

Article X

PERMISSIBLE USES

Section 15-146 Table of Permissible Uses.¹

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.

¹The 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 was amended 5/24/2005 by adding a new classification 17.400 Underground Utility Lines.

The Table of Permissible Uses was 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 was 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 was amended 6/26/07 to modify 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 was 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.

The Table of Permissible Uses was 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.

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The Table of Permissible Uses was 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 was 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 was 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 was 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 was 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 was 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 was 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 was amended 6/22/10 to include “electronic gaming operations” as use #classification 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.

The Table of Permissible Uses was amended on 4/23/13 to change 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).

The Table of Permissible Uses was amended on 6/24/14 by removing all the letters “S, C, Z” from the M-1 and M-2 district columns opposite the following use classifications to indicate that such uses are not permissible within the Town’s planning jurisdiction; 2.140, 2.240, 2.340, 3.230, 6.260, 8.300, 8.400, 16.100.

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The Table of Permissible Uses was amended on 3/24/15 due to an error from amendment on 6/24/14.

The Table of Permissible Uses was amended on 6/23/15 by adding a new classification 15.750 Data Service Provider Facility and adding “ZS” under R-10, R-15 and R-20 districts.

The Table of Permissible Uses was amended on 3/22/16 by adding a new subsection (112) and adding a new use classification 3.260 Social Service Provider with Dining and adding the letter “Z” under B1(g), RR and R-20.

The Tables of Permissible Uses was amended on 6/27/17 to add 17.501, 502 & 503 to the table regarding Solar Array.

The Table of Permissible Uses was amended on 10/23/2018 by adding new use classification 2.250 “High Volume Retail with Outdoor Display and Curb-side Pickup and/or Drive Through Window (service directly to vehicle to pick-up pre-ordered grocery or pharmacy items for off-premises consumption)” and by adding the letter “C” opposite this use classification under the B-4 zoning district columns to indicate that this use is permissible in this district with a conditional use permit.

The Table of Permissible Uses was amended on 10/23/2018 by adding new use classification 3.131 “Office or clinics of physicians or dentists with not more than 30,000 square feet of total building gross floor area.” and by adding the letter “C” under the B-4 zoning district columns to indicate that this use is permissible in this district with a conditional use permit.

The Tables of Permissible Uses was amended on 11/27/2018 to add 8.800 “Performing Art Space” to the table with the letters “ZC” for the B-1(g) and B-1(c) zoning districts.

The Table of Permissible Uses, is amended on 12/19/2018 by adding the term “places of worship and spiritual contemplation” to the description of use category 5.200.

The Table of Permissible Uses was amended on 1/22/2019 by adding the letters “ZS” opposite use classification 17.200 “Community or Regional Utility Facilities” under the R-10 Zoning District to indicate that this use is permissible in this district with a zoning permit or Special Use Permit, subject to the supplementary use regulations in Subsection 15-172.1.

The Table of Permissible Uses is amended on 6/18/2019 by adding one new column labelled HR-R with permissible use classifications as shown in the attached Exhibit ‘A.’ The letters “Z,” “S,” “C,” “SC,” and “ZS,” and the symbol “*” have the meanings described for all uses as provided in applicable subsections of Section 15-147.

The Table of Permissible Uses) was amended on 10/22/2019 by adding a new use classification 23.300 “Temporary Construction Parking” and by adding the letter “Z (l)” opposite this use classification under the B-1(g), B-1(c) and B-2 zoning district columns to indicate that this use is permissible in these districts with a zoning permit, subject to Subsection 15-147(u).

The Table of Permissible Uses was amended on 6/23/20 by expanding the description of the subcategories of use classification 18.000 “Towers and Related Structures” to read 18.100 “Towers and

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antennas fifty feet tall or less; 18.200 “Towers and antennas that exceed 50 feet in height; substantial modifications, that are not regarded as accessory to residential uses under 15-150(c)(5);” 18.300 “Antennas exceeding 50 feet in height attached to wireless support structures other than towers; substantial modifications (other than accessory uses under 15-150(c)(5);” and 18.400 “Publically-owned towers, wireless support structures and antennas of all sizes that are used in the provision of public safety services.”

Table of Permissible Uses was amended on 6/23/20 by adding a new use classification 18.500 “Small and Micro Wireless Facilities; with or without associated Utility Poles or Wireless Support Structures” by adding the letter “Z” opposite this use classification under all zoning district columns to indicate that this use is permissible in all districts with a zoning permit as noted further in section 15-176 Towers, Antennas, and Wireless Facilities, including Small and Micro Wireless Facilities.

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²Use classifications amendment/repeal dates are as follows:

1.112 Amended 10-01-85	17.502 Amended 06-27-17
1.120 Amended 10-01-85	17.503 Amended 06-27-17
1.420 Amended 05-10-83; 06-22-04	18.200 Amended 06-23-20
1.480 Amended 04-19-05	18.300 Amended 06-23-20
1.640 Amended 10-22-85	18.400 Amended 06-23-20
1.700 (Repealed)	18.500 Amended 06-23-20
1.800	19.100 Amended 05-12-81
2.110	19.200 Amended 05-12-81
2.111 Amended 04-15-81; 12-14-82	21.000 Amended 06-20-06
2.112 Amended 11-27-07	21.100 Amended 06-20-06
2.120 Amended 11-27-07	21.200 Amended 06-20-06
2.140 Amended 06-24-14	21.300 Amended 06-20-06
2.150 Amended 11-27-07	22.100 Amended 06-26-07
2.210 Amended 05-28-02; 10-28-08	22.200 Amended 06-26-07
2.220 Amended 10-28-08	22.300 Amended 06-26-07
2.230 Amended 05-28-02; 10-28-08	23.300 Amended 10-22-19
2.240 Amended 06-24-14	26.100 Amended 04-23-13
2.340 Amended 06-24-14	34.000 Amended 11-28-06
3.110 Amended 03-07-06	34.100 Amended 11-28-06
3.120 Amended 03-07-06; 11-27-07	34.200 Amended 11-28-06
3.130 Amended 03-07-06	
3.140 Amended 12-07-83	
3.150 Amended 03-07-06	
3.220 Amended 11-27-07	
3.230 Amended 06-24-14	
3.260 Amended 03-22-16	
5.110 Amended 11-24-09	
5.200 Amended 12-19-18	
6.150 Amended 06-22-10	
6.260 Amended 06-24-14	
7.200 Amended 05-10-83	
8.100 Amended 06-22-04	
8.200 Amended 06-22-04	
8.300 Amended 06-24-14	
8.400 Amended 06-24-14	
8.500 Amended 06-22-04	
8.600 Amended 06-22-04	
8.700 Amended 06-24-08	
9.100 Amended 06-25-02	
15.750 Amended 06-23-15	
15.800 Amended 05-24-05	
16.100 Amended 06-24-14	
17.400 Amended 05-24-05	
17.410 Amended 03-24-15	
17.420 Amended 03-24-15	
17.501 Amended 06-27-17	

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*Pages 6-12 left intentionally blank for the
Table of Permissible Uses.*

Section 15-147 Use of the Designations A,B,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 “BS” means a class B special use permit must be obtained from the board of adjustment, and the letter “AC” means a class A special conditional use permit must be obtained from the Town Council~~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 “ZBA”~~“ZSC”~~ or “BA”~~“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 class B special use permit, and tracts developed with more than twelve dwelling units require a class A special conditional-use permit. When used in connection with single-family, two-family, and multi-family residences in the watershed districts, the designation “ZA”~~“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 class A special 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 “BA”~~“SC”~~ means that subdivisions containing between five and twelve lots shall require a class B special use permit, and subdivisions containing thirteen or more lots shall require a class A special conditional use permit. (AMENDED 7/21/87; 12/15/87)

(d) Subject to Section 15-148, use of the designation “ZA”~~“ZC”~~ (which designation appears only under the zoning district columns applicable to the commercial and manufacturing districts) means that a class A special 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 “ZB”~~“ZS”~~ means that a zoning permit must be obtained if the development is located on a lot of two acres or less while a class B special use permit must be obtained for developments in excess of two acres.

(f) Use of the designation “Z,B,A”~~“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 “ZA”~~“ZC”~~ means that the development of such towers that are fifty feet tall or less shall require a zoning permit, and the development of such towers that are more than fifty feet tall shall require a class A special conditional-use permit. (AMENDED 10/04/88, 02/18/97)

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- (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 class B 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 “ZA(1)”~~“ZC(1)”~~ 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 class A speciale~~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 class A speciale~~conditional~~ use permit must be obtained from the Town Council~~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 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.

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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)**

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. **(AMENDED 06/23/15)**

o) Notwithstanding the foregoing, the designation “Z” opposite use classification 3.260 is subject to the qualification that use classification 3.260 may only be allowed with a zoning permit in conjunction with the conditional rezoning of a property and demonstration of compliance with all applicable Land Use Ordinance provisions, including supplementary use regulations in section 15-176.7. **(AMENDED 03/22/16)**

p) Notwithstanding the foregoing, use classifications 1.231, 1.241, 1.321 and 1.331 may only be permitted in the ~~B-4-CU district, subject to subsection 15-141.3(c) and in the~~ B-4-CZ zoning district, subject to a class A special conditional use permit and subsection 15-141.4(c). **(AMENDED 10/23/18)**

q) Notwithstanding the foregoing, use classifications 2.250 and 3.131 may only be permitted ~~in the B-4-CU district and in the~~ B-4-CZ district subject to a class A special conditional use permit. **(AMENDED 10/23/18)**

r) When used in conjunction with 8.800 uses, the designation “Z, A”~~“Z, C”~~ means that a zoning permit must be obtained if the performing arts space development is located on a property located in that portion of the B-1(g) or B-1(c) zoning districts and is located 150 feet or more from the nearest building containing a residential use. A class A special conditional use permit must be obtained if the development is located on a property that is located within portions of the B-1(g) or B-1(c) zoning districts. The measurement is made from the building containing the main performance space to the nearest existing off-site building containing a residential use. **(AMENDED 11/27/2018)**

s) Notwithstanding the foregoing, the permit requirement for use classification 17.200 “Community or Regional Utility Facilities” in the R-10 Zoning District shall be determined by the supplementary use regulations in Section 15-172.1. **(AMENDED 1/22/2019)**

t) For use classification 18.500 small and micro wireless facilities; with or without associated utility poles or wireless support structures see Section 15-176(d) for application and development standards and Article II of Chapter 7 for encroachment agreements. **(AMENDED 06/23/20)**

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(u) Existing lots containing parking spaces may be used for temporary parking for construction workers employed on construction projects in downtown commercial districts so long as such parking spaces: (i) are not required by existing permits, (ii) are not part of any satellite parking agreement for an existing permit, or (iii) have not been created by the removal of an existing building.

Temporary construction parking shall be limited to vehicular parking and shall not include staging areas, or material or equipment storage. Upon completion of the construction project, the zoning permit shall become null and void. (AMENDED 10/22/2019)

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 ~~class A special 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 ~~class A special 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 ~~"ZA"~~~~"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 ~~class B~~ 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 ~~class B~~ 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 ~~class A special 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)

(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.

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(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)**
- (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

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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 class A special use permit or class B 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;
- (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

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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(a)(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)**
- (5) 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 limiting the generality of subsections (a) and (b), the following activities are regarded as accessory to residential and commercial principal uses so long as they satisfy the general criteria set forth above. **(AMENDED 06/27/17)**

- (1) Solar Arrays, and solar water heaters, providing energy for the principal use on the property, in any zoning district.
- (2) The applicant must be able to demonstrate ownership of the subject property or permission by the owner to install the solar device.
- (3) The applicant must prepare and submit a site plan or sketch plan showing the following:

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- a. Installation of the array(s) shall not negatively affect compliance, or any condition of compliance of an existing land use permit or building permit.
- b. The panels are designed, positioned, and oriented such that concentrated solar radiation or glare shall not be directed onto nearby properties or road rights-of-way, or shall otherwise create a safety hazard.
- c. All on-site utility lines shall be placed underground.
- d. The top of any roof mounted devices, located on the principal structure or any accessory structure, shall not exceed the maximum building height for the district in accordance with Section 15-185.
- e. Ground mounted systems shall not exceed a maximum height of 15 feet from finished grade to the top of the device.
 1. The installation of the solar device and associated mechanical equipment shall not affect tree screening or buffer requirements outlined in Article XIX.
 2. Mechanical equipment, including batteries or other similar storage devices, shall be located within the required building setbacks as provided for in Section 15-184, and shall be shielded to avoid damage.
 3. All solar devices and mechanical equipment, including batteries or other similar storage devices, shall be located outside of the designated open space, well/septic system areas as identified by Orange County Environmental Health, utility easements, water quality buffers as identified in Section 15-269.5 and Special Flood Hazard Areas. **(AMENDED 06/27/17)**

(e) 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.

(f) 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)**

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(g) On property that is residentially zoned (See Section 15-135), a temporary family health care structure shall be regarded as an accessory use to a single-family detached dwelling to the extent authorized and in accordance with the provisions of G.S. ~~160D-915+60A-383.5 (S.L. 2014-94)~~. **(AMENDED 03/24/15)**

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

(a) Notwithstanding any other provisions of this chapter, no zoning, class B special use, or class A special 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)**

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

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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, class A or class B special use, ~~or conditional use~~), then the permit authorizing the combination use shall be:

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

This is indicated in the Table of Permissible Uses by the designation "Z,B,A" ~~"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

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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.

(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).

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(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.

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;

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- (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.

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

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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; 6/2/20)**

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

(b) Notwithstanding the foregoing, residential uses are allowed on the ground floor in the B-1(c) district when (i) the property is less than 10,000 square feet, (ii) the preexisting land use is residential, (iii) the development creates no more than four dwelling units, and (iv) every dwelling unit is an affordable housing unit pursuant to Subsection 15-182.4(b) of this chapter. Residential developments permitted by this section, shall not be eligible for a density bonus for providing affordable units under 15-182.4(i). **(AMENDED 6/02/2020)**

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.