

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 the Carrboro Land Use Ordinance is amended by adding a new subsection (28), as shown below, and renumbering the subsequent subsections accordingly.

(28) 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 (The Table of Permissible Uses) is amended by adding a new use classification 15.750 "Data Service Provider Facility" and by adding the letters "Z S" opposite this use classification under the R-10, R-15, R-20 zoning district columns to indicate that this use is permissible in those districts with a zoning permit or special use permit as noted further in section 15-176.6 Data Service Provider Facilities.

Section 3. Article XI (Supplementary Use Regulations) is amended by adding a new section 15-176.6 as follows:

Section 15-176.6 Data Service Provider Facilities.

(a) Data service provider facilities up to 500 square feet in building 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, or that cannot meet one or more of the provisions in Section 15-176.6(c) through 15-176.6(l) below 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 on site 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 smoke, odor, electrical interference 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) The maximum permitted sound level for all data service provider facilities is 50 dB(A) measured at (i) the outside boundary of the leased area occupied by the facility, or (ii) the lot line if the facility is the only use located on the lot.

(i) No 15.750 classification use in any district may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at (i) the outside boundary of the leased area occupied by the facility, or (ii) the lot line if the facility is the only use located on the lot.

(j) No outdoor storage shall be permissible at data service provider facilities.

(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 submit to the Zoning Administrator written verification that the facility is being utilized within thirty (30) days of receipt of a written request for such verification. 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.

Section 4. Section 15-147 Use of the Designation Z, S, C, in Table of Permissible Uses is amended by adding a new subsection (n) that reads as follows:

(n) Notwithstanding the foregoing, the permit requirement for use classification 15.750 data service provider facilities shall be determined by the supplementary use regulations in Section 15-176.6.

Section 5. All provisions of any town ordinance in conflict with this ordinance are repealed.

Section 6. This ordinance shall become effective upon adoption.