volume Traffic Generation								ZC	ZC					ZC	ZC	ZC			C	C		ZC
2.220 Low-Volume Traffic Generation								ZC	ZC					ZC	ZC	ZC			C	C		ZC
2.230 Wholesale Sales									C					ZC	ZC	ZC			C	C		ZC
2.240 Drive-In Windows											C	C		C								
2.300 Storage of goods outside fully enclosed building																						
2.310 High-volume traffic generation														ZC								
2.320 Low-volume traffic														ZC								
2.330 Wholesale Sales														ZC								
2.340 Drive-in Windows																						
3.000 Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise																						
3.100 All operations conducted entirely Within Fully Enclosed Building																						
3.110 Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.								ZC	ZC	ZC	S		ZC	ZC	ZC	C			C		ZC	ZC
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use								ZC	ZC	ZC	S		ZC	ZC	ZC	C			C	C	Z	ZC
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area								ZC	ZC	ZC	S		ZC	ZC		ZC			C		ZC	ZC
3.140 Watershed research																	C					
3.150 Copy Centers/Printing Operations								ZC	ZC	ZC	S	ZC	ZC	ZC	ZC	ZC			ZC		ZC	

TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
3.200 Operations conducted within or outside fully enclosed buildings																						
3.210 Operations designed to affect and serve customers or clients on the premises														ZC	ZC				C			ZC
3.220 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use														ZC	ZC	C			C	C		ZC
3.230 Banks with drive-in window											C	C	C		C							
3.240 Watershed research																	C					
3.250 Automatic Teller Machine, Freestanding								C	C		C		C			C					C	C
4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment																						
4.100 All operations conducted entirely within fully enclosed buildings									ZC					ZC	ZC	C				C		C
4.200 Operations conducted within or outside fully enclosed buildings															ZC							
5.000 Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses																						
5.100 Schools																						
5.110 Elementary and secondary (including associated grounds and athletic and other facilities)	C	C	C	C	C	C	C	C	C				Z(1)					Z	C			
5.120 Trade or vocational school								Z	ZC				C	ZC	C	C			C			
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc)							C	Z	ZC				C	C		C						
5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school buildings) school or secondary	ZS	ZS	ZS	ZS	ZS	ZS	ZS	Z	ZC	ZC	ZC	ZC	ZC	ZC		ZC		C	C		ZS	ZS
5.300 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)																						
5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet	S	S	S	S	S	S	S	ZC	Z	Z	Z	Z	S	ZC		ZC			C		Z	ZS
5.320 Located within any permissible structures								ZC	ZC	ZC			S	ZC		ZC			C		C	ZS
5.400 Social, fraternal clubs and lodges, union halls, and similar uses								ZC	ZC	ZC			S	S		ZC			C			
6.000 Recreation, Amusement, Entertainment																						
6.100 Activity conducted entirely within building or substantial structure																						
6.110 Bowling alley, skating rinks, indoor tennis and squash courts, billiards and pool halls, indoor athletic and exercise facilities and similar uses.								ZC	ZC		ZC	ZC	ZC	ZC		ZC			C			

# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
6.120 Movie Theaters																						
6.121 Seating capacity of not more than 300								ZC	ZC				ZC	S		ZC						S
6.122 Unlimited Seating Capacity								S	ZC				ZC	S		ZC						
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1000 people								C	C				C	C		C						
6.140 Community Center--a Town sponsored, non-profit indoor facility providing for one or several of various type of recreational uses. Facilities in a Community Center may include, but are not limited to gymnasias, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z		Z
6.150 Electronic Gaming Operations													S									
6.200 Activity conducted primarily outside enclosed buildings or structures.																						
6.210 Outdoor recreational facilities developed on private lands, without Town sponsorship or investment, such as golf and country clubs, swimming or tennis clubs, etc. and not constructed pursuant to a permit authorizing the construction of a residential development.	S	S	S	S	S	S	S		C							C	C	C	C			
6.220 Outdoor recreational facilities developed on public lands, or on private lands with swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school																						
6.221 Town of Carrboro owned and operated facilities.	Z	Z	Z	Z	Z	Z	Z	Z	Z				Z	Z		Z	Z	Z	Z	Z		
6.222 Facilities owned and operated by public entities other than the Town of Carrboro	C	C	C	C	C	C	C	C	C				C	C		C	C	C	C	C		
6.230 Golf driving ranges not accessory to golf course, par 3 golf courses, miniature golf course, skateboard parks, water slides, and similar uses.														ZC					C			
6.240 Horseback riding stables (not constructed pursuant to permit authorizing residential development)							S							S			Z	C	C			
6.250 Automobile and motorcycle racing tracks															S							
6.260 Drive-in Movie Theaters														C								
7.000 Institutional Residence or Care of Confinement Facilities																						
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area									C							C						

# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
7.200 Nursing care institutions, intermediate care institutions, handicapped, aged or infirm institutions, child care institutions	C	C					C		C							C			C			
7.300 Institutions (other than halfway houses) where mentally ill persons are confined									C							C						
7.400 Penal and Correctional Facilities																						
<b>8.000 Restaurants (including food delivery services), Bars, Night Clubs</b>																						
8.100 Restaurant with none of the features listed in use classification below as its primary activity								ZC	ZC(l)	C			Z						C			ZC
8.200 Outside Service or Consumption								ZC	ZC(l)	C			S						C			ZC
8.300 Drive-in (service to and consumption in vehicle on premises)													C									
8.400 Drive Through Windows (service directly to vehicles primarily for off-premises consumption)													C									
8.500 Carry Out Service (food picked up inside of off-premises consumption)								ZC	ZC(l)				Z						C			
8.600 Food Delivery								ZC	ZC(l)				Z						C			
8.700 Mobile prepared food vendors								Z	Z					Z								
<b>9.000 Motor Vehicle-Related Sales and Service Operations</b>																						
9.100 Motor vehicle sales or rental of sales and service									C					ZC	ZC							
9.200 Automobile service stations													S	C	Z							
9.300 Gas sales operations											S	S	S	C	Z							
9.400 Automobile repair shop or body shop									C			S	S	C	Z							
9.500 Car wash														C	Z							
<b>10.000 Storage and Parking</b>																						
10.100 Independent automobile parking lots or garages								ZC	Z				Z	Z	Z	C						
10.200 Storage of goods not related to sale or uses of those goods on the same lot where they are stored																						
10.210 All storage within completely enclosed structures														Z	Z							C
10.220 Storage inside or outside completely enclosed structures														C	Z							ZC
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot														S	S							
<b>11.000 Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards</b>															S							
<b>12.000 Services and Enterprises Related to Animals</b>																						
12.100 Veterinarian							S		ZC				S	S	S							
12.200 Kennel							S							S	S							
<b>13.000 Emergency Services</b>																						
13.100 Police Stations	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
13.200 Fire Stations	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
13.300 Rescue Squad, Ambulance Service	S	S	S	S	S	S	Z		S	S	S	S	S	S	Z	S	C	C	C	C	S	S
13.400 Civil Defense Operation	S	S	S	S	S	S	Z		S	S	S	S	S	S	Z	S	C	C	C	C	S	S
<b>14.000 Agricultural, Silvicultural, Mining, Quarrying Operations</b>																						
14.100 Agricultural operations, farming																						
14.110 Excluding livestock		Z	Z	Z	Z	Z	Z								Z		Z	Z	Z			
14.120 Including livestock							Z										Z	Z	Z			
14.200 Silvicultural operations		Z	Z	Z	Z	Z	Z								Z							

# TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R- 2	R- 3	R- 7.5	R- SIR, SIR2, 10	R- 15	R- 20	RR	B- 1 (C)	B- 1 (G)	B- 2	B- 3	B- 3- T	B- 4	M- 1	M- 2	CT	C	W- R	B- 5	WM -3	O	O/ A
14.300 Mining or quarrying operations, including on-site sales of products															S							
14.400 Reclamation landfill		Z	Z	Z	Z	Z	Z						Z	Z	Z							
<b>15.000 Miscellaneous Public and Semi-Public Facilities</b>																						
15.100 Post Office								C	C		C	C	C	C	C	C						
15.200 Airport							C		S				S	S								C
15.300 Sanitary landfill							C							C								
15.400 Military reserve, National Guard centers														Z								
15.500 Recycling materials collection operations																						
15.510 Using collection facilities other than motor vehicles									Z				Z	Z	Z							
15.520 Aluminum recycling using motor vehicles									S				S	S	S							
15.600 Public utility service complex																			C			
15.700 Cable Television Signal Distribution Center								S	S	S	S		S	S	S	S					S	S
<b>15.800 Town-owned and/or Operated Facilities and Services</b>																						
15.810 Town-owned and/or Operated Public Parking Lot								Z	Z	Z	Z	Z	Z	Z	Z	Z				Z		Z
15.820 All other town-owned and/or operated facilities and services	Z	Z	Z	Z	Z	Z	Z		Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z
<b>16.000 Dry Cleaner, Laundromat</b>																						
16.100 With drive-in windows											C	C	C	C								C
16.200 Without drive-in windows									Z		S	S	Z	S		Z			C			S
<b>17.000 Utility Facilities</b>																						
17.100 Neighborhood	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	C	C	C			S
17.200 Community or regional														S	S		C		C			S
17.300 Cable Television Satellite Station							S				S	S	S	S	S	S					S	S
17.400 Underground Utility Lines	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	Z	C	Z	Z
<b>18.000 Towers and Related Structures</b>																						
18.100 Towers and antennas fifty feet tall or less	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	C	Z			Z
18.200 Towers and antennas attached thereto that exceed 50 feet in height, and that are not regarded as accessory to residential users under 15-150(c)(5)						C	C				C	C	C	C	C	C			C	C	C	C
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
18.400 Publicly-owned towers and antennas of all sizes that are used in the provision of public safety services									ZC													
<b>19.000 Open Air Markets and Horticultural Sales</b>																						
19.100 Open air markets (farm and craft markets, flea markets, produce markets)								ZC	ZC	ZC	S	S		S		S					S	S
19.200 Horticultural sales with outdoor display									ZC	ZC	S	S		S		S					S	S
19.300 Seasonal Christmas or pumpkin sales								Z	Z	Z	Z	Z	Z	Z	Z						Z	Z
<b>20.000 Funeral Homes</b>													Z	Z								
<b>21.000 Cemetery and Crematorium</b>																						
21.100 Town-owned cemetery	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.200 All other cemeteries							S							Z	Z		C	C	C			
21.300 Crematorium														Z	Z							
<b>22.000 Day Care</b>																						
22.100 Child Day Care Home	ZZ	Z	Z	Z	Z	Z	Z	S	S	Z	S	S				Z		Z			S	S
22.200 Child Day Care Facility	S	S	S	S	S	S	S	Z	Z	Z	Z	Z	Z	Z		Z		C	C		Z	Z
22.300 Senior Citizens Day Care, Class A	S	S	S	S	S	S	S		Z	Z	Z	Z	Z	Z		Z		C	C		Z	Z
22.400 Senior Citizens Day Care, Class B	S	S	S	S	S	S	S	Z	Z	S	Z	Z	S	Z		S					Z	Z

TABLE OF PERMISSIBLE USES

Last Amended: 4/23/13

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
<b>23.000 Temporary structure or parking lots used in connection with the construction of a permanent building or for some non-recurring purpose</b>																						
23.100 Temporary structures located on same lot as activity generating need for structure	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z	Z
23.200 Temporary parking facilities located on or off-site of activity generating need for parking	Z																					
<b>24.000 Bus Station</b>									ZC				S	S		S						
<b>25.000 Commercial Greenhouse Operations</b>																						
25.100 No on-premises sales						S	S							Z								
25.200 On-premises sales permitted							S							Z								
<b>26.000 Subdivisions</b>																						
26.100 Major	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	SC	C	C	C	C	SC	SC
26.200 Minor	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z	Z
<b>27.000 Combination Uses</b>	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	C	*	*	*	*
	Permissible only in Planned Unit Development Districts (See Section 15-139) pursuant to a conditional use permit).																					
<b>28.000 Planned Unit Developments</b>																						
<b>29.000 Special Events</b>	C	C	C	C	C	C	C	ZC	ZC	ZC	C	C	C	C	C	C	C	C			C	C
	Permissible only in Planned Industrial Development Districts [See Subsection 15-137(c)] pursuant to a conditional use permit																					
<b>30.000 Planned Industrial Development</b>																						
<b>31.000 Off-Premises Signs</b>															Z							
	Permissible only in Village Mixed Use Districts (See Section 15-141.2 pursuant to a conditional use permit).																					
<b>32.000 Village Mixed Use Development</b>																						
	Permissible only in Office/Assembly Conditional Use Districts [see Subsection 15-136(11)] pursuant to a conditional use permit].																					
<b>33.000 Office/Assembly Planned Development</b>																						
<b>34.000 Temporary Lodging</b>																						
34.100 Hotels and Motels	C							C	C				C			C						C
34.200 Bed and Breakfast	S	S	S	S	S	S	S			S						S		C	S			

*Art. X PERMISSIBLE USES (con't)***Section 15-147 Use of the Designations Z,S,C in Table of Permissible Uses (AMENDED 11/18/03; 6/22/04; 10/25/05; 11/22/05; 6/26/07; 11/27/07; 10/28/08, 11/24/09. REWRITTEN 4/23/09)**

(a) Subject to Section 15-148, and subsection (h) of this section, when used in connection with a particular use in the Table of Permissible Uses (Section 15-146), the letter “Z” means that the use is permissible in the indicated zone with a zoning permit issued by the administrator (except that, in connection with use classification 26.200, minor subdivisions, the letter “Z” means that final plat approval shall be granted by the Planning Director). The letter “S” means a special use permit must be obtained from the board of adjustment, and the letter “C” means a conditional use permit must be obtained from the Board of Aldermen. **(AMENDED 1/22/85; 11/18/03)**

(b) When used in connection with single-family, two-family and multi-family residences (use classifications 1.100, 1.200 and 1.300) outside the watershed districts, the designation “ZSC” or “SC” means that tracts developed with four dwelling units or less require a zoning permit, tracts developed with between five and twelve dwelling units require a special use permit, and tracts developed with more than twelve dwelling units require a conditional use permit. When used in connection with single-family, two-family, and multi-family residences in the watershed districts, the designation “ZC” means that tracts developed with one dwelling unit shall require a zoning permit and tracts developed with two or more dwelling units shall require a conditional use permit. **(AMENDED 1/22/85; 2/24/87; 12/15/87)**

(c) When used in connection with major subdivisions (use classification 26.100) outside the watershed districts, the designation “SC” means that subdivisions containing between five and twelve lots shall require a special use permit, and subdivisions containing thirteen or more lots shall require a conditional use permit. **(AMENDED 7/21/87; 12/15/87)**

(d) Subject to Section 15-148, use of the designation “ZC” (which designation appears only under the zoning district columns applicable to the commercial and manufacturing districts) means that a conditional use permit must be obtained if the development involves the construction of more than 3,000 square feet of new building gross floor area *or* the development is located on a lot of more than one acre, and a zoning permit must be obtained if the development involves the construction of 3,000 square feet or less of new building gross floor area *and* the development is located on a lot of one acre or less. **(AMENDED 11/14/88) (REWRITTEN 4/23/13)**

(e) Subject to Section 15-148, use of the designation “Z,S” means that a zoning permit must be obtained if the development is located on a lot of two acres or less while a special use permit must be obtained for developments in excess of two acres.

(f) Use of the designation Z,S,C, for combination uses is explained in Section 15-154.

(g) When used in connection with use classification 18.400 (publicly-owned towers and antennas of all sizes that are used in the provisions of public safety services), the designation “ZC” means that the development of such towers that are fifty feet tall or less



*Art. X PERMISSIBLE USES (con't)*

shall require a zoning permit, and the development of such towers that are more than fifty feet tall shall require a conditional use permit. **(AMENDED 10/04/88, 02/18/97)**

- (h) Whenever any 1.000 classification use is proposed for a lot in the R-2, R-3, R-7.5, and R-10 zoning districts and such use would otherwise require the issuance of a zoning permit under the provisions of this section, a special use permit shall nevertheless be required if:
  - (1) The use involves (i) construction of an addition to an existing dwelling, or (ii) construction of an additional dwelling on a lot where at least one dwelling already exists, or (iii) construction of a dwelling on a lot from which a previously existing dwelling has been removed within a period of three years prior to the application for a permit under this chapter, and
  - (2) The gross floor area of any one dwelling unit exceeds 3,500 square feet, or the gross floor area of all dwellings covered by the proposed permit exceeds 5,500 square feet.
  - (3) This requirement shall not apply if at least one of the dwelling units is an affordable housing unit as defined in Section 15-182.4(a).
  - (4) This requirement shall not apply with respect to a proposed one-time addition to a dwelling that has been in existence for a period of at least twenty years if such one-time addition results in less than a 25 percent increase in the gross floor area of such dwelling and less than a 15 percent increase in the gross floor area of all dwellings covered by the proposed permit.
- (i) When used in connection with 8.100, 8.200, 8.500 and 8.600 uses, the designation "ZC(l)" means that a zoning permit must be obtained if the total area within a development to be used for this purpose does not exceed 1,500 square feet and the use is to take place in a building in existence on the effective date of this subsection while a conditional use permit must be obtained whenever the total area to be used for this purpose is equal to or exceeds 1,500 square feet.
- (j) Notwithstanding the other provisions of this section, whenever a building of more than two stories or 35 feet in height is proposed within the B-1(g), B-1(c), B-2, CT or M-1 zoning districts, a conditional use permit must be obtained from the Board of Aldermen. **(AMENDED 10/25/05)**
- (k) Notwithstanding the foregoing, Uses 22.200 Child Day Care Facilities serving nine to fifteen children, and 22.300 Senior Citizen Day Care, Class A, serving four to sixteen seniors, that are located on collector or arterial streets are permissible with a Zoning Permit issued by the

*Art. X PERMISSIBLE USES (con't)*

Administrator. For the purposes of this section, collector streets are those streets whose function and design meet the current town standards for classification as collector streets; and arterial streets are those listed in subsection 15-210.

l) Notwithstanding the foregoing, if a use within use classifications 2.112, 2.120, 2.150, 2.220, 2.230, 3.120, or 3.220 is proposed for an existing building within the WM-3 zoning district, and no other changes to the site are proposed that would require the issuance of a new permit under Section 15-46, then such use shall be permissible with a zoning permit. **(Amended 10/28/08)**

m) Notwithstanding the foregoing, 5.110 uses may be permitted within the B-4 zoning district only when proposed within an existing building and when no other changes to the site are proposed that would require the issuance of a new permit under Section 15-46. **(AMENDED 11/24/09)**

**Section 15-148 Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit.**

(a) Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of Section 15-147 and the other provisions of this article) provides that a use is permissible with a zoning permit, (i) a conditional use permit shall nevertheless be required if the administrator finds that the proposed use is located within the University Lake Watershed (i.e., the C, B-5, and WM-3 districts) and would have a substantial impact on neighboring properties or the general public, and (ii) a conditional use permit shall nevertheless be required if the administrator finds that the proposed use is located in the B-1(c), B-1(g), B-2, or CT zoning districts, the use is shown as permissible in those districts with a "ZC" designation in the Table of Permissible Uses, and the proposed use would have a substantial impact on neighboring properties or the general public; (iii) otherwise, a special use permit shall nevertheless be required if the administrator finds that the proposed use would have a substantial impact on neighboring properties or the general public. **(AMENDED 01/22/85; 12/15/87; 02/25/92)**

(b) A special use permit shall be required for any use that is otherwise permissible with a zoning permit if the administrator concludes that, given the impact of the proposed use on neighboring properties, the vested right conferred upon the permit recipient pursuant to Section 15-128.2 should not be conferred without an opportunity for public input. A conditional use permit shall be required for any use that is otherwise permissible with a zoning permit if the administrator concludes that, given the impact of the proposed use on the general public, the vested right conferred upon the permit recipient pursuant to Section 15-128.2 should not be conferred without an opportunity for public input. However, if the zoning administrator makes this determination, the permit applicant may require that the application be returned to the zoning permit process by submitting to the administrator a written waiver of the vested right normally acquired under Section 15-128.2 upon the issuance of a zoning permit. **(AMENDED 10/01/91; 02/25/92)**

**Section 15-149 Permissible Uses and Specific Exclusions** **(AMENDED 6/24/08)**

*Art. X PERMISSIBLE USES (con't)*

(a) The presumption established by this chapter is that all legitimate uses of land are permissible within at least one zoning district in the town's planning jurisdiction. Therefore, because the list of permissible uses set forth in Section 15-146 (Table of Permissible Uses) cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Notwithstanding subsection (a), all uses that are not listed in Section 15-146 (Table of Permissible Uses), even given the liberal interpretation mandated by subsection (a), are prohibited. Nor shall Section 15-146 (Table of Permissible Uses) be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the fire prevention code adopted by reference in Section 12-11 of the Town Code.
- (2) Stockyards, slaughterhouses, rendering plants.
- (3) Use of a travel trailer as a residence, temporary or permanent.
- (4) The use of any motor vehicle (as defined in Section 6-1 of the Town Code), parked on a lot, as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted (as defined in Section 8-1 of the Town Code), except that the following shall not be prohibited by this subdivision: (i) retail sales of goods and food products manufactured, created or produced by the seller, (ii) the sale of food products on town property by persons authorized or acting on behalf of the town; (iii) the sale of prepared food by mobile prepared food vendors to the extent authorized in the Table of Permissible Uses and Section 15-176.5; and (iv) use of a motor vehicle in connection with an aluminum recycling operation to the extent authorized in the Table of Permissible Uses and other provisions of this chapter. Notwithstanding any other provision of this chapter, situations that exist on the effective date of this provision that are in violation thereof shall not be regarded as lawful, nonconforming situations thirty days after the effective date of this subdivision.  
**(AMENDED 11/10/81; 6/22/82; 6/28/83; 6/24/08)**

*Art. X PERMISSIBLE USES (con't)*

- (5) Construction by the developer of a major residential subdivision of an opaque fence, wall, or berm more than three feet in height around any portion of the periphery of such subdivision, except where such fence, wall or berm is designed to shield the residents of such subdivision from the adverse effects of any adjoining nonresidential use other than a street. Notwithstanding the foregoing, a berm of more than three but less than four feet in height shall be allowed under the foregoing circumstances where (i) the side slopes of the berm are constructed at a steepness ratio of 4:1 to 6:1 and (ii) the average height of the berm does not exceed three feet. For purposes of this subsection, the term “developer” includes any entity that is under the control of the developer, including a homeowners association that is under the developer’s control. **(AMENDED 05/19/98, 08/24/99)**
- (6) Construction of gates that prevent access to private roads serving five or more lots or dwelling units. **(AMENDED 05/25/99)**

**Section 15-150 Accessory Uses.**

(a) The Table of Permissible Uses (Section 15-146) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a service station (use classification 9.200) is permissible in a B-3 district; car washes (9.500) are not. However, many service stations have facilities for washing cars. If such car washing activities are incidental to the principal use, then they may be regarded as accessory to the principal use and a service station with such facilities would be permissible in a B-3 district. However, if the car washing operations are substantial (e.g., if separate from the main building or if there are two or more bays used principally or solely for car washing), then the total operation would be considered a combination use consisting of a service station principal use and a car wash principal use. This combination use would not be permitted within a B-3 district. As another example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed (as use classification 6.210 or 6.220) apart from a residential development, would require a special use permit or conditional use permit. **(AMENDED 02/02/88)**

(b) For purposes of interpreting subsection (a):

- (1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;

*Art. X PERMISSIBLE USES (con't)*

- (2) To be “commonly associated” with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(c) Without limiting the generality of subsections (a) and (b), the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:

- (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
- (2) Hobbies or recreational activities of a noncommercial nature.
- (3) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.
- (4) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.  
**(AMENDED 4/27/82)**
- (5) Towers and antennas constructed on residential property, as long as:
  - a. Such towers are intended for the personal and noncommercial use of the residents of the property where located; and
  - b. Such towers and antennas comply with the setback requirements of Subsection 15-176(2) and are installed only in rear or side yards; and
  - c. No more than one such tower or antenna may be regarded as an accessory use on a single lot; and
  - d. The owner must be able to demonstrate compliance with Federal Communications Commission regulations, 47 C.F.R. Part 97, Subpart 97.15, Sections (a) through (e), inclusive; and  
**(REPEALED & AMENDED 02/18/97)**

*Art. X PERMISSIBLE USES (con't)*

- (6) Child day care arrangements for one or two children who do not reside with the provider. **(AMENDED 02/04/97; 6/26/07)**

(d) Without listing the generality of subsections (a) and (b), the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

- (1) Parking outside a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building and the street on any lot used for purposes that fall within the following principal use classifications: 1.100, 1.200, 1.420, or 1.430.

(e) Satellite dishes shall be regarded as accessory uses to any residential or non-residential principal use. However, as set forth in the Table of Permissible Uses, Cable Television Satellite stations shall be regarded as a separate principal use (use classification 17.300). **(AMENDED 02/18/97)**

**Section 15-151 Permissible Uses Not Requiring Permits** **(AMENDED 06/06/89)**

(a) Notwithstanding any other provisions of this chapter, no zoning, special use, or conditional use permit is necessary for the following uses:

- (1) Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- (2) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way, so long as such facilities do not exceed five feet in height, five feet in width, or five feet in depth. **(AMENDED 05/26/81)**
- (3) Bus shelters erected by or under the direction of the town. **(AMENDED 01/22/85)**
- (4) Space occupied by the Town of Carrboro police department within pre-existing buildings for purposes of allowing police officers to spend time periodically within such buildings or portions thereof conducting official business, including without limitation the completion of paperwork or meeting with neighborhood residents. Such uses shall be permitted in all zoning districts, and no additional parking or screening shall be required when property is used in this fashion. **(AMENDED 04/18/95)**

(b) As described in Section 15-84(b), construction plans for new electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way shall be submitted to and approved by the public works director before construction of such facilities may commence. **(AMENDED 06/06/89)**

*Art. X PERMISSIBLE USES (con't)*

**Section 15-152 Change in Use.**

(a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

- (1) The change involves a change from one principal use category to another.
- (2) If the original use is a combination use (27.000) or planned unit development (28.000), the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.
- (3) If the original use is a combination use or planned unit development use, the mixture of types of individual principal uses that comprise the combination use or planned unit development use changes.
- (4) **(DELETED 10/22/91)**

(b) A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than twelve consecutive months. **(AMENDED 06/18/91)**

(c) A mere change in ownership of a business or enterprise shall not be regarded as a change in use.

**Section 15-153 Developments in the B-3 Zoning District.**

The 2.000, 3.000, and 4.000 classifications in the Table of Permissible Uses are written in very broad terms. However, it is the intention of this chapter that uses described in those classifications are permissible in an area zoned B-3 only when the particular use is in accordance with the objectives of the B-3 zoning district set forth in Section 15-136. **(AMENDED 5/26/81)**

**Section 15-154 Combination Uses.**

(a) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:

*Art. X PERMISSIBLE USES (con't)*

- (1) A conditional use permit if any of the principal uses combined requires a conditional use permit.
- (2) A special use permit if any of the principal uses combined requires a special use permit but none requires a conditional use permit.
- (3) A zoning permit in all other cases.

This is indicated in the Table of Permissible Uses by the designation “Z,S,C” in each of the columns adjacent to the 27.000 classification.

(b) Subject to subsection (c), when a combination use consists of a residential subdivision and a multi-family development the total density permissible on the developer’s tract shall be determined by having the developer indicate on the plans the portion of the total tract that will be developed for each purpose and calculating the density for each portion as if it were a separate lot. **(AMENDED 11/26/85)**

(c) Notwithstanding Subsection 15-182(b), whenever (i) a combination use consists of a standard residential subdivision and a multi-family development and (ii) the subdivided portion of the tract contains lots that exceed the minimum lot size requirements set forth in Section 15-181, but that do not exceed an average of 30,000 square feet, then the density of the portion of the tract developed for multi-family purposes may be increased beyond the permissible density calculated in accordance with subsection (b). The increase in density shall be determined as follows: **(AMENDED 11/26/85)**

- (1) The minimum lot size requirement for the applicable zoning district shall be subtracted from each lot that exceeds the minimum lot size, and the remainders totaled.
- (2) The sum derived from the calculation in subdivision (1) shall be divided by the minimum lot size requirements. Fractions shall be rounded to the nearest whole number.
- (3) The result of the calculation in subdivision (2) shall yield the number of additional multi-family dwelling units that may be located within the portion of the tract developed for multi-family purposes.

(d) When a residential use is combined with a non-residential use in a business district, the lot must have at least the minimum square footage required for the residential use alone. For example, in a B-1 zone, if two dwelling units are combined with a retail store in one building, the lot must have at least 6,000 square feet.



*Art. X PERMISSIBLE USES (con't)*

(e) When two principal uses are combined, the total amount of parking required for the combination use shall be determined by cumulating the amount of parking required for each individual principal use according to the relative amount of space occupied by that use.

**Section 15-155 Planned Unit Developments.**

(a) In a planned unit development the developer may make use of the land for any purpose authorized in the particular PUD zoning district in which the land is located, subject to the provisions of this chapter. Section 15-139 describes the various types of PUD zoning districts.

(b) Within any lot developed as a planned unit development, not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-1(g), B-2, or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the M-1 zoning district (assuming the PUD zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for purposes permissible in a residential district (as applicable), purposes permissible in a business district (as applicable), and purposes permissible only in an M-1 district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, residential, business or M-1 uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided in Article IV to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.

**Section 15-156 More Specific Use Controls.**

Whenever a development could fall within more than one use classification in the Table of Permissible Uses (Section 15-146), the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers or clients to the premises). However, classification 3.130 "Physicians and dentists offices and clinics occupying not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.

*Art. X PERMISSIBLE USES (con't)***Section 15-157 Residential Uses in Conservation Districts.**

The Table of Permissible uses indicates that single family residences are permissible in the conservation district. However, this shall be true only if and to the extent a residence is used in conjunction with another permitted use, e.g., a caretaker's house. **(AMENDED 12/7/83)**

**Section 15-158 Hazardous Substances in B-5 and WM-3 Districts** **(AMENDED 12/7/83)**

(a) Subject to subsection (b), no use involving the possession, storage, maintenance, or use of any quantity of hazardous substance shall be permissible on any lot within the B- 5 or WM-3 zoning districts. **(AMENDED 06/21/88)**

(b) Subsection (a) shall not apply to commercial or industrial enterprises which:

- (1) use, possess, store, or maintain gasoline, kerosene, diesel fuel, and other petroleum products where such products are held solely for the purpose of on-premises sales to retail customers; however, storage tanks for such products must be emptied within sixty days after sale of the products stored is discontinued;
- (2) use, possess, store, or maintain hazardous substances contained in consumer products packaged and held for retail sale to the general public;
- (3) use, possess, store, or maintain hazardous substances contained in commercial products used for janitorial or maintenance purposes on the premises where stored.
- (4) are in possession, on June 21, 1988 of a Hazardous Substances Authorization Certificate issued under the prior subsection (c) of this section; to the extent that such enterprises use, possession, storage, or maintenance of hazardous chemicals is substantially the same as was the case on the date of issuance of such Certificate. This exemption is transferable with the transfer of the enterprise in question only to the extent that the new enterprise will operate substantially the same operation at the same location as that for which the Certificate was issued. **(AMENDED 06/21/88)**

(c) Notwithstanding the provision of Article VIII of this chapter, situations that exist on the effective date of this section that are made non-conforming by this section shall not be allowed to continue beyond sixty days after the effective date of this section.

*Art. X PERMISSIBLE USES (con't)***Section 15-159 Mobile Home Type Structures Prohibited In Business Districts (AMENDED 10/1/85)**

Notwithstanding any other provision of this ordinance, no building that (i) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis, and (ii) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, may be located in any of the commercial districts established in Section 15-136.

**Section 15-160 Outside Display of Goods in B-1(c) and B-1(g), and WM-3 Districts (AMENDED 2/4/86; 10/28/08)**

(a) As indicated in the Table of Permissible Uses, outside display of goods for sale or rent, but not outside storage, is permitted in the B-1(c), B-1(g) and WM-3 zoning districts. However, such outside display shall only be allowed if and to the extent that:

- (1) Such display is conducted in furtherance of a business operated on such the lot where the display is located, by the person operating such business; and
- (2) Such display is conducted on a lot on which is located a principal building that houses the businesses referenced in subdivision (1); and
- (3) For lots located within the B-1(c) and B-1(g) districts, the area of such display does not exceed 25% of the gross floor area of the principal building referenced as subdivision (2) that is occupied by the business referenced in subdivision (1). For lots located within the WM-3 district the total area of such display does not exceed 5% of the gross floor area of the principal building, the display must be located outside of all required setbacks and areas landscaped to meet screening and shading requirements, and the display must be removed or adequately secured when the business operating on the lot is closed.

(b) For purposes of this section, the term “lot” shall include all contiguous land as well as land immediately on the opposite side of a bisecting street that is in the possession or under the control of the person operating the business referenced in subdivision (a)(1).  
(AMENDED 10/28/08)

**Section 15-160.1 Residential Uses in B-1(c) Districts (AMENDED 2/4/86)**

Residential uses are not allowed on the ground floor of property within a B-1(c) district.

*Art. X PERMISSIBLE USES (con't)*

**Section 15-160.2 Permissible Uses in the Historic District (HD) (AMENDED 11/21/95)**

Notwithstanding the provisions of 15-146 (Table of Permissible Uses), only single-family residences (uses classification 1.100) are permitted in the Historic District (HD) on properties with the following underlying zoning district designations: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-40, R-SIR, and R-SIR-2.

## **ARTICLE II**

### **BASIC DEFINITIONS AND INTERPRETATIONS**

**Section 15-15 Definitions of Basic Terms. (AMENDED 6/22/04; 5/24/05; 6/26/07; 6/24/08; 3/24/09; 6/22/10)**

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

- (1) **ACCESSORY USE.** (See Section 15-150). **(AMENDED 1/22/85)**
- (2) **ADMINISTRATOR.** (See Section 15-37).
- (3) **ADULT CARE HOME, CLASS A.** All group homes for adults other than Class B group homes, maternity homes, or nursing care homes. This definition specifically includes but is not limited to group homes for adults who are in need of such a residential arrangement because they are aged or infirm, or have a “handicap” as defined in the Fair Housing Act (42 U.S.C. § 3602), or are “handicapped” as that term is defined in N.C.G.S. § 168-21. **(AMENDED 6/22/05)**
- (4) **ADULT CARE HOME, CLASS B.** A group home for adults that serves primarily the needs of those who (i) are “dangerous to others” as those terms are defined in N.C.G.S. 122C-3(11) and (21), or (ii) are currently using or are addicted to controlled substances; or (iii) who have been assigned to a group home as a condition of probation, parole, or intermediate punishment; as defined in G.S. 15 A-1340.11(6). **(AMENDED 6/22/04; 4/19/05)**
- (5) **ANTENNA.** Equipment designed to transmit or receive electronic signals or energy over the air. **(AMENDED 02/18/97)**
- (6) **AUTOMATIC TELLER MACHINE, FREESTANDING.** A machine or device through which a customer can conduct certain banking transactions and which is not located on the same lot as the bank or financial institution with which such machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic. **(AMENDED 09/01/92)**
- (7) **BASE FLOOD.** The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.
- (8) **BED AND BREAKFAST.** A use that (i) takes place within a building that, before January 1, 1999, was designed and used as a single-family detached dwelling unit, (ii) consists of a single dwelling unit together with the rental of one (1) or more bedrooms on a daily or weekly basis to tourists, vacationers, or similar transients, (iii) where the provision of meals,

- if provided at all, is limited to registered guests, and (iv) where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than an equivalent of two (2) full-time employees. (**AMENDED 06/22/99**)
- (9) **BEDROOM.** A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. (**AMENDED 10/07/97**)
- (10) **BERM.** A man-made mound of earth whose length exceeds its height by a factor of at least five and whose side slopes are constructed at a steepness ratio of 6:1 or steeper. (The side slope of a berm shall not be constructed steeper than 2:1) (**AMENDED 05/19/98**)
- (11) **BOARDING HOUSE.** A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.
- (12) **BUILDING.** A structure designed to be used as a place of occupancy, storage or shelter.
- (13) **BUILDING, ACCESSORY.** A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.
- (14) **BUILDING, PRINCIPAL.** The primary building on a lot or a building that houses a principal use.
- (15) **CABLE TELEVISION SATELLITE STATION.** A site containing one or more satellite dishes and related equipment, operated by a cable television company and used for the reception of electronic signals from satellites. (**AMENDED 02/18/97**)
- (16) **CABLE TELEVISION SIGNAL DISTRIBUTION CENTER.** A fully enclosed building not exceeding 2500 square feet that houses equipment used in connection with the distribution of cable television signals, with no external antennas, towers, satellite dishes, or similar facilities located on site. (**AMENDED 02/18/97**)
- (17) **CERTIFY.** Whenever this chapter requires that some agency certify the existence of some fact or circumstance to the town, the town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.

- (18) **CHILD CARE HOME, CLASS A.** All group homes for minor children other than Class B group homes. This definition specifically includes but is not limited to group homes for minor children who are in need of such a residential arrangement because they are orphaned, abused, neglected, or dependent, or who have a “handicap” as defined in the Fair Housing Act (42 U.S.C. § 3602), or are “handicapped” as that term is defined in N.C.G.S. § 168-21. **(AMENDED 6/22/04)**
  
- (19) **CHILD CARE HOME, CLASS B.** A group home for minor children that serves primarily the needs of those who (i) are “dangerous to others” as those terms are defined in N.C.G.S. § 122C-3(11) and (21), or (ii) are currently using or are addicted to controlled substances; or (iii) who have been assigned to a group home as a condition of probation, parole, or “intermediate punishment: as defined in G.S. 15A-1340.11(6). **(AMENDED 6/22/04; 4/19/05)**
  
- (20) **CHILD CARE INSTITUTION.** An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.
  
- (21) **CHILD DAY CARE FACILITY.** A program or arrangement where more than eight children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than two hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. **(AMENDED 6/26/07)**
  
- (22) **CHILD DAY CARE HOME.** A program or arrangement where three to eight children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than two hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. **(AMENDED 6/26/07)**
  
- (23) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
  
- (24) **COMBINATION USE.** A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Section 15-146. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 15.150. In addition, when two or more separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)
  
- (25) **COMMUNITY CENTER.** A publicly-sponsored, non-profit indoor facility providing for one or several of various types of recreational uses. Facilities in a Community Center may include, but are not limited to gymnasias, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses. For the purposes of this section, the term

publicly-sponsored means that a significant Town investment is involved in some fashion in the facility's development or operations. **(AMENDED 02/02/88)**

- (26) **CONDITIONAL USE PERMIT.** A permit issued by the Board of Aldermen that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Board of Aldermen.
- (27) **CRITICAL AREA.** The critical area of the University Lake Watershed is defined as all area of the watershed within the planning jurisdiction of the Town of Carrboro. **(AMENDED 07/06/93)**
- (28) **DAY CARE CENTER. (REPEALED 02/04/97)**
- (29) **DESIGNATED BUFFER.** An area of land adjacent to lakes or watercourses within the University Lake Watershed that pursuant to Section 15-265 remains undisturbed in order to reduce the sedimentation and pollution of such lakes or watercourses. **(AMENDED 12/7/83; 12/06/88).**
- (30) **DEVELOPER.** A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.
- (31) **DEVELOPMENT.** That which is to be done pursuant to a zoning permit, special use permit, conditional use permit, or sign permit.
- (32) **DIMENSIONAL NONCONFORMITY.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.
- (33) **DRAINAGE FACILITIES.** Any temporary or permanent natural or man-made facility utilized to divert, convey, or store stormwater runoff. Such facilities shall include (but are not limited to): drainage pipes and culverts, swales and ditches, intermittent and permanent streams, catch basins, drainage junction boxes and manholes, yard inlets, retention and detention basins and ponds, curbing which will carry runoff, dams and weirs, and culvert outlet stabilization and protection devices. **(AMENDED 04/03/90)**
- (34) **DRIVEWAY.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- (35) **DUPLEX.** (See Residence, Duplex)
- (36) **DWELLING UNIT.** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.



- (36.1) **ELECTRONIC GAMING OPERATION.** (See Section 15-180). Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does not include any lottery approved by the State of North Carolina. **(AMENDED 6/22/10).**
- (37) **EXPENDITURE.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.
- (38) **EXTRATERRITORIAL PLANNING AREA.** That portion of the town's planning jurisdiction that lies outside the town's corporate boundaries. **(AMENDED 4/27/82).**
- (39) **FAMILY.** One or more persons living together as a single housekeeping unit.
- (40) **FLAG LOT.** An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot that is less than fifty percent of the presumptive minimum required lot width as set forth in Section 15-183 [or if no minimum lot width is specified therein, is less than the lesser of (i) fifty percent of the width of the buildable portion of the lot, or (ii) fifty feet]. **(AMENDED 11/21/95)**
- (41) **FLOODPLAIN.** Any land area susceptible to being inundated by water from the base flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.
- (42) **FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this chapter, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.
- (43) **FLOOR.** The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in a frame construction. See the definition of "Floor" in Subsection 15-251 (5) for all matters pertaining to floodplain and floodway regulations. **(AMENDED 4/21/87; 4/8/03)**
- (44) **GROUP HOME.** A housing arrangement in which up to nine individuals, typically unrelated, live together as a single housekeeping unit in a single dwelling unit, under circumstances

where such residents are under the care, control, and supervision of one or more other persons who are trained to provide such care, control, and supervision. **(AMENDED 6/22/04; 4/19/05)**

- (45) **GROSS FLOOR AREA.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- (46) **HANDICAPPED, AGED OR INFIRM INSTITUTION.** A facility that provides residential care for more than nine aged, disabled or handicapped persons whose principal need is a home with the sheltered or personal care their age or disability requires. Medical care at such a facility is only occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. The residents of such a facility do not occupy separate dwelling units, and this distinguishes such a facility from a multi-family development occupied by the elderly, handicapped or disabled. **(AMENDED 5/10/83) (REPEALED 6/22/05)**
- (47) **HAZARDOUS SUBSTANCE.** Any substance which may pose a danger to the public health or safety if contained in the public water supply. This includes all substances defined as hazardous chemicals by the community right to know reporting requirements under Sections 311 and 312 of the Superfund Amendments and Reauthorization Act of 1986, and by the North Carolina Hazardous Chemicals Right to Know Act (G.S. 95-173 to 95-218). **(AMENDED 12/7/83; 06/21/88)**
- (48) **HIGH VOLUME TRAFFIC GENERATION.** All uses in the 2.000 classification other than low volume traffic generation uses.
- (49) **HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to construction, next to proposed walls of the structure. **(AMENDED 4/21/87)**
- (50) **HOME OCCUPATION.** A commercial activity that: (i) is conducted by a person on the same lot where such person resides, and (ii) is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 15-150), but that can be conducted without any significantly adverse impact on the surrounding neighborhood. **(AMENDED 04/11/89)**

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if: (i) goods, stock in trade, or other commodities are displayed, (ii) any on- premises retail sales occur, (iii) more than one person not a resident on the premises is employed in connection with the purported home occupation, (iv) it creates objectionable noise, fumes, odor, dust or electrical interference, or (v) more than twenty-five percent of the total gross floor area of the residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: (i) the office or studio of a physician, dentist, artist, musician, lawyer, architect, teacher, or similar professional, (ii) workshops, greenhouses, or kilns, (iii) dressmaking or hairdressing studios.

- (51) **INDEPENDENT AUTOMOBILE LOTS OR GARAGES.** An area or garage (i) that is used for the temporary parking (not storage) of motor vehicles, (ii) that is located on a lot on which there is no other principal use to which the parking is related, and (iii) where the parking spaces are used by more than one enterprise or by the general public or where the lot is leased by one enterprise for a total period (including automatic renewals or renewal options) of not more than four years. **(AMENDED 3/11/86)**
- (52) **INTERMEDIATE CARE INSTITUTION.** An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.
- (53) **INTERMITTENT STREAM.** A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources. It is dry for a large part of the year. **(AMENDED 12/7/83)**
- (54) **JOINT PLANNING TRANSITION AREA.** That portion of the town's planning jurisdiction which lies generally to the north of the town's corporate boundaries and extraterritorial planning area, and which is defined by the Joint Planning Agreement between Carrboro, Chapel Hill, and Orange County, and described on the Orange County Joint Planning Area Land Use Map. This area is further defined as being in transition from rural to urban or already urban in density. The Transition Area is divided into Transition Area I and Transition Area II on the Joint Planning Area Land Use Map. Under the terms of the Joint Planning Agreement, no tract in Transition Area II may, after the effective date of the Agreement, be approved for development at a density that exceeds one housing unit per gross acre until at least 75% of the gross land area of Transition Area I consists of any combination of:
  - a. lots containing one acre or less;
  - b. residential developments approved for development at a density of at least one unit per acre;
  - c. streets, roads, and utility easements located outside of lots containing one acre or less;
  - d. lots or tracts that are used for commercial, industrial, institutional, or governmental purposes;
  - e. tracts that are owned by the University of North Carolina or other non-profit entities and that are not available for development. **(AMENDED 11/14/88)**

- (55) **KENNEL.** A commercial operation that: (i) provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or (ii) engages in the breeding of animals for sale.
- (56) **LAKE OR WATERCOURSE.** Any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment and pollutants. (AMENDED 12/7/83)
- (57) **LOADING AND UNLOADING AREA.** That portion of the vehicle accommodation area used to satisfy the requirements of Section 15.300.
- (58) **LOT.** A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Subject to Section 15-123, the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.

- (59) **LOT AREA.** The total area circumscribed by the boundaries of a lot, except that: (i) when the legal instrument creating a lot shows the boundary of the lot extending to the center of a public street right-of-way or into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or a line running parallel to and thirty feet from the center of the traveled portion of the street if the right-of-way line cannot be determined, and (ii) in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.
- (60) **LOW VOLUME TRAFFIC GENERATION.** Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor area than stores selling smaller items.
- (61) **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfurnished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor

provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. **(AMENDED 4/21/87)**

- (62) **MATERNITY HOME.** A group home licensed as a maternity home by the N.C. Department of Health and Human Services pursuant to N.C.G.S. § 131D-1. **(AMENDED 6/22/04)**
- (63) **MOBILE HOME. (REPEALED 4/24/84)**
- (64) **MOBILE HOME.** Any structure that: (i) consists of a single unit completely assembled at the factory, or of two (double-wide) or three (triple-wide) principal components totally assembled at the factory and joined together at the site; (ii) is designed so that the total structure (or in the case of double-wides or triple-wides, each component thereof) can be transported on its own chassis; (iii) is over 40 feet in length and over 8 feet in width; (iv) is designed to be used as a dwelling and provides complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation; (v) is actually being used or held ready for use as a dwelling; (vi) is not constructed in accordance with the standards set forth in the North Carolina State Building Code. **(AMENDED 4/24/84)**
- (65) **MOBILE HOME, CLASS A.** A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:
  - (a) The pitch of the mobile home's roof has a minimum vertical rise of two feet for each twelve feet of vertical run.
  - (b) The exterior materials are of wood, hardboard, or aluminum comparable in composition, appearance, and durability to site-built houses in the vicinity.
  - (c) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the mobile home; and
  - (d) The tongue, axles, transporting lights, and removable towing apparatus are to be removed subsequent to final placement. **(AMENDED 10/1/85)**
- (66) **MOBILE HOME, CLASS B.** A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. **(AMENDED 10/1/85, 10/20/87)**
- (67) **MOBILE HOME, CLASS C.** All mobile homes other than Class A or Class B mobile homes. **(AMENDED 10/20/87)**
- (67.1) **Mobile Prepared Food Vendor.** A business in which food that is prepared and ready for consumption at the point of sale is sold from or out of a motor vehicle (as defined in Section 6-1 of the Town Code) that does not exceed eight feet in width or twenty-five feet in length and that is removed each day at the close of the food vendor business from the

lot where the food is sold. In no case may a mobile prepared food vendor business operate between the hours of 2:30 a.m. and 6:00 a.m. **(AMENDED 6/24/08)**

- (68) **MODULAR HOME.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the N.C. State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.
  
- (69) **NONCONFORMING LOT.** A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.
  
- (70) **NONCONFORMING PROJECT.** Any structure, development, or undertaking that is incomplete at the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.
  
- (71) **NONCONFORMING SITUATION.** A situation that occurs when, on the effective date of this chapter, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and set-back requirements) is not in conformity with this chapter, because signs do not meet the requirements of this chapter (Article XVII), or because land or buildings are used for purposes made unlawful by this chapter.
  
- (72) **NONCONFORMING USE.** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)
  
- (73) **NURSING CARE HOME.** A group home licensed as a nursing home under the Nursing Home Licensure Act, N.C.G.S. § 131E-100 et. seq. **(AMENDED 6/22/04)**
  
- (74) **NURSING CARE INSTITUTION.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

- (75) **OUTSIDE DISPLAY OF GOODS FOR SALE OR RENT.** Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent. **(AMENDED 2/4/86)**
- (76) **OVERNIGHT SHELTER FOR HOMELESS.** A shelter operated by a non-profit agency for not more than fifteen persons (in addition to not more than two resident managers) who are referred to such shelter by an established agency within the community such as OPM Mental Health, the Carrboro or Chapel Hill Police Departments, the Orange County Department of Social Services, the Interfaith Council, the Salvation Army, etc. **(AMENDED 10/22/85)**
- (77) **PARKING AREA AISLES.** A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- (78) **PARKING SPACE.** A portion of the vehicle accommodation area set aside for the parking of one vehicle.
- (79) **PLANNED INDUSTRIAL DEVELOPMENT.** A development that *(i)* is constructed on a tract of at least twenty contiguous acres under single ownership located within a planned industrial district, *(ii)* is developed in accordance with a comprehensive and unified scheme of development covering the entire tract, *(iii)* consists of a single principal use or a combination of principal uses as described in the 2.130 wholesale sales, 4.100 manufacturing, 13.100 police station, or 13.200 fire station classifications, and *(iv)* is otherwise developed according to building height, setback and other regulations applicable to the M-1 zoning district, except that the performance standards (Article XI, Part I) applicable to 4.100 uses in business zones shall govern uses in a planned industrial development. **(AMENDED 6/22/82)**
- (80) **PLANNED UNIT DEVELOPMENT.** A development constructed on a tract of land at least twenty-five (25) acres under single ownership, planned and developed as an integral unit, and consisting of a combination of principal uses that could not be combined in any district other than a planned unit development district. **(AMENDED 6/22/82)**
- (81) **PLANNING JURISDICTION.** The area within the town limits as well as the area beyond the town limits within which the town is authorized to plan for and regulate development pursuant to the authority granted in Article 19 of Chapter 160A of the N.C. General Statutes and Chapter 122 of the Session Laws of 1963. **(AMENDED 6/22/82)**
- (82) **PROTECTIVE BUFFERS.** An area of land along both sides of watercourses outside of the University Lake Watershed with drainage areas smaller than one square mile that pursuant to Section 15-268 remains undisturbed and naturally vegetated in order to minimize the likelihood of nuisance flooding, promote the infiltration of stormwater into the ground, and help maintain local streams' capacity for carrying off storm water. **(AMENDED 12/06/88)**

- (83) **PUBLIC UTILITY SERVICE COMPLEX.** A development consisting of a combination of offices and one or more of the following types of uses, all of which are operated or conducted by a “public utility” as that term is defined in Section 62-3 of the N.C. General Statutes: motor vehicle repair (use classification 9.400), parking or storage (use classification 10.300), and towers and related structures (use classification 18.000). **(AMENDED 10/25/83)**
- (84) **PUBLIC WATER SUPPLY SYSTEM.** Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof. (See G.S. 130-31)
- (85) **RECEIVE ONLY EARTH STATION. (DELETED 02/18/97)**
- (86) **RESIDENCE, DUPLEX. (REPEALED 4/24/84)**
- (87) **RESIDENCE, MULTI-FAMILY. (REPEALED 4/24/84)**
- (88) **RESIDENCE, SINGLE-FAMILY. (REPEALED 4/24/84)**
- (89) **RESIDENCE, DUPLEX.** A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. **(AMENDED 4/24/84)**
- (90) **RESIDENCE, MULTI-FAMILY.** A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). **(AMENDED 4/24/84)**
- (91) **RESIDENCE, MULTI-FAMILY APARTMENTS.** A multi-family residential use other than a multi-family conversion or multi-family townhome. **(AMENDED 4/24/84)**
- (92) **RESIDENCE, MULTI-FAMILY CONVERSION.** A multi-family residence containing not more than four dwelling units, that results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence. **(AMENDED 4/24/84)**
- (93) **RESIDENCE, MULTI-FAMILY TOWNHOMES.** A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. **(AMENDED 4/24/84)**
- (94) **RESIDENCE, PRIMARY WITH ACCESSORY APARTMENT.** A residential use having the external appearance of a single-family residence but in which there is located a second



dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet.

- (95) **PRIMARY WITH ACCESSORY DETACHED DWELLING.** A residential use in which there is located on the same lot a primary, single family residence and a second dwelling that is detached from the primary residence but that may be attached to another accessory building such as a garage, and which second dwelling unit comprises not more than fifty percent of the gross floor area of the primary residence nor more than a total of 750 square feet, exclusive of garage. **(AMENDED 05/28/02)**
- (96) **RESIDENCE, SINGLE-FAMILY DETACHED, MORE THAN ONE DWELLING PER LOT.** A residential use consisting of two or more single-family detached dwelling units on a single lot.
- (97) **RESIDENCE, SINGLE-FAMILY DETACHED, ONE DWELLING UNIT PER LOT.** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.
- (98) **RESIDENCE, SINGLE-ROOM OCCUPANCY.** A multi-family, residential use in which each dwelling unit includes no more than 450 square feet. **(AMENDED 01/11/00)**
- (99) **RESIDENCE, TWO-FAMILY.** A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.
- (100) **RESIDENCE, TWO-FAMILY APARTMENT.** A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.
- (101) **RESIDENCE, TWO-FAMILY CONVERSION.** A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.
- (102) **ROAD.** All private ways used to provide motor vehicle access to (i) two or more lots or (ii) two or more distinct areas or buildings in unsubdivided developments.
- (103) **ROOMING HOUSE.** (See Boarding House)
- (104) **SATELLITE DISH.** A dish-shaped antenna designed for the reception of electronic signals from satellites. **(AMENDED 02/18/97)**
- (105) **SENIOR CITIZEN RESIDENTIAL COMPLEX.** A residential development consisting of a combination of (i) two-family or multi-family dwelling units, at least 90% of which are one-bedroom units designed for and limited to occupancy by senior citizens, and (ii) an “intermediate care institution” for senior citizens (use classification 7.200) containing a number of bedrooms that does not exceed the number of dwelling units in the complex

and that is designed to house a number of senior citizens that does not exceed twice the maximum permissible number of bedrooms in this intermediate care facility. For purposes of this subsection, the term “senior citizen” means a person who is sixty-two (62) years of age or older or a household composed of one or more persons at least one of whom is 62 years of age or older. **(AMENDED 11/28/95)**

- (106) **SENIOR CITIZENS’ DAY CARE FACILITY, CLASS A.** Any day care arrangement or center which provides day care for more than three but not more than sixteen senior citizens at any one time, on a regular basis of at least once per week for more than two hours but less than 24 hours per day. Operation of a class A day care facility for senior citizens is considered use 22.300 Senior Citizens Day Care in the Table of Permissible Uses. **(AMENDED 02/04/97; 6/26/07)**
  
- (107) **SENIOR CITIZENS’ DAY CARE FACILITY, CLASS B.** Any day care arrangement or center which provides day care for more than sixteen senior citizens at any one time, on a regular basis of at least once per week for more than two hours but less than 24 hours per day. Operation of a class B day care facility for senior citizens is considered use 22.400 Senior Citizens Day Care in the Table of Permissible Uses. **(AMENDED 02/04/97; 6/26/07)**
  
- (108) **SIGN, FREESTANDING.** A sign that *(i)* is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but *(ii)* is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a “sandwich sign”, is also a freestanding sign.
  
- (109) **SIGN, NONCONFORMING.** A sign that, on the effective date of this chapter does not conform to one or more of the regulations set forth in this chapter, particularly Article XVII, Signs.
  
- (110) **SIGN, OFF-PREMISES.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.
  
- (111) **SIGN PERMIT.** A permit issued by the land use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.
  
- (112) **SPECIAL EVENTS.** Circuses, fairs, carnivals, festivals, or other types of special events that *(i)* run for longer than one day but not longer than two weeks, *(ii)* are intended to or likely to attract substantial crowds, and *(iii)* are unlike the customary or usual activities generally associated with the property where the special event is to be located. **(AMENDED 10/13/81)**

- (113) **SPECIAL EXCEPTION PERMIT.** A permit issued by the board of adjustment that authorizes the recipient to deviate from the otherwise applicable requirements of this chapter under the specific circumstances and in accordance with the conditions set forth in section 15-92.1. **(AMENDED 06/21/94)**
- (114) **SPECIAL USE PERMIT.** A permit issued by the board of adjustment that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the board of adjustment.
- (115) **SPECIALTY HIGH VOLUME TRAFFIC GENERATION.** Uses such as gift or craft stores, bookstores, music stores and similar uses, to the extent that each individual enterprise occupies (whether as tenant or owner occupant) a gross floor area of not more than 3,000 square feet. Without limiting the generality of the foregoing, pawn shops and firearms sales are specifically excluded from this definition. **(AMENDED 04/27/99)**
- (116) **STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, a distance typically measuring between nine and fourteen feet. The term story does not include any building level(s) that are substantially enclosed below the finished grade at the front of the building, so long as the finished grade does not substantially differ from the pre-construction, natural grade. **(AMENDED 11/14/00; 4/8/03)**
- (117) **STREAM.** A body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods. **(AMENDED 12/7/83)**
- (118) **STREET.** A public street or a street with respect to which an offer of dedication has been made.
- (119) **STREET, ARTERIAL.** A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the town and carries high volumes of traffic. The following streets are arterial streets:
- |                      |                      |
|----------------------|----------------------|
| Culbreth Road        | Main Street          |
| Dairyland Road       | Merritt Mill Road    |
| Damascus Church Road | Hwy 54               |
| Estes Drive          | Old Greensboro Road  |
| Eubanks Road         | Old Hwy 86           |
| Greensboro Street    | Old Fayetteville Rd. |
| Hillsborough Road    | Rogers Road          |
| Homestead Road       | Smith Level Road     |
| Jones Ferry Road     | Weaver Street        |
- (AMENDED 06/04/91)**
- (120) **STREET, COLLECTOR.** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to

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

- (121) **STREET, CUL-DE-SAC.** A street that terminates in a vehicular turn-around.
- (122) **STREET, LOCAL.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but not more than twenty-five dwelling units and is expected to or does handle between seventy-five and two hundred trips per day.
- (123) **STREET, MARGINAL ACCESS.** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.
- (124) **STREET, MINOR.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy-five trips per day.
- (125) **STREET, SUBCOLLECTOR.** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six but not more than one hundred dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.
- (126) **STRUCTURE.** Anything constructed or erected.
- (127) **SUBDIVISION.** The division of a tract of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter applicable strictly to subdivisions: (i) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter, (ii) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or (iii) the public acquisition by purchase of strips of land for widening or opening of streets or for public transportation system corridors; or (iv) the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter.  
(AMENDED 10/24/06)

- (128) **SUBDIVISION, ARCHITECTURALLY INTEGRATED NONRESIDENTIAL. (REPEALED 4/24/84)**
- (129) **SUBDIVISION, ARCHITECTURALLY INTEGRATED RESIDENTIAL. (REPEALED 4/24/84)**
- (130) **SUBDIVISION, ARCHITECTURALLY INTEGRATED.** A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, heights, and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 15-187.
- (131) **SUBDIVISION, MAJOR.** Any subdivision other than a minor subdivision.
- (132) **SUBDIVISION, MINOR.** A subdivision of property located outside of the watershed districts that does not involve the creation of more than a total of four lots or the creation of any new public streets. **(AMENDED 7/21/87; 12/15/87; 6/22/10)**
- (133) **TEMPORARY HOME FOR HOMELESS.** A home owned or operated by a non-profit agency for not more than fifteen persons who satisfy the following criteria and who are in need of temporary housing, together with not more than two resident managers. All residents of such home, other than the manager shall: *(i)* be accepted only upon referral from an established agency within the community such as the Carrboro or Chapel Hill Police Departments, Inter-Faith Council, Salvation Army, etc. *(ii)* need housing and intend to reside within the home for at least a week while looking for more permanent accommodations within the community, *(iii)* be in need of temporary shelter because of some temporary emergency or exigency (e.g., pregnant teenagers, battered wives, newly unemployed persons evicted from their homes) and not because of transiency, de-institutionalization, chronic unemployment, alcoholism, or drug abuse.
- (134) **TEMPORARY SIGN.** A sign that *(i)* is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or *(ii)* is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic change, that sign shall be regarded as temporary.
- (135) **TOWER.** A structure whose principal function is to support one or more antennas. **(AMENDED 02/18/97)**
- (136) **TRACT.** A lot (see definition 37). The term is used inter-changeably with the term lot, particularly in the context of subdivisions, where one “tract” is subdivided into several “lots”.

- (137) **TREE DIAMETER.** The width of a tree's trunk, measured four and one half (4½) feet above the ground. **(AMENDED 03/21/89)**
- (138) **TRAVEL TRAILER.** A structure that is (i) intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and (ii) is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile home.
- (139) **UNDERGROUND UTILITY LINE.** Any underground utility lines (including, but not limited to, electrical, cable television, telephone, and natural gas, but excluding water and sewer lines constructed by the Orange Water and Sewer Authority) that are installed outside of public street rights-of-way and are not permitted pursuant to any other land use permit, and where any lines would eventually be dedicated to a governmental entity, nonprofit organization, or any entity defined as a public utility for any purpose by Section 62.3 of the North Carolina General Statutes. **(AMENDED 5/24/05)**
- (140) **UNIVERSITY LAKE WATERSHED.** All the land area contributing water to University Lake. **(AMENDED 12/7/83)**
- (141) **USE.** The activity or function that actually takes place or is intended to take place on a lot.
- (142) **USE, PRINCIPAL.** A use listed in the table of permissible uses.
- (143) **UTILITY FACILITIES.** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62.3 of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in subsection 15-151(2).
- (144) **UTILITY FACILITIES, NEIGHBORHOOD.** Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.
- (145) **UTILITY FACILITIES, COMMUNITY OR REGIONAL.** All utility facilities other than neighborhood facilities.
- (146) **VARIANCE.** A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.

- (147) **VEHICLE ACCOMMODATION AREA.** That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.
- (148) **VEHICLE STORAGE AREA.** That portion of a vehicle accommodation area used in connection with a 9.200 or 9.400 classification use as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick- up of such vehicles by their owners. **(AMENDED 2/4/86)**
- (149) **WATER DEPENDENT STRUCTURE. (DELETED 3/24/09)**
- (149) **WATERSHED DISTRICTS.** Those zoning districts that are applied to land within the University Lake Watershed, specifically, the C, B-5, WR, and WM-3 districts. **(AMENDED 12/15/87; 05/15/90)**
- (150) **WATERSHED RESEARCH.** Small scale research facilities owned by the federal, state, or local governments and operated by or under contract with such government, which facilities do not involve the use, production, storage, or disposition of toxic or hazardous substances and which facilities relate to the study of the environment of the watershed or some other activity compatible with a close proximity to the community's water source.
- (151) **WHOLESALE SALES.** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.
- (152) **WOODED AREA.** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land where the branches and leaves form a contiguous canopy. **(AMENDED 4/24/84)**
- (153) **ZONING PERMIT.** A permit issued by the land use administrator that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

**Section 15-16 Lots Divided by District Lines.**

(a) Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(b) Whenever a single lot greater than two acres in size is located within two or more zoning districts, then: **(AMENDED 1/22/85; 3/12/85; 2/24/87)**

- (1) If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all the regulations applicable to the district in which it is located.

- (2) If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

(c) This section applies only to lots created on or before the effective date of this chapter unless the board of adjustment, in a proceeding under Section 15-93 to determine district boundaries, concludes that a lot established after the effective date of this section was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this section.

**Section 15-17 through 15-20 Reserved.**