

ARTICLE XI

SUPPLEMENTARY USE REGULATIONS

PART I. NON-RESIDENTIAL PERFORMANCE STANDARDS

Section 15-161 “Good Neighbor” Performance Standards for Non-Residential Uses. (AMENDED 10/20/92; 4/15/97; 5/25/99)

The provisions of this part are designed to provide performance standards by which applications for non-residential development will be evaluated by the town and by which the actual performance of those operations and uses will be monitored by the town for compliance. The purposes of these performance standards are to protect the town in general, and abutting and neighboring landowners in particular, from any potential negative impacts that new nonresidential uses may have on the physical environment and on the quality of life currently enjoyed by the residents of Carrboro’s planning jurisdiction.

Section 15-162 Smoke, Dust, Fumes, Vapors, Gases, and Odors. (AMENDED 5/25/99)

(a) Emission of smoke, dust, dirt, fly ash, or other particulate matter, or of noxious, toxic or corrosive fumes, vapors, or gases in such quantities as to be evident or perceptible at the property line of any lot on which a use is conducted, or which could be injurious to human health, animals, or vegetation, or which could be detrimental to the enjoyment of adjoining or nearby properties, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission shall be prohibited.

(b) No use shall be permitted to produce harmful, offensive, or bothersome odors, scents, or aromas (such as, but not limited to, those produced by manufacturing processes, food preparation, food processing, fish sales, rendering, fermentation processes, decaying organic matter, and incinerators) perceptible beyond the property line of the lot where such use is located either at ground level or any habitable elevation.

(c) The location and vertical height of all exhaust fans, vents, chimneys, or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be shown on the application plans, with a description of the source materials.

Section 15-163 Noise. (AMENDED 6/22/04)

(a) No 4.000, 9.400, or 2.150 classification use in any permissible business or PID district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the 4.000 or 9.400 use if that use is one of several located on a lot, or (ii) uses located on adjacent lots. Noises that exceed the levels set forth below shall be deemed annoying or disruptive. Low frequency noises shall be considered annoying and disruptive if they exceed the decibel levels set forth below when measured without using an A-weighted filter, or if such noises generate a perceptible vibration within structures located beyond the boundaries referenced above. (AMENDED 6/22/82; 10/20/92; 5/25/99)

Art. XI SUPPLEMENTARY USE REGULATIONS

(b) Except as provided in subsection (f), the table set forth in subsection (e) establishes the maximum permissible noise levels for 4.000 classification uses in the M-1 and M-2 districts. Measurements shall be taken at the boundary line of the lot where the 4.000 classification use is located, and, as indicated, the maximum permissible noise levels vary according to the zoning of the lot adjacent to the lot on which the 4.000 classification use is located.

(c) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level “sound” louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter.

(d) The standards established in the table set forth in subsection (e) are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at ten second intervals (see Appendix F-1) and computing the Leq in accordance with the table set forth in Appendix F-2.

(e) **Table 1: Maximum Permitted Sound Levels, dB(A), for 4.000 Uses (AMENDED 10/20/92)**

Zoning of Lot Where 4.000 Use is Located	ZONING OF ADJACENT LOT (re: 0.0002 Microbar)				
	Residential	PUD	B-1-G, B2, B-1-C, B3 B4, PF	M1	M2
TIME OF DAY OF OPERATIONS	7:00 AM-7:00 PM	7:00 PM-7:00 AM	ANYTIME	ANYTIME	ANYTIME
M-1	50	45	55	60	65
M-2	50	45	60	65	70
O/A	50	45	55	60	65

Table 2: Maximum Permitted Sound Levels, dB(A), for 9.400 Uses (AMENDED 10/20/92)

ZONING OF LOT WHERE 9.400 USE IS LOCATED	ZONING OF ADJACENT LOT (re: 0.0002 Microbar)				
	RESIDENTIAL PUD	OR	B-1-C, B2, CT, B-1-G, B3, B4, O, O/A	M1	M2
B-1-G, B4 or B-3-T	50		55	60	70
M-1	50		55	60	70
M-2	50		60	65	70

Art. XI SUPPLEMENTARY USE REGULATIONS

Table 3: Maximum Permitted Sound Levels, dB(A), for 2.150 Uses (AMENDED 04/15/97)

ZONING OF LOT WHERE 2.150 USE IS LOCATED	ZONING OF ADJACENT LOT (re: 0.0002 Microbar)				
	RESIDENTIAL PUD	OR	B-1-C, B2, CT, B-1-G, B3, B4, O, O/A, PF	M1	M2
B-1-C	50		55	60	70

(f) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than one minute in any one hour period are permissible up to a level of 10 dbA in excess of the figure listed in subsection (e), except that this higher level of permissible noise shall not apply from 7:00 P.M. to 7:00 A.M. when the adjacent lot is zoned residential. The impact noise shall be measured using the fast response of the sound level meter.

(g) Noise resulting from temporary construction activity that occurs between 7:00 A.M. and 7:00 P.M. shall be exempt from the requirements of this section.

(h) The operation of dry cleaning machinery in the B-3 zoning district, including but not limited to steam boilers, vacuum units, steamers, dry cleaning machines, pressing machines and air compressors, shall not be permissible outside of the hours between 7:00 a.m. and 6:00 p.m. Monday through Friday, 12:00 noon and 5: 00 p.m. on Saturday, if and to the extent that such operation results in noise that is audible at the property line of the lot on which the business operating such machinery is located. Any business that is not in compliance with this provision shall be required to bring their dry cleaning operations into compliance within 90 days of the effective date of this ordinance.

Section 15-164 Vibration.

(a) No 4.000, 9.400, or 2.150 classification use in any permissible business or PID district may generate any ground transmitted vibration that is perceptible to the human sense of touch measured at (i) the outside boundary of the immediate space occupied by the enterprise generating the vibration if the enterprise is one of several located on a lot, or (ii) the lot line if the enterprise generating the vibration is the only enterprise located on the lot. (AMENDED 6/22/82; 10/20/92; 05/15/97)

(b) No 4.000 classification use in an M-1 or M-2 district may generate any ground-transmitted vibration in excess of the limits set forth in subsection (e). Vibration shall be measured at any adjacent lot line or residential district line as indicated in the table set forth in subsection (d).

(c) The instrument used to measure vibration shall be a three component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions.

Art. XI SUPPLEMENTARY USE REGULATIONS

(d) The vibration maximums set forth in subsection (e) are stated in terms of particle velocity, which may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

- P.V. = 6.28 F x D
- P.V. = Particle velocity, inches per second
- F = Vibration frequency, cycles per second
- D = Single amplitude displacement of the vibration, inches

The maximum velocity shall be the vector sum of the three components recorded.

(e) Table of Maximum Ground Transmitted Vibration.

PARTICLE VELOCITY, INCHES PER SECOND		
ZONING DISTRICT	ADJACENT LOT LINE	RESIDENTIAL DISTRICT
M-1	0.10	0.02
M-2	0.20	0.02

(f) The values stated in subsection (e) may be multiplied by two for impact vibrations, i.e., discrete vibration pulsations not exceeding one second between pulses.

(g) Vibrations resulting from temporary construction activity that occurs between 7:00 A.M. and 7:00 P.M. shall be exempt from the requirements of this section.

Section 15-165 Ground Water Supply. (REPEALED & AMENDED 5/25/99)

(a) All outdoor storage facilities for fuel, chemical, or industrial wasters, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept in the storage area, plus the accumulated rainfall of a fifty (50) year storm. This requirement is intended to prevent harmful materials from spilling and seeping into the ground, contaminating the groundwater.

(b) Non-corrosive storage tanks for heating oil and diesel fuel, not exceeding two hundred seventy five (275) gallons in size, may be exempted from the requirements of this section provided that there is no seasonal high water table within four (4) feet of the surface, and that rapidly permeable sandy soils are not present.

Section 15-166 Air Pollution.

(a) Any 4.000, 9.400, or 2.150 classification use that emits any “air contaminant” (as defined in G.S. 143-213) shall comply with applicable State standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes. **(AMENDED 10/20/92; 5/15/97)**

Art. XI SUPPLEMENTARY USE REGULATIONS

(b) No zoning, special use permit-B, or special use permit-A may be issued with respect to any development covered by subsection (a) until the State Division of Environmental Management has certified to the permit-issuing authority that the appropriate State permits have been received by the developer (as provided in G.S. 143-215.108) or that the developer will be eligible to receive such permits, and that the development is otherwise in compliance with applicable pollution laws.

Section 15-167 Disposal of Liquid Waste.

(a) No 4.000, 9.400, or 2.150 classification use in any district may discharge any waste contrary to the provisions of G.S. 143-214.2. **(AMENDED 10/20/92; 5/15/97)**

(b) No 4.000, 9.400, or 2.150 classification use in any district may discharge into the OWASA sewage treatment facilities any waste that cannot be adequately treated by biological means. **(AMENDED 10/20/92; 5/15/97)**

Section 15-168 Water Consumption.

No 4.000, 9.000, or 2.150 use classification use that requires for its operations a daily average of more than 200 gallons of water per employee is permissible in any district. **(AMENDED 5/15/97)**

Section 15-169 Electrical Disturbance or Interference. **(AMENDED 10/20/92)**

No 4.000, 9.400, or 2.150 classification use may: **(AMENDED 5/15/97)**

- (1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or
- (2) Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Sections 15-170 through 15-171 Reserved.

PART II. MISCELLANEOUS SUPPLEMENTARY USE PROVISIONS

Section 15-172 Neighborhood Utility Facilities.

(a) As provided in Section 15-151(3), neighborhood utility facilities located within a public right-of-way with the permission of the owner of the right-of-way (state or town) do not require a zoning, special use permit-B, or special use permit-A.

(b) Neighborhood utility facilities may be located on any size lot without regard to the minimum lot size requirements set forth in Article XII. However, if a substandard size lot is created after the effective date of this chapter to accommodate neighborhood utility facilities, then such a lot shall not thereafter be regarded as a legitimate nonconforming lot for purposes of Section 15-123. The plat creating such a substandard lot shall bear a notation indicating that use of the substandard lot is restricted to utility purposes by this subsection.

(c) Neighborhood public facilities shall be permissible in any district only if such facilities:

- (1) Do not exceed six feet in height; and
- (2) Do not generate any noise, smoke, odor, vibration, electrical interference, or other disturbance that is perceptible beyond the boundaries of the lot where such facilities are located or that adversely affects the use of adjoining or neighboring properties.

Section 15-172.1 Community or Regional Utility Facilities. (AMENDED 1/22/2019)

(a) Community or regional utility facilities that: i) support the production of a finished water supply, ii) are within 200 feet of a raw water source, and iii) are no larger than 2000 square feet in building area and no taller than 25 feet in height are allowed in the R-10 zoning district with a zoning permit, provided that such facility otherwise satisfies the requirements of the Carrboro Land Use Ordinance, including the outdoor lighting requirements in Section 15-242.5.

(b) A community or regional utility facility that supports the production of a finished water supply that is larger or taller than the maximums stated above, or that cannot meet one or more of the provisions below, may be allowed in the R-10 Zoning District with a special use permit-B issued by the Board of Adjustment upon satisfaction of the considerations required by section 15-54.

(c) At least one on-site parking space, shall be provided, with additional spaces as needed to accommodate the number of vehicles likely to be present at the facility on a regular basis.

(d) The facility shall be surrounded by a Type A screen on all sides unless: i) the facility is located more than 500 feet from any property boundary line, or ii) existing trees satisfy

Art. XI SUPPLEMENTARY USE REGULATIONS

the definition of a Type A screen, in which case such trees shall be identified on the site plan and shall be maintained in order to comply with this requirement.

(e) A community or regional utility shall not 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 adversely affects the use of adjoining or neighboring properties.

(f) No outdoor storage shall be permissible.

(g) Any community or regional utility facility shall have signage identifying the operator of the facility and providing a telephone number or other contact information for the operator.

Section 15-173 Horticultural Sales With Outdoor Display.

Notwithstanding any other provisions of this chapter, if a 19.200 use (horticultural sales with outdoor display) is proposed for any lot less than 5,000 square feet in an area that was in existence on the effective date of this section, then on-site parking shall not be required if the permit-issuing authority determines that on-site parking is not feasible or practical or is undesirable from the standpoint of traffic safety. (AMENDED 5/12/81)

Section 15-174 Signs on Historic Buildings.

(a) Notwithstanding the other provisions of this article, whenever: (i) a sign is, on the effective date of this section, attached, painted over, or otherwise affixed to a building that has been included in the National Register of Historic Places; (ii) removal of such sign cannot be accomplished without resort to techniques (such as sandblasting) that would tend to damage, weaken, disfigure, blemish, or deface the portion of such building where the sign is located or otherwise interfere with the historic integrity of such building; (iii) the area of such sign exceeds the maximum surface area permissible under this article; and (iv) the owner or occupant of the historic building wishes to change the message of such pre-existing sign to correspond to a new use of such building, then a new sign may be painted or placed over the pre-existing sign without regard to the maximum sign area restrictions set forth in Section 15-276, if such sign is approved in accordance with the remaining provisions of this section. (AMENDED 7/28/81)

(b) The type of sign described in subsection (a) shall be permissible in any non-residential district with a special use permit-B and shall be regarded as a separate principal use for purposes of determining (under Section 15-154) whether an application to install such sign is actually considered by the board of adjustment or by the Town Council.

(c) In approving a sign pursuant to this section, the permit-issuing authority may attach such conditions to this approval as are necessary to ensure that the new sign is compatible with the historic character of the property. Without limiting the foregoing, the permit-issuing authority may

Art. XI SUPPLEMENTARY USE REGULATIONS

require that the actual lettering or message of the sign (as opposed to the background) be not larger than the sign surface area that would be permissible apart from the special provisions of this section.

Section 15-175 Special Events.

(a) In deciding whether a permit for a special event should be denied for any reason specified in Subdivision 15-154(c)(4), or in deciding what additional conditions to impose under section 15-59, the Town Council shall ensure that, (if the special event is conducted at all): **(AMENDED 10/13/81)**

- (1) The hours of operation allowed shall be compatible with the uses adjacent to the activity.
- (2) The amount of noise generated shall not disrupt the activities of adjacent land uses.
- (3) The applicants shall guarantee that all litter generated by the special event be removed at no expense to the Town.
- (4) The council shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

(b) In cases where it is deemed necessary, the council may require the applicant to post a bond to ensure compliance with the conditions of the special use permit-A.

(c) If the permit applicant requests the town to provide extraordinary services or equipment or if the town manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the town a fee sufficient to reimburse the town for costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Section 15-175.1 Density Restrictions on 7.200 Uses.

In all residential districts in which 7.200 uses (nursing care, intermediate care, handicapped or infirm, and child care institutions) are permissible, the gross floor area of all buildings on a lot used for such purposes shall not exceed the total square footage derived by multiplying the number of multi-family dwelling units that would be permitted on such lot by 600 square feet. **(AMENDED 3/22/83)**

Section 15-175.2 Recycling Operations.

The person conducting an operation collecting materials for recycling, including but not limited to glass, aluminum, or paper (as authorized in use classification 15.500 of the Table of

Art. XI SUPPLEMENTARY USE REGULATIONS

Permissible Uses) shall be responsible for ensuring that all materials intended for recycling are kept within an enclosed structure and that the immediate site of the collection facility is kept in good order and free from all debris associated with use of the site for the collection of materials for recycling. (AMENDED 6/28/83)

Section 15-175.3 Seasonal Christmas Tree or Pumpkin Sales. (AMENDED 10/22/85)

(a) Notwithstanding any other provision of this chapter, but subject to the remaining provisions of this section, seasonal Christmas tree or pumpkin sales shall be permissible with a zoning permit not only in those districts specified in Section 15-146 (Table of Permissible Uses) but also on lots within other zoning districts where a commercial nonconforming use exists on the date the permit to use the property for this purpose is applied for.

(b) A zoning permit authorizing seasonal Christmas tree or pumpkin sales shall enable the permit recipient to conduct Christmas tree sales annually during the period of December 1st through December 31st and pumpkin sales annually during the period of October 1st through October 31st. The permit need not be renewed annually.

(c) A permit for use classification 19.300 may be issued only if the zoning administrator finds that sufficient on-street or off-street parking is available to patrons of the Christmas tree sales operation so that the operation does not substantially interfere with the safe and convenient flow of vehicular and pedestrian traffic and that the proposed use complies with other applicable provisions of this chapter.

Section 15-175.4 Temporary Homes for Homeless and Overnight Shelters for Homeless. (AMENDED 10/22/85)

In addition to Subsection 182(d) and other applicable provisions, temporary homes for the homeless and overnight shelters for the homeless shall be subject to the following:

(a) There shall be on-site supervision at all times by persons employed by or volunteers trained by the non-profit agency operating the shelter.

(b) Rules of conduct shall be established and enforced by the agency operating the shelter. These rules shall prohibit the use or possession of drugs, alcohol or weapons as well as disorderly conduct.

Section 15-175.5 Veterinarian Offices. (AMENDED 2/24/87)

All portions of a veterinarian's office or clinic where animals are kept shall be constructed in such a manner that the noise associated with such a facility remains inside the facility. In making this determination, the board of adjustment shall be guided by recommendations promulgated by the American Animal Hospital Association Hospital Standards regarding the soundproofing of such facilities.

Section 15-175.6 Temporary Structures and Parking Facilities. (AMENDED 11/28/89)

(a) Temporary structures and parking facilities (use classification 23.000) are intended to be allowed for a period not to exceed (i) two years from the date the permit for the structure or facility is issued or (ii) thirty days after the primary construction related to such temporary structure or parking facilities receives an occupancy permit, whichever occurs first. Extensions of the use of temporary structures and parking facilities may be expanded for a reasonable period beyond the two-year deadline (i) by the board of adjustment by issuing a special use permit-B in the case of temporary structures originally authorized by a zoning permit, or (ii) by the Town Council by amending the original special use permit-A in the case of temporary structures or facilities originally authorized by a special use permit-A. In deciding whether to allow the extension, the board shall weigh the benefits of the extension to the applicant against any detrimental effects of the extension on neighboring property owners, residents, or the general public.

(b) Paved parking shall not be required, but temporary parking facilities shall meet the standards set forth in Section 15-296 for improved parking areas.

(c) No clearing of any trees in excess of two inches in diameter shall be allowed in order to construct temporary parking facilities.

(d) Within ten months following the expiration of the temporary parking facilities use, the area so used shall, if not paved or graveled prior to being so used, be restored by the permit recipient to its original condition by removing such gravel or paving. This requirement may be waived by the board of adjustment if the board concludes that the cost of such removal clearly outweighs the benefits of such restoration.

Section 15-175.7 Automobile Repair Shop or Body Shop (9.400) Uses. (AMENDED 10/20/92)

(a) 9.400 uses in the B-1-G district shall locate buildings forward towards the street and locate parking and vehicle storage areas to the rear of the lot whenever possible. Applicable setbacks must be observed.

(b) 9.400 uses in the B-1-G district shall be required to place and maintain a Type A screen between the 9.400 use and all surrounding uses. Screening standards found in Section 15-308, Table of Screening Requirements, would apply to 9.400 uses in zoning districts other than B-1-G.

(c) Hazardous materials and byproducts associated with 9.400 uses in all zoning districts such as fuel, lubricants, antifreeze (ethylene glycol), asbestos, freon, carbon monoxide, automobile batteries, and solvents must be registered, stored, handled, and disposed of in accordance with all state and federal regulations.

(d) 9.400 uses in all zoning districts are subject to the performance standards listed in Sections 15-162 through 15-169.

(e) Any vehicle stored on a lot where a 9.400 use occurs must have a valid registration.

Art. XI SUPPLEMENTARY USE REGULATIONS

Section 15-175.8 Access for 8.500 and 8.600 Restaurant Uses in the B-1(g).

All exits and entrances as well as all traffic using such exits and entrances for 8.500 and 8.600 restaurant uses, shall access only onto arterial streets (whether state or non-state maintained) in the B-1(g) zoning district.

Section 15.175.9 Senior Citizen Residential Complex. (AMENDED 11/28/95)

(a) The Council may grant a special use permit-A authorizing the development of a senior citizen residential complex (use classification 1.660) only if it finds (in addition to other findings required by this chapter) that the lot proposed for this development borders an arterial street listed in Subsection 15-210(a)(6).

(b) The number of two-family or multi-family dwelling units permissible within the senior citizen residential complex shall be determined in accordance with the provisions of Section 15-182. The number of bedrooms or persons that may be housed within the intermediate care facility portion of the complex shall be determined in accordance with the definition set forth in Subsection 15-15.

(c) If a tract for which an applicant seeks a permit under this section meets the standards for issuance of a special use permit-A authorizing the construction of a senior citizen residential complex:

- (1) The applicant may seek and the Council may grant a special use permit-A authorizing a combination use on this tract, the combination use consisting of a senior citizen residential complex and any other use related to senior citizens that is permissible in the zoning district where the tract is located, so long as all applicable provisions of this chapter are satisfied.
- (2) In approving the special use permit-A for the senior citizen residential complex, or a combination use consisting in part of a senior citizen residential complex, the Council may authorize the tract for which such permit is issued to be subdivided without complying with any of the substantive (as opposed to procedural) standards of this chapter that would otherwise be applicable solely by reason of the fact that the tract is being subdivided, subject to the following requirements:
 - a. This subsection applies only when the subdivision is necessary to comply with the requirements of a governmental agency that is involved with the financing or approval of all or a portion of the senior citizen residential complex; and
 - b. So long as any portion of the tract that is subdivided under this section is used for purposes authorized by a permit issued hereunder, the entirety of the tract remains subject to the permit and can only be used in conformity therewith (see Section 15-63) unless an

Art. XI SUPPLEMENTARY USE REGULATIONS

amendment to the permit is authorized in accordance with Section 56-64. (AMENDED 5/14/96)

- (d) The tract developed for use as a senior citizen residential complex shall comply with the recreational facilities and open space provisions of Article XIII of this chapter. Open space shall be calculated by applying the percentage ratio to the entire tract (before any subdivision takes place). Recreational points shall be calculated by treating each bedroom in the 7.200 component of the senior citizen residential complex as a one bedroom multi-family residence. (AMENDED 5/14/96)

Section 15-175.10. Flag Lots in the Historic District. (AMENDED 11/21/95)

In the Historic District (HD):

- (a) The street frontage of every lot shall be a minimum of twenty-four (24) feet.
- (b) No portion of any new dwelling unit on a flag lot may be located any closer than fifteen (15) feet from any property line or any closer than thirty (30) feet from any existing dwelling unit located on the lot from which the flag lot was created.
- (c) Every flag lot shall provide a Type B screen (as described in Section 15-307(1)) between the flag lot and adjacent property.

Section 15-175.11. Solar Arrays. (AMENDED 6/27/17)

- (a) In addition to other applicable provisions of this chapter, use classifications 17.501 (Solar Array Level 1 Facility) and 17.502 (Solar Array Level 2 Facility) shall be subject to the following requirements:
 - (1) Installation of the array(s) shall (i) not negatively affect compliance, or any condition of compliance of an existing land use permit or building permit, or (ii) be subject to the modification of the subject permit.
 - (2) 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.
 - (3) All on-site utility and transmission lines shall, to the extent feasible, be placed underground.
 - (4) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - (5) The height of the array and supporting structures shall not exceed the height

Art. XI SUPPLEMENTARY USE REGULATIONS

requirements of the underlying zoning district where the property is located as described in Section 15-185.

- (6) 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.
- (7) All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with a Type A-Screen.
- (8) 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.
- (9) The facility shall have sufficient parking on site to accommodate the number of vehicles likely to be present on a regular basis.
- (10) The applicant shall submit proof of liability insurance covering bodily injury and property damage demonstrating a minimum coverage limit of \$500,000.00 per occurrence.

(b) In addition to other applicable provisions of this chapter, use classifications 17.503 (Solar Array Level 3 Facility) shall be subject to all of the requirements of use classifications 17.501 and 17.502 above as well as the following requirements:

- (1) A soils report denoting the types of soil on the property including detail on the compaction necessary to support the proposed development.
- (2) Demonstration of compliance with the decommissioning protocol, described below in paragraphs (a. through f) should the device become damaged, or removed from service.
 - a. The owner/operator of the facility is required to notify the Town Planning Director in writing 60 days prior to the planned cessation or abandonment of the facility for any reason. This notice shall provide the exact date when the use of the facility will cease.
 - b. Documentation shall be provided indicating that the public utility purchasing the power has been made aware of the decision.
 - c. The facility shall be removed within 12 months from the date the applicant ceases use of the facility.

Art. XI SUPPLEMENTARY USE REGULATIONS

- d. Once the infrastructure is removed from the property, the owner shall obtain the necessary Erosion Control permits to re-stabilize the property. The time frame for completion shall be determined by the Orange County Erosion Control Officer.
- e. The owner shall provide financial security in form and amount acceptable to the County to secure the expense of dismantling and removing said structures.
- f. Upon removal of the facility, the Planning Department shall cause a notice to be recorded with the Orange County Registrar of Deeds office indicating that the Special Use Permit-A has been revoked.

Section 15-176 Towers and Antennas, and Wireless Facilities including Small and Micro Wireless Facilities. (AMENDED 2/18/97; REPEALED & AMENDED 11/19/13; AMENDED 6/23/20)

(a) Towers and antennas, and wireless facilities are subject to the regulations outlined in this section, pursuant to the definition of each facility described in Article II of this chapter. The term “tower” includes wireless support structures.

In addition to other applicable provisions of this chapter, towers, antennas attached thereto that exceed 50 feet in height (use classification 18.200) shall be subject to the requirements in subsections (a), and (b) and (c) below. Additional standards applicable to small and micro-wireless facilities (use classification 18.500) are provided in subsection (d). (AMENDED 11/19/13)

- (1) A tower may not be located within 1,500 feet of another tower (measured in a straight line and not by street distance).
- (2) As set forth in subsection 15-184(q), the base of the tower shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the tower.
- (3) Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. To the extent allowed by the FAA, strobes shall not be used for nighttime lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.
- (4) Towers and antennas shall be constructed and operated so as not to disturb or interfere with the use or operation on adjoining or nearby properties of radios, televisions, telephones, or similar equipment.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (5) Commercial messages may not be displayed on any tower.
- (6) The output from the tower may not exceed federally approved levels for exposure to electronic magnetic force (EMF). The applicant shall be required to submit documentation with the application verifying compliance with this standard.
- (7) If the tower is up to 180 feet in height, the tower shall be engineered and constructed to accommodate at least one additional telecommunication user. If the tower exceeds 180 feet, the tower shall be engineered and constructed to accommodate at least two additional telecommunication users. Furthermore, the site plan must show locations for accessory buildings necessary to accommodate a minimum of two users, even if the tower is proposed for a single user.
- (8) The base of the tower and each guy anchor shall be surrounded by a fence or wall at least eight feet in height and constructed of material that cannot be easily climbed or penetrated, unless the tower and all guy wires are mounted entirely on a building at least eight feet in height.
- (9) The base of the tower, any guy wires, and any associated structures, walls, or fences shall be surrounded by a Type A screening. The site developer shall have the option of (i) providing the screening around the tower base and associated items individually, or (ii) providing the screening around the perimeter of the entire site.
- (10) Outdoor storage shall not be permissible on tower sites.
- (11) In addition to other information that must be submitted with the application, the application for a tower must contain the following information:
 - a. Identification of the intended user(s) of the tower.
 - b. Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.
 - c. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation may include maps, letters from adjacent tower owners, or calculations. Facilities include other towers, or other buildings or structures.
 - d. A statement indicating the owner's intent to allow shared use of the tower and how many other users can be accommodated.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (12) The recipient of a permit for a tower 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, including but not limited to an FCC license, that the tower is being utilized. Towers which are not used for a period of 6 months or more shall be removed by the owner within 90 days thereafter. A statement of financial responsibility and performance security shall be posted for each tower to guarantee compliance with this requirement.
- (13) In any residential zone, associated buildings or other buildings located on the same lot and owned or used by the applicant, its associates, or any co-users shall not be used as an employment center for any worker. This subsection does not prohibit the periodic maintenance or periodic monitoring of instruments and equipment.
- (14) The tower shall be constructed with a grounding system that provides adequate protection from destruction or damage by lightning.
- (15) **REPEALED (11/19/13)**
- (16) In addition to the considerations for special use permits-A or special use permits-B found in Section 15-54 of this ordinance, the approving bodies in determining whether a tower is in harmony with the area of a tower on the value of adjoining or abutting properties may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics, and may disapprove a tower on the grounds that such aesthetic effects are unacceptable. Factors relevant to aesthetic effects are the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites; the concentration of towers in the proposed areas; and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

(b) A request for a modification of an existing cell tower, base station or wireless support structure that involves the collocation of new transmission equipment or the removal or replacement of transmission equipment but that does not substantially change the physical dimensions of the cell tower or base station shall be approved by the administrator as an insignificant deviation (see Section 15-64). For purposes of this section, a substantial change in physical dimensions would occur if: **(AMENDED 11/19/13)**

- (1) The proposal is a “substantial modification” as defined in Article II of this chapter. Substantial modifications include:
 - a. The proposed change would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater (may exceed these size limits if

Art. XI SUPPLEMENTARY USE REGULATIONS

necessary to avoid interference with existing antennas);

- b. The proposed change would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater (except where necessary to shelter the antenna from inclement weather or connect the antenna to the tower via cable); or
- c. The proposed change would enlarge the square footage of the existing equipment compound by more than 2,500 square feet; or
- d. The proposed change would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or
- e. The proposed change would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

- (2) Applications for substantial modifications shall be considered pursuant to the requirements in Article X.

(c) The Town shall have 45 days within which to determine the completeness of an application for a collocation or eligible facilities request, and then 45 days from the date that the application is determined to be complete within which to make its decision. An application is deemed to be complete 45 days after it is submitted unless the Town determines and notifies the applicant in writing within 45 days of submission, that (and how) the application is deficient. For other types of applications relating to wireless support structures, towers or substantial modifications, the Town shall have 90 days to determine if an application is complete and 150 days within which to decide, not including small and micro wireless facilities. This provision shall not apply to small wireless facilities located within the public right-of-way, which shall be governed by Section 15-52(f). **(AMENDED 11/19/13; 6/23/20)**

(d) Small or micro wireless facilities (use classification 18.500), defined in Article II, and the height requirements in Table 1 and Table 2 below, are subject to the regulations outlined in this subsection.

Art. XI SUPPLEMENTARY USE REGULATIONS

Table 1. Height Requirements for Small Facilities in Public Rights-of-Way (Read top row left to right, then left-hand column.)

If a Small Wireless Facility is proposed in the following Zoning District(s):	New, modified or replacement utility power Height of Utility Pole	Small wireless facility above utility pole, wireless support structure or Town utility pole	Total Height
All	50 feet above ground level	10 feet	60 feet
EXCEPTION for residential zoning districts where utilities are located underground. (The residential zoning districts are R-2, R-3, R-7.5, R-10, R-15, R-20, RR, R-SIR, R-SIR2, PUD, VMU, WR, HD, NPD)	40 feet above ground level	10 feet	50 feet

Table 2. Height Requirements for Small Facilities outside of Public Rights-of-Way

If a Small Wireless Facility is proposed in the following Zoning District (s)	New, modified or replacement utility power Height of Utility Pole	Small wireless facility above utility pole, wireless support structure or Tow utility pole	Total Height
B-1(c), B-1(g), B-2, B-3, B-3T, M-1, M-2, CT, O, ORMU	50 feet above ground level	10 feet	60 feet

- (1) Small wireless facilities may also be attached to existing structures including poles, provided that the height of the wireless support structure and antennae together increase the height of the existing structure by not more than ten (10) feet.
- (2) All small and micro wireless facilities shall meet the provisions of 15-176(a)(10), (11), (12) and (14), above.
- (3) Small wireless facilities shall be collocated on existing or replacement poles or wireless support structures to the extent feasible. If new poles or wireless support structures are requested by an applicant, the applicant shall comply with the Town’s design criteria for such new poles and wireless support structures and shall consider, if feasible, a design that could accommodate collocations of other wireless facilities.
- (4) New small wireless support structures may be built no closer than 200 feet from an existing wireless support structure or utility pole. The Town may consider a deviation from this standard upon request of the user if no feasible alternative in the public right-of-way exists.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (5) Unless otherwise required by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), or the Town, the composition of new poles or wireless support structures shall be in accordance with the provisions below.
 - a. New small cell facilities must use camouflage design techniques that blend the facility with the natural and built environment. Where a new pole is proposed or a new pole is replacing an existing pole, a new metal pole shall be designed and constructed to match the existing pole or existing surrounding poles, that is, in brown, dark green, black or silver, unless such pole is located in an area subject to other design standards.
 - b. Installations shall be on non-conductive poles.
 - c. Concrete or reinforced concrete shall not be used except for pole foundations.
 - d. Upon request of the applicant, public or the Town, the Town may accept and approve (at its reasonable discretion), new wireless support structure designs submitted by the applicant, which shall be designated for use in specific design overlay districts, historic districts, residential districts or other areas of the Town as may be preferred and so designated by the Town. The consideration of alternative designs shall be part of a separate review process prior to the submittal of an application for a new pole or wireless support structure, and therefore not subject to the review process described in 15-52(f).
- (6) Wireless installations shall be on poles that meet or exceed current National Electric Safety Code (NESC) standards and wind and ice loading requirements of ANSI 222 Version G for essential services.
- (7) No exterior lights are permitted on any small or micro facilities unless required by the Federal Communications Commission (FCC) or the wireless support structure is designed and permitted as a street light.
- (8) Small wireless facilities and their wireless support structures shall utilize a concealed design, including all cabling being inside the support structure or “concealed” behind a fairing cabinet or other masking device.
- (9) All radios, network equipment and batteries will be enclosed in a pedestal cabinet near the pole, or in a concealed pole-mounted cabinet.
- (10) The total cumulative volume of all accessory equipment, cabinets, or

Art. XI SUPPLEMENTARY USE REGULATIONS

shelters used to house equipment to support the operation of a small wireless facility cannot exceed 28 cubic feet. Any equipment not used in direct support of such operation shall not be stored on the site.

- (11) Signs on any portion of a small wireless facility shall be prohibited unless required by the Federal Communications Commission (FCC), state of North Carolina or other government agency. A sign permit is required whenever a sign is allowed.
- (12) Equipment compounds are not permitted in the public right-of-way.
- (13) Unless proved unfeasible by clear and convincing evidence, in lieu of installing new poles, any wireless installation in the public right-of-way shall replace a pre-existing distributed pole, secondary pole or streetlight. Any work involving public rights-of-way shall comply with the standards in Article II of Chapter 7 of the Town Code.
- (14) Outside of the public right-of-way in all districts, the administrator shall have the authority to impose reasonable landscaping requirements surround the equipment compound or accessory equipment cabinet. Required landscaping shall be consistent and surrounding vegetation and shall be maintained by the facility owner. The administrator may choose to not require landscaping for sites that are not visible from the public rights-of-way or adjacent property or in instances where landscaping is not appropriate or necessary.
- (15) All small wireless facilities located outside the public rights-of-way shall comply with the provisions of Section 15-176(a)(2), (9) and (13). The base of any pole or tower for a small or micro facility shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the pole or tower.
- (16) No pole or tower intended for small or micro wireless facilities may be constructed, substantially modified, including modifications relating to collocations, except in accordance with and pursuant to a zoning permit as provided for in Article IV, Part I. of this chapter and, if applicable, to an encroachment permit in accordance to Article II, of Chapter 7.
 - a. Subject to the application requirements and approval process outlined in Section 15-52, construction shall begin no later than six months from the date the permit is issued.
 - b. Small wireless facilities shall be activated for their intended use in no more than one year from the date a permit is issued, and shall be subject to the renewal requirements of subsection (b)(12) above. Permits shall automatically expire if these deadlines are not met.

Art. XI SUPPLEMENTARY USE REGULATIONS

- c. If a small wireless facility ceases to transmit a signal for at least 180 days, or the permittee announces that it intends to cease transmitting signals, the facility shall be deemed abandoned on the earlier of the two dates.
 - 1. If the owner/provider does not remove the facility in 180 days from the date of abandonment, the Town may remove the facility and bill the owner for the costs of removal.
 - 2. The provider of the facility may receive an extension if the provider provides reasonable evidence that the provider is diligently working to return the facility to service.
- d. Substantial modifications are subject to the provisions of Section 15-176(b) above.

Section 15-176.1 Businesses with Drive-In Windows. (AMENDED 6/09/98)

In addition to other applicable provisions of this chapter, use classifications 2.140, 2.240, 3.230, 3.250, 8.300, 8.400, and 16.100 shall be subject to the following requirements:

- (1) The entrance/exit doors of such uses shall be located in such a manner that a person entering/exiting such business is not required immediately to cross a drive-in window exit lane.
- (2) Drive-in windows shall be located in such a fashion that vehicles using or waiting to use such drive-in or drive-through facilities do not interfere with vehicles seeking to enter or leave parking areas.
- (3) Where it is necessary for patrons wishing to park and enter such businesses to cross a drive-in window lane, crosswalks leading from parking areas to building entrances shall be clearly marked.
- (4) The vehicular entrances or exits of such uses shall not be located within 300 feet of the intersection of the centerlines of intersecting streets.
- (5) A building housing an 8.400 classification use may not be located closer than 1,000 feet to the nearest point of another building housing an 8.400 classification.
- (6) A Type B screen shall be erected, on the exterior border, from the service window to the entrance of the stacking lane.

Section 15-176.2 Village Mixed Use Developments. (AMENDED 5/25/99; 5/28/02; 6/22/21)

- (a) In a village mixed use development, a maximum of ten percent of the total gross

Art. XI SUPPLEMENTARY USE REGULATIONS

acreage of the tract, or five acres, whichever is less, may be used for purposes permissible in the B-3T or OA districts, subject to any conditions or limitations (including limitations on the types of permissible uses) contained in the remaining provisions of this section, the Master Plan, or the special use permit-A that authorizes the development in question.

- (1) Within the portion of the tract developed for commercial purposes, the regulations (other than use regulations, which are governed by the provisions immediately above) applicable to property zoned B-3T shall apply except as otherwise provided in this section or as otherwise allowed by the Town Council in the approval of the Master Plan for the conditional zoning or special use permit-A for the development.
- (2) The commercial portions of the village mixed use development shall be contained within a “storefront use area.” This area shall be designed to provide a variety of retail shops and services to support the day-to-day needs of village residents and other local residents, complemented by other compatible business, civic and residential uses in commercial-type buildings in a manner consistent with a small downtown or central market place in the community.
- (3) Storefront use areas shall be located so they are easily accessible by pedestrians from as much of the residential areas as possible (preferably within 1,500 feet – a five-minute walk). Nonresidential uses that are intended or expected to serve an area beyond the development itself shall be located to the extent practicable to permit vehicular access from outside the development without passing through residential streets.
- (4) Storefront use areas shall be located at least 200 feet from an arterial street and at least one-half mile from the nearest edge of another commercial center.
- (5) Parking areas that serve commercial facilities shall be screened with a Type A screen from the view of public streets located outside the development.
- (6) If and to the extent that dwelling units are constructed above commercial uses in commercial areas, the additional vehicle accommodation area required to accommodate such residential uses shall not be treated as commercial area for purposes of the “cap” on commercial areas established by this section.
- (7) Commercial areas shall surround or be located adjacent to or across the street from a public park, green, or square, which area may be credited as part of the open space required of the development.
- (8) Within the commercial areas authorized under this section, buildings shall be designed and constructed so that each individual enterprise occupies (whether as tenant or owner occupant) an area of not more than 6,000 square feet per floor.

Art. XI SUPPLEMENTARY USE REGULATIONS

(b) Portions of the tract not developed in accordance with the provisions of subsection (a) above may be developed in accordance with the provisions of this chapter applicable to property that is zoned R-10, except as those provisions are modified by the provisions of this section or the Master Plan or conditions imposed by the Town Council in the issuance of the special use permit-A.

- (1) The number of dwelling units permissible within the entire tract shall be determined in accordance with the provisions of Section 15-182.3 (as adjusted by density bonuses awarded for providing affordable housing under Section 15-182.4), subject to the following:
 - a. Areas used for commercial purposes shall *not* be subtracted from the adjusted tract acreage before determining permissible density.
 - b. All dwelling units constructed above commercial uses in commercial areas (e.g. a second story apartment located above a first floor retail store or office) shall be permissible *in addition* to the number of dwelling units otherwise authorized under this section.
 - c. When a lot is developed as a primary residence with an accessory detached dwelling, the accessory dwelling shall be permissible in addition to the number of dwelling units otherwise authorized under this section.
- (2) The residential portions of the development shall contain a mixture of housing types that are generally reflective of the housing types in Carrboro and ownership/rental options so that the development provides housing opportunities for persons within as broad a range of income levels as is feasible. Different housing types and price ranges shall be intermixed rather than segregated.
 - a. The development shall contain an area known as a “townhouse use area.” This area shall be designed to provide for a variety of housing opportunities, including residential buildings such as townhouses and/or apartments in close proximity to the storefront area, and to provide for the flexible use of such buildings to accommodate compatible business and civic uses which supplement the storefront area. The townhouse use area shall be a designated geographic unit generally located along neighborhood streets and adjacent to the storefront area. In approving a special use permit-A for a Village Mixed Use Development, the Council may approve the following uses not generally authorized in an area zoned R-10, subject to such restrictions and conditions relating to locations, use classifications, and other matters as the Council may provide:
 1. Personal or business services
 2. Office
 3. Private club

Art. XI SUPPLEMENTARY USE REGULATIONS

4. Restaurant
5. Artist studio
6. A maximum of 4 guestrooms for lodging
7. Medical clinic or facility
8. Retail sales, if in conjunction and on the same lot as a home occupation

b. The development shall also contain a “single-family detached residential use area” designed to provide for single-family detached homes in a residential neighborhood environment. In approving a special permit-A for a Village Mixed Use Development, the Council may approve the following uses not generally authorized in a single family detached residential area zoned R-10, subject to such restrictions and conditions relating to locations, use classifications, and other matters as the Council may provide:

1. Office, as an accessory use, or for not more than 2 full-time employee equivalents.

(c) In addition to other applicable use regulations as provided above, lots within the following areas may not be used for the purposes indicated below:

- (1) Storefront use areas:
 - a. drive-in or through windows
 - b. uses requiring loading or unloading during non-daylight hours.

(d) In approving a special use permit-A for a village mixed use development, the Town Council shall ensure, by approval of a condition, phasing schedule, or otherwise, that the nonresidential portions of the development are occupied only in accordance with a schedule that relates occupancy of such nonresidential portions of the development to the completion of a specified percentage or specified number of phases or sections of the residential portions of the development. The purpose and intent of this provision is to ensure that the approval process for a village mixed use development 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.

(e) The open space provided within a village mixed use development pursuant to Section 15-198 shall include areas known as “village conservancy use areas “ and “greens, parks, and squares.”

- (1) Conservancy use areas are areas designed to create a visual and physical distinction between the development, the surrounding countryside, and any neighboring developments.
- (2) Greens, parks and squares are spatially defined and distributed open spaces within the village mixed use development designed to serve a variety of

Art. XI SUPPLEMENTARY USE REGULATIONS

outdoor leisure and assembly needs of village residents and to enhance the form and appearance of the development.

- (3) There shall be a main village green, which shall be centrally located in close proximity to the storefront area as described in subsection (a)(2). Other, smaller greens shall be dispersed throughout the remainder of the village center in such a way that no lot is more than a walking distance of 1,320 feet from a green, square or park. The main village green shall be designed to a pedestrian scale and shall be no less than 30,000 square feet in size, while the other, smaller greens, squares and parks shall be no less than 10,000 square feet in size.
- (4) Open space areas set aside in accordance with this section may be used to satisfy the forty percent requirement of subsection 15-198(c). If the areas the developer is required to set aside as open space under Section 15-198 together with the areas required to be set aside under this subsection exceed forty percent of the mixed use development, then the Town Council shall allow the developer to set aside less than the one or more of the categories of open space otherwise required under Section 15-198 or this subsection so that the developer is not required to preserve as open space more than forty percent of the development tract.
- (5) Open Space owned by homeowners associations as Common Space may include Civic Uses for gathering or assembly as defined in Section 15-141.2(a)(7).

(f) Village Mixed Use Developments shall meet the following objectives with regard to land use arrangement and design criteria:

- (1) Overall Form.
 - a. Open space should be designed to follow the natural features whenever possible and to provide for an agricultural, forest and undeveloped character of the land.
 - b. The core of the village shall be distinguished from the peripheral, contiguous open space by a well-defined “hard edge” of dwellings in contrast with the open, largely agricultural, forest and undeveloped character of the open space.
 - c. The village should be sited so as to best preserve natural vistas and the existing topography.

Art. XI SUPPLEMENTARY USE REGULATIONS

- d. The village should be designed in a generally rectilinear pattern of blocks and interconnecting streets and alleys, defined by buildings, street furniture, landscaping, pedestrian ways and sidewalks.

(2) Spatial Relationships of Various Use Areas and Open Space.

- a. The common, peripheral open space shall surround the village unless explicitly modified upon a finding that unique topographical or other natural features or preexisting boundary conditions require an alternative arrangement.
- b. Village storefront use and townhouse use areas shall be surrounded by the residential use area or, where applicable, by a combination of residential and civic use areas.
- c. Higher density residential lots should be generally located between the designated commercial area and lower density residential lots.
- d. The transition between uses shall be blended to avoid a distinct visual segregation.

(3) Block Design

- a. Blocks of a generally rectangular shape should be the main organizing feature of the village. While topography, existing vegetation, hydrology and design intentions should influence block shape and size, the maximum length for a block is to be four hundred and eighty (480) feet with an allowance for blocks up to six hundred (600) feet when mid-block pedestrian paths or ways are provided. No less than one eight-foot pedestrian alley or way must be provided for every two-hundred (200) feet of road frontage in the storefront use area.
- b. The blocks of the village may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions.
- c. Village lots should minimize front and side yards, garage aprons and entrances and blank walls, and should generally have as narrow a width as is practical to encourage pedestrian movement.
- d. Each block which includes storefront and narrow frontage townhouse lots shall be designed to include an alley or small clusters of parking, with service access in the rear. Blocks of wide frontage townhouse lots need not be designed to include an alley and rear parking.

Art. XI SUPPLEMENTARY USE REGULATIONS

- e. Similar land use types shall generally front one another while dissimilar land use types shall generally abut along alleys or rear parking.
- f. Lot layout, path and sidewalk design shall ensure pedestrian access to each lot.
- g. The build-up line specifies a cornice height that establishes the prominent visual dimension of a building and defines its proportion in relation to the street. It should vary, with no more than sixty (60) consecutive feet of the build-up line having a similar cornice or roofline, and be between one and three and one-half stories in height. A two-story build-up line can range from 20 to 25 feet above average ground level. A three-story build-up line can range from 30 to 35 feet above average ground level. **(AMENDED 5/28/02)**

(4) Storefront and Townhouse use Area Design Components

- a. New multi-family and commercial buildings in storefront and townhouse use areas shall be subject to a maximum front setback (the “build-to” line) in order to maintain a strong sense of streetscape. Such buildings shall generally be of two-story construction (to the so-called “build-up” line) and shall be designed in accordance with the design standards of this chapter and any other applicable standards. To create a defined edge to the village’s public space, new multi-family or commercial buildings should conform to a consistent setback from the street. Porches for multi-family or townhouse construction can extend beyond the build-to line. In addition, building faces, as well as a majority of the roof ridgelines should be parallel to the street.
- b. Maximum height regulations are 49 feet and three and a half stories.
- c. Minimum street frontage is 25 feet.
- d. Setback regulations are as follows: Front = no minimum required; maximum is 15 feet; Rear = 20 feet minimum; Side = Zero minimum lot lines are allowed, except at block ends or adjacent to alleys or pedestrian walks as required under block design requirements.
- e. Parking within this area shall be subject to the other parking requirements of this chapter as well as the following:
 - 1. Non-residential off-street parking shall generally be to the side or the rear, or located within internal parking areas not visible from the street.

Art. XI SUPPLEMENTARY USE REGULATIONS

2. The permit-issuing authority may allow on-street parking spaces along the front property line (except where there are driveway cuts) to be counted toward the minimum number of parking spaces required for the use on that lot.
 3. On-street parking space shall be designed as either parallel to the curb on both sides of the street, or diagonal to the street on the storefront side with landscaped breaks serving the pedestrian alleyways.
 4. Off-street parking may be located within 100 feet (measured along a publicly accessible route) from the lot containing the use to which the parking is accessory, if the lot containing the parking is owned or leased to the owner of the principal use, or if the lot containing the parking is dedicated to parking for as long as the use to which it is accessory shall continue, and it is owned by an entity capable of assuring its maintenance as accessory parking.
 5. The permit-issuing authority may allow shared use of parking.
- f. All public sidewalks and walkways shall:
1. Be constructed of brick or concrete with brick borders in such a way that they do not impede accessibility.
 2. Be no less than six feet in width; and
 3. Create a completely interconnected network of pedestrian walkways throughout the storefront use and townhouse use areas.
- g. All storefront and townhouse use areas shall contain the following:
1. At least one trash can and one recycling receptacle of approved design in each block;
 2. Public benches of approved design at bus stops, green spaces, and at intervals of no greater than 200 feet along both sides of each block and at lesser intervals and/or in required clusters, as appropriate (i.e. high-activity areas due to the nature of surrounding uses).; and
 3. At least one bike rack on each block.

Art. XI SUPPLEMENTARY USE REGULATIONS

- h. All new construction shall be of similar scale and massing to small-scale, historic buildings in downtown Carrboro.
- i. All roofs shall be topped with low-pitched roofs with articulated parapets and cornices, or pitched roofs where fascias are emphasized and any roof dormers are functional.
- j. Storefront buildings shall:
 - 1. Include show windows on the ground level. Storefront windows are to be large and traditional in appearance and are to include low sills and high lintels.
 - 2. Articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.
 - 3. Include lighting in show windows, which is in conformance with other lighting regulations, herein;
 - 4. Project lighting on the sidewalk from about eight feet in conformance with other lighting regulations herein;
 - 5. Present the principal entrance to the sidewalk. Alternatively, if the principle entrance faces onto an interior courtyard, the entrance to the courtyard must be presented to the sidewalk.
- k. The facade of storefront buildings may be separated from the sidewalk surface by a landscaped strip of no greater than three feet, except as necessary to accommodate open-air, food service establishments.
- l. The construction of open colonnades over a sidewalk adjoining storefront buildings may be permitted subject to an appropriate easement over the public right-of-way.
- m. Materials in the exterior of buildings surrounding the greens shall be limited to a diversity of brick. Wood, stucco, masonry and other siding materials are subject to the review of the Appearance Commission and the approval of the permit-issuing authority.
- n. All signage shall:
 - 1. Be affixed to building façade, canopy, or arcade;
 - 2. Be located within the first story limit;
 - 3. Be visible to both pedestrians and drivers;

Art. XI SUPPLEMENTARY USE REGULATIONS

4. Contain visual street numbers for each building; and
 5. Utilize lighting conforming to applicable regulations.
- o. Storefront buildings shall have at least 60 percent of their front facade parallel to the street.
 - p. The principal entrance shall be from the front sidewalk.
 - q. Storefront buildings fronting on the same street and located on the same block shall be attached, except as necessary to accommodate pedestrian ways.
 - r. The street treescape shall require:
 1. The planting of species which branch above 8 feet to facilitate viewing of storefronts and signage.
 2. The planting of trees every 30 feet to 50 feet depending on size so as to create a regular pattern of street trees through the area.
- (5) Residential uses within the single family detached residential use area shall conform to the following requirements:
- a. Lots shall generally be located along local streets and around the perimeter of the combined storefront and townhouse areas and between those areas and the village conservancy district.
 - b. The minimum lot width at the building line shall be 40 feet unless the Town Council has also approved the development as an architecturally integrated subdivision as described in Section 15-187.
 - c. Variations in the principal building position and orientation shall be encouraged, but the following minimum standards shall be observed: Front yard: 15 feet minimum (but 8 feet to front porches or steps) and 25 feet maximum; Rear yard: 30 feet minimum for principal buildings and 5 feet for accessory buildings; Side yard: 20-foot separation for principal buildings, with no side yard less than 5 feet unless the Town Council has also approved the development as an architecturally integrated subdivision as described in Section 15-187.
 - d. The total impervious coverage shall be 50 percent for all of the lots in this use area except for those approved to include 22,000 uses. Allocation to each lot shall be indicated on the special use permit-A plans and must be finalized at the time a final plat is recorded. For

Art. XI SUPPLEMENTARY USE REGULATIONS

multi-phase projects, the final allocation shall be by phase. No further reallocation of impervious surface coverage for lots in this use area shall be allowed after the final plat has been recorded unless a special use permit-A is modified to allow 22.000 uses. Any such 22.000 uses shall be subject to stormwater management requirements as specified in Section 15-263 (c) (3). **(AMENDED 10/28/08)**

- e. The maximum height of buildings shall be 35 feet.
- f. Residential structures shall be designed to reflect Carrboro's vernacular building tradition in accordance with the design standards described in Section 15-141.2 of this chapter.
- g. Accessory Detached Dwellings (ADD) shall be architecturally integrated as follows:
 - 1. Accessory Detached Dwellings or outbuildings shall be designed to harmonize with the Carrboro vernacular architecture described above.
 - 2. There shall be a maximum of one accessory dwelling unit (ADD) per lot of less than ten (10) acres.
 - 3. The gross floor area in the ADD shall not exceed 750 square feet.
 - 4. Exterior fire-exit stairs are prohibited on any side of Accessory Detached Dwellings except at their rear, except in cases when the ADD is located above a garage.
 - 5. All off-street parking for Accessory Detached Dwellings shall be located to the side or rear as viewed from the street.

(6) Roads and Streets.

- a. Street patterns within the village mixed use shall be a rectilinear network of streets, interconnected with clear, direct, understandable patterns, with variations as needed for topographic and environment and other valid design consideration.
- b. Streets shall be designed generally to:
 - 1. Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.
 - 2. Minimize alteration of natural site features.

Art. XI SUPPLEMENTARY USE REGULATIONS

3. Secure the view to prominent natural vistas.
 4. Minimize the area devoted to vehicle travel.
 5. Promote pedestrian movement so that it is generally more convenient to walk short distances than to drive.
 6. Be aligned so that the “terminal vista” is of open space features, either human-made (greens, commons), natural (meadows, large trees in distance), or a community structure of significance.
- c. With the exception of loop roads, all neighborhood and local streets shall terminate at other streets within the village proper and shall provide connections to existing or proposed through streets or collectors outside the village proper where practical. Loop roads, as defined in this chapter, are specifically allowed.
 - d. Sidewalks shall be provided as required in Article XIV of this chapter.
 - e. Sidewalk widths shall be at least six feet in retail/commercial areas, and at least five feet in residential, as well as townhouse, areas.
 - f. A plan for sidewalks and footpaths shall be designed to connect all houses with any of the village’s greens and parks.
- (7) Parking.
- a. Off-street parking lots and areas shall generally be located at the rear of buildings.
 - b. No off-street parking shall be permitted in the front yards of buildings located in the storefront or townhouse use areas, nor shall off street parking be the principal use of corner lots in these areas.
 - c. Any off street parking space or parking lot in a storefront, townhouse, or civic area which abuts a street right-of-way shall be buffered from the right-of-way by a landscaped area no less than 4 feet wide in which is located a continuous row of shrubs no less than 3 1/2 feet high, or by a wall no less than 4 feet and no more than 6 feet high.
 - d. Off street parking in the storefront and narrow frontage townhouse areas shall generally be accessible from an alley only.

Art. XI SUPPLEMENTARY USE REGULATIONS

- e. The permit-issuing authority may allow on-street parking spaces along the front property line (except where there are driveway cuts) to be counted toward the minimum number of parking spaces required for the use on that lot.

(8) Landscaping

- a. The applicant shall submit a comprehensive landscape master plan for all areas of the village, and village conservancy areas, identifying the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation and planting methods.
- b. Shade trees shall be provided along each side of all streets, public or private, existing or proposed. Shade trees shall also be massed at critical points, such as at focal points along a curve in the roadway. In locations where healthy and mature shade trees currently exist, the requirements or new trees may be waived or modified. Section 15-315 of this Chapter notwithstanding, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and twenty- five feet from the center line of the street, there is for every forty feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve inches in diameter. Trees may be placed uniformly.
- c. Parking lots larger than 19 spaces and/or 6,000 square feet in size shall have internal landscaping as well as buffering landscaping on the edge of the lot.
- d. Trees and other plants should be chosen with reference to the list set forth in Appendix E.
- e. Trees and other public landscaping shall be protected by means of suitable barriers.
- f. The method and means for providing quality street trees and other community landscaping such as in village greens, parks, and squares shall be addressed.
- g. The developer shall be required to post a suitable performance bond to ensure that any tree that dies within eighteen (18) months of planting shall be replaced with the same species and size, and that any tree shall be well maintained, i.e., irrigated and fertilized, for a total of thirty-six (36) months from time of planting. If trees are removed, they shall be replaced with trees of similar size and function.

Section 15-176.3 Reserved for Transfer of Development Rights. (AMENDED 5/25/99)

Section 15-176.4 Vehicle Sales in the B-1(g) Zoning District. (AMENDED 6/25/02)

(a) In addition to the other applicable provisions of this chapter, vehicles sales operations (use classification 9.100) located in the B-1(g) Zoning District shall be subject to the following requirements:

- (1) A vehicle sales operation may not be located within 2,000 feet of another vehicle sales operation (measured in a straight line and not by street distance) in the B-1(g) or M-1 zoning districts.
- (2) A vehicle sales operation is permitted only on lots containing no more than 26,000 square feet.
- (3) A vehicle sales operation is permitted only on lots that are bordered on at least one side by an arterial street.
- (4) Outdoor storage areas for vehicles in the process of repair or dealer preparation may only be located behind the principal building and/or its accessory buildings.
- (5) All vehicle repairs and preparation for sale are to be conducted within fully enclosed structures.
- (6) Multiple driveway cuts and outdoor storage/display areas in the front portion of the lot shall be permitted to the extent that they do not impede the installation of the type "C" screen.
- (7) Vehicle sales operations are subject to the non-residential performance standards applicable to 9.400 uses as specified in Sections 15-163 through 15-169.
- (8) Each vehicle is allocated one (1) square foot of sign area to be displayed on the interior of a side window of the vehicle only.
- (9) A vehicle sales operation must be an annex of a pre-existing vehicle sales business located within 800 feet.
- (10) A vehicle sales operation is allowed in those portions of the B-1(g) district that are not adjacent to residentially zoned property (primary zoning classification only).

Section 15-176.5 Mobile Prepared Food Vendors. (AMENDED 6/24/08)

(a) Mobile prepared food vendors shall be located on lots where an existing non-residential use operates in a permanent building.

(b) As set forth in the Table of Permissible Uses, mobile prepared food vendors are permissible in the B-1(C), B-1(G) and M-1 districts (subject to the other provisions of this section). In addition, mobile prepared food vendors shall also be permissible on lots in the R-10 district where (and so long as) there exists a nonconforming retail business located in a permanent building.

(c) Notwithstanding the provisions of Section 15-154 (Combination Uses), a zoning permit may be issued for a mobile prepared food vendor, and in issuing the permit, the zoning administrator shall take into consideration only this use and not the other use or uses made of the lot where the mobile prepared food vendor is located [except that this use must comply with subsection (a)].

(d) Mobile prepared food vendors shall be subject to the building setback requirements of Section 15-184 but shall not be subject to the other provisions of Article XII or to the provisions of Articles XIII through XIX of this chapter. Notwithstanding the foregoing, no signage for these uses shall be allowed other than signs permanently attached to the motor vehicle.

(e) Temporary connections to potable water are prohibited. All plumbing and electrical connections shall be in accordance with the State Building Code.

(f) Mobile prepared food vendors may not be located in any portion of a vehicle accommodation area where such location would prevent the use of required parking spaces during the regular hours of operation of the primary business on the lot, or otherwise interfere in a significant way with the movement of motor vehicles using such area.

(g) Mobile prepared food vendors shall not operate as a drive-through.

(h) A zoning permit issued for this use may be revoked not only for the reasons specified in Section 15-115 but also if the zoning administrator determines that the mobile prepared food vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

Section 15-176.6 Data Service Provider Facilities. (AMENDED 6/23/15)

(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.

Art. XI SUPPLEMENTARY USE REGULATIONS

(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.

Art. XI SUPPLEMENTARY USE REGULATIONS

Section 15-176.7 Social Service Provider with Dining. (AMENDED 3/22/16)

(a) An application for a zoning permit to allow a Social Service Provider with Dining use shall include documentation of all appropriate licensing for the type of services provided at the particular site and any required training for staff and volunteers.

(b) A Social Service Provider with Dining must be located within a half block of a public transit service stop.

(c) All facilities shall be designed to provide an on-site, sheltered location with sufficient queuing space for patrons to enter and exit the facility in an orderly manner and without disrupting traffic within public rights of way.

Section 15-176.8 Performing Arts Space. (AMENDED 11/27/18)

(a) Performing arts spaces shall be located on lots where an existing permanent structure or structures fifty years of age or older is available for adaptive reuse and such preservation and reuse will provide for the continued vibrancy of the Town's commercial and industrial building fabric and associated heritage.

(b) As set forth in the Table of Permissible Uses, performing arts spaces are permissible only in the B-1(g) and B-1(c) districts, subject to the permit requirements specified in Section 15-147 (r) and the other provisions of this section.

(c) Performing arts spaces must demonstrate at least three of the following criteria relating to the building facilities and venue operation:

- 1) Defined performance space and defined audience space;
- 2) Specialty equipment associated with live performances, such as: light mixing desk, public address system, lighting rig, back line equipment;
- 3) Applies cover charge to some performances through ticketing or front door entrance fee;
- 4) Marketing of specific acts through published advertisements or listings;
- 5) Hours of operation for principle use associated with performance times; and
- 6) Produces live performances at least three days a week.

(d) Performing arts spaces may include the following related and accessory uses: restaurants (indoor and outside service and consumption), mobile prepared food vendors, office, research, and service, billiards and pool halls, electronic gaming operations, temporary residences, multifamily residences, museums, art galleries and art centers, open air markets and sales and rental of goods, so long as the performing arts spaces is the predominant use and development.

Art. XI SUPPLEMENTARY USE REGULATIONS

The area allocated for such related and accessory uses may be greater than fifty percent with a special use permit-A.

(e) All occupancy provisions for the principle performance uses, and for the accessory and related other uses, shall be in accordance with the State Building Code.

(f) Performing arts spaces shall not impede normal traffic patterns on adjacent public streets. Mobile prepared food vendors associated with a performance art venue must confine their operations to the lot on which the performance art venue is located.

(g) Up to six special performances may be programmed each year, provided that the event sponsor submits for the Town's prior approval a plan for traffic and parking which demonstrates that arrangements have been made to satisfy the required use of parking areas for the primary business on the lot during its regular hours of operation, and will not otherwise interfere in a significant way with the movement of motor vehicles using such area, unless such parking spaces are otherwise provided for.

(h) Mobile prepared food vendor business associated with this use shall not operate between the hours of 2:30 a.m. and 6:00 a.m.

(i) Density of accessory residential units shall be determined in accordance with Section 15-182. Up to four residential units may be allowed in conjunction with a performing arts space permitted with a zoning permit. More than four residential may be allowed in conjunction with a performing arts space permitted with a special use permit-A.

(j) A zoning permit issued for this use may be revoked for the reasons specified in Section 15-115 or if the zoning administrator determines that the performing arts space's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety, or is in repeated violation of the Town Code, Chapter 5, General Offenses, Article II Sections 5-11, 5-12, 5-16 and 5-18.

Section 15-176.9 Special Standards for Historic Rogers Road District. (AMENDED 10/22/19)

(a) All applicable provisions of the Carrboro Land Use Ordinance not specifically exempted or modified by this section shall apply to the HR-R and HR-CC districts.

(b) In both the HR-R and HR-CC districts, the maximum size of any single-family dwelling constructed after the effective date of this section shall be 2,000 square feet of heated floor area; the maximum size of any duplex or triplex dwelling unit constructed after the effective date of this section shall be 1,200 square feet of heated floor area. Any dwelling unit in existence on the effective date of this subsection containing 2,000 square feet or greater of heated floor area may be increased by a maximum of 25% of the existing heated floor area or 500 square feet whichever is greater, but with a maximum size of 2,500 square feet at any time. Any dwelling unit

Art. XI SUPPLEMENTARY USE REGULATIONS

in existence on the effective date of this subsection containing less than 2,000 square feet of heated floor area may be expanded up to a maximum size of 2,000 square feet of heated floor area or 25% whichever is greater.

(c) Any triplex dwelling unit constructed after the effective date of this section in both the HR-R and HR-CC districts shall be an affordable housing unit pursuant to Subsection 15-182.4(b) of this chapter.

(d) In the HR-CC district the maximum size of the building footprint for any building containing any nonresidential uses shall not exceed 3,000 square feet.

(e) An undisturbed buffer, of no less than 50 feet, shall be maintained along the perimeter of the entire HR-CC district.

1. The buffer shall consist of existing vegetation and/or new plantings to meet the requirements in Section 15-307(1) for an Opaque Type A screen.
2. This area shall remain undisturbed except for the removal of noxious weeds and trees determined to be diseased by a Certified Arborist, and the installation of new plantings as required by the standards for a Type A screen described in subsection (e)(1) above.

(f) Development within the HR-CC district shall be subject to the screening requirements of Section 15-306, to provide sufficient screening between uses, so long as a Type A screen is retained at the boundary line of any parcel in the HR-CC district where that parcel adjoins an adjacent property outside of the district.

(g) As set forth in the Table of Permissible Uses, Major Home Occupations are permissible only in the HR-R and HR-CC districts, subject to the following standards:

- (1) Must be conducted by a person who resides on the same lot.
- (2) Major Home Occupations shall only be located on lots a minimum of one half acre in size.
- (3) No more than 50% of the heated square footage of the home shall be used for business purposes. This calculation does not include accessory structures in the total square footage calculation for the home; such structures shall be limited to a maximum size of 150% of the home, but in no case shall exceed 2,000 gross square feet.
- (4) The maximum number of trips per day to or from the business shall not exceed 50.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (5) The on-premises sale and delivery of goods which are not produced on the premises is prohibited, except in the case of the delivery and sale of goods incidental to the provision of a service.
- (6) No more than three business-associated vehicles shall be parked on-site.
- (7) Business-associated vehicles shall be limited to vehicles allowed under a Class C license.
- (8) Parking for vehicles associated with the business, including employee and visitor vehicles shall be provided on-site, pursuant to the requirements in Section 15-291.
- (9) If more than three parking spaces are provided for business-associated vehicles and / or employees and visitors, then the additional spaces above three must be screened by a Type A screen.
- (10) All business activities shall be a minimum of 30 feet from all lot lines or within a fully enclosed building.
- (11) All noise, dust, vibration, odor, light, and glare-producing activities shall be located a minimum of 60 feet from all lot lines, and any activity that results in noise, vibration, dust, odor, light, or glare shall only occur between the hours of 8 AM and 6 PM.
- (12) Any outdoor storage of materials, supplies, products, or machinery (excluding functional vehicles associated with the business) shall be screened with a Type A screen as described in LUO Section 15-307.

(h) Any Land Use Category 8.100 use located in the HR-CC district is limited to 2,000 square feet heated floor area and may only conduct business between the hours of 6 am and 9 pm.

(i) For proposed developments within the HR-CC District, a phasing plan must be incorporated into the project which mandates that at least fifteen percent (15%) of the uses must be nonresidential and at least fifteen percent (15%) of the uses must be residential. The phasing plan must ensure that the nonresidential portions are completed prior to or in conjunction with the residential portions of each phase.

Section 15-177 Architectural Standards for Subdivisions Containing Four or More Single-Family Detached Residences. (AMENDED 5/25/99; REWRITTEN 8/22/06)

(a) Intent. The intent of the provisions of this section is to ensure that developers of major subdivisions who are responsible for the construction of homes within those subdivisions pay as much attention to the site design and architectural features of their developments as they do to engineering considerations, so that the town's newest neighborhoods will reflect a high standard

Art. XI SUPPLEMENTARY USE REGULATIONS

of design and enhance Carrboro's unique appeal. These provisions of this section are not intended to dampen architectural creativity or diversity but rather to ensure that important architectural and design considerations are addressed.

(b) **Applicability.** The provisions of this section shall apply to subdivisions containing four or more single family detached residences, where the developer of the subdivision is not merely selling lots within the subdivision to independent builders or individuals, but is also the builder of the homes or otherwise controls the construction of homes and is therefore in a position to comply with the requirements of this section at the time the subdivision is approved. Notwithstanding the foregoing, housing developed by nonprofit organizations intended for first-time homebuyers earning less than 80% of the annual median income level for a family of four in the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area is exempt from the provisions of this section.

(c) **Definitions.** The following terms shall have the meaning indicated when used in this section:

- (1) **Contemporary Architecture:** describes a building that is derived from current ideas of architectural form, construction and detailing.
- (2) **Context:** the surrounding buildings and land forms, the social and the built history of the location.
- (3) **Massing:** the relationship of solids to voids, and the relationship of major components of the building such as roof, wall planes, and porches to one another, to surrounding buildings, and to the landscape in general.
- (4) **Proportion:** the relationship between the vertical and horizontal elements of the building.
- (5) **Scale:** the relationship of the size of the building, its components, and its architectural details to people as users and observers.
- (6) **Vernacular:** a building style that is historical and typical of a region and surrounding area. The predominant residential vernacular style in Carrboro and the surrounding area is the mill-era housing.

(d) **General Design Standards.** The developer of every major subdivision covered by this section shall, in the process of designing the proposed subdivision, address each of the design considerations set forth in this section. The developer's plans submitted with the application for a special use permit-B or special use permit-A shall reflect that each of the following design considerations have been addressed, and the application shall contain a written narrative explaining how each of these design considerations have been addressed. The design considerations are divided into three categories: landscape and site, context, and building.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (1) Landscape and site.
 - a. Site buildings in a manner sensitive to the existing natural environment and land forms. Minimize clearing and alteration of existing topography.
 - b. Site buildings or provide screening to avoid the visibility of buildings' rear facades from public streets.
 - c. Avoid monolithic and unarticulated walls and buildings facing the public realm.
 - d. Mechanical, communication, and electrical equipment shall be screened from neighbors and public ways through the use of landscaping or by fences/screens made of materials that complement the design of the house.
 - e. Garage entries should not visually dominate the house's primary entrance, and shall have visual separation from the main façade.
 - f. Locate and specify exterior and street lighting to minimize the impact on neighbors. Fixtures shall not project light above the horizontal plane.
 - g. Address the transition between street and primary entrance through pathways that consider changes of light, sound, direction, surface, or grade level, i.e. through the use of benches, fencing, or low walls connected to the building.
 - h. Use variable setbacks and modulate the streetscape.
- (2) Context.
 - a. Address the overall plan of the subdivision in terms of rhythm, building heights, patterns, spacing, form, scale, massing, materials, and proportion.
 - b. Address the placement of buildings in relationship to one another; their height, orientation, and spacing.
 - c. Address the vertical-to-horizontal proportions of the elements of each individual house, and the relationship of these proportions from one house to another.

Art. XI SUPPLEMENTARY USE REGULATIONS

- d. Address the relationship of the roof of one building to the next in rhythm, form, texture, detail, and shelter, with attention to color, materials, and pitch and to features such as soffits, rafter ends, vaults, overhangs, dormers, cornices, vents, fascias, gutters, and eaves.
- e. Provide human scale in massing and building elements.

(3) Building design elements.

- a. Provide a minimum of four significantly different sets of elevations if the subdivision contains five or six houses, five sets if seven or eight houses, six sets if nine or ten houses and seven sets if eleven or twelve houses, and eight sets if thirteen or fourteen houses, to ensure variability of design. Subdivisions of fifteen or more houses must have a minimum of nine differing elevations.
- b. Create recognizable primary entrances, using, for example, entry placement, front and side porches, trellises, hedges, fences, and walls.
- c. Address the architectural rhythm of solids to voids in front façades, exterior walls, buildings on the streets, and entrance and/or porch projection.
- d. Address façade relief as provided by corner trim, porch trim, window and door trim, door panels, transoms, frames, surrounds, shutters, muntins, moldings, corbelling, cornices, gables, columns, casings, vents, fabric awnings, and roofs. Specify materials and dimensions.
- e. Specify the design of doors and windows, and their spacing, placement, proportion, scale, orientation, and size.
- f. Address the design and character of all exterior walls and foundations, including their functional and decorative features, materials, details, and proportions in relation to the entire building.
- g. The design of auxiliary buildings, fences, and privacy screens, and the materials used in their construction, should complement the design of the primary structure.

(e) Building Architectural Styles. As set forth in (d)(3) above, the developer shall submit elevations that address the general design standards set forth therein.

- (1) Vernacular Architectural Standards. Developers are encouraged to consider complying with the provisions of Section 15-177 (d)(3) by using Vernacular Architectural Standards (VAS) as described in this subsection. The goal of the VAS approach is to maintain and enhance Carrboro's historic mill-era

Art. XI SUPPLEMENTARY USE REGULATIONS

architecture, which distinguishes it and is a primary element in defining Carrboro's unique sense of place. New subdivisions using the VAS approach should recognize and reflect the local architectural vernacular. This approach notes the defining elements of the vernacular and requires that those elements be used in conjunction with appropriate scale, proportion, massing, and texture. Proposed plans need not be copies of historic Carrboro houses; successful contextual design combines current design ideas with sensitivity and reference to the defining architecture of the locale.

- a. Following is a list of the minimum criteria necessary to meet the Vernacular Architectural Standards and its goal of maintaining an architectural connection to Carrboro's past.
 - Roof characteristics: 10-12 /12 upper roofs, 3/12 lower roofs, 16-24" eaves at all roof edges.
 - Porches with a minimum depth of 6', across at least 80% of the primary street façade.
 - Windows must be rectangular; at least 90% must have a minimum vertical-to-horizontal proportion of two-to-one.
 - Clapboard or shingle siding with 4½" reveal.
 - Paired 4" corner boards.
 - Garage, if any, to be detached and located behind the house's rear façade
 - Chimney, if any, to be faced with brick or stone, interior to the building or located exterior, on a gable end
 - Details such as columns, trim, vents, dormers, and eaves reflective of the character of the vernacular (see building types, below)
- b. Four building types display most of the primary architectural elements characteristic of residences built in Carrboro's mill era. All photos are from Carrboro's Historic Inventory.

Art. XI SUPPLEMENTARY USE REGULATIONS

One-story Mill House



The one-story mill house is modest in scale, with simple massing defined by a one-room deep “L”-shaped plan, gable roof, generous front porch, and moderate roof overhangs. It is characterized by symmetry in the gable ends and front and has windows of a vertical proportion placed singly in the wall plane. The exterior details generally consist of a false dormer, clapboard siding, 4” trim and corner boards, diamond gable vents, plain square porch posts with simple brackets, and simple pickets in porch rails. Garages were single-car gable-roofed buildings set behind the house.

Two-story “I” House



The two-story “I” house is defined by its moderate massing, a one-room deep plan, two-story front and one-story “L”, gable roof, generous front porch, and moderate roof overhangs. It is symmetrical in its front elevation and gable ends and has windows of a vertical proportion placed singly in the wall plane. The

Art. XI SUPPLEMENTARY USE REGULATIONS

exterior details generally consist of a false dormer, clapboard siding, 4” trim and corner boards, diamond gable vents, plain square porch posts with simple brackets, and simple pickets in the porch rail. Garages were single-car, gable-roofed, and set behind the house.

The Bungalow



The bungalow style house is a medium scale building with a solid massing defined by its square floor plan, gable roof, generous front porch, moderate roof overhangs, and large dormers. It is characterized by large articulated gable ends, windows of a vertical proportion spaced doubly or triply in the wall plane, and a porch roof contiguous with the main roof. The exterior details generally consist of clapboard siding or shakes, 4” trim and corner boards, generous two-part square porch posts, and large gable end brackets, rake, and eave boards.

The Four-Square House



This is another medium-scale building type with a solid straight-forward massing defined by its square two-room deep plan, hip roof, moderate roof overhangs, dormers, and generous front porch. The defining characteristics are a symmetrical front elevation, windows of a vertical proportion placed singly in the wall plane, and a porch roof that is distinct from the main roof. The

Art. XI SUPPLEMENTARY USE REGULATIONS

exterior details generally consist of clapboard siding, 4' trim and corner boards, modest brackets, and simple square porch pickets.

- (2) Alternative Architectural Standards. Developers may also comply with the provisions of this section by using Alternative Architectural Standards (AAS). The AAS approach recognizes that architecture is constantly evolving and that changing needs, tastes, and technologies generate new styles. Carrboro welcomes new and varied architecture but does not want to open the door to developments that neglect thoughtful design. Applicants may therefore choose to submit plans in accordance with this section using Alternative Architectural Standards. As with the Vernacular Architectural Standards, plans must be in compliance with the General Design Standards.

(f) Glossary of Architectural Terms. The following glossary of terms is made available for use by architects and developers in their interpretation of the provisions of this section.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (1) Accent block. A masonry element, usually square or diamond shaped, used as a decorative element in Craftsman-style domestic and commercial architecture.
- (2) Arch. A curved structural element that spans an opening. There are many varieties, which take their basic form from the arc of a circle.
- (3) Awnings. Usually of fabric, can also be plastic or metal. Used primarily to give shade to windows. Usually adjustable.
- (4) Balance. Achieved by the assembly of separate elements to create the whole.
- (5) Balcony. A narrow platform projecting from and supported by the face of a building above ground.
- (6) Bay. A division of the elevation of a building. For example, a house with a front door flanked by two windows would be described as having a three-bay façade.
- (7) Box construction. A form of building that uses vertical wood boards or planks instead of studs for both structure and enclosure.
- (8) Breezeway. A short open-air passageway connecting a house to an area that may house an automobile, it is usually roofed.
- (9) Brick. A clay (or shale) masonry unit, solid or partly hollow, that is formed in a mold and fired until hard. When laid in a wall so its long side is visible, referred to as a Stretcher Brick. When laid so that its short end is visible, referred to as a Header Brick. A closer brick is a partial brick used at the end of a course to even it up. A Gauged Brick is a brick that has been shaped to form part of a jack arch. (Gauged and Closer bricks are associated with early brick work.) The coursing or pattern of bricks in a wall is referred to as the Bond, and the divisions between bricks and courses are referred to as Mortar Joints. Stretcher bond is composed of Stretcher Bricks exclusively. Flemish bond is composed of alternating Stretcher and Header Bricks and is associated with early and COLONIAL REVIVAL brickwork. English Bond is composed of courses of Stretcher Bricks alternating with courses of Header Bricks. A Soldier Course is formed by Stretcher Bricks standing on end and lined up over a window or parapet. Basketweave refers to Stretcher Brick laid horizontally and vertically to form a checkerboard pattern. Houndstooth refers to bricks set at an angle, creating a sawtooth appearance. Paving refers to bricks used like pavers to cover the sloped shoulders of early chimneys. Tumbling refers to bricks laid in diagonal courses to form chimney shoulders or edge of a gable; it associated with decorative mid 1800's chimneys' and with the Tudor Revival style. Penciling refers to the painting of a line (usually white) along mortar joints.
- (10) Bungalow. A one-story or story-and-a-half house detailed in the CRAFTSMAN Style.
- (11) Capital. The top section of a column, often decorative. See also Order.
- (12) CAS. Contemporary Architectural Standards.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (13) Chamfer. The beveled edge or corner of a beam or post.
- (14) Classical Revival Style. An Architectural style characterized by use of classic Greek and Roman forms and ornament, especially monumental porticos. See also under Order.
- (15) Colonial Revival Style. An architectural style most popular from about 1920 to the present. Characterized by the use of classical forms and detailing (or, in more academic examples, allusions to Colonial - or Early National - Period American architecture) and symmetrical composition. Also referred to as the Georgian Revival style.
- (16) Columns. An upright supporting part, which may be structural or purely for decorative effects.
- (17) Corbelling. A block of masonry or material such as brick or wood, which projects from a wall and supports a beam or other feature.
- (18) Corner Block. A decorative block-like element used to define the corner of a door or window surround.
- (19) Cornice Returns. Sections of cornice appearing in a gable or on the end of a building.
- (20) Cornice. A projecting horizontal part that crowns an architectural feature.
- (21) Cottage. A small frame one-family house.
- (22) Course. A horizontal row of bricks, tiles, stone, building blocks, etc.
- (23) Craftsman. An architectural style most popular from about 1910 to 1950. Characterized by the use of broad, spreading forms; low-pitched gable roofs, often with gable and eaves brackets, decorative windows and other details. The bungalow house form is associated with this style. A Craftsman porch is usually supported by tapered wood columns on brick bases.
- (24) Crown Molding. A molding used at the top of an architectural element such as a porch post or wall.
- (25) Cupola. A small structure built on top of a roof. It may be purely decorative or may be the base for a weathervane or antenna.
- (26) Detail. Paying particular attention to all elements of a specific project.
- (27) Doors. Front - usually the primary entry to a house. Door-Jamb - the upright piece forming the vertical surround of the door's opening.
- (28) Dormers. A window that projects from a sloping roof.
- (29) Eaves. The lowest part of a roof, overhanging the top of the wall.
- (30) Elevation. 1) The external faces of a building, e.g. front, side and back elevations. 2) Also a drawing of one side of a building, usually drawn to a specific scale. Also drawn in projection on a vertical plane.
- (31) Engaged. Attached to or embedded in a wall (a pilaster is an engaged column), or embraced by another architectural element (as the front porch of a Cottage or Craftsman Bungalow is enclosed under the roof of the house).
- (32) Entablature. In classical architecture, the section of the building elevation above columns or piers or at the top of a wall. Also used to describe the crowning element of a door or window.
- (33) Entrance. See Door.
- (34) Façade. Usually the front or street side of a building.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (35) Fanlight. A window above the head of a door. In some styles of architecture the panes are divided into a fan-like appearance, thus the name.
- (36) Fascia Board. Horizontal board (s) covering the joint between the top of a wall and the projecting eaves.
- (37) Federal Style. An architectural style occurring during the early nineteenth century.
- (38) Flashing. Material, usually metal used as a protective covering to joints between the roof finish and chimneys, dormers, gable walls, etc.
- (39) Fluting. Vertical concave indentations along the length of a column, giving the surface of the column a rippled or scalloped appearance. Usually occurring as straight-edged grooves on the surface of a door or window surround.
- (40) Form. To take a definitive shape or arrangement, which may be based on custom, rules or invention.
- (41) Frames. A structural element that gives strength or a decorative appearance to doors or windows.
- (42) Gable. The triangle of wall surface formed by the meeting of two-sloping roof lines, at the end of a ridged roof.
- (43) GDS. General Design Standards
- (44) Georgian Style. An architectural style dating to the 18th century (1700 to 1800 A.D.) from the reign of King George I (1711) to the American Revolution. Characterized by the use of classical forms and detailing and symmetrical compositions.
- (45) Girder. A supporting part which spans an opening and carries a load, which is subjected to transverse stress.
- (46) Gothic Revival Style. An architectural style characterized by allusions to medieval Gothic architecture: lancet arched openings, peaked mantel frieze profiles, vertical detailing and composition.
- (47) Greek Revival Style. An architectural style characterized that emulated the simplicity and purity of classical Greek architecture, as typified by the Greek temple. Characterized by symmetrical composition and columnar or trabeated detailing, seen in corner pilasters. Two-panel doors and pilaster-and-frieze mantels.
- (48) Gutter Board. See Fascia Board.
- (49) Gutter. A small trough fixed under the eaves of a roof, to carry off rain water.
- (50) Hip. The external angle formed by the meeting of two sloping roof surfaces.
- (51) Lintel. A horizontal part supported at each end, and carrying weight.
- (52) Modernist. An architectural style most popular from the late 1930's to the present. Characterized by the use of simple, geometric forms, modern materials (concrete, aluminum, plate glass), and a general absence of ornament. The Craftsman, Art Deco, and Prairie styles may be considered precursors to Modernist architecture.
- (53) Molding. Continuous projections or incisions used as a decorative band.
- (54) Monolithic. A massive structure.
- (55) Mullion. The upright part dividing the lights of a window.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (56) Muntins. The central vertical part of a door, dividing the panels above and below the middle rail.
- (57) Order. In classical architecture, the style or system of proportion and detail of a column and related elements. There are three principal orders of classical Greek and Roman architecture. The Doric Order is characterized by simplicity, with a molded column Capital. The Ionic Order has capitals with dominant spiraled volutes. The Corinthian Order, the most ornate, is characterized by delicate leaflike ornament and small volutes. Vernacular compositions based on the orders are used in local Greek Revival architecture.
- (58) Outrigger. A structural or ornamental element in a gable that supports or appears to support a roof.
- (59) Overhang. Term used when a sloping roof is carried out beyond the top of the wall, forming an overhang.
- (60) Pediment. In classical architecture, the triangular end of a gable roof, defined by cornices. Used as a decorative element above a door or window opening in Colonial Revival architecture, sometimes broken and/or scrolled at the center.
- (61) Pitch. The angle at which a roof slopes.
- (62) Plat. Drawing based on a Surveyors staking out a lot(s). A scale drawing of a specific piece of property.
- (63) Porch. The covered entrance to a building. Front - a covered area in the front of a house, which may share a common roof with the house or have a roof of its own. Also see Wraparound Porch.
- (64) Prairie Style. An architectural style derived from the work of Frank Lloyd Wright and others, characterized by spreading forms, low-pitched hip roofs and geometric ornament.
- (65) Prism Glass. Small squares of textured and often tinted glass used to form a transom over a store front.
- (66) Purlin. A horizontal roof member, either one that spans between the gables or one that spans between the gables or one supported by rafters. Also used historically to describe a horizontal member in a crib.
- (67) Rafter Ends. Covering for the parallel beams that support the roof.
- (68) Retaining Wall. A wall which supports and retains a mass of earth or water.
- (69) Reveal. Part of a vertical surface, or jamb of a window, or door opening, which is not covered by the frame.
- (70) Rhythm. An ordered recurrent order or flow of related elements.
- (71) Roof. Flat - having a pitch of less than 20 degrees. Hipped - a roof in which the end is formed by a sloping surface face enclosed by hips. Lean to Roof - having one sloping surface only, built against the side of another building.
- (72) Rosette. A circular ornament
- (73) Rustic Style. An architectural style popular from the 1920's to the present. Characterized by the use of traditional, "pioneer;" or natural forms, materials, and building techniques such as log construction, rubble masonry, and unfinished surfaces.
- (74) Rusticated. Used to describe horizontally banded masonry.

Art. XI SUPPLEMENTARY USE REGULATIONS

- (75) Scale. 1) As the building or project under consideration relates to neighboring buildings and/or the area around it. 2) in the drawing of plans, reducing measurements to fit on paper capable of viewing. E.g. 1/8 inch = 1 foot. Written as 1/8" = 1'.
- (76) Sense of Shelter. An awareness of belonging, a home that feels and looks right, and is welcoming.
- (77) Shoulder. The point at which the body of a chimney narrows, usually at the level of the eaves. Most chimney shoulders are stepped, some paved. Some early chimneys are double-shouldered, with shoulders above the fireplaces at the first and second-story levels.
- (78) Shutters. A covering for an external window, can be made of various materials, and may be purely non-functioning as decoration.
- (79) Sidings. The material used to forming the outside wall of framed buildings. Usually so pitched as to throw off rainwater.
- (80) Soffit. The under surface of a building feature, such as roof, cornice, window of door head.
- (81) Specification. A statement containing exact details of and precise instructions for carrying out a piece of building work.
- (82) Splayed. Having sloped or canted surfaces. The sides of door or window openings are sometimes splayed to emphasize the thickness of the wall penetrated by the opening.
- (83) Stucco. Material of cement or a plastic compound applied to an exterior wall, to provide a smooth or rustic surface, which may be painted.
- (84) Style. A term used to define a whole body of work with certain common characteristics
- (85) Surrounds. Encircling trims, decorative or structural.
- (86) Texture. Visual or tactile surface characteristics.
- (87) Transom. The window over a door, usually the front door, which may or may not be functional. See Fanlight
- (88) Trellis. A frame of lattice used generally as a screen or to support climbing plants.
- (89) Trim. Materials used for ornament that may also be used for minor structural supports.
- (90) Unarticulated. Not carefully planned, reasoned or analyzed.
- (91) VAS. Vernacular Architectural Standards.
- (92) Vault. An arched structure
- (93) Vent. An opening (usually covered by a grid) which allows the escape of gases or hot air for example.
- (94) Vernacular. 1) Relating to a common building style. 2) Relating to a common phraseology (jargon).
- (95) Victorian. Used to describe buildings constructed during the late 1800s and early 1900s that usually exhibit combinations of the following: asymmetrical composition, complex massing and roof lines, architectural details that distantly reflect medieval prototypes, and the liberal use of machined ornament. Typical Victorian features include hip-and-gable roofs, bay windows, porches supported by chamfered or turned posts with sawn

Art. XI SUPPLEMENTARY USE REGULATIONS

brackets, wood-shingle sheathing, decorative roof vents, and intricate mantles. The Queen Anne style is a form of Victorian styling. Masonry commercial buildings that are Victorian in inspiration often feature decorative parapet brickwork and segmental-arched windows.

- (96) Weathering. A canted surface on a buttress wall, or chimney shoulder designed to shed water.
- (97) Window. An opening in a building to admit light and/or air that may be opened and closed. Various architectural styles include Bay, Bow, Casement (window hinged vertically, which may open inward or outward), Double-hung and etc.
- (98) Wraparound Porch. A porch that extends to two or more sides of a building.

Section 15-178 Architectural Standards for Downtown Development. (AMENDED 6/20/06; 6/2/20)

(a) The Council has established a policy that encourages the evolution of a downtown district that embodies the Town's character and includes medium-rise buildings that are appropriately sited with adequate public access in keeping with downtown design guidelines. High-quality building design and construction are considered primary elements of the built environment in downtown Carrboro. Creativity is encouraged to the extent that new architectural design is harmonious and complementary with existing buildings and with the community as a whole. Standards have been developed to add consistency and predictability to the permit review process. The following provisions shall apply to new construction within the B-1(c), B-1(g), CT, M-1, and B-2 zoning districts. All projects must conform with the following requirements to the extent practicable, except as otherwise provided in subsection (b):

- (1) A primary entrance shall be oriented toward the right of way and shall be articulated either by a recess or by a detachable awning.
- (2) With respect to any side of a building that faces the street adjacent to the lot where the building is located and is visible from such street right-of-way, a minimum of 40 percent of the elevation of such side shall consist of a glass surface, and a minimum of 60 percent of the elevation of the ground level of such façade shall consist of a glass surface.
- (3) Buildings taller than 40 feet shall maintain a 20-percent shade free area within the public right of way between two lines extended north from the easternmost and westernmost points of the building at the street right of way as measured at noon on September 21.
- (4) Parking or utility areas shall be substantially shielded from the view of adjoining streets by habitable space. For the purposes of this subsection, the term habitable shall mean partially or fully enclosed space within a building that is actively used or occupied by the residents of the building. The active use of these spaces is characterized by the routine and regular presence of the building's residents rather than the routine and regular presence of stored

Art. XI SUPPLEMENTARY USE REGULATIONS

goods, equipment, or other materials.

- (5) A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade achieved through the following techniques:
 - (a) Divisions or breaks in materials
 - (b) Window bays
 - (c) Separate entrances and entry treatments
 - (d) Variation in roof line
 - (e) Building setbacks
- (6) The following exterior materials are prohibited: metal siding with exposed fasteners, vinyl siding, and processed wood panel products (e.g. hardboard).

(b) Notwithstanding the foregoing, applicants for projects that do not comply with the standards specified above may voluntarily participate in an alternative design review process that involves input from or a decision by the Appearance Commission as follows: **(AMENDED 2/23/10)**.

- (1) If the project requires the issuance of a zoning permit and the Appearance Commission certifies to the zoning administrator that the alternative design substantially achieves the purpose (as spelled out in subsection (a) of this section) of the architectural standards for downtown development, then the development shall not be required to comply with the standards set forth in subsection (a).
- (2) If the project requires a special use permit-B or special use permit-A, then the Appearance Commission shall review the alternative design and make a recommendation to the permit-issuing authority as to whether that design substantially achieves the purpose (as spelled out in subsection (a) of this section) of the architectural standards for downtown development. If the permit issuing authority concludes that the alternative design substantially achieves the purpose of these architectural standards, then the development shall not be required to comply with the standards set forth in subsection (a).

(c) Residential projects in the B-2 district, or the B-1(c) and B-1(g) districts subject to the DNP Overlay District in Section 15-185.1, where every dwelling unit is an affordable unit, as defined in Section 15-182.4(b), may volunteer to adhere to the Village Mixed Use & Affordable Housing Vernacular Standards in Appendix L. **(Amended 6/02/20)**

Section 15-179 Child Day Care Homes and Child Day Care Facilities. (AMENDED 6/26/07)

(a) Where outdoor play areas associated with a child day care home or child day care facility are within 25 feet of a neighboring residential structure, outdoor play shall not commence until 8:30 a.m. Where outdoor play areas associated with a child day care home or facility are within 300 feet of a neighboring residential structure, outdoor play shall not commence until noon on Sundays.

(b) For all day care homes and facilities, adequate vehicular turnaround area must be provided on-site or within nearby public-right-of-way, so that use of nearby private property may be avoided. Notwithstanding the foregoing provision, for day care facilities located on collector or arterial streets, the day care operator must demonstrate, at time of permit application, that sufficient parking spaces are provided on site, and that appropriate driveway access and configuration are provided such that site ingress and egress present no additional hazards in the street right-of-way, such as cars queuing up in the street, or cars backing into the street.

(c) A neighborhood meeting is required, inviting neighbors and property owners living or owning property within 500 feet of the boundaries of the subject property, with the purpose of the day care owner explaining the daycare proposal and receiving suggestions from neighbors as to ways to limit negative impact on the neighborhood.

(d) Yards associated with child day care homes and facilities shall be maintained free of refuse and garbage.

15-179.1 Day Care Uses Within Village Mixed Use Developments. (AMENDED 6/26/12)

All 22.000 (Day Care) uses that are located within the single family residential use areas of a village mixed use development shall install and maintain site development and/or building features to ensure that the environmental impact, including but not limited to storm water volume, nutrient loading, water use or greenhouse gas emissions, contributed by the development activity is managed and/or reduced through a combination of features and practices that will result in an overall reduction in environmental impact from that which otherwise could reasonably be expected to occur in association with development of the 22.000 use. Specific performance measures that will be evaluated to determine whether the intent of this subsection has been met are as follows:

- (1) Open space, if practicable, is dedicated to either the homeowners association or the town, and
- (2) Storm water best management practices (BMPs) and associated grading and stabilization occur outside any primary conservation areas, and all runoff from the BMPs is discharged in a diffuse manner that insures that erosional rills will not be created as runoff enters and flows through conservation areas; and
- (3) Roof drainage is captured in sufficient quantity and in appropriately sized and sited devices to provide at a minimum for all on-site plantings, including but not be

Art. XI SUPPLEMENTARY USE REGULATIONS

limited to screenings, vehicle accommodation areas, foundation plantings, garden beds, trees, shrubs, flowers, groundcover, and turf, and

- (4) Nutrient load requirements may be met (i) by storm water management structures or devices on the development site itself and/or (ii) the retrofitting of existing or construction of new BMPs elsewhere in the VMU development, and
- (5) Educational materials including, but not limited to on-site signage, brochures, and web postings on stormwater management practices are prepared and/or installed, and Low Impact Development techniques are used to the extent practicable.

Section 15-180 Electronic Gaming Operations. (AMENDED 6/22/10)

In addition to the regulations provided for elsewhere in this chapter, electronic gaming operations shall be subject to the following requirements:

- (a) Hours of Operation. Electronic gaming operations may operate from 8:00 a.m. until 10:00 p.m., seven (7) days per week, but not at other times;
- (b) Spacing Requirements.
 - (1) Each electronic gaming operation must be a minimum of 500 feet from any building being used as a dwelling.
 - (2) Each electronic gaming operation must be a minimum of 1,000 feet from any other electronic gaming operation.
 - (3) For the purposes of this subsection, the distance shall be measured in a straight line from the closest point between the building housing the electronic gaming operation and the building housing the dwelling or other electronic gaming operation;
- (c) All applicable State and local permits and business licenses must be issued to the applicant prior to the opening of the business; and
- (d) If food and/or beverages are served, the establishment must meet any State requirements and the requirements of the Orange County Health Department.