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 or 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 gymnasia, 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 that 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.