



TOWN OF CARRBORO

PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

7:30 P.M.

FIRE STATION #1, NEXT TO TOWN HALL

A G E N D A

THURSDAY, FEBRUARY 20, 2020

Item	Topic/Action	Person/Agency	Time (Approx)
I.	WELCOME/AGENDA ADJUSTMENTS	Chair	7:30
II.	APPROVAL OF MINUTES		
	February 6, 2020	Chair/Planning Board	7:35
III.	OTHER MATTERS		
	A) Comments on Possible Adjustments to Planning Board Duties	Chair/Planning Board	7:45
	B) Planning Board Training & Discussion	Staff	8:15
IV.	ADJOURNMENT	Chair	9:00

PUBLIC COMMENT AT PLANNING BOARD MEETINGS

If members of the public wish to address the Planning Board, a time will be provided during the meeting. Speakers may address the Board only after being recognized by the Chair and only from the podium, subject to a three-minute time limit.

TOWN HALL IS ACCESSIBLE FOR PERSONS WITH DISABILITIES.

FOR MORE INFORMATION, CONTACT STAFF AT 919-918-7325.



TOWN OF CARRBORO
PLANNING BOARD

301 West Main Street, Carrboro, North Carolina 27510

THURSDAY, FEBRUARY 6, 2020 JOINT REVIEW

MEMBERS		STAFF
Catherine Fray	Susan Poulton	Tina Moon
David Clinton	Rachel Gaylord-Miles	Zachary Hallock
Braxton Foushee	Andrew Whittemore	Laura Janway
		Jeff Kleaveland
		Marty Roupe
		Marsha Pate

Town Council Representative: Susan Romaine (Absent/Excused)

Town Council Attendees: Barbara Foushee, Sammy Slade

Advisory Board Candidate Attendees: Ben Berolzheimer, Elmira Mangum, Hissan Waheed, Peter Matischak, Bruce Sinclair (Planning Board) Jackson Bradford, Jim Colleshn, Suzy Khachaturyan, , David Markiewicz, and Ed Witkin

Absent/Excused: Rasam Tooloee (Meyer and Rogers resigned)

I. WELCOME/AGENDA ADJUSTMENTS

Fray opened the joint review portion of the meeting at 7:34. No adjustments to the agenda were requested.

II. JOINT REVIEW ITEMS

A. MOBI Award

Zach Hallock made the staff presentation, reviewing specific details about the NCDOT MOBI Award application. The Historic Rogers Sidewalk project was submitted for competition. Hallock requested that everyone to vote for the project using the following link: <https://tinyurl.com/CarrboroMOBI>. Hallock also provided information on the NCDOT Moves: 2050 Statewide Plan and encouraged advisory board members to review the website and complete the survey. Handouts were provided for those who wished to review the material at home.

B. CLIMATE ACTION PLANS

Laura Janway made the staff presentation to update advisory boards on the recent implementation of the Community Climate Action Plan (CCAP) and Energy and the Climate Protection Plan (ECPP). The goals and implementations of the current grassroots initiatives were explained in

1 detail. Janway explained the Green Neighborhoods initiative and plans for various opportunities
2 to encourage participation through neighborhood groups. The groups were created and displayed
3 in detail for input. Janway requested help from the board and community to lead groups and
4 implement the phases of the plan.
5

6 The Board requested to be updated with the findings from the recent survey regarding home
7 composting and the ramifications of the findings.
8

9 *The Joint Review portion of the meeting ended at 8:40 PM.*
10

11 **III. APPROVAL OF MINUTES**

12 Catherine Fray noted a correction in the January 16, 2020 minutes. Clinton moved to approve
13 the minutes as corrected; Foushee seconded the motion. The vote was unanimous: **AYES** (6)
14 Clinton, Fray, Foushee, Poulton, Gaylord-Miles, and Whittemore. **NOES** (0),
15 **ABSENT/EXCUSED** (1) Tooloee.
16

17 **IV. OTHER MATTERS**

18 **Officer Elections** 19

20 The chair provided an opportunity for Planning Board candidates to mingle and ask question of
21 the members and staff. Moon noted that the Town Council is tentatively scheduled to consider
22 appointments in late February or early March. There are currently four openings on the Planning
23 Board and eleven applicants.
24

25 Clinton moved to postponed elections until new members are approved by the Town Council;
26 Foushee seconded the motion. The vote was unanimous: **AYES** (6) Clinton, Fray, Foushee,
27 Poulton, Gaylord-Miles, and Whittemore. **NOES** (0), **ABSENT/EXCUSED** (1) Tooloee
28

29 Moon reminded Board that the mid-month February Planning Board meeting will take place in
30 the meeting room at Fire Station #1 due to early voting in the Board room.
31

32 **V. ADJOURNMENT**

33 Poulton motioned to adjourn the meeting; Foushee seconded the motion; the vote was
34 unanimous. The February 6, 2020 Planning Board meeting adjourned at 8:50 PM.
35



Legislation Details (With Text)

File #: 20-102 **Version:** 1 **Name:**

Type: Agendas **Status:** Agenda Ready

File created: 1/29/2020 **In control:** Board of Aldermen

On agenda: 2/4/2020 **Final action:**

Title: Scope of Duties and Possible Adjustments for Environmental Advisory Board, Planning Board and Appearance Commission
PURPOSE: The purpose of this agenda item is to consider adjustments to the duties and titles of noted Town advisory boards in conjunction with shifting Climate Action Plan implementation to the Town Manager’s office.

Indexes:

Code sections:

Attachments: 1. Attachment A - Resolution, 2. Attachment B - BoardSeparationEAB 9-2019, 3. Attachment C - Town Code and LUO Excerpts - Advisory Boards, 4. Attachment D - Advisory Boards Scope

Date	Ver.	Action By	Action	Result
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TITLE:

Scope of Duties and Possible Adjustments for Environmental Advisory Board, Planning Board and Appearance Commission

PURPOSE: The purpose of this agenda item is to consider adjustments to the duties and titles of noted Town advisory boards in conjunction with shifting Climate Action Plan implementation to the Town Manager’s office.

DEPARTMENT: Town Manager, Planning

CONTACT INFORMATION: David Andrews, 919-918-7315; dandrews@townofcarrboro.org
<mailto:dandrews@townofcarrboro.org>>; Patricia McGuire - 919-918-7327, pmcguire@townofcarrboro.org
<mailto:pmcguire@townofcarrboro.org>>;

INFORMATION: The Environmental Advisory Board (EAB) has indicated that they spend too much of their time on development plan review. A memo describing their request for a change in their duties is attached (*Attachment B*). It has been suggested by some on Council that a new commission be developed to focus solely on the Community Climate Action Plan and reassign environmental plan review to other advisory boards.

Staff have considered strategies that would allow the EAB to focus exclusively on Community Climate Action Plan Implementation Commission and have the existing EAB members that are interested become members of that Commission, while clarifying the responsibilities of the other advisory boards that would focus on those areas. Existing Town Code/Land Use Provisions related to the advisory board/commissions are provided as *Attachment C*. A summary table showing changes to the three advisory boards is attached (*Attachment D*). Should the Council wish to proceed with changes as outlined in the summary table, staff would proceed with preparing text amendments for consideration. A possible for moving forward anticipates a request to set in late February and a public hearing in late March.

FISCAL & STAFF IMPACT: Amendments to the Land Use Ordinance are involved in the reconfiguration of advisory board structures. Advertising and attorney time, staff and advisory board review are involved.

RECOMMENDATION: Staff recommends that the Carrboro Town Council receive the information and direct staff regarding moving forward with scheduling amendments as noted. A draft resolution is attachment (*Attachment A*).

MEMO TO THE CARRBORO BOARD OF ALDERMEN FROM THE CARRBORO ENVIRONMENTAL ADVISORY BOARD (EAB) FOR THE BOARD OF ALDERMEN (BOA) TO ADVISE ON BOARD STRUCTURE.

Forward

Climate change has increased the global average surface temperature by more than 1.00 degree Celsius (1.8 degrees Fahrenheit) since 1880.

Climate change is expected to increasingly impact North Carolina's temperatures, precipitation and sea level with harmful consequences in coming years.

Climate change and global average temperature increases are primarily due to human-caused fossil fuels emissions, including coal, oil and natural gas, according to the United Nations Intergovernmental Panel on Climate Change, National Academy of Sciences, American Meteorological Society, United States Environmental Protection Agency, United States Department of Defense, and numerous other leading scientific, academic and governmental authorities both in the United States and internationally.

A final agreement of the United Nations Conference of Parties (COP21), which included the United States and a total of 195 nations, was reached in Paris, France on December 12, 2015, that states the aim is to "holding the increase in the global average temperature to well below 2 degrees Celsius above preindustrial levels and pursuing efforts to limit the temperature increase to 1.5 degrees Celsius above preindustrial levels" and entered into force on November 4, 2016.

Scientists have concluded the concentration of carbon dioxide, the leading greenhouse gas, in the Earth's atmosphere is often over 410 parts per million (ppm) and will likely stay above this level for the indefinite future for the first time in millions of years.

Eighteen of the nineteen hottest years on record have occurred in the twenty-first century with 2016 the hottest year on record, 2015 the second hottest, 2017 the third hottest and 2018 the fourth hottest.

An increase in the global average temperature is having and will continue to increasingly have major adverse impacts, if not stopped by eliminating the use of fossil fuels, on both the natural and human-made environments due to longer, more intense heat waves, prolonged droughts, spread of infectious diseases, rising sea levels, ocean acidification, wildfires, and more intense and frequent extreme weather events.

These physical effects are expected to lead to water scarcity, food insecurity, increasing numbers of refugees, increased poverty, and the mass extinction of species.

Studies completed by the International Monetary Fund (IMF), the Risky Business Project, Duke University, and others point to the severe economic costs of climate change and continuing use of fossil fuel, estimating billions of dollars a year in costs nationally and trillions globally.

Leading economists, policy experts, and business leaders conclude that transitioning to a clean energy economy available for all would create millions of green jobs nationally, improve health

and living standards, and boost economic growth in coming years.

Low-income communities and communities of color in North Carolina and the United States are inordinately exposed to pollution, that causes serious health problems such as cancer and asthma, from fossil fuels, including the dirtiest coal-fired power plants which produce coal ash, and need to be empowered and have access to educational tools and an awareness of climate issues.

A Stanford University and University of California-Berkeley study concludes the United States energy supply could be based entirely on renewable energy by the year 2050 using current technologies and 80% renewable energy by 2030 while creating numerous green jobs.

Municipalities, organizations, businesses, and academic institutions throughout the world have set a goal to achieve carbon or climate neutrality by 2050 or earlier.

Some communities in California, in Iowa, and in Vermont currently generate over 90% of their electricity from renewable sources.

Over 1,000 mayors have joined the U.S. Conference of Mayors Climate Protection Agreement since 2005 to commit to significantly reduce carbon emissions in their cities to combat climate change.

Over 600 American colleges and universities have made a commitment to reduce greenhouse gases, including Appalachian State University, Blue Ridge Community College, Carteret Community College, Catawba College, Central Carolina Community College, Davidson College, Duke University, Elizabeth City State University, Fayetteville State University, Guilford College, North Carolina Central University, Queens University of Charlotte, Southeastern Community College, University of North Carolina at Chapel Hill, University of North Carolina at Charlotte, University of North Carolina at Greensboro, University of North Carolina at Pembroke, Wake Technical Community College, and Warren Wilson College.

North Carolina installed 1,140 MW of solar electric capacity in 2015, ranking it second nationally; nearly \$1.7 billion was invested on solar installations in North Carolina, a 159% increase over the previous year; there are currently more than 200 solar companies at work throughout the value chain in North Carolina, the state companies employing some 6,000 people; North Carolina ranks third in the nation in installed solar capacity, enough to power 260,000 homes. solar photovoltaic system prices in the U.S. have dropped by 66% since 2010.

North Carolina has more offshore wind energy potential than any other Atlantic state.

The Global Carbon Project predicts there will be a 2.7 percent rise in global carbon emissions in 2019 compared with a 1.6 percent increase last year and this increase in emissions constitutes a record high, dashing hopes that such pollution could finally be coming to a standstill.

The Fourth National Climate Assessment, released in November, 2018 reports global carbon emissions that threaten higher temperatures, stronger storms, increased flooding and longer, more intense droughts.

The IPCC Special Report on Global Warming of 1.5C reports drastic consequences with current levels of greenhouse gas emissions but affirms that these impacts could be minimized by

developing the political will to cut greenhouse gas emissions 45% by 2030 and to nearly zero by 2050.

The Town of Carrboro Board of Alderman, on July xx, 2019, in response to the climate emergency as outlined above, passed a “Resolution Regarding Climate Action Goals and Budget Plan” which added additional duties to the charge of the Environmental Advisory Board (EAB) and staff to “to recommend changes as may be needed to achieve goals defined in the 2009 climate resolution cited above, recognizing the latest science and historical responsibilities for climate change;” “to identify substitutions to or additional activities or projects and their estimated CO2 reductions;” and “recommend such changes to include within the Town’s Climate Plans, in order to more effectively reach the Town’s climate reduction goals, while also recognizing principles of racial equity and climate justice.”

For approximately the last year, the EAB has had difficulty in meeting its basic function of performing development reviews within reasonable meeting lengths and without special meetings.

The EAB dedicated three additional meetings (June 19, July 25 and August 22, 2019) to climate change without performing legacy EAB functions such as design review, and utilized the entire meetings just for that topic. The meeting on September 5, 2019 was almost completely taken up by Joint Review and drafting design review comments and Climate Action Plan discussion had to be deferred.

The implementation of the community input and action plans of Community Climate Action Plan (CCAP) and Environmental and Climate Action Plan (ECAP) will require additional duties on EAB members.

The EAB has developed several alternative structures and meeting schedules including, but not limited to:

- a) Break the Board into two separate boards – one focusing on honing and implementing the ECPP and CCAP and the other focusing on the legacy EAB functions of design reviews, with a possibility of one or more liaisons between boards; or
- b) Increase the size of the EAB and implement a subcommittee on Climate Change; or
- c) Increase the meeting length and frequency as well as investigating methods and procedures for the EAB to work more efficiently.

Additional meetings or lengthened meetings would require additional staff resources.

There are concerns on the EAB, and based on preliminary polling, almost all members would want to go to a separate climate board, leaving the EAB unable to hold a quorum for design reviews.

Some of the existing EAB members have family or other outside responsibilities that could limit their participation in both boards or a subcommittee.

Due to the labor-intensity of implementation of the plans may need for small financial incentives from grants or general funds to entice for volunteer coordinators to implement the community action portions of the CCAP.

Conclusion

The EAB requests guidance from the Board of Alderman with respect to:

- 1) Consideration of creating a new Board which conforms with Town Code and applicable Town procedures for implementation of the ECAP and CCAP
- 2) Input concerning Board preferences for EAB organization going forward

EXCERPTED COPY ** 1-31-2020**Section 3-21. Planning Board (Amend. 9/25/79)

There shall be a planning board, whose establishment, powers and duties are provided for in Chapter 15, Article III, Part I of this code.

Section 3-23. Appearance Commission (Amend. 9/25/79)

There shall be an appearance commission, whose establishment, powers and duties are provided for in Chapter 15, Article III, Part V of this code.

Article V

CARE AND PROTECTION OF
TREESSection 7-36 Purpose, Intent and Scope of Article

- n pr
- (a) The Board finds that:
- (1) Trees are producers of oxygen, a necessary element for the survival of men and women;
 - (2) Trees appreciably reduce the ever-increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air that we breathe;
 - (3) Trees precipitate dust and other particulate air-borne pollutants from the air and create temporary conditions of narcosis allowing air-borne pollutants to settle to the ground;
 - (4) Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air conditioning systems;
 - (5) Trees have an important role in neutralizing waste water passing through the ground from the surface to ground water tables and lower aquifers;
 - (6) Trees through their root systems stabilize the ground water tables and play an important effective part in community-wide soil conservation, erosion control and flood control;
 - (7) Trees are an invaluable physical, aesthetic and psychological counter point to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing noise levels and glare, and breaking the monotony of human developments on the land; and
 - (8) The need for trees is particularly acute and trees are especially valuable

along public rights-of-way and other town-owned property.

(b) Based upon the findings set forth in subsection (a), the board declares that it is not only desirable but essential to the health, safety and welfare of all the citizens of the Town of Carrboro, present and future, to protect present trees and to encourage the propagation of trees along the public rights-of-way and other town-owned property, and the provisions of this article are designed to accomplish this objective.

(c) The provisions of this article apply to all areas within 30 feet of the center line of a public street, or to the right-of-way line, whichever embraces more area, as well as all other town- owned property. For purposes of this article, these areas shall be referred to collectively as "public property."

Section 7-37 Tree Board

(a) The Carrboro Appearance Commission shall henceforth also act and function as the Carrboro Tree Board.

(b) The Tree Board shall be empowered to:

- (1) Develop and administer a comprehensive tree program;
- (2) Recommend needed ordinances to properly regulate tree planting, maintenance and removal;
- (3) Develop and prepare a long-range management plan that deals with existing and planned or proposed trees and shrubs on public property (master street tree plan) to be adopted by the Town Council;
- (4) Develop and implement annual work plans (annual street tree plan) to be adopted by the Town Council; and
- (5) Designate one of its members to advise and assist the administrator in implementing this article

Section 7-38 Permits

(a) No person, without a written permit issued by the administrator, may plant, cut down, remove, destroy, severely prune (including the root system) or treat with a view to its preservation from disease or insects, any tree or shrub on public property.

(b) No person, without a written permit issued by the administrator, may place or maintain upon the ground on public property any stone, cement or other impervious matter or substance in such a manner as to obstruct the free access of air and water to the roots of any tree or shrub in such place.

(c) The administrator shall issue the permit required by subsections (a) or (b) within 10 days of a request for such permit unless he/she finds that:

- (1) With respect to the planting of a tree or shrub, the proposed planting is inconsistent with the master street tree plan or the annual street tree plan;
- (2) With respect to the proposed treatment of a tree or shrub, the proposed treatment poses a danger to other trees or shrubs on public property or a danger to the public health or safety;
- (3) With respect to the cutting down or removal of trees or shrubs, such actions would be inconsistent with the master street tree plan or the annual street tree plan and other means are reasonably available to achieve the legitimate objectives sought to be accomplished by the removal of such trees or shrubs.
- (4) With respect to the placement of stone, cement or other impervious matter around trees or shrubs, such actions would be inconsistent with the master street tree plan or the annual street tree plan by posing a substantial danger to existing or proposed trees or shrubs, and other means that are reasonably available to achieve the legitimate sought to be accomplished by such actions.

Section 7-39 Additional Measures to Protect Trees and Shrubs

(a) It shall be the responsibility of the person in charge of the erection, repair, alteration or removal of any building or structure to place a guard around any tree on public property so as to prevent injury to such tree. As provided in Section 7-38, if such severe pruning or removal of any tree is necessary, a written permit shall be obtained.

(b) No person may attach any rope or wire to any tree or shrub or to the guard or stake intended for the protection of such tree or shrub on public property, except for the purpose of protecting such tree or shrub or the public.

(c) Trees or shrubs that are diseased or that have an infectious condition that endanger other trees or shrubs on public property or that otherwise pose a danger to the public health or safety shall be removed by the owners of the property on which such trees are located within 10 days after being notified by the administrator of such condition. Such trees are declared to be a public nuisance, and if not corrected by the responsible person within the time specified herein, the town may summarily abate any such nuisance that is located on town property on a public right-of-way.

(d) Any person aggrieved may appeal any decision of the administrator to the board of adjustment in accordance with the procedures specified for appeals set forth in Chapter 15 of the Town Code.

ARTICLE III

ADMINISTRATION MECHANISMS

PART I. PLANNING BOARD

Section 15-21 Appointment and Terms of Planning Board Members

(a) There shall be a planning board consisting of eleven members. Nine members appointed by the Board of Aldermen, shall reside within the town. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's extraterritorial planning area. One member, appointed by the Orange County Board of Commissioners, shall reside within the town's joint planning transition area. If the Orange County Board fails to make these appointments within ninety days after receiving a resolution from the Board of Aldermen requesting that they be made, the Board of Aldermen may make them. **(AMENDED 5/26/81; 5/27/86; 11/14/88; 09/13/94; 4/25/06)**

(b) Planning board members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Vacancies shall be filled for the unexpired terms only. **(AMENDED 05/27/86; 11/14/88; 4/25/06)**

(c) The term of one of the new in-town members shall expire January 31, 2009 (this seat replaces the vacant seat of an ETJ member whose term would have expired on that date) and the term of the other new in-town member shall expire January 31, 2007 (this seat replaces the vacant seat of a transition area member whose term would have expired on that date). **(AMENDED 4/25/06)**

(d) All members may participate in and vote on all issues before the board, regardless of whether the issue affects property within the town or within the extraterritorial planning area.

(e) Members may be removed as follows: **(AMENDED 05/27/86)**

- (1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.
- (2) Unless the chairman waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

- (3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

Section 15-22 Meetings of the Planning Board.

(a) The planning board shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with Section 15-66 (Applications to be Processed Expeditiously).

(b) Since the board has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All board meetings shall be open to the public, and whenever feasible the agenda for each board meeting shall be made available in advance of the meeting.

(e) Whenever the board is called upon to make recommendations concerning a conditional use permit request, special use permit request, or a minor zoning amendment proposal, the planning staff shall post on or near the subject property one or more notices that are sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the board's agenda at a specified date and time. Such notice(s) shall be posted at least seven days prior to the meeting at which the matter is to be considered.

Section 15-23 Quorum and Voting.

(a) A quorum for the planning board shall consist of six members if there are no vacant seats, five members if there are one or two vacant seats, and four members if there are more than two vacant seats. A quorum is necessary for the board to take official action.

(b) All actions of the planning board shall be taken by majority vote, a quorum being present.

(c) A roll call vote shall be taken upon the request of any member.

Section 15-24 Planning Board Officers.

(a) The planning board shall designate one of its members to serve as chair, one member to serve as first vice-chair and one member to serve as second vice-chair. These officers shall be selected annually at the board's first regular meeting in February and shall serve for terms of one year unless their terms of appointment to the board sooner expire. A member may be selected to serve as chair for not more than two consecutive full one-year terms. Vacancies shall be filled for the unexpired terms only. (AMENDED 01/10/84; 01/27/09)

(b) The chair, first vice-chair and second vice-chair may take part in all deliberations and vote on all issues." (AMENDED 01/27/09)

Section 15-25 Powers and Duties of the Planning Board.

(a) The planning board may:

- (1) Make studies and recommend to the Board of Aldermen plans, goals and objectives relating to the growth, development and redevelopment of the town and the surrounding extraterritorial planning area.
- (2) Develop and recommend to the Board of Aldermen policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
- (3) Make recommendations to the Board of Aldermen concerning proposed conditional use permits and proposed land use ordinance and zoning map changes as provided by Section 15-57 and 15-322.
- (4) Perform any other duties assigned by the Board of Aldermen.

(b) The planning board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

Section 15-26 Advisory Committees. (AMENDED 10/24/06)

(a) From time to time, the Board of Aldermen may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Board of Aldermen may appoint advisory committees to consider the thoroughfare plan, bikeway plans, housing plans, economic development plans, etc.

(b) Members of such advisory committees shall sit as nonvoting members of the planning board when such issues are being considered and shall lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the Board of Aldermen shall be made by the planning board.

(c) Nothing in this section shall prevent the Board of Aldermen from establishing independent advisory groups, committees, or commissions to make recommendations on any issue directly to the Board of Aldermen.

(d) If an advisory committee provides direct advice to the Board of Aldermen (i.e. it does not report to the planning board), a member of that board shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

PART V. APPEARANCE COMMISSION

Section 15-42 Appointment and Terms of Appearance Commission

(a) There shall be an appearance commission, which shall consist of nine members appointed by the Board of Aldermen. All members of the commission shall either reside, own property, or operate a business within the town's planning jurisdiction.

(b) Appearance commission members shall be appointed for three-year staggered terms, but members may continue to serve until their successors have been appointed. The terms of all seats on the appearance commission on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, three members shall be initially appointed for three-year terms, three members for two-year terms, and three members for one-year terms. Vacancies shall be filled for the unexpired terms only. **(AMENDED 5/27/86)**

(c) Members may be removed as follows: **(AMENDED 5/27/86)**

(1) The chairman shall file or cause to be filed with the town clerk an attendance report after each meeting identifying those members who were present or absent.

(2) Unless the chairman waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than thirty percent of the meetings during a twelve month period. The town clerk shall notify the chairman in writing as soon as a member becomes subject to removal under this section. The chairman will have ten days after receipt of such notice to waive the removal. If the chairman fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirement should be waived, the town clerk will send a removal notice to the member. This removal shall be effective on the date of such notice.

(3) Members may also be removed by the appointing authority, after a hearing, for any good cause related to performance of duty.

(d) In making appointments to the commission, the Board of Aldermen shall seek to appoint persons with impartial and broad judgment, and when possible, persons with training or experience in a design profession. As wide a range of community interests as possible should be represented on the commission. The Board of Aldermen shall seek to appoint at least one person who lives in a neighborhood preservation district, one person who lives in an historic preservation district, and three persons who have demonstrated special interest, experience, or education in history, architecture, or related fields. **(AMENDED 09/26/89, 11/21/95)**

(e) Members of the Appearance Commission shall be administered an oath of office as prescribed by Section 3-35(c) and (d) of the Town Code. **(AMENDED 10-10-90)**

Section 15-43 Organization and Meetings of Appearance Commission

(a) The appearance commission shall establish a regular meeting schedule and shall meet frequently enough so that it can take action in conformity with section 15-66 (Applications to be Processed Expeditiously).

(b) Since the commission has only advisory authority, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Articles IV and VI. However, it shall conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.

(c) Minutes shall be kept of all board procedures and the vote of every member on each issue shall be recorded.

(d) All commission meetings shall be open to the public, and whenever feasible, the agenda for each board meeting shall be available in advance of the meeting.

(e) A quorum, shall be present for the commission to take official action, and all actions shall be taken by majority vote. A quorum shall consist of four members if all seats on the Appearance Commission are filled and three members if there are one or more vacancies on the board. **(AMENDED 06/25/19)**

(f) The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when the commission exercises the powers and duties of the appearance commission. The appearance commission shall select one of its members to serve as chair and one member to serve as vice-chair when exercising the powers and duties of the neighborhood preservation district commission or the historic district commission. The commission may, but need not, choose the same members to serve as officers in these two different capacities. These officers will be chosen annually at the commission's first meeting in March and shall serve for terms of one year unless their terms of appointment to the commission sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair in either capacity for not more than two consecutive full one-year terms. The chairman and vice-chairman may take part in all deliberations and vote on all issues. **(AMENDED 1/10/84; 9/26/89; 11/21/95; 01/27/09)**

Section 15-44 Powers and Duties of Appearance Commission.

- (a) The appearance commission may:
- (1) Initiate, promote, and assist in the implementation of programs for general community beautification within the town's planning jurisdiction.
 - (2) Seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of the town and its environs.
 - (3) Direct the attention of the mayor and the Board of Aldermen to ways in which the town government may take direct action affecting the appearance of the town and its environs.
 - (4) Make recommendations upon any permit or other item referred to the commission by the Board of Aldermen, planning board, board of adjustment, or administrator. Without limiting the generality of the foregoing, the commission's recommendations regarding development permit applications may address the appearance or design of proposed development projects. **(AMENDED 06/27/06).**
 - (5) Appoint subcommittees (consisting of commission members) or advisory groups (consisting of commission members, persons who are not non- commission members or any combination thereof) to advise and assist the commission in carrying out its duties.
 - (6) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Aldermen.
- (b) The appearance commission shall report orally or in writing, as requested by the board, at least quarterly to the mayor and Board of Aldermen. It shall submit its requested budget of funds needed for operation during the ensuing fiscal year to the town manager no later than April 15. All accounts and funds of the commission shall be administered in accordance with the requirements of the Municipal Fiscal Control Act.
- (c) The appearance commission is hereby authorized to receive contributions from private agencies, foundations, organizations, individuals, the state or federal government, or any other source, in addition to any sums which may be appropriated for its use by the Board of Aldermen. It may accept and disburse such contributions for special purposes or projects, subject to any specified conditions which it deems acceptable, whether or not such projects are included in the approving budget.
- (d) The appearance commission may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this chapter.

(e) The appearance commission shall exercise all the powers and duties of the neighborhood preservation district commission as set forth in Article XXI, Part 1, of this chapter. **(AMENDED 09/26/89)**

(f) The appearance commission shall exercise all the powers and duties of the historic district commission as set forth in Article XXI, Part 2 of this chapter. **(AMENDED 11/21/95)**

PART VI. ENVIRONMENTAL ADVISORY BOARD (AMENDED 02/20/96)

Section 15-45 Appointment and Terms of Environmental Advisory Board

(a) There shall be an Environmental Advisory Board (EAB), which shall consist of seven members appointed by the Board of Alderman. All members of the EAB shall either reside, own property, or operate a business within the town's planning jurisdiction.

(b) EAB members shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. The initial terms of all members shall expire on January 31, 1996. Effective February 1, 1996, three members shall be appointed for three year terms, two members for two year terms, and two members for one year terms. Vacancies shall be filled for the unexpired terms only.

(c) Members may be removed as follows:

- (1) The chair shall file or caused to be filed with the town clerk an attendance report after each meeting identifying those members who are present or absent.
- (2) Unless the chair waives the requirement, members shall be removed if they are absent for three consecutive meetings or if they miss more than 30% of the meetings during a twelve-month period. The town clerk shall notify the chair in writing as soon as a member becomes subject to removal under this section. The chair will have ten days after receipt of such notice to waive the removal. If the chair fails to notify the town clerk in writing within ten days after receipt of such notice that the automatic removal requirements should be waived, the town clerk will send the removal notice to the member. This removal shall be effective on the date of such notice.
- (3) Members may also be removed by the Board of Alderman, after a hearing, for any good cause related to performance of duty.

Section 15-45.1 Organization and Meetings of EAB

(a) The EAB shall establish a regular meeting schedule. All meetings shall be open to the public and notification of such meetings shall conform to the requirements of the Open Meetings Law.

(b) A quorum shall be present for the EAB to take official action, and all actions shall be taken by majority vote. A quorum shall consist of four members if all seats on the EAB are filled and three members if there are one or more vacancies on the board.

(c) The EAB shall select one of its members to serve as chair and one member to serve as vice-chair. These officers will be chosen annually at the EAB's first meeting in March and shall serve for terms of one year unless their terms of appointment to the EAB sooner expire. Vacancies shall be filled for the unexpired term only. A member may be selected to serve as chair for not more than two consecutive full one-year terms. The chair and vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 01/27/09)**

Section 15-45.2 Powers and Duties of the EAB (REPEALED 5/11/99) (AMENDED 02/25/14) (AMENDED 10/24/17)

The Environmental Advisory Board may:

- (a) Advise the Board of Aldermen on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the EAB include new development, solid waste, air quality, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.
- (b) Provide recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution.
- (c) Adopt a set of guiding principles or goals for the EAB and review these goals periodically to determine if they are being obtained.
- (d) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Alderman.

**ARTICLE XXI
(AMENDED 09/26/89)**

NEIGHBORHOOD PRESERVATION

PART I. NEIGHBORHOOD PRESERVATION

Section 15-330 Neighborhood Preservation District Commission.

The appearance commission established under Article III, Part V, of this chapter is hereby designated as the neighborhood preservation district commission and shall exercise all duties and responsibilities conferred upon the neighborhood preservation district commission.

Section 15-331 Powers and Duties of the Neighborhood Preservation District Commission.

(a) The neighborhood preservation district commission shall seek to promote, enhance and preserve the character and heritage of neighborhood preservation districts and to this end may:

- (1) Undertake an inventory of areas of cultural or historical significance within the jurisdiction of the town to identify for all public officials and public bodies those characteristics which define significant areas within the jurisdiction;
- (2) Recommend to the Board of Aldermen areas to be designated or removed from designation by ordinance as neighborhood preservation districts;
- (3) Conduct an educational program with respect to the special character of neighborhood preservation districts;
- (4) Prepare or review studies and plans for consideration by the governing bodies in taking action that affects the preservation and enhancement of such districts;
- (5) Recommend to the Board of Aldermen such action as will enhance and preserve the special character of neighborhood preservation districts;
- (6) Cooperate with public and private officials, organizations, agencies, and groups which are concerned with and have an impact upon neighborhood preservation districts;
- (7) Submit annually to the Board of Aldermen a written report of its activities and identify activities, including violations of ordinances and plans, that affect the district.
- (8) As described in Section 15-332, review all applications for zoning, sign, special use, or conditional use permits within a district, and all building permits required for any work involving the construction, removal, or alteration of an exterior feature of a building within a district, and at the commission's discretion exercise authority to delay the issuance of such permits.

(b) All accounts and funds of the commission shall be administered in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

Section 15-332 Review Process For Certain Projects Within A Neighborhood Preservation District; Delay of Permit Issuance.

(a) The neighborhood preservation district commission shall review (i) all applications for zoning, sign, special use and conditional use permits required for development within a neighborhood preservation district, as well as (ii) all applications for building permits

for any work involving the construction, removal, or alteration of an exterior feature of a building within a neighborhood preservation district under circumstances where no zoning, sign, special use or conditional use permit is required for such work. Notwithstanding the foregoing, no review by the neighborhood preservation district commission shall be required when mobile homes are moved in or out of a mobile home park. (AMENDED 02/01/00)

(b) For purposes of this section, “exterior features” shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. Exterior features shall not include color.

(c) Whenever a completed application is made for the permits described in subsection (a) above, the application shall be referred to the neighborhood preservation district commission.

(d) No zoning, sign, special use, conditional use or building permit, the application for which is referred to the neighborhood preservation district commission pursuant to subsections (a) and (c) above, may be issued until the neighborhood preservation commission has commented upon the application, or 45 days from the date the application is determined to be complete by the administrator, whichever occurs first.

(e) In the case of an application for any of the permits referenced in subsection (a) above which authorize the demolition of any building within a district, the neighborhood preservation district commission may request that the permit-issuing authority delay the issuance of the permit for a period up to but not exceeding 90 days from the date the application for the permit is determined to be complete by the administrator in order to provide an opportunity for the commission to negotiate with the applicant and any other parties in an effort to find a means of preventing the demolition consistent with the preservation of the district. The permit-issuing authority shall abide by any such request made within 45 days from the date the application is determined to be complete by the administrator.

(f) In the case of an application for any of the permits referenced in subsection (a) above which authorize work involving the construction, reconstruction, alteration, removal, or restoration of an exterior feature of a building within the district, the neighborhood preservation district commission may request that the permit-issuing authority delay the issuance of the permit for a period not exceeding 90 days from the date of the application for the permit is determined to be complete by the administrator in order to provide an opportunity for the commission to negotiate with the applicant and any other parties in an effort to find a means of making the proposed work more consistent with the preservation of the district. The permit-issuing authority shall abide by any such request made within 45 days from the date the application for the permit is determined to be complete by the administrator.

Section 15-333 Commission Rules, Procedures and Guidelines.

(a) Before enforcing the provisions of this Part, the neighborhood preservation district commission shall prepare and adopt (i) rules of procedure for the conduct of its business and (ii) principles and guidelines not inconsistent with this part for use in reviewing permit applications before this commission. The rules of procedure and guidelines must be approved by the Board of Aldermen before becoming effective. The guidelines may address the following:

- (1) Definitions and clarifications of terms used in the ordinance or the guidelines;
- (2) The height of the building;
- (3) The setback and placement of a building on a lot, including lot coverage and orientation;
- (4) Exterior construction materials, including but not limited to, textures and patterns;
- (5) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
- (6) Roof shapes, forms and materials;
- (7) Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration;
- (8) General form and proportions of buildings and structures and orientation to the street;

- (9) Appurtenant fixtures and other features such as lighting;
- (10) Structural condition and soundness;
- (11) Use of local or regional architectural traditions;
- (12) Effect of trees and other landscape elements; and
- (13) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right of way which might affect the character of any building or structure within the district.

Section 15-334 Procedure for Designating a Neighborhood Preservation District.

(a) Before the Board of Aldermen adopts or amends an ordinance designating or amending a neighborhood preservation district:

- (1) The neighborhood preservation district commission shall investigate and prepare a report on the special historical or cultural qualities of the area to be designated; and
- (2) The neighborhood preservation district commission and the Board of Aldermen shall hold a joint public hearing on the proposed ordinance. Notice of this hearing shall be given in the same manner as notice of any other amendment to the official zoning map.

(b) Following the joint public hearing, the Board of Aldermen may adopt the ordinance as proposed, adopt the ordinance with any amendments it deems necessary, or reject the proposed ordinance.

(c) Following the adoption of the ordinance, the designation of the neighborhood preservation district shall be publicized through appropriate publications and public awareness programs.

Section 15-335 Reserved.

PART II. HISTORIC PRESERVATION (AMENDED 11/21/95)

Section 15-336 Historic District Commission.

The appearance commission established under Article III, Part V, of this chapter is hereby designated as the historic district commission and shall exercise all duties and responsibilities conferred upon the historic district commission.

Section 15-337 Powers and Duties of Historic District Commission.

(a) The historic district commission shall seek to promote, enhance and preserve the character and heritage of historic districts and to this end may:

- (1) Undertake an inventory of areas of historical significance within the jurisdiction of the town to identify those characteristics which define significant areas within the jurisdiction;
- (2) Recommend to the Board of Aldermen areas to be designated or removed from designation by ordinance as historic districts, as well as structures, sites or objects worthy of national, state or local recognition;
- (3) Conduct an educational program with respect to the special character of historic districts and offer advice upon request to property owners concerning the treatment of the historical and visual characteristics of their properties located within the district, such as color schemes, gardens and landscape features and minor decorative elements;
- (4) Propose or review studies, plans, changes to this or any related ordinance, and new ordinances or laws relating to the total program for the development of the historical resources of Carrboro, for consideration by the Board of Aldermen in taking action that affects the preservation and enhancement of such districts;
- (5) Recommend to the Board of Aldermen such action as will enhance and preserve the special character of historic districts;
- (6) Cooperate with public and private officials, organizations, agencies, and groups which are concerned with and have an impact upon historic districts;
- (7) Submit annually to the Board of Aldermen a written report of its activities and identify activities, including violations of ordinances and plans, that affect the district; and
- (8) Issue certificates of appropriateness pursuant to Section 15-339 of this chapter;
- (9) Review proposed amendments to the land use ordinance that affect historic districts as well as proposed planning documents or changes to the same (including without limitation transportation plans, improvements and changes) that affect historic districts and make timely recommendations to the Board of Aldermen regarding such ordinances or plans;
- (10) Undertake such additional relevant duties or responsibilities as are assigned by the Board of Aldermen;
- (11) Accept funds granted to the commission from private or nonprofit organizations.

(b) All accounts and funds of the commission shall be administered in accordance with the requirements of the Local Government Budget and Fiscal Control Act.

Section 15-338 Procedure for Designating or Amending an Historic District.

(a) Before the Board of Aldermen adopts an ordinance designating or amending an historic district:

- (1) The historic district commission shall investigate and prepare a report describing the significance of the buildings, structures, features, sites or surroundings included in any such proposed district, and describing the boundaries of such district;
- (2) The planning board shall be given a reasonable opportunity to review and comment on the historic district commission's report; and
- (3) The report and proposed boundaries shall be submitted to the Department of Cultural Resources for its analysis and recommendation. Failure of the Department to submit its written analysis and recommendations to the Board of Aldermen within thirty (30) days after a written request for such analysis has been mailed to it shall relieve the town of any responsibility for awaiting such analysis, and the town may at any time thereafter take any necessary action to adopt or amend the ordinance.

(b) Before enforcing the provisions of this Part, the historic district commission shall prepare and adopt (i) rules of procedure for the conduct of its business and (ii) principles and guidelines not Inconsistent with this part for new construction, alterations, additions, moving and demolition. These guidelines must be approved by the Board of Aldermen in order to be effective, and may include standards relating to the following:

- (1) The height of the building;
- (2) The setback and placement on the lot of the building, including lot coverage and orientation;
- (3) Exterior construction materials, including but not limited to, textures and patterns;
- (4) Architectural detailing, such as lintels, cornices, brick bond, foundation materials, and decorative wooden features;
- (5) Roof shapes, forms and materials;
- (6) Proportions, shapes, positioning and locations, patterns and sizes of any elements of fenestration;

- (7) General form and proportions of buildings and structures and orientation to the street;
- (8) Appurtenant fixtures and other features such as lighting;
- (9) Structural condition and soundness;
- (10) Use of local or regional architectural traditions;
- (11) Effect of trees and other landscape elements; and
- (12) Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks along the public right-of-way which might affect the character of any building or structure within the historic district.

(c) It is the intention of these regulations and guidelines to insure, insofar as possible, that buildings or structures in an historic district shall be in harmony with other buildings or structures located therein. However, it is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings (or prohibit the demolition or removal of the same) or to impose architectural styles from particular historic periods. In considering new construction, the commission shall encourage contemporary design which is harmonious with the character of the district in terms of form, scale, setbacks, materials, massing, etc.

(d) In granting a certificate of appropriateness, the commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such changes or additions upon other structures in the vicinity, in accordance with the principles and guidelines for the certificates of appropriateness adopted for the district.

Section 15-339 Certificates of Appropriateness.

(a) From and after the designation of an historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structures nor any type of outdoor advertising signs shall be erected, altered, restored, moved or demolished within such district until after an application for a certificate of appropriateness as to exterior features (as the terms is defined in G.S. 160A-400.9) has been submitted to and approved by the historic district commission. A certificate of appropriateness shall be issued by the commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness shall be required whether or not a building or other permit is required.

(b) The town and all public utility companies shall be required to obtain a certificate of appropriateness before initiating any changes in the character of any street paving, sidewalks, trees, or utility installations (including without limitation poles and lighting) located within an historic district.

(c) The commission shall have no jurisdiction over interior arrangement and shall take no action under this section except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, outdoor advertising signs, or other significant features in the district which would be incongruous with the special character of the district. Nor shall this part be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in an historic district which does not involve a change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, restoration, moving or demolition of any such feature which the building inspector shall certify is required by the public safety because of an unsafe or dangerous condition.

(d) With respect to all aspects of administration, including without limitation notice and hearing and enforcement requirements, the provisions of this chapter applicable to special use permits issued by the board of adjustment shall apply to certificates of appropriateness issued by the historic district commission.

- (1) The commission may, by uniform rule in its Rules of Procedure, require that an applicant submit all or any portion of the information required by Appendix A for other permit applications, as well as additional information reasonably necessary to make a determination on whether the certificate of appropriateness should be issued. Without limiting the generality of the foregoing, the commission shall require that each application be accompanied by such sketches, drawings, or photographs that satisfactorily show, among other things, the scale of the proposed building in relation to adjoining buildings, as well as specifications, descriptions, or other information sufficient to clearly show the proposed move, exterior alterations, additions, changes, new construction or demolition.
- (2) Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.
- (3) An application for a certificate of appropriateness shall be reviewed and acted upon within a reasonable time, not to exceed 180 days from the date the application is filed.
- (4) If the commission determines that a certificate of appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, restoration or moving, or other conditions related to the district or surrounding uses have been changed substantially.

(e) An application for a certificate of appropriateness authorizing the demolition of a building or structure within the district may not be denied. However, the effective date of such a certificate may be delayed by the historic district commission for a period of up to 180 days from the date of approval. During such period the historic district commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the building. If the historic district commission finds that the building has no particular significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

(f) Except as provided in subsection (e), a certificate of appropriateness shall be issued if the application complies with the guidelines adopted pursuant to Subsection 15-338(b) and denied if the application does not comply.

(g) An appeal from the commission's action in granting or denying a certificate of appropriateness may be taken to the board of adjustment in the manner specified in Section 15-91 and subject to all the provisions applicable to appeals from decisions of the zoning administrator, except that the board's review shall be on the record of the hearing before the commission.

(h) A decision by the board of adjustment shall be subject to review by the Superior Court of Orange County by proceedings in the nature of certiorari pursuant to Section 15-116 of this chapter.

Section 15-340 Historic District Commission Recommendation on Permit and Other Applications.

All applications for land use permits, variances, rezoning requests, zoning text amendment applications, and other plans, including transportation plans, within an historic district shall be reviewed by the historic district commission at its next regular meeting after the application has been submitted in accordance with the requirements of this ordinance. The commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the authority having final decision responsibility for applications for land use permits, variances, rezoning requests, zoning text amendments and any other plans, including transportation plans.

Advisory Board	Code Reference	Existing Scope	Proposed Scope	Action Needed
Environmental Advisory Board	Section 15-45.2	Advise the Board of Aldermen on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources. The areas of review for the EAB include new development, solid waste, air quality, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas. Provide recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution.	Scope redistributed as described below	Amend LUO to reflect changes
Planning Board	Section 3-21	Make studies and recommend to the Board of Aldermen plans, goals and objectives relating to the growth, development and redevelopment of the town and the surrounding extraterritorial planning area. Develop and recommend to the Board of Aldermen policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner. Make recommendations to the Board of Aldermen concerning proposed conditional use permits and proposed land use ordinance and zoning map changes as provided by Section 15-57 and 15-322.	Existing scope refined to include providing recommendations for green building and low impact development as part of new development and redevelopment, including site planning and design, energy efficiency and renewable energy, water efficiency, materials efficiency and waste reduction, indoor environmental quality, and the minimization of pollution.	Amend LUO to reflect changes
Appearance Commission	Sections 7-37, 15-44, 15-330, 15-336	Serve as Town's Tree Board. Initiate, promote, and assist in the implementation of programs for general community beautification within the town's planning jurisdiction. Seek to coordinate the activities of individuals, agencies, organizations and groups, public and private, whose plans, activities and programs bear upon the appearance of the town and its environs. Direct the attention of the mayor and the Board of Aldermen to ways in which the town government may take direct action affecting the appearance of the town and its environs. Make recommendations upon any permit or other item referred to the commission by the Board of Aldermen, planning board, board of adjustment, or administrator. Without limiting the generality of the foregoing, the commission's recommendations regarding development permit applications may address the appearance or design of proposed development projects. Serve as Town's Neighborhood Preservation District Commission. Serve as the Town's Historic District Commission (no districts are currently designated).	Existing scope refined to include advising the Town Council on policies, ordinances, and administrative procedures regarding environmental protection and the conservation of natural resources.	Amend LUO to reflect changes
CCCAP Implementation Committee	TBD		New purpose. powers and duties to include advising the Town Council and make recommendations on climate action plan implementation and resilience, including measures in adopted plans such as building energy efficiency, transportation, renewable energy, ecosystem protection and enhancement, food choice and related topics.	Amend LUO to reflect changes

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Article XII. Density & Dimensional Regulations

<https://nc-carrboro.civicplus.com/298/Land-Use-Ordinance>

<https://tocgis.ci.carrboro.nc.us/Carrboro/Zoning/>

******* Reminder of Articles from January 16th Session**

Excerpts from Article III. Administrative Mechanisms

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Appendix A. Information Required with Applications

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ARTICLE IX

ZONING DISTRICTS AND ZONING MAP

PART I. ZONING DISTRICTS

Section 15-135 Residential Districts Established.

(a) The following basic residential districts are hereby established: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-S.I.R., and R-S.I.R.-2. The purpose of each of the foregoing residential districts is to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in non-residential districts. **(AMENDED 5/12/81; 12/7/83; 2/4/86)**

(b) The WR (watershed residential) district is also established. All land within this district is located within the University Lake Watershed, and while this district is designed to achieve the objectives identified in subsection (a), it is also intended to protect the community water supply by allowing residential development of the land within the University Lake Watershed only at reduced density levels. **(AMENDED 12/7/83; 05/15/90)**

(c) The R-R (rural residential) district is designed to accommodate the residential and related uses as well as several additional uses that would be appropriate in the more sparsely populated areas of the town's joint planning transition area or extraterritorial planning area, but that would be inappropriate within the more intensively developed residential zones. **(AMENDED 11/14/88)**

(d) The R-S.I.R. (suitable for intensive residential) zone is designed (i) to encourage high density residential development that is compatible with the housing element of the town's Comprehensive Land Use Plan, and (ii) to locate this high density development in areas most suitable for it, thereby reducing pressure for growth in less desirable locations and reducing urban sprawl. Land in this zone is deemed especially suitable for intensive residential development because of (i) the availability of police, fire, and sanitation service at low marginal cost due to existing service patterns, (ii) the availability of public water and sewer service, (iii) the ample road system serving the area, (iv) the compatibility of existing development in the area with high density residential development, and (v) the compatibility of high density residential development with environmental concerns, especially water quality. Developers are encouraged to construct housing that is consistent with the town's housing objectives through density bonuses, as set forth in Section 15-182.1.

(e) The R-S.I.R.-2 zoning district is designed to serve essentially the same purposes as the R-S.I.R. zone, but the maximum density allowed in the R-S.I.R.-2 district is less than that permitted in the R-S.I.R. district (see Section 15-182.1). Except as otherwise specifically provided in this chapter, all regulations and standards applicable to the R-S.I.R. district are also applicable to the R-S.I.R.-2 district. **(AMENDED 11/10/81)**

(f) **REPEALED 12/7/83**

Section 15-135.1 Conservation District (AMENDED 12/7/83).

There is hereby established a conservation (C) district. The purpose of this district is to protect the public health, safety, and welfare by severely restricting development within and adjacent to certain lakes, ponds, watercourses, streams, creeks, drainage areas, floodplains, wetlands, and other flood-prone areas within the University Lake Watershed. The limited development allowed within a conservation district not only minimizes the danger to the community water supply from the more intensive development of this land but also allows this land to act as a natural buffer between more intensively developed areas and the watercourses contained within a conservation district. (AMENDED 12/7/83)

Section 15-136 Commercial Districts Established (AMENDED 02/4/86; 05/28/02).

The districts described below are hereby created to accomplish the purposes and serve the objectives indicated:

- (1) **B-1(C) TOWN CENTER BUSINESS.** This district is designed to encourage and accommodate a unified, compact, contiguous shopping and entertainment area focused around restaurants, specialty shops, arts and crafts. This area is intended for development around a theme or themes consistent with the Carr Mill, The Station, and historic or old Carrboro. The area is intended to accommodate the pedestrian user. (AMENDED 06/09/98)
- (2) **B-1(G) GENERAL BUSINESS.** This district is designed to accommodate a broad range of business uses. This district, because of its close proximity to established residential single family neighborhoods, is limited in the types of night uses permitted. Uses may be restricted in the hours of operation where the permit-issuing authority finds that such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. (AMENDED 12/08/92; 06/09/98; 06/20/06)
- (2.1) **(EAT) RESTAURANT DISTRICT OVERLAY.** This overlay district is designed to accommodate on-premises (inside and outside) dining 8.100 and 8.200 restaurant uses in the B-1(g) General Business district. Because of the B-1(g) district's close proximity to established residential single-family neighborhoods, the EAT overlay is restricted to properties a minimum distance of one property width from abutting residential zones and is limited in the types of night uses permitted. In addition, emphasis is given to the existing restrictions in the B-1(g) district and the ability of the permit-issuing authority to limit hours of operation where such restrictions are necessary to prevent unreasonable disruptions to the peace and quiet of a nearby residential area. Use of property within the overlay district for 8.100 and 8.200 purposes shall require the issuance of a conditional use permit. (AMENDED 03/21/95)

- (3) **B-2 FRINGE COMMERCIAL.** This district is a transitional district which is designed to accommodate commercial uses in areas that formerly were residential but that now may be more desirable for commercial activities due to high traffic volumes and proximity to other nonresidential districts. At the same time, continued residential use of existing and nearby structures, and preservation of the existing character and appearance of this area is encouraged. Accordingly, however, whenever the use of the land in this district is changed to commercial, it is intended and desired that existing residential structures be converted and adapted to commercial use rather than new buildings constructed, and to encourage this, the regulations for this district allow development at a lower density than is permitted in the B-1 districts and permit uses that tend to generate minimal traffic. In this way, the B-2 district should provide a smoother transition from the more intensively developed B-1 areas to residential areas. Any development within the B-2 district shall comply with the following requirements: **(AMENDED 09/06/88; 06/20/06).**
- a. To the extent practicable, development shall otherwise retain, preserve and be compatible with the residential character of the older homes within and immediately adjacent to this district;
 - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets; and
- (4) **B-3 NEIGHBORHOOD BUSINESS.** This district is designed to accommodate commercial needs arising at the neighborhood level, such as grocery stores, branch banks, gas sales, and the like, as well as other commercial and office uses that are of such size and scale that they can compatibly coexist with adjoining residential neighborhoods. To insure compatibility between B-3 areas and the neighborhoods, no B-3 district shall be greater than five acres, and no areas shall be zoned B-3 if any portion of a pre-existing business district lies within one-half mile in any direction. **(AMENDED 3/7/2006)**
- (5) **B-4 OUTLYING CONCENTRATED BUSINESS.** This zone is designed to accommodate a variety of commercial enterprises that provide goods and services to a larger market area than those businesses permitted in the neighborhood business district. Development regulations also permit higher buildings and increased density over that allowed in the B-3 zone. This zone is intended to create an attractive, concentrated business district in areas that are outside the town's central business district but that are served by the town's major thoroughfares. Examples of permitted uses include shopping centers, professional offices and motels. Uses that are not permitted include outside storage and drive-in theaters.
- (6) **B-5 WATERSHED COMMERCIAL.** This district is designed to accommodate commercial uses within the University Lake Watershed area without adversely affecting the community water supply.

- (7) **CT CORPORATE TOWN.** This district is designed to create a visually attractive, commercial use district with flexible space. The district is intended to provide space for assemblage and research and development type enterprises. Any structure in this district which is proposed for non-residential use shall be located a minimum distance of 50 feet from any residential dwelling unit in the district that was in existence on July 1, 1985. In order to encourage the creation of flexible space, an average minimum building height of 18 feet for any principal structure is required. The continued use of existing residential dwelling units along North Greensboro Street is encouraged. (AMENDED 06/20/06).
- (8) **B-3-T TRANSITION AREA BUSINESS.** This district is designed to accommodate commercial needs arising in the town's more rural neighborhoods, especially in the joint planning transition areas, and which are more appropriately dealt with at the neighborhood level than at a community or regional level. To insure compatibility between B-3-T areas and their associated rural neighborhoods, no B-3-T district shall be greater than five acres, and no areas shall be zoned B-3-T if any portion of a pre-existing business district lies within one-half mile in any direction. (AMENDED 11/14/88)
- (9) **O OFFICE.** This district is intended to provide locations for low intensity office and institutional uses. This district is designed for parcels three (3) acres or less in size. Rather than have new buildings constructed, it is intended and desired that any existing residential structures within the district be converted and adapted to office or institutional use. In order to assure compatibility of residential conversions or new office construction with existing and future residential development, specific performance measures to mitigate negative impacts of office development will be required. Any development within the Office (O) district shall comply with the following requirements:
- a. Type A screening will be required between any non- residential use and adjacent properties, except for openings necessary to allow pedestrian movement between the office or institutional use and adjacent properties;
 - b. To the extent practicable, vehicle accommodation areas associated with uses on lots in this district shall be located in the rear of buildings so that parking areas are not readily visible from the streets, unless doing so would adversely affect adjoining residential properties;
 - c. Whenever a new building is erected in this district, (i) the exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood, or fabricated residential lap siding made of hardboard, vinyl, or aluminum); (ii) the pitch of the roof shall have a minimum vertical rise of one foot for every five feet of horizontal run; provided that this requirement shall not apply to lots that have frontage on any street where, within the same block as the property in

question, at least 75% of the buildings (in place on April 16, 1991) that front along the same side of the street do not have roofs that comply with this pitched roof standard; and (iii) windows shall be of a type commonly used in single-family residences;

- d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 04/16/91)**

(10) **O/A OFFICE/ASSEMBLY.** This district is intended to provide for office, administrative, professional, research, and specialized manufacturing (such as light assembly and processing) activities in close proximity to an arterial street. This district is intended to provide employment near residential areas; therefore, the required development standards are intended to be compatible to adjacent residential uses and provide a park-like setting for employment. It is strongly encouraged that development in the Office/Assembly zoning district be designed so that employees may easily utilize alternative forms of transportation (such riding buses, cycling or walking) to commute to their place of employment. Any development within the Office/Assembly (O/A) district shall comply with the following requirements: **(AMENDED 05/25/99; 5/28/02)**

- a. No area less than five contiguous acres may be zoned as an Office/Assembly district;
- b. The performance standards (Article XI, Part I) applicable to 4.000 classification uses in business zones shall govern uses in an Office/Assembly zone;
- c. As shown in Section 15-308, Table of Screening Requirements, screening will be required between non-residential uses in the Office/Assembly district and adjacent residential properties;
- d. Manufacturer's specifications for proposed outdoor lighting fixtures (including candlepower distribution) must be included in the submitted plans and maximum illumination areas must be delineated on the site plan. Light sources (light bulbs or tubes) shall be shielded to reflect down onto the ground and not out onto neighboring properties. **(AMENDED 04/16/91)**
- e. Not more than 25 percent of the total building gross floor constructed within the proposed district may be used for uses permissible within this district that fall within the 2.000 classification.

- (11) **O/A CU OFFICE/ASSEMBLY CONDITIONAL USE.** This district is identical to the O/A district and shall be subject to all regulations applicable to the O/A district (including but not limited to the performance standards set forth in Part 1 of Article XI) except as follows: **(AMENDED 05/25/99; 5/28/02)**
- a. This district shall be a conditional use district authorized under N.C.G.S. 160A-382. As such, property may be placed within this district only in response to a petition by the owners of all the property to be included.
 - b. No area less than four contiguous acres and no more than a total of twenty-five (25) acres may be rezoned to the O/A CU.
 - c. As indicated in the Table of Permissible Uses, the only permissible use within an O/A CU district is an office/assembly planned development, and an office/assembly planned development is permissible only in an O/A CU district.
 1. The applicant for an office/assembly planned development conditional use permit shall specify which of the use classifications generally permissible with an O/A district the applicant wants to make permissible within the proposed O/A CU district.
 2. Once a conditional use permit authorizing an office/assembly planned development has been issued, then individual tenants or occupants of the spaces or properties covered by the permit may occupy or use such individual spaces or properties without need for additional zoning, special use, or conditional use permits, so long as such use or occupancy is consistent with the approved conditional use permit including limitations on permissible use classifications approved pursuant to subsection 1 above or other conditions or limitations imposed as conditions pursuant to Section 15-59.
 3. Uses within the O/A CU district shall be limited to those where loading and unloading occurs during daylight hours only.
 - c.1. Not more than 25 percent of the total building gross floor constructed within the proposed district may be used for uses permissible within this district that fall within the 2.000 classification.
 - d. When an O/A CU rezoning petition is submitted (in accordance with Article XX of this chapter), the applicant shall simultaneously submit a conditional use permit application for an office/assembly planned development.
 1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.

2. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications.
 3. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.
 4. The Board may not approve the rezoning application unless it simultaneously approves a conditional use permit for an office/assembly planned development, which permit may be issued subject to reasonable conditions and requirements a set forth in Section 15-59.
- e. Buildings within the O/A CU district shall comply with the following standards:
1. Exterior walls shall be constructed of materials commonly used on the exterior walls of single-family residences (such as brick, stone, wood or fabricated residential lap siding made of hardboard or vinyl).
 2. The pitch of the roof shall have a minimum vertical rise of one foot for every two feet of horizontal run.
 3. Windows shall be of a scale and proportion typical of single-family residences. **(AMENDED 05/25/99)**

Section 15-136.1 Historic Rogers Road District Established (ADDED 6/18/2019)

- (a) The Historic Rogers Road district, HR-R (residential), is established to implement the goals and recommendations of the *Mapping Our Community's Future* community planning effort, completed in May 2016. The intent of *Mapping Our Community's Future* and the HR-R District is to:
- (1) Create opportunities for long-term residents to continue living in the community and to age in place;
 - (2) Preserve the socioeconomic and cultural diversity of the neighborhood;

- (3) Increase physical connections within the neighborhood, including for pedestrians and bicyclists;
 - (4) Respect and protect the natural character of the neighborhood;
 - (5) Ensure that new development is consistent with neighborhood character and the vision that residents have developed for its future;
 - (6) Provide greater residential housing choice, affordability, and diversity;
 - (7) Increase economic opportunities within the neighborhood;
 - (8) Increase recreational resources within the neighborhood; and
 - (9) Ensure that new development is adequately served by infrastructure, including streets, sidewalks, and utilities.
- (b) The HR-R zoning district is designed to protect and preserve the character of existing lower-density areas (minimum lot size 14,520 square feet, or no more than three lots per acre) within the neighborhood while providing for compatible new development, including new housing choice options, and increased home occupation opportunities for residents.

Section 15-137 Manufacturing Districts Established (AMENDED 6/22/82; 2/4/86).

(1) The M-1 and M-2 districts are hereby created to accomplish the purposes and serve the objectives set forth in this subsection. Part of Article XI contains performance standards that place limitations on the characteristics of uses located in the districts created by this section.

- (a) **M-1 LIGHT MANUFACTURING.** This zone is designed to accommodate a limited range of industrial activities and a wide range of commercial uses including wholesaling, storage, mail-order, auto related, and office and retail in conjunction with industrial or wholesaling uses. Permitted industrial uses include enterprises engaged in manufacturing, processing, creating, repairing, renovating, painting, cleaning and assembly where all operations are contained inside a fully enclosed building. The performance standards for the M-1 zone located in Part I of Article XI are more restrictive than those in the M-2 district.
- (b) **M-2 GENERAL MANUFACTURING.** This district is designed to accommodate the widest range of industrial uses. Business operations may be conducted within and outside a fully enclosed building. The performance standards for this zone are less restrictive than those in the M-1 district.

(2) There is also established a watershed light industrial (WM-3) zoning district. The purpose of this district is to allow areas within the University Lake Watershed that have been zoned M-1 prior to the effective date of this subdivision to continue to be used and developed for light

industrial and related purposes, subject to certain restrictions designed to protect the watershed. Consistent with the purpose of this zone, this district shall be confined to that area zoned M-1 on the effective date of this subsection (12/7/1983); this area shall not be expanded and no new WM-3 areas shall be designated. For the purposes of this section, changes to make WM-3 zoning uniform on lots that were depicted as entirely within the M-1 zoning at the time of its establishment, but that were later depicted as being bisected by the zoning boundary, will not be considered an expansion of the district or the creation of new WM-3 areas (**AMENDED 12/7/83, 06/27/17**)

(3) There is also established a Planned Industrial Development (PID) zoning district. The purpose of this district is to provide for the possibility of well planned and tightly controlled industrial development in areas that are suitable for such development but that are not deemed appropriate for M-1 or M-2 zoning because of the less restricted types of development that may occur in such zones. (**AMENDED 6/22/82; 12/7/83**)

- (a) No area less than twenty contiguous acres may be zoned as a Planned Industrial Development district, and then only upon a request submitted by or on behalf of the owner or owners of all the property intended to be covered by such zone.
- (b) As indicated in the Table of Permissible Uses (Section 15-146) a planned industrial development (use classification 30.000) is the only permissible use in a PID zone.
- (c) Subject to subdivision (2) of this subsection, and consistent with the restrictions contained in the definition of a planned industrial development [see Subdivision 15-15(60)], land within a PID zone may be used in a manner that would be permissible if the land were zoned M-1, except that (i) the only permissible uses are those described in the 2.130 and 4.100 classifications and (ii) the performance standards (Article XI, Part I) applicable to 4.100 uses in business zones shall govern uses in a planned industrial development.

Section 15-138 Public Facilities District Established.

There is hereby created a Public Facilities (P-F) zoning district. Within this district, those uses indicated as permissible in the Table of Permissible Uses may be developed, but only if such developments are owned and operated by the United States, the State of North Carolina, Orange County, the Town of Carrboro, or any agency, department, or subdivision of the foregoing governments.

Section 15-139 Planned Unit Development District Established.

(1) There are hereby established sixty different Planned Unit Development (PUD) zoning districts as described in this section. Each PUD zoning district is designed to combine the characteristics of at least two and possibly three zoning districts. (**AMENDED 2/24/87**)

- (a) One element of each PUD district shall be the residential element. Here there are six possibilities, each one corresponding to one of the following residential districts identified in Section 15-135: R-20, R-15, R-10, R-7.5, R-3, or R- S.I.R. Within that portion of the PUD zone that is developed for purposes permissible in a residential district, all development must be in accordance with the regulations applicable to the residential zoning district to which the particular PUD zoning district corresponds.
- (b) A second element of each PUD district shall be the commercial element. Here there are five possibilities, each one corresponding to either the B-1(g), B-2, B-3, O, or O/A zoning districts established by Section 15-136. Within that portion of a PUD district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the PUD district corresponds. **(AMENDED 02/04/97)**
- (c) A manufacturing/processing element may be a third element of any PUD district. Here there are two alternatives. The first is that uses permitted within the M-1 district would be permitted within the PUD district. The second alternative is that uses permitted only within the M-1 or M-2 zoning districts would not be permitted. If an M-1 element is included, then within that portion of the PUD district that is developed for purposes permissible in an M-1 district, all development must be in accordance with the regulations applicable to the M-1 district.

The sixty different PUD zoning districts are derived from the various combinations of possible alternatives within each of the three elements -- residential, commercial, manufacturing/processing. For example, there is an R-20/B-1(g)/M-1 district, an R-20/B-2/M-1 district, an R-20/B-2 district, an R-15/B-1(g)/M-1 district, etc. **(AMENDED 02/04/97)**

(2) No area of less than twenty-five contiguous acres may be zoned as a Planned Unit Development district, and then only upon the request of the owner or owners of all of the property intended to be covered by such zone.

(3) As indicated in the Table of Permissible Uses (Section 15-146), a planned unit development (use classification 28.000) is the only permissible use in a PUD zone, and planned unit developments are permissible only in such zones.

Section 15-140 Residential High Density and Commercial Overlay District (AMENDED 2/4/86)

There is hereby created a Residential High Density and Commercial Overlay (RHDC) zoning district. The purpose of this district is to provide for the redevelopment of deteriorating commercial and manufacturing areas in a manner that is consistent with commercial development

goals of the town, namely, for compact, compressed town center growth, for a substantial increase in residential opportunities near the town center, and for mixed use development in the downtown. Property that lies within this overlay district may be developed in accordance with either the regulations applicable to the underlying district or the following regulations:

- (1) To take advantage of provisions applicable to the RHDC overlay district, lots must contain at least one and one half acres of contiguous land under single ownership.
- (2) Uses permissible shall be those permissible within either the R-2 district or the B-1(c) district, or both, except that subdivisions other than architecturally integrated subdivisions shall not be allowed.
- (3) Residential density shall be determined as if the property were zoned R-2.
- (4) Twenty percent of the lot area shall remain as usable open space (see Section 15-198), except that where the development seeks to provide interior open space or indoor hard court, pool, or other active recreation facilities in excess of the basic requirement set forth in Article XIII, the permit-issuing authority may reduce the open space requirement to reflect the quality and amount of such facilities. The developer may substitute grassed areas, lawn, gardens, and shrubbed space for wooded space in meeting the requirements of 15-198(b)(3).
- (5) Subject to subdivision (6), the amount of floor area set aside or used for purposes not permissible within the R-2 district (i.e, commercial uses) may not exceed ten percent of the floor area used for residential purposes.
- (6) Where at least one-third of the total number of parking spaces for the development are provided on a tier or level other than ground level (as with underground parking or a two tier parking garage) and where the open space is increased to 40% of the development tract, the development may either (i) increase the commercial floor area over that allowed in subdivision (5) to 25% of the floor area in residential use, or (ii) increase the density for residential use to 1,500 square feet per dwelling unit.
- (7) The maximum building height for the district shall be 50 feet. A building that is over 35 feet shall be set-in and setback 2 additional feet for every additional foot above 35 feet in height.
- (8) Commercial space shall be located at ground level or on the top level of a building.
- (9) Except as otherwise provided herein, the regulations applicable to land within an R-2 district shall apply to property within a RHDC district.

Section 15-140.1 Office-Residential Mixed Use District (AMENDED 6/20/06)

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(a) There is hereby created an Office-Residential Mixed Use (OR-MU) zoning district. The purpose of this district is to provide for mixed use developments, i.e. developments that contain both residential and non-residential elements, within areas that are near the downtown commercial districts.

(b) Any lot within the OR-MU district that exists on the effective date of this section or that is hereafter created may be developed and used for those purposes within the 3.000 classification that are permissible within the B-2 zoning district, subject to the same permitting requirements and other applicable regulations of this chapter, just as if the property were zoned B-2.

(c) Any lot or tract within the OR-MU district may be developed as a mixed use project in accordance with the provisions of this subsection.

- (1) Development of property under this subsection requires the issuance of a conditional use permit by the Board of Aldermen in accordance with the applicable provisions of this chapter.
- (2) A mixed use project approved under this subsection must have both a residential and a nonresidential component.
- (3) At least one-half but not more than two-thirds of the gross floor area of the mixed use development shall consist of residential uses listed in use classifications 1.100, 1.200, 1.300, or 1.400, 1.510 (hotels and motels) and 1.520 (tourist homes and other temporary residences), provided that use classifications 1.510 and 1.520 shall not comprise more than one-third of the residential component. However, the residential component of the mixed use development may be increased to ninety percent of the floor area of the mixed use development if the developer donates to a non-profit agency engaged in providing affordable housing at least ten percent of the total acreage within the development and enters into an enforceable agreement with such agency to construct on such land and convey to the agency, at not more than the developer's cost, the number of housing units for which the agency obtains a permit. For purposes of this subsection, the phrase "within the development" means within the area covered by the conditional use permit issued for the mixed use development as well as any adjacent property that is or was owned by the developer of the mixed use project and that is conveyed to a non-profit agency and developed for affordable housing as described herein, even if such other area is not located with the Town of Carrboro.
- (4) The permissible residential density within the mixed use development shall be calculated as if the development were zoned R-3, except that the density shall be calculated as if the property were zoned R-2 if the developer conveys at least ten percent of the land within the development to a non-profit agency and constructs on that land affordable housing as described in subsection (c)(3) above. For purposes of this subsection, if land that is not located within the Town of Carrboro is regarded as

“within the development” as that phrase is defined in subsection (c)(3) above, then such area shall be considered part of the development for purposes of calculating the permissible residential density under this subsection.

- (5) Subject to the other provisions of this subsection, the dimensional and other requirements of this chapter applicable to the R-3 district shall apply to a mixed use development permitted under this section. However, the maximum height of buildings within the mixed use development, shall be four stories, except that a fifth story shall be permitted if the developer conveys at least ten percent of the land within the development to a non-profit agency and constructs on that land of affordable housing as described in subsection (c)(3) above. Notwithstanding other provisions of this chapter, any parking levels that are constructed underneath a building within a mixed use development and that are at least in substantial part constructed below the ground service levels shall not be regarded as “stories” for purposes of the height limitations established herein.
- (6) Permissible uses within the commercial component of the mixed use shall be those listed in the following use classifications within the Table of Permissible Uses: (i) use classification 3.100; (ii) use classifications 2.110, 2.112, 2.120, 2.130, 2.150, 2.210, 2.220, provided that such uses do not comprise more than fifty percent of the total commercial space within the mixed use development; and (iii) restaurant uses 8.100, 8.200, and 8.500, so long as any one restaurant business does not occupy more than 1,500 square feet of gross floor area and so long as such restaurant uses do not operate during the hours of 2:00 a.m. to 6:00 a.m.
- (7) A mixed use development may be constructed in phases as provided in Section 15-61. However, the phasing plan shall ensure that, as buildings are constructed and occupied, the relative mix of residential and commercial floor space remains substantially consistent with the percentages approved in the plans.
- (8) If portions of the mixed use development are subdivided, the final plat shall contain notations indicating any limitations on uses or the sequencing of development created as a result of approval of the development as a mixed use under this section.

Section 15-141 Neighborhood Preservation District Established (AMENDED 09/26/89; 11/21/95; 5/27/08)

(a) There are hereby established an Historic District (HD) and a Neighborhood Preservation District (NPD).

- (1) **HD HISTORIC DISTRICT.** This district is designed to apply to areas which are deemed to be of special significance in terms of their history, architecture and/or culture, and to possess integrity of design, setting, materials, feeling and association. The historic district is one of Carrboro’s most valued and important assets and is established for the following purposes: to protect and conserve the

heritage of Carrboro, Orange County and the State of North Carolina; to preserve the social, economic, cultural, political, and architectural history of the district and its individual properties; to promote the education, pleasure and enrichment of residents in the district and Carrboro and Orange County and the State as a whole; to encourage tourism and increased commercial activity; to foster civic beauty; and to stabilize and enhance property values throughout the district as a whole, thus contributing to the improvement of the general health and welfare of Carrboro and any residents of the district.

(2) **NPD NEIGHBORHOOD PRESERVATION DISTRICT.** This district is designed to apply to areas which are deemed to possess form, character, and visual qualities from arrangements or combinations of architectural or appurtenant features or places of historical or cultural significance that create an image of stability, local identity, and livable atmosphere. This district is established to achieve the same objectives and purposes as those set forth above with respect to the historic district.

(b) The HD and NPD districts are overlay districts, and properties within these districts are subject to the regulations applicable to the underlying district as well as the requirements set forth in Article XXI of this chapter.

Section 15-141.1 Jordan Lake Watershed Districts Established (AMENDED 10/15/96)

(a) There is hereby established an overlay district to be known as the Jordan Lake Watershed Protection District (JLWP). The purpose of this overlay district is to provide for the imposition of regulations applicable to areas within the town's planning jurisdiction that are part of the Jordan Lake WS-IV Watershed in order to comply with the provisions of Article 21, Chapter 143 of the North Carolina General Statutes.

(b) Because the JLWP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district as well as the requirements of the JLWP district.

Section 15-141.2 Village Mixed Use District Established (AMENDED 05/25/99)

(a) There is hereby established a Village Mixed Use (VMU) district. This district is established to provide for the development of rural new villages at a scale intended to continue Carrboro's small town character as described in its Year 2000 Task Force Report and to promote a traditional concept of villages. The applicant for rezoning to this district must demonstrate that its planning, design and development will achieve, but not necessarily be limited to, all of the following specific objectives:

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- (1) The preservation of open space, scenic vistas, agricultural lands and natural resources within the Town of Carrboro and its planning jurisdiction and to minimize the potential for conflict between such areas and other land uses;
- (2) The creation of a distinct physical settlement surrounded by a protected landscape of generally open land used for agricultural, forest, recreational and environmental protection purposes.
- (3) Dwellings, shops, and workplaces generally located in close proximity to each other, the scale of which accommodates and promotes pedestrian travel for trips within the village.
- (4) Modestly sized buildings fronting on, and aligned with, streets in a disciplined manner.
- (5) A generally rectilinear pattern of streets, alleys and blocks reflecting the street network in existing small villages which provides for a balanced mix of pedestrians and automobiles.
- (6) Squares greens, landscaped streets and parks woven into street and block patterns to provide space for social activity, parks and visual enjoyment.
- (7) Provision of buildings for civic assembly or for other common purposes that act as visual landmarks and symbols of identity within the community.
- (8) A recognizable, functionally diverse, but visually unified village focused on a village green or square.
- (9) Development of a size and scale, which accommodates and promotes pedestrian travel rather than motor vehicle trips within the village.
- (10) Compliance with the policies embodied in this chapter for the development of a village mixed use.

(b) The VMU district shall be a conditional use district authorized under N.C.G.S. 160A-382. As such, property may be placed within this district only in response to a petition by the owners of all the property to be included.

(c) As indicated in the Table of Permissible Uses, the only permissible use within a VMU district is a village mixed use development, and a village mixed use development is only permissible within a VMU district.

(d) Property may be rezoned to the VMU district only when the property proposed for such rezoning:

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- (1) Comprises at least fifty, but not more than two hundred, contiguous acres. For purposes of this subsection, acreage is not “contiguous” to other acreage if separated by a public street or connected only at a point less than one hundred feet in width; and
- (2) Is so located in relationship to existing or proposed public streets that traffic generated by the development of the tract proposed for rezoning can be accommodated without endangering the public health, safety, or welfare; and
- (3) Will be served by OWASA water and sewer lines when developed;

(e) No more than 350 gross acres may be rezoned to the VMU district and no more than three villages may be approved.

(f) Nothing in this section is intended to limit the discretion of the Board of Aldermen to deny an application to rezone property to a VMU district if it determines that the proposed rezoning is not in the public interest.

(g) When a VMU rezoning application is submitted (in accordance with Article XX of this ordinance), the applicant shall simultaneously submit an application for approval of a master plan for the proposed village mixed use development, in accordance with the following provisions.

- (1) The master plan shall show, through a combination of graphic means and text (including without limitation proposed conditions to be included in the conditional use permit for the proposed development):
 - a. The location, types, and densities of residential uses;
 - b. The location, types, and maximum floor areas and impervious surface areas for non-residential uses;
 - c. The location and orientation of buildings, parking areas, recreational facilities, and open spaces;
 - d. Access and circulation systems for vehicles and pedestrians;
 - e. How the development proposes to satisfy the objectives of and comply with the regulations applicable to a village mixed use development as set forth in Section 15-176.2 of this chapter;
 - f. How the development proposes to minimize or mitigate any adverse impacts on neighboring properties and the environment, including without limitation impacts from traffic and stormwater runoff; and

previously approved master plan if the plan of development proposed under the conditional use permit application increases the residential density or commercial floor area permissible on the property or decreases or alters the location of open space areas.

- b. With respect to property that is located totally outside the Transition Area portion of the Carrboro Joint Development Area as defined within the Joint Planning Agreement, in addition to other grounds for denial of a conditional use permit application under this chapter, no conditional use permit for a village mixed use development may be denied on the basis that the application is inconsistent with the approved master plan. However, if the conditional use permit is approved, the Board of Aldermen shall be deemed to have amended the master plan to bring it into conformity with the conditional use permit.
 - c. No conditional use permit for a village neighborhood mixed use development may be denied for reasons set forth in Subsection 15-54(c)(4) if the basis for such denial involves an element or effect of the development that has previously been specifically addressed and approved in the master plan approval process, unless (i) it can be demonstrated that the information presented to the Board of Aldermen at the master plan approval stage was materially false or misleading, (ii) conditions have changed substantially in a manner that could not reasonably have been anticipated, or (iii) a basis for denial for reasons set forth in Subsection 15-54(c)(4) is demonstrated by clear and convincing evidence.
- (5) Subject to Subsection 15-141.2(g)(4)b, a master plan approved under this section may only be amended in accordance with the provisions applicable to a rezoning of the property in question.

Section 15-141.3 Conditional Use Zoning Districts (AMENDED 5/25/04; 4/28/15; 10/23/18 AMENDED)

(a) The following conditional use zoning districts are hereby established: RR-CU, R-20-CU, R-15-CU, R-10-CU, R-7.5-CU, R-3-CU, R-2-CU, R-S.I.R-CU, R-S.I.R.-2-CU, B-1(c)-CU, B-1(g)-CU, B-2-CU, B-3-CU, B-4-CU, CT-CU, B-3-T-CU, O-CU, M-1-CU, and M-2-CU. A Special Manufacturing Conditional Use (M-3-CU) zoning district is also established. The provisions of this section applicable to these conditional use-zoning districts do not affect or apply to the Office/Assembly Conditional Use District, or the Village Mixed Use Conditional Use District.

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(b) The conditional use zoning districts established in this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Except as otherwise provided in this subsection, the uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds. For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this subsection.

(1) Property that is zoned B-4-CU may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321 (multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) in addition to other uses permissible in the B-4 district, subject to a conditional use permit and the following: (i) not more than 25% of the total land area covered by the CUP in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

(2) (Reserved)

(c1) and other provisions of this section, the uses permissible within a conditional use zoning district established herein, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional use district corresponds. For example, property that is rezoned to a B-2-CU district may be developed in the same manner as property that is zoned B-2, except as provided in this section.

(c1) Except as otherwise provided in this subsection, the uses that are permissible within a M-3-CU district, and the regulations applicable to property within such a district shall be those uses and those regulations that would be applicable to any property zoned M-1-CU (i.e. excluding specific conditions made applicable to specific property zoned M-1-CU) with the addition of use 3.250.

1. If the Board concludes that a proposed development of property zoned M-3- CU will contain site and building elements that will create a more vibrant and successful community and provide essential public infrastructure, the Board may approve a conditional use permit that allows up to a specified maximum percentage of the

gross floor area of the development to be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700. The specified maximum percentage of the gross floor area of the development that may be devoted to such uses shall be proportional to the extent to which the development provides site and building elements that exceed the basic requirements of this ordinance. Such site and building elements are intended to be selected from the following five areas: stormwater management and water conservation; substantial transportation improvement and alternative transportation enhancement; on-site energy production and energy conservation; creation of new and innovative light manufacturing operations; and the provision of public art and/or provision of outdoor amenities for public use.

2. The following relationships between site and building elements and uses are hereby deemed to satisfy the standard set forth in subdivision (1) of this subsection: (i) up to fifteen percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of uses 8.100, 8.200, 8.500, 8.600, and 8.700 if the development includes at least fifteen percent of the examples of performance measures from the five areas of site and building element categories set forth below; (ii) up to thirty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least thirty percent of the examples of performance measures from the five areas of site and building element categories set forth below; and (iii) up to forty percent of the gross floor area of a development approved pursuant to this section may be devoted to any combination of the foregoing uses if the development includes at least forty percent of the examples of performance measures from the five areas of site and building element categories set forth below. In addition, the Board may allow up to forty percent of a development approved pursuant to this section to be devoted to any combination of the foregoing uses if it concludes that the development will be making a substantial enough investment in one or more of the performance measures listed below to satisfy the standard set forth in subdivision (1) of this subsection.

Performance Measures

Site and Building Element Categories	Examples of Performance Measures
Stormwater management and Water conservation	1) Substantial stormwater retrofits 2) Reduction in nitrogen loading from the site by at least 8 percent from the existing condition, as determined by the Jordan Lake Accounting Tool
Substantial transportation	3) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the

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improvement and Alternative transportation enhancement	<p>needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips</p> <p>4) Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit</p> <p>5) Construction of substantially improved site entrance, intersection</p>
On-site energy production and energy conservation	<p>6) Meets or exceeds standards for LEED Gold certification</p> <p>7) Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical usage for the property</p> <p>8) Use of harvested rainwater for toilet flushing</p> <p>9) Use of devices that shade at least 30 percent of south-facing and west-facing building elevations</p> <p>10) Use of low emissivity (low-e²) windows along south-facing and west-facing building elevations</p> <p>11) Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater</p> <p>12) Use of geothermal heat system to serve the entire complex</p> <p>13) Use of LED fixtures for parking and street lights</p> <p>14) Meets the Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type or the US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030</p>
Creation of new and innovative light manufacturing operations	<p>15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers</p> <p>16) Incorporates technologies to reduce production waste by 50 percent or more</p>
The provision of public art and/or provision of outdoor amenities for public use	<p>17) Outdoor amenities such as major public art</p> <p>18) Amphitheatre or outdoor theater, outdoor congregating/gathering area</p> <p>19) Outdoor eating facilities</p> <p>20) Outdoor tables with game surfaces, etc.</p>

3. In approving a conditional use permit for a development of infill property zoned M-3- CU, the Board may allow deviations from the otherwise applicable standards relating to public streets as follows:

- a. The Board may approve a curb and gutter street having a right-of way of not less than 50 feet, travel lanes of not less than 11 feet, divided by a raised concrete median, with a two foot planting strip and a five foot sidewalk if the development provides a separate ten-foot wide paved bike path or shared-use path that constitutes a satisfactory alternative to a bike lane with the street right-of-way if the applicant can demonstrate that the proposed road will provide the functional equivalent to the required street classification standard for all modes of travel from the point of origin to the terminus at the property boundaries.
- b. The Board may approve a street lighting system consisting of LED lights on 15 foot poles if satisfactory arrangements are made to ensure that all costs associated with the installation, operation, and maintenance of such poles and lights are borne by the developer or the developer's successor, and not the Town.
- c. The Board may approve a street tree planting plan that provides for the installation of fewer 6" caliper trees rather than the planting of more numerous 2" caliper trees required by Section 15-316.

(d) Subject to subsection(s) (f) and (g), all uses that are permissible in the conditional use zoning district shall require the issuance of a conditional use permit, regardless of whether a use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses) a zoning permit, special use permit, or conditional use permit.

(AMENDED 10/23/18)

(e) When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), the applicant shall simultaneously submit a conditional use permit application showing how the applicant proposes to develop the entirety of the property covered in the rezoning petition.

1. The rezoning and conditional use permit applications shall be processed and reviewed concurrently.
2. The Board of Aldermen shall simultaneously conduct a public hearing on the rezoning and conditional use permit applications, in accordance with the procedures applicable to other conditional use permit applications.
3. If the Board concludes in the exercise of its legislative discretion that the proposed rezoning would not be consistent with the public health, safety, or welfare, it may deny the application in accordance with the same procedures applicable to any ordinance amendment request.
4. When a rezoning petition for a conditional use zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list

of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the conditional use permit issued in conjunction with the rezoning to the requested conditional use zoning district. The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional use permit. Conditions and site-specific standards imposed in this process shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development and use of the site.

5. If the conditional use permit is allowed to expire (under Section 15-62), the Board may initiate action to rezone the property to any appropriate general use district classification. In addition, notwithstanding any other provision of this ordinance, the Board shall be under no obligation to consider any major modification of a conditional use permit issued in connection with a conditional use rezoning or any new conditional use permit for property that has been the subject of a conditional use rezoning.

(f) If a conditional use permit issued in connection with a conditional use rezoning authorizes the creation of a residential subdivision containing lots intended for development with not more than four dwelling units each, and the conditional use permit application does not provide sufficient information to authorize a development permit for such lots, then such lots may be developed pursuant to the issuance of a zoning permit (i.e. each lot will not require an amendment to the conditional use permit issued for the overall development).

(g) If a tract is rezoned to a B-4-CU zoning district, the Board of Aldermen may, in connection with that rezoning, approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to approve (and the Board does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least one of the lots within the sub-divided tract, all in accordance with the applicable standards and requirements of this chapter (i.e. the subdivision and development of such lot(s) require no further review by the Board); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Board. **(AMENDED 10/23/18)**

- (1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient

information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Board. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CU.

- (2) Except as provided in subsection (1), the provisions of Section 15-64 and Subsection 15-141.3 shall apply to proposed changes to a CUP issued in connection with a B-4- CU rezoning.

Section 15-141.4 Conditional Zoning Districts (AMENDED 5/27/08)

(a) Conditional zoning districts are zoning districts in which the development and use of the property so zoned are governed by the regulations applicable to one of the general use zoning districts listed in the Table of Permissible Uses, as modified by the conditions and restrictions imposed as part of the legislative decision creating the district and applying it to the particular property. Accordingly, the following conditional zoning districts may be established:

R-20-CZ, R-15-CZ, R-10-CZ, R-7.5-CZ, R-3-CZ, R-2-CZ, R-R-CZ, R-S.I.R.-CZ , and R-S.I.R.-2-CZ

B-1(C)-CZ, B-1(G)-CZ, B-2-CZ, B-3-CZ, B-3-T-CZ, B-4-CZ, CT-CZ, O-CZ, OACZ, M-1-CZ, M-2-CZ (AMENDED 4/27/10; 06/23/15; 10/23/18)

(b) The conditional zoning districts authorized by this section may be applied to property only in response to a petition signed by all the owners of the property to be included within such district.

(c) Subject to the provisions of subsections (f) and (g), the uses permissible within a conditional zoning district authorized by this section, and the regulations applicable to property within such a district, shall be those uses that are permissible within and those regulations that are applicable to the general use zoning district to which the conditional district corresponds, except as those uses and regulations are limited by conditions imposed pursuant to subsection (d) of this section. For example, property that is rezoned to a B-2-CZ district may be developed in the same manner as property that is zoned B-2, subject to any conditions imposed pursuant to subsection (d). (AMENDED 10/23/18)

- (1) Property that is zoned B-4-CZ may be developed for use classifications 1.231 (duplex, maximum 20% units > 3 bedrooms/dwelling unit), 1.241 (two family apartment, maximum 20% units > 3 bedrooms/dwelling unit), 1.321

(multi-family residences, maximum 20% units > bedrooms/dwelling unit and 1.331 (multi-family, maximum 20% units > 3 bedrooms/dwelling unit) 1 in addition to other uses permissible in the B-4 district, subject to a conditional use permit, and the following: (i) not more than 25% of the total land area covered in this district may be developed for such uses; and (ii) the area developed for such uses shall have a minimum of 1,500 square feet per dwelling unit (except that applicable density bonuses shall apply).

(2) (Reserved) **(AMENDED 11/9/11)**

(d) When a rezoning petition for a conditional zoning district is submitted (in accordance with Article XX of this chapter), the application shall include a list of proposed conditions (which may be in the form of written statements, graphic illustrations, or any combination thereof) to be incorporated into the ordinance that rezones the property to the requested conditional zoning district. **(AMENDED 10/25/16)**

(d1) A rezoning petition may be submitted to allow use classification 3.260 Social Service Provider with Dining within a building of more than two stories or 35 feet in height. **(AMENDED 10/25/16)**

(1) The petition shall include information that demonstrates that, if the project is completed as proposed, it:

- a. Will not substantially injure the value of adjoining or abutting property; and
- b. Will be in harmony with the area in which it is to be located. The manner in which a project is designed to accommodate additional building height including, but not limited to, scale, architectural detailing, compatibility with the existing built environment and with adopted policy statements in support of vibrant and economically successful and sustainable, mixed-use, core commercial districts shall be among the issues that may be considered to make a finding that a project is or is not in harmony with the area in which it is to be located. The applicant may use a variety of graphic and descriptive means to illustrate these findings; and
- c. Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board. **(AMENDED 03/22/16, 10/25/16)**

(2) All relative provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any conditions incorporated into the conditional zoning district described in subsection (d1) above. **(AMENDED 10/25/16)**

(e) The list of proposed conditions may be modified by the planning staff, advisory boards, or Board of Aldermen as the rezoning application works its way through the process described in Article XX, but only those conditions mutually approved by the applicant and the Board may be incorporated into the conditional zoning district shall be limited to (i) those that address the conformance of the development and use of the site to the provisions of this chapter or to applicable plans adopted by the Board, and (ii) those that address the impacts reasonably expected to be generated by the development or use of the site. **(AMENDED 03/22/16, 10/25/16)**

(f) Notwithstanding the foregoing, all uses that are permissible in the B-4-CZ zoning district shall require the issuance of a conditional use permit. **(AMENDED 10/23/18)**

(g) All uses that are permissible in the conditional zoning district shall require the issuance of the same type of permit that such use in the corresponding general use district would ordinarily require (according to the Table of Permissible Uses), i.e. a zoning permit, special use permit, or conditional use permit.

(h) Notwithstanding the foregoing, in approving a rezoning to a B-1(g) – CZ zoning district, the Board of Aldermen may authorize the property so zoned to be developed at a higher level of residential density than that otherwise permissible in B-1(g) zoning districts under Section 15-182 if the rezoning includes conditions that provide for site and building elements that will create a more vibrant and successful community. Site and building elements are intended to be selected from at least three of the following seven areas: stormwater management, water conservation, energy conservation, on-site energy production, alternative transportation, provision of affordable housing, and the provision of public art and/or provision of outdoor amenities for public use. Conditions that may be included to meet the above stated objective include but shall not be limited to the following: **(AMENDED 11/9/11)**

- (1) Reduction in nitrogen loading from the site by at least 8% from the existing condition, as determined by the Jordan Lake Accounting Tool
- (2) Energy performance in building requirements to meet one or more of the following
 - a. Achieve 40% better than required in the Model Energy Code, which for NC, Commercial is ASHRAE 90.1-2004-2006 IECC equivalent or better, and Residential is IECC 2006, equivalent or better).
 - b. “Designed to Earn the Energy Star” rating.
 - c. Architecture 2030 goal of a 50 percent fossil fuel and greenhouse gas emission reduction standard, measured from the regional (or country) average for that building type.
 - d. AIA goals of integrated, energy performance design, including resource conservation resulting in a minimum 50 percent or greater reduction in the consumption of fossil fuels used to construct and operate buildings.
 - e. LEED certification to achieve 50% CO2 emission reduction, or LEED silver certification

- f. US Conference of Mayors fossil fuel reduction standard for all new buildings to carbon neutral by 2030.
- g. Specific energy saving features, including but not limited to the following, are encouraged..
 - i. Use of shading devices and high performance glass for minimizing heating and cooling loads
 - ii. Insulation beyond minimum standards;
 - iii. Use of energy efficient motors/HVAC;
 - iv. Use of energy efficient lighting;
 - v. Use of energy efficient appliances
 - vi. LED or LED/Solar parking lot lighting (50-100% more efficient).
 - vii. Active and passive solar features.
- (3) Provision of onsite facilities (e.g. solar, wind, geothermal) that will provide 5% of electricity demand associated with the project.
- (4) Use of harvested rainwater for toilet flushing.
- (5) Parking lot meets the standard for a “green” parking lot, per the EPA document Green “Parking Lot Resource Guide.”
- (6) Inclusion of Low Impact Development features.
- (7) Provision of covered bike parking sufficient to provide space for one space per every two residential units.
- (8) Provision of a safe, convenient, and connected internal street system or vehicle accommodation area designed to meet the needs of the expected number of motor vehicle, bicycle, pedestrian, and transit trips
- (9) Inclusion of at least one (1) parking space for car sharing vehicles
- (10) Provision of public art and/or outdoor amenities for public use.
- (11) Use of surface materials that reflect heat rather than absorb it.
- (12) Use of devices that shade at least 30% of south-facing and west-facing building facades.
- (13) Provision of affordable housing in accordance with Town policy.

(h) If a B-1(g) – CZ zoning district is created and, pursuant to subsection (f) of this section, a higher level of residential density than that otherwise permissible in B-1(g) zoning districts is approved for that district, then it shall be a requirement of such district that at least twenty percent (20%) of the total leasable or saleable floor area within all buildings located within such zoning district shall be designed for non-residential use. Occupancy permits may not be given for residential floor area if doing so would cause the ratio of residential floor area for which an occupancy permit has been issued to non-residential floor area for which an occupancy permit has been issued to exceed four to one (4:1). **(AMENDED 11/9/11)**

(i) For property that is zoned B-4-CZ, the Board of Aldermen may approve a conditional use permit that authorizes the tract to be divided into two or more lots, so long as (i) the application for the CUP contains sufficient information to allow the Board of Aldermen to approve (and the Board does approve) such subdivision (including without limitation the street system, stormwater control system, open spaces, and all other common areas and facilities outside the boundaries of the subdivided lots) as well as the development of at least

one of the lots within the subdivided tract, all in accordance with the applicable standards and requirements of this chapter (i.e. the subdivision and development of such lot(s) require no further review by the Board); and (ii) the application specifies (as a proposed condition on the CUP) the use or uses, maximum height, and maximum floor area of any structure(s) allowed on each lot for which the application does not provide sufficient information to allow development approval by the Board. **(AMENDED 10/23/18)**

- (1) Notwithstanding the provisions of subsection 15-64(d), with respect to lots for which the application for a CUP for the entire tract does not provide sufficient information to allow development approval of such lots by the Board, the Board shall specify (by way of a condition upon the CUP) whether development approval of such lots shall be regarded as an insignificant deviation or a minor modification, or shall require a new application. In making this determination, the Board shall consider the extent to which the initial CUP imposes limitations on the use and design of each such lot beyond the minimum requirements of this section. The Board's determination as to the type of approval of such lots shall apply only to applications that are consistent with the permit previously approved by the Board. Such applications may be submitted by persons who have an interest (as described in Section 15-48) only in such lots, rather than the developer of the entire tract zoned B-4-CZ.
- (2) Except as provided in subdivision (1) above, the provisions of Section 15-64 and Subsection 15-141.4 shall apply to proposed changes to a CUP issued in connection with a B-4-CZ rezoning.

Section 15-141.5 Site Specific, Flexible Zoning District (AMENDED 06/21/16)

- (a) A site specific, flexible zoning district (FLX) may be established in accordance with the provisions of this section. The purpose of such a district is to establish detailed standards for alternative possibilities for the development of a specific tract of land, thereby facilitating the development of that property according to the demands of the market, but in a way that is consistent with sound planning and the promotion of the public health, safety, and welfare.
- (b) To be considered for FLX zoning, a tract must (i) be at least twenty-five acres in size, (ii) be, as a whole, owned by or under control or option to be purchased by one or more individuals or entities, (iii) be located adjacent to a major arterial such that, when developed, the principal entrance to such development will be from that arterial, (iv) have been the subject of a site specific planning study by the Town to determine the most appropriate potential development options for such tract. As used herein, the term "site specific planning study" shall mean a collaborative programmatic and design study for the site performed either by, or with the participation of the Town and input from one or more workshops, which shall result in a narrative report and conceptual master plan describing in general terms how the site might be

developed and how the conceptual master plan corresponds to and addresses applicable components of all town plans for the area, and applicable conditions, and (v) be located in an area that is subject to an adopted small area plan.

- (1) If the Town receives a request for FLX zoning for a tract that has not been the subject of a site specific planning study as described in Subsection (b)(iv) above, the Planning Director shall present to the Board of Aldermen a proposal for undertaking such a study before accepting a formal application for the rezoning. If the Board of Aldermen accepts the proposal, the site specific planning study shall proceed as described in the following subsections, or as otherwise directed by the Board.
 - a. The site specific planning study shall be structured as a charrette of a minimum of one day in duration, or more as determined by the Board.
 - b. The Town shall contract a design professional, with no ties to the applicant, to conduct the charrette. The Town may also contract with a qualified facilitator to oversee the charrette process and final reports prepared from the charrette process.
 - c. Participation shall include representatives from advisory boards, neighbors, and members of the public.
 - d. Notice of the date of the charrette will be mailed to residents and property owners within 1000 feet of the subject property, published in the newspaper as well and any other means the Town deems suitable.
- (2) Findings from the site specific planning study report, or narrative, and site plan(s) shall be presented to the Board of Aldermen. Subsequent requests for FLX zoning shall demonstrate compliance with the findings from the site specific planning study.
- (3) If more than five years have elapsed since the findings from the site specific planning study were presented to the Board and the circumstances relating to the study have substantially changed, the Board may request an update to the study before accepting a request for FLX zoning. Examples of substantial changes in circumstances include but are not limited to: annexation, some or all of the tract has been subject to a rezoning, unrelated to the FLX district, that increases residential density or changes the types of uses, (i.e. residential to commercial), development on surrounding properties has changed the character or capacity of existing infrastructure.

(c) A FLX zoning district shall address the following:

- (1) The types of uses that are permissible within the FLX district, along with a maximum (and if applicable, a minimum) percentage of the gross land area that will be devoted to each such use. The description of uses may be in reference to the use classification numbers set forth in the Table of Permissible Uses, or the uses may otherwise be described. The district regulations may also establish density or intensity

limitations (expressed in terms of a maximum and/or, if applicable, a minimum number of dwelling units or square feet of building floor area, and applicable ratios, if any if different types of uses within the district).

(2) The dimensional restrictions (building height, minimum lot size, setbacks) that shall apply throughout the district. Different restrictions may apply to different portions of the district, depending on the uses located therein. The dimensional restrictions may be described by reference to those applicable within particular zoning districts, or otherwise.

(3) Any limitations on the areas within the district where particular types of uses may be allowed.

(4) Any architectural standards that will apply to all or designated portions of the district.

(5) Any limitations on the timing or sequence of development of various portions of the district.

(6) The location of entrances to and exits from the tract zoned FLX.

(7) The manner in which the development of the property will comply with the stormwater requirements set forth in Article XVI, Part II. All developed lots within the district shall be subject to these standards, regardless of the amount of land disturbance, but the FLX district may allow the necessary stormwater treatment facilities to be constructed to meet these standards on a lot by lot basis, or some other basis that provides effective and efficient treatment for all new construction.

(8) Any limitations on the location or design of parking lots and facilities.

(9) Specifications and standards for the internal circulation system serving vehicular and pedestrian traffic, including a statement as to whether such facilities will be dedicated to the Town.

(10) All infrastructure improvements proposed to be constructed in conjunction with the development of the property zoned FLX (including but not limited to improvements to adjoining streets) together with a schedule that links construction of such improvements to the development of the property.

(10A) A traffic impact analysis of the FLX zone, including a phase plan or schedule of improvements along with a description of thresholds to require improvements.

(11) The extent to which, and the manner in which, development within the tract zoned FLX will be required to meet the goals of Low Impact Design and or exceed the standards for LEED gold certification.

- (d) Development of any lot within a FLX zoning district shall require a zoning permit (and a sign permit if applicable), but not a special or conditional use permit.
- (e) All relevant provisions of the Land Use Ordinance shall apply except to the extent that such provisions are superseded by the provisions of this section or any FLX district established pursuant to this section. In the case of conflict, the provisions of this ordinance or of the specific FLX district ordinance for the tract shall apply.
- (f) A text amendment establishing a FLX district as well as a map amendment applying such district to a particular tract shall be initiated and processed in accordance with the following provisions:
 - (1) The owner of property who wishes to have such property zoned FLX shall submit a written request to the Board of Aldermen, identifying the subject property and explaining why the property is a good candidate for FLX zoning. This written request shall include or attach (i) relevant documents (i.e. narrative, and site plan(s) and a list of proposed conditions which may be in the form of written statements, graphic illustrations, or any combination thereof) that describe the results of the site specific planning process referred to in subsection (b)(iv) above, and (ii) an explanation as to why and how the proposed district is consistent with the Northern Study Area Plan, or if the property is not located within the Northern Study Area, such other plans or policies as may be applicable. The Board may, in its discretion, summarily deny the request or direct the town attorney and planning staff to work with the property owner to develop an ordinance pursuant to this section that establishes an appropriate FLX district and that applies this district to such property.
 - (2) Once an ordinance has been drafted as provided in subdivision (f)(1), such ordinance shall be processed in accordance with the provisions of Article XX of this chapter applicable to ordinance amendments initiated by the town administration, except that (i) a preliminary draft of the ordinance, including a concept plan shall be presented to the planning board, Transportation Advisory Board, Environmental Advisory Board, Appearance Commission, Economic Sustainability Commission, and Northern Transition Area Advisory Committee (and other advisory boards to which the Board of Aldermen may refer the draft) prior to the ordinance being referred to the Board of Aldermen to establish a date for the legally required public hearing on the ordinance; (ii) at the time the Board of Aldermen directs that an ordinance be drafted in accordance with subsection (f)(1) above, the Board may establish such additional processes as deemed necessary to ensure that the public has an adequate opportunity for input into the proposed FLX district, and (iii) no property shall be rezoned FLX without the consent of the property owner (which consent

may be withdrawn at any time before the adoption of the ordinance establishing the FLX district). The text and the map amendment may be processed simultaneously.

- (3) Amendments to a FLX district shall be initiated and processed in the same manner as the initial ordinance, except that, if the planning staff determines that a proposed amendment has no substantial impact on neighboring properties, the general public, or those intended to occupy the site zoned FLX, the staff may forward the requested amendment to the Board as provided in subsection 15-321(c)(2). In such case, the Board may (i) decline to call for a public hearing on the proposed amendment, thereby rejecting it; (ii) establish a date for a public hearing on the proposed amendment in accordance with the procedures applicable to any other zoning amendment; or (iii) direct that additional processes be followed to obtain additional public input on the proposal before setting a date for the legally required public hearing.
- (g) Property within a FLX district may be subdivided according to the provisions of this chapter applicable to minor subdivisions, even if such subdivision involves the creation of more than a total of four lots or the creation of a new public street.

PART II. ZONING MAP

Section 15-142 Official Zoning Map.

- (a) There shall be a map known and designated as the Official Zoning Map, which shall show the boundaries of all zoning districts within the town's planning jurisdiction. This map shall be drawn on acetate or other durable material from which prints can be made, shall be dated, and shall be kept in the planning department.
- (b) The Official Zoning Map dated April, 1973 is adopted and incorporated herein by reference. Amendments to this map shall be made and posted in accordance with Section 15-143.
- (c) Should the Official Zoning Map be lost, destroyed, or damaged, the administrator may have a new map drawn on acetate or other durable material from which prints can be made. No further board authorization or action is required so long as no district boundaries are changed in this process.

Section 15-143 Amendments to Official Zoning Map (AMENDED 4/27/10; 10/26/10); 09/24/13

- (a) Amendments to the Official Zoning Map are accomplished using the same procedures that apply to other amendments to this chapter, as set forth in Article XX.

Art. IX ZONING DISTRICTS AND ZONING MAP

- (b) The administrator shall update the Official Zoning Map as soon as possible after amendments to it are adopted by the Board. Upon entering any such amendments to the map, the administrator shall change the date of the map to indicate its latest revision. New prints of the updated map may then be issued.
- (c) No unauthorized person may alter or modify the Official Zoning Map.
- (d) The planning department shall keep copies of superseded prints of the zoning map for historical reference.

Section 15-143.4 Downtown Neighborhood Protection Overlay District (AMENDED 8/23/05)

(a) There is hereby created a Downtown Neighborhood Protection (DNP) Overlay District. The purpose of this district is to establish special height, setback, and design requirements applicable to lots in certain commercially zoned downtown areas where such lots abut or are directly across the street from residentially zoned properties.

- (b) Because the DNP district is an overlay district, properties within this district are subject to the regulations applicable to the underlying district except as those regulations are modified or superseded by the requirements of the DNP district. The requirements of the DNP district are set forth in Section 15-185.1 of this chapter.

Section 15-143.5 Lloyd/Borad Overlay District (Amended 06/26/2018)

(a) There is hereby created a Lloyd/Broad Overlay District. The purpose of this District is to protect and preserve the character of the District and to establish special height, setback, mass and parking requirements applicable to lots within the District.

(b) Because the Lloyd/Broad Overlay District is an overlay district, properties within this District are subject to the regulations applicable to the underlying zoning district, except as those regulations are modified or superseded by the requirements of this District which are set forth in Section 15-185.2 of this Chapter.

Section 15-144 through 15-145 Reserved.

Article X

PERMISSIBLE USES

Section 15-146 Table of Permissible Uses.¹

The following Table of Permissible Uses should be read in close conjunction with the definitions of terms set forth in Section 15-15 and the other interpretative provisions set forth in this article.

¹The Table of Permissible Uses was amended 05/12/81 to add the R-SIR-2 and W categories.

The Table of Permissible Uses was amended 12/07/83 to delete the W category and to add the C, R-40, R-80, B-5, and WM-3 categories.

The Table of Permissible Uses was amended 02/04/86 to add the R-2, B-1(c), B-1(g), and CT categories; 04/05/88 the B-3T; and 04/16/91 the O and OA zones.

The Table of Permissible Uses of the Carrboro Land Use Ordinance was amended 6/22/04 to modify the permit requirements for the 8.000 uses.

The Table of Permissible Uses was amended 5/24/2005 modifying the use classification 15.800.

The Table of Permissible Uses was amended 5/24/2005 by adding a new classification 17.400 Underground Utility Lines.

The Table of Permissible Uses was amended 3/7/06 by adding the letter “S” opposite use classifications 3.110, 3.120, and 3.130 under the B-3 district column to indicate that these uses are permissible with the special use permit in that district.

The Table of Permissible Uses was amended 3/7/06 by replacing the designation “ZC” opposite use classification 3.150 under the B-3 district column with the designation “S” to indicate that this use is permissible in this district with a special use permit.

The Table of Permissible Uses was amended 6/26/07 to modify the use classification 21.000 Cemetery and Crematorium by creating two new subcategories for this use so that the permit requirements now read as follows: 21.200 All other cemeteries; and 21.300 Crematorium.

The Table of Permissible Uses was amended by deleting the entries for 1.510 Hotels and Motels and 1.530 Bed and Breakfast, renumbering the remaining Temporary Residential use classification that is remaining, 1.520 Tourist Homes and other Temporary Residences Renting Rooms for Relatively Short Periods of Time, from 1.520 to 1.510; and a new use classification 34.000 Temporary Lodging with associated permit requirements.

Art. X PERMISSIBLE USES (con't)

The Table of Permissible Uses was amended 6/26/07 by changing adding the letter “S” opposite use classification 22.100 under the B-1-C district column to indicate that this use is permissible with a Special Use Permit in that district. The Table of Permissible Uses is further amended by adding the letter “Z” opposite use classification 22.200 under the B-1-C district column to indicate that this use is permissible in this district with a Zoning Permit.

The Table of Permissible Uses was amended 6/26/07 by changing the letter “S” to letter “Z” opposite the classification 22.200 under the B-2, B-4, and CT district column to indicate that this use is now permissible with a Zoning Permit in these districts.

The Table of Permissible Uses was amended 6/26/07 by relabeling use 22.300 as Senior Citizens Day Care, Class A and by changing the letter “S” to letter “Z” opposite the classification 22.300 under the B-2, B-4, and CT district column to indicate that this use is now permissible with a Zoning Permit in these districts.

The Table of Permissible Uses was amended 6/26/07 by adding a new use classification, 22.400, Senior Citizens Day Care, Class B and adding the letter “S” opposite this use classification under the columns for the R-2, R-3 R-7.5, R-10, R-15, R-20, RR B-2, B-4, and CT zoning districts, by adding a “Z” under the columns for the B-1(G), B-1(C), B-3, M-1, O, and O/A zoning districts.

The Table of Permissible Uses was amended 11/27/07 by adding the letter “C” opposite use classifications 2.112, 2.120, 2.150, 3.120, and 3.220 under the WM-3 district column to indicate that these uses are permissible with a Conditional Use Permit in that district.

The Table of Permissible Uses was amended 6/24/08 by adding a new use classification 8.700 entitled “Mobile prepared food vendors” and by adding the letter “z” opposite this use classification under the B-1(C), B-1(G) and M-1 zoning district columns to indicate that this use is permissible in those districts with a zoning permit.

The Table of Permissible Uses was amended 10/28/08 by adding the letter “C” opposite use classifications 2.210, 2.220, 2.230 under the WM-3 district column to indicate that these uses are permissible with a Conditional Use Permit in that district.

The Table of Permissible Uses was amended 11/24/09 by the addition of a “Z(l)” opposite the 5.110 use classification in the column for the B-4 zoning district to indicate that these uses are permissible with a zoning permit in that district, subject to the limitations provided in Section 15-147(m).

The Table of Permissible Uses was amended 6/22/10 to include “electronic gaming operations” as use # 6.150 and to add the electronic gaming definition. Electronic gaming operations shall be permitted with a special use permit in the B-4 zoning district, and the Table of Permissible Uses is amended accordingly.

Art. X PERMISSIBLE USES (con't)

The Table of Permissible Uses was amended on 4/23/13 to change the permit designation “ZS” to “ZC” wherever the former designation appears in the table under the zoning district columns applicable to the commercial and manufacturing districts. No change shall be made with respect to use classification 26.100 (major subdivisions).

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

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

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

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

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

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

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

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

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

Art. X PERMISSIBLE USES (con't)

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

The Table of Permissible Uses) was amended on 6/20/2019 by adding a new use classification 23.300 “Temporary Construction Parking” and by adding the letter “Z (I)” opposite this use classification under the B-1(g), B-1(c) and B-2 zoning district columns to indicate that this use is permissible in these districts with a zoning permit, subject to Subsection 15-147(u).

²Use classifications amendment/repeal dates are as follows:

1.112 Amended 10-01-85	3.220 Amended 11-27-07
1.120 Amended 10-01-85	3.230 Amended 06-24-14
1.420 Amended 05-10-83; 06-22-04	3.260 Amended 03-22-16
1.480 Amended 04-19-05	5.110 Amended 11-24-09
1.640 Amended 10-22-85	5.200 Amended 1219-18
1.700 (Repealed)	6.150 Amended 06-22-10
1.800	6.260 Amended 06-24-14
2.110	7.200 Amended 05-10-83
2.111 Amended 04-15-81; 12-14-82	8.100 Amended 06-22-04
2.112 Amended 11-27-07	8.200 Amended 06-22-04
2.120 Amended 11-27-07	8.300 Amended 06-24-14
2.140 Amended 06-24-14	8.400 Amended 06-24-14
2.150 Amended 11-27-07	8.500 Amended 06-22-04
2.210 Amended 05-28-02; 10-28-08	8.600 Amended 06-22-04
2.220 Amended 10-28-08	8.700 Amended 06-24-08
2.230 Amended 05-28-02; 10-28-08	9.100 Amended 06-25-02
2.240 Amended 06-24-14	15.750 Amended 06-23-15
2.340 Amended 06-24-14	15.800 Amended 05-24-05
3.110 Amended 03-07-06	16.100 Amended 06-24-14
3.120 Amended 03-07-06; 11-27-07	17.400 Amended 05-24-05
3.130 Amended 03-07-06	17.410 Amended 03-24-15
3.140 Amended 12-07-83	17.420 Amended 03-24-15
3.150 Amended 03-07-06	17.501 Amended 06-27-17

Art. X PERMISSIBLE USES (con't)

17.502 Amended 06-27-17
17.503 Amended 06-27-17
18.200 Amended 11-12-85
19.100 Amended 05-12-81
19.200 Amended 05-12-81
21.000 Amended 06-20-06
21.100 Amended 06-20-06
21.200 Amended 06-20-06
21.300 Amended 06-20-06
22.100 Amended 06-26-07
22.200 Amended 06-26-07
22.300 Amended 06-26-07
23.300 Amended 10-22-19
26.100 Amended 04-23-13
34.000 Amended 11-28-06
34.100 Amended 11-28-06
34.200 Amended 11-28-06

TABLE OF PERMISSIBLE USES

Last Amended: 6/18/19

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
1.000 Residential																							
1.100 Single Family Residences																							
1.110 Single Family Detached																							
One Dwelling Unit Per Lot																							
1.111 Site Built/Modular	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z				Z		Z			Z	Z
1.112 Class A Mobile Home			Z	Z	Z	Z	Z												Z				
1.113 Class B Mobile Home																			Z				
1.120 Single Family Detached																							
More Than One Dwelling																							
Unit Per Lot																							
1.121 Site Built/Modular	*	*	*	*	*	*	*			*	*	*	*				*					*	*
1.122 Class A Mobile Home			*	*	*	*	*																
1.123 Class B Mobile Home																							
1.200 Two-Family Residences																							
1.210 Two-Family Conversion	*	*	*	*	*	*	*		*	*	*	*	*				*					*	*
1.220 Primary Residence with																							
Accessory Apartment	*	*	*	*	*	*	*		*	*	*	*	*				*					*	*
1.230 Duplex	*	*	*	*	*	*	*		*	*	*	*	*				*					*	*
1.231 Maximum 20% units																							
> 3 bedrms/du	*	*	*	*	*	*	*		*	*	*	*	*				*					*	*
1.232 No bedroom limit	*	*																					
1.240 Two Family Apartment	*	*	*	*	*	*	*		*	*	*	*	*				*					*	*
1.241 Maximum 20% units																							
> 3 bedrms/du	*	*	*	*	*	*	*		*	*	*	*	*				*					*	*
1.242 No bedroom limit	*	*																					
1.300 Multi-Family Residences																							
1.310 Multi-Family Conversion	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC				SC					SC	SC
1.320 Multi-Family Townhomes	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC				SC					SC	SC
1.321 Maximum 20% units																							
> 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC				SC					SC	SC
1.322 No bedroom limit	SC	SC																					
1.330 Multi-Family Apartments	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC				SC					SC	SC
1.331 Maximum 20% units																							
> 3 bedrms/du	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC				SC					SC	SC
1.332 No bedroom limit	SC	SC																					
1.340 Single-Room Occupancy	SC								SC	SC	SC	SC					SC						
1.400 Group Homes																							
1.410 Fraternities, Sororities,																							
Dormitories and Similar																							
Housing	C	C	C	C	C	C	C			C	C						C						
1.420 Boarding Houses,																							
Rooming Houses	S	S	S	S	S	S	S			C	S						C		C				
1.430 Adult Care Home, Class A	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z				Z		Z			Z	Z
1.440 Adult Care Home, Class B	S	S	S	S	S	S	S			Z	Z						Z		S				
1.450 Child Care Home, Class A	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z				Z		Z			Z	Z
1.460 Child Care Home, Class B	S	S	S	S	S	S	S			Z	Z						Z		S				
1.470 Maternity Home	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z				Z		Z			Z	Z
1.480 Nursing Care Home	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z				Z		Z			Z	Z
1.500 Temporary Residences																							
1.510 Tourist Homes and other																							
Temporary Residences																							
Renting Rooms for																							
Relatively Short																							
Periods of Time	S	S	S	S							S									C			
1.600 Homes Emphasizing Services,																							
Treatment or Supervision																							
1.610 Temporary Homes for the																							
Homeless		S	S				S		S		S	S	S										
1.620 Overnight Shelters for																							
Homeless									S		S	S	S										
1.630 Senior Citizen Residential																							
Complex				C	C																		
1.700																							
1.800																							

TABLE OF PERMISSIBLE USES

Last Amended: 6/18/19

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
1.900 Home Occupation	Z	Z	Z	Z	Z	Z	Z				S	S	S				S		Z			Z	Z
2.000 Sales and Rental of Goods, Merchandise and Equipment																							
2.100 No Storage or Display of Goods Outside Fully Enclosed Building																							
2.110 High-Volume Traffic Generation									ZC	ZC		ZC	ZC	ZC	ZC	ZC	C			C			ZC
2.111 ABC Stores									ZC	ZC		C	C	C									
2.112 Specialty High Volume Retail											ZC											C	
2.120 Low-Volume Traffic Generation									ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	C			C	C		ZC
2.130 Wholesale Sales										ZC			ZC	ZC	ZC	ZC	C			C	C		ZC
2.140 Drive-In Windows												C	C	C									
2.150 Retail Sales with Subordinate Manufacturing and Processing									ZC													C	
2.200 Display of Goods Outside Fully Enclosed Building																							
2.210 High-Volume Traffic Generation									ZC	ZC					ZC	ZC	ZC			C	C		ZC
2.220 Low-Volume Traffic Generation									ZC	ZC					ZC	ZC	ZC			C	C		ZC
2.250 High Volume Retail with Outdoor Display and Curbside Pick-up and/or Drive Through Window (service directly to vehicle to pick-up pre-ordered grocery or pharmacy items for off-premises consumption)														C									
2.230 Wholesale Sales										C					ZC	ZC	ZC			C	C		ZC
2.240 Drive-In Windows												C	C										
2.300 Storage of goods outside fully enclosed building																							
2.310 High-volume traffic generation															ZC								
2.320 Low-volume traffic															ZC								
2.330 Wholesale Sales															ZC								
2.340 Drive-in Windows																							
3.000 Office, Clerical, Research and Services Not Primarily Related to Goods or Merchandise																							
3.100 All operations conducted entirely Within Fully Enclosed Building																							
3.110 Operations designed to attract and serve customers or clients on the premises, such as the office of attorneys, physicians, other professions, insurance and stock brokers, travel agents, government office buildings, etc.									ZC	ZC	ZC	S		ZC	ZC	ZC	C			C		ZC	ZC
3.120 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use									ZC	ZC	ZC	S		ZC	ZC	ZC	C			C	C	Z	ZC
3.130 Office or clinics of physicians or dentists with not more than 10,000 square feet of gross floor area									ZC	ZC	ZC	S		ZC	ZC		ZC			C		ZC	ZC
3.131 Office or clinics of																							

TABLE OF PERMISSIBLE USES

Last Amended: 6/18/19

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
physicians or dentists with not more than 30,000 square feet of total building gross floor area																							
3.140 Watershed research																			C				
3.150 Copy Centers/Printing Operations																							
3.200 Operations conducted within or outside fully enclosed buildings																							
3.210 Operations designed to affect and serve customers or clients on the premises																							
3.220 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use																							
3.230 Banks with drive-in window																							
3.240 Watershed research																							
3.250 Automatic Teller Machine, Freestanding																							
3.260 Social Service Provider with Dining																							
4.000 Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment																							
4.100 All operations conducted entirely within fully enclosed buildings																							
4.200 Operations conducted within or outside fully enclosed buildings																							
5.000 Educational, Cultural, Religious, Philanthropic, Social, Fraternal Uses																							
5.100 Schools																							
5.110 Elementary and secondary (including associated grounds and athletic and other facilities)																							
5.120 Trade or vocational school																							
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc)																							
5.200 Churches, synagogues and temples, and other places of worship and spiritual contemplation (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings).																							
5.300 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities)																							
5.310 Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet																							
5.320 Located within any permissible structures																							
5.400 Social, fraternal clubs and lodges, union halls, and similar uses																							
6.000 Recreation, Amusement, Entertainment																							

TABLE OF PERMISSIBLE USES

Last Amended: 6/18/19

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A	
6.100 Activity conducted entirely within building or substantial structure																								
6.110 Bowling alley, skating rinks, indoor tennis and squash courts, billiards and pool halls, indoor athletic and exercise facilities and similar uses.									ZC	ZC		ZC	ZC	ZC	ZC		ZC				C			
6.120 Movie Theaters																								
6.121 Seating capacity of not more than 300									ZC	ZC				ZC	S		ZC						S	
6.122 Unlimited Seating Capacity									S	ZC				ZC	S		ZC							
6.130 Coliseums, stadiums, and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1000 people									C	C				C	C		C							
6.140 Community Center--a Town sponsored, non-profit indoor facility providing for one or several of various type of recreational uses. Facilities in a Community Center may include, but are not limited to gymnasias, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z		Z	Z		Z	
6.150 Electronic Gaming Operations														S										
6.200 Activity conducted primarily outside enclosed buildings or structures.																								
6.210 Outdoor recreational facilities developed on private lands, without Town sponsorship or investment, such as golf and country clubs, swimming or tennis clubs, etc. and not constructed pursuant to a permit authorizing the construction of a residential development.	S	S	S	S	S	S	S			C							C	C	C	C				
6.220 Outdoor recreational facilities developed on public lands, or on private lands with swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school																								
6.221 Town of Carrboro owned and operated facilities.	Z	Z	Z	Z	Z	Z	Z		Z	Z				Z	Z		Z	Z	Z	Z	Z			
6.222 Facilities owned and operated by public entities other than the Town of Carrboro	C	C	C	C	C	C	C		C	C				C	C		C	C	C	C	C			
6.230 Golf driving ranges not accessory to golf course, par 3 golf courses, miniature golf course, skateboard parks, water slides, and similar uses.															ZC							C		
6.240 Horseback riding stables (not constructed pursuant to permit authorizing residential development)							S								S			Z	C	C				
6.250 Automobile and motorcycle racing tracks																S								
6.260 Drive-in Movie Theaters																								

TABLE OF PERMISSIBLE USES

Last Amended: 6/18/19

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
7.000 Institutional Residence or Care of Confinement																							
Facilities																							
7.100 Hospitals, clinics, other medical (including mental health) treatment facilities in excess of 10,000 square feet of floor area										C							C						
7.200 Nursing care institutions, intermediate care institutions, handicapped, aged or infirm institutions, child care institutions																							
7.300 Institutions (other than halfway houses) where mentally ill persons are confined	C	C					C			C							C				C		
7.400 Penal and Correctional Facilities										C								C					
8.000 Restaurants (including food delivery services), Bars, Night Clubs																							
8.100 Restaurant with none of the features listed in use classification below as its primary activity									ZC	ZC(l)	C			Z							C		ZC
8.200 Outside Service or Consumption									ZC	ZC(l)	C			S							C		ZC
8.300 Drive-in (service to and consumption in vehicle on premises)														C									
8.400 Drive Through Windows (service directly to vehicles primarily for off-premises consumption)														C									
8.500 Carry Out Service (food picked up inside of off-premises consumption)									ZC	ZC(l)				Z							C		
8.600 Food Delivery									ZC	ZC(l)				Z							C		
8.700 Mobile prepared food vendors									Z	Z					Z								
8.800 Performing Arts Space									ZC	ZC													
9.000 Motor Vehicle-Related Sales and Service Operations																							
9.100 Motor vehicle sales or rental of sales and service										C					ZC	ZC							
9.200 Automobile service stations													S	S	C	Z							
9.300 Gas sales operations												S	S	S	C	Z							
9.400 Automobile repair shop or body shop									C				S	S	C	Z							
9.500 Car wash															C	Z							
10.000 Storage and Parking																							
10.100 Independent automobile parking lots or garages									ZC	Z				Z	Z	Z	C						
10.200 Storage of goods not related to sale or uses of those goods on the same lot where they are stored																							
10.210 All storage within completely enclosed structures															Z	Z							C
10.220 Storage inside or outside completely enclosed structures															C	Z							ZC
10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot															S	S							
11.000 Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards																S							
12.000 Services and Enterprises Related to Animals																							
12.100 Veterinarian							S		ZC					S	S	S							
12.200 Kennel							S								S	S							
13.000 Emergency Services																							
13.100 Police Stations	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z

TABLE OF PERMISSIBLE USES

Last Amended: 6/18/19

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
13.200 Fire Stations	Z	Z	Z	Z	Z	Z	Z			Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
13.300 Rescue Squad, Ambulance Service	S	S	S	S	S	S	Z			S	S	S	S	S	S	Z	S	C	C	C	C	S	S
13.400 Civil Defense Operation	S	S	S	S	S	S	Z			S	S	S	S	S	S	Z	S	C	C	C	C	S	S
14.000 Agricultural, Silvicultural, Mining, Quarrying Operations																							
14.100 Agricultural operations, farming																							
14.110 Excluding livestock		Z	Z	Z	Z	Z	Z									Z		Z	Z	Z			
14.120 Including livestock							Z											Z	Z	Z			
14.200 Silvicultural operations		Z	Z	Z	Z	Z	Z									Z							
14.300 Mining or quarrying operations, including on-site sales of products																	S						
14.400 Reclamation landfill		Z	Z	Z	Z	Z	Z							Z	Z	Z							
15.000 Miscellaneous Public and Semi-Public Facilities																							
15.100 Post Office									C	C		C	C	C	C	C	C						
15.200 Airport							C			S				S	S								C
15.300 Sanitary landfill							C									C							
15.400 Military reserve, National Guard centers																Z							
15.500 Recycling materials collection operations																							
15.510 Using collection facilities other than motor vehicles										Z				Z	Z	Z							
15.520 Aluminum recycling using motor vehicles										S				S	S	S							
15.600 Public utility service complex																					C		
15.700 Cable Television Signal Distribution Center									S	S	S	S		S	S	S	S					S	S
15.750 Data Service Provider Facility				ZS	ZS	ZS																	
15.800 Town-owned and/or Operated Facilities and Services																							
15.810 Town-owned and/or Operated Public Parking Lot									Z	Z	Z	Z	Z	Z	Z	Z	Z				Z		Z
15.820 All other town-owned and/or operated facilities and services	Z	Z	Z	Z	Z	Z	Z			Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z
16.000 Dry Cleaner, Laundromat																							
16.100 With drive-in windows													C	C	C								C
16.200 Without drive-in windows										Z		S	S	Z	S		Z			C			S
17.000 Utility Facilities																							
17.100 Neighborhood	S	S	S	S	S	S	S			S	S	S	S	S	S	S	S	C	C	C			S
17.200 Community or regional utility facilities				ZS											S	S		C		C			S
17.300 Cable Television Satellite Station							S					S	S	S	S	S						S	S
17.400 Underground Utility Lines																							
17.410 Electric Power Lines & Gas Lines	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	C	C	S	C	S	S
17.420 Other Underground Lines	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	Z	C	Z	Z
17.500 Solar Array																							
17.501 Solar Array Facility, Level 1				Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	S	S	Z	S	Z	Z
17.502 Solar Array Facility, Level 2							S		S	S	S	S	S	S	S	S	S	C	C	S	C	S	S
17.503 Solar Array Facility, Level 3							C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
18.000 Towers and Related Structures																							
18.100 Towers and antennas fifty feet tall or less	Z	Z	Z	Z	Z	Z	Z		Z	Z		Z	Z	Z	Z	Z	Z	Z	C	Z			Z
18.200 Towers and antennas attached thereto that exceed 50 feet in height, and that are not regarded as accessory to residential users under 15-150(c)(5)							C	C				C	C	C	C	C	C			C	C	C	C
18.300 Antennas exceeding 50 feet in height attached to structures other than towers, [other than accessory uses under 15-150(c)(5)]	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
18.400 Publicly-owned towers and antennas of all sizes that are used in the provision																							

TABLE OF PERMISSIBLE USES

Last Amended: 6/18/19

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	RR	HR-RR	B-1 (C)	B-1 (G)	B-2	B-3	B-3-T	B-4	M-1	M-2	CT	C	W-R	B-5	WM-3	O	O/A
of public safety services										ZC													
19.000 Open Air Markets and Horticultural Sales																							
19.100 Open air markets (farm and craft markets, flea markets, produce markets)									ZC	ZC	ZC	S	S		S		S					S	S
19.200 Horticultural sales with outdoor display									ZC	ZC	S	S			S		S					S	S
19.300 Seasonal Christmas or pumpkin sales									Z	Z	Z	Z	Z	Z	Z	Z						Z	Z
20.000 Funeral Homes																							
21.000 Cemetery and Crematorium																							
21.100 Town-owned cemetery	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
21.200 All other cemeteries							S								Z	Z		C	C	C			
21.300 Crematorium															Z	Z							
22.000 Day Care																							
22.100 Child Day Care Home	ZZ	Z	Z	Z	Z	Z	Z		S	S	Z	S	S				Z		Z			S	S
22.200 Child Day Care Facility	S	S	S	S	S	S	S		Z	Z	Z	Z	Z	Z	Z		Z		C	C		Z	Z
22.300 Senior Citizens Day Care, Class A	S	S	S	S	S	S	S			Z	Z	Z	Z	Z	Z		Z		C	C		Z	Z
22.400 Senior Citizens Day Care, Class B	S	S	S	S	S	S	S		Z	Z	S	Z	Z	S	Z		S					Z	Z
23.000 Temporary structure or parking lots used in connection with the construction of a permanent building or for some non-recurring purpose																							
23.100 Temporary structures located on same lot as activity generating need for structure	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z	Z
23.200 Temporary parking facilities located on or off-site of activity generating need for parking	Z																						
23.300 Temporary Construction Parking									Z	Z	Z												
24.000 Bus Station										ZC					S	S		S					
25.000 Commercial Greenhouse Operations																							
25.100 No on-premises sales						S	S								Z								
25.200 On-premises sales permitted							S								Z								
26.000 Subdivisions																							
26.100 Major	SC	SC	SC	SC	SC	SC	SC		SC	SC	SC	SC	SC	SC	SC	SC	SC	C	C	C	C	SC	SC
26.200 Minor	Z	Z	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	C	C	C	C	Z	Z
27.000 Combination Uses	*	*	*	*	*	*	*		*	*	*	*	*	*	*	*	*	*	C	*	*	*	*
Permissible only in Planned Unit Development Districts (See Section 15-139) pursuant to a conditional use permit).																							
28.000 Planned Unit Developments									ZC	ZC	ZC	C	C	C	C	C	C	C	C	C		C	C
29.000 Special Events	C	C	C	C	C	C	C																
Permissible only in Planned Industrial Development Districts [See Subsection 15-137(c)] pursuant to a conditional use permit																							
30.000 Planned Industrial Development																							
31.000 Off-Premises Signs																	Z						
Permissible only in Village Mixed Use Districts (See Section 15-141.2 pursuant to a conditional use permit).																							
32.000 Village Mixed Use Development																							
Permissible only in Office/Assembly Conditional Use Districts [see Subsection 15-136(11)] pursuant to a conditional use permit].																							
33.000 Office/Assembly Planned Development																							
34.000 Temporary Lodging																							
34.100 Hotels and Motels	C								C	C					C			C					C
34.200 Bed and Breakfast	S	S	S	S	S	S	S				S						S		C	S			

Section 15-147 Use of the Designations Z,S,C in Table of Permissible Uses (AMENDED 11/18/03; 6/22/04; 10/25/05; 11/22/05; 6/26/07; 11/27/07; 10/28/08, 11/24/09. REWRITTEN 4/23/09)

(a) Subject to Section 15-148, and subsection (h) of this section, when used in connection with a particular use in the Table of Permissible Uses (Section 15-146), the letter “Z” means that the use is permissible in the indicated zone with a zoning permit issued by the administrator (except that, in connection with use classification 26.200, minor subdivisions, the letter “Z” means that final plat approval shall be granted by the Planning Director). The letter “S” means a special use permit must be obtained from the board of adjustment, and the letter “C” means a conditional use permit must be obtained from the Board of Aldermen. **(AMENDED 1/22/85; 11/18/03)**

(b) When used in connection with single-family, two-family and multi-family residences (use classifications 1.100, 1.200 and 1.300) outside the watershed districts, the designation “ZSC” or “SC” means that tracts developed with four dwelling units or less require a zoning permit, tracts developed with between five and twelve dwelling units require a special use permit, and tracts developed with more than twelve dwelling units require a conditional use permit. When used in connection with single-family, two-family, and multi-family residences in the watershed districts, the designation “ZC” means that tracts developed with one dwelling unit shall require a zoning permit and tracts developed with two or more dwelling units shall require a conditional use permit. **(AMENDED 1/22/85; 2/24/87; 12/15/87)**

(c) When used in connection with major subdivisions (use classification 26.100) outside the watershed districts, the designation “SC” means that subdivisions containing between five and twelve lots shall require a special use permit, and subdivisions containing thirteen or more lots shall require a conditional use permit. **(AMENDED 7/21/87; 12/15/87)**

(d) Subject to Section 15-148, use of the designation “ZC” (which designation appears only under the zoning district columns applicable to the commercial and manufacturing districts) means that a conditional use permit must be obtained if the development involves the construction of more than 3,000 square feet of new building gross floor area *or* the development is located on a lot of more than one acre, and a zoning permit must be obtained if the development involves the construction of 3,000 square feet or less of new building gross floor area *and* the development is located on a lot of one acre or less. **(AMENDED 11/14/88) (REWRITTEN 4/23/13)**

(e) Subject to Section 15-148, use of the designation “ZS” means that a zoning permit must be obtained if the development is located on a lot of two acres or less while a special use permit must be obtained for developments in excess of two acres.

(f) Use of the designation Z,S,C, for combination uses is explained in Section 15-154.

(g) When used in connection with use classification 18.400 (publicly-owned towers and antennas of all sizes that are used in the provisions of public safety services), the designation “ZC” means that the development of such towers that are fifty feet tall or less

Art. X PERMISSIBLE USES (con't)

shall require a zoning permit, and the development of such towers that are more than fifty feet tall shall require a conditional use permit. **(AMENDED 10/04/88, 02/18/97)**

- (h) Whenever any 1.000 classification use is proposed for a lot in the R-2, R-3, R-7.5, and R-10 zoning districts and such use would otherwise require the issuance of a zoning permit under the provisions of this section, a special use permit shall nevertheless be required if:
 - (1) The use involves (i) construction of an addition to an existing dwelling, or (ii) construction of an additional dwelling on a lot where at least one dwelling already exists, or (iii) construction of a dwelling on a lot from which a previously existing dwelling has been removed within a period of three years prior to the application for a permit under this chapter, and
 - (2) The gross floor area of any one dwelling unit exceeds 3,500 square feet, or the gross floor area of all dwellings covered by the proposed permit exceeds 5,500 square feet.
 - (3) This requirement shall not apply if at least one of the dwelling units is an affordable housing unit as defined in Section 15-182.4(a).
 - (4) This requirement shall not apply with respect to a proposed one-time addition to a dwelling that has been in existence for a period of at least twenty years if such one-time addition results in less than a 25 percent increase in the gross floor area of such dwelling and less than a 15 percent increase in the gross floor area of all dwellings covered by the proposed permit.
- (i) When used in connection with 8.100, 8.200, 8.500 and 8.600 uses, the designation "ZC(l)" means that a zoning permit must be obtained if the total area within a development to be used for this purpose does not exceed 1,500 square feet and the use is to take place in a building in existence on the effective date of this subsection while a conditional use permit must be obtained whenever the total area to be used for this purpose is equal to or exceeds 1,500 square feet.
- (j) Notwithstanding the other provisions of this section, whenever a building of more than two stories or 35 feet in height is proposed within the B-1(g), B-1(c), B-2, CT or M-1 zoning districts, a conditional use permit must be obtained from the Board of Aldermen. **(AMENDED 10/25/05)**
- (k) Notwithstanding the foregoing, Uses 22.200 Child Day Care Facilities serving nine to fifteen children, and 22.300 Senior Citizen Day Care, Class A, serving four to sixteen seniors, that are located on collector or arterial streets are permissible with a Zoning Permit issued by the

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Administrator. For the purposes of this section, collector streets are those streets whose function and design meet the current town standards for classification as collector streets; and arterial streets are those listed in subsection 15-210.

l) Notwithstanding the foregoing, if a use within use classifications 2.112, 2.120, 2.150, 2.220, 2.230, 3.120, or 3.220 is proposed for an existing building within the WM-3 zoning district, and no other changes to the site are proposed that would require the issuance of a new permit under Section 15-46, then such use shall be permissible with a zoning permit. **(AMENDED 10/28/08)**

m) Notwithstanding the foregoing, 5.110 uses may be permitted within the B-4 zoning district only when proposed within an existing building and when no other changes to the site are proposed that would require the issuance of a new permit under Section 15-46. **(AMENDED 11/24/09)**

n) Notwithstanding the foregoing, the permit requirement for use classification 15.750 data service provider facilities shall be determined by the supplementary use regulations in Section 15-176.6. **(AMENDED 06/23/15)**

o) Notwithstanding the foregoing, the designation “Z” opposite use classification 3.260 is subject to the qualification that use classification 3.260 may only be allowed with a zoning permit in conjunction with the conditional rezoning of a property and demonstration of compliance with all applicable Land Use Ordinance provisions, including supplementary use regulations in section 15.176.7. **(AMENDED 03/22/16)**

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

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

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

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

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

u) Existing lots containing parking spaces may be used for temporary parking for construction workers employed on construction projects in downtown commercial districts so long as such parking spaces: (i) are not required by existing permits, (ii) are not part of any satellite parking agreement for an existing permit, or (iii) have not been created by the removal of an existing building. Temporary construction parking shall be limited to vehicular parking and shall not include staging areas, or material or equipment storage. Upon completion of the construction project, the zoning permit shall become null and void. (**AMENDED 10/22/2019**)

Section 15-148 Board of Adjustment Jurisdiction Over Uses Otherwise Permissible With a Zoning Permit.

(a) Notwithstanding any other provisions of this article, whenever the Table of Permissible Uses (interpreted in the light of Section 15-147 and the other provisions of this article) provides that a use is permissible with a zoning permit, (i) a conditional use permit shall nevertheless be required if the administrator finds that the proposed use is located within the University Lake Watershed (i.e., the C, B-5, and WM-3 districts) and would have a substantial impact on neighboring properties or the general public, and (ii) a conditional use permit shall nevertheless be required if the administrator finds that the proposed use is located in the B-1(c), B-1(g), B-2, or CT zoning districts, the use is shown as permissible in those districts with a “ZC” designation in the Table of Permissible Uses, and the proposed use would have a substantial impact on neighboring properties or the general public; (iii) otherwise, a special use permit shall nevertheless be required if the administrator finds that the proposed use would have a substantial impact on neighboring properties or the general public. (**AMENDED 01/22/85; 12/15/87; 02/25/92**)

(b) A special use permit shall be required for any use that is otherwise permissible with a zoning permit if the administrator concludes that, given the impact of the proposed use on neighboring properties, the vested right conferred upon the permit recipient pursuant to Section 15-128.2 should not be conferred without an opportunity for public input. A conditional use permit shall be required for any use that is otherwise permissible with a zoning permit if the administrator concludes that, given the impact of the proposed use on the general public, the vested right conferred upon the permit recipient pursuant to Section 15-128.2 should not be conferred without an opportunity for public input. However, if the zoning administrator makes this determination, the permit applicant may require that the application be returned to the zoning permit process by submitting to the administrator a written waiver of the vested right normally acquired under Section 15-128.2 upon the issuance of a zoning permit. (**AMENDED 10/01/91; 02/25/92**)

Section 15-149 Permissible Uses and Specific Exclusions (AMENDED 6/24/08)

(a) The presumption established by this chapter is that all legitimate uses of land are permissible within at least one zoning district in the town's planning jurisdiction. Therefore, because the list of permissible uses set forth in Section 15-146 (Table of Permissible Uses) cannot be all-inclusive, those uses that are listed shall be interpreted liberally to include other uses that have similar impacts to the listed uses.

(b) Notwithstanding subsection (a), all uses that are not listed in Section 15-146 (Table of Permissible Uses), even given the liberal interpretation mandated by subsection (a), are prohibited. Nor shall Section 15-146 (Table of Permissible Uses) be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(c) Without limiting the generality of the foregoing provisions, the following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution, or storage of any highly combustible or explosive materials in violation of the fire prevention code adopted by reference in Section 12-11 of the Town Code.
- (2) Stockyards, slaughterhouses, rendering plants.
- (3) Use of a travel trailer as a residence, temporary or permanent.
- (4) The use of any motor vehicle (as defined in Section 6-1 of the Town Code), parked on a lot, as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted (as defined in Section 8-1 of the Town Code), except that the following shall not be prohibited by this subdivision: (i) retail sales of goods and food products manufactured, created or produced by the seller, (ii) the sale of food products on town property by persons authorized or acting on behalf of the town; (iii) the sale of prepared food by mobile prepared food vendors to the extent authorized in the Table of Permissible Uses and Section 15-176.5; and (iv) use of a motor vehicle in connection with an aluminum recycling operation to the extent authorized in the Table of Permissible Uses and other provisions of this chapter. Notwithstanding any other provision of this chapter, situations that exist on the effective date of this provision that are in violation thereof shall not be regarded as lawful, nonconforming situations thirty days after the effective date of this subdivision. **(AMENDED 11/10/81; 6/22/82; 6/28/83; 6/24/08)**

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- (5) Construction by the developer of a major residential subdivision of an opaque fence, wall, or berm more than three feet in height around any portion of the periphery of such subdivision, except where such fence, wall or berm is designed to shield the residents of such subdivision from the adverse effects of any adjoining nonresidential use other than a street. Notwithstanding the foregoing, a berm of more than three but less than four feet in height shall be allowed under the foregoing circumstances where (i) the side slopes of the berm are constructed at a steepness ratio of 4:1 to 6:1 and (ii) the average height of the berm does not exceed three feet. For purposes of this subsection, the term “developer” includes any entity that is under the control of the developer, including a homeowners association that is under the developer’s control. **(AMENDED 05/19/98, 08/24/99)**
- (6) Construction of gates that prevent access to private roads serving five or more lots or dwelling units. **(AMENDED 05/25/99)**

Section 15-150 Accessory Uses.

(a) The Table of Permissible Uses (Section 15-146) classifies different principal uses according to their different impacts. Whenever an activity (which may or may not be separately listed as a principal use in this table) is conducted in conjunction with another principal use and the former use (i) constitutes only an incidental or insubstantial part of the total activity that takes place on a lot, or (ii) is commonly associated with the principal use and integrally related to it, then the former use may be regarded as accessory to the principal use and may be carried on underneath the umbrella of the permit issued for the principal use. For example, a service station (use classification 9.200) is permissible in a B-3 district; car washes (9.500) are not. However, many service stations have facilities for washing cars. If such car washing activities are incidental to the principal use, then they may be regarded as accessory to the principal use and a service station with such facilities would be permissible in a B-3 district. However, if the car washing operations are substantial (e.g., if separate from the main building or if there are two or more bays used principally or solely for car washing), then the total operation would be considered a combination use consisting of a service station principal use and a car wash principal use. This combination use would not be permitted within a B-3 district. As another example, a swimming pool/tennis court complex is customarily associated with and integrally related to a residential subdivision or multi-family development and would be regarded as accessory to such principal uses, even though such facilities, if developed (as use classification 6.210 or 6.220) apart from a residential development, would require a special use permit or conditional use permit. **(AMENDED 02/02/88)**

(b) For purposes of interpreting subsection (a):

- (1) A use may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;

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- (2) To be “commonly associated” with a principal use it is not necessary for an accessory use to be connected with such principal use more times than not, but only that the association of such accessory use with such principal use takes place with sufficient frequency that there is common acceptance of their relatedness.

(c) Without limiting the generality of subsections (a) and (b), the following activities are specifically regarded as accessory to residential principal uses so long as they satisfy the general criteria set forth above:

- (1) Offices or studios within an enclosed building and used by an occupant of a residence located on the same lot as such building to carry on administrative or artistic activities of a commercial nature, so long as such activities do not fall within the definition of a home occupation.
- (2) Hobbies or recreational activities of a noncommercial nature.
- (3) The renting out of one or two rooms within a single-family residence (which one or two rooms do not themselves constitute a separate dwelling unit) to not more than two persons who are not part of the family that resides in the single-family dwelling.
- (4) Yard sales or garage sales, so long as such sales are not conducted on the same lot for more than three days (whether consecutive or not) during any 90-day period.
(AMENDED 4/27/82)
- (5) Towers and antennas constructed on residential property, as long as:
 - a. Such towers are intended for the personal and noncommercial use of the residents of the property where located; and
 - b. Such towers and antennas comply with the setback requirements of Subsection 15-176(2) and are installed only in rear or side yards; and
 - c. No more than one such tower or antenna may be regarded as an accessory use on a single lot; and
 - d. The owner must be able to demonstrate compliance with Federal Communications Commission regulations, 47 C.F.R. Part 97, Subpart 97.15, Sections (a) through (e), inclusive; and
(REPEALED & AMENDED 02/18/97)

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- (5) Child day care arrangements for one or two children who do not reside with the provider. **(AMENDED 02/04/97; 6/26/07)**

(d) Without limiting the generality of subsections (a) and (b), the following activities are regarded as accessory to residential and commercial principal uses so long as they satisfy the general criteria set forth above. **(AMENDED 06/27/17)**

- (1) Solar Arrays, and solar water heaters, providing energy for the principal use on the property, in any zoning district.
- (2) The applicant must be able to demonstrate ownership of the subject property or permission by the owner to install the solar device.
- (3) The applicant must prepare and submit a site plan or sketch plan showing the following:
 - a. Installation of the array(s) shall not negatively affect compliance, or any condition of compliance of an existing land use permit or building permit.
 - b. The panels are designed, positioned, and oriented such that concentrated solar radiation or glare shall not be directed onto nearby properties or road rights-of-way, or shall otherwise create a safety hazard.
 - c. All on-site utility lines shall be placed underground.
 - d. The top of any roof mounted devices, located on the principal structure or any accessory structure, shall not exceed the maximum building height for the district in accordance with Section 15-185.
 - e. Ground mounted systems shall not exceed a maximum height of 15 feet from finished grade to the top of the device.
 1. The installation of the solar device and associated mechanical equipment shall not affect tree screening or buffer requirements outlined in Article XIX.
 2. Mechanical equipment, including batteries or other similar storage devices, shall be located within the required building setbacks as provided for in Section 15-184, and shall be shielded to avoid damage.
 3. All solar devices and mechanical equipment, including batteries or other similar storage devices, shall be located outside of the designated open space, well/septic system areas as identified by Orange County Environmental Health, utility easements, water

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quality buffers as identified in Section 15-269.5 and Special Flood Hazard Areas. **(AMENDED 06/27/17)**

(e) Without listing the generality of subsections (a) and (b), the following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts:

- (1) Parking outside a substantially enclosed structure of more than four motor vehicles between the front building line of the principal building and the street on any lot used for purposes that fall within the following principal use classifications: 1.100, 1.200, 1.420, or 1.430.

(f) Satellite dishes shall be regarded as accessory uses to any residential or non-residential principal use. However, as set forth in the Table of Permissible Uses, Cable Television Satellite stations shall be regarded as a separate principal use (use classification 17.300). **(AMENDED 02/18/97)**

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

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

(a) Notwithstanding any other provisions of this chapter, no zoning, special use, or conditional use permit is necessary for the following uses:

- (1) Electric power, telephone, telegraph, cable television, gas, water and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way.
- (2) Neighborhood utility facilities located within a public right-of-way with the permission of the owner (state or town) of the right-of-way, so long as such facilities do not exceed five feet in height, five feet in width, or five feet in depth. **(AMENDED 05/26/81)**
- (3) Bus shelters erected by or under the direction of the town. **(AMENDED 01/22/85)**
- (4) Space occupied by the Town of Carrboro police department within pre-existing buildings for purposes of allowing police officers to spend time periodically within such buildings or portions thereof conducting official business, including without limitation the completion of paperwork or meeting with neighborhood residents. Such uses shall be permitted in all zoning districts, and no additional

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parking or screening shall be required when property is used in this fashion.
(AMENDED 04/18/95)

(b) As described in Section 15-84(b), construction plans for new electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public right-of-way shall be submitted to and approved by the public works director before construction of such facilities may commence. **(AMENDED 06/06/89)**

Section 15-152 Change in Use.

(a) A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes. This occurs whenever:

- (1) The change involves a change from one principal use category to another.
- (2) If the original use is a combination use (27.000) or planned unit development (28.000), the relative proportion of space devoted to the individual principal uses that comprise the combination use or planned unit development use changes to such an extent that the parking requirements for the overall use are altered.
- (3) If the original use is a combination use or planned unit development use, the mixture of types of individual principal uses that comprise the combination use or planned unit development use changes.
- (4) **(DELETED 10/22/91)**

(b) A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless the property has remained unoccupied for more than twelve consecutive months. **(AMENDED 06/18/91)**

(c) A mere change in ownership of a business or enterprise shall not be regarded as a change in use.

Section 15-153 Developments in the B-3 Zoning District.

The 2.000, 3.000, and 4.000 classifications in the Table of Permissible Uses are written in very broad terms. However, it is the intention of this chapter that uses described in those classifications are permissible in an area zoned B-3 only when the particular use is in accordance with the objectives of the B-3 zoning district set forth in Section 15-136. **(AMENDED 5/26/81)**

Section 15-154 Combination Uses.

(a) When a combination use comprises two or more principal uses that require different types of permits (zoning, special use, or conditional use), then the permit authorizing the combination use shall be:

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

This is indicated in the Table of Permissible Uses by the designation “Z,S,C” in each of the columns adjacent to the 27.000 classification.

(b) Subject to subsection (c), when a combination use consists of a residential subdivision and a multi-family development the total density permissible on the developer’s tract shall be determined by having the developer indicate on the plans the portion of the total tract that will be developed for each purpose and calculating the density for each portion as if it were a separate lot. **(AMENDED 11/26/85)**

(c) Notwithstanding Subsection 15-182(b), whenever (i) a combination use consists of a standard residential subdivision and a multi-family development and (ii) the subdivided portion of the tract contains lots that exceed the minimum lot size requirements set forth in Section 15-181, but that do not exceed an average of 30,000 square feet, then the density of the portion of the tract developed for multi-family purposes may be increased beyond the permissible density calculated in accordance with subsection (b). The increase in density shall be determined as follows: **(AMENDED 11/26/85)**

- (1) The minimum lot size requirement for the applicable zoning district shall be subtracted from each lot that exceeds the minimum lot size, and the remainders totaled.
- (2) The sum derived from the calculation in subdivision (1) shall be divided by the minimum lot size requirements. Fractions shall be rounded to the nearest whole number.
- (3) The result of the calculation in subdivision (2) shall yield the number of additional multi-family dwelling units that may be located within the portion of the tract developed for multi-family purposes.

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(d) When a residential use is combined with a non-residential use in a business district, the lot must have at least the minimum square footage required for the residential use alone. For example, in a B-1 zone, if two dwelling units are combined with a retail store in one building, the lot must have at least 6,000 square feet.

(e) When two principal uses are combined, the total amount of parking required for the combination use shall be determined by cumulating the amount of parking required for each individual principal use according to the relative amount of space occupied by that use.

Section 15-155 Planned Unit Developments.

(a) In a planned unit development the developer may make use of the land for any purpose authorized in the particular PUD zoning district in which the land is located, subject to the provisions of this chapter. Section 15-139 describes the various types of PUD zoning districts.

(b) Within any lot developed as a planned unit development, not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-1(g), B-2, or B-3 zoning district (whichever corresponds to the PUD zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the M-1 zoning district (assuming the PUD zoning district allows such uses at all).

(c) The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for purposes permissible in a residential district (as applicable), purposes permissible in a business district (as applicable), and purposes permissible only in an M-1 district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, residential, business or M-1 uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.

(d) The nonresidential portions of any planned unit development may not be occupied until all of the residential portions of the development are completed or their completion is assured by any of the mechanisms provided in Article IV to guarantee completion. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.

Section 15-156 More Specific Use Controls.

Whenever a development could fall within more than one use classification in the Table of Permissible Uses (Section 15-146), the classification that most closely and most specifically describes the development controls. For example, a small doctor's office or clinic clearly falls within the 3.110 classification (office and service operations conducted entirely indoors and designed to attract customers

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or clients to the premises). However, classification 3.130 "Physicians and dentists offices and clinics occupying not more than 10,000 square feet of gross floor area" more specifically covers this use and therefore is controlling.

Section 15-157 Residential Uses in Conservation Districts.

The Table of Permissible uses indicates that single family residences are permissible in the conservation district. However, this shall be true only if and to the extent a residence is used in conjunction with another permitted use, e.g., a caretaker's house. **(AMENDED 12/7/83)**

Section 15-158 Hazardous Substances in B-5 and WM-3 Districts (AMENDED 12/7/83)

(a) Subject to subsection (b), no use involving the possession, storage, maintenance, or use of any quantity of hazardous substance shall be permissible on any lot within the B- 5 or WM-3 zoning districts. **(AMENDED 06/21/88)**

(b) Subsection (a) shall not apply to commercial or industrial enterprises which:

- (1) use, possess, store, or maintain gasoline, kerosene, diesel fuel, and other petroleum products where such products are held solely for the purpose of on-premises sales to retail customers; however, storage tanks for such products must be emptied within sixty days after sale of the products stored is discontinued;
- (2) use, possess, store, or maintain hazardous substances contained in consumer products packaged and held for retail sale to the general public;
- (3) use, possess, store, or maintain hazardous substances contained in commercial products used for janitorial or maintenance purposes on the premises where stored.
- (4) are in possession, on June 21, 1988 of a Hazardous Substances Authorization Certificate issued under the prior subsection (c) of this section; to the extent that such enterprises use, possession, storage, or maintenance of hazardous chemicals is substantially the same as was the case on the date of issuance of such Certificate. This exemption is transferable with the transfer of the enterprise in question only to the extent that the new enterprise will operate substantially the same operation at the same location as that for which the Certificate was issued. **(AMENDED 06/21/88)**

(c) Notwithstanding the provision of Article VIII of this chapter, situations that exist on the effective date of this section that are made non-conforming by this section shall not be allowed to continue beyond sixty days after the effective date of this section.

Section 15-159 Mobile Home Type Structures Prohibited In Business Districts (AMENDED 10/1/85)

Notwithstanding any other provision of this ordinance, no building that (i) is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported on its own chassis, and (ii) is not constructed in accordance with the standards set forth in the North Carolina State Building Code, may be located in any of the commercial districts established in Section 15-136.

Section 15-160 Outside Display of Goods in B-1(c) and B-1(g), and WM-3 Districts (AMENDED 2/4/86; 10/28/08)

(a) As indicated in the Table of Permissible Uses, outside display of goods for sale or rent, but not outside storage, is permitted in the B-1(c), B-1(g) and WM-3 zoning districts. However, such outside display shall only be allowed if and to the extent that:

- (1) Such display is conducted in furtherance of a business operated on such the lot where the display is located, by the person operating such business; and
- (2) Such display is conducted on a lot on which is located a principal building that houses the businesses referenced in subdivision (1); and
- (3) For lots located within the B-1(c) and B-1(g) districts, the area of such display does not exceed 25% of the gross floor area of the principal building referenced as subdivision (2) that is occupied by the business referenced in subdivision (1). For lots located within the WM-3 district the total area of such display does not exceed 5% of the gross floor area of the principal building, the display must be located outside of all required setbacks and areas landscaped to meet screening and shading requirements, and the display must be removed or adequately secured when the business operating on the lot is closed.

(b) For purposes of this section, the term "lot" shall include all contiguous land as well as land immediately on the opposite side of a bisecting street that is in the possession or under the control of the person operating the business referenced in subdivision (a)(1).
(AMENDED 10/28/08)

Section 15-160.1 Residential Uses in B-1(c) Districts (AMENDED 2/4/86)

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

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Section 15-160.2 Permissible Uses in the Historic District (HD) (AMENDED 11/21/95)

Notwithstanding the provisions of 15-146 (Table of Permissible Uses), only single-family residences (uses classification 1.100) are permitted in the Historic District (HD) on properties with the following underlying zoning district designations: R-20, R-15, R-10, R-7.5, R-3, R-2, R-R, R-40, R-SIR, and R-SIR-2.

ARTICLE XII

DENSITY AND DIMENSIONAL REGULATIONS

Section 15-181 Minimum Lot Size Requirements.

- (a) Subject to the provisions of Sections 15-186 (Cluster Subdivisions) and 15-187 (Architecturally Integrated Subdivisions), all lots in the following zones shall have at least the amount of square footage indicated in the following table: **(AMENDED 5/12/81; 12/7/83; 2/4/86; 11/14/88; 05/15/90; 04/16/91)**

ZONE	MINIMUM SQUARE FEET
R-2	4,000 except that the size may be reduced to 2,000 square feet in an architecturally integrated subdivision on a tract of at least 40,000 square feet.
R-3	3,000
R-7.5	7,500
R-10	10,000
R-S.I.R.	10,000
R-15	15,000
R-20	20,000
RR	43,560 (one acre)
WR	217,800 (subject to subsection (b))
C	No Minimum
B-1(c)	None
B-1(g)	3,000 for residential; otherwise no minimum
B-2	7,500
B-3	7,500 if used for residential purposes; otherwise no minimum
B-3-T	7,500 if used for residential purposes, but no minimum lot size for other permitted uses.
B-4	Same as B-1(g)
B-5	43,560 (1 acre)
M-1	No Minimum
M-2	No Minimum
WM-3	40,000
CT	40,000
O	7,500
O/A	7,500

- (b) Within the WR district, not more than five lots containing a minimum of two acres each may be created out of any lot that existed on the effective date of this section (05/15/90). **(AMENDED 05/15/90)**

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- (c) Lots within the JLWP overlay district (see Section 15-141.1) shall be subject to the limitations set forth in Subsections 15-266(e) and (f). **(AMENDED 10/15/96)**
- (d) The minimum lot size requirement within the R-2 Conditional district (R-2-CZ), may be reduced to 1,500 square feet in an architecturally integrated subdivision (AIS) on a tract containing at least 20,000 square feet. **(AMENDED 06/28/16)**

Section 15-182 Residential Density.

- (a) Subject to the other provisions of this section and the provisions of Section 15-186 (Cluster Subdivisions), 15-187 (Architecturally Integrated Subdivisions) and 15-182.1 (Density in R-SIR Zoning), every lot developed for residential purposes shall have the number of square feet per dwelling unit indicated in the following table. In determining the number of dwelling units permissible on a tract of land (by dividing the total number of square feet the tract contains by the minimum per dwelling unit), fractions shall be dropped. **(AMENDED 4/24/84; 1/22/85; 2/4/86; 11/14/88; 05/15/90; 04/26/91)**

ZONE	MINIMUM SQUARE FEET PER DWELLING UNIT, MULTI-FAMILY AND DUPLEX
R-2	2,000
R-3	3,000
R-7.5	7,500
R-10	10,000
R-S.I.R.	10,000
R-15	15,000
R-20	20,000
RR	43,560 (one acre)
B-1(c)	None
B-1(g)	3,000
B-2	7,500
B-3	7,500
B-3-T	7,500
CT	7,500
O	7,500
O/A	7,500

- (b) Two-family conversions and primary residences with an accessory apartment, and primary residences with an accessory detached dwelling, shall be allowed only on lots having at least 150% of the minimum square footage required [under subsection (a)] for one dwelling unit on a lot in such district. With respect to multi-family conversions into three or four dwelling units, the minimum lot size shall be 200% and 250% respectively of the minimum required [under subsection (a)] for one dwelling unit. **(AMENDED 4/24/84; 5/28/02)**

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- (c) Within the zoning districts named below, lots that were created before the effective date of this section and that are less than one acre in size may be developed for two-family and multi-family residential purposes at a density such that the lot contains at least the following number of square feet for each dwelling unit constructed thereon. In determining the number of dwelling units permissible on a tract of land (by dividing the total number of square feet the tract contains by the minimum per dwelling unit), fractions shall be dropped. **(AMENDED 4/24/84; 1/22/85; 11/14/88)**

ZONE	MINIMUM SQUARE FEET PER DWELLING UNIT
R-7.5	5,625
R-10, R-SIR	7,500
R-15	11,250
R-20	15,000

- (d) In any district where such use is permitted, a use that falls within the 1.400, 1.520, or 1.600 classifications and is designed to accommodate not more than seven residents is permissible on a lot having at least the minimum number of square feet for a lot in that district (see Section 15-181). If a lot is larger than the minimum lot size required for that particular district, then, subject to the definitional limitations, the number of residents that any of the foregoing uses may have on such lot is seven plus the number derived from the following formula: **(AMENDED 4/24/84)**

$$\frac{\text{(amount of square footage in lot)} - \text{(minimum lot size for that district)}}{(.5) \times \text{(Minimum square feet per dwelling unit for multi-family development in that district)}}$$

Fractions shall be rounded to the nearest whole number.

- (e) Notwithstanding any other provisions of this chapter, if a conditional use permit authorizing the construction of a phased residential development was issued after July 1, 1980 and, as of April 24, 1984 one or more but less than all of the phases of such project had been completed and the permit to complete the remaining phase or phases has expired under Section 15-62, then the land within the remaining phases or phases may be developed for two-family or multi-family residential purposes at a density such that such area contains at least the following number of square feet for each dwelling unit constructed thereon: **(AMENDED 4/9/85; 11/14/88)**

Zone	Minimum Square Feet Per Dwelling Unit
R-7.5	5,625
R-10, R-SIR	7,500
R-15	11,250
R-20	15,000

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- (f) The table set forth in subsection (a) contains no reference to the WR (watershed residential) zoning district because only single-family detached residences are permitted within this district, and therefore residential density is established by the minimum lot size requirements in Section 15- 181. **(AMENDED 05/15/90)**
- (g) Lots within the JLWP overlay district (see Section 15-141.1) shall be subject to the limitations set forth in subsections 15-266(e) and (f). **(AMENDED 10/15/96)**
- (h) Notwithstanding the foregoing, the minimum square feet per dwelling unit required for any residential development consisting solely of single-room occupancy units shall be 500 square feet in the B-1(g) and R-2 districts. **(AMENDED 10/10/00)**
- (i) Notwithstanding the foregoing, density in the B-1(g) – CZ district may be determined in accordance with the provisions of Section 15-141.4(f). **(AMENDED 11/09/11)**

Section 15-182.1 Residential Density in R-SIR Zoning.

- (a) Land that is zoned R-SIR may be developed in the same manner and at the same density as land within an R-10 zoning district. However, the provisions of this section are designed to encourage development that furthers the town's housing goals by offering density bonuses for such development.
- (b) A major housing goal of the town is to obtain in the community a sufficient number of housing units by type, style and price to afford residents a suitable dwelling of their choice. To the degree that a development meets one or more of the performance criteria set forth below, it helps to further this housing goal and therefore should be entitled to a density bonus determined in accordance with subsection (c).
 - (1) The development consists of at least thirty but less than eighty percent ownership units. Each undeveloped lot in a residential subdivision as well as each single-family residence shall be considered an ownership unit. Condominiums shall also be considered ownership units.
 - (2) The development offers at least three different number-of-bedroom options, with each type comprising at least ten percent of the total number of dwelling units. Lots intended for sale in their undeveloped state shall not be considered for purposes of this performance criterion.
 - (3) The development offers a variety of the following six residential building styles: (i) single-family on lots 7,500 square feet or greater, (ii) single-family on lots smaller than 7,500 square feet, (iii) one-story multi-family or duplex, (iv) two or three-story multi-family or duplex, each unit having a

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separate ground level entrance, (v) two or three-story multi-family or duplex, each unit not having a separate ground level entrance, and (vi) multi-family high rise (i.e., four or more stories). This performance criteria may be satisfied at the following three levels:

- a. Two building styles (thirty percent minimum, each style).
 - b. Three building styles (twenty five percent minimum, each style).
 - c. Four or more building styles (fifteen percent minimum for each of at least four styles).
- (c) Residential development in the R-SIR zoning district that meet one or more of the performance criteria described in subsection (b) may be developed according to the density set forth below. Notwithstanding subsection 15-154(b), the total density of the development shall be determined by dividing the total area of the lot to be developed by the appropriate figure of square feet per dwelling unit, and rounding off to the nearest whole number.

MINIMUM SQUARE FEET PER DWELLING UNIT				
	No (b)(3) Criteria Met	(b)(3)(a) met	(b)(3)(b) met	(b)(3)(c) met
Neither (b)(1) nor (b)(2) met		6,500 sq. ft.	5,000 sq. ft.	3,500 sq. ft.
(b)(1) or (b)(2) met	7,000 sq. ft	6,000 sq. ft.	4,000 sq. ft.	3,000 sq. ft

- (d) When a developer takes advantage of the density bonuses offered in this section and part of the development consists of a single-family residential subdivision, the 10,000 square foot minimum lot size may be reduced pursuant to Sections 15-186 (cluster subdivisions) and 15-187 (Architecturally Integrated Subdivisions).
- (e) Land that is zoned R-S.I.R.-2 may be developed in the same manner as that which is zoned R-S.I.R. except that the minimum square feet per dwelling unit shall in no case be less than 6,000 square feet. (AMENDED 5/12/81)

Section 15-182.2 Effect of Public Acquisition of Property On Density, Setback and Height Requirements, (AMENDED 4/2/02;5/28/02;4/8/03)

- (a) Subject to other provisions of this section, if (i) any portion of a lot lies within an area designated on any officially adopted town plan as part of a proposed public park, greenway, or bikeway, or the town or the N.C. Department of Transportation otherwise seeks to acquire a portion of a lot for any public use, and (ii) before the lot is developed, the owner of the lot, with the concurrence of the town, dedicates to the town or the N.C. Department of Transportation that portion of the lot so designated or sought to be acquired, or the town or the N.C. Department of Transportation

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condemns the same, then, when the remainder of the lot is developed for residential purposes, the permissible density at which the remainder may be developed shall be calculated by regarding the dedicated portion of the original lot as if it were still part of the lot proposed for development. **(AMENDED 11/26/85; 11/28/89)**

- (b) If the portion of the lot that remains after dedication as provided in subsection (a) is divided in such a way that the division either does not constitute a subdivision or constitutes only a minor subdivision (as these terms are defined in Section 15-15), then, when each of the lots so created is later developed for residential purposes, the permissible density at which each lot may be developed shall be calculated in the following manner:
 - (1) Divide the area of the particular lot in question by the total area of the portion of the original lot not dedicated to the town.
 - (2) Multiply the fraction derived from step (1) above times the total area of the dedicated portion of the original lot.
 - (3) Regard the area derived from the calculation in step (2) above as if it were part of the lot in question and calculate the density on the basis of this combined area.
- (c) In no case may the density permitted under this section exceed a level of fifteen dwelling units per acre.
- (d) Notwithstanding any other provisions of this ordinance, the town may condemn additional right-of-way along an existing street even though such condemnation creates a nonconforming lot, and the property owner may at the request of the town dedicate additional right-of-way along an existing street even though such dedication creates or results in the creation of nonconforming lots. **(AMENDED 11/26/85)**
- (e) Notwithstanding any other provisions of this chapter, a property owner may dedicate to the town or the town may otherwise acquire a right-of-way over or a fee simple interest in a portion of a lot, even though such acquisition creates a situation where a building or sign is so located on the remainder of the lot that it is inconsistent with the setback requirements set forth in Section 15-184. The setback situation so created shall be regarded as in conformity with the setback requirements of this chapter (rather than as a nonconforming situation) except in relation to the provisions of Section 15-92.1(e). **(AMENDED 4/2/02)**
- (f) Notwithstanding any other provisions of this chapter, if a property owner dedicates of the town or the State otherwise acquires from a property owner additional right-of-way along an existing street, then to the extent that the height of a building is dependent on the distance a building is set back from a street right-of-way, the

maximum building height permitted under Section 15-185 shall be calculated as if such dedication or acquisition had not been made, provided that this provision shall not be applicable if right-of-way is dedicated pursuant to subsection 15-185(a)(3)(a).
(AMENDED 4/8/03)

Section 15-182.3 Residential Density of Major Developments in Certain Districts
AMENDED 05/25/99

- (a) Notwithstanding the provisions of Section 15-182, when any tract of land within the R-10, R-15, R-20, and RR districts is developed under circumstances requiring the issuance of a special or conditional use permit, the maximum number of dwelling units that may be placed on that tract shall be determined in accordance with the provisions of this section.
- (b) If the development is to be served by OWASA owned water and sewer lines, then the maximum number of dwelling units for any type of residential development shall be determined by dividing the adjusted tract acreage [calculated in accordance with the provisions of subsection (c) below] by the “minimum square feet per dwelling unit” associated with the zoning district of the property to be developed as set forth in Section 15-182. **(AMENDED 06/22/99)**
- (c) The adjusted tract acreage shall be calculated by deducting from the gross acreage of the tract the sum total of each of the following areas that may be located within the tract in question. If an area within the tract qualifies under more than one of the following categories, then that area shall be included only within the one category that involves the most restrictive (i.e. the greatest) deduction.
 - (1) Floodways: multiply the area within a floodway by a factor of 1.0.
 - (2) Wetlands: multiply the area of designated wetlands by a factor of 0.95.
 - (3) Major Rock Formations: multiply the area of major rock formations by a factor of 0.90.
 - (4) Steep Slopes: multiply the area of land with natural ground slopes exceeding 25 percent by a factor of 0.80.
 - (5) Land traversed by high-tension electrical transmission lines (69kv or higher): multiply the area within the power easement by a factor of 0.75.
 - (6) Floodplains: multiply the 100-year floodplain by a factor of 0.5.
 - (7) Moderately steep slopes: multiply the area with natural ground slopes of between 15 and 25 percent by a factor of 0.4.

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- (8) Land traversed by underground utility lines (not within a street right of way): multiply the area within the easement (or if no easement exists, the area within ten feet on either side of the line) by a factor of 0.3.
- (d) If the development is not to be served by OWASA owned water and sewer lines, then the maximum number of dwelling units shall be determined in reference to an actual yield plan prepared by the developer in accordance with the provisions of this subsection. The yield plan shall be a conceptual layout of a single-family residential subdivision (containing proposed lots that meet the minimum lot size requirements of the district where the property is located, streets, easements, and other pertinent features) that could be developed within the tract in question in accordance with the provisions of this chapter. Although the yield plan must be drawn to scale, it need not reflect any great degree of site engineering. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the topography of the land and natural constraints, existing easements and encumbrances, and the applicable provisions of this chapter, particularly those relating to open space, recreational facilities, and street rights of way. In addition, the yield plan shall be prepared under the assumption that each lot will be served with an individual septic tank located on the same lot as the house it serves. The applicant shall submit evidence (in the form of a preliminary soils evaluation from Orange County or comparable information from a qualified source) that there appears to be sufficient suitable soil within each of the proposed lots to support a septic tank system serving at least a three-bedroom house. When a yield plan meeting the requirements of this subsection has been submitted, the zoning administrator shall confirm this in a letter to the developer, which letter shall indicate the maximum number of dwelling units that can be developed on the tract in accordance with this subsection.

Section 15-182.4 Residential Density Bonuses for Affordable Housing (AMENDED 05/25/99, 8/22/06, 1/22/08, 3/20/12, 4/22/14, 6/24/14, 1/27/15; REWRITTEN 6/26/07)

- (a) The Board of Aldermen has established as a policy goal that at least fifteen percent of the housing units within all new residential developments should consist of affordable housing units as described in this section. The remaining provisions of this section are designed to provide incentives to encourage developers to comply with this policy goal either by providing affordable housing units or lots or, under the circumstances set forth in subsection (j), by making payments in lieu of providing such affordable housing units. (AMENDED 1/22/08, 1/27/15)
- (b) For purposes of this section, an affordable housing unit means a dwelling unit that satisfies the requirements of the following subsections (c) through (f): (AMENDED 1/27/15)
- (c) The appropriately-sized affordable housing unit must be offered for sale or rent at a price that does not exceed an amount that can be afforded by a family whose an-

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nual gross income equals 80 percent of the median gross annual family income, as most recently established by the United States Department of Housing and Urban Development, for a family of a specific size within the Metropolitan Statistical Area where the Town of Carrboro is located; provided that a for-sale housing unit that is offered for sale at a price that exceeds the foregoing limit but does not exceed an amount that can be afforded by a family whose annual gross income equals 115% of the median gross annual family income shall also be regarded as affordable so long as (i) such unit otherwise qualifies as an affordable housing unit under this section, and (ii) units that qualify as affordable under this exception do not constitute more than 25% of the affordable housing units provided within any development **(AMENDED 3/20/12, 1/27/15)**

- (d) It is conclusively presumed that a family can afford to spend 30% of its annual gross income on housing costs. In the case of housing units that are for sale, the term “housing costs” shall mean the costs of principal and interest on any mortgage, real property taxes, insurance, fees paid to a property owners association, and any ground lease or maintenance fees. In the case of rental housing units, the term “housing costs” shall mean the cost of rent plus utilities. In making the calculation called for in this subsection, it shall be conclusively presumed that a unit is appropriately sized when an efficiency or one bedroom housing unit serves a family of one, that a two bedroom housing unit serves a family of two; that a three bedroom housing unit serves a family of three, and that a housing unit containing four or more bedrooms serves a family of four. **(AMENDED 1/27/15)**

- (e) The developer shall also establish or provide for arrangements to ensure that each such affordable unit is made available for sale or rent only to a family whose annual gross income does not exceed (i) 80% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located, or (ii) 115% of the median gross annual income of a family of the same size within the Metropolitan Statistical Area where the town of Carrboro is located if the unit is one that qualifies as affordable under the 115% exception provided for in subsection (c). **(AMENDED 3/20/12, 1/27/15).**

- (f) The developer of the affordable housing unit must establish or provide for arrangements to ensure that, for a period of not less than 99 years from the date of initial occupancy of the unit, such unit shall remain affordable (as provided in subsection (c)) and shall be offered for sale or rent only to families that satisfy the income criteria set forth in subsection (e). Such arrangements may include but shall not be limited to a ground lease, a deed restriction, or other covenant running with the unit. The documents establishing such arrangements shall be reviewed and approved by the Town of Carrboro prior to final plat approval if the units are located on subdivided lots or prior to the issuance of a certificate of occupancy if the units are not located on unsubdivided lots. The provisions of this subsection shall be considered satisfied if units are transferred to the Orange Community Housing and Land Trust at or below

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a price that is consistent with the provisions of subsection (c) above. **(AMENDED 1/27/15)**

- (g) Notwithstanding the other provisions of this section, if a dwelling unit is transferred to the Orange Community Housing and Land Trust or other non-profit housing provider in order to qualify such unit as “affordable” under the provisions of this section, and the financial institution that provides a loan to the buyer requires that such loan be secured by a deed of trust or other instrument that allows the unit to be sold upon default free and clear of the affordability restrictions set forth in this section, then the Land Trust or other non-profit housing provider may agree to such financing terms. Should foreclosure under such a deed of trust occur, this shall not render nonconforming or otherwise have an adverse effect upon either the affordable unit or the development that created the affordable unit. **(AMENDED 1/27/15)**
- (h) For purposes of this section, an affordable housing lot shall mean a lot that (i) is designed and approved for the construction of a single family dwelling, and (ii) upon creation of such lot by the recording of a final plat, is donated (without additional consideration) to a non-profit agency that is in the business of constructing on such lots affordable housing units that meet the affordability criteria set forth in subsections (c) through (f) above. **(AMENDED 1/27/15)**
- (i) The maximum residential density permissible within a development whose maximum density would otherwise be determined in accordance with the applicable provisions of this Article XII shall be increased by two dwelling units for every one affordable housing unit constructed within the development, up to a maximum of 150% of the density otherwise allowable. Similarly, the maximum number of single family detached residential building lots that could otherwise be created within a development tract under the applicable provisions of this Article XII may be increased by two such lots for every one affordable housing lots created within such development, up to a maximum of 150% of the maximum density otherwise allowable. To illustrate, if the maximum density of a tract would be 100 dwelling units (or single family lots), a developer who chooses to construct 10 affordable housing units (or create 10 affordable housing lots) as part of the development of that tract would be allowed to construct 10 additional dwelling units (or create 10 additional lots) that did not satisfy the “affordability” criteria set forth in subsections (c) or (f), for a total density of 120 dwelling units (or lots). In this illustration, the maximum possible density that could be achieved would be 150 dwelling units if the developer constructed at least 25 affordable housing units (or created 25 affordable housing lots). **(AMENDED 1/27/15)**
- (j) For purposes of determining the maximum density permissible within a development under subsection (i) of this section, the Board of Aldermen may allow the payment of an affordable housing payment in lieu fee (determined in accordance with the provisions of subsection 15-54.1(b)(4)) to be regarded as the equivalent of providing an affordable housing unit. The developer may request such authorization at any time following the submission of a development application. In exercising its discretion as to whether such a request should be granted, the Board shall

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consider the need for the particular type of units the payments in lieu would replace, the comparative need for cash resources to assist in the provision or maintenance of affordable housing, and such other factors as the Board deems relevant in determining whether and to what extent payments in lieu would better serve the Board's goal of providing and maintaining affordable housing. **(AMENDED 1/22/08, 1/27/15)**

- (k) Within any development that provides affordable housing units or affordable housing lots, the minimum area that must be set aside as open space to satisfy the requirements of Section 15-198 may be reduced by an amount equal to twice the land area consumed by all such affordable housing units or lots, except in no case may the required percentage of open space be less than 20 % (10 % in the ORMU and R-2 districts). **(AMENDED 1/27/15)**
- (l) Affordable housing units or lots constructed or created in accordance with this section shall not be unduly isolated or segregated from other dwellings or lots that do not satisfy the "affordability" criteria set forth in this section. **(AMENDED 1/27/15)**
- (m) In approving a special or conditional use permit for a development that proposes to utilize the density bonus provisions of this section, the permit issuing authority shall ensure, by approval of a condition, phasing schedule, or otherwise, that affordable housing units or lots, or payments in lieu thereof, are actually provided in accordance with the provisions of this section. Without limiting the generality of the foregoing, the permit issuing authority may impose a condition specifying that certificates of occupancy may not be issued for the market priced units until the corresponding affordable housing units are constructed and offered for sale or rent for an amount that is consistent with the definition set forth in this section, or payments in lieu thereof have been made to the town. **(AMENDED 1/22/08, 1/27/15)**
- (n) If, by using the affordable housing density bonus provided for in this section, the number of dwelling units or lots within a development increases to the point where the type of permit required for the project based on the number of units or lots would otherwise change from a zoning to a special use permit or from a special use to a conditional use permit in accordance with the provisions of Section 15-147, the developer may nevertheless seek approval for the project under the permit process that would be applicable if no density bonus was sought under this section. **(AMENDED 1/27/15)**
- (o) As provided in subsection 15-92.1(d), developments that use the affordable housing density bonus provisions of this section may be entitled to relief from the setback requirements under some circumstances. **(AMENDED 1/27/15)**
- (p) Notwithstanding the other provisions of this section, with respect to a development that (i) was approved prior to the amendments to this section adopted on June 26, 2007, and (ii) constructed dwelling units that satisfied the affordability criteria by recording covenants and including restrictions in the deeds that conveyed title to the affordable units limiting the sale or resale price of such units in accordance with a formula set forth in this section, and (iii) took advantage of the

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density bonus provisions of this section and constructed additional market rate units as authorized by this section:

(1) The Board of Aldermen may amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall no longer be binding, (thereby allowing the units to be sold at market value) subject to and in accordance with the following provisions:

a. At the closing on the sale of such units, all fees and charges typically paid by the seller of other market rate units (such as loans secured by property, re-al estate commissions, prorated property taxes, excise taxes, etc.) shall be paid by the seller of a unit previously designated as affordable. The balance of the proceeds of the sale to which the seller is entitled shall be referred to in this section as the “net proceeds of the sale.”

b. To the extent that the price paid by the buyer of the unit exceeds the price paid by the seller when the seller purchased the unit, the difference between the two figures shall be referred to in this section as the “equity appreciation amount.” To the extent that the net proceeds of the sale are sufficient, the seller shall be allowed to keep the first five thousand dollars (\$5,000.00) of equity appreciation, plus an amount of the equity appreciation equal to the amount paid by the seller for additions to the home or significant upgrades to the home (routine maintenance, repairs, or replacements excluded).

c. If the net proceeds of the sale exceed the amount the seller is permitted to retain under the foregoing paragraph, the remainder of the net proceeds shall be split evenly between the Town and the seller. **(AMENDED 1/27/15)**

(2) The Board of Aldermen may also amend the conditional use permit that authorized such development to provide that those provisions that restrict the price at which the affordable units may be sold shall expire automatically on the twentieth anniversary of the recording date of the deed conveying the affordable unit to the party owning that unit on the effective date of this subsection. Thereafter, no restrictions on the sales price of such unit or the disposition of sales proceeds shall apply to such unit. **(AMENDED 1/27/15)**

(3) A development wherein affordable units are converted to market rate units under this subsection shall not be regarded as nonconforming with respect to density. **(AMENDED 06/24/14, 1/27/15)**

Section 15-183 Minimum Lot Widths.

- (a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that:

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- (1) Could be used for purposes that are permissible in that zoning district; and
 - (2) Could satisfy any applicable setback requirements for that district.
- (b) Without limiting the generality of the foregoing standard, the following minimum lot widths are recommended and are deemed presumptively to satisfy the standard set forth in subsection (a). The lot width shall be measured along a straight line connecting the points at which a line that demarcates the required setback from the street intersects with lot boundary lines at opposite sides of the lot. **(AMENDED 5/26/81; 12/7/83; 2/4/86; 11/14/88; 05/15/90; 04/16/91)**

ZONE	LOT WIDTH
C	None
RR	100
R-20	100
R-15	85
R-10	75
R-S.I.R.	75
R-7.5	75
R-3	50
B-1(c)	None
B-1(g)	None
B-2	50
B-3	75
B-3-T	75
B-4	None
B-5	100
M-1	100
M-2	100
WM-3	100
WR	100
CT	100
R-2	100
O	75
O/A	75

- (c) No lot created after the effective date of this chapter that is less than the recommended width shall be entitled to a variance from any building setback requirement.

Section 15-184 Building Setback Requirements.

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- (a) Subject to Section 15-187 (Architecturally Integrated Subdivisions) and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth below: **(AMENDED 1/22/85)**
- (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
 - (2) As used in this section, the term “lot boundary line” refers to lot boundaries other than those that abut streets.
 - (3) As used in this section, the term “building” includes any substantial structure, which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
 - a. Gas pumps and overhead canopies or roofs.
 - b. Fences, walls or berms running along lot boundaries adjacent to public street rights-of-way if such fences, walls or berms exceed three feet in height and are substantially opaque except that fences, walls or berms shall not be regarded as “buildings” within the meaning of this subsection if they are located along the rear lot line of lots that have street frontage along both the front and rear of such lots. **(AMENDED 05/19/98)**
 - c. Pergolas, except that a pergola will not be considered a “building” for purposes of this section if it consists merely of an insubstantial frame, no larger than 15 feet long on any side, presents itself visually more as a part of the landscape than as a building. **(AMENDED 10/22/13)**
 - d. Facilities that house and/or contain domesticated livestock except that the building setbacks for rabbits and fowl shall adhere to the requirements in Chapter 10, Article III, Domesticated Livestock and Wild Animals, of the Town Code. **(AMENDED 02/28/17)**
 - (4) Notwithstanding any other provision of this chapter, signs that do not meet the definition of freestanding signs may be erected on or affixed to structures (e.g., some fences) that are not subject to the setback requirements applicable to buildings only if such signs are located such that they satisfy the setback requirements applicable to freestanding signs in the district where located. **(AMENDED 5/26/81; 12/7/83; 2/4/86; 11/14/88; 05/15/90; 04/16/91; 01/16/01)**

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- (5) Notwithstanding the foregoing, the first three feet of roof overhang on a residential structure constructed in a residential zoning district is not considered a building for the purposes of this section and is not subject to the building setback requirements. (AMENDED 4/22/14)

ZONE	Minimum Distance from Street Right of Way line		Minimum Distance from Street Centerline		Minimum Distance from Lot Boundary Line
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign
C	25	12.5	55	42.5	20
WR	35	17.5	65	47.5	20
RR	40	20	70	50	20
R-20	40	20	70	50	20
R-15	35	17.5	55	47.5	20
R-10	25	12.5	55	42.5	12
R-S.I.R.	25	12.5	55	42.5	10
R-7.5	25	12.5	55	42.5	10
R-3	15	7.5	45	37.5	8
B-1(c)	--	--	30	--	--
B-1(g)	--	--	30		
B-2	15	7.5	45	37.5	10
B-3	15	7.5	45	37.5	15
B-3-T	15	7.5	45	37.5	15
B-4	30	15	60	45	10
CT	--	--	30	--	--
B-5	40	20	70	50	20
M-1	--	--	30	--	--
M-2	--	--	30	--	--
WM-3	30	15	60	45	20
O	15	7.5	45	37.5	15
O/A	15	7.5	45	37.5	15
R-2	15	7.5	45	37.5	8, plus 2 feet for every additional foot above 35 feet in height

- (b) With respect to lots within the R-20 district that were in existence or had received preliminary plat approval by Orange County prior to November 14, 1988 and were outside the town's extraterritorial planning jurisdiction but that on or after that date became zoned R-20 as a result of the implementation of the Joint Planning Agreement:

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- (1) The minimum set back distance from the lot boundary line shall be 15 feet rather than the 20 feet indicated in the table set forth in subsection (a);
 - (2) On lots having frontage on more than one street, the building setback applicable to the street which the front of the principal building located on that lot faces shall be as set forth in subsection (a). The building setback from the other streets shall be 15 feet from the right-of-way line. **(AMENDED 04/25/89)**
- (c) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, then the lot in the nonresidential district shall be required to observe the property line setback requirements applicable to the adjoining residential lot.
- (d) Setback distances shall be measured from the property line or street centerline to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.). Setbacks for berms shall be measured from the property line or street centerline to the point on the berm where it exceeds three feet in height. **(AMENDED 05/19/98)**
- (e) Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:
- (1) If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the centerline of the private road just as if such road were a public street.
 - (2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes (as set forth above in the column labeled "Minimum Distance from Lot Boundary Line") shall be measured from the inside boundary of the traveled portion of the private road.
- (f) Notwithstanding any other provision of this section, on lots in residential zones used for residential purposes, a maximum of one accessory building may be located in the rear yard of such lot without regard to the setback requirements otherwise applicable to the rear lot boundary line if such accessory building does not exceed fifteen feet in height or contain more than 150 square feet of gross floor area. **(AMENDED 5/26/81)**
- (g) Reserved. **(REPEALED 3/24/09)**
- (h) Reserved. **(REPEALED 3/24/09)**

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- (i) Notwithstanding any other provision of this section, no setback requirement shall apply to bus shelters erected by or at the direction of the town. **(AMENDED 1/22/85)**
- (j) Notwithstanding any provision in (a), no minimum distance from a lot boundary line for buildings or freestanding signs shall be required from any railroad right-of-way or other railroad property being used principally as a track bed or corridor. **(AMENDED 2/4/86)**
- (k) In addition to the overall density restrictions of the underlying zone, each mobile home unit in any mobile home community (use classification 1.122 or 1.123) must be placed such that it is at least 10 feet in any direction from any other mobile home unit within the community, in order to reduce the likelihood of the spread of fire. **(AMENDED 10/20/87)**
- (l) Notwithstanding the provisions of subsections (a) or (b), properties located in Carrboro's Transition Area II, and zoned R-R shall be required to maintain a 100-foot undisturbed, naturally vegetated setback along any common boundary line with Properties in Orange County's planning jurisdiction that are designated both Rural Buffer and Public/Private Open Space on the Joint Planning Area Land Use Plan. No structures or associated clearing shall be permitted within this setback. Utilities and associated clearing shall be permitted within this setback only to the extent that no reasonable alternative exists. **(AMENDED 06/05/89)**
- (m) When the neighborhood preservation district commission determines that an application for a permit under this ordinance involves a proposed authentic restoration, new construction or reconstruction in the same location and in the original conformation of a structure within a neighborhood preservation district that has architectural or historic significance, but that such proposed restoration, construction or reconstruction cannot reasonably be accomplished in conformity with the setback requirements set forth in this section, the neighborhood preservation district commission may recommend, and the permit issuing authority may allow, a deviation from these requirements to the extent reasonably necessary to accommodate such restoration, construction or reconstruction. **(AMENDED 09/26/89)**
- (n) Signs erected in connection with elections or political campaigns, as described in subsection 15-273(a)(5), shall not be subject to the setback requirements of this section. However, as provided in subsection 15-273(a)(5), such signs may not be attached to any natural or man-made permanent structure located within a public right-of-way, including without limitation trees, utility poles, or traffic control signs. **(AMENDED 08/25/92)**
- (o) When the appearance commission determines that (i) any new construction or any repair, renovation, or reconstruction of a pre-existing building is proposed within

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any commercial zoning district; and (ii) the appearance of the building would be substantially improved by the addition of or extension of an architectural feature; and (iii) the feature proposed by the appearance commission would violate the setback provisions of this section, then, subject to the following requirements, the commission may recommend, and upon such recommendation the applicant may amend his plans to propose and the permit issuing authority may authorize, an encroachment of such architectural feature into the required setback area.

- (1) For purposes of this subsection, the term “architectural feature” includes any part of a building other than a building wall or mechanical appurtenance.
 - (2) The maximum encroachment that can be authorized under this subsection is two feet.
 - (3) The encroachment may be allowed when the appearance commission and permit issuing authority both conclude that authorization of the encroachment would result in a building that is more compatible with the surrounding neighborhood than would be the case if the encroachment were not allowed. **(AMENDED 11/09/93)**
- (p) Notwithstanding the other provisions of this section, in the historic district, 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 (see Section 15-175.10). **(AMENDED 11/21/95)**
- (q) Notwithstanding the other provisions of this section, the base of a use classification 18.200 tower shall be set back from a street right-of-way line and a lot boundary lane a distance that is not less than the height of the tower. **(AMENDED 02/18/97)**
- (r) Notwithstanding any provision in this section with respect to use classification 1.340, single-room occupancy buildings may be set back from a street right-of-way line a distance that is consistent with the setbacks of other nearby buildings that front the same street. **(AMENDED 01/11/00)**

Section 15-185 Building Height Limitations **(AMENDED 9/13/83; 2/4/86; 11/14/88; 4/8/03; 6/22/04; 8/23/05; 10/25/05)**

- (a) Subject to the remaining provisions of this chapter:
- (1) No building in any of the following zoning districts may exceed a height of thirty-five feet R-3, R-7.5, R-10, R-15, R-20, RR, C, B-5, M-2, WM-3, O, O/A, and HR-R **(AMENDED 10/22/19)**.
 - (2) No building in any of the zoning districts listed in the following table may

exceed the height indicated.

ZONE	MAXIMUM HEIGHT
R-S.I.R.	100'
R-S.I.R.-II	100'
CT	Three Stories
B-2	Two Stories
B-3	28'
B-3-T	28'
B-4	50'
R-2	50'
M-1	Three Stories
WR	40'

- (3) Buildings in the B-1(c) and the B-1(g) districts may be constructed to a maximum height of three stories where the lot on which the building is located abuts a street right-of-way of fifty feet or less and four stories where the lot on which the building is located abuts a street right-of-way of more than fifty feet or where the lot is located at least fifty feet from the nearest public street right-of-way, except that:
- a. If a property owner whose property in a B-1(c) or B-1(g) district abuts a street right-of-way of fifty feet or less dedicates additional right-of-way to more than fifty feet, then the developer of a building on such property may take advantage of the additional height authorized under this subsection for buildings on lots that abut street rights-of-way of more than fifty feet, so long as such dedication occurs before a building permit is issued for a building that takes advantage of such additional height.
 - b. If a building in a B-1(c) or B-1 (g) district is located on a lot that abuts more than one street, then for purposes of determining the height limit under this subsection, the lot shall be treated as if it abutted only the street having the narrowest right-of-way.
 - c. The maximum building height authorized in the first sentence of Subsection (a)(3) of this section may be increased by one story, up to a maximum height of five stories, for every ten feet that the additional story is set back from the street right-of-way beyond the setback specified in Section 15-184.
 - d. Any portion of a building (located on lots within a B-1 (c) or B-1 (g) district) that exceeds thirty-five feet in height must be set back from the property line of any adjoining residentially zoned lot as least a distance

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equal to twice the lot boundary line setback requirement applicable to such adjoining lot.

- e. Notwithstanding the other provisions of this section, no building in excess of two stories shall be permitted on (i) any lot within the Town's National Register Commercial District upon which there exists on the effective date of this subsection a contributing building, or (ii) any lot upon which there exists on the effective date of this subsection a building listed on the National Register of Historic Places, if, after the effective date of this subsection, such contributing building or building listed on the National Register of Historic Places is demolished. This limitation shall not apply to the relocation of such building to another lot. For purposes of this subsection, a "contributing building" is a building or structure within the boundaries of the district that adds to the historic associations, historic architectural qualities, or archaeological values for which the historic district is significant. A contributing building must also retain its "integrity." In other words, the property must retain enough of its historic physical features to convey its significance as part of the district. Alterations can damage a property's historic appearance and its integrity.
- (4) Regardless of whether a building in a B-1 (c) or B-1 (g) district is set back from the street beyond the setback specified in Section 15-184, if a mansard, gable, or gambrel roof substantially conceals the existence of a story (i.e. the height of the space that constitutes the story is provided primarily by the roof the building rather than vertical exterior walls), that story shall not be counted toward the maximum number of stories otherwise allowed under this section, except that in no case shall the maximum building height (including the story contained within the mansard, gable, or gambrel roof) exceed five stories in the B-1 (c) or B-1 (g) district.
- (b) Subject to subsections (c) and (d) the features listed in this subsection, when attached to a principal building, may be constructed to a height that does not exceed the lesser of (i) 120% of the district height limitation set forth in subsection (a), or (ii) the district height limitation set forth in subsection (a) plus fifteen feet. By way of illustration, in a zoning district with a height limitation of thirty-five feet, the following features may be constructed to a height of forty-two feet, but such features may not exceed the forty-two feet height limit even if a height variance has also been granted for the principal building (unless a variance has also been granted regarding the height limitation affecting such features.)
- (1) Chimneys, church spires, elevator shafts, and similar structural appendages not intended as places of occupancy or storage;
 - (2) Flagpoles and similar devices;

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- (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices.
- (c) The exceptions set forth in subsection (b) to the height limitations set forth in subsection (a) shall not be allowed if and to the extent that the permit issuing authority, or the board of adjustment if the permit-issuing authority is the zoning administrator, concludes that such exception(s) would materially interfere with the legitimate use and enjoyment of neighboring properties (including public properties or rights-of-way) or would otherwise pose a danger to the public health and safety.
- (d) The features listed in subsection (b) may exceed the height limitation set forth in subsection (a) only in accordance with the following requirements:
 - (1) Not more than one-third of the total roof area may be consumed by such features.
 - (2) The features described in subdivision (b)(3) above must be set back from the edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.
 - (3) Enclosures for any of the features set forth in subsection (b) may not surround a greater area than is reasonably necessary to enclose such features.
 - (4) The permit issuing authority may authorize or require that parapet walls be constructed (up to a height not exceeding that of the features screened) to shield the features listed in subdivisions (b)(1) and (3) from view.
- (e) Towers and antennas shall not be subject to the maximum height limitations set forth in this section but shall be governed by the restrictions inherent on the definitions of such uses as well as the other provisions of this chapter applicable to use classification 18.000. The height of a tower or antenna attached to a structure other than an antenna shall be the vertical distance measured from the main elevation of the finished grade at the front of the building or structure to which the tower is attached to the top of the tower (or antenna, if the antenna extends above the tower). **(AMENDED 02/18/97)**
- (f) Notwithstanding the remaining provisions of this section, the maximum building height for structures utilized for 5.100 use classifications, elementary and secondary schools, may be increased to not more than 50 feet when the permit issuing authority concludes that the additional height is necessary to accommodate specific building elements (e.g. auditorium and support facilities) or to accommodate building designs that seek to minimize building footprints and/or maximize natural lighting. **(AMENDED 6/22/04)**

- (g) For purposes of this section:(**AMENDED 06/28/94; 04/08/03**)
- 1) Subject to subsection (g) (2), the height of a building shall be the vertical distance measured from the mean elevation of the finished grade at the front of the building to the highest point of the building.
 - 2) With respect to single-family detached residences, the height of a building shall be the vertical distance measured from the floor of the main story of the residence at the front elevation to the top of the roof above the floor.
 - 3) The terms “story” and “floor” are defined in Section 15-15. (**AMENDED 04/08/03**)
- (h) Within the B-1(C), zoning district, all buildings constructed after the effective date of this subsection shall contain at least two stories if such buildings contain more than 1,000 square feet of gross floor area.

Within the B-1(C) zoning district, all new additions to existing buildings shall contain at least two stories if such additions amount to 25% or more of the square footage of the gross floor area of the pre-existing building. (**AMENDED 04/23/13**)

Section 15-185.1 Downtown Neighborhood Protection Overlay District Requirements
(**AMENDED 8/23/05**)

(a) Lots that are within the Downtown Neighborhood Protection (DNP) Overlay District shall be subject to the requirements of this section.

(b) Within the DNP district, the portion of any lot so zoned that lies within 50 feet of a boundary line that abuts or is located directly across the street from residentially zoned property, other than property that is zoned R-2, shall constitute an area referred to in this section as the DNP Buffer Area.

(c) Within the DNP Buffer Area:

- (1) A building or buildings constructed within such buffer area may not extend laterally along the affected boundary for more than 80% of the lot width at its narrowest point within the buffer area; and
- (2) The maximum horizontal run of a single building shall be 80 feet; and
- (3) If more than one building is constructed, there shall be a separation of at least 30 feet between one building and another.

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(d) With respect to lots where the underlying zoning is B-1(c) or B-1(g), the provisions of Subsection 15-185(a)(3) shall not apply and the provisions of subsections (f), (g) and (h) of this section shall apply in lieu thereof. **(AMENDED 1/23/07)**.

(1) A third story not exceeding a building height of 42 feet shall be permissible if a gable, or gambrel roof with a roof pitch no greater than 70 degrees and a continuous eave line substantially contains the third story (i.e. the height of the space that constitutes the story is provided primarily by the roof of the building rather than vertical exterior walls). When dormers are constructed on such roofs, the total width of all such dormers shall not exceed two-thirds of the width of the roof on which such dormers are constructed. **(AMENDED 2/27/07)**.

(2) A third story shall be permissible if:

- a. All portions of such third story are set back at least ten feet from the second story façade of the building wall that faces a boundary line that abuts or is located directly across the street from residentially zoned property.

(3) Towers, cupolas, and similar architectural features intended to complement the building design may extend to a height of not more than 42 feet, so long as such features do not contain more than 400 square feet and no elevational width of such features exceeds 25 feet.

(e) With respect to lots where the underlying zoning is B-1(c) or B-1(g), the provisions of Subsection 15-185(a)(3) shall not apply and the provisions of subsections (f), (g) and (h) of this section shall apply in lieu thereof.

(f) With respect to lots where the underlying zoning is B-1(c) or B-1(g), the portion of such lots within the DNP Buffer Area shall be subject to a maximum height limitation of two stories, except as set forth below: **(AMENDED 1/23/07)**.

(1) A third story not exceeding a building height of 42 feet shall be permissible if a gable, or gambrel roof with a roof pitch no greater than 70 degrees and a continuous eave line substantially contains the third story (i.e. the height of the space that constitutes the story is provided primarily by the roof of the building rather than vertical exterior walls). When dormers are constructed on such roofs, the total width of all such dormers shall not exceed two-thirds of the width of the roof on which such dormers are constructed. **(AMENDED 2/27/07)**

(2) A third story shall be permissible if:

- a. All portions of such third story are set back at least ten feet from the second story façade of the building wall that faces a boundary line that abuts

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or is located directly across the street from residentially zoned property;
and

- (3) Towers, cupolas, and similar architectural features intended to complement the building design may extend to a height of not more than 42 feet, so long as such features do not contain more than 400 square feet and no elevational width of such features exceeds 25 feet.

(g) With respect to lots where the underlying zoning is B-1(c) or B-1(g), the portion of such lots that lie outside the DNP Buffer Area shall be subject to a maximum height limitation of three stories except as set forth below:

- (1) A fourth story may be constructed if such fourth story is either set back at least ten feet from the edge of the DNP Buffer Area or is substantially contained within a mansard, gable, or gambrel roof with a roof pitch no greater than seventy degrees and a continuous eave line (i.e. the height of the space that constitutes the story is provided primarily by the roof of the building rather than vertical exterior walls).
- (2) If a fifth story is constructed, either all portions of such fifth story must be set back at least ten feet from the fourth story façade of the building wall that faces a boundary line that abuts or is located directly across the street from residentially zoned property, or the fifth story must be substantially contained within a mansard, gable, or gambrel roof with a roof pitch no greater than seventy degrees and a continuous eave line (i.e. the height of the space that constitutes the story is provided primarily by the roof of the building rather than vertical exterior walls).
- (3) In addition, if a fifth story is constructed, either all portions of such fifth story must be set back from any street right-of way line other than that associated with establishing the DNP buffer area a distance of ten feet beyond the setback specified in Section 15-184, or the fifth story must be substantially contained within a mansard, gable, or gambrel roof with a roof pitch no greater than seventy degrees and a continuous eave line (i.e. the height of the space that constitutes the story is provided primarily by the roof of the building rather than vertical exterior walls).

(h) Notwithstanding the permit requirements established in Sections 15-146 and 15-147, if a developer proposes to construct within those areas of the DNP district where the underlying zoning is B-1(c) a building that exceed two stories in height, or where the underlying zoning is B-1(g) a building that exceeds three stories, a conditional use permit must be obtained.

Section 15-185.2 Lloyd/Broad Overlay District Requirements (AMENDED 6/26/18)

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- (a) Lots within the Lloyd/Broad Overlay District are subject to the requirements of this Section.
- (b) The front yard setback requirement applicable to lots within this District shall be a minimum of 15 feet and a maximum of 25 feet from the right-of-way.
- (c) The maximum height of any structure within this District shall be a vertical distance of twenty-three (23) feet measured from the floor of the main story of the residence at the front elevation to the top of the roof above the floor. Within this District it shall not be permitted to construct habitable basements, crawl spaces or garages beneath the finished first floor of the dwelling unit. Increased setback distances for upper stories are encouraged. So long as all other overlay district requirements are met, a legally nonconforming roof height in a residential structures existing at the time of adoption of this ordinance may be extended to a new addition to the residential structure
- (d) Within this District, the maximum size of new dwellings shall not exceed 1,750 square feet. Dwellings existing at the time of adoption of this ordinance, greater than 1,200 square feet in size may be expanded up to 2,000 square feet. Dwellings existing as the time of adoption of this ordinance greater than 1,199 square feet or less may be expanded up to 1,750 square feet.
- (e) Within this District, each improved lot must have at least two parking spaces. Parking areas shall be configured to provide direct access to individual spaces, without the need for excessive stacking, and, to the extent practicable, parking areas shall not be allowed between the building façade and the street right-of way.
- (f) Within this District, the number of unrelated individuals occupying a single dwelling unit shall be limited to four. Individuals related by blood, marriage or other legal arrangement shall not be subject to this limitation.

Section 15-186 Cluster Subdivisions.

- (a) In any single-family residential subdivision in the zones indicated below, a developer may create lots that are smaller than those required by Subsection 15-181 if such developer complies with the provisions of this section and if the lots created are not smaller than the minimums set forth in the following table:

ZONE	MINIMUM SQUARE FEET
R-7.5	5,625
R-10	7,500
R-S.I.R.	7,500
R-15	11,250
R-20	15,000

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RR	20,000 (AMENDED 11/14/88)
WR	43,560 (AMENDED 05/19/90)

- (b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land “saved” by so doing as usable open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into the size lots required by Section 15-181.
- (c) The amount of usable open space that must be set aside shall be determined by:
 - (1) Subtracting from the standard square footage requirement set forth in Section 15-181 the amount of square footage of each lot that is smaller than that standard;
 - (2) Adding together the results obtained in (1) for each lot.
- (a) The provisions of this section may only be used if the usable open space set aside in a subdivision comprises at least 10,000 square feet of space that satisfies the definition of usable open space set forth in Section 15-198 and if such usable open space is otherwise in compliance with the provisions of Article XIII. **(AMENDED 06/27/95; REPEALED 09/05/95; REDESIGNATED 09/05/95)**
- (b) The setback requirements of Section 15-184 shall apply in cluster subdivisions. **(AMENDED 06/27/95; REPEALED 09/05/95; REDESIGNATED 09/05/95)**

Section 15-187 Architecturally Integrated Subdivisions.

- (a) In any architecturally integrated subdivision, the developer may create lots and construct buildings without regard to any minimum lot size or setback restrictions except that: **(AMENDED 2/22/83; 4/24/84)**
 - (1) Lot boundary setback requirements shall apply where and to the extent that the subdivided tract abuts land that is not part of the subdivision; and
 - (2) Each lot shall be of sufficient size and dimensions that it can support the structure proposed to be located on it, consistent with all other applicable requirements of this chapter.
- (b) The number of dwelling units in an architecturally integrated subdivision may not exceed the maximum density authorized for the tract under Section 15-182. **(AMENDED 06/27/95; 06/22/99)**
- (c) The amount of land “saved” by creating lots that are smaller than the standards set forth in Section 15-181 shall be set aside as open space except that in no case

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shall a development be required to preserve more than forty percent of the development tract as open space. **(AMENDED 06/27/95)**

- (d) The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan of development. **(REDESIGNATED 06/27/95)**
- (e) The Board of Aldermen may approve a conversion to an architecturally integrated subdivision of any multi-family project that was built in accordance with the standards of the zoning ordinance in effect at the time of construction despite the fact that the density of such project exceeds that permissible under this chapter. However, no increase in density may be allowed in connection with such conversion. **(REDESIGNATED 06/27/95)**
- (f) Architecturally integrated subdivisions shall not be allowed in the C or WR zoning districts. **(REDESIGNATED 06/27/95)**

Section 15-188 Restrictions Designed to Mandate the Construction of Some Smaller New Homes for Sale **(AMENDED 06/22/99; 03/23/04)**

- (a) The Board finds that:
 - (1) Construction of new, single-family homes within the town's planning jurisdiction in recent years has been limited almost exclusively to homes that exceed 1,350 square feet in heated floor area and/or that sell for prices in excess of \$ 175,000;
 - (2) It is in the public interest to have available within the town's planning jurisdiction a diversity of new housing stock such that at least some newly constructed single-family homes are potentially affordable to families other than those in the highest income brackets;
 - (3) The objective of providing some diversity in terms of the affordability of new housing stock within the town's planning jurisdiction as described above can be advanced by mandating that a certain percentage of the homes within new subdivisions be limited to not more than 1,350 square feet in heated floor area.
- (b) Subject to the remaining provisions of this section, every residential development containing between thirteen and twenty units for sale shall be developed in such a manner that at least fifteen percent of the dwelling units constructed within such subdivision contain not more than 1,350 square feet of heated floor area at the time such units are initially conveyed, and an additional ten percent of the dwelling units contain not more than 1,100 square feet of heated floor area at the time such units are ini-

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tially conveyed. Every residential development containing twenty-one or more units for sale shall be developed in such a manner that at least fifteen percent of the dwelling units constructed within such development contain not more than 1,100 square feet of heated floor area at the time such units are initially conveyed, and an additional ten percent of the dwelling units contain not more than 1,350 square feet of heated floor area at the time such units are initially conveyed. For purposes of this subsection the term "heated floor area" means any fully enclosed (not merely screened in or partially enclosed) space that is within or attached to a dwelling unit, where either (i) the room temperature of such space is controlled or affected by a man-made heating or cooling device, or (ii) such space, although unheated, is clearly designed to be living space (as opposed to storage space or a garage) and can readily be converted into a heated living area. Such units shall be referred to in this section as "size-limited units." Notwithstanding the foregoing, the requirement for size-limited units shall not apply to residential developments located in the R-R or W-R zoning districts.

- (c) The number of dwelling units that can be constructed within an architecturally integrated subdivision or un-subdivided development is determined at the time the conditional use permit is approved. With respect to residential subdivisions other than architecturally integrated subdivisions, each lot that is large enough for only a single dwelling unit or that is limited by restrictive covenants to development only with a single dwelling unit shall be deemed to house one single-family detached dwelling unit. Lots that are large enough to accommodate more than one dwelling unit and are not so limited by restrictive covenants shall be deemed to house the largest number of duplex or multi-family units that could be approved under this chapter. The minimum number of size-limited units shall then be determined by multiplying the maximum number of dwelling units permissible within the subdivision as determined herein by the percentage specified in subsection (b) above (resulting fractions shall be dropped).
- (d) The developer's plans submitted with the application for a conditional use permit shall indicate which lots in the case of residential subdivisions or which units in the case of un-subdivided residential developments the developer proposes to develop with size-limited units. The conditional use permit plans and any necessary final plats shall indicate clearly where a size-limited unit must be constructed, and, in the case of subdivisions subject to the provisions of subsection (e), purchasers of lots shall be bound by the limitation.
- (e) No zoning or building permit may be issued for the construction of any dwelling unit on any lot that has been designated as a lot on which a size-limited unit must be constructed unless the dwelling conforms to the limitations of this section. Notwithstanding the foregoing, this section shall not prevent the purchaser of any size-limited unit, or any successor to such purchaser, from enlarging the dwelling unit at any time following one year after the issuance of the initial certificate of occupancy for the unit.

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- (f) This section shall not apply to any subdivision where each of the lots so created contains on the date the final plat is approved a dwelling unit for which a certificate of occupancy had been issued at least three years prior to the date of final plat approval. Nor shall this section apply to modifications of previously approved subdivisions.
- (g) Size-limited units may not be located apart from the remainder of the development in any manner designed to isolate such units or discourage the residents of such units from full participation in the enjoyment of all facilities and common properties available to other residents of the development.
- (h) This section shall not apply to the development of land that, on the effective date of this section, was subject to restrictive covenants that preclude the construction of dwellings as those prescribed in this section.
- (i) This section shall not apply to the development of land for which a conditional or special use permit authorizing the development of such land was approved prior to the effective date of this section.
- (j) A residential development that provides at least 85 percent of the maximum number of affordable housing units available under the provision of Section 15-182.4 (Residential Density Bonuses for Affordable Housing) shall not be subject to the requirements of this section.

Section 15-189 through 15-195 Reserved.