

AN ORDINANCE AMENDING THE CARRBORO LAND USE ORDINANCE TO ESTABLISH
REGULATIONS FOR DATA SERVICE PROVIDER FACILITIES NOT OTHERWISE
REGULATED

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THE BOARD OF ALDERMEN OF THE TOWN OF CARRBORO ORDAINS:

Section 1. Section 15-15 (Definitions of Basic Terms) is amended by adding a new paragraph 27a defining the term “data service provider facility” as follows:

DATA SERVICE PROVIDER FACILITY: An unmanned facility other than a utility facility or wireless telecommunication facility, including but not limited to a structure and ancillary improvement, used primarily for the purpose of transmitting and receiving data. Typically, such facilities resemble wireless telecommunications base stations and house equipment used to transmit and receive data via cable, fiber optic strands, or similar media.

Section 2. Section 15-146 (Table of Permissible Uses) of the Carrboro Land Use Ordinance is amended by adding a new use classification 15.750 “Data Service Provider Facility.” The Table of Permissible Uses is further amended to indicate that “data service provider facilities” shall be allowed in the R-10, R-15 and R-20 districts with a zoning permit.

Section 3. A new section 15-176.6 is added, as follows
Section 15-176.6 Data Service Provider Facilities.

- (a) Data service provider facilities up to 500 square feet in area, and no taller than 15 feet in height are allowed in the R-10, R-15 and R-20 zoning districts with a zoning permit, provided that such facility otherwise satisfies the requirements of the Carrboro Land Use Ordinance;
- (b) A data service provider facility larger or taller than the maximums stated above may be allowed with a special use permit issued by the Board of Adjustment upon satisfaction of the considerations required by section 15-54;
- (c) All data service provider facilities shall be set back at least twice the otherwise applicable front, side and rear yard setback requirements for the zoning district in which the facility is located;
- (d) A data service provider facility shall have sufficient parking to accommodate the number of vehicles likely to be present at the facility on a regular basis;
- (e) A data service provider facility shall be surrounded by a fence or wall at least 8 feet in height and constructed of material that cannot be easily climbed or penetrated;
- (f) All data service provider facilities shall be surrounded by a Type A buffer on all sides;
- (g) No data service provider facility may generate any noise, smoke, odor, vibration, electrical interference or other disturbance that is perceptible beyond the boundaries of the lot where the facility is located or that affect the use of adjoining or neighboring properties;
- (h) No outdoor storage shall be permissible at data service provider facilities;
- (i) All data service provider facilities shall comply with the noise standards established by section 15-163;
- (j) All data service provider facilities shall comply with the vibration standards established by section 15-164;

- (k) Commercial messages may not be displayed on any data service provider facility, provided that such facility shall have a single sign no larger than 4 square feet in area, identifying the operator of the facility and providing a telephone number or other contact information for the operator;
- (l) All data service provider facilities shall meet the applicable lighting requirements established in section 15-242.5;
- (m) The recipient of the permit for data service provider facilities shall be required as a continuing condition on the validity of the permit, to submit to the Zoning Administrator by January 31st of each year documentation that the facility is being utilized. Data service provider facilities which are not used for a period of 6 months or more shall be removed by the recipient of the permit or subsequent permit holder within 90 days thereafter. A statement of financial responsibility and performance security shall be posted for each facility to guarantee compliance with this requirement.

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

Section 5. This ordinance shall become effective thirty days after adoption.