TOWN OF CARRBORO

NORTH CAROLINA

LAND USE ORDINANCE

Adopted and Effective Date: November 25, 1980

LAND USE ORDINANCE

SUMMARY OF TABLE OF CONTENTS

Article I. **GENERAL PROVISIONS**

Article II. **BASIC DEFINITIONS AND INTERPRETATIONS**

Article III. **ADMINISTRATIVE MECHANISMS**

Article IV. **PERMITS AND FINAL PLAT APPROVAL**

Article V. **APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND INTERPRETATIONS**

Article VI. **HEARING PROCEDURES FOR APPEALS AND APPLICATIONS**

Article VII. **ENFORCEMENT AND REVIEW**

Article VIII. **NONCONFORMING SITUATIONS**

Article IX. **ZONING DISTRICTS AND ZONING MAP**

Article X. **PERMISSIBLE USES**

Article XI. **SUPPLEMENTARY USE REGULATIONS**

Article XII. **DENSITY AND DIMENSIONAL REGULATIONS**

Article XIII. **RECREATIONAL FACILITIES AND OPEN SPACE**

Article XIV. **STREETS AND SIDEWALKS**

Article XV. **UTILITIES**

Article XVI. **FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION**

Article XVII. **SIGNS**

Article XVIII. **PARKING**

Article XIX. **SCREENING AND TREES**

Article XX. **AMENDMENTS**

Article XXI. **NEIGHBORHOOD PRESERVATION**

APPENDIX A. Information Required with Applications
APPENDIX B. Specifications on Driveway Entrances
APPENDIX C. Specifications for Street Design and Construction
APPENDIX D. Vehicle Accommodation Area Surfaces
APPENDIX E. Screening and Trees – Guide for Landscaping
APPENDIX F. Noise Measurement Data Sheet
APPENDIX G. Method Used in Calculating Point Values for Active Recreation Facilities
APPENDIX H. Example of Section 15-92.1, Special Exception
APPENDIX I. STORM DRAINAGE DESIGN MANUAL
APPENDIX J. Noise Levels [dB(A)] for Common Indoor and Outdoor Sounds

TABLE OF CONTENTS

LAND USE ORDINANCE AMENDMENTS

Article I

GENERAL PROVISIONS

Section 15-1	Short Title
Section 15-2	Authority
Section 15-3	Jurisdiction
Section 15-4	Effective Date
Section 15-5	Relationship to Existing Zoning, Subdivision and Flood Control Ordinances
Section 15-6	Relationship to Land Use Plan
Section 15-7	No Use of Land or Buildings Except in Conformity with Chapter Provisions
Section 15-8	Fees
Section 15-9	Stricter Regulation Controls
Section 15-10→14	Reserved

Article II

BASIC DEFINITIONS AND INTERPRETATIONS

Section 15-15	Definitions of Basic Terms
Section 15-16	Lots Divided by District Lines
Section 15-17→20	Reserved

Article III

ADMINISTRATIVE MECHANISMS

Part I. Planning Board

Section 15-21	Appointment and Terms of Planning Board Members
Section 15-22	Meetings of the Planning Board
Section 15-23	Quorum and Voting
Section 15-24	Planning Board Officers
Section 15-25	Powers and Duties of Planning Board
Section 15-26	Advisory Committees
Section 15-27	Northern Transition Area Advisory Committee
Section 15-28	Reserved

Part II. Board of Adjustment

Section 15-29	Appointment and Terms of Board of Adjustment
Section 15-30	Meetings of the Board of Adjustment
Section 15-31	Quorum
Section 15-32	Voting
Section 15-33	Board of Adjustment Officers
Section 15-34	Powers and Duties of the Board of Adjustment
Section 15-35→36	Reserved

Part III. Land Use Administrator and Planning Director

Section 15-37	Land Use Administrator
Section 15-38	Planning Director
Section 15-39	Reserved

Part IV. Board of Aldermen

Section 15-40	The Board of Aldermen
Section 15-41	Reserved

Part V. Appearance Commission

Section 15-42	Appointment and Terms of Appearance Commission
Section 15-43	Organization and Meetings of Appearance Commission
Section 15-44	Powers and Duties of Appearance Commission

Part VI. Environmental Advisory Board

Section 15-45	Appointment and Terms of Environmental Advisory Board
Section 15-45.1	Organization and Meetings of EAB
Section 15-45.2	Powers and Duties of the EAB

Article IV

PERMITS AND FINAL PLAT APPROVAL

Part I. Permit Requirements

Section 15-46	Permits Required
Section 15-47	No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled
Section 15-48	Who May Submit Permit Applications
Section 15-48.1	Concept Plan Review Procedures Prior to Submitting Applications
Section 15-49	Applications to be Complete
Section 15-50	Site Planning Procedures for Major Subdivisions
Section 15-51	Staff Consultation after Application Submitted
Section 15-52	Zoning Permits

Section 15-53	Performance Guarantee to Ensure Compliance with Zoning Permit
Section 15-54	Special Use Permits and Conditional Use Permits
Section 15-54.1	Affordable Housing Goal and Alternative Methods of Achieving the Goal
Section 15-55	Burden of Presenting Evidence; Burden of Persuasion
Section 15-55.1	Findings and Burden of Proof for Conditional Use Permits Required for Taller Buildings in Commercial Districts
Section 15-56	Recommendation on Special Use Permit Applications
Section 15-57	Recommendations on Conditional Use Permits
Section 15-58	Board Action on Special Use and Conditional Use Permits
Section 15-59	Additional Requirements on Special Use and Conditional Use Permits
Section 15-60	Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use or Conditional Use Permits
Section 15-61	Completing Developments in Phases
Section 15-62	Expiration of Permits
Section 15-63	Effect of Permit on Successors and Assigns
Section 15-64	Amendments to and Modifications of Permits
Section 15-65	Reconsideration of Board Action
Section 15-66	Applications to be Processed Expeditiously
Section 15-67	Maintenance of Common Areas, Improvements, and Facilities
Section 15-68→75	Reserved

Part II. Major and Minor Subdivisions

Section 15-76	Regulation of Subdivisions
Section 15-77	No Subdivision Without Plat Approval
Section 15-78	Minor Subdivision Approval
Section 15-79	Major Subdivision Approval Process
Section 15-80	Endorsements on Major Subdivision Plats
Section 15-81	Plat Approval Not Acceptance of Dedication Offers
Section 15-82	Protection Against Defects
Section 15-83	Maintenance of Dedicated Areas Until Acceptance
Section 15-83.1	Display of Approved Site Plan Required
Section 15-83.2	Signs Posted to Disclose Development Plan
Section 15-83.3	Covenants May Not Prohibit Devices that Generate or Conserve Energy or Water

Part III. Construction Drawing Approval

Section 15-84	Construction Drawings Shall Conform to Land Use Permit Plans
Section 15-85	Construction Drawing Submittal Process
Section 15-86	Record Drawings
Section 15-87	Construction Drawing Submittal Requirements

Part IV. Adequate Public School Facilities

Section 15-88	Purpose
Section 15-88.1	Certificate of Adequacy of Public School Facilities
Section 15-88.2	Service Levels
Section 15-88.3	Expiration of Certificates of Adequacy of Public School Facilities
Section 15-88.4	Exemption From Certification Requirement for Development with Negligible Student Generation Rates
Section 15-88.5	Applicability to Previously Approved Projects and Projects Pending Approval
Section 15-88.6	Appeal of School District Denial of a CAPS
Section 15.88.7	Information Required From Applicants
Section 15-89→90	Reserved

Article V

APPEALS, VARIANCES, INTERPRETATIONS

Section 15-91	Appeals
Section 15-92	Variances
Section 15-92.1	Special Exception Permits
Section 15-93	Interpretations
Section 15-94	Requests to be Heard Expeditiously
Section 15-95	Burden of Proof in Appeals, Variances, and Special Exceptions
Section 15-96	Board Action on Appeals, Variances and Special Exceptions
Section 15-97→100	Reserved

Article VI

HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 15-101	Hearing Required on Appeals and Applications
Section 15-102	Notice of Hearing
Section 15-103	Evidence
Section 15-104	Modification of Application at Hearing
Section 15-105	Record
Section 15-106	Written Decision
Section 15-107→110	Reserved

Article VII

ENFORCEMENT AND REVIEW

Section 15-111	Complaints Regarding Violations
Section 15-112	Persons Liable
Section 15-113	Procedures Upon Discovery of Violations
Section 15-114	Penalties and Remedies for Violations

Section 15-115 Permit Revocation and Building Permit Denial
Section 15-116 Judicial Review
Section 15-117 Stop Work Orders
Section 15-118→120 Reserved

Article VIII

NONCONFORMING SITUATIONS

Section 15-121 Definitions
Section 15-122 Continuation of Nonconforming Situations and Completion of Nonconforming Projects
Section 15-123 Nonconforming Lots
Section 15-124 Extension or Enlargement of Nonconforming Situations
Section 15-125 Repair, Maintenance and Reconstruction
Section 15-126 Change in Use of Property Where a Non-conforming Situation Exists
Section 15-127 Abandonment and Discontinuance of Nonconforming Situations
Section 15-128 Completion of Nonconforming Projects
Section 15-128.1 Authorization of Nonconforming Projects
Section 15-128.2 Vested Rights: Site Specific Development Plan
Section 15-128.3 Vested Rights Upon Issuance of Building Permits
Section 15-129 Nonconforming Signs
Section 15-130 Nonconforming Mobile Home Communities
Section 15-131→134 Reserved

Article IX

ZONING DISTRICTS AND ZONING MAP

Part I. Zoning Districts

Section 15-135 Residential Districts Established
Section 15-135.1 Conservation District Established
Section 15-136 Commercial Districts Established
Section 15-137 Manufacturing Districts Established
Section 15-138 Public Facilities District Established
Section 15-139 Planned Unit Development District Established
Section 15-140 Residential High Density and Commercial Overlay District
Section 15-140.1 Office-Residential Mixed Use District
Section 15-141 Neighborhood Preservation District Established
Section 15-141.1 Jordan Lake Watershed Districts Established
Section 15-141.2 Village Mixed Use District Established
Section 15-141.3 Conditional Use Zoning Districts
Section 15-141.4 Conditional Zoning Districts

Part II. Zoning Map

Section 15-142	Official Zoning Map
Section 15-143	Amendments to Official Zoning Map
Section 15-143.4	Downtown Neighborhood Protection Overlay District
Section 15-144→145	Reserved

Article X

PERMISSIBLE USES

Section 15-146	Table of Permissible Uses
Section 15-147	Use of the Designations Z,S,C in Table of Permissible Uses
Section 15-148	Board of Adjustment Jurisdiction Over Uses Otherwise Permissible with a Zoning Permit
Section 15-149	Permissible Uses and Specific Exclusions
Section 15-150	Accessory Uses
Section 15-151	Permissible Uses Not Requiring Permits
Section 15-152	Change in Use
Section 15-153	Developments in the B-3 Zoning District
Section 15-154	Combination Uses
Section 15-155	Planned Unit Developments
Section 15-156	More Specific Use Controls
Section 15-157	Residential Uses in Conservation Districts
Section 15-158	Hazardous Substances in B-5 and WM-3 Districts
Section 15-159	Mobile Home Type Structures Prohibited in Business Districts
Section 15-160	Outside Display of Goods in B-1(c) and B-1(g) Districts
Section 15-160.1	Residential Uses in B-1(c) District
Section 15-160.2	Permissible Uses in the Historic District

Article XI

SUPPLEMENTARY USE REGULATIONS

Part I. Non-Residential Performance Standards

Section 15-161	"Good Neighbor" Performance Standards for Non-Residential Uses
Section 15-162	Smoke, Dust, Fumes, Vapors, Gases, and Odors
Section 15-163	Noise
Section 15-164	Vibration
Section 15-165	Ground Water Supply
Section 15-166	Air Pollution
Section 15-167	Disposal of Liquid Wastes
Section 15-168	Water Consumption
Section 15-169	Electrical Disturbance or Interference
Section 15-170→171	Reserved

Part II. Miscellaneous Supplementary Use Provisions

Section 15-172	Neighborhood Utility Facilities
Section 15-173	Horticultural Sales with Outdoor Display
Section 15-174	Signs on Historic Buildings
Section 15-175	Special Events
Section 15-175.1	Density Restrictions on 7.200 Uses
Section 15-175.2	Recycling Operations
Section 15-175.3	Seasonal Christmas Tree or Pumpkin Sales
Section 15-175.4	Temporary Homes for Homeless and Overnight Shelters for Homeless
Section 15-175.5	Veterinarian Offices
Section 15-175.6	Temporary Structures and Parking Facilities
Section 15-175.7	Automobile Repair Shop or Body Shop (9.400) Uses
Section 15-175.8	Access for 8.500 and 8.600 Restaurant Uses in the B-1(g)
Section 15-175.9	Senior Citizen Residential Complex
Section 15-175.10	Flag Lots in the Historic District
Section 15-176	Towers and Antennas
Section 15-176.1	Businesses with Drive-In Windows
Section 15-176.2	Village Mixed Use Developments
Section 15-176.3	Reserved for Transfer of Development Rights
Section 15-176.4	Vehicle Sales in the B-1(g) Zoning Distrct
Section 15-176.5	Mobile Prepared Food Vendors
Section 15-177	Architectural Standards for Subdivisions Containing Four or More Single-Family Detached Residences
Section 15-178	Architectural Standards for Downtown Development
Section 15-179	Child Day Care Homes and Child Day Care Facilities
Section 15-179.1	Day Care Uses Within Village Mixed Use Development
Section 15-180	Electronic Gaming Operations

Article XII

DENSITY AND DIMENSIONAL REGULATIONS

Section 15-181	Minimum Lot Size Requirements
Section 15-182	Residential Density
Section 15-182.1	Residential Density in R-SIR Zoning
Section 15-182.2	Effect of Public Acquisition of Property On Density, Setback and Height Requirements
Section 15-182.3	Residential Density of Major Developments in Certain Districts
Section 15-182.4	Residential Density Bonuses for Affordable Housing
Section 15-183	Minimum Lot Widths
Section 15-184	Building Setback Requirements
Section 15-185	Building Height Limitations
Section 15-185.1	Downtown Neighborhood Protection Overlay District Requirements
Section 15-186	Cluster Subdivisions
Section 15-187	Architecturally Integrated Subdivisions

Section 15-188 Restrictions Designed to Mandate the Construction of Some Smaller New Homes for Sale
Section 15-189→195 Reserved.

Article XIII

RECREATIONAL FACILITIES AND OPEN SPACE

Section 15-196 Active Recreational Areas and Facilities Required
Section 15-197 Exception to Recreational Facilities and Open Space Requirements
Section 15-198 Open Space
Section 15-199 Ownership and Maintenance of Recreational Facilities and Open Space Not Dedicated to the Town
Section 15-200 Dedication of Open Space
Section 15-201 Homeowner's Association
Section 15-202 Flexibility in Administration Authorized
Section 15-203 Fees in Lieu of Active Recreational Areas and Facilities or Usable Open Space
Section 15-204 Downtown Livability Area and Urban Amenities Provisions
Section 15-205 Fees in Lieu of Downtown Livability Area and Urban Amenities
Section 15-206 Ownership and Maintenance of Downtown Livability Areas and Urban Amenities
Section 15-207→209 Reserved.

Article XIV

STREETS AND SIDEWALKS

Section 15-210 Street Classification
Section 15-211 Access to Public Streets in General
Section 15-212 Access to Arterial Streets
Section 15-213 Entrances to Streets
Section 15-214 Coordination with Surrounding Streets
Section 15-215 Relationship of Streets to Topography
Section 15-216 Street Width, Sidewalk, and Drainage Requirements in Subdivisions
Section 15-216.1 Street Widths, Sidewalk and Drainage Requirements in Certain Developments
Section 15-217 General Layout of Streets
Section 15-218 Street Intersections
Section 15-219 Construction Standards and Specifications
Section 15-220 Public Streets and Private Roads in Subdivisions
Section 15-220.1 Design Standards for Village Mixed Use Developments
Section 15-221 Road and Sidewalk Requirements in Unsubdivided Developments
Section 15-222 Attention to Handicapped in Street and Sidewalk Construction
Section 15-223 Street Names and House Numbers
Section 15-224 Bridges
Section 15-225 Utilities

Section 15-226 Road Standards in the University Lake Watershed
Section 15-227→235 Reserved

Article XV

UTILITIES

Part I. Water and Waste Water

Section 15-236 Utility Ownership and Easement Rights
Section 15-237 Lots Served by OWASA-Owned Water and Sewer Lines
Section 15-238 Sewage Disposal Facilities Required
Section 15-239 Determining Compliance With Section 15-238
Section 15-240 Water Supply System Required
Section 15-241 Determining Compliance With Section 15-240

Part II. Outdoor Lighting

Section 15-242 Purpose and Intent
Section 15-242.1 Definitions
Section 15-242.2 Applicability
Section 15-242.3 Minimum Lighting Requirements for Security
Section 15-242.4 Subdivisions
Section 15-242.5 General Standards
Section 15-242.6 Vehicular Canopies
Section 15-242.7 Outdoor Display Areas
Section 15-242.8 Outdoor Sports Fields and Performance Areas
Section 15-242.9 Prohibited Uses of Light
Section 15-242.10 Light Measurement Techniques
Section 15-243 Reserved
Section 15-244 Electric Power
Section 15-245 Telephone Service
Section 15-246 Underground Utilities
Section 15-247 Utilities to be Consistent with Internal and External Development
Section 15-248 As-Built Drawings Required
Section 15-249 Fire Hydrants
Section 15-250 Screening of Dumpsters

Article XVI

FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION

Part I. Flood Damage Prevention

Section 15-251 Purpose and Objective
Section 15-251.1 Definitions

Section 15-251.2 General Provisions
Section 15-251.3 Application Requirements
Section 15-251.4 Permit Requirements
Section 15-251.5 Certification Requirements
Section 15-251.6 Duties and Responsibilities of the Administrator
Section 15-251.7 Variance Procedures
Section 15-251.8 General Standards for Flood Hazard Reductions
Section 15-251.9 Specific Standards for Flood Hazard Reductions
Section 15-251.10 Floodways and Non-Encroachment Areas
Section 15-251.11 Special Provisions for Subdivisions
Section 15-252 →260 Reserved

Part II. DRAINAGE, EROSION CONTROL, STORM WATER MANAGEMENT

Section 15-261 Natural Drainage System Utilized to Extent Feasible
Section 15-262 Development Must Drain Properly
Section 15-263 Management of Storm Water
Section 15-263.1 Maintenance of Structural BMPs
Section 15-264 Sedimentation and Erosion Control
Section 15-265 Reserved
Section 15-266 Impervious Surface Limitations
Section 15-267 Additional Development Standards Within C and WR District
Section 15-268 Repealed

Part III. WATER QUALITY BUFFERS

Section 15-269 Findings and Purpose
Section 15-269.1 Definitions
Section 15-269.2 Required Buffers
Section 15-269.3 Width of Buffers
Section 15-269.4 Diffuse Flow Requirement
Section 15-269.5 Exempt and Allowable Activities
Section 15-269.6 Determination of "No Practical Alternatives"
Section 15-269.7 Mitigation for Water Quality Buffers
Section 15-269.8 Permits and Enforcement of Buffer Requirements

Article XVII

SIGNS

Section 15-270 Definitions
Section 15-271 Permit Required for Signs
Section 15-272 Signs Excluded From Regulation
Section 15-273 Certain Temporary Signs: Permit Exemptions and Additional Regulations
Section 15-274 Determining the Number of Signs

Section 15-275 Computation of Sign Area
Section 15-276 Total Sign Surface Area
Section 15-277 Freestanding Sign Surface Area
Section 15-278 Number of Freestanding Signs
Section 15-279 Subdivision and Multi-Family Development Entrance Signs
Section 15-280 Location and Height Requirements
Section 15-281 Sign Illumination and Signs Containing Lights
Section 15-282 Miscellaneous Requirements
Section 15-283 Sandwich Board Signs
Section 15-284→289 Reserved

Article XVIII

PARKING

Section 15-290 Definitions
Section 15-291 Number of Parking Spaces Required
Section 15-292 Flexibility in Administration Required
Section 15-292.1 Payment of Fee in Lieu of Providing Parking Spaces
Section 15-293 Parking Space Dimensions
Section 15-294 Required Width of Parking Area Aisles
Section 15-295 General Design Requirements
Section 15-295.1 Design Standards for Bicycle Parking
Section 15-296 Vehicle Accommodation Area Surfaces
Section 15-297 Joint Use of Required Parking Spaces
Section 15-297.1 Creation of Public Parking Lots from Private Parking Areas
Section 15-298 Satellite Parking
Section 15-299 Special Provisions for Lots with Existing Buildings and lots within Neighborhood Preservation Districts
Section 15-300 Loading and Unloading Areas
Section 15-301 No Parking Indicated Near Fire Hydrants
Section 15-302 Limitation on the Total Lot Coverage Devoted to Surface Parking
Section 15-303 Reserved

Article XIX

SCREENING AND TREES

Part I. Screening

Section 15-304 Board Findings Concerning the Need for Screening Requirements
Section 15-305 General Screening Standards
Section 15-306 Compliance with Screening Standards
Section 15-307 Descriptions of Screens
Section 15-308 Table of Screening Requirements
Section 15-309 Flexibility in Administration Required
Section 15-310 Combination Uses
Section 15-311 Landscaping Plan
Section 15-311.1 Screening of Flag Lots in the Historic District (HD)

Section 15-312 Protective Buffer Along Major Roads
Section 15-313 Reserved

Part II. Shading and Tree Protection

Section 15-314 Board Findings and Declaration of Policy on Shade Trees
Section 15-315 Required Trees Along Dedicated Streets
Section 15-316 Retention and Protection of Large Trees
Section 15-317 Shade Trees in Parking Areas
Section 15-318 Protection of Trees During Construction
Section 15-319 Performance Security May Be Required
Section 15-319.1 Regulation of Forestry Activities

Article XX

AMENDMENTS

Section 15-320 Amendments in General
Section 15-321 Initiation of Amendments
Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments
Section 15-323 Hearing Required: Notice
Section 15-324 Board Action on Amendments
Section 15-325 Ultimate Issue Before Board on Amendments
Section 15-326 Protests to Zoning Map Amendments

Article XXI

Part I. NEIGHBORHOOD PRESERVATION

Section 15-330 Neighborhood Preservation District Commission
Section 15-331 Powers and Duties of the Neighborhood Preservation District Commission
Section 15-332 Review Process for Certain Projects Within A Neighborhood Preservation District; Delay of Permit Issuance
Section 15-333 Commission Rules, Procedures and Guidelines
Section 15-334 Procedure for Designating a Neighborhood Preservation District
Section 15-335 Reserved

Part II. HISTORIC PRESERVATION

Section 15-336 Historic District Commission
Section 15-337 Powers and Duties of Historic District Commission
Section 15-338 Procedure for Designating or Amending a Historic District
Section 15-339 Certificates of Appropriateness
Section 15-340 Historic District Commission Recommendation on Permit and Other Applications

Appendix A

INFORMATION REQUIRED WITH APPLICATIONS

A-1 In General
A-2 Written Applications
A-3 Development Site Plans
A-4 Graphic Materials Required for Plans
A-5 Existing Natural, Man-Made, and Legal Features
A-6 Proposed Changes in Existing Features or New Features
A-7 Documents and Written Information in Addition to Plans
A-8 Number of Copies of Plans and Documents

Appendix B

SPECIFICATIONS ON DRIVEWAY ENTRANCES

Appendix C

SPECIFICATIONS FOR STREET DESIGN AND CONSTRUCTION

C-1 Design Speed, Sight Distance, Centerline Radius
C-2 Cut and Fill Slopes
C-3 Sign Distances at Intersections
C-4 Radius at Street Intersections
C-5 Clearing and Grubbing
C-6 Grading and Compaction
C-7 Street Base
C-8 Street Surfaces
C-9 Pavement Section Variations
C-10 Street Cross Sections
C-11 Curb and Gutter
C-12 Sidewalks
C-13 Wheel Chair Ramps
C-14 Storm Water Run-off Control
C-15 Sedimentation Control

STANDARD DRAWINGS

No. 1 Sight Distance for No Stop Condition
No. 2 Sight Distance for Stop Condition (Secondary State Road)
No. 3 Sight Distance for Stop Condition (Primary State Road)
No. 4 Curb and Gutter
No. 5 No Curb and Gutter
No. 6 Residential Street–No Curb and Gutter
No. 7 Residential Street–Curb and Gutter
No. 8 Standard Curb and Gutter
No. 9 Standard Wheel Chair Ramp
No. 10 Standard Catch Basin
No. 11 Storm Water Manhole
No. 12 Yard Inlet Cover
No. 13 Yard Inlet
No. 14 Sedimentation Control
No. 15 Single Driveway-Open Ditch
No. 16 Symmetrical Cul-De-Sac With Center Island
No. 17 Mountable Curb – Cul-De-Sac Island
No. 18 Alley with Curb & Gutter
No. 19 T-Turnaround
No. 20 Branch Turnarounds
No. 21 Minor Street Without Curb & Gutter & Minor Street With Curb & Gutter
No. 22 Local Street Without Curb & Gutter & Local Street With Curb & Gutter
No. 23 Subcollector Street Without Curb & Gutter & Subcollector Street With Curb & Gutter
No. 24 Mortarless Laid Brick Pavers for Sidewalks
No. 25 Mortarless Laid Brick Pavers for Sidewalks
No. 26 Collector Street – Curb & Gutter
No. 27 Alternative Street Standards

Appendix D

VEHICLE ACCOMMODATION AREA SURFACES

D-1 Paved Surfaces
D-2 Unpaved Surfaces
D-3 Alternate Parking Space Treatment

Appendix E

SCREENING AND TREES – GUIDE FOR LANDSCAPING

E-1 Guide for Protecting Existing Trees
E-2 Standards for Street and Parking Lot Trees
E-3 Formula for Calculating Twenty Per Cent Shading of Vehicle Accommodation Areas
E-4 Typical Parking Lot Planting Islands
E-5 Guide for Planting Trees
E-6 Typical Opaque Screens
E-7 Typical Semi-Opaque Screens
E-8 Typical Broken Screens
E-9 Guide for Planting Shrubs
E-10 Lists of Recommended Trees and Shrubs
E-11 Small Trees for Partial Screening
E-12 Large Trees for Evergreen Screening
E-13 Large Trees for Shading
E-14 Small Shrubs for Evergreen Screening
E-15 Large Shrubs for Evergreen Screening
E-16 Assorted Plantings for Broken Screens
E-17 List of Invasive Plant Species

Appendix F

F-1 Community Noise Measurement Data Sheet
F-2 Computational Work Sheet

Appendix G

METHOD FOR CALCULATING POINT VALUES FOR ACTIVE RECREATION FACILITIES

Appendix H

EXAMPLE OF SECTION 15-92.1, SPECIAL EXCEPTION

Appendix I

STORM DRAINAGE DESIGN MANUAL

Appendix J

NOISE LEVELS [dB(A)] FOR COMMON INDOOR/OUTDOOR SOUNDS

Appendix K

DESIGN AND MANAGEMENT HANDBOOK FOR PRESERVATION AREAS IN LOWER MERION TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA

Appendix L

VILLAGE MIXED USE & AFFORDABLE HOUSING VERNACULAR STANDARDS

LAND USE ORDINANCE AMENDMENTS

February 22, 1983
Section 15-187(a), (b), (c)

March 22, 1983
Section 15-146 (7.200) (Use Table)
15-175.1

June 10, 1983
Section 15-187(d), (e)
15-211(a)
15-220(d), (e), (f)
15-291(g)
15-15(29), (30)
15-146(1.420), (7.200)
15-196(b), (c)
15-317(c)
15-249(f)
15-146(28.000) (Use Table)

June 28, 1983
Section 15-149(c)(4)
15-146(15.500), (15.510)
(15.520) (Use Table)
15.175.2
15-291(g)

July 26, 1983
Section 15-60(c)

September 13, 1983
Section 15-185
15-293
15-294
15-291(d)

October 25, 1983
Section 15-32(a)

December 7, 1983
Section 15-135(a), (b), (f)
15-135.1
15-136(5)
15-137(b), (c)
15-181
15-182(b)
15-183(b)
15-184(a), (f)
15-186(a)
15-265
15-266
15-146 (Use Table)
15-157
15-162(c)
15-264(c), (d)
Appendix A-6(b)(6)
15-158
15-238(a), (b)
15-15

January 10, 1984
Section 15-24
15-33
15-43(f)

February 14, 1984
Section 15-220

April 24, 1984
Section 15-15(1), (40), (53), (54), (55), (74), (75), 15-15-(40.1), (40.2), (40.3), (40.4),(40.5), (55.1), (55.2), (55.3), (55.4), (55.5), (55.6), 55.7), (55.8), (55.9), (55.10), (55.11), (55.11), (75.1), (92)
15-182
15-187
15-211
15-196
15-197
15-198
15-291(g)
15-221(c)
15-146(1.100), (1.200), (1.300)
15-308

June 27, 1984
Section 15-294(a),(c),(d)

September 12, 1984
Section 15-216(b)

January 22, 1985
Section 15-182(a), (c)
15-323(c)
15-102(2)
15-64(f)
5-15(1)
15-16(b), (c)
15-246(b)
15-151(4)
15-184(g)
15-148
15-184(a)
15-271
15-272
15-216(b), (b1)

March 12, 1985
Section 15-16(b)(1)
15-318
15-275(c), (d), (e)

March 26, 1985
Section 15-198(a), (d), (e)

April 9,1985
Section 15-182(e)

October 1, 1985
Section 15-15
15-146(1.110, 1.120) (Use Table)
15-159
15-323(c)

October 22, 1985
Section 15-15 (46.2, 77.1)
15-146(1.650, 1.930) (Use Table)
15-175.3
15-175.4
15-147(a), (b)
15-146(1.310, 1.320, 1.330, 1.700, 1.800, 26.000, 26.100, 26.200, 31.000) (Use Table)

November 12, 1985
Section 15-146(18.200) (Use Table)
15-150(c)(5)

November 19, 1985
Section 15-150(c)(5)

November 26, 1985
Section 15-80(3)
15-125(d)(2)
15-154(b)(c)
15-182.2(a)(d)
15-200(a)(b)
15-201(4)
15-220(b)(g)
15-249(g)
15-251(2)(3)
15-281(b)
15-326(b)(1)

December 10, 1985
Section 15-196
15-197

15-198(a)(e)
15-203

February 4, 1986
Section 15-136
15-137(a)
15-135(a)
15-140
15-181
15-182(a)
15-183(b)
15-184(a)
15-185(a)
15-146 (Use Table)
15-291(g)
15-160
15-290
15-15(88.1)
15-291(a)
15-291(e)
15-292(a)
15-295(d)
15-296(a)
15-160.1
15-213
15-276(b), (c)
15-184(h)
15-311

March 4, 1986
Section 15-276(g)
15-271(c)(2)
15-272(11)
15-296(a)
15-296(f)

March 11, 1986
Section 15-272(10)
15-15(58)
15-270(1)
15-273(a)(3)
15-146(10.100)
15-15(32.1)
15-296(e)
15-298(d), (e)

May 27, 1986
Section 15-21(a), (b), (e)
15-29(a), (b), (e)
15-42(b), (d)

June 15, 1986
Section 15-124(g)

September 2, 1986
Section 15-317(e)

November 11, 1986
Section 15-182.1(d)
15-184(f), (g), (h), (i), (j)
15-186(a), (d), (e), (f), (g)
15-187(d), (e), (f)
15-198(a), (b)
15-199(a)
15-226
15-265
15-267

December 16, 1986
Section 15-31(a)

February 24, 1987
Section 15-15
15-16(b)(1)
15-61(c)
15-139(a)
15-146 (Use Table)
15-147(b)
15-175.5
15-196(d)
15-237
15-291(g)
15-318

April 21, 1987
Section 15-15 (26, 27, 31.1, 39.1)
15-92 (f), (g), (h)
15-251 (4), (5), (6), (7)
15-254
15-255 (c)

15-257
Appendix A

July 21, 1987
Section 15-15(77)
15-34(a)
15-78(e)
15-80(1)
15-146(26.100) (Use Table)
15-147(c), (d), (e), (f)

October 20, 1987
Section 15-130

December 16, 1987
Section 15-146 (Use Table)
15-147(b), (c)
15-148
15-46(c)
15-76
15-50(b)
15-79(a), (d), (e)
15-80(1)
15-15(77)

February 2, 1988
Section 15-15(13.1)
15-150(a)
15-146 (Use Table)
15-291
15-181
15-182(a), (c), (e)
15-183
15-184
15-185(a)(1)
15-186(a)

April 26, 1988
Section 15-218(b), (c), (d)

May 03, 1988
Section 15-238(c)
15-239(c)
15-241

June 13, 1988
Section 15-114(b), (d)
15-124(h)

June 23, 1988
Section 15-15
15-158(a), (b), (c), (d)
15-238(c)

September 06, 1988
Section 15-136(3)c.(ii)

October 04, 1988
Section 15-146 (Use Table)
15-147

November 14, 1988
Section 15-15
15-21(a), (b)
15-29(a), (b), (d)
15-135(c)
15-136(8)
15-146 (Use Table)
15-147(d)

December 06, 1988
Section 15-15 (15
15-15 (63)
15-251 (2
15-251 (3)
15-254
15-255
15-268

March 21, 1989
Section 15-15 (89)
15-314 (a)(1), (2), (3), (4), (5), (6), (7), (8)
15-316 (a)(1), (2), (3), (4), (5), (6), (7)
15-316 (b), (c)
15-317 (c)
15-318 (a), (b), (c)
15-319 (a), (b), (c)
Appendix A, Section A-5, (b)(2)

Appendix A, Section A-6, (22)
"Part II" Title of Article XIX

April 11, 1989
Section 15-15 (34)
15-146 (Use Table)

May 09, 1989
Section 15-272 (4)

June 05, 1989
Section 15-184 (m)

June 06, 1989
Section 15-49 (c)
15-64 (b)
15-82 (a), (b)
15-84
15-85
15-86
15-87
15-151

September 26, 1989
Section 15-42 (e)
15-43 (f)
15-44 (e)
15-141
15-184 (n)
15-299 (Title)
15-299 (b)
Article XXI

October 24, 1989
Section 15-30 (b)
15-102
15-114 (a)
15-117

November 28, 1989
Section 15-175.6
15-182.2 (a)
23.000 (Table of Permissible Uses)

December 05, 1989
Section 15-92 (b)(1)(a),(b)

February 20, 1990
Section 15-22(a)
15-203(a)
CHART Section 15-216(b)
15-216(e)
15-217(d)
Appendix C (#16 & #17)

March 13, 1990
Section 15-146 (4.100) (15.000) (Use Table)

May 15, 1990
Section 15-15 (99)
15-135(b)
15-146 (Use Table)
15-181(a)(b)
15-182(a)(f)
15-183(b)
15-184(a)
15-184(g)(3)(a)
15-185(a)(1)
15-186(a)
15-186(d)
15-186(e)
15-187(h)
15-187(d)
15-187(e)
15-237(d)
15-238(c)
15-265(b)
15-266
15-267

June 26, 1990
Section 15-238(b)
15-296(a)
15-296(g)

September 11, 1990
Section 15-216
15-216(b2)

September 25, 1990
Section 15-146 (Table of Permissible Uses)
Uses 1.160 5.320 2.120 6.240
2.130 13.100 2.220
13.200 3.100 13.300
3.120 13.400 3.210
21.100 3.220 22.000
4.100 5.110

October 09, 1990
Section 15-29(f)
15-42(f)
15-87

December 11, 1990
Section 15-146 (Table of Permissible Uses)
(22.000)

April 16, 1991
Section 15-136(9), (10)
15-162(c)
15-163(e)
15-181(a)
15-182(a)
15-183(b)
15-184(a)
15-146 (Table of Permissible Uses)

June 04, 1991
Section 15-15(83.1)
15-210(b)(6)

June 18, 1991
Section 15-127
15-152(b)

October 01, 1991
Section 15-128(b)
15-128(b)(8)
15-128(c)
15-128(g) (Repealed)
15-128.1
15-128.2
15-128.3
15-148(b)

October 22, 1991
Section 15-46
15-46(e)
15-146
(Table of Permissible Uses)
15-152(a)(4)

December 03, 1991
Section 15-273(a)
15-273(a)(5)
15-278(d)

January 28, 1992
Section 15-83.1
15-83.2

February 25, 1992
Section 15-148 (a), (b)

August 25, 1992
Section 15-184(o)
15-273(a)(5)
15-280(c)

September 01, 1992
Section 15-15(4)
15-146
(Table of Permissible Uses)
Section 15-238(b)
Section 15-291(g)

October 20, 1992
Section 15-146 (Table of Permissible Uses)
15-161
15-162(c)
15-163(a)
15-163(e)
15-164(a)
15-165(b)
15-166(a)
15-167(a), (b)
15-169
15-175.7
15-291(g)

December 08, 1992
Section 15-146
(Table of Permissible Uses)
15-136(2)
15-175.8
15-270(4)
15-278(a)
15-280(a)
15-283

July 06, 1993
Section 15-15(15)
15-251(2)
15-266(a)

November 09, 1993
Section 15-184(p)(1)(2)(3)

December 14, 1993
Section 15-15(101)
15-184(g)(4)
15-265(e)

June 21, 1994
Section 15-15
15-32(a)
15-34(a)(4)
Article V (title)
15-92.1
15-95 (title)
15-95(c)
15-96 (title)
15-95(d)
15-210(b)(8)

June 28, 1994
Subsection 185(g)(1), (2), (3)

September 27, 1994
Appendix C - No. 18, 19, 20
Appendix C - Section C-1
Section 15-210(b)(9)
15-217(c)
15-217(g)

March 21, 1995
Section 15-136 (2.1)

April 18, 1995
Section 15-151(a)(4)

June 20, 1995
Section 15-146 (3.150) (Table of Permissible Uses)
15-291(g)
15-196(d)(2)
15-196(e)
15-196(h)
15-198
15-199
15-200
15-186(d)
15-187(b), (c), (d),(e)
Map: "Natural Constraints"

June 27, 1995
Section 15-198 (Rewritten)
15-199 (Rewritten)
15-200 (Rewritten)
15-196(d)(2)
15-196(e)
15-196(h)
15-186(d) (Repealed)
15-186(e), (f), (g) [Redesignated]
15-187(d), (e) (Deleted)
15-187(f), (g), (h) [Redesignated]

August 08, 1995
Section 15-216(a)
15-216(b)
15-217(d)
Appendix C Standard Drawing No.6
Appendix C Standard Drawing No. 16
Appendix C Standard Drawing No. 21
Appendix C Standard Drawing No. 22
Appendix C Standard Drawing No. 23

August 22, 1995
Section 15-60(c)

September 05, 1995
Section 15-186(d))(Repealed)
15-198(c)
15-198(g)
15-198(h)
15-167(a)

September 19, 1995
Section 15-57(a), (b), (c), (d), (e)
15-322(a)

November 21, 1995
Section 15-15(28)
15-42(e)
15-43(f)
14-44(f)
15-141
15-160.2
15-175.10
15-184(q)
15-311.1
Article XXI, Part II

November 28, 1995
Section 15-15(80.1)
15-146 (Table of Permissible Uses)
15.175.9

February 20, 1996
Article III, Part V

April 23, 1996
Section 15-91(b)
15-92(c)
15-114(b)
15-114(d)

May 14, 1996
Section 15-175.9(c), (d)

June 11, 1996
Section 15-60(c)

August 27, 1996
Section 15-216
15-291(g); Use #1.100
Appendix B
Appendix C-12
Appendix E-10
Appendix E-11
Appendix E-12
Appendix E-13
Appendix E-14
Appendix E-15
Appendix E-16

October 08, 1996
Section 15-60
15-197(a)
15-197(b)

October 15, 1996
Section 15-141.1
15-181(c)
15-182(g)
15-266(a), (e), (f)
15-320(c), (d)
15-102(5)
15-92(i), (j)
Zoning Map (JLWP overlay)

November 19, 1996
Section 15-216(b)
15-216(c)
15-216(j)
15-262(g)
15-263(a), (b)
15-315
Appendix C: Nos. 6, 7, 21, 22, 23, 24, 25
Appendix E, Section E-2(e) Appendix I

February 04, 1997
Section 15-15
15-139(a)
15-139(a)(2)
15-150(c)(6)
Section 15-146 (Table of Permissible Uses)
Use 22.000
15-291(g): Use 22.000

February 18, 1997
Section 15-15
Section 15-146 (Table of Permissible Uses)
(15.700, 17.300, 18.300, 18.400)
15-147(g)
15-150(c)(5)
15-150(e)
15-176
15-184®
15-185(e)

April 15, 1997
Section 15-102(2)
15-146 (Table of Permissible Uses)
(2.150)
15-161 (Title)
15-161(a)
15-162(c)
15-163(a), (e)
15-164(a)
15-165(b)
15-166(a)
15-167(a), (b)
15-168
15-169
15-291(g) [Use 2.150]
15-323(c)

June 03, 1997
Section 15-146 (Table of Permissible Uses)
(5.110) (13.100)

September 16, 1997
Delete Section 15-217(a)
Redesignate Subsections 15-217(b), (c), (d), (e), (f) respectively
Section 15-214(c)
15-217(g)

October 07, 1997
Section 15-15(6)
15-146 (Table of Permissible Uses)

May 12, 1998
Section 15-216(a), (b), (c)

May 19, 1998
Section 15-15 (Definitions: BERM)
15-149(c)(5)
15-184(a)(3)(b)
15-184(d)

May 26, 1998
Section 15-8(b)
15-8(c)

June 09, 1998
Section 15-136(1)
15-136(2)
15-146 (Table of Permissible Uses)
15-176.1

December 08, 1998
Section 15-216(g)
15-216(j)
15-221(f)
Appendix C, Section C-12

April 27, 1999
Section 15-15(110)
Land Use Table (2.112 Use)

May 11, 1999
Section 15-45.2(b) (Repealed)

May 25, 1999
Section 15-27
15-50
15-136(11)
15-141.2
15-146 (Use Table)(32.000,33.000)
15-149(c)(6)
Article XI, Part I, TITLE
Section 15-161
15-162
15-163(a)
15-165
15-176.2

15-176.3
15-177
15-182.3
15-183.4
15-198(b)(3)
15-198(b)(4)
15-198(b)(5)
15-198(d)
15-198(e)
15-198(f)
15-198(g)
15-198(h)
15-243
15-263(a)
15-269
15-291(f)
15-312
15-316(c)
15-325(1)
Appendix A-6 (b)(15)
Appendix E-10(d)(9) & (f)(10) (Deleted)
Appendix E-17
Appendix J

June 22, 1999
Section 5-15
15-146 (Table of Permissible Uses)
15-182.3(b)
15-187(b)
15-188
15-291(g)
15-308

August 24, 1999
Section 15-149(c)(5)

September 28, 1999
Section 15-217(a)

October 12, 1999
Section 15-102(2)
15-102(3)

January 11, 2000
Section 15-15
15-146 (Table of Permissible Uses)
(3.130) (1.340)
15-184(s)
15-198(k)
15-291(g) (1.340 Use)

February 01, 2000
Section 15-332(a)

April 04, 2000
Section 15-253(a)(5)
15-253(c)

May 16, 2000
Section 15-150(d)(1) (Repealed)

October 10, 2000
Section 15-60(a)
15-182(h)
15-196(c) (1.340 Use)
15-196(f)

November 14, 2000
Section 15-146 (Table of Permissible Uses)
(6.140) (6.221) (6.222)

January 16, 2001
Section 15-15
15-185 (a)(1)
15-184 (a)(4)

April 2, 2002
Section 15-182.2 (e)

March 26, 2002
Section 15-102(2)
15-323(c)

May 28, 2002
Section 15-15 (92.1)
15-182 (b)
15-176.2 (b)(1)(c)
15-176.2 (f)(3)(g)
15-176.2 (f)(4)(b)
15-176.2 (f)(4)(g)(1)

15-176.2 (f)(4)(g)(2)
15-176.2 (f)(4)(m)
15-176.2 (f)(5)(b)
15-176.2 (f)(5)(c)
15-176.2 (f)(5)(d)
15-176.2 (f)(5)(g)
15-176.2 (f)(5)(g)(3)
15-176.2 (f)(5)(g)(4)
15-176.2 (f)(5)(g)(5)
15-177 (a)(2)
15-177 (a)(3)
15-177 (a)(6)
15-177 (a)(7)
15-176.2 (f)(3)(g)
15-220.1 (a)
15-220.1 (b)
15-146 (Table of Permissible Uses)
15-136 (10)(e)
15-136 (11)(c.1)

May 14, 2002
Section 15-182.4(b)
15-182.4(f)
15-182.4(g)
15-92.1(d)(1)

May 21, 2002
Section 15-91(b)(1)
15-91(b)(2)
15-124(e)
15-124(e1)
15-52(d)
15-52(e)

June 25, 2002
Section 15-220 (b)
15-220 (h)
15-221 (b)
15-146 (Table of Permissible Uses)
15-176.4

November 19, 2002
Section 15-269(b)
15-269(c)

January 21, 2003
Appendix I, Section 6

April 8, 2003
Section 15-185(a)
15-15(40)
15-15(113)
15-185(g)(3)
15-184(k)
15-185(f)
15-221(f)
15-196(i)
15-182.2 (f)

April 15, 2003
Section 15-297.1

May 6, 2003
Section 15-214(c)
Section 15-296(a)
Section 15-296 (h)
Appendix D-3
Section 15-216.1
Appendix C-27

July 17, 2003
Section 15-88

November 18, 2003
Article X
Section 15-147(a)
15-147 (h)

March 23, 2004
Section 15-188 (a, b, c, d, e) (Amended)
Section 15-188 (f, g, h and i) (Amended)
Section 15-188 (j)

May 18, 2004
Section 15-291(a)
15-291(g), Part II
15-292.1
15-294 (e)
15-295 (e)

15-297 (c)
15-297 (d)
15-302

May 25, 2004
Section 15-64 (g)
15-126 (c) (2)
15-141.3

June 22, 2004
Article III
Section 15-15 (3)
15-15 (4)
15-15 (16) (Deleted)
15-15 (18)
15-15 (19)
15-15 (42) (Deleted)
15-15 (43) (Deleted)
15-15 (44)
15-15 (50) (Deleted)
15-15 (62)
15-15 (71) (Deleted)
15-15 (73)
Article X
15-146 (Amended)
(Table of Permissible Uses)
1.400
1.600
8.100
8.200
8.500
8.600
15-147 (i)
15-163 (h)
15-185 (f)
Appendix E 10-16

April 19, 2005
Article II
Section 15-15 (4) (Amended)
15-15 (19) (Amended)
15-15 (44) (Amended)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
1.440
1.460
1.480

May 24, 2005
Article II
Section 15-15 (139) (Amended)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
15.800
15.810
15.820
17.400

June 28, 2005
Article IV
Section 15-54.1

August 23, 2005
Article IX
Section 15-143.4
Article XII
Section 15-185.1 (Amended)
Section 15-185(a)(5) (Repealed)
Section 15-185(a)(6) (Repealed)

October 25, 2005
Article IV
Section 15-55.1
Article X
Section 15-147(j)
Article XII
Section 15-185(a)(3)(f) and (g) (Repealed)

November 22, 2005
Article IV
Section 15-64 (h)
Article X
Section 15-147(h) (4)

March 7, 2006
Article IX
Section 15-136(4) (Amended)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
3.110
3.120
3.130
3.150

April 25, 2006
Article III
Section 15-21(a) (Amended)
Section 15-21(b) (Amended)

June 20, 2006
Article IX
Section 15-136 (2) (Amended)
Section 15-136 (7) (Amended)
Section 15-140.1 (Amended)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
21.000
21.100
21.200
21.300
Article XI
Section 15-178 (Amended)
Article XIII
Section 15-198 (c) (Amended)
Section 15-198 (d) (5)
Appendix A-6 (25)

June 27, 2006
Article III
Section 15-44(a) (4) (Amended)

August 22, 2006
Article IX
Section 15-141.2 (g)(1)(g) (Amended)
Article XI
Section 15-177 (Rewritten)
Article XII
Section 15-182.4(a) (Amended)

October 24, 2006
Article II
Section 15-15 (127) (Amended)
Article III
Section 15-26 (d)
Section 15-32 (b) (Amended)
Section 15-32 (c) (1, 2, 3, 4)
Section 15-32 (d, e, f, g)
Article IV
Section 15-48.1
Section 15-53 (Amended)
Section 15-59 (d)
Section 15-60 (a), b(1), (c) (Amended)
Article V
Section 15-92(b), (6) (Amended)
Article VII
Section 15-115(e)
Article XIX
Section 15-319.1
Article XX
Section 15-322 (b, c, d) (Amended)
Section 15-323 (d, e, f, g)
Section 15-324 (d, e)
Section 15-326 (a), b(1), (c, d)

November 28, 2006
Appendix C-Section 1, (Amended)
Article XVIII
Section 15-291(g) (1.510, 1.530) [Redesignated]
Section 15-291(g) (34.100, 34.200) (Amended)
Section 15-291(g) (34.100; 34.200)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
Article XIX
Section 15-308 (34.000; 34.200)

January 16, 2007
Article XVI, Part I
Section 15-251 (Rewritten)
Section 15-269 (d) (1, 2, 3) (Amended)

Appendix A
A-5(5); A-6(5); A-6(6); A-6(7) A-7(3); A-7(4) Repealed

January 23, 2007
Article XII, Part I
Section 15-185.1(d)(2)(b) (Deleted)
Section 15-185.1(f)(2)(b) (Deleted)

February 27, 2007
Article XII, Part I
Section 15-185.1(d)(1) (Amended)
Section 15-185.1(f)(1) (Amended)

June 12, 2007
Article XIII
Section 15-196(i) (Repealed)
Section 15-198(c) (Amended)
Section 15-204
Section 15-205
Section 15-206

June 26, 2007
Article II, Section 15-15(21, 22) (Amended)
Section 15-15(106, 107) (Amended)
Article IV, Section 15-54.1 (Rewritten)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
22.100
22.200
22.300
22.400
Section 150(c)6
Section 15-147(k) (Amended)
Article XI, Section 15-179
Article XII, Section 15-182.4 (Rewritten)
Article XVI, Part II
Section 15-261 (Rewritten)
Section 15-262 (Rewritten)
Section 15-263 (Rewritten)
Section 15-263.1
Section 15-263.2
Article XIX, Section 15-308
22.100, 22.200, 22.300

October 23, 2007
Article XIX
Section 15-312 (Amended)

November 27, 2007
Appendix C, Section 1 (a) (Amended)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
2.112
2.120
2.150
3.120
3.220
Article X
Section 15-147 (Amended)

January 22, 2008
Article XII, Section 1
Section 15-182.4(a) (Amended)
Section 15-182.4(d1)
Section 15-182.4(g) (Amended)
Article IV
Section 15-54.1(b)(1) and (2) (Rewritten)

February 5, 2008
Article XV
Section 15-243(d) (Amended)
Article XVIII
Section 15-293 (Amended)

May 27, 2008
Article IX
Section 15-141.4 (Amended)
Article XX,
Subsection 15-325 (1) (Amended)

June 24, 2008
Article II
Section 15-15(67.1) (Amended)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
8.700

Article X
Subsection 15-149(c)(4) (Amended)
Article XI
Section 15-176.5 (Amended)
Article XVI
Section 15-263(c1) (Amended)

October 28, 2008
Article IV
Section 15-54.1 (b) (4) (a,b) (Amended)
Section 15-54.1 (b) (4) (c) (Deleted)
Article X
Section 146 (Amended)
(Table of Permissible Uses)
2.210
2.220
2.230
Article X
Section 147 (l) (Amended)
Section 15-160 (Amended)
Article XI
Section 15-176.2 (f) (5)d (Amended)
Article XVI
Section 15-263(c) (3)(a-f) (Amended)

January 27, 2009
Article III
Section 15-24 (Amended)
Section 15-27(g) (Amended)
Section 15-33(a) (Amended)
Section 15-43(f) (Amended)
Section 45.1(c) (Amended)

March 24, 2009
Article XVI
Section 15-265 (Repealed)
Section 15-268 (Repealed)
Section 15-269 (Repealed & Rewritten)
Section 15-269.1
Section 15-269.2
Section 15-269.3
Section 15-269.4
Section 15-269.5
Section 15-269.6
Section 15-269.7
Section 15-269.8
Article V
Section 15-92 (i) (Repealed & & Amended)
Section 15-92 (j) (Repealed & & Amended)
Section 15-92 (k)
Section 15-92 (k) (Repealed & Amended)
Article XIII
Section 15-198 (b) (4) (b) (Amended)
Section 15-198 (b) (4) (e) (Amended)
Section 15-198 (b) (5) (f) (Amended)
Article XII
Section 15-184 (g, h) (Repealed)
Article II
Section 15-15 (Amended)
Section 15-15 (149) (Deleted)

November 24, 2009
Article X
Section 146 (Amended)
(Table of Permissible Uses)
5.110
Article X
Section 15-147(m) (Amended)
Article XX
Section 15-323(g) (Amended)
Section 15-323(h) (Amended)
Section 15-323(i) (Amended)
Section 15-323(j) (Amended)

January 26, 2010
Article XIV
Section 15-218 (c) (Rewritten)
Section 15-218 (e) (Amended)

February 23, 2010
Article XI
Section 15-178(b) (Rewritten)

March 23, 2010
Article IV
Section 15-59(a) (Amended)

Article VI
Section 15-101(d) (Rewritten)
Article XIII
Section 15-198
Subsection (b) (5) b (Amended)
Subsection (g) (Revised)

April 20, 2010
Article XV
Section 15-242 (Amended)
Section 15-243 (Reserved)
Section 15-244, Part III (Amended)
Appendix A
Section A-6(b)(15) (Rewritten)

April 27, 2010
Article IX
Section 15-141.4 (a) (Amended)

June 22, 2010
Appendix E-17 (Amended)
Article II
Section 15-15 (132) (Amended)
Section 15-15 (36.1) (Amended)
Article X
Section 146 (Amended)
(Table of Permissible Uses)
6.150
Article XI
Section 15-180 (Amended)
Article IV
Section 15-53 (Amended)
Section 15-60 (Amended)
Article XVI
Section 15-263 (a, b, c) (Amended)

October 26, 2010
Article XVI, Part III (Rewritten)
Article V
Section 15-92 (j) (Rewritten)
Article IX
Section 15-143 (Amended)

November 23, 2010
Article IV
Section 15-49
Subsections (b) (c) (c1) (Amended)
Article XVI
Subsection 15-251.10 (b) (Amended)
Subsection (b1)
Appendix A
Section A-7, Subsection (4) (Repealed)
Subsection (4) (Reserved)
Subsection (3) (Rewritten)
Article XVI
Section 15-263 (b)(1) (Amended)

April 26, 2011
Article IV, Part II
Section 15-83.3 (Amended)
Article IX
Section 15-143 (Amended)

November 9, 2011
Article XII
Section 15-182 (i) (Amended)
Article IX
Section 15-141-4 (c) (Amended)
Section 15-141.4 (f)(g) (Amended)

February 21, 2012
Article XVI
Section 15-269.5(d) (Amended)
Section 15-269.5(f) (Repealed)
Section 15.261(c) (Amended)

March 20, 2012
Article XII
Section 15-182.4(b)(1) (Amended)
Section 15-182.4(b)(2) (Amended)

April 24, 2012
Article XVIII
Section 15-293(b) (Amended)

May 22, 2012
Article XVI
Section 15-269.7(d) (Rewritten)
Section 15-269.7(f) (Amended)

June 19, 2012
Article XVIII
Section 15-291 (h) (Amended)
Section 15-295.1 (Amended)

June 26, 2012
Article IV
Section 15-54.1(b)(4) (Amended)
Article XVII
Section 15-271(c) (Amended)
Section 15-271(d) (Amended)
Section 15-272 (12) (Amended)
Article XVI
Section 15-263 (Rewritten)
Section 15-263 (g)(3) (Amended)
Section 15-263.1 (g)(h) (Amended)
Article V
Section 15-92 (l) (Amended)
Article XI
Section 15-179.1 (Amended)
Article I
Section 15-2 (Amended)
Section 15-9 (Amended)

January 29, 2013
Article XVI
Section 15-263(i) (Amended)
Article XVII
Section 15-271(d) (Amended)
Section 15-282(a) (Amended)

February 26,2013
Article XVI
Section 15-263(g)(3) (Amended)

April 23, 2013
Article X
Section 146 (Amended)
(Table of Permissible Uses)
Section 15-147(d) (Rewritten)
Article XII
Section 15-185 (Amended)

September 24, 2013
Article IX
Section 15-143 (Amended)

October 22, 2013
Article XII
Section 15-184(a)(3)(Amended)
Article XIII
Section 15-196 (Amended)

November 19, 2013
Article XI
Section 15-176
(a)15 (Repealed)
(b) (Amended)
(c) (Amended)
Article XVIII
Section 15-295.1(h) (Amended)

February 25, 2104
Article IV
Section 15-49(c1) (Amended)
Section 15-49(c2) (Amended)
Section 15-50(c) (Rewritten)
Section 15-56(c) (Amended)
Section 15-57 (Rewritten)
Article III
Section 15-45.2 (Rewritten)
Article XX
Section 15-322(a) (Rewritten)

March 4, 2014
Article XVI
Section 15-269.5 (Amended)

March 25, 2014
Article IV
Section 15-48.1(c)(2)(a) (Amended)
Appendix A
Subsection A-6(b)(26) (Amended)

April 22, 2014
Article XII
Section 15-184(a) (Amended)

June 24, 2014
Article XIX
Section 15-314 (Rewritten)
Section 15-315 (Rewritten)
Section 15-317 (Rewritten)
Section 15-318 (Rewritten)
Section 15-319 (Rewritten)
Section 15-319.1 (Rewritten)
Section 15-320 (Rewritten)
Section 15.321 (Added)
Section 321.1 (Added)
Appendix A
Subsection A-6 (24) (Amended)
Appendix E
Subsection E-1 (Rewritten)
Subsection E-3 (Rewritten)
Subsection E-5 (Rewritten)
Article XII
Section 15-182.4 (Amended)
Article X
Section 15.146 (Amended)
(Table of Permissible Uses)
2.140, 2.240, 2.340, 3.230, 6.260
8.300, 8.400, 16.100 (Uses no longer Permissible)

October 21, 2014
Article III
Section 15-32(a) Amended
Article V
Section 15-91 (Rewritten)
Section 15-92 (Amended)
Section 15-93 (Rewritten)
Section 15-95 (Repealed)
Section 15-96 (Amended)
Article VI
Section 15-102(1) (Amended)
Section 15-106 (Amended)
Article VII
Section 15-116 (Amended)

January 27, 2015
Article XII
Section 15-182.4 (Amended)

March 24, 2015
Article X
Section 15.146 (Amended)
(Table of Permissible Uses)
17.410, 17.420
Article X
Section 15.150(f) (Amended)

April 28, 2015
Article IX
Section 15-141.3 (Amended)

June 9, 2015
Article IX
Zoning Map (Amended)

June 23, 2015
Article II
Section 15-15.28 (Amended)
Article IV
Section 15-62(c)
Article IX
Section 15-141.4(a) (Amended)
Article X
Section 15-146 (Amended)
(Table of Permissible Uses)
15.750
Section 15-147(n) (Amended)
Article XI
Section 15-176.6 (Amended)

March 22, 2016
Article II
Section 15-15 (Amended)
Article IV
Section 15-48.1 (Amended)
Article IX
Section 15-141.4 (Amended)
Article X
Section 146 (Amended)
(Table of Permissible Uses)

March 22, 2016 (Con't)
Article X
Section 147 (Amended)
Article XI
Section 15-176.7 (Amended)
Article XVIII
Section 15-291 (Amended)

June 21, 2016
Article IX
Section 15-141.5 (Amended)

June 28, 2016
Article XII
Section 15-181(d) (Amended)

October 25, 2016
Article IX
Section 15-141.4(d) (d1) (d2)
Section 15-141.4

December 6, 2016
Article XX
Section 15-326

ARTICLE I

GENERAL PROVISIONS

Section 15-1 Short Title.

This chapter shall be known and may be cited as the **CARRBORO LAND USE ORDINANCE**.

Section 15-2 Authority.

This chapter is adopted pursuant to the authority contained in Article 19 of G.S. Chapter 160A; Article 21 (Part 6) of G.S. Chapter 143; G.S. 143-215.6A; G.S. 143-214.5; Article 4 of G.S. Chapter 113A; as well as Chapter 527 of the Session Laws of 1953; Chapters 122 and 136 of the Session Laws of 1963; Chapter 260 of the Session Laws of 1977; Chapter 753 of the Session Laws of 1979; Chapters 233 and 476 of the 1987 Session Laws; Chapters 216 and 484 of the 2009 Session Laws; and other state and local laws. **(AMENDED 4/27/82; (REWRITTEN 6/26/12).**

Section 15-3 Jurisdiction.

(a) This chapter shall be effective throughout the town's planning jurisdiction. The town's planning jurisdiction comprises the area described by Chapters 122 and 636 of the Session Laws of 1963, as modified from time to time in accordance with Section 160A-360 of the North Carolina General Statutes.

(b) In addition to other locations required by laws, a copy of a map showing the boundaries of the town's planning jurisdiction shall be available for public inspection in the planning department.

Section 15-4 Effective Date.

The provisions in this chapter were originally adopted and became effective on November 25, 1980. **(AMENDED 4/27/87).**

Section 15-5 Relationship to Existing Zoning, Subdivision and Flood Control Ordinances.

To the extent that the provisions of this chapter are the same in substance as the previously adopted provisions that they replace in the town's zoning, subdivision, or flood control ordinances, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, non-conforming situation under the previously adopted zoning ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal of the zoning ordinance.

Section 15-6 Relationship to Land Use Plan.

It is the intention of the Board that this chapter implement the planning policies adopted by

the Board for the town and its extraterritorial planning area, as reflected in the Land Use Plan and other planning documents. While the Board reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the Board hereby expresses its intent that neither this chapter nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

Section 15-7 No Use of Land or Buildings Except in Conformity With Chapter Provisions

(a) Subject to Article VIII of this chapter (Nonconforming Situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his control except in accordance with all of the applicable provisions of this chapter.

(b) For purposes of this section, the "use" or "occupation" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 15-8 Fees.

(a) Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, conditional use permits, special use permits, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as set forth in the town's miscellaneous fees and charges schedule.

(b) Except as otherwise provided in this chapter or the miscellaneous fees and charges schedule, fees established in accordance with subsection (a) shall be paid upon submission of a signed application or notice of appeal. **(AMENDED 05/26/98)**

(c) Notwithstanding the provisions of Section 15-66 (Applications to be Processed Expeditiously) the planning staff may delay action on any request for a certificate of occupancy or final subdivision approval until all fees (including without limitation, engineering review fees) arising out of the permit review process for that particular development have been paid. **(AMENDED 05/26/98)**.

Section 15-9 Stricter Regulation Controls. (AMENDED 6/26/12)

The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation or other provision of law. Where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human or environmental health, safety, and welfare shall control.

Section 15-10 through 15-14 Reserved.

ARTICLE II

BASIC DEFINITIONS AND INTERPRETATIONS

Section 15-15 Definitions of Basic Terms. (AMENDED 6/22/04; 5/24/05; 6/26/07; 6/24/08; 3/24/09; 6/22/10)

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this chapter.

(1) **ACCESSORY USE**. (See Section 15-150). **(AMENDED 1/22/85)**

(2) **ADMINISTRATOR**. (See Section 15-37).

(3) **ADULT CARE HOME, CLASS A**. All group homes for adults other than Class B group homes, maternity homes, or nursing care homes. This definition specifically includes but is not limited to group homes for adults who are in need of such a residential arrangement because they are aged or infirm, or have a "handicap" as defined in the Fair Housing Act (42 U.S.C. § 3602), or are "handicapped" as that term is defined in N.C.G.S. § 168-21. **(AMENDED 6/22/05)**

(4) **ADULT CARE HOME, CLASS B**. A group home for adults that serves primarily the needs of those who (i) are "dangerous to others" as those terms are defined in N.C.G.S. 122C-3(11) and (21), or (ii) are currently using or are addicted to controlled substances; or (iii) who have been assigned to a group home as a condition of probation, parole, or intermediate punishment; as defined in G.S. 15 A-1340.11(6). **(AMENDED 6/22/04; 4/19/05)**

(5) **ANTENNA**. Equipment designed to transmit or receive electronic signals or energy over the air. **(AMENDED 02/18/97)**

(6) **AUTOMATIC TELLER MACHINE, FREESTANDING**. A machine or device through which a customer can conduct certain banking transactions and which is not located on the same lot as the bank or financial institution with which such machine is associated. The purpose of this definition is to distinguish between teller machines operated as accessory uses to banks located in principal buildings where customers can choose to do their banking either inside the building or at the teller machine, and teller machines that are totally separate from bank buildings and therefore generate additional traffic. **(AMENDED 09/01/92)**

(7) **BASE FLOOD**. The flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

(8) **BED AND BREAKFAST.** A use that (i) takes place within a building that, before January 1, 1999, was designed and used as a single-family detached dwelling unit, (ii) consists of a single dwelling unit together with the rental of one (1) or more bedrooms on a daily or weekly basis to tourists, vacationers, or similar transients, (iii) where the provision of meals,

if provided at all, is limited to registered guests, and (iv) where the bed and breakfast operation is conducted primarily by persons who reside within the dwelling unit, with the assistance of not more than an equivalent of two (2) full-time employees**. (AMENDED 06/22/99)**

(9) **BEDROOM**. A private room planned and intended for sleeping, separated from other rooms by a door, and accessible to a bathroom without crossing another bedroom. **(AMENDED 10/07/97)**

(10) **BERM**. A man-made mound of earth whose length exceeds its height by a factor or at least five and whose side slopes are constructed at a steepness ratio of 6:1 or steeper. (The side slope of a berm shall not be constructed steeper than 2:1) **(AMENDED 05/19/98)**

(11) **BOARDING HOUSE**. A residential use consisting of at least one dwelling unit together with more than two rooms that are rented out or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming house or boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

(12) **BUILDING**. A structure designed to be used as a place of occupancy, storage or shelter.

(13) **BUILDING, ACCESSORY**. A minor building that is located on the same lot as a principal building and that is used incidentally to a principal building or that houses an accessory use.

(14) **BUILDING, PRINCIPAL**. The primary building on a lot or a building that houses a principal use.

(15) **CABLE TELEVISION SATELLITE STATION**. A site containing one or more satellite dishes and related equipment, operated by a cable television company and used for the reception of electronic signals from satellites. **(AMENDED 02/18/97)**

(16) **CABLE TELEVISION SIGNAL DISTRIBUTION CENTER**. A fully enclosed building not exceeding 2500 square feet that houses equipment used in connection with the distribution of cable television signals, with no external antennas, towers, satellite dishes, or similar facilities located on site. **(AMENDED 02/18/97)**

(17) **CERTIFY**. Whenever this chapter requires that some agency certify the existence of some fact or circumstance to the town, the town may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the town may accept certification by telephone from some agency when the circumstances warrant it, or the town may require that the certification be in the form of a letter or other document.

(18) **CHILD CARE HOME, CLASS A**. All group homes for minor children other than Class B group homes. This definition specifically includes but is not limited to group homes for minor children who are in need of such a residential arrangement because they are orphaned, abused, neglected, or dependent, or who have a "handicap" as defined in the Fair Housing Act (42 U.S.C. § 3602), or are "handicapped" as that term is defined in N.C.G.S. § 168-21. **(AMENDED 6/22/04)**

(19) **CHILD CARE HOME, CLASS B**. A group home for minor children that serves primarily the needs of those who (i) are "dangerous to others" as those terms are defined in N.C.G.S. § 122C-3(11) and (21), or (ii) are currently using or are addicted to controlled substances; or (iii) who have been assigned to a group home as a condition of probation, parole, or "intermediate punishment: as defined in G.S. 15A-1340.11(6). **(AMENDED 6/22/04; 4/19/05)**

(20) **CHILD CARE INSTITUTION**. An institutional facility housing more than nine orphaned, abandoned, dependent, abused, or neglected children.

(21) **CHILD DAY CARE FACILITY**. A program or arrangement where more than eight children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than two hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. **(AMENDED 6/26/07)**

(22) **CHILD DAY CARE HOME.** A program or arrangement where three to eight children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than two hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. **(AMENDED 6/26/07)**

(23) **CIRCULATION AREA**. That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

(24) **COMBINATION USE**. A use consisting of a combination on one lot of two or more principal uses separately listed in the Table of Permissible Uses, Section 15-146. (Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established. See Section 15.150. In addition, when two or more separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.)

(25) **COMMUNITY CENTER**. A publicly-sponsored, non-profit indoor facility providing for one or several of various types of recreational uses. Facilities in a Community Center may include, but are not limited to gymnasia, swimming pools, indoor court areas, meeting/activity rooms, and other similar uses. For the purposes of this section, the term

publicly-sponsored means that a significant Town investment is involved in some fashion in the facility's development or operations. **(AMENDED 02/02/88)**

(26) **CONDITIONAL USE PERMIT**. A permit issued by the Board of Aldermen that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Board of Aldermen.

(27) **CRITICAL AREA**. The critical area of the University Lake Watershed is defined as all area of the watershed within the planning jurisdiction of the Town of Carrboro. **(AMENDED 07/06/93)**

(28) **DATA SERVICE PROVIDER FACIILITY.** An automated facility other than a utility facility or wireless telecommunication facility, including but not limited to a structure and ancillary improvement, used primarily for the purpose of transmitting and receiving data. Typically, such facilities resemble wireless telecommunications base stations and house equipment used to transmit and receive data via cable, fiber optic strands, or similar media. **(REPEALED 02/04/97; AMENDED 06/23/15)**

(29) **DESIGNATED BUFFER**. An area of land adjacent to lakes or watercourses within the University Lake Watershed that pursuant to Section 15-265 remains undisturbed in order to reduce the sedimentation and pollution of such lakes or watercourses. **(AMENDED 12/7/83; 12/06/88)**.

(30) **DEVELOPER**. A person who is responsible for any undertaking that requires a zoning permit, special use permit, conditional use permit, or sign permit.

(31) **DEVELOPMENT**. That which is to be done pursuant to a zoning permit, special use permit, conditional use permit, or sign permit.

(32) **DIMENSIONAL NONCONFORMITY**. A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

(33) **DRAINAGE FACILITIES**. Any temporary or permanent natural or man-made facility utilized to divert, convey, or store stormwater runoff. Such facilities shall include (but are not limited to): drainage pipes and culverts, swales and ditches, intermittent and permanent streams, catch basins, drainage junction boxes and manholes, yard inlets, retention and detention basins and ponds, curbing which will carry runoff, dams and weirs, and culvert outlet stabilization and protection devices. **(AMENDED 04/03/90)**

(34) **DRIVEWAY**. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

(35) **DUPLEX**. (See Residence, Duplex)

(36) **DWELLING UNIT**. An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

(36.1) **ELECTRONIC GAMING OPERATION.** (See Section 15-180). Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including but not limited to computers and gaming terminals, to conduct games of chance, including sweepstakes, and where cash, merchandise or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafes, internet sweepstakes, electronic gaming machines/operations, or cybercafés. This does not include any lottery approved by the State of North Carolina. **(AMENDED 6/22/10).**

(37) **EXPENDITURE**. A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding, contractual commitments to make future expenditures, as well as any other substantial changes in position.

(38) **EXTRATERRITORIAL PLANNING AREA.** That portion of the town's planning jurisdiction that lies outside the town's corporate boundaries. **(AMENDED 4/27/82).**

(39) **FAMILY**. One or more persons living together as a single housekeeping unit.

(40) **FLAG LOT**. An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm of the lot that is less than fifty percent of the presumptive minimum required lot width as set forth in Section 15-183 [or if no minimum lot width is specified therein, is less than the lesser of (*i*) fifty percent of the width of the buildable portion of the lot, or (*ii*) fifty feet]. (**AMENDED 11/21/95)**

(41) **FLOODPLAIN**. Any land area susceptible to being inundated by water from the base flood. As used in this chapter, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

(42) **FLOODWAY**. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this chapter, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development, a copy of which is on file in the planning department.

(43) **FLOOR**. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in a frame construction. See the

definition of "Floor" in Subsection 15-251 (5) for all matters pertaining to floodplain and floodway regulations. **(AMENDED 4/21/87; 4/8/03)**

(44) **GROUP HOME**. A housing arrangement in which up to nine individuals, typically unrelated, live together as a single housekeeping unit in a single dwelling unit, under circumstances where such residents are under the care, control, and supervision of one or more other persons who are trained to provide such care, control, and supervision. **(AMENDED 6/22/04; 4/19/05)**

(45) **GROSS FLOOR AREA**. The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

(46) **HANDICAPPED, AGED OR INFIRM INSTITUTION.** A facility that provides residential care for more than nine aged, disabled or handicapped persons whose principal need is a home with the sheltered or personal care their age or disability requires. Medical care at such a facility is only occasional or incidental, such as may be required in the home of any individual or family, but the administration of medication is supervised. The residents of such a facility do not occupy separate dwelling units, and this distinguishes such a facility from a multi-family development occupied by the elderly, handicapped or disabled. **(AMENDED 5/10/83) (REPEALED 6/22/05)**

(47) **HAZARDOUS SUBSTANCE.** Any substance which may pose a danger to the public health or safety if contained in the public water supply. This includes all substances defined as hazardous chemicals by the community right to know reporting requirements under Sections 311 and 312 of the Superfund Amendments and Reauthorization Act of 1986, and by the North Carolina Hazardous Chemicals Right to Know Act (G.S. 95-173 to 95-218). **(AMENDED 12/7/83; 06/21/88)**

(48) **HIGH VOLUME TRAFFIC GENERATION.** All uses in the 2.000 classification other than low volume traffic generation uses.

(49) **HIGHEST ADJACENT GRADE**. The highest natural elevation of the ground surface, prior to construction, next to proposed walls of the structure. **(AMENDED 4/21/87)**

(50) **HOME OCCUPATION.** A commercial activity that: *(i)* is conducted by a person on the same lot where such person resides, and *(ii)* is not so insubstantial or incidental or is not so commonly associated with the residential use as to be regarded as an accessory use (see Section 15-150), but that can be conducted without any significantly adverse impact on the surrounding neighborhood. **(AMENDED 04/11/89)**

Without limiting the generality of the foregoing, a use may not be regarded as having an insignificantly adverse impact on the surrounding neighborhood if: *(i)* goods, stock in trade, or other commodities are displayed, *(ii)* any on- premises retail sales occur, *(iii)* more than one person not a resident on the premises is employed in connection with the purported home occupation, *(iv)* it creates objectionable noise, fumes, odor, dust or electrical

interference, or *(v)* more than twenty-five percent of the total gross floor area of the residential buildings plus other buildings housing the purported home occupation, or more than 500 square feet of gross floor area (whichever is less), is used for home occupation purposes.

The following is a non-exhaustive list of examples of enterprises that may be home occupations if they meet the foregoing definitional criteria: *(i)* the office or studio of a physician, dentist, artist, musician, lawyer, architect, teacher, or similar professional, *(ii)* workshops, greenhouses, or kilns, *(iii)* dressmaking or hairdressing studios.

(51) **INDEPENDENT AUTOMOBILE LOTS OR GARAGES.** An area or garage *(i)* that is used for the temporary parking (not storage) of motor vehicles, *(ii)* that is located on a lot on which there is no other principal use to which the parking is related, and *(iii)* where the parking spaces are used by more than one enterprise or by the general public or where the lot is leased by one enterprise for a total period (including automatic renewals or renewal options) of not more than four years. **(AMENDED 3/11/86)**

(52) **INTERMEDIATE CARE INSTITUTION.** An institutional facility maintained for the purpose of providing accommodations for more than seven persons needing medical care and supervision at a lower level than that provided in a nursing care institution but at a higher level than that provided in institutions for the handicapped or infirm.

(53) **INTERMITTENT STREAM.** A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources. It is dry for a large part of the year. **(AMENDED 12/7/83)**

(54) **JOINT PLANNING TRANSITION AREA.** That portion of the town's planning jurisdiction which lies generally to the north of the town's corporate boundaries and extraterritorial planning area, and which is defined by the Joint Planning Agreement between Carrboro, Chapel Hill, and Orange County, and described on the Orange County Joint Planning Area Land Use Map. This area is further defined as being in transition from rural to urban or already urban in density. The Transition Area is divided into Transition Area I and Transition Area II on the Joint Planning Area Land Use Map. Under the terms of the Joint Planning Agreement, no tract in Transition Area II may, after the effective date of the Agreement, be approved for development at a density that exceeds one housing unit per gross acre until at least 75% of the gross land area of Transition Area I consists of any combination of:

a. lots containing one acre or less;
b. residential developments approved for development at a density of at least one unit per acre;
c. streets, roads, and utility easements located outside of lots containing one acre or less;
d. lots or tracts that are used for commercial, industrial, institutional, or governmental purposes;

e. tracts that are owned by the University of North Carolina or other non-profit entities and that are not available for development. **(AMENDED 11/14/88)**

(55) **KENNEL.** A commercial operation that: *(i)* provides food and shelter and care of animals for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian), or *(ii)* engages in the breeding of animals for sale.

(56) **LAKE OR WATERCOURSE**. Any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment and pollutants. **(AMENDED 12/7/83)**

(57) **LOADING AND UNLOADING AREA**. That portion of the vehicle accommodation area used to satisfy the requirements of Section 15.300.

(58) **LOT**. A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or a recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land otherwise characterized as a lot by this definition, or a private road is created across a parcel of land otherwise characterized as a lot by this definition, and the interest thus obtained or the road so created is such as effectively to prevent use of this parcel as one lot, then the land on either side of this strip shall constitute a separate lot.

Subject to Section 15-123, the permit-issuing authority and the owner of two or more contiguous lots may agree to regard the lots as one lot if necessary or convenient to comply with any of the requirements of this ordinance.

(59) **LOT AREA.** The total area circumscribed by the boundaries of a lot, except that: *(i)* when the legal instrument creating a lot shows the boundary of the lot extending to the center of a public street right-of-way or into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or a line running parallel to and thirty feet from the center of the traveled portion of the street if the right-of-way line cannot be determined, and *(ii)* in a residential district, when a private road that serves more than three dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

(60) **LOW VOLUME TRAFFIC GENERATION**. Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor area than stores selling smaller items.

(61) **LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfurnished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. **(AMENDED 4/21/87)**

(62) **MATERNITY HOME**. A group home licensed as a maternity home by the N.C. Department of Health and Human Services pursuant to N.C.G.S. § 131D-1. **(AMENDED 6/22/04)**

(63) **MOBILE HOME. (REPEALED 4/24/84)**

(64) **MOBILE HOME**. Any structure that: *(i)* consists of a single unit completely assembled at the factory, or of two (double-wide) or three (triple-wide) principal components totally assembled at the factory and joined together at the site; *(ii)* is designed so that the total structure (or in the case of double-wides or triple-wides, each component thereof) can be transported on its own chassis; *(iii)* is over 40 feet in length and over 8 feet in width; *(iv)* is designed to be used as a dwelling and provides complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation; *(v)* is actually being used or held ready for use as a dwelling; *(vi)* is not constructed in accordance with the standards set forth in the North Carolina State Building Code. **(AMENDED 4/24/84)**

(65) **MOBILE HOME, CLASS A**. A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

(a) The pitch of the mobile home's roof has a minimum vertical rise of two feet for each twelve feet of vertical run.
(b) The exterior materials are of wood, hardboard, or aluminum comparable in composition, appearance, and durability to site-built houses in the vicinity.
(c) A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the mobile home; and
(d) The tongue, axles, transporting lights, and removable towing apparatus are to be removed subsequent to final placement. **(AMENDED 10/1/85)**

(66) **MOBILE HOME, CLASS B.** A mobile home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction. **(AMENDED 10/1/85, 10/20/87)**

(67) **MOBILE HOME, CLASS C.** All mobile homes other than Class A or Class B mobile homes. **(AMENDED 10/20/87)**

(67.1) **Mobile Prepared Food Vendor.** A business in which food that is prepared and ready for consumption at the point of sale is sold from or out of a motor vehicle (as defined in Section 6-1 of the Town Code) that does not exceed eight feet in width or twenty-five feet in length and that is removed each day at the close of the food vendor business from the lot where the food is sold. In no case may a mobile prepared food vendor business operate between the hours of 2:30 a.m. and 6:00 a.m. **(AMENDED 6/24/08)**

(68) **MODULAR HOME.** A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a mobile home (except that the modular home meets the N.C. State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

(69) **NONCONFORMING LOT.** A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.

(70) **NONCONFORMING PROJECT.** Any structure, development, or undertaking that is incomplete at the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

(71) **NONCONFORMING SITUATION.** A situation that occurs when, on the effective date of this chapter, any existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and set-back requirements) is not in conformity with this chapter, because signs do not meet the requirements of this chapter (Article XVII), or because land or buildings are used for purposes made unlawful by this chapter.

(72) **NONCONFORMING USE.** A nonconforming situation that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

(73) **NURSING CARE HOME.** A group home licensed as a nursing home under the Nursing Home Licensure Act, N.C.G.S. § 131E-100 et. seq. **(AMENDED 6/22/04)**

(74) **NURSING CARE INSTITUTION.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine persons.

(75) **OUTSIDE DISPLAY OF GOODS FOR SALE OR RENT**. Display outside of a fully enclosed building of the particular goods or pieces of merchandise or equipment that are themselves for sale. Outside display is to be distinguished from outside storage of goods that are not prepared and displayed for immediate sale or rent. **(AMENDED 2/4/86)**

(76**)** **OVERNIGHT SHELTER FOR HOMELESS.** A shelter operated by a non-profit agency for not more than fifteen persons (in addition to not more than two resident managers) who are referred to such shelter by an established agency within the community such as OPM Mental Health, the Carrboro or Chapel Hill Police Departments, the Orange County Department of Social Services, the Interfaith Council, the Salvation Army, etc. **(AMENDED 10/22/85)**

(77) **PARKING AREA AISLES.** A portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

(78**)** **PARKING SPACE.** A portion of the vehicle accommodation area set aside for the parking of one vehicle.

(79) **PLANNED INDUSTRIAL DEVELOPMENT.** A development that *(i)* is constructed on a tract of at least twenty contiguous acres under single ownership located within a planned industrial district, *(ii)* is developed in accordance with a comprehensive and unified scheme of development covering the entire tract, *(iii)* consists of a single principal use or a combination of principal uses as described in the 2.130 wholesale sales, 4.100 manufacturing, 13.100 police station, or 13.200 fire station classifications, and *(iv)* is otherwise developed according to building height, setback and other regulations applicable to the M-1 zoning district, except that the performance standards (Article XI, Part I) applicable to 4.100 uses in business zones shall govern uses in a planned industrial development. **(AMENDED 6/22/82)**

(80) **PLANNED UNIT DEVELOPMENT**. A development constructed on a tract of land at least twenty-five (25) acres under single ownership, planned and developed as an integral unit, and consisting of a combination of principal uses that could not be combined in any district other than a planned unit development district. **(AMENDED 6/22/82)**

(81) **PLANNING JURISDICTION**. The area within the town limits as well as the area beyond the town limits within which the town is authorized to plan for and regulate development pursuant to the authority granted in Article 19 of Chapter 160A of the N.C. General Statutes and Chapter 122 of the Session Laws of 1963. **(AMENDED 6/22/82)**

(82) **PROTECTIVE BUFFERS**. An area of land along both sides of watercourses outside of the University Lake Watershed with drainage areas smaller than one square mile that pursuant

to Section 15-268 remains undisturbed and naturally vegetated in order to minimize the likelihood of nuisance flooding, promote the infiltration of stormwater into the ground, and help maintain local streams' capacity for carrying off storm water. **(AMENDED 12/06/88)**

(83) **PUBLIC UTILITY SERVICE COMPLEX.** A development consisting of a combination of offices and one or more of the following types of uses, all of which are operated or conducted by a "public utility" as that term is defined in Section 62-3 of the N.C. General Statutes: motor vehicle repair (use classification 9.400), parking or storage (use classification 10.300), and towers and related structures (use classification 18.000). **(AMENDED 10/25/83)**

(84) **PUBLIC WATER SUPPLY SYSTEM**. Any water supply system furnishing potable water to ten or more dwelling units or businesses or any combination thereof. (See G.S. 130-31)

(85) **RECEIVE ONLY EARTH STATION. (DELETED 02/18/97)**

(86) **RESIDENCE, DUPLEX. (REPEALED 4/24/84)**

(87) **RESIDENCE, MULTI-FAMILY. (REPEALED 4/24/84)**

(88) **RESIDENCE, SINGLE-FAMILY. (REPEALED 4/24/84)**

(89) **RESIDENCE, DUPLEX.** A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. **(AMENDED 4/24/84)**

(90) **RESIDENCE, MULTI-FAMILY**. A residential use consisting of a building containing three or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch). **(AMENDED 4/24/84)**

(91) **RESIDENCE, MULTI-FAMILY APARTMENTS.** A multi-family residential use other than a multi-family conversion or multi-family townhome. **(AMENDED 4/24/84)**

(92) **RESIDENCE, MULTI-FAMILY CONVERSION**. A multi-family residence containing not more than four dwelling units, that results from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence. **(AMENDED 4/24/84)**

(93) **RESIDENCE, MULTI-FAMILY TOWNHOMES**. A multi-family residential use in which each dwelling unit shares a common wall (including without limitation the wall of an attached garage or porch) with at least one other dwelling unit and in which each dwelling unit has

living space on the ground floor and a separate, ground floor entrance. **(AMENDED 4/24/84)**

(94) **RESIDENCE, PRIMARY WITH ACCESSORY APARTMENT.** A residential use having the external appearance of a single-family residence but in which there is located a second dwelling unit that comprises not more than twenty-five percent of the gross floor area of the building nor more than a total of 750 square feet.

(95) **PRIMARY WITH ACCESSORY DETACHED DWELLING.** A residential use in which there is located on the same lot a primary, single family residence and a second dwelling that is detached from the primary residence but that may be attached to another accessory building such as a garage, and which second dwelling unit comprises not more than fifty percent of the gross floor area of the primary residence nor more than a total of 750 square feet, exclusive of garage**. (AMENDED 05/28/02)**

(96) **RESIDENCE, SINGLE-FAMILY DETACHED, MORE THAN ONE DWELLING PER LOT.** A residential use consisting of two or more single-family detached dwelling units on a single lot.

(97) **RESIDENCE, SINGLE-FAMILY DETACHED, ONE DWELLING UNIT PER LOT.** A residential use consisting of a single detached building containing one dwelling unit and located on a lot containing no other dwelling units.

(98) **RESIDENCE, SINGLE-ROOM OCCUPANCY.** A multi-family, residential use in which each dwelling unit includes no more than 450 square feet. **(AMENDED 01/11/00)**

(99) **RESIDENCE, TWO-FAMILY.** A residential use consisting of a building containing two dwelling units. If two dwelling units share a common wall, even the wall of an attached garage or porch, the dwelling units shall be considered to be located in one building.

(100) **RESIDENCE, TWO-FAMILY APARTMENT.** A two-family residential use other than a duplex, two-family conversion, or primary residence with accessory apartment.

(101) **RESIDENCE, TWO-FAMILY CONVERSION.** A two-family residence resulting from the conversion of a single building containing at least 2,000 square feet of gross floor area that was in existence on the effective date of this provision and that was originally designed, constructed and occupied as a single-family residence.

(102) **ROAD.** All private ways used to provide motor vehicle access to (i) two or more lots or (ii) two or more distinct areas or buildings in unsubdivided developments.

(103) **ROOMING HOUSE.** (See Boarding House)

(104) **SATELLITE DISH**. A dish-shaped antenna designed for the reception of electronic signals from satellites. **(AMENDED 02/18/97)**

(105) **SENIOR CITIZEN RESIDENTIAL COMPLEX.** A residential development consisting of a combination of *(i)* two-family or multi-family dwelling units, at least 90% of which are one-bedroom units designed for and limited to occupancy by senior citizens, and *(ii)* an "intermediate care institution" for senior citizens (use classification 7.200) containing a number of bedrooms that does not exceed the number of dwelling units in the complex and that is designed to house a number of senior citizens that does not exceed twice the maximum permissible number of bedrooms in this intermediate care facility. For purposes of this subsection, the term "senior citizen" means a person who is sixty-two (62) years of age or older or a household composed of one or more persons at least one of whom is 62 years of age or older. **(AMENDED 11/28/95)**

(106) **SENIOR CITIZENS' DAY CARE FACILITY, CLASS A**. Any day care arrangement or center which provides day care for more than three but not more than sixteen senior citizens at any one time, on a regular basis of at least once per week for more than two hours but less than 24 hours per day. Operation of a class A day care facility for senior citizens is considered use 22.300 Senior Citizens Day Care in the Table of Permissible Uses. **(AMENDED 02/04/97; 6/26/07)**

(107) **SENIOR CITIZENS' DAY CARE FACILITY, CLASS B**. Any day care arrangement or center which provides day care for more than sixteen senior citizens at any one time, on a regular basis of at least once per week for more than two hours but less than 24 hours per day**.** Operation of a class B day care facility for senior citizens is considered use 22.400 Senior Citizens Day Care in the Table of Permissible Uses. **(AMENDED 02/04/97; 6/26/07)**

(108) **SIGN, FREESTANDING.** A sign that *(i)* is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but *(ii)* is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign", is also a freestanding sign.

(109) **SIGN, NONCONFORMING.** A sign that, on the effective date of this chapter does not conform to one or more of the regulations set forth in this chapter, particularly Article XVII, Signs.

(110) **SIGN, OFF-PREMISES.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

(111) **SIGN PERMIT**. A permit issued by the land use administrator that authorizes the recipient to erect, move, enlarge, or substantially alter a sign.

(112) **SOCIAL SERVICES PROVIDER WITH DINING.** A facility that provides to the public, at little or no charge, various social services, which may include educational programs, counseling

services, food pantry facilities, and other supportive services, and which includes dining, wherein free meals are provided on-site on a regular basis to substantial numbers of individuals. This use is distinguished from other social service providers, categorized elsewhere within category 3.000, which may also include a kitchen facility but that are primarily oriented to serving members of the organization, with only incidental service provided to the public. **(AMENDED 3/22/16)**

(113) **SPECIAL EVENTS.** Circuses, fairs, carnivals, festivals, or other types of special events that *(i)* run for longer than one day but not longer that two weeks, *(ii)* are intended to or likely to attract substantial crowds, and *(iii)* are unlike the customary or usual activities generally associated with the property where the special event is to be located. **(AMENDED 10/13/81)**

(114) **SPECIAL EXCEPTION PERMIT.** A permit issued by the board of adjustment that authorizes the recipient to deviate from the otherwise applicable requirements of this chapter under the specific circumstances and in accordance with the conditions set forth in section 15-92.1. **(AMENDED 06/21/94)**

(115) **SPECIAL USE PERMIT.** A permit issued by the board of adjustment that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the board of adjustment.

(116) **SPECIALTY HIGH VOLUME TRAFFIC GENERATION.** Uses such as gift or craft stores, bookstores, music stores and similar uses, to the extent that each individual enterprise occupies (whether as tenant or owner occupant) a gross floor area of not more than 3,000 square feet. Without limiting the generality of the foregoing, pawn shops and firearms sales are specifically excluded from this definition. **(AMENDED 04/27/99)**

(117) **STORY.** That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, a distance typically measuring between nine and fourteen feet. The term story does not include any building level(s) that are substantially enclosed below the finished grade at the front of the building, so long as the finished grade does not substantially differ from the pre-construction, natural grade. **(AMENDED 11/14/00; 4/8/03)**

(118) **STREAM.** A body of water flowing in a natural surface channel. Flow may be continuous or only during wet periods. **(AMENDED 12/7/83)**

(119) **STREET.** A public street or a street with respect to which an offer of dedication has been made.

(120) **STREET, ARTERIAL.** A major street in the town's street system that serves as an avenue for the circulation of traffic onto, out, or around the town and carries high volumes of traffic. The following streets are arterial streets:

Culbreth Road	Main Street
Dairyland Road	Merritt Mill Road
Damascus Church Road	Hwy 54
Estes Drive	Old Greensboro Road
Eubanks Road	Old Hwy 86
Greensboro Street	Old Fayetteville Rd.
Hillsborough Road	Rogers Road
Homestead Road	Smith Level Road
Jones Ferry Road	Weaver Street

(AMENDED 06/04/91)

(121) **STREET, COLLECTOR.** A street whose principal function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.

(122) **STREET, CUL-DE-SAC**. A street that terminates in a vehicular turn-around.

(123) **STREET, LOCAL**. A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but not more than twenty-five dwelling units and is expected to or does handle between seventy-five and two hundred trips per day.

(124) **STREET, MARGINAL ACCESS.** A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

(125) **STREET, MINOR.** A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy-five trips per day.

(126) **STREET, SUBCOLLECTOR.** A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six but not more than one hundred dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.

(127) **STRUCTURE.** Anything constructed or erected.

(128) **SUBDIVISION.** The division of a tract of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and including all divisions of land

involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations of this chapter applicable strictly to subdivisions: (i) the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the minimum standards set forth in this chapter, (ii) the division of land into parcels greater than ten acres where no street right-of-way dedication is involved; or (iii) the public acquisition by purchase of strips of land for widening or opening of streets or for public transportation system corridors; or (iv*)* the division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the minimum standards set forth in this chapter. **(AMENDED 10/24/06)**

(129) **SUBDIVISION, ARCHITECTURALLY INTEGRATED NONRESIDENTIAL. (REPEALED 4/24/84)**

(130) **SUBDIVISION, ARCHITECTURALLY INTEGRATED RESIDENTIAL. (REPEALED 4/24/84)**

(130) **SUBDIVISION, ARCHITECTURALLY INTEGRATED.** A subdivision in which approval is obtained not only for the division of land into lots but also for a configuration of principal buildings to be located on such lots. The plans for an architecturally integrated subdivision shall show the dimensions, heights, and location of all such buildings to the extent necessary to comply with the purpose and intent of architecturally integrated subdivisions as set forth in Section 15-187.

(131) **SUBDIVISION, MAJOR.** Any subdivision other than a minor subdivision.

(132) **SUBDIVISION, MINOR.** A subdivision of property located outside of the watershed districts that does not involve the creation of more than a total of four lots or the creation of any new public streets. **(AMENDED 7/21/87; 12/15/87; 6/22/10)**

(133) **TEMPORARY HOME FOR HOMELESS.** A home owned or operated by a non-profit agency for not more than fifteen persons who satisfy the following criteria and who are in need of temporary housing, together with not more than two resident managers. All residents of such home, other than the manager shall: *(i)* be accepted only upon referral from an established agency within the community such as the Carrboro or Chapel Hill Police Departments, Inter-Faith Council, Salvation Army, etc. *(ii)* need housing and intend to reside within the home for at least a week while looking for more permanent accommodations within the community, *(iii)* be in need of temporary shelter because of some temporary emergency or exigency (e.g., pregnant teenagers, battered wives, newly unemployed persons evicted from their homes) and not because of transiency, de-institutionalization, chronic unemployment, alcoholism, or drug abuse.

(134**)** **TEMPORARY SIGN.** A sign that *(i)* is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a

reasonably short or definite period after the erection of such sign, or *(ii)* is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic change, that sign shall be regarded as temporary.

(135) **TOWER**. A structure whose principal function is to support one or more antennas. **(AMENDED 02/18/97)**

(136) **TRACT.** A lot (see definition 37). The term is used inter-changeably with the term lot, particularly in the context of subdivisions, where one "tract" is subdivided into several "lots".

(137**)** **TREE DIAMETER**. The width of a tree's trunk, measured four and one half (4½) feet above the ground. **(AMENDED 03/21/89)**

(138) **TRAVEL TRAILER.** A structure that is *(i)* intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle), and *(ii)* is designed for temporary use as sleeping quarters, but that does not satisfy one or more of the definitional criteria of a mobile home.

(139) **UNDERGROUND UTILITY LINE.** Any underground utility lines (including, but not limited to, electrical, cable television, telephone, and natural gas, but excluding water and sewer lines constructed by the Orange Water and Sewer Authority) that are installed outside of public street rights-of-way and are not permitted pursuant to any other land use permit, and where any lines would eventually be dedicated to a governmental entity, nonprofit organization, or any entity defined as a public utility for any purpose by Section 62.3 of the North Carolina General Statutes. (**AMENDED 5/24/05)**

(140) **UNIVERSITY LAKE WATERSHED.** All the land area contributing water to University Lake. **(AMENDED 12/7/83)**

(141) **USE.** The activity or function that actually takes place or is intended to take place on a lot.

(142) **USE, PRINCIPAL**. A use listed in the table of permissible uses.

(143) **UTILITY FACILITIES.** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62.3 of the North Carolina General Statutes and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures listed in subsection 15-151(2).

(144) **UTILITY FACILITIES, NEIGHBORHOOD.** Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

(145) **UTILITY FACILITIES, COMMUNITY OR REGIONAL**. All utility facilities other than neighborhood facilities.

(146) **VARIANCE.** A grant of permission by the board of adjustment that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.

(147) **VEHICLE ACCOMMODATION AREA**. That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

(148) **VEHICLE STORAGE AREA.** That portion of a vehicle accommodation area used in connection with a 9.200 or 9.400 classification use as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick- up of such vehicles by their owners. **(AMENDED 2/4/86)**

(149) **WATER DEPENDENT STRUCTURE. (DELETED 3/24/09)**

(149) **WATERSHED DISTRICTS**. Those zoning districts that are applied to land within the University Lake Watershed, specifically, the C, B-5, WR, and WM-3 districts. **(AMENDED 12/15/87; 05/15/90)**

(150) **WATERSHED RESEARCH**. Small scale research facilities owned by the federal, state, or local governments and operated by or under contract with such government, which facilities do not involve the use, production, storage, or disposition of toxic or hazardous substances and which facilities relate to the study of the environment of the watershed or some other activity compatible with a close proximity to the community's water source.

(151) **WHOLESALE SALES.** On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

(152) **WOODED AREA.** An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater caliper tree per 325 square feet of land where the branches and leaves form a contiguous canopy. **(AMENDED 4/24/84)**

(153) **ZONING PERMIT.** A permit issued by the land use administrator that authorizes the recipient to make use of property in accordance with the requirements of this chapter.

<u>Section 15-16 Lots Divided by District Lines.</u>

(a) Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot.

(b) Whenever a single lot greater than two acres in size is located within two or more zoning districts, then: **(AMENDED 1/22/85; 3/12/85; 2/24/87)**

(1) If each portion of the lot located within a separate district is equal to or greater than the minimum lot size for that district, then each portion of the lot shall be subject to all the regulations applicable to the district in which it is located.

(2) If any portion of the lot located within a separate district is smaller than the minimum lot size for that district, then such smaller portion shall be regarded as if it were in the same zoning district as the nearest larger portion to which it is attached.

(c) This section applies only to lots created on or before the effective date of this chapter unless the board of adjustment, in a proceeding under Section 15-93 to determine district boundaries, concludes that a lot established after the effective date of this section was not created to bring additional lot area within a more intensive zoning district, or otherwise to take unfair or unwarranted advantage of the provisions of this section.

Section 15-17 through 15-20 Reserved.

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.

Section 15-27 Northern Transition Area Advisory Committee (AMENDED 05/25/99)

(a) There shall be a Northern Transition Area Advisory Committee consisting of five members, three appointed by the Orange County Board of Commissioners and two by the Board of Aldermen. If the Board of Commissioners 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**.** All members shall be residents of the Northern Transition Area. For the purposes of this section, the Northern Transition Area shall include those unannexed portions of the Northern Study Area. The Northern Study Area is defined as follows:

> The boundaries of this area are Carrboro's joint planning jurisdiction line to the north and Carrboro's Town limits to the south. The Carrboro/Chapel Hill joint planning jurisdiction line serves as the boundary to the east. It begins north of Eubanks Road, follows Rogers Road to Homestead, then proceeds southwest on Homestead road to High School Road and finally turns south and east to the railroad right-of-way. A primary ridge line serves as the northwest boundary line just east of Union Grove Church Road down to Dairyland Road, where the road serves as the boundary heading southeast until it intersects, and Old NC 86 serves as the boundary then turning southeast and running along Hillsborough Road to Greensboro Street.

(b) Members of the committee shall be appointed for three year staggered terms, but members may continue to serve until their successors have been appointed. Initially the terms of all membership seats on the committee shall expire on January 31, 2000. Thereafter, one county appointee and one town appointee shall be appointed for three-year terms, one county appointee and one town appointee shall be appointed for two-year terms, and one county appointee shall be appointed for a term of one year. All members shall thereafter be appointed for terms of three years but shall be limited to no more than two consecutive three-year terms.

(c) The same provisions that govern the removal of planning board members (Subsection 15-21(e)) shall apply to committee members.

(d) The committee shall establish a regular meeting schedule. Minutes shall be kept of all meetings.

(e) A quorum for the committee shall consist of three members. A quorum is necessary for the committee to take official action.

(f) All actions of the committee shall be taken by majority vote, a quorum being present.

(g) The committee shall designate one of its members to serve as chair and one member to serve as vice-chair. These officers shall be selected annually at the committee's first regular meeting in February and shall serve for terms of one year unless their terms of appointment to the committee 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. The chair and vice-chair may take part in all deliberations and vote on all issues. **(AMENDED 01/27/09)**

(h) The committee shall have the following powers and duties:

(1) Review zoning amendment requests and special and conditional use permit applications for developments within the Northern Transition Area and make recommendations on the same to the board of adjustment or Board of Aldermen, respectively.

(2) Initiate studies related to the special character of the Northern Study Area.

a) Inventory of areas of cultural, archaeological, or historical significance.

b) Inventory of open space character and scenic qualities.

c) Inventory of agricultural uses

1. Land in Use Value
   a. Horticultural
   b. Agricultural
   c. Timber

2. Farming as business
   a. Large field crops
   b. Metro farms, specialty crops

d) Inventory of biological value

1. Tree species diversity, exceptional tracts of forest land

2. Rare occurrences (i.e. Upland Depression Swamp)

3. Wildlife
   a. Audubon annual bird count
   b. Deer population

(3) Use the studies above as the basis of its development of, and recommendations for, additional policies, objectives, goals, plans, ordinances, and administrative actions that will preserve and enhance that special character, and relate to its growth.

(4) Develop and recommend to the Board of Aldermen policies, ordinances, administrative procedures and other means for carrying out plans in an efficient and coordinated manner.

(5) Track and review other studies and plans that will have an impact on the Northern Study Area – including those of the Chapel Hill Town Council, The Orange County Board of County Commissioners and their appointed committees – and give feedback to the originating governing body.

(6) Meet annually with the Carrboro Planning Board for a joint planning session.

(7) Submit regular reports to the Orange County Board of Commissioners

(8) Perform other duties as assigned by the Board of Aldermen.

Section 15-28 Reserved.

PART II. BOARD OF ADJUSTMENT

Section 15-29 Appointment and Terms of Board of Adjustment.

(a) There shall be a board of adjustment consisting of nine members. Seven 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, despite good faith efforts, residents of the extraterritorial planning and joint planning transition areas cannot be found to fill the seats reserved for residents of such area, then the Orange County Board of Commissioners may appoint other residents of the county (including residents of the Town of Carrboro) to fill these seats. If the Orange County Board of Commissioners 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 05/26/81; 05/27/86; 11/14/88)**

(b) Board of adjustment 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 board of adjustment on the effective date of this subsection (whether filled or vacant) shall expire on January 31, 1987. Effective February 1, 1987, two in-town residents and one extraterritorial area resident shall be appointed for one-year terms, two in-town residents and one extraterritorial area resident shall be appointed for two-year terms, and three in-town residents shall be initially appointed for three-terms. Effective July 1, 1988, one joint planning transition area resident shall be appointed to fulfill the remaining term of one extraterritorial planning area resident. Vacancies may be filled for the unexpired terms only. **(AMENDED 05/27/86; 11/14/88)**

(c) Members may be reappointed to successive terms without limitation.

(d) All members may participate in and vote on all issues before the board, regardless of whether the property involved is located within the town, within the extraterritorial planning area, or within the joint planning transition area. **(AMENDED 11/14/88)**

(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.

(f) Members of the Board of Adjustment shall be administered an oath of office as prescribed by Section 3-25(c) and (d) of the Town Code. **(AMENDED 10/09/90)**

Section 15-30 Meetings of the Board of Adjustment.

(a) The board of adjustment 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) The chairman or vice chairman of the board may call a special meeting by signing a written statement stating the time, place, and reason for the meeting. The staff shall notify the remaining members as soon as possible thereafter by whatever means appear most reasonably calculated to effect such notice. **(AMENDED 10/24/89)**

(c) The board shall conduct its meetings in accordance with the quasi-judicial procedures set forth in Articles IV, V, and VI.

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

Section 15-31 Quorum.

(a) A quorum for the board of adjustment shall consist of the number of members equal to a majority of the non-vacant seats on the board, but in no case shall a quorum consist of less than four members. A quorum is necessary for the Board to take official action. **(AMENDED 12/16/86)**

(b) A member who has withdrawn from the meeting without being excused as provided in Section 15-32 shall be counted as present for purposes of determining whether a quorum is present.

Section 15-32 Voting.

(a) The concurring vote of a four-fifths majority of members of the board present at a meeting and not excused from voting (a quorum being present) shall be necessary to grant a variance. All other actions of the board, including decisions relating to appeals and special use permits, shall be taken by majority vote, a quorum being present. If a motion to

grant a variance is not made or fails to receive the four-fifths vote necessary for adoption, then a motion to deny the variance shall be in order. This motion is adopted as the board's decision if support by at least two members. **(AMENDED 05/26/81; 10/25/83; 10/21/14)**

(b) Once a member is physically present at a board meeting, any subsequent failure to vote shall be recorded as an affirmative vote unless the member has been excused in accordance with subsection (c) or (d) or has been allowed to withdraw from the meeting in accordance with subsection (e). **(AMENDED 10/24/06)**

(c) A member shall not participate in or vote on any quasi-judicial matter if that member's participation would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to,

(1) a member having a fixed opinion prior to hearing the matter that is not susceptible to change,

(2) undisclosed ex parte communications,

(3) a close familial, business, or other associational relationship with an affected person, or

(4) a financial interest in the outcome of the matter.

If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

(d) A member may be excused from voting on a particular issue by majority vote of the remaining members present under the following circumstances:

(1) If the matter at issue involves the member's own official conduct; or

(2) If participation in the matter might violate the letter or spirit of a member's code of professional responsibility;

(e) A member may be allowed to withdraw from the entire remainder of a meeting by majority vote of the remaining members present for any good and sufficient reason other than the member's desire to avoid voting on matters to be considered at that meeting.

(f) A motion to allow a member to be excused from voting or excused from the remainder of the meeting is in order only if made by or at the initiative of the member directly affected.

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

Section 15-33 Board of Adjustment Officers.

(a) The Board of Adjustment shall designate one of its members to serve as chairman and one member to serve as 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 05/26/81; 01/10/84; 02/20/90; 01/27/09)**

(b) The chairman and vice-chairman may take part in all deliberations and vote on all issues.

Section 15-34 Powers and Duties of Board of Adjustment.

(a) The board of adjustment shall hear and decide:

(1) Appeals from any order, decision, requirement, or interpretation made by the administrator, as provided in Section 15-91.

(2) Applications for special use permits, as provided in Subsection 15-46(a).

(3) Applications for variances, as provided in Section 15-92.

(4) Applications for special exception permits, as provided in Section 15-92.1. **(AMENDED 06/21/94)**

(5) Questions involving interpretation of the zoning map, including disputed district boundary lines and lot lines, as provided in Section 15-93.

(6) Applications for major subdivisions containing between five and twelve lots. **(AMENDED 07/21/87)**

(7) Any other matters the board is required to act upon by any other town ordinance.

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

Section 15-35 through 15-36 Reserved.

PART III. LAND USE ADMINISTRATOR AND PLANNING DIRECTOR

Section 15-37 Land Use Administrator.

Except as otherwise specifically provided, primary responsibility for administering and enforcing this chapter may be assigned to one or more individuals by the town manager. The person or persons to whom these functions are assigned shall be referred to in this chapter as the "land use administrator" or "administrator". The term "staff" or "planning staff" is sometimes used interchangeably with the term "administrator".

Section 15-38 Planning Director.

(a) The planning director is the administrative head of the planning department. As provided in Section 15-78, the planning director is authorized to approve minor subdivision final plats.

(b) The planning director may correct typographical errors, numerical reference errors, spelling errors, and errors in section or page numbering, and may make other nonsubstantive editorial changes to the text of this ordinance without formal adoption by the Board of Aldermen, provided that the changes necessary to correct such errors do not change the meaning of the ordinance. Any corrections made pursuant to this section must be documented to the Board of Aldermen and made a part of the board's regular meeting minutes. **(AMENDED 09/01/87)**

Section 15-39 Reserved.

PART IV. BOARD OF ALDERMEN

Section 15-40 The Board of Aldermen.

(a) The Board of Aldermen, in considering conditional use permit applications, acts in a quasi-judicial capacity and, accordingly, is required to observe the procedural requirements set forth in Articles IV and VI of this chapter.

(b) In considering proposed changes in the text of this chapter or in the zoning map, the Board of Aldermen acts in its legislative capacity and must proceed in accordance with the requirements of Article XX.

(c) Unless otherwise specifically provided in this chapter, in acting upon conditional use permit requests or in considering amendments to this chapter or the zoning map, the board shall follow the quorum, voting, and other requirements set forth in Chapter 2 of the Town Code.

Section 15-41 Reserved.

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 appointed to successive terms without limitation.

(d) 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.

(e) 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)**

(f) 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, consisting of four members, shall be present for the commission to take official action, and all actions shall be taken by majority vote.

(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 appointed to successive terms without limitation.

(d) 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

(a) The Environmental Advisory Board shall fulfill the Town's requirements under its NPDES Phase II stormwater permit for citizens' input of stormwater management activities. **(AMENDED 02/25/14)**

(b) The Environmental Advisory Board may:

(1) Advise the Board of Alderman 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, stormwater management, climate protection and resilience, energy conservation, solar energy, groundwater, natural resources, and other areas.

(2) 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 and stormwater runoff.

(3) Adopt a set of guiding principles or goals for the EAB and review these goals periodically to determine if they are being obtained.

(4) Take any other action authorized by this chapter or any other ordinance or resolution of the Board of Alderman

(REPEALED 5/11/99) (AMENDED 02/25/14)

ARTICLE IV

PERMITS AND FINAL PLAT APPROVAL

PART I. PERMIT REQUIREMENTS

Section 15-46 Permits Required.

(a) Subject to Section 15-271 (Sign Permits) and subsection (e) of this section, the use made of property may not be substantially changed (see Section 15-152), substantial clearing, grading or excavation may not be commenced, and buildings or other substantial structures may not be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits: **(AMENDED 10/22/91)**

(1) A zoning permit issued by the administrator;

(2) A special use permit issued by the board of adjustment;

(3) A conditional use permit issued by the Board of Aldermen.

(b) Zoning permits, special use permits, conditional use permits, and sign permits are issued under this chapter in respect to plans submitted by the applicant that demonstrate compliance with the ordinance provisions contained herein. Such plans as are finally approved are incorporated into any permit issued in reliance thereon, and except as otherwise provided in Section 15-64, all development shall occur strictly in accordance with such approved plans. **(AMENDED 1/10/81)**

(c) Physical improvements to land to be subdivided may not be commenced except in accordance with a conditional use permit issued by the Board of Aldermen (for major subdivisions containing more than twelve lots and all subdivisions in watershed districts) or a special use permit issued by the board of adjustment (for major subdivisions outside the watershed districts containing between five and twelve lots) or after final plat approval by the planning director for minor subdivisions (see Part II of this article). **(AMENDED 12/15/87)**

(d) A zoning permit, conditional use permit, special use permit, or sign permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All such permits issued with respect to tracts of land in excess of one acre (except sign permits and zoning permits for single-family residential uses and duplexes) shall be recorded in the Orange County Registry after execution by the record owner as provided in Section 15-63. **(AMENDED 5/26/81)**

(e) Notwithstanding the provisions of subsection (a) of this section, no permit under this chapter shall be required for the substantial alteration of a building or structure located within a

B-1(c), B-1(g) or B-2 zoning district if such alteration does not change the exterior of such building or structure in any substantial way. **(AMENDED 10/22/91)**

Section 15-47 No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled.

Issuance of a conditional use, special use, or zoning permit authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in Sections 15-53, 15-60, and 15-61, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this chapter and all additional requirements imposed pursuant to the issuance of a zoning permit, conditional use, or special use permit have been complied with.

Section 15-48 Who May Submit Permit Applications.

(a) Applications for zoning, special use, conditional use, or sign permits or minor subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the minor subdivision plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this chapter, or the agents of such persons (who may make application in the name of such owners, lessees, or contract venders).

(b) The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with subsection (a) whenever there appears to be a reasonable basis for questioning this authority.

Section 15-48.1 Concept Plan Review Procedures Prior to Submitting Applications (Amended 10/24/06).

(a) Prior to submitting an application for a special or conditional use permit or for conditional zoning to allow use classification 3.260 Social Service Provider/Community Kitchen, the applicant shall comply with the requirements of this section. **(AMENDED 03/22/16)**

(b) The applicant shall attend a regularly scheduled Development Review meeting and discuss the proposed project with staff in attendance at such meeting. This requirement shall not apply to a developer of a proposed major subdivision who has met with the planning staff under the provisions of Subsection 15-50(d) following an “on-site walkabout”.

(c) Following compliance with the provisions of subsection (b), the applicant shall attend a Joint Advisory Board meeting comprising at least the following boards: Planning Board, Appearance Commission, Transportation Advisory Board, Environmental Advisory Board, and

Economic Sustainability Commission. The planning staff may notify the Recreation and Parks Commission and the Northern Transition Area Advisory Committee when issues relevant to those boards are raised by a proposed development and members of those boards may attend.

(1) No quorum requirements shall apply to the Joint Advisory Board.

(2) The applicant shall present to the Joint Advisory Board sufficient information about the proposed development to enable the board to have a general understanding of the nature and extent of the development. If the development is a major subdivision, then a "conceptual preliminary plan" prepared in accordance with the provisions of Section 15-50 shall suffice. If the development is not a major subdivision, then the information submitted shall include at least the following:

a. A sketch site plan showing the location and size (including floor area) of proposed buildings, (including the extent to which buildings taller than 40 feet may cast a shadow), parking areas, and driveway entrances; **(AMENDED 03/25/14)**

b. Proposed residential densities and types of residential units (in terms of number of bedrooms);

c. Illustrations of building elevations.

d. Other information deemed necessary by the staff to demonstrate to the Joint Advisory Board the concept of the proposed development.

(d) Following the presentation of the concept plan to the Joint Advisory Board, the members of that board may present such feedback to the developer as they deem appropriate. In addition, following the Joint Advisory Board meeting, the component advisory boards may meet separately and make recommendations to the developer.

(e) When the development application comes back before the advisory boards for a recommendation prior to the public hearing on such application, the applicant shall provide a written response to all advisory board comments, and each advisory board that has reviewed the concept plan and made comments on it shall review those comments and may ask the developer to explain how those comments have been addressed or why they have not been addressed.

Section 15-49 Applications To Be Complete.

(a) All applications for zoning, special use, conditional use, or sign permits must be complete before the permit-issuing authority is required to consider the application.

(b) Subject to subsections (c) and (c1), an application is complete when it contains all of the information that is necessary for the permit-issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this chapter. **(AMENDED 11/23/10).**

(c) In this chapter, detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in one or more of the appendices of this chapter. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with these appendices, so long as (subject to subsection (c1)) the plans provide sufficient information to allow the permit-issuing authority to evaluate the application in the light of the substantive requirements set forth in this text of this chapter. However, whenever this chapter requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in one or more of these appendices, or whenever it reasonably appears to the administrator that such construction drawings are necessary to demonstrate that construction details will comply with plans submitted and approved as part of the permit-issuing process, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. A detailed description of the construction plan submittal and review requirements is provided in Article IV, Part III. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in Article VII. **(AMENDED 06/06/89; 11/23/10)**

(c1) If the administrator determines that a proposed development that has been issued a zoning permit, special use permit, or conditional use permit would likely have a significant impact on adjoining or nearby streets, sidewalks, or properties during the construction process, the administrator shall notify the permit recipient that a construction management plan must be submitted and approved by the administrator. Examples of significant impacts include but are not limited to the construction of more than 1000 square feet of new building area in the downtown commercial zoning districts or ground disturbance of more than 20,000 square feet in the downtown commercial zoning districts. A construction management plan shall likewise be submitted and approved by the administrator if required by a condition attached to a conditional or special use permit. **(AMENDED 02/25/14)**

(1) The administrator shall inform the permit recipient of the contents of the Town Code regarding (i) construction noise and hours of operation (Section 5-12(4)), and (ii) obstructing or excavating within public street rights of way (Sections 7-1, 7-4, and 7-12). The administrator shall also inform the developer that the construction management plan shall commit the developer to compliance with those provisions and shallexplain how the developer intends to address other potential impacts identified by the administrator, such as streets to be used or avoided by construction vehicles, the location of entrances to the site for construction vehicles, parking for employees, contractors and subcontractors, and the location on the site for the staging of construction materials and equipment, and concerns

about potentially harmful pollutants including by not limited to dust, debris and aerosols.

(2) If a development triggers a construction management plan, a meeting will be held by the developer with surrounding residents and businesses to elicit their input into the development of the construction management plan and to ensure its implementation. Town staff shall be present at the meeting and shall record the minutes to make certain that public input is conveyed to the applicant and incorporated into the construction management plan.

(3) No construction may be commenced until the construction management plan has been approved. The administrator shall approve the plan if the plan proposes measures to mitigate the potential negative impacts of the project during the construction process to the extent reasonably practical under all the circumstances.

(4) The provisions of an approved construction management plan shall be enforceable in the same manner as other provisions of this chapter. **(AMENDED 02/25/14)**

(c2) Permit applications for commercial projects (meaning those where at least twenty percent of the proposed floor area is devoted to non-residential uses) in the commercial zoning districts need not contain all of the detailed information necessary for the permit issuing authority to determine that the development, if constructed in accordance with the application and plans, will comply with the drainage and stormwater management requirements set forth in Sections 15-262 and 15-263 of this chapter, so long as:

(1) The application contains sufficient information to explain how the development will address drainage and stormwater management issues, and it appears reasonably likely to the permit issuing authority that the proposed drainage and stormwater management systems will function in such a manner that the development will comply with Sections 15-262 and 15-263; and

(2) Before construction plans are approved, such plans must demonstrate that all the requirements of Sections 15-262 and 15-263 and related appendices will be satisfied. **(AMENDED 11/23/10, 02/25/14)**

(d) The presumption established by this chapter is that all of the information set forth in Appendix A is necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit-issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. For applications submitted to the Board of Aldermen or board of adjustment, the applicant may rely in the first instance on the recommendations of the administrator as to whether more or less information than that set forth in Appendix A should be submitted.

(e) The administrator shall make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the administrator to determine compliance with this chapter, such as applications for zoning permits to construct single-family houses or duplexes, or applications for sign permits, the administrator shall develop standard forms that will expedite the submission of the necessary plans and other required information.

Section 15-50 Site Planning Procedures for Major Subdivisions (AMENDED 05/25/99).

(a) Before submitting an application for a conditional or special use permit for a major subdivision, the applicant shall comply with the requirements of this section.

(b) The applicant shall submit a site analysis plan drawn approximately to scale (1inch = 100 feet) that contains the following information:

(1) The name and address of the developer;

(2) The proposed name and location of the subdivision

(3) The approximate total acreage of the proposed subdivision;

(4) Topographic lines based on maps published by the U.S. Geological Survey; and

(5) The location of all primary and secondary conservation areas as defined in subsections 15-198(b)(4) and (5).

(6) The location of any existing or proposed road connections on adjacent property.

(c) After the site analysis plan has been submitted, the planning staff shall schedule a mutually convenient date to walk the property with the applicant and the applicant's site designer. Designated members of the Planning Board, Northern Transition Advisory Committee, Transportation Advisory Board, Environmental Advisory Board and Appearance Commission, shall be notified of the date and time of this "on-site walkabout." The purpose of this visit is to familiarize town officials with the property's special features and to provide an informal opportunity for an interchange of information as to the developer's plans and the town's requirements. **(REWRITTEN 02/25/14)**

(d) Prior to the submission of a conceptual preliminary plan as described in subsection (e), the staff shall meet with the developer to discuss how the four-step approach to designing

subdivisions described below could be applied to the subject property. This conference may be combined with the on-site walkabout.

(e) Following completion of the steps described in subsections (b), (c), and (d), the developer shall submit a conceptual preliminary plan of the proposed subdivision, prepared in accordance with the four-step process described in subsection (f). This plan shall be a preliminarily engineered sketch plan drawn to illustrate initial thoughts about a conceptual layout for open space, house sites, and street alignments. This is the stage where drawings are tentatively illustrated, before heavy engineering costs are incurred in the design of any proposed subdivision layout. The planning staff shall review this plan and provide comment to the developer on the overall pattern of streets, houselots, open space, and the treatment of primary and secondary conservation areas in light of the applicable requirements of this chapter.

(f) Each conceptual preliminary plan shall be prepared using the following four-step design process:

(1) During the first step, all primary and secondary conservation areas are identified (and shown on the site analysis plan described in subsection (b)).

(2) During the second step, potential sites are tentatively located. House sites should generally be located not closer than 100 feet from primary conservation areas and 50 feet from secondary conservation areas.

(3) The third step consists of aligning proposed streets to provide vehicular access to each house in the most reasonable and economical way and to identify points of existing or proposed connectivity in order to comply with Subsection 15-217(a). When lots and access streets are laid out, they shall be located in a way that avoids or at least minimizes adverse impacts on primary and secondary conservation areas. To the greatest extent practicable, wetland crossings and streets traversing existing slopes over 15% shall be strongly discouraged. Street connections shall comply with the provisions of Section 15-214.

(4) The fourth step is to draw in the lot lines.

(g) The conceptual preliminary plan shall demonstrate that the proposed development will satisfy the following objectives, as more particularly described in the remaining provisions of this chapter:

(1) Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Town for essential infrastructure or active or passive recreation amenities).

(2) Preserves and maintains mature woodlands, existing fields, pastures, meadows, and orchards, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses. For example, locating houselots and driveways within wooded areas is generally recommended, with two exceptions. The first involves significant wildlife habitat or mature woodlands which raise an equal or greater preservation concern, ad described in #5 and #8 below. The second involves predominantly agricultural areas, where remnant tree groups provide the only natural areas for wildlife habitat.

(3) If development must be located on open fields or pastures because of greater constraints in all other parts of the site, dwellings should be sited on the least prime agricultural soils, or in locations at the far edge of a field, as seen from existing public roads. Other considerations include whether the development will be visually buffered from existing public roads, such as by a planting screen consisting of a variety of indigenous native trees, shrubs and wildflowers (specifications for which should be based upon a close examination of the distribution and frequency of those species, found in a typical nearby roadside verge or hedgerow).

(4) Maintains or creates an upland buffer of natural native species vegetation of at least 100 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes and ponds.

(5) Designs around existing hedgerows and treelines between fields or meadows. Minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines. Also, woodlands of any size on highly erodible soils with slopes greater than 10 percent should be avoided. However, woodlands in poor condition with limited management potential can provide suitable location for residential development. When any woodland is developed, great care shall be taken to design all disturbed areas (for buildings, roads, yards, septic disposal field, etc) in locations where there are no large trees or obvious wildlife areas, to the fullest extent that is practicable.

(6) Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public roadways. (For example, in open agrarian landscapes, a deep, “no-build, no-plant” buffer is recommended along the public roadway where those views or vistas are prominent or locally significant. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep “no-build, no-cut” buffer should be respected, to preserve existing vegetation.

(7) Avoids siting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.

(8) Protects wildlife habitat areas of special species listed as endangered, threatened, or of special concern by the state or federal government.

(9) Designs around and preserves sites of historic, archaeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, burial grounds, etc.

(10) Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting onto existing public roads. Establishes buffer zones along the scenic corridor of rural roads with historic buildings, stone walls, hedgerows, etc.

(11) Landscapes common areas (such as community greens), and both sides of new streets with native specie shade trees and flowering shrubs with high wildlife conservation value.

(12) Provides active recreational areas in suitable locations offering convenient access by residents, and adequately screened from nearby houselots.

(13) Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system. All roadside footpaths should connect with off-road trails, which in turn should link with potential open space on adjoining undeveloped parcels (or with existing open space on adjoining developed parcels, where applicable).

(14) Provides open space that is reasonably contiguous, and whose configuration is in accordance with the guidelines contained in the Design and Management Handbook for Preservation Areas, produced by the Natural Lands Trust. For example, fragmentation of open space should be minimized so that these resource areas are not divided into numerous small parcels located in various parts of the development. To the greatest extent practicable, this land shall be designed as a single block with logical, straightforward boundaries. Long thin strips of conservation land shall be avoided, unless the conservation feature is linear or unless such configuration is necessary to connect with other streams or trails. The open space shall generally abut existing or potential open space land on adjacent parcels, and shall be designed as part of larger, contiguous, and integrated greenway systems, as per the policies in the Open Space and Recreation section of the Town's Ordinance.

Section 15-51 Staff Consultation After Application Submitted.

(a) Upon receipt of a formal application for a zoning, special use, or conditional use permit, or minor plat approval, the administrator shall review the application and confer with the applicant to ensure that he understands the planning staff's interpretation of the applicable requirements of this chapter, that he has submitted all of the information that he intends to submit, and that the application represents precisely and completely what he proposes to do.

(b) If the application is for a special use or conditional use permit, the administrator shall place the application on the agenda of the appropriate boards when the applicant indicates that the application is as complete as he intends to make it. However, as provided in Sections 15-56 and 15-57, if the administrator believes that the application is incomplete, he shall recommend to the appropriate boards that the application be denied on that basis.

Section 15-52 Zoning Permits.

(a) A completed application form for a zoning permit shall be submitted to the administrator by filing a copy of the application with the administrator in the planning department.

(b) The administrator shall issue the zoning permit unless he finds, after reviewing the application and consulting with the applicant as provided in Section 15-50, that:

(1) The requested permit is not within his jurisdiction according to the Table of Permissible Uses as interpreted in the light of the other provisions of Article X, particularly Section 148.

(2) The application is incomplete; or

(3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those requirements concerning which a variance has been granted or those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations).

(c) If the administrator determines that the development for which a zoning permit is requested will have or may have substantial impact on surrounding properties, he or she shall, at least ten days before taking final action on the permit request, send a written notice to those persons who have listed for taxation real property any portion of which is within 150 feet of the lot that is the subject of the application, informing them that: **(AMENDED 5/26/81)**

(1) An application has been filed for a permit authorizing identified property to be used in a specified way;

(2) All persons wishing to comment on the application should contact the administrator by a certain date; and

(3) Persons wishing to be informed of the outcome of the application should send a written request for such notification to the administrator.

(d) In determining under subsection © whether a development for which a zoning permit is requested "will have or may have [a] substantial impact on surrounding properties" the administrator shall consider, among other relevant factors, whether: **(AMENDED 5/21/02)**

(1) The development involves a permit for property where a nonconforming situation exists: and

(2) The development constitutes a departure from the development pattern of surrounding properties in terms of the type, density, intensity or scale of use.

(e) If the administrator is contacted by a person entitled to receive notice under subsection © within the time period specified in subsection ©(2) and requested to delay issuing the permit for an additional period of not more than ten days, the administrator shall comply with this request and so notify the permit applicant. **(AMENDED 5/21/02).**

Section 15-53 Performance Guarantee to Ensure Compliance with Zoning Permit (AMENDED 10/24/06, 6/22/10).

In cases when, because of weather conditions or other factors beyond the control of the zoning permit recipient (exclusive of financial hardship), it would be unreasonable to require the zoning permit recipient to comply with all of the requirements of this chapter (including approved plans) before commencing the intended use of the property or occupying any buildings, the administrator may authorize the commencement of the intended use or occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient provides a surety bond, letter of credit or other security satisfactory to the administrator to ensure that all these requirements will be fulfilled within a reasonable period of time (not to exceed twelve months) determined by the administrator. The developer shall choose which of the above listed performance guarantees to use. Upon a showing of good cause, the administrator may approve the extension of such security for successive periods of up to twelve months each, so long as such extension does not compromise the health or safety of the general public or the occupants of the property that is the subject of the permit**.**

Section 15-54 Special Use Permits and Conditional Use Permits (AMENDED 6/28/05).

(a) An application for a special use permit shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department.

(b) An application for a conditional use permit shall be submitted to the Board of Aldermen by filing a copy of the application with the administrator in the planning department.

(c) The board of adjustment or the Board of Aldermen, respectively, shall issue the requested permit unless it concludes, based upon the information submitted at the hearing, that:

1) The requested permit is not within its jurisdiction according to the table of permissible uses;

2) The application is incomplete, or

3) If completed as proposed in the application, the development will not comply with one or more requirements of this chapter (not including those the applicant is not required to comply with under the circumstances specified in Article VIII, Nonconforming Situations);

4) If completed as proposed, the development, more probably than not:

   a) Will materially endanger the public health or safety; or

   b) Will substantially injure the value of adjoining or abutting property; or

   c) Will not be in harmony with the area in which it is to be located; or

   d) Will not be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board.

Section 15-54.1 Affordable Housing Goal and Alternative Methods of Achieving the Goal (AMENDED 6/28/05; REWRITTEN 6/26/07; AMENDED 10/28/08); AMENDED 6/26/12.

(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 Section 15-182.4. That section, as well as Section 15-188, establish incentives for developers to provide for such affordable housing. The purpose of this section is to establish alternative processes whereby developers who do not achieve the 15% objective can nevertheless contribute to the fulfillment of this goal in another way, and also to create a process to ensure that developers understand the importance of attempting to meet this goal.

(b) An applicant for approval of any residential development containing five or more dwelling units or lots that does not elect to meet the Board's 15% affordable housing policy goal by constructing affordable housing units or donating affordable housing lots (as those terms are described in Section 15-182.4) shall nevertheless be considered to have met this goal if such applicant makes a payment to the Town's Affordable Housing Special Reserve Fund in lieu of such construction or donation in an amount calculated as provided in this subsection:

1) The number of dwelling units or lots authorized within the development (including additional units or lots authorized under Section 15-182.4 when the developer constructs affordable units, provides affordable housing lots, or is authorized by the

Board to construct density bonus units by making a payment in lieu of constructing units) shall be multiplied by 0.15 and the product shall be carried to two decimal places. **(REWRITTEN 1/22/08)**

2) There shall be subtracted from the product derived under subsection (b)(1) of this section (i) the number of affordable housing units or affordable housing lots the developer proposes to provide under Section 15-182.4, plus (ii) the number of affordable housing payment in lieu fees the Board has agreed to allow to be regarded as the equivalent of providing an affordable housing unit under Subsection 15-182.4(d1). **(REWRITTEN 1/22/08)**

3) The product derived under subsection (b)(2) shall be multiplied by the affordable housing payment in lieu fee. The result is the amount that must be paid to satisfy the provisions of this subsection (b).

4) The affordable housing payment in lieu fee shall be an amount established by the Board of Aldermen and shall be included in the Town's Miscellaneous Fees and Charges Schedule. In establishing the amount of this fee, the Board may consider (i) the extent to which the costs incurred by a developer in constructing and selling a two bedroom affordable housing unit (including land cost, the cost of construction, interest cost, closing costs, and other costs allocable to such unit) exceed the maximum amount for which that housing unit could be sold (as an affordable housing unit) by the developer in accordance with Section 15-182.4, (ii) the extent to which non-monetary factors might induce developers to prefer paying a fee in lieu of constructing an affordable housing unit if the monetary cost of doing one or the other were roughly equivalent, and (iii) any other factors the Board deems relevant in establishing a fee that provides developers with a practical and financially viable means of satisfying the Town's affordable housing policy goals. **(AMENDED 10/28/08; 6/26/12)**

(c) An applicant for approval of any residential development containing five or more lots restricted to single-family residential use (which lots the developer intends to sell undeveloped) who does not elect to meet the Board's 15% affordable housing policy goal by donating affordable housing lots (as those terms are described in Section 15-182.4) or making a payment in lieu as provided in subsection (b) above shall nevertheless be considered to have met this goal if such applicant chooses to follow the process that reserves lots for purchase by the Town of Carrboro and makes a payment for the eventual purchase of such lots as outlined in this subsection.

1) The developer shall request that a condition that obligates the developer to comply with the provisions of this subsection be added to the special or conditional use permit that authorizes the subdivision in question, and such condition shall be added by the permit issuing authority.

2) Before the final plat is approved, the developer shall designate on the plat a number of lots that are reserved for purchase by the Town of Carrboro. The number of lots so reserved shall be equal to the product of the number of lots within such subdivision multiplied by 0.15, rounded down to the nearest whole number.

3) The purchase price for each reserved lot shall be the estimated market price as agreed upon by the Town and the developer, which price shall be specified in the condition added to the special or conditional use permit.

4) The lots so designated shall be restricted by the permit to the development of affordable housing as defined in Section 15-182.4 of this chapter.

5) The lots so designated shall be in all other ways equal to the market rate lots and shall be provided with utility connections and other necessary infrastructure so as to render them buildable at the time of sale.

6) With respect to all other lots within the subdivision, no certificate of occupancy shall be issued for any dwelling unit constructed on such lots unless and until a payment is made to the town in an amount determined as follows:

a. Prior to approval of the permit for such subdivision, the applicant for the permit shall estimate the total market value of all developed lots (i.e. lots with houses completed on them) within the subdivision that are not restricted to affordable housing units, and calculate from this number the percentage number that, when applied to the total market value of such developed lots, would yield the number of dollars necessary to purchase the lots within the subdivision that are restricted to affordable housing use.

b. If the town accepts the percentage number derived above as a reasonable estimate, such percentage shall be included as part of the condition on the permit prohibiting the issuance of a certificate of occupancy until a payment is made to the town as provided in this subsection.

c. The amount of the payment shall be determined by applying the percentage determined in accordance with this subsection to the appraised value of the completed house and lot, as determined by a licensed appraiser.

7) The funds so received shall be held and reserved for the purchase of the lots designated to be developed with affordable housing.

8) The town shall have the right to purchase the designated lots at any time after final plat approval, and must purchase the lots not later than ninety days after sufficient funds to do so have been received by the town from the other lots.

9) If sufficient funds have not been received by the town to purchase one or more of the affordable housing lots after the last certificate of occupancy is issued for the other lots within the subdivision, then the town shall either purchase such affordable housing lot or lots using such funds as may be available to the town within ninety days after the date of issuance of such certificate of occupancy, or the condition limiting the use of such designated lot or lots to affordable housing shall be deemed to have expired and such designated lot or lots may thereafter be conveyed without this restriction.

10) If the funds received exceed the amount necessary to purchase the lots that have been reserved then such funds shall be retained in the fund and used for other purposes authorized for that fund.

(d) The Board finds that some developers may not fully understand how the affordable housing provisions of this chapter operate or the incentives that are available under the ordinance to encourage affordable housing. Therefore, the Board concludes that, when developers of proposed developments containing five or more dwelling units propose to construct such developments without meeting the affordable housing goals established by the town for new developments, it may be beneficial to both the developers and the town for the Board and such developers to have an opportunity, prior to the formal consideration of a permit request, to discuss the town's affordable housing policy, the affordable housing opportunities and incentives provided by this chapter, and any questions or concerns such developers may have about utilizing those provisions. Subsections (e) and (f) below provide for that opportunity.

(e) The applicant for any residential development containing five or more lots or dwelling units, and therefore required to obtain either a special use permit from the Board of Adjustment or a conditional user permit from the Board of Aldermen, shall be required to participate in an Affordable Housing Review Meeting with the Board of Aldermen if the residential development does not meet the Board's affordable housing goal in any of the ways described in this section or Section 15-182.4.

(f) Should an applicant for any residential development containing five or more lots or dwelling units decide in the course of the development review process to change the application in such a way that it no longer satisfies the Board's affordable housing policy goal, further review of the project will be delayed until the applicant participates in an Affordable Housing Review Meeting with the Board of Aldermen.

Section 15-55 Burden of Presenting Evidence, Burden of Persuasion.

(a) The burden of presenting a complete application (as described in Section 15-49) to the permit-issuing board shall be upon the applicant. However, unless the board informs the applicant at the hearing in what way the application is incomplete and offers the applicant an opportunity to complete the application (either at that meeting or at a continuation hearing) the application shall be presumed to be complete.

(b) Once a complete application has been submitted, the burden of presenting evidence to the permit-issuing board sufficient to lead it to conclude that the application should be denied for any reasons stated in Subdivisions 15-54(c)(1), (3), or (4) shall be upon the party or parties urging this position, unless the information presented by the applicant in his application and at the public hearing is sufficient to justify a reasonable conclusion that a reason exists for denying the application as provided in Subdivision 15-54(c)(1), (3), or (4).

1) The burden of persuasion on the issue of whether the development, if completed as proposed, will comply with the requirements of this chapter remains at all times on the applicant. The burden of persuasion on the issue of whether the application should be turned down for any of the reasons set forth in Subdivision 15-54(c)(4) rests on the party or parties urging that the requested permit should be denied.

Section 15-55.1 Findings and Burden of Proof for Conditional Use Permits Required for Taller Buildings in Commercial Districts (AMENDED) 10/25/05.

If a conditional use permit for a development is required under Section 15-147 (j), then, notwithstanding the provisions of Subsection 15-54 (c) and Section 15-55 of this chapter, the applicant for such conditional use permit shall have the burden of demonstrating that, if completed as proposed, the development:

(1) Will not substantially injure the value of adjoining or abutting property; and

(2) 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.

(3) Will be in general conformity with the Land Use Plan, Thoroughfare Plan, and other plans officially adopted by the Board.

Section 15-56 Recommendation on Special Use Permit Applications.

(a) When presented to the board of adjustment at the hearing, the application for a special use permit shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 (Application To Be Complete) and the other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the board of adjustment.

(b) If the staff proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirements of this chapter, it shall identify the requirement in question and specifically state supporting reasons for the proposed findings or conclusions.

(c) The board of adjustment may, by general rule applicable to all cases or any class of cases, or on a case by case basis, refer applications to the planning board, the transportation board, the environmental advisory board, or the appearance commission to obtain the recommendations of either or both those boards. **(REWRITTEN 02/25/14)**

Section 15-57 Recommendations on Conditional Use Permits.

(a) Before being presented to the Board of Aldermen, an application for a conditional use permit shall be referred to the planning board, appearance commission, environmental advisory board and the transportation advisory board for joint review and action in accordance with this section. The Board of Aldermen may not hold a public hearing on a conditional use permit application until the planning board, appearance commission, environmental advisory board and the transportation advisory board have had an opportunity to consider the application (pursuant to standard agenda procedures) at one regular meeting. In addition, at the request of the planning board, appearance commission, environmental advisory board or the transportation advisory board, the Board of Aldermen may continue the public hearing to allow the respective boards more time to consider the application. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

(b) When presented to the planning board, appearance commission, environmental advisory board and the transportation advisory board, the application shall be accompanied by a report setting forth the planning staff's proposed findings concerning the application's compliance with Section 15-49 and other requirements of this chapter, as well as any staff recommendations for additional requirements to be imposed by the Board of Aldermen. If the planning staff report proposes a finding or conclusion that the application fails to comply with Section 15-49 or any other requirement of this chapter, it shall identify the requirement in questions and specifically state supporting reasons for the proposed findings and conclusions. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

(c) The planning board, appearance commission, environmental advisory board and the transportation advisory board shall consider the application and the attached staff report in a timely

fashion, and may, in its discretion, hear from the applicant or members of the public. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

(d) After reviewing the application, the planning board, appearance commission, environmental advisory board and the transportation advisory board shall report to the Board of Aldermen whether it concurs in whole in part with the staff's proposed findings and conditions, and to the extent there are differences the respective boards shall propose their own recommendations and the reasons therefore. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

(e) In response to the planning board's, the appearance commission's, environmental advisory board's or the transportation advisory board's recommendations, the applicant may modify his application prior to submission to the Board of Aldermen, and the planning staff may likewise revise its recommendations. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

Section 15-58 Board Action On Special Use and Conditional Use Permits.

In considering whether to approve an application for a special or conditional use permit, the board of adjustment or the Board of Aldermen shall proceed according to the following format:

(1) The board shall consider whether the application is complete. If no member moves that the application be found incomplete (specifying either the particular type of information lacking or the particular requirement with respect to which the application is incomplete) then this shall be taken as an affirmative finding by the board that the application is complete.

(2) The board shall consider whether the application complies with all of the applicable requirements of this chapter. If a motion to this effect passes, the board need not make further findings concerning such requirements. If such a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of this chapter. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the board to be unsatisfied through this process.

(3) If the board concludes that the application fails to comply with one or more requirements of this chapter, the application shall be denied. If the board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Subdivision 15-54(c)(4). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Section 15-59 Additional Requirements on Special Use and Conditional Use Permits.

(a) Subject to subsection (b), in granting a special or conditional use permit, the board of adjustment or Board of Aldermen, respectively, may attach to the permit such reasonable requirements in addition to those specified in this chapter as will ensure that the development in its proposed location: **(AMENDED 3/23/10)**

(1) Will not endanger the public health or safety; or

(2) Will not injure the value of adjoining or abutting property; or

(3) Will be in harmony with the area in which it is located; ~~and~~ or

(4) Will be in conformity with the Carrboro Land use Plan, Thoroughfare Plan, or other plan officially adopted by the Board.

(b) The permit-issuing board may not attach additional conditions that modify or alter the specific requirements set forth in this ordinance unless the development in question presents extraordinary circumstances that justify the variation from the specified requirements. **(AMENDED 5/26/87)**

(c) Without limiting the foregoing, the board may attach to a permit a condition limiting the permit to a specified duration.

(d) In the case of a conditional use zoning district, specific conditions may be proposed by the petitioner or the Town or its agencies, but only those conditions mutually approved by the Town and the petitioner may be incorporated into the permit requirements. Conditions and site-specific standards imposed in a conditional use permit as a part of a conditional use zoning district shall be limited to those that address the conformance of the development and use of the site to Town ordinances and any officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. **(AMENDED 10/24/06)**

(e) All additional conditions or requirements authorized by this section are enforceable in the same manner and to the same extent as any other applicable requirement of this chapter.

(f) A vote may be taken on additional conditions or requirements before consideration of whether the permit should be denied for any of the reasons set forth in Subdivision 15- 54(c)(3) or (4).

Section 15-60 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use or Conditional Use Permits (AMENDED 10/08/96; 10/24/06; 6/22/10).

(a) With respect to unsubdivided developments, in cases when, because of weather conditions or other factors beyond the control of the special or conditional use permit recipient (exclusive of financial hardship), it would be unreasonable to require the permit recipient to comply with all of the requirements of this chapter (including approved plans) before commencing the intended use of the property or occupying any buildings, the manager may authorize the commencement of the intended use or occupancy of buildings (insofar as the requirements of this chapter are concerned) if the permit recipient provides a surety bond, letter of credit or other security satisfactory to the manager to ensure that all these requirements will be fulfilled within a reasonable period of time (not to exceed twelve months) determined by the manager. The developer shall choose which of the above listed performance guarantees to use. Upon a showing of good cause, the manager may approve the extension of such security for successive periods of up to twelve months each, so long as such extension does not compromise the health or safety of the general public or the occupants of the property that is the subject of the permit.

(b) With respect to subdivided developments, the manager may authorize final plat approval and the sale of lots before all the requirements of this chapter (including approved plans) are fulfilled if the subdivider provides a surety bond, letter of credit, or other security satisfactory to the manager to ensure that all of these requirements will be fulfilled within a reasonable period of time after final plat approval (not to exceed twelve months) as determined by the manager. The developer shall choose which of the above listed performance guarantees to use. Upon a showing of good cause (by way of illustration without limitation, where it is sensible to delay the final coat of pavement of a street until heavy construction within the subdivision is essentially complete, or where completion of a bioretention area should be delayed until site disturbance is nearly finished), the manager may approve the extension of such security for successive periods of up to twelve months each, so long as such extension does not compromise the health or safety of the general public or the occupants of the subdivision.

(c) The authorization provided to the manager under subsections (a) and (b) of this section shall also apply to fulfillment of additional requirements upon the special or conditional use permit recipient by the permit issuing board in accordance with Section 15-59 unless the board specifies a certain date by which or a schedule according to which such requirements must be met.

Section 15-61 Completing Developments in Phases.

(a) If a development is constructed in phases or stages in accordance with this section, then, subject to subsection (c), the provisions of Section 15-47 (No Occupancy, Use, or Sale of Lots Until Requirements Fulfilled) and Section 15-60 (exceptions to Section 15-47) shall apply to each phase as if it were the entire development.

(b) As a prerequisite to taking advantage of the provisions of subsection (a), the developer shall submit plans that clearly show the various phases or stages of the proposed

development and the requirements of this chapter that will be satisfied with respect to each phase or stage.

(c) If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a swimming pool or tennis courts in a residential development) then, as part of his application for development approval, the developer shall submit a proposed schedule for completion of such improvements. The schedule shall relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit-issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit, provided that:

(1) If the improvement is one required by this chapter then the developer may utilize the provisions of Subsections 15-60(a) or 15-60(c);

(2) If the improvement is an amenity not required by this chapter or is provided in response to a condition imposed by the board, then the developer may utilize the provisions of Subsection 15-60(b).

(3) Changes in phasing schedules may be made in the same manner as other permit modifications pursuant to the procedures set forth in Section 15-64. **(AMENDED 2/24/87)**

Section 15-62 Expiration of Permits.

(a) Zoning, special use, conditional use, and sign permits shall expire automatically if, within two years after the issuance of such permits: **(AMENDED 5/26/81)**

(1) The use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or

(2) Less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 15-61), this requirement shall apply only to the first phase.

(b) If, after some physical alteration to land or structures begins to take place, such work is discontinued for a period (i) of one year if the date of discontinuance occurs more than one year after the issuance of the permit, or (ii) equal to two years less the time between the issuance of the

permit and the time work is discontinued if the date of discontinuance occurs less than one year after the issuance of the permit, then the permit authorizing such work shall immediately expire. However, expiration of the permit shall not affect the provisions of Section 15-63.

(c) The permit-issuing authority may extend for a period up to two years the date when a permit would otherwise expire pursuant to subsections (a) and (b) if it concludes that (i) the permit has not yet expired, (ii) the permit recipient has proceeded with due diligence and in good faith, and (iii) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods of up to two years upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit. **(AMENDED 06/23/15)**

(d) For purposes of this section, a permit within the jurisdiction of the Board of Aldermen or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the zoning administrator is issued when the earlier of the following takes place: **(AMENDED 11/10/81)**

(1) A copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant; or

(2) The zoning administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under G.S. 15-46(c).

(e) Notwithstanding any of the provisions of Article VIII (Nonconforming Situations), this section shall be applicable to permits issued prior to the date this section becomes effective.

Section 15-63 Effect of Permit on Successors and Assigns.

(a) Zoning, special use, conditional use and sign permits authorize the permittee to make use of the land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:

(1) No person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and

(2) The terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice (as provided in subsection (b)) of the existence of the permit at the time they acquired their interest.

(b) Whenever a zoning, special use or conditional use permit is issued to authorize development (other than single-family residences or duplexes) on a tract of land in excess of one acre, nothing authorized by the permit may be done until the record owner of the property signs a written acknowledgment that the permit has been issued so that the permit may be recorded in the Orange County Registry and indexed under the record owner's name as grantor.

Section 15-64 Amendments to and Modifications of Permits. (AMENDED 5/25/04; 11/22/05).

(a) Subject to subsection (e), insignificant deviations from the permit (including approved plans) issued by the Board of Aldermen, the board of adjustment, or the administrator are permissible and the administrator may authorize such insignificant deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. **(AMENDED 5/26/81; 6/22/82)**

(b) Subject to subsection (e), minor design modifications or changes in permits (including approved plans) are permissible with the approval of the permit-issuing authority. Unless it is requested by the permit-issuing authority, no public hearing shall be required for such minor modification. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. **(AMENDED 6/22/82; 06/06/89)**

(c) Subject to subsection (e), all other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Board of Aldermen or board of adjustment, new conditions may be imposed in accordance with Section 15-59, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit. **(AMENDED 6/22/82)**

(d) The administrator shall determine whether amendments to and modifications of permits fall within the categories set forth above in subsections (a), (b), and (c). **(AMENDED 5/26/81)**

(e) Notwithstanding the foregoing provisions of this section, whenever the board issues a conditional use permit for a planned industrial development (use classification 30.000), the administrator may authorize changes in the approved plans for such development that do not substantially alter the character or pattern of development approved by the board, so long as the revised plans continue to comply with the provisions of this chapter and any conditions imposed by the board in issuing the permit. In granting a permit for a planned industrial development, the board may identify more specifically those elements of the plans concerning which changes may be approved by the administrator under this subsection. **(AMENDED 6/22/82)**

(f) An applicant requesting a change in approved plans shall point out to the administrator, specifically and in writing, what deviation or changes are requested. The administrator shall respond in writing. No changes shall be authorized except in conformity with this section. **(AMENDED 1/22/85)**

(g) When (i) a request for a change in a permit is made under this section (whether for an insignificant deviation, minor modification, or major modification), and (ii) the use of the property is not changed, and (iii) some type of nonconforming situation other than a nonconforming use exists on the property, then the permit change may be approved without requiring the elimination of the nonconforming situations. However, (i) any new development authorized by the permit change shall comply with current standards to the extent reasonably practicable, and (ii) the permit issuing authority may require the elimination of nonconforming situations when the cost (financial and otherwise) of doing so is clearly proportional to the benefits of elimination of such nonconformity.

(h) Notwithstanding the other provisions of this section, whenever town-owned facilities or services are proposed as an additional use on property for which a special use permit or a conditional use permit is already in effect the permit required by this article for the new town-owned facility or service shall be as shown in Section 15-146. **(AMENDED 11/25/05)**

Section 15-65 Reconsideration of Board Action.

Whenever (i) the Board of Aldermen disapproves a conditional use permit application, or (ii) the board of adjustment disapproves an application for a special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board at a later time unless the applicant clearly demonstrates that:

(1) Circumstances affecting the property that is the subject of the application have substantially changed; or

(2) The application is changed in some substantial way; or

(3) New information is available that could not with reasonable diligence have been presented at a previous hearing.

Section 15-66 Applications to be Processed Expeditiously.

Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the town shall make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this chapter.

Section 15-67 Maintenance of Common Areas, Improvements, and Facilities.

The recipient of any zoning, special use, conditional use, or sign permit, or his successor, shall be responsible for maintaining all common areas, improvements or facilities required by this chapter or any permit issued in accordance with its provisions, except those areas, improvements or facilities with respect to which an offer of dedication to the public has been accepted by the appropriate public authority. As illustrations, and without limiting the generality of the foregoing, this means that private roads and parking areas, water and sewer lines, and recreational facilities must be properly maintained so that they can be used in the manner intended, and required vegetation and trees used for screening, landscaping, or shading must be replaced if they die or are destroyed.

Section 15-68 through 15-75 Reserved.

PART II. MAJOR AND MINOR SUBDIVISIONS

Section 15-76 Regulation of Subdivisions.

Major subdivisions are subject to a two step approval process. Physical improvements to the land to be subdivided are authorized by a conditional use permit or special use permit as provided in Part I of Article IV of this chapter, and sale of lots is permitted after final plat approval as provided in Section 15-79. Minor subdivisions only require a one step approval process final plat approval (in accordance with Section 15-78). **(AMENDED 12/15/87)**

Section 15-77 No Subdivision Without Plat Approval.

(a) As provided in G.S. 160A-375, no person may subdivide his land except in accordance with all of the provisions of this chapter. In particular, no person may subdivide his land unless and until a final plat of the subdivision has been approved in accordance with the provisions of Section 15-78 or Section 15-79 and recorded in the Orange County Registry.

(b) As provided in G.S. 160A-373, the Orange County Register of Deeds shall not record a plat of any subdivision within the town's planning jurisdiction unless the plat has been approved in accordance with the provisions of this chapter.

Section 15-78 Minor Subdivisions Approval.

(a) The planning director shall approve or disapprove minor subdivision final plats in accordance with the provisions of this section.

(b) The applicant for minor subdivision plat approval, before complying with subsection (c), shall submit a sketch plan to the planning director for a determination of whether the approval process authorized by this section can be and should be utilized. The planning director may require the applicant to submit whatever information is necessary to make this determination, including, but not limited to, a copy of the tax map showing the land being subdivided and all lots previously subdivided from that tract of land within the previous five years.

(c) Applicants for minor subdivision approval shall submit to the planning director a copy of a plat conforming to the requirements set forth in subsections 15-79(b) and (c) (as well as two prints of such plat), except that a minor subdivision plat shall contain the following certificates in lieu of those required in Section 15-80:

(1) Certificate of Ownership

I hereby certify that I am the owner of the property described hereon, which property is within the subdivision regulation jurisdiction of the Town of Carrboro, and that I freely adopt this plan of subdivision.

_____ _____

Date Owner

(2) Certificate of Approval **(AMENDED 5/26/81)**

I hereby certify that the minor subdivision shown on this plat does not involve the creation of new public streets or any change in existing public streets, that the subdivision shown is in all respects in compliance with Chapter 15 of the Carrboro Town Code, and that therefore this plat has been approved by the Carrboro planning director, subject to its being recorded in the Orange County Registry within 30 days of the date below.

_____ _____

Date Town Manager (or designee)

(3) A Certificate of Survey and Accuracy, in the form stated in subdivision 15-80(3).

(d) The planning director shall take expeditious action on an application for minor subdivision plat approval as provided in Section 15-66. However, either the planning director or the applicant may at any time refer the application to the major subdivision approval process.

(e) No more than a total of four lots may be created out of one tract using the minor subdivision plat approval process, regardless of whether the lots are created at one time or over an extended period of time. **(AMENDED 7/21/87)**

(f) Subject to subsection (d), the planning director shall approve the proposed subdivision unless the subdivision is not a minor subdivision as defined in Section 15-15 or the application or the proposed subdivision fails to comply with subsection (e) or any other applicable requirements of this chapter. **(AMENDED 5/26/81)**

(g) If the subdivision is disapproved, the planning director shall promptly furnish the applicant with a written statement of the reasons for disapproval.

(h) Approval of any plat is contingent upon the plat being recorded within thirty days after the date the Certificate of Approval is signed by the manager or his designee. **(AMENDED 5/26/81)**

Section 15-79 Major Subdivision Approval Process.

(a) The town manager shall approve or disapprove major subdivision final plats. Notwithstanding the foregoing, if, at the time the conditional use permit or special use permit was issued for the subdivision pursuant to Part I of Article IV of this Chapter, the permit issuing board requested that the final plat be reviewed by it, then the Board shall approve or disapprove the major subdivision final plat. **(AMENDED 12/15/87; 07/27/89)**

(b) The applicant for major subdivision plat approval shall submit to the administrator a final plat, drawn in waterproof ink on a sheet made of material that will be acceptable to the Orange County Register of Deeds' Office for recording purposes, and having dimensions as follows: either (i) 21" x 30", (ii) 12" x 18", or (iii) 18" x 24". When more than one sheet is required to include the entire subdivision, all sheets shall be made of the same size and shall show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The scale of the plat shall be at one-inch equals not more than one hundred feet. The applicant shall also submit two prints of the plat.

(c) In addition to the appropriate endorsements, as provided in Section 15-80, the final plat shall contain the following information:

(1) All of the information required by G.S. 47-30 and G.S. 39-32.3;

(2) The name of the subdivision, which name shall not duplicate the name of any existing subdivision as recorded in the Orange County Registry;

(3) The name of the subdivision owner or owners;

(4) The township, county and state where the subdivision is located; and

(5) The name of the surveyor and his registration number and the date of survey.

(d) The applicable final plat approval authority shall approve the proposed plat unless it finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this chapter or that the final plat differs substantially from the plans and specifications approved in conjunction with the conditional use permit that authorized the development of the subdivision. **(AMENDED 12/15/87)**

(e) If the final plat is disapproved by the town manager, the applicant shall be furnished with a written statement of the reasons for the disapproval and may appeal the decision pursuant to Section 15-91. If the final plat is disapproved by the Board of Aldermen or the board of

adjustment, the applicant shall be furnished with a written statement of the reasons for the disapproval and shall be given an opportunity to petition the applicable plat approval authority for a hearing, to be conducted in accordance with the procedures for processing conditional or special use permit applications. Following such hearing, the Board may reverse, modify, or affirm its earlier decision. **(AMENDED 12/15/87; 06/27/89)**

(f) Approval of a final plat is contingent upon the plat being recorded within thirty (30) days after the approval certificate is signed by the manager. **(AMENDED 11/10/81)**

Section 15-80 Endorsements on Major Subdivision Plats.

All major subdivision plats shall contain the endorsements listed in subdivision (1), (2), and (3) herein. The endorsements listed in subdivision (4) shall appear on plats of all major subdivisions located outside the corporate limits of the town but within the planning jurisdiction. The endorsement listed in subdivision (5) shall appear on plats when required by federal regulations.

(1) **CERTIFICATE OF APPROVAL**

I hereby certify that all streets shown on this plat are within the Town of Carrboro's planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within ten months after the date below) has been ensured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with Chapter 15 of the Carrboro Town Code, and therefore this plat has been approved by the [Carrboro Town Manager] [Carrboro Board of Aldermen] [Carrboro Board of Adjustment], subject to its being recorded.
(AMENDED 7/21/87; 12/15/87; 06/27/89)

_____ _____
Date Carrboro Town Manager (or designee)

(2) **CERTIFICATE OF OWNERSHIP AND DEDICATION**

I hereby certify that I am the owner of the property described hereon, which property is located within the subdivision regulation jurisdiction of the Town of Carrboro, that I hereby freely adopt this plan of subdivision and dedicate to public use all areas shown on this plat as streets, alleys, walks, parks, open space, and easements, except those specifically indicated as private, and that I will maintain all such areas until the offer of dedication is accepted by the appropriate public authority. All property shown on this plat as dedicated for a public use shall be deemed to be dedicated for any other public use authorized by law when such other use is approved by the Board of Aldermen in the public interest.

_____ _____
Date Owner

_____
Notarized

(3) **CERTIFICATE OF SURVEY AND ACCURACY (AMENDED 11/26/85)**

I, _____, certify that this plat was drawn under my supervision from (an actual survey made under my supervision) (deed description recorded in Book _____, Page _____); that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this __ day of _____, 19_____.

_____
Surveyor

Seal or Stamp

_____
Registration Number

North Carolina, _____ County, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ___ day of _____, 19_____.

_____
Notary Public

Stamp or Seal My Commission Expires_____

(4) **DIVISION OF HIGHWAYS DISTRICT ENGINEER CERTIFICATE**

I hereby certify that the public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards of the N.C. State Department of Transportation for acceptance of subdivision streets on the State highway system for maintenance.

_____
District Engineer

(5) **CERTIFICATE FOR FEDERALLY FUNDED PROJECT**

I hereby certify that the specifications for street grading, drainage improvements, and paving for the group housing development shown on this plat, which development is being financed or insured under regulations of the United States Government, are equal to or of a higher standard than required by the subdivision regulations of the Town of Carrboro and the Standards of the N.C. Department of Transportation.

_____
Planning Director

Section 15-81 Plat Approval Not Acceptance of Dedication Offers.

Approval of a plat does not constitute acceptance by the town of the offer of dedication of any streets, sidewalks, parks or other public facilities shown on a plat. However, the town may accept any such offer of dedication by resolution of the Board, by issuing to the dedicator a written notice of acceptance signed by the town manager, or by actually exercising control over and maintaining such facilities. **(AMENDED 06/06/89)**

Section 15-82 Protection Against Defects.

(a) Whenever (pursuant to Section 15-60) occupancy, use or sale is allowed before the completion of all facilities or improvements intended for dedication, then the performance bond or the surety that is posted pursuant to Section 15-60 shall guarantee that any defects in such facilities or improvements that appear within fifteen months after the offer of dedication of such facilities or improvements is accepted shall be corrected by the developer. **(AMENDED 04/27/82; 06/06/89)**

(b) Whenever all facilities or improvements intended for dedication are installed before occupancy, use or sale is authorized, then the developer shall post a performance bond or other sufficient surety to guarantee that he will correct all defects in such facilities or improvements that occur within fifteen months after the offer of dedication of such facilities is accepted. **(AMENDED 04/27/82; 06/06/89)**

(c) An architect or engineer retained by the developer shall certify to the town that all facilities and improvements to be dedicated to the town have been constructed in accordance with the requirements of this chapter. This certification shall be a condition precedent to acceptance by the town of the offer of dedication of such facilities or improvements.

(d) For purposes of this section, the term "defects" refers to any condition in publicly dedicated facilities or improvements that requires the town to make repairs in such facilities over and above the normal amount of maintenance that they would require. If such defects appear, the guaranty may be enforced regardless of whether the facilities or improvements were constructed in accordance with the requirements of this chapter.

Section 15-83 Maintenance of Dedicated Areas Until Acceptance.

As provided in Section 15-67, all facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

Section 15-83.1 Display of Approved Site Plan Required (AMENDED 01/28/92).

(a) Prior to final plat approval, the developer of any residential subdivision that contains or is designed to contain when fully developed a total of more than four lots shall display in a prominent outdoor location on the development site a copy of a site plan drawn at a minimum scale of 1" = 100' that shows town approved lot configurations, easements, street patterns, amenities, and other design features that may affect the use or enjoyment of property purchased within such development. Included on the site plan shall be a prominently displayed notice advising prospective purchasers to contact the Carrboro Planning Department for additional information concerning the approved development plans.

(b) For purposes of this section the term "design features" includes but is not limited to water, sewer, or electric power easements, recreational amenities, street extensions or future streets, bikeways, and proposed future phases. When a private street is proposed, such signs shall indicate that maintenance will be the responsibility of a homeowners association.

(c) The site plan required under this section shall be placed within a weatherproof display case. It shall be regarded as a continuing condition of the developer's permit that the site plan displayed under this section shall be kept current as changes in development plans are approved by the town and shall remain at all times sufficiently legible to satisfy the disclosure objectives of this section. The site plan shall remain on display as lots within the subdivision remain in the possession of the developer to whom the conditional use permit was granted or his successors.

(d) The site plan displayed in accordance with this section as well as the location and construction of the display case shall be subject to the prior approval of the zoning administrator, which approval shall not be unreasonably withheld.

(e) The site plan display required under this section shall not be regarded as a sign for purposes of Article XVII of this chapter.

Section 15-83.2 Signs Posted to Disclose Development Plan (AMENDED 01/28/92).

(a) Prior to final plat approval, the developer of any residential subdivision that contains or is designed to contain when fully developed to total of more than four lots may be required by the permit issuing board to post a sufficient number of signs throughout the subdivision in appropriate locations to provide notification (to the extent reasonably practicable) to the prospective purchasers of lots or dwelling units within the area for which final plat approval is requested of design features proposed for the subdivision that may significantly affect the use or enjoyment of property purchased within the subdivision.

(b) For purposes of this section the term "design features" includes but is not limited to water, sewer, or electric power easements, recreational amenities, street extensions or future streets, bikeways, and proposed future phases. When a private street is proposed, such signs shall indicate that maintenance will be the responsibility of a homeowners association.

(c) Notwithstanding the other provisions of this section, no signs need be posted where the impact of the design feature is evident upon inspection of the property (e.g., a power line or sewer line is already constructed and the easement boundaries are apparent).

(d) Signs posted in conformity with this section shall remain so long as lots within the subdivision remain in the possession of the developer to whom the special or conditional use permit was granted or his successor, and it shall be regarded as a continuing condition of the permit authorizing the subdivision that such signs be maintained to serve the purposes intended by this section. However, in any enforcement action it shall be a valid defense for the developer to show that signs have been posted as required but have been deliberately removed or destroyed without such developer's consent or acquiescence.

(e) The developer of a subdivision that is subject to the provisions of this section shall submit with his application for a conditional or special use permit a sign plan that shows the location, size, design and content of every sign proposed to be posted to satisfy the requirements of this action. The permit issuing board shall approve the plan if it demonstrates substantial compliance with this action. Signs erected or posted pursuant to such an approved sign plan are exempt from the provisions of Article XVII of this chapter. Signs shall be erected prior to final plat approval for each phase.

Section 15-83.3 Covenants May Not Prohibit Devices that Generate or Conserve Energy or Water (AMENDED 04/26/11).

(a) This section is authorized by Chapter 42 7 of the 2009 Session Laws, codified as Section 10-2 of the Carrboro Town Charter.

(b) Subject to the provisions of subsections (c) and (d) of this section, lots within a residential subdivision may not be conveyed subject to covenants or restrictions that run with the

land unless, prior to approval of the final plat creating such lots, the final plat approval authority (planning director for minor subdivisions and town manager for major subdivisions) has determined that such covenants or restrictions are consistent with the requirements of this section. The developer shall submit any such proposed covenants to the town along with or subsequent to the proposed final plat. Final plat approval for such subdivision may not be granted if the covenants or restrictions prohibit, or have the effect of prohibiting, or allow a property owners association to prohibit, the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any further technology or device designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, so long as such installation is done by or on behalf of a person who otherwise has a property right to install such device.

(c) The provisions of subsection (b) of this section do not apply to any condominium created under Chapter 47A or 47C of the General Statutes. Nor are such provisions intended to prohibit the adoption or enforcement of any covenant or restriction, or any rule or regulation adopted by a property owners association, that does any of the following:

(1) Affects a common area.

(2) Is designed to ensure that any device described in subsection (b) is installed and maintained in such a manner that it does not pose a risk to the safety of any person or domesticated animal.

(3) Regulates the location or screening of any device described in subsection (b), provided the covenant or restriction, or rule or regulation adopted by a property owners association, does not have the effect of preventing the reasonable use of such device.

(d) The provisions of this section apply only to covenants or restrictions recorded after the effective date of this section.

PART III. CONSTRUCTION DRAWING APPROVAL (AMENDED 06/06/89)

Section 15-84 Construction Drawings Shall Conform To Land Use Permit Plans.

(a) Construction drawings prepared for development projects and prepared in accordance with Section 15-49 (c) shall conform to the plans which have been approved as part of the appropriate land use permitting process (zoning permit, special use permit, or conditional use permit). In the event that the detailed site work which is required for the preparation of construction drawings makes necessary modifications or deviations from the general design approved during the land use permitting process, such changes may require additional review by the relevant permit-issuing authority, as described in Section 15-64, prior to the start of construction plan review.

(b) For utility extension projects, which are exempted from the requirement to obtain a zoning, special use or conditional use permit by the provisions of Section 15-151, construction plans shall be submitted to and approved by the public works director prior to the commencement of construction activity.

Section 15-85 Construction Drawing Submittal Process.

As set forth in Section 15-49 (c), persons desiring to construct any development project in the area within the town's planning jurisdiction may be required to submit construction drawings for review and approval by the town. Submittal of construction drawings shall be made only after a land use permit (zoning, special use, or conditional use permit) has been issued for the project in question, and filed with the Orange County Register of Deeds, if required by Section 15-63. Construction drawings are to be submitted to the land use administrator for review and approval in accordance with the process described below.

(a) **PRE-SUBMITTAL CONFERENCE**. Persons preparing construction drawings are requested to confer with the land use administrator prior to making the formal construction drawings submittal described below in subsection (b). This conference is suggested in order to minimize the time required for the construction drawing review process. It is especially encouraged where such drawings will require modifications to the plans approved as part of the land use permitting process in order to comply with the provisions of Section 15-84. As described in Section 15-64, land use permit modifications can require additional review by the permit-issuing authority, prior to construction plan review.

(b) **INITIAL SUBMITTAL**. Four (4) complete sets of construction drawings shall be submitted to the land use administrator for review. Construction drawing size and content shall conform to the requirements set forth in Section 15-87. The land use administrator will review the initial submittal and will send the applicant written comments outlining the additions or corrections that are considered necessary.

(c) **DRAWINGS REVISED AND RESUBMITTED**. After receiving the land use administrator's comments on the initial submittal, the applicant shall revise the drawings to incorporate those comments. The applicant shall resubmit four (4) sets of revised construction drawings for review. The land use administrator will review the revised drawings and will send the applicant written comments outlining any additions or corrections that may still be considered necessary. The applicant shall then revise the construction drawings accordingly. This process shall continue until such time as the land use administrator is satisfied as to the sufficiency of the drawings and their conformance with the required standard specifications included in Appendix C.

(d) **FINAL SUBMITTAL**. Once the land use administrator is satisfied as to the sufficiency of the construction drawings, a full set of final construction drawing materials shall be submitted for approval. These materials shall include at a minimum:

(1) five (5) complete sets of final construction drawings, including all the revisions as requested by the land use administrator, and sealed by the professional engineer responsible for their preparation. Materials that must be included in a complete set of construction drawings are described in Section 15-87 below;

(2) a letter from the Orange Water and Sewer Authority, if applicable, certifying their approval of the final construction drawings;

(3) letters from the appropriate utility providers certifying their approval of the final construction drawings;

(4) copies of any applicable state or federal permits or approvals;

(5) a copy of the Orange County Sedimentation and Erosion Control permit, if required, or a copy of correspondence from the Erosion Control Office indicating that a permit is not required;

(6) a copy of all approved driveway permits and/or encroachment agreements from the North Carolina Department of Transportation.

The land use administrator shall review the final construction drawing package submittal, shall approve them for construction if they are found to be complete and sufficient, and shall notify the applicant in writing of the approval.

Section 15-86 Record Drawings.

Upon completion of construction, a set of record drawings reflecting as-built conditions must be submitted prior to the final acceptance of the streets and any other facilities by the town. The record drawings must be labeled RECORD DRAWINGS and sealed and signed by the engineer preparing them. The record drawings shall be permanent reproducible drawings, on mylar, 2 mil minimum weight.

Section 15-87 Construction Drawing Submittal Requirements.

(a) **CERTIFICATION OF DRAWINGS**. All construction drawings submitted shall be signed by and carry the seal of the professional engineer, professional architect or professional landscape architect responsible for that preparation, who shall be licensed to practice in the State of North Carolina. **(AMENDED 10/9/90)**

(b) **MATERIALS TO BE SUBMITTED AS PART OF THE CONSTRUCTION DRAWINGS PACKAGE**: A complete set of construction drawings submitted in accordance with the provisions of Section 15-49 (c) shall include at least the following items. The Town's required standard construction specifications, for use in preparing construction drawings are outlined in Appendix C.

(1) Project site drawings including all information required by Appendix A as part of the approved land use permit submittal, including but not limited to footprints of existing and proposed buildings, parking areas, the location of 100-year floodplain limits, existing and proposed contour elevations at 2 foot intervals. These drawings shall also include the boundary of the tract with all courses and distances indicated. One corner of the tract shall be tied to the North Carolina Plane Coordinate System. Plan size shall generally be 24 inches by 36 inches, however the land use administrator may permit smaller sized plans if that is deemed appropriate for a smaller project; and

(2) A summary illustrative site plan drawn to a scale of 1"=100', on one 24" X 36" sheet if possible, or two sheets with match lines if not possible, showing a vicinity map, the outline of the project, and the location of lots, buildings, roads and other significant project features; and

(3) Plan and profile sheets indicating all existing and proposed roads, sidewalks, parking areas and driveways, cut-and-fill lines, the location of all utilities, and all drainage improvements. A summary roadway plan showing the street layout and all centerline and curve data shall be submitted in addition to a separate plan and profile sheet for each proposed new street; and

(4) Specifications sheets showing details for all curb and gutter treatments, proposed pavement treatments, and specifications for all erosion control, drainage and permanent stormwater control structures and facilities; and

(5) A grading, drainage and erosion control plan including data on construction sequencing and a schedule for re-stabilization of denuded areas. Drainage and stormwater facility drawings shall include information on materials used, pipe sizes and lengths, invert elevations, and top elevations for each structure, including but not limited to catch basins, curb inlets, stormwater retention or detention structures, and stormwater velocity dissipaters. In addition, a complete set of hydrologic calculations of existing and proposed runoff (prepared as described in Appendix C) shall be submitted, and estimated stormwater exit volumes and velocities provided for each proposed drainage and stormwater control structure; and

(6) A landscape and tree protection plan showing the location of all trees greater than 18 inches in diameter and rare species trees that are to be retained, all proposed plantings, and the location of other existing trees that are to be retained, and giving specifications for their preservation during construction; and

(7) A water and sewer location plan meeting the requirements of the Orange Water and Sewer Authority, and showing the location of all easements and proposed fire hydrants; and

(8) A utilities plan showing primary and secondary electrical and natural gas distribution and service lines, and the location of all electrical and natural gas easements; and

(9) A preliminary soils evaluation as described in Appendix C (Standard Specifications), prepared by a certified soils engineer and addressing the soils' suitability for street construction, as well as any potential problems and recommendations. The report shall confirm the adequacy of the standard pavement design required by the town, or, if the subgrade soils are expected to have poor CBR (California Bearing Ratio) values, and if the standard design is considered inadequate, the report shall present a recommended alternative design for consideration.

PART IV. ADEQUATE PUBLIC SCHOOL FACILITIES (JULY 17, 2003)

Section 15-88 Purpose.

The purpose of this Part IV is to ensure that, to the maximum extent practical, approval of new residential development will become effective only when it can reasonably be expected that adequate public school facilities will be available to accommodate such new development.

Section 15-88.1 Certificate of Adequacy of Public School Facilities.

(a) Subject to the remaining provisions of this part, no approval under this ordinance of a conditional or special use permit for a residential development shall become effective unless and until Certificate of Adequacy of Public School Facilities (CAPS) for the project has been issued by the School District. Notwithstanding the foregoing, this subsection shall not apply to conditional use permits for residential developments less than five lots or dwelling units in the WR, B-5 and WM-3 zoning districts.

(b) A CAPS shall not be required for a general use or conditional use rezoning or for a master land use plan. However, even if a rezoning or master plan is approved, a CAPS will nevertheless be required before any of the permits or approvals identified in subsection (a) of this section shall become effective, and the rezoning of the property or approval of a master plan provides no indication as to whether the CAPS will be issued. The application for rezoning or master plan approval shall contain a statement to this effect.

(c) A CAPS must be obtained from the School District. The School District will issue or deny a CAPS in accordance with the provisions of the Memorandum of Understanding between Carrboro, Chapel Hill, Orange County, and the Chapel Hill Carrboro School District dated July 17, 2003.

(d) A CAPS attaches to the land in the same way that development permission attaches to the land. A CAPS may be transferred along with other interests in the property with respect to which such CAPS is issued, but may not be severed or transferred separately.

Section 15-88.2 Service Levels.

(a) This section describes the service levels regarded as adequate by the parties to the Memorandum of Understanding described in subsection (b) with respect to public school facilities.

(b) As provided in the Memorandum of Understanding between Orange County, Chapel Hill, Carrboro, and the Chapel Hil1/Carrboro School District, adequate service levels for public schools shall be deemed to exist with respect to a proposed new residential development if, given the number of school age children projected to reside in that development, and

considering all the factors listed in the Memorandum of Understanding, projected school membership for the elementary schools, the middle schools, and the high school(s) within the Chapel Hil1/Carrboro School District will not exceed the following percentages of the building capacities of each of the following three school levels:

Elementary school level	105%
Middle school level	107%
High school level	110%

For the period of time beginning the effective date of this ordinance and terminating on the day on which the third high school within the Chapel Hill-Carrboro City School District is first attended by high school students, the determination by the Chapel Hill-Carrboro City School District that adequate service levels for public schools exist shall be made without regard to whether or not projected capacity of the High School level exceeds 110% of Building Capacity. On and after the day on which the third high school within the Chapel Hill-Carrboro City School District is first attended by high school students, determination by the Chapel Hill-Carrboro City School District that adequate service levels for public schools exist shall be made only if projected capacity of each school level does not exceed the following:

Elementary School	105% of Building Capacity
Middle School	107% of Building Capacity
High School	110% of Building Capacity

For purposes of this ordinance, the terms "building capacity" and "school membership" shall have the same meaning attributed in the Schools Adequate Public Facilities Memorandum of Understanding among the Towns of Carrboro, Chapel Hill, Orange County, and the Chapel Hill/Carrboro Board of Education.

Section 15-88.3 Expiration of Certificates of Adequacy of Public School Facilities.

A CAPS issued in connection with approval of a conditional or special use permit shall expire automatically upon the expiration of such permit approval.

Section 15-88.4 Exemption From Certification Requirement for Development with Negligible Student Generation Rates.

In recognition of the fact that some new development will have a negligible impact on school capacity, a CAPS shall not be required under the following circumstances:

a. For residential developments restricted by law and/or covenant for a period of at least thirty years to housing for the elderly and/or adult care living and/or adult special needs;

b. For residential developments restricted for a period of at least thirty years to dormitory housing for university students.

If the use of a development restricted as provided above changes, then before a permit authorizing such change of use becomes effective, a CAPS must be issued just as if the development were being constructed initially.

Section 15-88.5 Applicability to Previously Approved Projects and Projects Pending Approval.

(a) Except as otherwise provided herein, the provisions of this part shall only apply to applications for approval of conditional or special use permits that are submitted for approval after the effective date of this ordinance.

(b) The provisions of this part shall not apply to amendments to special or conditional use permit approvals issued prior to the effective date of this ordinance so long as the approvals have not expired and the proposed amendments do not increase the number of dwelling units authorized within the development by more than five percent or five dwelling units, whichever is less.

(c) The Board of Aldermen shall issue a special exception to the CAPS requirement to an applicant whose application for approval of a conditional or special use permit covers property within a planned unit development or master plan project that was approved prior to the effective date of this ordinance, if the Board of Aldermen finds, after an evidentiary hearing, that the applicant has (1) applied to the School District for a CAPS and the application has been denied, (2) in good faith made substantial expenditures or incurred substantial binding obligations in reasonable reliance on the previously obtained planned unit development or master plan approval, and (3) would be unreasonably prejudiced if development in accordance with the previously approved development or plan is delayed due to the provisions of this ordinance. In deciding whether these findings can be made, the Board of Aldermen shall consider the following, among other relevant factors:

(1) Whether the developer has installed streets, utilities, or other facilities or expended substantial sums in the planning and preparation for installation of such facilities which were designed to serve or to be paid for in part by the development of portions of the planned unit development or master planned project that have not yet been approved for construction;

(2) Whether the developer has installed streets, utilities, or other facilities or expended substantial sums in the planning and preparation for installation of such facilities that directly benefit other properties outside the development in question or the general public;

(3) Whether the developer has donated land to the School District for the construction of school facilities or otherwise dedicated land or made improvements deemed to benefit the School District and its public school system;

(4) Whether the developer has had development approval for a substantial amount of time and has in good faith worked to timely implement the plan in reasonable reliance on the previously obtained approval;

(5) The duration of the delay that will occur until public school facilities are improved or exist to such an extent that a CAPS can be issued for the project, and the effect of such delay on the development and the developer.

(d) The decision of the Board of Aldermen involving a special exception application under subsection (c) is subject to review by the Orange County Superior Court by proceedings in the nature of certiorari. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within 30 days after a written copy of the decision of the Board of Aldermen is delivered to the applicant and every other party who has filed a written request for such copy with the Clerk to the Board of Aldermen at the time of its hearing on the application for a special exception. The written copy of the decision of the Board of Aldermen may be delivered either by personal service or by certified mail, return receipt requested.

(e) The Mayor or any member temporarily acting as Mayor may, in his or her official capacity, administer oaths to witnesses in any hearing before the Board of Aldermen concerning a special exception.

Section 15-88.6 Appeal of School District Denial of a CAPS.

The applicant for a CAPS which is denied by the School District may, within 30 days of the date of the denial, appeal the denial to the Board of Aldermen. Any such appeal shall be heard by the Board of Aldermen at an evidentiary hearing before it. At this hearing the School District will present its reasons for the denial of the CAPS and the evidence it relied on in denying the CAPS. The applicant appealing the denial may present its reasons why the CAPS application should have, in its view, been approved and the evidentiary basis it contends supports approval. The Board of Aldermen may (1) affirm the decision of the School District, (2) remand to the School District for further proceedings in the event evidence is presented at the hearing before the Board of Aldermen not brought before the School District, or (3) issue a CAPS. The Board of Aldermen will only issue a CAPS if it finds that the CAPS should have been issued by the School District as prescribed in the Memorandum of Understanding among the School District, Orange County and the towns of Carrboro and Chapel Hill. A decision of the Board of Aldermen affirming the School District may be appealed by the applicant for a CAPS by proceedings in the nature of certiorari and as prescribed for an appeal under section 15-88.5 of this part.

Section 15-88.7 Information Required From Applicants.

The applicant for a CAPS shall submit to the School District all information reasonably deemed necessary by the School District to determine whether a CAPS should be issued under the provision of the Memorandum of Understanding. An applicant for a CAPS special exception or an applicant appealing a CAPS denial by the School District shall submit to the Board of Aldermen all information reasonably deemed necessary by the Board of Aldermen to determine whether a special exception should be granted as provided in Section 15-88.5 or for the hearing of an appeal of a School District denial of a CAPS as provided in Section 15-88.6. A copy of a request for a CAPS special exception or of an appeal of a School District denial of a CAPS shall be served on the superintendent of the School District. Service may be made by personal delivery or certified mail, return receipt requested.

Section 15-89 through 15-90 Reserved.

ARTICLE V

APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND INTERPRETATIONS

<u>Section 15-91 Appeals</u> (AMENDED 06/21/94; 04/23/96; 5/21/02; REPEALED 4/27/82; REWRITTEN 10/21/14)

(a) The board of adjustment shall hear and decide appeals of decisions of the administrator in accordance with the provisions of G.S. 160A-388. Those provisions are summarized in the remaining subsections of this section. For purposes of this section, the term “decision” includes any final and binding order, requirement, or determination made by the administrator.

(b) The administrator shall give written notice of the decision to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first- class mail.

(c) Any person who has standing under G.S. 160A-393(d), as well as the town, may appeal a decision to the board of adjustment. An appeal is taken by filing a notice of appeal with the town clerk. The notice of appeal shall state the grounds for the appeal.

(d) The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.

(e) It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high is prominently posted on the property that is the subject of the decision, provided that (i) the sign remains on the property for at least 10 days, and (ii) and the sign states that additional information about the decision can be obtained by calling the planning department at a specified telephone number. Posting of such signs shall not be required, and is not the only form of constructive notice, but such posting offers the applicant or landowner a means of ensuring that constructive notice of the decision has been provided. Verification of the posting shall be provided to the administrator.

(f) The administrator shall transmit to the board of adjustment all documents and exhibits constituting the record of the action that is the subject of the appeal. The administrator shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.

(g) An appeal of a notice of violation or other enforcement order stays enforcement of

the action appealed from unless the administrator certifies to the board of adjustment after notice of appeal has been filed that, because of the facts stated in an affidavit, a stay would cause imminent peril to life or property, or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the administrator a request for an expedited hearing of the appeal, and the board of adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.

(h) Subject to the provisions of subdivision (g) of this section, the board of adjustment shall hear and decide the appeal within a reasonable time.

(i) The administrator shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the town would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing. The board of adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the administrator.

(j) The parties to an appeal that has been made under this section may agree to mediation or other forms of alternative dispute resolution.

Section 15-92 Variances (AMENDED 11/10/81; 4/21/87; 12/05/89; 04/23/96; 10/24/06; 6/26/12; 10/21/14; REPEALED & AMENDED 3/24/09; REWRITTEN 10/26/10)

(a) An application for a variance shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department. Applications shall be handled in the same manner as applications for special use permits in conformity with the provisions of Sections 15-48, 15-49, and 15-56.

(b) Subject to the remaining provisions of this section, when unnecessary hardships would result from carrying out the strict letter of this ordinance, the board of adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

(1) Unnecessary hardship would result from the strict application of this ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance
(3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship
(4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

(c) No change in permitted uses may be authorized by variance.

(d) Appropriate conditions may be imposed on any variance, provided the conditions are reasonably related to the variance.

(e) A variance may be issued for an indefinite duration or for a specified duration only.

(f) In determining whether a variance should be granted from any of the provisions of Article XVI, Part I, the board of adjustment shall consider the following factors, each of which shall be addressed in a written report that accompanies the application.

(1) The danger that materials may be swept onto other lands to the injury of others;
(2) The danger to life and property due to flooding or erosion damage;
(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(4) The importance of the services provided by the proposed facility to the community;
(5) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(6) The compatibility of the proposed use with existing and anticipated development;
(7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
(8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(9) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

(g) Any applicant to whom a variance is granted from the provisions of Article XVI, Part I, shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation to which the structure is to be built and that such

construction below the BFE increases risks to life and property, and that the issuance of a variance to construct a structure below the BFE will result in increased premium rates for flood insurance up to $25 per $100 of insurance coverage. Such notification shall be maintained with a record of all variance actions, including justification for their issuance.

(h) With respect to the provisions of Article XVI, Part I, the administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency and the State of North Carolina upon request.

(i) With respect to the provisions of Article XVI

Part I:

(1) Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances
(2) Variances shall not be issued within any designated floodway or nonencroachment area if the variance would result in any increase in flood levels during the base flood discharge
(3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief
(4) Variances shall only be issued prior to development permit approval
(5) The Town shall notify the Secretary of the North Carolina Department of Crime Control and Public Safety that a variance has been requested at least 30 days prior to consideration of the application by the board of adjustment

(j) If the board votes to grant a major variance from any of the provisions of Section 15-266, dealing with requirements peculiar to areas within the University Lake Watershed or Jordan Lake Watershed Protection District, the administrator shall forthwith prepare and send to the Environmental Management Commission a record of the proceedings before the board. The variance shall not be issued until it is approved by the EMC. For purposes of this subsection, a major variance is one that authorizes a relaxation of greater than 10% of any requirement set forth in Section 15-266.

(k) If the board votes to grant a major variance from any of the provisions of Part III (Water Quality Buffers) of Article XVI, the administrator shall forthwith prepare and send to the Environmental Management Commission a record of the proceedings before the board. The variance shall not be issued until it is approved by the EMC. For purposes of this subsection, a major variance is one that pertains to prohibited activities that will impact that portion of Zone One of the riparian buffers that lies within 30 feet of the surface waters subject to buffer requirements of the Jordan Reservoir.

(l) The administrator shall keep a record of all variances granted during any calendar year from the provisions of Sections 15-266 or Part III of Article XVI and shall submit the record of such variances on or before January 1 of the following year to the Division of Water Quality. The record shall contain a description of each project receiving a variance and the reason for granting the variance.

(m) If the board votes to grant a major variance from the provisions of Section 15-263, the board shall then prepare a preliminary record of the hearing and submit it to the Environmental Management Commission for review and approval. If the Commission approves the major variance or approves with conditions or stipulations added, then the Commission shall prepare a Commission decision which authorizes the board to issue a final decision which would include any conditions or stipulations added by the Commission. If the Commission denies the major variance, then the Commission shall prepare a Commission decision to be sent to the board. The board shall prepare a final decision denying the major variance. For all proposed major and mi-nor variances from the other local governments having jurisdiction within the Jordan Lake Watershed Area and any local governments using Jordan Lake as a water supply for consumption. Appeals from a board decision on a major or minor variance request are made on certiorari to the local Superior Court. Appeals from the Commission decision on a major variance request are made on judicial review to Superior Court. For purposes of this subsection, a major variance is one that authorizes a relaxation by more than five percent of any requirement set forth in Section 15-263.

Section 15-92.1 Special Exception Permits (AMENDED 06/21/94).
[*PLEASE REFERENCE "APPENDIX H"*]

(a) An application for a special exception permit shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department.

(b) All of the provisions of this article applicable to the processing of variance applications shall also apply to special exception permit requests, except the provisions of Subsections 15-92(b) and 15-96(b) and (c).

(c) The board of adjustment may issue a special exception permit for the purposes and under the circumstances set forth in the remaining subsections of this section if it concludes, in addition to any other findings required below, that:

(1) Issuance of the permit will not create a threat to the public health or safety; and

(2) Issuance of the permit will not adversely affect the value of adjoining or neighboring properties. If the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 15-102(2), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may (but shall not be required to) make the required finding. The board may also make the required finding based on other competent evidence.

(d) The board of adjustment may issue a special exception permit under this section to allow a reduction of up to 50% in the required distances that buildings must be set back from lot boundary lines under Subsection 15-184(a)(4), provided that:

(1) The reduction may be permitted only for buildings on lots used for conforming residential purposes in residential districts, where (i) the building in question has existed for at least three years prior to the application for the special exception permit, or (ii) the lot is to be developed or redeveloped using the residential density bonus for affordable housing provided for elsewhere in this chapter at Section 15-184. **(Amended 5/14/02)**

(2) In no case may the reduction allow a building to be located closer to a lot boundary line than a distance equal to one-half of the minimum building separation requirement established by the North Carolina State Building Code or allow the location of a building in such proximity to a pre-existing building as to violate the minimum building separation requirement of the North Carolina State Building Code;

(3) Reductions may be allowed under this section only for setbacks from lot boundary lines, not setbacks from street right-of-way lines.

(e) The board of adjustment may issue a special exception permit to authorize a structure to encroach upon a setback required under Section 15-184 if it finds that:

(1) The proposed encroachment results from an addition to or an extension of an existing structure that already is nonconforming with respect to the requirements of section 15-184; and

(2) The proposed addition or extension will not encroach upon any required front, rear, or side yard to a greater extent than the existing structure on that lot.

Section 15-93 Interpretations (REWRITTEN 10/21/14)

(a) The administrator is authorized to interpret the official zoning map and to pass upon disputed questions of district boundary lines and similar questions.

(b) Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

(1) Boundaries indicated as approximately following the centerlines of alleys, streets, highways, streams, or railroads shall be construed to follow such centerlines;

(2) Boundaries indicated as approximately following lot lines, city limits, or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries;

(3) Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as following such shorelines;

(4) Where a district boundary divides a lot or where distances are not specifically indicated on the Official Zoning Map, the boundary shall be determined by measurements, using the scale of the Official Zoning Map;

(5) Where any street or alley is hereafter officially vacated or abandoned, the regulation applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

Section 15-94 Requests To Be Heard Expeditiously.

As provided in Section 15-66, the board of adjustment shall hear and decide all appeals, variance requests, and requests for interpretations as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Article VI, and obtain the necessary information to make sound decisions.

Section 15-95 Burden of Proof in Appeals, Variances, and Special Exceptions (AMENDED 06/21/94: REPEALED 10/21/14)

Section 15-96 Board Action on Appeals, Variances, and Special Exceptions (AMENDED 4/27/82; 06/21/94; 10/21/14)

(a) With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from shall include, insofar as practicable, a statement of the specific reasons or findings that support that motion. If a motion to reverse or modify is not made or fails to receive the four-fifths vote necessary for adoption (see Section 15-32), then a motion to uphold the decision appealed from shall be in order. Insofar as practicable, this motion shall include a statement of the findings, or reasons that support it. This motion is adopted as the board's decision if supported by at least two members.

(b) Before granting a variance, the board must take a separate vote and vote Affirmatively (by a 4/5 majority--see Section 15-32) on each of the four required findings stated in Subsection 15-92(b). Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Subsection 15-92(b) shall include a statement of the specific reasons for findings of fact supporting such motion.

(c) A motion to deny a variance may be made on the basis that any one or more

of the four criteria set forth in Subsection 15-92(b) are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it. This motion is adopted as the board's decision if supported by at least two members.

(d) Before granting a special exception permit, the board shall vote affirmatively on each of the findings required under section 15-92.1. A motion to deny a special exception may be made on the basis that any one or more of the findings required by section 15-92.1 are not satisfied or that the application is incomplete. Insofar as practicable, such a motion shall include a statement of the specific reasons or findings of fact that support it.

Section 15-97 through 15-100 Reserved.

ARTICLE VI

HEARING PROCEDURES FOR APPEALS AND APPLICATIONS

Section 15-101 Hearing Required on Appeals and Applications.

(a) Before making a decision on an appeal or an application for a variance, special use permit, or conditional use permit, or a petition from the planning staff to revoke a special use permit or conditional use permit, the board of adjustment or the board of aldermen, as the case may be, shall hold a hearing on the appeal or application. Hearings on conditional use permits shall be set by the board of aldermen as provided in Section 2-17 of the Town Code. **(AMENDED 4/27/82)**

(b) Subject to subsection (c), the hearing shall be open to the public and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

(c) The board of adjustment or board of aldermen may place reasonable and equitable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be heard and decided without undue delay.

(d) The hearing board may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing needs to be published. **(REWRITTEN 3/23/10)**

Section 15-102 Notice of Hearing.

Except as provided in Section 15-117 (dealing with appeals of stop work orders), the administrator shall give notice of any hearing required by Section 15-101 as follows: **(AMENDED 10/24/89)**

(1) Not later than ten days before the hearing, a written notice of such hearing shall be sent by first class mail to (i) the appellant or applicant, (ii) the owner of the property that is the subject of the hearing if the owner did not initiate the hearing, and (iii) any other person who makes a written request for such notice. **(AMENDED 10/21/14)**

(2) With respect to hearings on matters other than special and conditional use permits, notice shall be given to neighboring property owners by mailing a written notice not later than 10 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is located within 150 feet of the lot that is the subject of the application or appeal. The planning staff shall also make reasonable efforts to mail a similar written notice not less than 10 days before the hearing to the occupants of residential

rental property located within 150 feet of the lot that is the subject of the application or appeal. With respect to hearings on the issuance or revocation of special and conditional use permits, notice shall be given to neighboring property owners by mailing a written notice not later than 10 days before the hearing to those persons who are listed on Orange County's computerized land records system as owners of real property any portion of which is located within 500 feet of the lot that is the subject of a special use permit and 1000 feet of the lot that is the subject of a conditional use permit. The planning staff shall also make reasonable efforts to mail a similar written notice not less than 10 days before the hearing to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the conditional use permit. In all cases, notice shall also be given by prominently posting signs in the vicinity of the property that is the subject of the proposed action. Such signs shall be posted not less than 7 days prior to the hearing. **(AMENDED 10/12/82; 1/22/85; 04/15/97; 10/12/99; 3/26/02)**

(3) In the case of conditional use permits, notice shall be given to other potentially interested persons by publishing a notice in a newspaper having general circulation in the Carrboro area one time not less than seven nor more than fifteen days prior to the hearing. **(AMENDED 10/12/99)**

(4) The notice required by this section shall state the date, time, and place of the hearing, reasonably identify the lot that is the subject of the application or appeal, and give a brief description of the action requested or proposed.

(5) In the case of an application for a variance from the provisions of Sections 15-265 and 15-266, dealing with requirements peculiar to areas within the University Lake Watershed or Jordan Lake Watershed, the administrator shall also send the notice required by this section to each government having jurisdiction in the watershed or using the water supply for consumption. **(AMENDED 10/15/96)**

Section 15-103 Evidence.

(a) The provisions of this section apply to all hearings for which a notice is required by Section 15-101.

(b) All persons who intend to present evidence to the permit-issuing board, rather than arguments only, shall be sworn.

(c) All findings and conclusions necessary to the issuance or denial of the requested permit or appeal (crucial findings) shall be based upon reliable evidence. Competent evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available, but in no case may crucial findings be based solely upon incompetent evidence unless competent evidence is

not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

Section 15-104 Modification of Application at Hearing.

(a) In response to questions or comments by persons appearing at the hearing or to suggestions or recommendations by the board of aldermen or board of adjustment, the applicant may agree to modify his application, including the plans and specifications submitted.

(b) Unless such modifications are so substantial or extensive that the board cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the board may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the planning staff.

Section 15-105 Record.

(a) A tape recording shall be made of all hearings required by Section 15-101, and such recordings shall be kept for at least two years. Accurate minutes shall also be kept of all such proceedings, but a transcript need not be made.

(b) Whenever practicable, all documentary evidence presented at a hearing as well as all other types of physical evidence shall be made a part of the record of the proceedings and shall be kept by the town for at least two years.

Section 15-106 Written Decision. (AMENDED 10/21/14)

(a) As provided in G.S. 160A-388(e2), every quasi-judicial decision made by the board of aldermen or the board of adjustment shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board.

(b) A quasi-judicial decision is effective upon filing the written decision in the planning department. The decision of the board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

Section 15-107 through 15-110 Reserved.

ARTICLE VII

ENFORCEMENT AND REVIEW

Section 15-111 Complaints Regarding Violations.

Whenever the administrator receives a written, signed complaint alleging a violation of this chapter, he shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

Section 15-112 Persons Liable.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Section 15-113 Procedures Upon Discovery of Violations.

(a) If the administrator finds that any provision of this chapter is being violated, he shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the administrator's discretion.

(b) The final written notice (and the initial written notice may be the final notice) shall state what action the administrator intends to take if the violation is not corrected and shall advise that the administrator's decision or order may be appealed to the board of adjustment as provided in Section 15-91.

(c) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 15-114.

Section 15-114 Penalties and Remedies for Violations.

(a) Violations of the provisions of this chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional use permits, and violations of stop work orders, shall constitute a misdemeanor, punishable as provided in G.S. 14-4. **(AMENDED 10/24/89)**

(b) Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of up to five thousand dollars ($5,000.00).

(1) In determining the amount of the civil penalty assessment, the administrator shall consider the following factors, and the decision levying a civil penalty shall cite those factors deemed applicable:

a The degree and extent of harm to the natural resources of the town and its planning jurisdiction, to the public health, or to private property resulting from the violation;

b The extent to which the violation undermines the regulatory objectives of the land use ordinance;

c. The duration and gravity of the violation;

d. The cost of rectifying the damage;

e The amount of money saved by noncompliance;

f Whether the violation was committed willfully or intentionally; negligently; or as the result of an unforeseeable or unavoidable accident;

g Whether the violator promptly ceased the violation upon notice by the town and took whatever steps were reasonably possible to limit or correct any damage caused by the violation;

h. The prior record of the violator in complying or failing to comply with the provisions of this chapter or any of its requirements, including violations of any conditions and safeguards established in connection with the issuance of variances or special use or conditional use permits;

i. The cost to the town of the enforcement procedures;

j. The scope and the scale of the project where the violation occurs;

k. Whether the civil penalty is levied for a single day's violation or a single event or whether it is levied on a daily basis for a continuing violation, as authorized under subsection (d) below. Civil penalties levied on a daily basis may cumulatively exceed the $5,000.00 cap set forth in this subsection.

l. Without limiting the authority of the board of adjustment under subsection (e), the board of adjustment may affirm a penalty as imposed, decrease the amount of the penalty, or increase the amount of the penalty.

(2) The notice of civil penalty shall inform the violator that the penalty is due upon receipt of the notification and, if applicable, that successive civil penalties of a specified amount shall accrue each day that the violation continues. The notice shall also inform the violator that if the civil penalty is not paid within ten days of receipt of the notice, the penalty may be recovered by the town in a civil action in the nature of debt.

(3) A civil penalty may be appealed to the Board of Adjustment in accordance with Section 15-91 of this chapter, except that such appeal must be filed within 10 days after receipt by the violator of the notice of civil penalty.

a. An appeal stays further efforts to collect a civil penalty but does not stay the accrual of daily civil penalties.

b. If a civil penalty is levied for a violation about which the violator was previously sent a final notice of violation in accordance with Section 15-113, and the violator did not appeal to the Board of Adjustment within the prescribed time the administrator's determination as to the existence of the violation, an appeal of the civil penalty under this subsection presents only the issue of whether the administrator erred in setting the amount of the civil penalty, not the issue of whether the violation occurred or the violator's responsibility for the violation. **(AMENDED 06/07/88; 04/23/96)**

(c) This chapter may also be enforced by any appropriate equitable action.

(d) Each day's continuing violation shall be a separate and distinct offense. **(AMENDED 06/07/88; 04/23/96)**

(e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

Section 15-115 Permit Revocation and Building Permit Denial (AMENDED 10/24/06).

(a) A zoning, sign, special use, or conditional use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed by the permit issuing board.

(b) Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of Article VI shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.

(1) The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in subsection (a) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party. **(AMENDED 11/10/81)**

(2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.

(c) Before a zoning or sign permit may be revoked, the administrator shall give the permit recipient ten days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the administrator shall provide to the permittee a written statement of the decision and the reasons therefor.

(d) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use or conditional use permit after such permit has been revoked in accordance with this section.

(e) Building permits required pursuant to G.S. 160A-417 may be denied for lots that have been illegally subdivided. No building permit may be denied, however, if the permit applicant can show that he purchased the lot in good faith (i.e. he did not know and had no reasonable way of knowing that the lot was illegally subdivided) and for value. **(AMENDED 10/24/06)**

<u>Section 15-116 Judicial Review</u> (AMENDED 4/27/82; 10/21/14)

(a) Every quasi-judicial decision of the board shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160A-393. A petition for review shall be filed with the clerk of superior court by the later of 30 days after the decision is filed in the planning department or after a written copy thereof is delivered as provided in Subsection 15-106(b). When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

(b) A copy of the writ of certiorari shall be served upon the Town of Carrboro.

<u>Section 15-117 Stop Work Orders.</u> (AMENDED 10/24/89)

(a) Whenever the land use administrator determines that a person is engaged in doing work that constitutes, creates, or results in a violation of this chapter and that irreparable injury will occur if the violation is not terminated immediately, the administrator may order the specific part of the work that constitutes, creates, or results in a violation of this chapter to be immediately stopped.

(b) A stop work order issued under this section shall be in writing, directed to the person doing the work and shall state the specific work to be stopped, the specific reasons therefor, and the conditions under which the work may be resumed. A copy of the stop work order shall also

be sent forthwith to the owner of the property where the work is taking place and the developer, if different from the owner.

(c) Any person aggrieved by the issuance of a stop work order may appeal the issuance of the order to the Carrboro Board of Adjustment pursuant to Section 15-91 of this chapter. However, notwithstanding subsection 15-91(d), an appeal shall not stay the operation of the stop work order except as provided in subsection (d) of this section.

(d) The board of adjustment shall meet and act upon the appeal within 15 working days after receipt of the appeal notice. If the board fails to comply with this requirement, the stop work order shall be stayed automatically beginning on the day following the expiration of this 15-working-day period, and the stay shall remain in effect until the board of adjustment meets and acts on the appeal.

(e) The notice of hearing requirements set forth in Section 15-102 shall not apply to appeals of stop work orders. However, the staff shall orally notify the appellant of the date, time, and place of the hearing as soon as it has been scheduled and shall send to the appellant a written confirmation of this notice as soon as possible.

(f) Neither the person whom a stop work order is served nor an owner or developer served with a copy under subsection (b) may thereafter cause, suffer, or permit a violation of the order while it remains in effect, except during a period in which the operation of the order is stayed under subsection (d).

Section 15-118 through 15-120 Reserved.

ARTICLE VIII

NONCONFORMING SITUATIONS

Section 15-121 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

(1) **DIMENSIONAL NONCONFORMITY.** A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

(2) **EFFECTIVE DATE OF THIS CHAPTER.** Whenever this article refers to the effective date of this chapter, the reference shall be deemed to include the effective date of any amendments to this chapter if the amendment, rather than this chapter as originally adopted, creates a nonconforming situation.

(3) **EXPENDITURE.** A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

(4) **NONCONFORMING LOT.** A lot existing at the effective date of this chapter (and not created for the purposes of evading the restrictions of this chapter) that does not meet the minimum area requirement of the district in which the lot is located.

(5) **NONCONFORMING PROJECT.** Any structure, development, or undertaking that is incomplete at the effective date of this chapter and would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

(6) **NONCONFORMING SIGN.** A sign (see Section 15-270 for definition) that, on the effective date of this chapter does not conform to one or more of the regulations set forth in this chapter, particularly Article XVII, Signs.

(7) **NONCONFORMING SITUATION.** A situation that occurs when, on the effective date of this chapter, an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this

chapter, because signs do not meet the requirements of Article XVII of this chapter, or because land or buildings are used for purposes made unlawful by this chapter.

(8) **NONCONFORMING USE.** A nonconforming use that occurs when property is used for a purpose or in a manner made unlawful by the use regulations applicable to the district in which the property is located. (For example, a commercial office building in a residential district may be a nonconforming use.) The term also refers to the activity that constitutes the use made of the property. (For example, all the activity associated with running a bakery in a residentially zoned area is a nonconforming use.)

Section 15-122 Continuation of Nonconforming Situations and Completion of Nonconforming Projects.

(a) Nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued, subject to the restrictions and qualifications set forth in Section 15-123 through 15-129.

(b) Nonconforming projects may be completed only in accordance with the provisions of Section 15-128.

Section 15-123 Nonconforming Lots.

(a) When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimums set forth in Section 15-181, then the lot may be used as proposed just as if it were conforming. However, no use (e.g., a duplex) that requires a greater lot size than the established minimum lot size for a particular zone is permissible on a nonconforming lot.

(b) When the use proposed for a nonconforming lot is one that is conforming in all other respects but the applicable setback requirements (Section 15-184) cannot reasonably be complied with, then the entity authorized by this chapter to issue a permit for the proposed use (the administrator, board of adjustment, or Board of Aldermen) may allow deviations from the applicable setback requirements if it finds that:

(1) The property cannot reasonably be developed for the use proposed without such deviations;

(2) These deviations are necessitated by the size or shape of the nonconforming lot; and

(3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(c) For purposes of subsection (b), compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(d) This section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 15-126.

(e) Subject to the following sentence, if, on the date this section becomes effective, an undeveloped nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his successors in interest may take advantage of the provisions of this section. This subsection shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where such lot is located and within 500 feet of such lot are also nonconforming. The intent of this subsection is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require such combination when that would be out of character with the way the neighborhood has previously been developed.

Section 15-124 Extension or Enlargement of Nonconforming Situations.

(a) Except as specifically provided in this section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation. In particular, physical alteration of structures or the placement of new structures on open land is unlawful if such activity results in:

(1) An increase in the total amount of space devoted to a nonconforming use; or

(2) Greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations or density requirements or other requirements such as parking requirements.

(b) Subject to subsection (d) a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate such use. However, subject to Section 15-128 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use may not be extended to additional buildings or to land outside the original building.

(c) Subject to Section 15-128 (authorizing the completion of nonconforming projects in certain circumstances), a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the

lot where the use was established at the time it became nonconforming if ten percent or more of the earth products had already been removed at the effective date of this chapter.

(d) The volume, intensity, or frequency of use or property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this section occur.

(e) Notwithstanding subsection (a), when one single-family detached residence is located on a lot and that residence (i) constitutes a non-conforming use where it is located, or (ii) is located on a lot that is nonconforming in terms of size, or (iii) is non-conforming with respect to the dimensional or parking requirements of this chapter, then such single-family residence may be enlarged or replaced with another single-family residence of a larger size, so long as: **(Amended 5/21/02)**

(1) The enlargement or replacement does not create new non-conformities or increase the extent of existing non-conformities with respect to dimensional, parking or other requirements; and

(2) The enlarged or replacement house does not contain more than three bedrooms, or the number of bedrooms of the original house, whichever is greater; and

(3) The square footage of heated floor space within the enlarged or replacement house does not exceed that of the original house by more than 50% or 500 square feet, whichever is greater; and

(4) If the original house is replaced, the original house is removed from the lot.

(e1) Notwithstanding subsection (a), when more than one single-family residences are located on a single lot, and such structures (i) constitute non-conforming uses where they are located, or (ii) are located on a lot that is nonconforming in terms of size or density, or (iii) are non-conforming with respect to the dimensional or parking requirements of this chapter, any of such residential structures may be enlarged or replaced with another single-family residential structure of a larger size, so long as: **(Amended 5/21/02)**

(1) The enlargement or replacement does not create new non-conformities or increase the extent of existing non-conformities with respect to dimensional, parking or other requirements; and

(2) The enlarged or replacement house does not contain more than three bedrooms, or the number of bedrooms of the original house, whichever is greater; and

(3) The square footage of heated floor space within the enlarged or replacement house does not exceed that of the original house by more than 50% or 500 square feet, whichever is greater; and

(4) If the original house is replaced, the original house is removed from the lot.

(f) Notwithstanding subsection (a), whenever: (i) there exists a lot with one or more structures on it; and (ii) a change in use that does not involve any enlargement of a structure is proposed for such lot; and (iii) the parking requirements of Article XVIII that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the proposed use shall not be regarded as resulting in an impermissible extension or enlargement of a nonconforming situation. However, the applicant shall be required to comply with all applicable parking requirements that can be satisfied without acquiring additional land, and shall also be required to obtain satellite parking in accordance with Section 15-297 if: (i) parking requirements cannot be satisfied on the lot with respect to which the permit is required; and (ii) such satellite parking is reasonably available. If such satellite parking is not reasonably available at the time the zoning or special or conditional use permit is granted, then the permit recipient shall be required to obtain it if and when it does become reasonably available. This requirement shall be a continuing condition of the permit.

(g) A nonconforming use that operates within an enclosed building may expand one time by enlarging the building within which the use is conducted or by expanding within a building where an extension is not otherwise allowed under subsection (b), so long as: **(AMENDED 6/15/86)**

(1) The area of the enlargement of the nonconforming use does not exceed the maximums established below:

a. If the gross floor area previously occupied by the nonconforming use does not exceed 1,000 square feet, then the maximum expansion shall be equal to 100% of the gross floor area previously occupied by the nonconforming use.

b. If the gross floor area previously occupied by the nonconforming use is between 1,001 and 5,000 square feet, then the maximum expansion shall be equal to 1,000 square feet plus 35% of the difference between the gross floor area previously occupied by the nonconforming use and 1,000 square feet.

c. If the gross floor area previously occupied by the nonconforming use exceeds 5,000 square feet, then the maximum expansion shall be equal to 2,400 square feet plus 25% of the difference between the gross floor area previously occupied by the nonconforming use and 5,000 square feet. However, in no case may the gross floor area of the expansion exceed 5,000 square feet.

(2) No additional outside storage is associated with the expansion; and

(3) The nonconforming use, when expanded, does not generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the nonconforming use if that is one of several located on a lot; or (ii) uses located on adjacent lots; and

(4) At least "B" level screening is provided in conjunction with the expansion ("A" level screening shall be provided if required under Article XIX); and

(5) The expansion does not involve the addition of any new drive-in windows; and

(6) A permit authorizing the expansion is issued by the board of adjustment, unless the expansion is proposed in connection with a development that otherwise requires a conditional use permit, in which case the permit must be issued by the Board of Aldermen. Such a permit may be issued only if the board finds that the proposed expansion satisfies the foregoing requirements and that:

a. All of the applicable requirements of this chapter that can reasonably be complied with will be complied with. Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. And in no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional dimensional nonconformities (including parking nonconformities) would thereby be created; and

b. On balance, the benefits to the neighborhood that result from the improvements required under this subsection in conjunction with the expansion of a nonconforming use outweigh the disadvantages inherent in the expansion of a nonconforming use.

(h) Notwithstanding subsection (a), an expansion of a building intended to be used for the provision of emergency services (use classification 13.000) which is nonconforming with respect to setback requirements, whereby the expanded building will be no closer than the existing building to the lot line or the street right-of-way line or centerline with respect to which the existing building is nonconforming, shall not constitute an increase in the extent of nonconformity or a nonconforming situation, provided that to take advantage of this provision, the permit required for

the expansion shall be a conditional use permit notwithstanding anything to the contrary in the table of permissible uses. **(AMENDED 06/07/88)**

Section 15-125 Repair, Maintenance and Reconstruction.

(a) Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e., work estimated to cost more than twenty-five percent of the appraised valuation of the structure to be renovated may be done only in accordance with a zoning permit issued pursuant to this section.

(b) If a structure located on a lot where a nonconforming situation exists is damaged to an extent that the costs of repair or replacement would exceed twenty-five percent of the appraised valuation of the damaged structure, then the damaged structure may be repaired or replaced only in accordance with a zoning permit issued pursuant to this section. This subsection does not apply to structures used for single-family residential purposes, which structures may be reconstructed pursuant to a zoning permit just as they may be enlarged or replaced as provided in subsection 15-124(e).

(c) For purposes of subsections (a) and (b):

(1) The "cost" of renovation or repair or replacement shall mean the fair market value of the materials and services necessary to accomplish such renovation, repair, or replacement.

(2) The "cost" of renovation or repair or replacement shall mean the total cost of all such intended work, and no person may seek to avoid the intent of subsection (a) or (b) by doing such work incrementally.

(3) The "appraised valuation" shall mean either the appraised valuation for property tax purposes, updated as necessary by the increase in the consumer price index since the date of the last valuation, or the valuation determined by a professionally recognized property appraiser.

(d) The administrator shall issue a permit authorized by this section if he finds that, in completing the renovation, repair or replacement work:

(1) No violation of Section 15-124 will occur; and

(2) The permittee will comply to the extent reasonably possible with all provisions of this chapter applicable to the existing use, (except that the permittee shall not lose his right to continue a nonconforming use or a nonconforming level of residential density). **(AMENDED 11/26/85)**

Compliance with a requirement of this chapter is not reasonably possible if compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained

or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible.

Section 15-126 Change In Use of Property Where a Nonconforming Situation Exists.

(a) A change in the use of property (where a nonconforming situation exists) that is sufficiently substantial to require a new zoning, special use, or conditional use permit in accordance with Section 15-46 may not be made except in accordance with subsection (b) through (d). However, this requirement shall not apply if only a sign permit is needed. **(AMENDED 4/27/82)**

(b) If the intended change in use is to a principal use that is permissible in the district where the property is located, and all of the other requirements of this chapter applicable to that use can be complied with, permission to make the change must be obtained in the same manner as permission to make the initial use of a vacant lot. Once conformity with this chapter is achieved, the property may not revert to its nonconforming status.

(c) If the intended change in use is to a principal use that is permissible in the district where the property is located, but all of the requirements of this chapter applicable to that use cannot reasonably be complied with, then the change is permissible, if the entity authorized by this chapter to issue a permit for that particular use (the administrator, board of adjustment, or Board of Aldermen) issues a permit authorizing the change. This permit may be issued if the permit-issuing authority finds, in addition to any other findings that may be required by this chapter, that:

(1) The intended change will not result in a violation of Section 15-124; and

(2) All of the applicable requirements of this chapter that can reasonably be complied with will be complied with. Compliance with a requirement of this chapter is not reasonably possible if, among other reasons, compliance cannot be achieved without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation. Mere financial hardship caused by the cost of meeting such requirements as paved parking does not constitute grounds for finding that compliance is not reasonably possible. However, the permit-issuing authority may conclude that compliance is not reasonably possible if the cost (financial and otherwise) of compliance is substantially disproportional to the benefits of eliminating a nonconformity**.** In no case may an applicant be given permission pursuant to this subsection to construct a building or add to an existing building if additional nonconformities would thereby be created. **(AMENDED 5/25/04)**

(d) If the intended change in use is to another principal use that is also nonconforming, then the change is permissible if the entity authorized by this chapter to issue a permit for that particular use (administrator, board of adjustment, or Board of Aldermen) issues a permit

authorizing the change. The permit-issuing authority may issue the permit if it finds, in addition to other findings that may be required by this chapter, that:

(1) The use requested is one that is permissible in some zoning district with either a zoning, special use, or conditional use permit; and

(2) All of the conditions applicable to the permit authorized in subsection (c) of this section are satisfied; and

(3) The proposed development will have less of an adverse impact on those most affected by it and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for.

Section 15-127 Abandonment and Discontinuance of Nonconforming Situations. (AMENDED 06/18/91)

(a) When a nonconforming use is discontinued for a period of at least twelve consecutive months, the property may thereafter be used only for conforming purposes, except as provided in subsection (b).

(b) When a nonconforming use has been discontinued for a consecutive period of at least twelve months, then the property may thereafter be re-used for a use within the same principal use classification as the most recently discontinued nonconforming use if the permit-issuing authority issues a permit authorizing the change. As used in this subsection, the term permit-issuing authority means the Board of Aldermen, if the use proposed would require a conditional use permit in any zoning district where such use is permissible, and otherwise means the board of adjustment. The permit issuing authority may issue the permit if it finds, in addition to other findings that may be required by this chapter, that:

(1) All of the conditions applicable to the permit authorized in subsection 15-126(c) are satisfied; and

(2) The property where the nonconforming use is proposed to be reinstated is particularly well adapted (in terms of the nature and orientation of improvements on that property) to that nonconforming use, and it would be substantially difficult or impractical to use this property for conforming purposes; and

(3) Reinstatement of the nonconforming use will not have a substantially adverse effect on the public health or safety or the value, use, or enjoyment of properties in the immediate area of the nonconforming use; and

(4) Since the nonconforming use was discontinued, the property has not been used for conforming purposes for more than a continuous period of three months.

(c) If the principal activity on the property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of at least twelve months, then that property may thereafter be used only in conformity with all of the regulations applicable to the pre-existing use unless the entity with authority to issue a permit for the intended use issues a permit to allow the property to be used for this purpose without correcting the nonconforming situations. This permit may be issued if the permit-issuing authority finds that eliminating a particular nonconformity is not reasonably possible (i.e., cannot be accomplished without adding additional land to the lot where the nonconforming situation is maintained or moving a substantial structure that is on a permanent foundation). The permit shall specify which nonconformity need not be corrected.

(d) For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, all of the buildings, activities, and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one apartment in a nonconforming apartment building for twelve months shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter [subject to subsection (b)].

(e) When a structure or operation made nonconforming by this chapter is vacant or discontinued at the effective date of this chapter, the twelve month period for purposes of this section begins to run at the effective date of this chapter.

Section 15-128 Completion of Nonconforming Projects.

(a) All nonconforming projects on which construction was begun at least 180 days before the effective date of this chapter as well as all nonconforming projects that are at least twenty-five percent completed in terms of the total expected cost of the project on the effective date of this chapter may be completed in accordance with the terms of their permits, so long as these permits were validly issued and remain unrevoked and unexpired. If a development is designed to be completed in stages, this subsection shall apply only to the particular phase under construction.

(b) Except as provided in subsection (a), and except to the extent that a developer has a vested right as set forth in Sections 15-128.2 and 15-128.3, all work on any nonconforming project shall cease on the effective date of this chapter, and all permits previously issued for work on nonconforming projects shall be revoked as of that date. The permit-issuing authority shall issue such a permit if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changes his position in some substantial way in reasonable reliance on the land use law as it existed before the effective date of this chapter and thereby would be unreasonably prejudiced if not allowed to complete his project as proposed. In considering whether these findings may be made, the permit-issuing authority shall be guided by the following, as well as other relevant considerations: **(AMENDED 11/10/81; 10/01/91)**

(1) All expenditures made to obtain or pursuant to a building, zoning, sign, or special or conditional use permit that was validly issued and that remains unrevoked shall be considered as evidence of reasonable reliance on the land use law that existed before this chapter became effective. **(AMENDED 4/27/82)**

(2) Except as provided in subdivision (b)(1), no expenditures made more than 180 days before the effective date of this chapter may be considered as evidence of reasonable reliance on the land use law that existed before this chapter became effective. An expenditure is made at the time a party incurs a binding obligation to make that expenditure.

(3) To the extent that expenditures are recoverable with a reasonable effort, a party shall not be considered prejudiced by having made those expenditures. For example, a party shall not be considered prejudiced by having made some expenditures to acquire a potential development site if the property obtained is approximately as valuable under the new classification as it was under the old, for the expenditure can be recovered by a resale of the property.

(4) To the extent that a nonconforming project can be made conforming and that expenditures made or obligations incurred can be effectively utilized in the completion of a conforming project, a party shall not be considered prejudiced by having made such expenditures.

(5) An expenditure shall be considered substantial if it is significant both in dollar amount and in terms of (i) the total estimated costs of the proposed project, and (ii) the ordinary business practices of the developer.

(6) A person shall be considered to have acted in good faith if actual knowledge of a proposed change in the land use law affecting the proposed development site could not be attributed to him.

(7) Even though a person had actual knowledge of a proposed change in the land use law affecting a development site, the permit-issuing authority may still find that he acted in good faith if he did not proceed with his plans in a deliberate attempt to circumvent the effects of the proposed ordinance. The permit-issuing authority may find that the developer did not proceed in an attempt to undermine the proposed ordinance if it determines that (i) at the time the expenditures were made, either there was considerable doubt about whether any ordinance would ultimately be passed, or it was not clear that the proposed ordinance would prohibit the intended development, and (ii) the developer had legitimate business reasons for making expenditures.

(8) In deciding whether a permit should be issued under this section, the permit issuing authority shall not be limited to either denying a permit altogether or issuing a permit to complete the project (or phases, sections, or stages thereof) as originally proposed or approved. Upon proper submission of plans by the applicant, the permit issuing authority may also issue a permit authorizing a development that is less nonconforming than the project as originally proposed or approved but that still does not comply with all the provisions of the ordinance making the project nonconforming. **(AMENDED 10/01/91)**

(c) When it appears from the developer's plans or otherwise that a project was intended to be or reasonably could be completed in phases, stages, segments, or other discrete units, the developer shall be allowed to complete only those phases or segments with respect to which the developer can make the showing required under subsection (b). In addition to the matters and subject to the guidelines set forth in subdivisions (1) through (8) of subsection (b), the permit issuing authority shall, in determining whether a developer would be unreasonably prejudiced if not allowed to complete phases or segments of a nonconforming project, consider the following in addition to other relevant factors:

(1) Whether any plans prepared or approved regarding incompleted phases constitute conceptual plans only or construction drawings based upon detailed surveying, architectural, or engineering work.

(2) Whether any improvements, such as streets or utilities, have been installed in phases not yet completed.

(3) Whether utilities and other facilities installed in completed phases have been constructed in such a manner or location or on such a scale, in anticipation of connection to or interrelationship with approved but incompleted phases, that the investment in such utilities or other facilities cannot be recouped if such approved but incompleted phases are constructed in conformity with existing regulations.

(AMENDED 10/01/91)

(d) The permit-issuing authority shall not consider any application for the permit authorized by subsection (b) that is submitted more than sixty days after the effective date of this chapter. The permit-issuing authority may waive this requirement for good cause shown, but in no case may it extend the application deadline beyond one year.

(e) The administrator shall send copies of this section to the persons listed as owners for tax purposes (and developers, if different from the owners) of all properties in regard to which permits have been issued for nonconforming projects or in regard to which a nonconforming project is otherwise known to be in some stage of development. This notice shall be sent by certified mail not less than fifteen days before the effective date of this chapter.

(f) The permit-issuing authority shall establish expedited procedures for hearing applications for permits under this section. These applications shall be heard, whenever possible, before the effective date of this chapter, so that construction work is not needlessly interrupted.

(g) When it appears from the developer's plans or otherwise that the nonconforming project was intended to be or reasonably could be completed in stages, segments, or other discrete units, the permit-issuing authority shall not allow the nonconforming project to be constructed or completed in a fashion that is larger or more extensive than is necessary to allow the developer to recoup and obtain a reasonable rate of return on the expenditures he has made in connection with that nonconforming project. **(REPEALED 10/01/91; AMENDED 10/01/91)**

Section 15-128.1 Authorization of Nonconforming Projects **(AMENDED 10/01/91**)

Whenever an amendment to this chapter becomes effective after an application for a development permit is submitted but before the permit is issued, and the effect of the amendment is to render the proposed development nonconforming in some respect, then the permit issuing authority may nevertheless issue the permit even though the project is nonconforming if it finds that the applicant has in good faith made substantial expenditures or incurred substantial binding obligations or otherwise changed his position in some substantial way in reasonable reliance on this chapter as it existed prior to the amendment and thereby would be unreasonably prejudiced if required to comply with this chapter as so amended.

Section 15-128.2 Vested Rights: Site Specific Development Plan (**AMENDED 10/01/91**)

(a) The Board determines that a special use permit or a conditional use permit shall be regarded as a "site specific development plan" under the provisions of G.S. 160A-385.1. Therefore, once a special use permit or conditional use permit has been issued, the permit recipient shall have a "vested right" to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this chapter, to the extent provided in G.S. 160A-385.1.

(b) The Board further determines that recipients of zoning permits should be entitled to the same protections as recipients of special or conditional use permits. Therefore, subject to Subsection 15-148(b), once a zoning permit has been issued, the permit recipient shall have a "vested right" to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this chapter, to the same extent provided in G.S. 160A-385.1 for developments authorized by the approval of "site specific development plans."

(c) A vested right under this section commences upon the issuance of the permit in question, and the date of issuance is to be determined in accordance with the provisions of Subsection 15-62(d).

(1) A zoning right that has been vested as provided in this chapter shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site specific development plan (that are

not processed as new applications - - see Section 15-64), unless expressly provided by the approval authority at the time the amendment or modification is approved.

(2) As provided in G.S. 160A-385.1(d)(6), a right which has been vested in accordance with this section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(d) Nothing in this section shall prohibit the revocation of a permit pursuant to Section 15-115, and the vesting of rights provided for under this section shall be terminated upon such revocation.

(e) The effect of this section is to ensure that, during the period of vesting, the developer is protected from subsequent changes in this ordinance to a greater extent than is authorized under Section 15-128.3 (which provides for a vesting of rights only after a building permit has been obtained), or Section 15-128 (which generally provides for a vesting of rights only after the developer has made substantial expenditures in good faith reliance upon this chapter).

Section 15-128.3 Vested Rights Upon Issuance of Building Permits (AMENDED 10/01/91)

As provided in G.S. 160A-385, amendments, modifications, supplements, repeal or other changes in the zoning regulations set forth in this chapter or zoning district boundaries shall not be applicable or enforceable without consent of the owner with respect to buildings and uses for which a building permit has been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes, so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422.

Section 15-129 Nonconforming Signs.

(a) Notwithstanding any other provision of this article, a nonconforming sign that exceeds the height or size limitations of Article XVII by more than ten percent or that is nonconforming in some other way shall, within three years following the effective date of this chapter, or two years after notification, whichever is sooner, be altered to comply with the provisions of this chapter (particularly Article XVII) or be removed. If the nonconformity consists of too many freestanding signs or an excess of total sign area, the person responsible for the violation may determine which sign or signs need to be altered or removed by bringing the development into conformity with the provisions of Article XVII.

(b) Within nine months after the effective date of this chapter, the administrator shall make every reasonable effort to identify all the nonconforming signs within the town's planning jurisdiction. He shall then contact the person responsible for each such sign (as well as the owner of the property where the nonconforming sign is located, if different from the former) and inform such person (i) that the sign is nonconforming, (ii) how it is nonconforming, (iii) what must be done to correct it and by what date, and (iv) the consequences of failure to make the necessary

corrections. The administrator shall keep complete records of all correspondence, communications, and other actions taken with respect to such nonconforming signs.

(c) This section applies to all signs, including off-premises signs.

Section 15-130 Nonconforming Mobile Home Communities. (**AMENDED 10/20/87**)

(a) Existing mobile home communities (use classifications 1.122 or 1.123) that do not meet all of the standards for such a use that are set forth elsewhere in this ordinance at the time of adoption of this section shall be considered nonconforming. Such uses shall not expand in any way beyond the existing developed areas, but shall be allowed to remove and replace the units on spaces existing within the existing community at the time of adoption of this section.

(b) Only the replacement and location of units on an existing mobile home space shall be permitted, provided that the total number of units does not exceed the number existing at the time of adoption of this section; and provided that the existing waste treatment system is functioning properly. Removal and replacement of such units shall not be considered expansion of the nonconforming use.

(c) Any mobile home unit replacing an existing mobile home unit on an existing home space, pursuant to subsections (a) and (b) above, and not previously located within the mobile home community, must be a Class A or Class B mobile home as defined in Article II of this ordinance.

Section 15-131 through Section 15-134 Reserved.

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

(a) 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.

(1) **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.

(2) **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.

(b) 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; this area shall not be expanded and no new WM-3 areas shall be designated. **(AMENDED 12/7/83)**

(c) 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)**

(1) 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.

(2) 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.

(3) 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.

(a) 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)**

(1) 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.

(2) 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)**

(3) 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)**

(b) 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.

(c) 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)

(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; (i) 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.

<u>Section 15-141.2 Village Mixed Use District Established</u> (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:

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:

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

g. How the development proposes to substantially comply with the town's recommended "Village Mixed Use Vernacular Architectural Standards." **(AMENDED 8/22/06).**

2. The planning board, Northern Transition Advisory Committee, Appearance Commission, Environmental Advisory Board, Transportation Advisory Board (and other advisory boards to which the Board of Aldermen may refer the application) shall review the proposed master plan at the same time it considers the applicant's rezoning request. In response to suggestions made by the planning board (or other advisory boards), the applicant may revise the master plan before it is submitted to the Board of Aldermen.

3. If the applicant submits a proposed master plan with a VMU rezoning application, then:

a. Applicants for VMU districts that are located within the Transition Area portion of the Carrboro Joint Development Area as defined within the Joint Planning Agreement should meet with Carrboro Town and Orange County Planning staff prior to the formal submittal of an application to informally discuss the preliminary rezoning development plan.

b. The rezoning application and master plan proposal shall be reviewed concurrently by the Board of Aldermen according to the same procedures and in accordance with the same standards applicable to other zoning amendments; and

c. The Board may not approve the VMU rezoning application unless it simultaneously approves the master plan for the development of the property, subject to such reasonable modifications and conditions as the Board may impose in the exercise of its legislative discretion.

4. Approval of a VMU rezoning application with a master plan under this section does not obviate the need to obtain a conditional use permit for the

village mixed use development in accordance with the provisions of Section 15-176.2 of this chapter.

a. With respect to VMU applications involving property that is totally or partly within 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, a conditional use permit for a village mixed use development shall be denied if the application is inconsistent with the approved master plan in any substantial way. Without limiting the generality of the foregoing, an application for a conditional use permit is inconsistent in a substantial way with a 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.

<u>Section 15-141.3 Conditional Use Zoning Districts</u> (AMENDED 5/25/04; 4/28/15)

(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.

(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) Subject to subsection (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 an 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 improvement and Alternative transportation enhancement	3) 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 4) Substantial improvement to public infrastructure, such as enhanced bicycle and pedestrian paths, or access to transit 5) Construction of substantially improved site entrance, intersection
On-site energy production and energy	6) Meets or exceeds standards for LEED Gold certification 7) Installation of active and passive solar features such as sufficient solar arrays to account for 50 percent or more of the electrical

conservation	usage for the property 8) Use of harvested rainwater for toilet flushing 9) Use of devices that shade at least 30 percent of south-facing and west-facing building elevations 10) Use of low emissivity (low-e²) windows along south-facing and west-facing building elevations 11) Installation of attic insulation that exceeds the current building code R-value rating by 35 percent or greater 12) Use of geothermal heat system to serve the entire complex 13) Use of LED fixtures for parking and street lights 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
Creation of new and innovative light manufacturing operations	15) The development of clean, innovative light manufacturing operation(s) that creates employment for a more than ten workers 16) Incorporates technologies to reduce production waste by 50 percent or more
The provision of public art and/or provision of outdoor amenities for public use	17) Outdoor amenities such as major public art 18) Amphitheatre or outdoor theater, outdoor congregating/gathering area 19) Outdoor eating facilities 20) Outdoor tables with game surfaces, etc.

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 (f), 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.

(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).

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)**

(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 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) 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.

(g) 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)**

<u>Section 15-141.5 Site Specific, Flexible Zoning District</u> (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.

(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 15-144 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.

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

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

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

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

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

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

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

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

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

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

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

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.

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

[2]Use classifications amendment/repeal dates are as follows:

1.112 Amended 10-01-85
1.120 Amended 10-01-85
1.420 Amended 05-10-83; 06-22-04
1.480 Amended 04-19-05
1.640 Amended 10-22-85
1.700 (Repealed)
1.800
2.110
2.111 Amended 04-15-81; 12-14-82
2.112 Amended 11-27-07
2.120 Amended 11-27-07
2.140 Amended 06-24-14
2.150 Amended 11-27-07
2.210 Amended 05-28-02; 10-28-08
2.220 Amended 10-28-08
2.230 Amended 05-28-02; 10-28-08
2.240 Amended 06-24-14
2.340 Amended 06-24-14
3.110 Amended 03-07-06
3.120 Amended 03-07-06; 11-27-07
3.130 Amended 03-07-06
3.140 Amended 12-07-83
3.150 Amended 03-07-06
3.220 Amended 11-27-07
3.230 Amended 06-24-14
3.260 Amended 03-22-16
5.110 Amended 11-24-09
6.150 Amended 06-22-10
6.260 Amended 06-24-14
7.200 Amended 05-10-83
8.100 Amended 06-22-04
8.200 Amended 06-22-04
8.300 Amended 06-24-14
8.400 Amended 06-24-14
8.500 Amended 06-22-04
8.600 Amended 06-22-04
8.700 Amended 06-24-08
9.100 Amended 06-25-02
15.147 Amended 06-22-04
15.750 Amended 06-23-15
15.800 Amended 05-24-05
16.100 Amended 06-24-14
17.400 Amended 05-24-05
17.410 Amended 03-24-15
17.420 Amended 03-24-15
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
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: 6/16/16

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	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																						
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																						

* denotes "ZSC" Permits

TABLE OF PERMISSIBLE USES

Last Amended: 6/16/16

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	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
1.800																						
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			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
2.230 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
3.140 Watershed research																	C					
3.150 Copy Centers/Printing Operations								ZC	ZC	ZC	S	ZC	ZC	ZC	ZC	ZC			ZC		ZC	
3.200 Operations conducted within or outside fully enclosed buildings																						
3.210 Operations designed to affect and serve customers or																						

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TABLE OF PERMISSIBLE USES

Last Amended: 6/16/16

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	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
clients on the premises														ZC	ZC				C			ZC
3.220 Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use														ZC	ZC	C			C	C		ZC
3.230 Banks with drive-in window											C	C	C									
3.240 Watershed research																	C					
3.250 Automatic Teller Machine, Freestanding								C	C		C		C			C					C	C
3.260 Social Service Provider with Dining						Z	Z		Z													
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									ZC					ZC	ZC	C				C		C
4.200 Operations conducted within or outside fully enclosed buildings															ZC							
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)	C	C	C	C	C	C	C	C	C				Z(1)					Z	C			
5.120 Trade or vocational school								Z	ZC				C	ZC	C	C			C			
5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc)							C	Z	ZC				C	C		C						
5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school buildings) school or secondary	ZS	ZS	ZS	ZS	ZS	ZS	ZS	Z	ZC	ZC	ZC	ZC	ZC	ZC		ZC		C	C		ZC	ZC
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	S	S	S	S	S	S	S	ZC	Z	Z	Z	Z	S	ZC		ZC			C		Z	ZC
5.320 Located within any permissible structures								ZC	ZC	ZC			S	ZC		ZC			C		C	ZC
5.400 Social, fraternal clubs and lodges, union halls, and similar uses								ZC	ZC	ZC			S	S		ZC			C			
6.000 Recreation, Amusement, Entertainment																						
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

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TABLE OF PERMISSIBLE USES

Last Amended: 6/16/16

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	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
6.122 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 gymnasia, 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																						
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,																						

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TABLE OF PERMISSIBLE USES

Last Amended: 6/16/16

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	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
child care institutions	C	C					C		C							C			C			
7.300 Institutions (other than halfway houses) where mentally ill persons are confined									C							C						
7.400 Penal and Correctional Facilities																						
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								
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	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
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, in-																						

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Last Amended: 6/16/16

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	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
cluding 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														S	S		C		C			S
17.300 Cable Television Satellite Station							S				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
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 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													Z	Z								
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							

* denotes "ZSC" Permits

TABLE OF PERMISSIBLE USES

Last Amended: 6/16/16

DESCRIPTION	R-2	R-3	R-7.5	R-SIR, SIR2, 10	R-15	R-20	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
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																					
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	*	*	*	*
28.000 Planned Unit Developments	Permissible only in Planned Unit Development Districts (See Section 15-139) pursuant to a conditional use permit).																					
29.000 Special Events	C	C	C	C	C	C	C	ZC	ZC	ZC	C	C	C	C	C	C	C	C	C		C	C
30.000 Planned Industrial Development	Permissible only in Planned Industrial Development Districts [See Subsection 15-137(c)] pursuant to a conditional use permit																					
31.000 Off-Premises Signs															Z							
32.000 Village Mixed Use Development	Permissible only in Village Mixed Use Districts (See Section 15-141.2 pursuant to a conditional use permit).																					
33.000 Office/Assembly Planned Development	Permissible only in Office/Assembly Conditional Use Districts [see Subsection 15-136(11) pursuant to a conditional use permit].																					
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			

* denotes "ZSC" Permits

<u>Section 15-147 Use of the Designations Z,S,C in Table of Permissible Uses</u> (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 "Z,S" 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

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

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)**

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)**

(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;

(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)**

(6) 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 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.

(e) 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)**

(f) 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 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 with 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.

(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 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.

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 XI

SUPPLEMENTARY USE REGULATIONS

PART I. NON-RESIDENTIAL PERFORMANCE STANDARDS

Section 15-161 "Good Neighbor" Performance Standards for Non-Residential Uses. (AMENDED 10/20/92; 04/15/97, 05/25/99)

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

Section 15-162 Smoke, Dust, Fumes, Vapors, Gases, and Odors (AMENDED 05/25/99)

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

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

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

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

(a) No 4.000, 9.400, or 2.150 classification use in any permissible business or PID district may generate noise that tends to have an annoying or disruptive effect upon (i) uses located outside the immediate space occupied by the 4.000 or 9.400 use if that use is one of several located on a lot, or (ii) uses located on adjacent lots. Noises that exceed the levels set forth below shall be deemed annoying or disruptive. Low frequency noises shall be considered annoying and disruptive if they exceed the decibel levels set forth below when measured without using an A-weighted filter, or if such noises generate a perceptible vibration within structures located beyond the boundaries referenced above. **(AMENDED 6/22/82; 10/20/92; 05/25/99)**

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

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

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

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

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

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

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

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

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

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

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

(h) The operation of dry cleaning machinery in the B-3 zoning district, including but not limited to steam boilers, vacuum units, steamers, dry cleaning machines, pressing machines

and air compressors, shall not be permissible outside of the hours between 7:00 a.m. and 6:00 p.m. Monday through Friday, 12:00 noon and 5: 00 p.m. on Saturday, if and to the extent that such operation results in noise that is audible at the property line of the lot on which the business operating such machinery is located. Any business that is not in compliance with this provision shall be required to bring their dry cleaning operations into compliance within 90 days of the effective date of this ordinance.

Section 15-164 Vibration.

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

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

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

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

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

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

(e) Table of Maximum Ground Transmitted Vibration.

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

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

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

Section 15-165 Ground Water Supply (REPEALED & AMENDED 05/25/99)

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

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

Section 15-166 Air Pollution.

(a) Any 4.000, 9.400, or 2.150 classification use that emits any "air contaminant" (as defined in G.S. 143-213) shall comply with applicable State standards concerning air pollution, as set forth in Article 21B of Chapter 143 of the North Carolina General Statutes. **(AMENDED 10/20/92; 05/15/97)**

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

Section 15-167 Disposal of Liquid Waste.

(a) No 4.000, 9.400, or 2.150 classification use in any district may discharge any waste contrary to the provisions of G.S. 143-214.2.
(AMENDED 10/20/92; 05/15/97)

(b) No 4.000, 9.400, or 2.150 classification use in any district may discharge into the OWASA sewage treatment facilities any waste that cannot be adequately treated by biological means. **(AMENDED 10/20/92; 05/15/97)**

Section 15-168 Water Consumption.

No 4.000, 9.000, or 2.150 use classification use that requires for its operations a daily average of more than 200 gallons of water per employee is permissible in any district. **(AMENDED 05/15/97)**

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

No 4.000, 9.400, or 2.150 classification use may: **(AMENDED 05/15/97)**

(1) Create any electrical disturbance that adversely affects any operations or equipment other than those of the creator of such disturbance; or

(2) Otherwise cause, create, or contribute to the interference with electronic signals (including television, and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.

Sections 15-170 through 15-171 Reserved.

PART II. MISCELLANEOUS SUPPLEMENTARY USE PROVISIONS

Section 15-172 Neighborhood Utility Facilities.

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

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

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

(1) Do not exceed six feet in height; and

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

Section 15-173 Horticultural Sales With Outdoor Display.

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

Section 15-174 Signs on Historic Buildings.

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

building, then a new sign may be painted or placed over the pre-existing sign without regard to the maximum sign area restrictions set forth in Section 15-276, if such sign is approved in accordance with the remaining provisions of this section. **(AMENDED 7/28/81)**

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

(c) In approving a sign pursuant to this section, the permit-issuing authority may attach such conditions to this approval as are necessary to ensure that the new sign is compatible with the historic character of the property. Without limiting the foregoing, the permit-issuing authority may require that the actual lettering or message of the sign (as opposed to the background) be not larger than the sign surface area that would be permissible apart from the special provisions of this section.

Section 15-175 Special Events.

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

(1) The hours of operation allowed shall be compatible with the uses adjacent to the activity.

(2) The amount of noise generated shall not disrupt the activities of adjacent land uses.

(3) The applicants shall guarantee that all litter generated by the special event be removed at no expense to the Town.

(4) The board shall not grant the permit unless it finds that the parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners.

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

(c) If the permit applicant requests the town to provide extraordinary services or equipment or if the town manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the town a fee sufficient to reimburse the town for costs of these services. This requirement shall not

apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Section 15-175.1 Density Restrictions on 7.200 Uses.

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

Section 15-175.2 Recycling Operations.

The person conducting an operation collecting materials for recycling, including but not limited to glass, aluminum, or paper (as authorized in use classification 15.500 of the Table of Permissible Uses) shall be responsible for ensuring that all materials intended for recycling are kept within an enclosed structure and that the immediate site of the collection facility is kept in good order and free from all debris associated with use of the site for the collection of materials for recycling. **(AMENDED 6/28/83)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The applicant may seek and the Board may grant a conditional use permit authorizing a combination use on this tract, the combination use consisting of a senior citizen residential complex and any other use related to senior citizens that is permissible in the zoning district where the tract is located, so long as all applicable provisions of this chapter are satisfied.

(2) In approving the conditional use permit for the senior citizen residential complex, or a combination use consisting in part of a senior citizen residential complex, the Board may authorize the tract for which such permit is issued to be subdivided without complying with any of the substantive (as opposed to procedural) standards of this chapter that would otherwise be applicable solely by reason of the fact that the tract is being subdivided, subject to the following requirements:

a. This subsection applies only when the subdivision is necessary to comply with the requirements of a governmental agency that is involved with the financing or approval of all or a portion of the senior citizen residential complex; and

b. So long as any portion of the tract that is subdivided under this section is used for purposes authorized by a permit issued hereunder, the entirety of the tract remains subject to the permit and can only be used in conformity therewith (see Section 15-63) unless an amendment to the permit is authorized in accordance with Section 56-64. **(AMENDED 05/14/96)**

(d) The tract developed for use as a senior citizen residential complex shall comply with the recreational facilities and open space provisions of Article XIII of this chapter. Open space shall be calculated by applying the percentage ratio to the entire tract (before any subdivision takes place). Recreational points shall be calculated by treating each bedroom in the 7.200 component of the senior citizen residential complex as a one bedroom multi-family residence. **(AMENDED 05/14/96)**

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

In the Historic District (HD):

(a) The street frontage of every lot shall be a minimum of twenty-four (24) feet.

(b) No portion of any new dwelling unit on a flag lot may be located any closer than fifteen (15) feet from any property line or any closer than thirty (30) feet from any existing dwelling unit located on the lot from which the flag lot was created.

(c) Every flag lot shall provide a Type B screen (as described in Section 15-307(1)) between the flag lot and adjacent property.

<u>Section 15-176 Towers and Antennas</u> (AMENDED 02/18/97, REPEALED & AMENDED 11/19/13)

(a) In addition to other applicable provisions of this chapter, towers and antennas attached thereto that exceed 50 feet in height (use classification 18.200) shall be subject to the following requirements: **(AMENDED 11/19/13)**

(1) A tower may not be located within 1,500 feet of another tower (measured in a straight line and not by street distance).

(2) As set forth in subsection 15-184(r), the base of the tower shall be set back from a street right-of-way line and every lot boundary line a distance that is not less than the height of the tower.

(3) Lighting shall not exceed the Federal Aviation Administration (FAA) minimum if lighting is required by the FAA. To the extent allowed by the FAA, strobes shall not be used for nighttime lighting. The lights shall be oriented so as not to project directly onto surrounding residential property, consistent with FAA requirements. Prior to issuance of a building permit, the applicant shall be required to submit documentation from the FAA that the lighting is the minimum lighting required by the FAA.

(4) Towers and antennas shall be constructed and operated so as not to disturb or interfere with the use or operation on adjoining or nearby properties of radios, televisions, telephones, or similar equipment.

(5) Commercial messages may not be displayed on any tower.

(6) The output from the tower may not exceed federally approved levels for exposure to electronic magnetic force (EMF). The applicant shall be required to submit documentation with the application verifying compliance with this standard.

(7) If the tower is up to 180 feet in height, the tower shall be engineered and constructed to accommodate at least one additional telecommunication user. If the tower exceeds 180 feet, the tower shall be engineered and constructed to accommodate at least two additional telecommunication users. Furthermore, the site plan must show locations for accessory buildings necessary to accommodate a minimum of two users, even if the tower is proposed for a single user.

(8) The base of the tower and each guy anchor shall be surrounded by a fence or wall at least eight feet in height and constructed of material that cannot be easily

climbed or penetrated, unless the tower and all guy wires are mounted entirely on a building at least eight feet in height.

(9) The base of the tower, any guy wires, and any associated structures, walls, or fences shall be surrounded by a Type A screening. The site developer shall have the option of (i) providing the screening around the tower base and associated items individually, or (ii) providing the screening around the perimeter of the entire site.

(10) Outdoor storage shall not be permissible on tower sites.

(11) In addition to other information that must be submitted with the application, the application for a tower must contain the following information:

a. Identification of the intended user(s) of the tower.

b. Documentation provided by a registered engineer that the tower has sufficient structural integrity to accommodate more than one user.

c. Documentation by the applicant that no suitable existing facilities within the coverage area are available to the applicant. Documentation may include maps, letters from adjacent tower owners, or calculations. Facilities include other towers, or other buildings or structures.

d. A statement indicating the owner's intent to allow shared use of the tower and how may other users can be accommodated.

(12) The recipient of a permit for a tower shall be required as a continuing condition on the validity of the permit, to submit to the Zoning Administrator by January 31st of each year documentation, including but not limited to an FCC license, that the tower is being utilized. Towers which are not used for a period of 6 months or more shall be removed by the owner within 90 days thereafter. A statement of financial responsibility and performance security shall be posted for each tower to guarantee compliance with this requirement.

(13) In any residential zone, associated buildings or other buildings located on the same lot and owned or used by the applicant, its associates, or any co-users shall not be used as an employment center for any worker. This subsection does not prohibit the periodic maintenance or periodic monitoring of instruments and equipment.

(14) The tower shall be constructed with a grounding system that provides adequate protection from destruction or damage by lighting.

(15) **REPEALED (11/19/13)**

(16) In addition to the considerations for conditional or special use permits found in Section 15-54 of this ordinance, the approving bodies in determining whether a tower is in harmony with the area of a tower on the value of adjoining or abutting properties may consider the aesthetic effects of the tower as well as mitigating factors concerning aesthetics, and may disapprove a tower on the grounds that such aesthetic effects are unacceptable. Factors relevant to aesthetic effects are the protection of the view in sensitive or particularly scenic areas and areas specially designated in adopted plans such as unique natural features, scenic roadways and historic sites; the concentration of towers in the proposed areas; and whether the height, design, placement or other characteristics of the proposed tower could be modified to have a less intrusive impact.

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

(1) The proposed antenna would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater (may exceed these size limits if necessary to avoid interference with existing antennas);

(2) The proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter;

(3) The proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater (may exceed these size limits if necessary to shelter the antenna from inclement weather or connect the antenna to the tower via cable; OR

(4) The proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site.

(5) The proposed change would enlarge the square footage of the existing equipment compound by more than 2,500 square feet.

(c) The Town shall have 45 days within which to determine the completeness of an application for a collocation or eligible facilities request, and then 45 days from the date that the application is determined to be complete within which to make its decision. An application is deemed to be complete 45 days after it is submitted unless the Town determines, and notifies the applicant in writing within 45 days of submission, that (and how) the application is deficient. The Town shall have 150 days within which to decide all other types of applications relating to cell towers. **(AMENDED 11/19/13)**

Section 15-176.1 Businesses with Drive-In Windows (AMENDED 06/09/98)

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

(1) The entrance/exit doors of such uses shall be located in such a manner that a person entering/exiting such business is not required immediately to cross a drive-in window exit lane.

(2) Drive-in windows shall be located in such a fashion that vehicles using or waiting to use such drive-in or drive-through facilities do not interfere with vehicles seeking to enter or leave parking areas.

(3) Where it is necessary for patrons wishing to park and enter such businesses to cross a drive-in window lane, crosswalks leading from parking areas to building entrances shall be clearly marked.

(4) The vehicular entrances or exits of such uses shall not be located within 300 feet of the intersection of the centerlines of intersecting streets.

(5) A building housing an 8.400 classification use may not be located closer than 1,000 feet to the nearest point of another building housing an 8.400 classification.

(6) A Type B screen shall be erected, on the exterior border, from the service window to the entrance of the stacking lane.

Section 15-176.2 Village Mixed Use Developments (AMENDED 05/25/99; 05/28/02)

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

(1) Within the portion of the tract developed for commercial purposes, the regulations (other than use regulations, which are governed by the provisions

immediately above) applicable to property zoned B-3T shall apply except as otherwise provided in this section or as otherwise allowed by the Board of Aldermen in the approval of the Master Plan or conditional use permit for the development.

(2) The commercial portions of the village mixed use development shall be contained within a "storefront use area." This area shall be designed to provide a variety of retail shops and services to support the day-to-day needs of village residents and other local residents, complemented by other compatible business, civic and residential uses in commercial-type buildings in a manner consistent with a small downtown of or central market place in the community.

(3) Storefront use areas shall be located so they are easily accessible by pedestrians from as much of the residential areas as possible (preferably within 1,500 feet – a five-minute walk). Nonresidential uses that are intended or expected to serve an area beyond the development itself shall be located to the extent practicable to permit vehicular access from outside the development without passing through residential streets.

(4) Storefront use areas shall be located at least 200 feet from an arterial street and at least one-half mile from the nearest edge of another commercial center.

(5) Parking areas that serve commercial facilities shall be screened with a Type A screen from the view of public streets located outside the development.

(6) If and to the extent that dwelling units are constructed above commercial uses in commercial areas, the additional vehicle accommodation area required to accommodate such residential uses shall not be treated as commercial area for purposes of the "cap" on commercial areas established by this section.

(7) Commercial areas shall surround or be located adjacent to or across the street from a public park, green, or square, which area may be credited as part of the open space required of the development.

(8) Within the commercial areas authorized under this section, buildings shall be designed and constructed so that each individual enterprise occupies (whether as tenant or owner occupant) an area of not more than 6,000 square feet per floor.

(b) Portions of the tract not developed in accordance with the provisions of subsection (a) above may be developed in accordance with the provisions of this chapter applicable to property that is zoned R-10, except as those provisions are modified by the provisions of this section or the

Master Plan or conditions imposed by the Board of Aldermen in the issuance of the conditional use permit.

(1) The number of dwelling units permissible within the entire tract shall be determined in accordance with the provisions of Section 15-182.3 (as adjusted by density bonuses awarded for providing affordable housing under Section 15-182.4), subject to the following:

a. Areas used for commercial purposes shall *not* be subtracted from the adjusted tract acreage before determining permissible density.

b. All dwelling units constructed above commercial uses in commercial areas (e.g. a second story apartment located above a first floor retail store or office) shall be permissible *in addition* to the number of dwelling units otherwise authorized under this section.

c. When a lot is developed as a primary residence with an accessory detached dwelling, the accessory dwelling shall be permissible in addition to the number of dwelling units otherwise authorized under this section.

(2) The residential portions of the development shall contain a mixture of housing types that are generally reflective of the housing types in Carrboro and ownership/rental options so that the development provides housing opportunities for persons within as broad a range of income levels as is feasible. Different housing types and price ranges shall be intermixed rather than segregated.

a. The development shall contain an area known as a "townhouse use area." This area shall be designed to provide for a variety of housing opportunities, including residential buildings such as townhouses and/or apartments in close proximity to the storefront area, and to provide for the flexible use of such buildings to accommodate compatible business and civic uses which supplement the storefront area. The townhouse use area shall be a designated geographic unit generally located along neighborhood streets and adjacent to the storefront area. In approving a conditional use permit for a Village Mixed Use Development, the Board may approve the following uses not generally authorized in an area zoned R-10, subject to such restrictions and conditions relating to locations, use classifications, and other matters as the Board may provide:

1. Personal or business services
2. Office
3. Private club

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

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

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

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

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

(d) In approving a conditional use permit for a village mixed use development, the Board of Aldermen shall ensure, by approval of a condition, phasing schedule, or otherwise, that the nonresidential portions of the development are occupied only in accordance with a schedule that relates occupancy of such nonresidential portions of the development to the completion of a specified percentage or specified number of phases or sections of the residential portions of the development. The purpose and intent of this provision is to ensure that the approval process for a village mixed use development is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned primarily residential development.

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

(1) Conservancy use areas are areas designed to create a visual and physical distinction between the development, the surrounding countryside, and any neighboring developments.

(2) Greens, parks and squares are spatially defined and distributed open spaces within the village mixed use development designed to serve a variety of outdoor leisure and assembly needs of village residents and to enhance the form and appearance of the development.

(3) There shall be a main village green, which shall be centrally located in close proximity to the storefront area as described in subsection (a)(2). Other, smaller greens shall be dispersed throughout the remainder of the village center in such a way that no lot is more than a walking distance of 1,320 feet from a green, square or park. The main village green shall be designed to a pedestrian scale and shall be no less than 30,000 square feet in size, while the other, smaller greens, squares and parks shall be no less than 10,000 square feet in size.

(4) Open space areas set aside in accordance with this section may be used to satisfy the forty percent requirement of subsection 15-198(c). If the areas the developer is required to set aside as open space under Section 15-198 together with the areas required to be set aside under this subsection exceed forty percent of the mixed use development, then the Board of Aldermen shall allow the developer to set aside less than the one or more of the categories of open space otherwise required under Section 15-198 or this subsection so that the developer is not required to preserve as open space more than forty percent of the development tract.

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

(1) Overall Form.

a. Open space should be designed to follow the natural features whenever possible and to provide for an agricultural, forest and undeveloped character of the land.

b. The core of the village shall be distinguished from the peripheral, contiguous open space by a well-defined “hard edge” of dwellings in contrast with the open, largely agricultural, forest and undeveloped character of the open space.

c. The village should be sited so as to best preserve natural vistas and the existing topography.

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

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

a. The common, peripheral open space shall surround the village unless explicitly modified upon a finding that unique topographical or other natural features or preexisting boundary conditions require an alternative arrangement.

b. Village storefront use and townhouse use areas shall be surrounded by the residential use area or, where applicable, by a combination of residential and civic use areas.

c. Higher density residential lots should be generally located between the designated commercial area and lower density residential lots.

d. The transition between uses shall be blended to avoid a distinct visual segregation.

(3) Block Design

a. Blocks of a generally rectangular shape should be the main organizing feature of the village. While topography, existing vegetation, hydrology and design intentions should influence block shape and size, the maximum length for a block is to be four hundred and eighty (480) feet with an allowance for blocks up to six hundred (600) feet when mid-block pedestrian paths or ways are provided. No less than one eight-foot pedestrian alley or way must be provided for every two-hundred (200) feet of road frontage in the storefront use area.

b. The blocks of the village may be subdivided into lots, having frontage on a street, whose generally rectangular shape should respond to environmental factors, the proposed use and design intentions.

c. Village lots should minimize front and side yards, garage aprons and entrances and blank walls, and should generally have as narrow a width as is practical to encourage pedestrian movement.

d. Each block which includes storefront and narrow frontage townhouse lots shall be designed to include an alley or small clusters of parking, with service access in the rear. Blocks of wide frontage townhouse lots need not be designed to include an alley and rear parking.

e. Similar land use types shall generally front one another while dissimilar land use types shall generally abut along alleys or rear parking.

f. Lot layout, path and sidewalk design shall ensure pedestrian access to each lot.

g. The build-up line specifies a cornice height that establishes the prominent visual dimension of a building and defines its proportion in relation to the street. It should vary, with no more than sixty (60) consecutive feet of the build-up line having a similar cornice or roofline, and be between one and three and one-half stories in height. A two-story build-up line can range from 20 to 25 feet above average ground level. A three-story build-up line can range from 30 to 35 feet above average ground level. **(AMENDED 5/28/02)**

(4) Storefront and Townhouse use Area Design Components

a. New multi-family and commercial buildings in storefront and townhouse use areas shall be subject to a maximum front setback (the "build-to" line) in order to maintain a strong sense of streetscape. Such buildings shall generally be of two-story construction (to the so-called "build-up" line) and shall be designed in accordance with the design standards of this chapter and any other applicable standards. To create a defined edge to the village's public space, new multi-family or commercial buildings should conform to a consistent setback from the street. Porches for multi-family or townhouse construction can extend beyond the build-to line. In addition, building faces, as well as a majority of the roof ridgelines should be parallel to the street.

b. Maximum height regulations are 49 feet and three and a half stories.

c. Minimum street frontage is 25 feet.

d. Setback regulations are as follows: Front = no minimum required; maximum is 15 feet; Rear = 20 feet minimum; Side = Zero minimum lot lines are allowed, except at block ends or adjacent to alleys or pedestrian walks as required under block design requirements.

e. Parking within this area shall be subject to the other parking requirements of this chapter as well as the following:

1. Non-residential off-street parking shall generally be to the side or the rear, or located within internal parking areas not visible from the street.

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

3. On-street parking space shall be designed as either parallel to the curb on both sides of the street, or diagonal to the street on the storefront side with landscaped breaks serving the pedestrian alleyways.

4. Off–street parking may be located within 100 feet (measured along a publicly accessible route) from the lot containing the use to which the parking is accessory, if the lot containing the parking is owned or leased to the owner of the principal use, or if the lot containing the parking is dedicated to parking for as long as the use to which it is accessory shall continue, and it is owned by an entity capable of assuring its maintenance as accessory parking.

5. The permit-issuing authority may allow shared use of parking.

f. All public sidewalks and walkways shall:

1. Be constructed of brick or concrete with brick borders in such a way that they do not impede accessibility**.**

2. Be no less than six feet in width; and

3. Create a completely interconnected network of pedestrian walkways throughout the storefront use and townhouse use areas.

g. All storefront and townhouse use areas shall contain the following:

1. At least one trash can and one recycling receptacle of approved design in each block;

2. Public benches of approved design at bus stops, green spaces, and at intervals of no greater than 200 feet along both sides of each block and at lesser intervals and/or in required

clusters, as appropriate (i.e. high-activity areas due to the nature of surrounding uses).; and

3. At least one bike rack on each block.

h. All new construction shall be of similar scale and massing to small-scale, historic buildings in downtown Carrboro.

i. All roofs shall be topped with low-pitched roofs with articulated parapets and cornices, or pitched roofs where fascias are emphasized and any roof dormers are functional.

j. Storefront buildings shall:

1. Include show windows on the ground level. Storefront windows are to be large and traditional in appearance and are to include low sills and high lintels.

2. Articulate the line between the ground and upper levels with a cornice, canopy, balcony, arcade, or other visual device.

3. Include lighting in show windows, which is in conformance with other lighting regulations, herein;

4. Project lighting on the sidewalk from about eight feet in conformance with other lighting regulations herein;

5. Present the principal entrance to the sidewalk. Alternatively, if the principle entrance faces onto an interior courtyard, the entrance to the courtyard must be presented to the sidewalk.

k. The facade of storefront buildings may be separated from the sidewalk surface by a landscaped strip of no greater than three feet, except as necessary to accommodate open-air, food service establishments.

l. The construction of open colonnades over a sidewalk adjoining storefront buildings may be permitted subject to an appropriate easement over the public right-of-way.

m. Materials in the exterior of buildings surrounding the greens shall be limited to a diversity of brick. Wood, stucco, masonry and other siding materials are subject to the review of the Appearance Commission and the approval of the permit-issuing authority.

n. All signage shall:

1. Be affixed to building façade, canopy, or arcade;

2. Be located within the first story limit;

3. Be visible to both pedestrians and drivers;

4. Contain visual street numbers for each building; and

5. Utilize lighting conforming to applicable regulations.

o. Storefront buildings shall have at least 60 percent of their front facade parallel to the street.

p. The principal entrance shall be from the front sidewalk.

q. Storefront buildings fronting on the same street and located on the same block shall be attached, except as necessary to accommodate pedestrian ways.

r. The street treescape shall require:

1. The planting of species which branch above 8 feet to facilitate viewing of storefronts and signage.

2. The planting of trees every 30 feet to 50 feet depending on size so as to create a regular pattern of street trees through the area.

(5) Residential uses within the single family detached residential use area shall conform to the following requirements:

a. Lots shall generally be located along local streets and around the perimeter of the combined storefront and townhouse areas and between those areas and the village conservancy district.

b. The minimum lot width at the building line shall be 40 feet unless the Board of Aldermen has also approved the development as an architecturally integrated subdivision a described in Section 15-187.

c. Variations in the principal building position and orientation shall be encouraged, but the following minimum standards shall be observed: Front yard: 15 feet minimum (but 8 feet to front porches or steps) and 25 feet maximum; Rear yard: 30 feet minimum for principal

buildings and 5 feet for accessory buildings; Side yard: 20-foot separation for principal buildings, with no side yard less than 5 feet unless the Board of Aldermen has also approved the development as an architecturally integrated subdivision a described in Section 15-187.

d. The total impervious coverage shall be 50 percent for all of the lots in this use area except for those approved to include 22.000 uses. Allocation to each lot shall be indicated on the conditional use permit plans and must be finalized at the time a final plat is recorded. For multi-phase projects, the final allocation shall be by phase. No further reallocation of impervious surface coverage for lots in this use area shall be allowed after the final plat has been recorded, unless a conditional use permit is modified to allow 22.000 uses. Any such 22.000 uses shall be subject to stormwater management requirements as specified in Section 15-263 (c) (3). **(AMENDED 10/28/08)**

e. The maximum height of buildings shall be 35 feet.

f. Residential structures shall be designed to reflect Carrboro's vernacular building tradition in accordance with the design standards described in Section 15-141.2 of this chapter.

g. Accessory Detached Dwelling shall be architecturally integrated as follows:

1. Accessory Detached Dwellings or outbuildings shall be designed to harmonize with the Carrboro vernacular architecture described above.

2. There shall be a maximum of one accessory dwelling unit (ADD) per lot of less than ten (10) acres.

3. The gross floor area in the ADD shall not exceed 750 square feet.

4. Exterior fire-exit stairs are prohibited on any side of Accessory Detached Dwellings except at their rear, except in cases when the ADD is located above a garage.

5. All off-street parking for Accessory Detached Dwellings shall be located to the side or rear as viewed from the street.

(6) Roads and Streets.

a. Street patterns within the village mixed use shall be a rectilinear network of streets, interconnected with clear, direct, understandable patterns, with variations as needed for topographic and environment and other valid design consideration.

b. Streets shall be designed generally to:

1. Parallel and preserve existing fence lines, tree lines, hedgerows and stone walls.

2. Minimize alteration of natural site features.

3. Secure the view to prominent natural vistas.

4. Minimize the area devoted to vehicle travel.

5. Promote pedestrian movement so that it is generally more convenient to walk short distances than to drive.

6. Be aligned so that the "terminal vista" is of open space features, either man-made (greens, commons), natural (meadows, large trees in distance), or a community structure of significance.

c. With the exception of loop roads, all neighborhood and local streets shall terminate at other streets within the village proper and shall provide connections to existing or proposed through streets or collectors outside the village proper where practical. Loop roads, as defined in this chapter, are specifically allowed.

d. Sidewalks shall be provided as required in Article XIV of this chapter.

e. Sidewalk widths shall be at least six feet in retail/commercial areas, and at least five feet in residential, as well as townhouse, areas.

f. A plan for sidewalks and footpaths shall be designed to connect all houses with any of the village's greens and parks.

(7) Parking.

a. Off-street parking lots and areas shall generally be located at the rear of buildings.

b. No off-street parking shall be permitted in the front yards of buildings located in the storefront or townhouse use areas, nor shall off street parking be the principal use of corner lots in these areas.

c. Any off street parking space or parking lot in a storefront, townhouse, or civic area which abuts a street right-of-way shall be buffered from the right-of-way by a landscaped area no less than 4 feet wide in which is located a continuous row of shrubs no less than 3 1/2 feet high, or by a wall no less than 4 feet and no more than 6 feet high.

d. Off street parking in the storefront and narrow frontage townhouse areas shall generally be accessible from an alley only.

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

(8) Landscaping

a. The applicant shall submit a comprehensive landscape master plan for all areas of the village, and village conservancy areas, identifying the location and size of both existing vegetation to be retained and proposed new vegetation, typical planting materials, the phasing of landscape installation and planting methods.

b. Shade trees shall be provided along each side of all streets, public or private, existing or proposed. Shade trees shall also be massed at critical points, such as at focal points along a curve in the roadway. In locations where healthy and mature shade trees currently exist, the requirements or new trees may be waived or modified. Section 15-315 of this Chapter notwithstanding, the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and twenty- five feet from the center line of the street, there is for every forty feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve inches in diameter. Trees may be placed uniformly.

c. Parking lots larger than 19 spaces and/or 6,000 square feet in size shall have internal landscaping as well as buffering landscaping on the edge of the lot.

d. Trees and other plants should be chosen with reference to the list set forth in Appendix E.

e. Trees and other public landscaping shall be protected by means of suitable barriers.

f. The method and means for providing quality street trees and other community landscaping such as in village greens, parks, and squares shall be addressed.

g. The developer shall be required to post a suitable performance bond to ensure that any tree that dies within eighteen (18) months of planting shall be replaced with the same species and size, and that any tree shall be well maintained, i.e., irrigated and fertilized, for a total of thirty-six (36) months from time of planting. If trees are removed, they shall be replaced with trees of similar size and function.

Section 15-176.3 Reserved for Transfer of Development Rights (AMENDED 05/25/99)

Section 15-176.4 Vehicle Sales in the B-1(g) Zoning District (AMENDED 06/25/02)

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

(1) A vehicle sales operation may not be located within 2,000 feet of another vehicle sales operation (measured in a straight line and not by street distance) in the B-1(g) or M-1 zoning districts.

(2) A vehicle sales operation is permitted only on lots containing no more than 26,000 square feet.

(3) A vehicle sales operation is permitted only on lots that are bordered on at least one side by an arterial street.

(4) Outdoor storage areas for vehicles in the process of repair or dealer preparation may only be located behind the principal building and/or its accessory buildings.

(5) All vehicle repairs and preparation for sale are to be conducted within fully enclosed structures.

(6) Multiple driveway cuts and outdoor storage/display areas in the front portion of the lot shall be permitted to the extent that they do not impede the installation of the type "C" screen.

(7) Vehicle sales operations are subject to the non-residential performance standards applicable to 9.400 uses as specified in Sections 15-163 through 15-169.

(8) Each vehicle is allocated one (1) square foot of sign area to be displayed on the interior of a side window of the vehicle only.

(9) A vehicle sales operation must be an annex of a pre-existing vehicle sales business located within 800 feet.

(10) A vehicle sales operation is allowed in those portions of the B-1(g) district that are not adjacent to residentially zoned property (primary zoning classification only).

<u>Section 15-176.5 Mobile Prepared Food Vendors</u> (AMENDED 6/24/08)

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

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

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

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

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

(f) Mobile prepared food vendors may not be located in any portion of a vehicle accommodation area where such location would prevent the use of required parking spaces

during the regular hours of operation of the primary business on the lot, or otherwise interfere in a significant way with the movement of motor vehicles using such area.

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

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

Section 15-176.6 Data Service Provider Facilities (AMENDED 06/23/15)

(a) Data service provider facilities up to 500 square feet in building area, and no taller than 15 feet in height are allowed in the R-10, R-15 and R-20 zoning districts with a zoning permit, provided that such facility otherwise satisfies the requirements of the Carrboro Land Use Ordinance.

(b) A data service provider facility larger or taller than the maximums stated above, or that cannot meet one or more of the provisions in Section 15-176.6(c) through 15-176.6(l) below may be allowed with a special use permit issued by the Board of Adjustment upon satisfaction of the considerations required by section 15-54.

(c) All data service provider facilities shall be set back at least twice the otherwise applicable front, side and rear yard setback requirements for the zoning district in which the facility is located.

(d) A data service provider facility shall have sufficient parking on site to accommodate the number of vehicles likely to be present at the facility on a regular basis.

(e) A data service provider facility shall be surrounded by a fence or wall at least 8 feet in height and constructed of material that cannot be easily climbed or penetrated.

(f) All data service provider facilities shall be surrounded by a Type A buffer on all sides.

(g) No data service provider facility may generate any smoke, odor, electrical interference that is perceptible beyond the boundaries of the lot where the facility is located or that affect the use of adjoining or neighboring properties.

(h) The maximum permitted sound level for all data service provider facilities is 50 dB(A) measured at (i) the outside boundary of the leased area occupied by the facility, or (ii) the lot line if the facility is the only use located on the lot.

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

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

(k) Commercial messages may not be displayed on any data service provider facility, provided that such facility shall have a single sign no larger than 4 square feet in area, identifying the operator of the facility and providing a telephone number or other contact information for the operator.

(l) All data service provider facilities shall meet the applicable lighting requirements established in section 15-242.5.

(m) The recipient of the permit for data service provider facilities shall submit to the Zoning Administrator written verification that the facility is being utilized within thirty (30) days of receipt of a written request for such verification. Data service provider facilities which are not used for a period of 6 months or more shall be removed by the recipient of the permit or subsequent permit holder within 90 days thereafter.

Section 15-176.7 Social Service Provider with Dining (AMENDED 03/22/16)

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

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

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

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

(a) Intent. The intent of the provisions of this section is to ensure that developers of major subdivisions who are responsible for the construction of homes within those subdivisions pay as much attention to the site design and architectural features of their developments as they do to engineering considerations, so that the town's newest neighborhoods will reflect a high standard of design and enhance Carrboro's unique appeal. These provisions of this section are not intended to dampen architectural creativity or diversity but rather to ensure that important architectural and design considerations are addressed.

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

the Raleigh-Durham-Chapel Hill Metropolitan Statistical Area is exempt from the provisions of this section.

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

(1) Contemporary Architecture: describes a building that is derived from current ideas of architectural form, construction and detailing.

(2) Context: the surrounding buildings and land forms, the social and the built history of the location.

(3) Massing: the relationship of solids to voids, and the relationship of major components of the building such as roof, wall planes, and porches to one another, to surrounding buildings, and to the landscape in general.

(4) Proportion: the relationship between the vertical and horizontal elements of the building.

(5) Scale: the relationship of the size of the building, its components, and its architectural details to people as users and observers.

(6) Vernacular: a building style that is historical and typical of a region and surrounding area. The predominant residential vernacular style in Carrboro and the surrounding area is the mill-era housing.

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

(1) Landscape and site.

a. Site buildings in a manner sensitive to the existing natural environment and land forms. Minimize clearing and alteration of existing topography.

b. Site buildings or provide screening to avoid the visibility of buildings' rear facades from public streets.

c. Avoid monolithic and unarticulated walls and buildings facing the public realm.

d. Mechanical, communication, and electrical equipment shall be screened from neighbors and public ways through the use of landscaping or by fences/screens made of materials that complement the design of the house.

e. Garage entries should not visually dominate the house's primary entrance, and shall have visual separation from the main façade.

f. Locate and specify exterior and street lighting to minimize the impact on neighbors. Fixtures shall not project light above the horizontal plane.

g. Address the transition between street and primary entrance through pathways that consider changes of light, sound, direction, surface, or grade level, i.e. through the use of benches, fencing, or low walls connected to the building.

h. Use variable setbacks and modulate the streetscape.

(2) Context.

a. Address the overall plan of the subdivision in terms of rhythm, building heights, patterns, spacing, form, scale, massing, materials, and proportion.

b. Address the placement of buildings in relationship to one another; their height, orientation, and spacing.

c. Address the vertical-to-horizontal proportions of the elements of each individual house, and the relationship of these proportions from one house to another.

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

e. Provide human scale in massing and building elements.

(3) Building design elements.

a. Provide a minimum of four significantly different sets of elevations if the subdivision contains five or six houses, five sets if seven or eight houses, six sets if nine or ten houses and seven sets if eleven or twelve houses, and eight sets if thirteen or fourteen houses, to ensure variability of design. Subdivisions of fifteen or more houses must have a minimum of nine differing elevations.

b. Create recognizable primary entrances, using, for example, entry placement, front and side porches, trellises, hedges, fences, and walls.

c. Address the architectural rhythm of solids to voids in front façades, exterior walls, buildings on the streets, and entrance and/or porch projection.

d. Address façade relief as provided by corner trim, porch trim, window and door trim, door panels, transoms, frames, surrounds, shutters, muntins, moldings, corbelling, cornices, gables, columns, casings, vents, fabric awnings, and roofs. Specify materials and dimensions.

e. Specify the design of doors and windows, and their spacing, placement, proportion, scale, orientation, and size.

f. Address the design and character of all exterior walls and foundations, including their functional and decorative features, materials, details, and proportions in relation to the entire building.

g. The design of auxiliary buildings, fences, and privacy screens, and the materials used in their construction, should complement the design of the primary structure.

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

(1) Vernacular Architectural Standards. Developers are encouraged to consider complying with the provisions of Section 15-177 (d)(3) by using Vernacular Architectural Standards (VAS) as described in this subsection. The goal of the VAS approach is to maintain and enhance Carrboro's historic mill-era architecture, which distinguishes it and is a primary element in defining Carrboro's unique sense of place. New subdivisions using the VAS approach should recognize and reflect the local architectural vernacular. This approach notes the defining elements of the vernacular and requires that those elements be used in conjunction with appropriate scale, proportion, massing, and texture. Proposed plans need not be copies of historic Carrboro houses; successful contextual design combines current design ideas with sensitivity and reference to the defining architecture of the locale.

a. Following is a list of the minimum criteria necessary to meet the Vernacular Architectural Standards and its goal of maintaining an architectural connection to Carrboro's past.

- Roof characteristics: 10-12 /12 upper roofs, 3/12 lower roofs, 16-24" eaves at all roof edges.

- Porches with a minimum depth of 6', across at least 80% of the primary street façade.

- Windows must be rectangular; at least 90% must have a minimum vertical-to-horizontal proportion of two-to-one.

- Clapboard or shingle siding with 4½" reveal.

- Paired 4" corner boards.

- Garage, if any, to be detached and located behind the house's rear façade

- Chimney, if any, to be faced with brick or stone, interior to the building or located exterior, on a gable end

- Details such as columns, trim, vents, dormers, and eaves reflective of the character of the vernacular (see building types, below)

b. Four building types display most of the primary architectural elements characteristic of residences built in Carrboro's mill era. All photos are from Carrboro's Historic Inventory.

<u>One-story Mill House</u>

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

Two-story "I" House

The two-story "I" house is defined by its moderate massing, a one-room deep plan, two-story front and one-story "L", gable roof, generous front porch, and moderate roof overhangs. It is symmetrical in its front elevation and gable ends and has windows of a vertical proportion placed singly in the wall plane. The exterior details generally consist of a false dormer, clapboard siding, 4" trim and corner boards, diamond gable vents, plain square porch posts with simple brackets, and simple pickets in the porch rail. Garages were single-car, gable-roofed, and set behind the house.

The Bungalow

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

The Four-Square House

This is another medium-scale building type with a solid straight-forward massing defined by its square two-room deep plan, hip roof, moderate roof overhangs, dormers, and generous front porch. The defining characteristics are a symmetrical front elevation, windows of a vertical proportion placed singly in the wall plane, and a porch roof that is distinct from the main roof. The exterior details generally consist of clapboard siding, 4' trim and corner boards, modest brackets, and simple square porch pickets.

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

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

(1) Accent block. A masonry element, usually square or diamond shaped, used as a decorative element in Craftsman-style domestic and commercial architecture.

(2) Arch. A curved structural element that spans an opening. There are many varieties, which take their basic form from the arc of a circle.

(3) Awnings. Usually of fabric, can also be plastic or metal. Used primarily to give shade to windows. Usually adjustable.

(4) Balance. Achieved by the assembly of separate elements to create the whole.

(5) Balcony. A narrow platform projecting from and supported by the face of a building above ground.

(6) Bay. A division of the elevation of a building. For example, a house with a front door flanked by two windows would be described as having a three-bay façade.

(7) Box construction. A form of building that uses vertical wood boards or planks instead of studs for both structure and enclosure.

(8) Breezeway. A short open-air passageway connecting a house to an area that may house an automobile, it is usually roofed.

(9) Brick. A clay (or shale) masonry unit, solid or partly hollow, that is formed in a mold and fired until hard. When laid in a wall so its long side is visible, referred to as a Stretcher Brick. When laid so that its short end is visible, referred to as a Header Brick. A closer brick is a partial brick used at the end of a course to even it up. A Gauged Brick is a brick is a brick that has been shaped to form part of a jack arch. (Gauged and Closer bricks are associated with early brick work.) The coursing or pattern of bricks in a wall is referred to as the Bond, and the divisions between bricks and courses are referred to as Mortar Joints. Stretcher bond is composed of Stretcher Bricks exclusively. Flemish bond is composed of alternating Stretcher and Header Bricks and is associated with early and COLONIAL REVIVAL brickwork. English Bond is composed of courses of Stretcher Bricks alternating with courses of Header Bricks. A Soldier Course is formed by Stretcher Bricks standing on end and lined up over a window or parapet. Basketweave refers to Stretcher Brick laid horizontally and vertically to form a checkerboard pattern. Houndstooth refers to bricks set at an angle, creating a sawtooth appearance. Paving refers to bricks used like pavers to cover the sloped shoulders of early chimneys. Tumbling refers to bricks laid in diagonal courses to form chimney shoulders or edge of a gable; it associated with decorative mid 1800's chimneys' and with the Tudor Revival style. Penciling refers to the painting of a line (usually white) along mortar joints.

(10) Bungalow. A one-story or story-and-a-half house detailed in the CRAFTSMAN Style.

(11) Capital. The top section of a column, often decorative. See also Order.

(12) CAS. Contemporary Architectural Standards.

(13) Chamfer. The beveled edge or corner of a beam or post.

(14) Classical Revival Style. An Architectural style characterized by use of classic Greek and Roman forms and ornament, especially monumental porticos. See also under Order.

(15) Colonial Revival Style. An architectural style most popular from about 1920 to the present. Characterized by the use of classical forms and detailing (or, in more academic examples, allusions to Colonial - or Early National - Period American

architecture) and symmetrical composition. Also referred to as the Georgian Revival style.

(16) Columns. An upright supporting part, which may be structural or purely for decorative effects.

(17) Corbelling. A block of masonry or material such as brick or wood, which projects from a wall and supports a beam or other feature.

(18) Corner Block. A decorative block-like element used to define the corner of a door or window surround.

(19) Cornice Returns. Sections of cornice appearing in a gable or on the end of a building.

(20) Cornice. A projecting horizontal part that crowns an architectural feature.

(21) Cottage. A small frame one-family house.

(22) Course. A horizontal row of bricks, tiles, stone, building blocks, etc.

(23) Craftsman. An architectural style most popular from about 1910 to 1950. Characterized by the use of broad, spreading forms; low-pitched gable roofs, often with gable and eaves brackets, decorative windows and other details. The bungalow house form is associated with this style. A Craftsman porch is usually supported by tapered wood columns on brick bases.

(24) Crown Molding. A molding used at the top of an architectural element such as a porch post or wall.

(25) Cupola. A small structure built on top of a roof. It may be purely decorative or may be the base for a weathervane or antenna.

(26) Detail. Paying particular attention to all elements of a specific project.

(27) Doors. Front - usually the primary entry to a house. Door-Jamb - the upright piece forming the vertical surround of the door's opening.

(28) Dormers. A window that projects from a sloping roof.

(29) Eaves. The lowest part of a roof, overhanging the top of the wall.

(30) Elevation. 1) The external faces or a building, e.g. front, side and back elevations. 2) Also a drawing of one side of a building, usually drawn to a specific scale. Also drawn in projection on a vertical plane.

(31) Engaged. Attached to or embedded in a wall (a pilaster is an engaged column), or embraced by another architectural element (as the front porch of a Cottage or Craftsman Bungalow is enclosed under the roof of the house.

(32) Entablature. In classical architecture, the section of the building elevation above columns or piers or at the top of a wall. Also used to describe the crowning element of a door or window.

(33) Entrance. See Door.

(34) Façade. Usually the front or street side of a building.

(35) Fanlight. A window above the head of a door. In some styles of architecture the panes are divided into a fan-like appearance, thus the name.

(36) Fascia Board. Horizontal board (s) covering the joint between the top of a wall and the projecting eaves.

(37) Federal Style. An architectural style occurring during the early nineteenth century.

(38) Flashing. Material, usually metal used as a protective covering to joints between the roof finish and chimneys, dormers, gable walls, etc.

(39) Fluting. Vertical concave indentations along the length of a column, giving the surface of the column a rippled or scalloped appearance. Usually occurring as straight-edged groves on the surface of a door or window surround.

(40) Form. To take a definitive shape or arrangement, which may be based on custom, rules or invention.

(41) Frames. A structural element that gives strength or a decorative appearance to doors or windows.

(42) Gable. The triangle of wall surface formed by the meeting of two-sloping roof lines, at the end of a ridged roof.

(43) GDS General Design Standards

(44) Georgian Style. An architectural style dating to the 18th century (1700 to 1800 A.D.) from the reign of King George I (1711) to the American Revolution. Characterized by the use of classical forms and detailing and symmetrical compositions.

(45) Girder. A supporting part which spans an opening and carries a load, which is subjected to transverse stress.

(46) Gothic Revival Style. An architectural style characterized by allusions to medieval Gothic architecture: lancet arched openings, peaked mantel frieze profiles, vertical detailing and composition.

(47) Greek Revival Style. An architectural style characterized that emulated the simplicity and purity of classical Greek architecture, as typified by the Greek temple. Characterized by symmetrical composition and columnar or trabeated detailing, seen in corner pilasters. Two-panel doors and pilaster-and-frieze mantels.

(48) Gutter Board. See Fascia Board.

(49) Gutter. A small trough fixed under the eaves of a roof, to carry off rain water.

(50) Hip. The external angle formed by the meeting of two sloping roof surfaces.

(51) Lintel. A horizontal part supported at each end, and carrying weight.

(52) Modernist. An architectural style most popular from the late 1930's to the present. Characterized by the use of simple, geometric forms, modern materials (concrete, aluminum, plate glass), and a general absence of ornament. The Craftsman, Art Deco, and Prairie styles may be considered precursors to Modernist architecture.

(53) Molding. Continuous projections or incisions used as a decorative band.

(54) Monolithic. A massive structure.

(55) Mullion. The upright part dividing the lights of a window.

(56) Muntins. The central vertical part of a door, dividing the panels above and below the middle rail.

(57) Order. In classical architecture, the style or system of proportion and detail of a column and related elements. There are three principal orders of classical Greek and Roman architecture. The Doric Order is characterized by simplicity, with a molded column Capital. The Ionic Order has capitals with dominant spiraled volutes. The Corinthian Order, the most ornate, is characterized by delicate

leaflike ornament and small volutes. Vernacular compositions based on the orders are used in local Greek Revival architecture.

(58) Outrigger. A structural or ornamental element in a gable that supports or appears to support a roof.

(59) Overhang. Term used when a sloping roof is carried out beyond the top of the wall, forming an overhang.

(60) Pediment. In classical architecture, the triangular end of a gable roof, defined by cornices. Used as a decorative element above a door or window opening in Colonial Revival architecture, sometimes broken and/or scrolled at the center.

(61) Pitch. The angle at which a roof slopes.

(62) Plat. Drawing based on a Surveyors staking out a lot(s). A scale drawing of a specific piece of property.

(63) Porch. The covered entrance to a building. Front - a covered area in the front of a house, which may share a common roof with the house of have a roof of its own. Also see Wraparound Porch.

(64) Prarie Style. An architectural style derived from the work of Frank Lloyd Wright and others, characterized by spreading forms, low-pitched hip roofs and geometric ornament.

(65) Prism Glass. Small squares of textured and often tinted glass used to form a transom over a store front.

(66) Purlin. A horizontal roof member, either one that spans between the gables or one that spans between the gables or one supported by rafters. Also used historically to describe a horizontal member in a crib.

(67) Rafter Ends. Covering for the parallel beams that support the roof.

(68) Retaining Wall. A wall which supports and retains a mass of earth or water.

(69) Reveal. Part of a vertical surface, or jamb of a window, or door opening, which is not covered by the frame.

(70) Rhythm. An ordered recurrent order or flow of related elements.

(71) Roof. Flat - having a pitch of less than 20 degrees. Hipped - a roof in which the end is formed by a sloping surface face enclosed by hips. Lean to Roof - having one sloping surface only, built against the side of another building.

(72) Rosette. A circular ornament

(73) Rustic Style. An architectural style popular from the 1920's to the present. Characterized by the use of traditional, "pioneer;" or natural forms, materials, and building techniques such as log construction, rubble masonry, and unfinished surfaces.

(74) Rusticated. Used to describe horizontally banded masonry.

(75) Scale. 1) As the building or project under consideration relates to neighboring buildings and/or the area around it. 2) in the drawing of plans, reducing measurements to fit on paper capable of viewing. E.g. 1/8 inch = 1 foot. Written as 1/8" = 1'.

(76) Sense of Shelter. An awareness of belonging, a home that feels and looks right, and is welcoming.

(77) Shoulder. The point at which the body of a chimney narrows, usually at the level of the eaves. Most chimney shoulders are stepped, some paved. Some early

chimneys are double-shouldered, with shoulders above the fireplaces at the first and second-story levels.

(78) Shutters. A covering for an external window, can be made of various materials, and may be purely non-functioning as decoration.

(79) Sidings. The material used to forming the outside wall of framed buildings. Usually so pitched as to throw off rainwater.

(80) Soffit. The under surface of a building feature, such as roof, cornice, window of door head.

(81) Specification. A statement containing exact details of and precise instructions for carrying out a piece of building work.

(82) Splayed. Having sloped or canted surfaces. The sides of door or window openings are sometimes splayed to emphasize the thickness of the wall penetrated by the opening.

(83) Stucco. Material of cement or a plastic compound applied to an exterior wall, to provide a smooth or rustic surface, which may be painted.

(84) Style. A term used to define a whole body of work with certain common characteristics

(85) Surrounds. Encircling trims, decorative or structural.

(86) Texture. Visual or tactile surface characteristics.

(87) Transom. The window over a door, usually the front door, which may or may not be functional. See Fanlight

(88) Trellis. A frame of lattice used generally as a screen or to support climbing plants.

(89) Trim. Materials used for ornament that may also be used for minor structural supports.

(90) Unarticulated. Not carefully planned, reasoned or analyzed.

(91) VAS. Vernacular Architectural Standards.

(92) Vault. An arched structure

(93) Vent. An opening (usually covered by a grid) which allows the escape of gases or hot air for example.

(94) Vernacular. 1) Relating to a common building style. 2) Relating to a common phraseology (jargon).

(95) Victorian. Used to describe buildings constructed during the late 1800's and early 1900's that usually exhibit combinations of the following: asymmetrical composition, complex massing and roof lines, architectural details that distantly reflect medieval prototypes, and the liberal use of machined ornament. Typical Victorian features include hip-and-gable roofs, bay windows, porches supported by chamfered or turned posts with sawn brackets, wood-shingle sheathing, decorative roof vents, and intricate mantles. The Queen Anne style is a form of Victorian styling. Masonry commercial buildings that are Victorian in inspiration often feature decorative parapet brickwork and segmental-arched windows.

(96) Weathering. A canted surface on a buttress wall, or chimney shoulder designed to shed water.

(97) Window. An opening in a building to admit light and/or air that may be opened and closed. Various architectural styles include Bay, Bow, Casement (window hinged vertically, which may open inward or outward), Double-hung and etc.

(98) Wraparound Porch. A porch that extends to two or more sides of a building.

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

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

(1) A primary entrance shall be oriented toward the right of way and shall be articulated either by a recess or by a detachable awning.

(2) With respect to any side of a building that faces the street adjacent to the lot where the building is located and is visible from such street right-of-way, a minimum of 40 percent of the elevation of such side shall consist of a glass surface, and a minimum of 60 percent of the elevation of the ground level of such façade shall consist of a glass surface.

(3) Buildings taller than 40 feet shall maintain a 20-percent shade free area within the public right of way between two lines extended north from the easternmost and westernmost points of the building at the street right of way as measured at noon on September 21.

(4) Parking or utility areas shall be substantially shielded from the view of adjoining streets by habitable space. For the purposes of this subsection, the term habitable shall mean partially or fully enclosed space within a building that is actively used or occupied by the residents of the building. The active use of these spaces is characterized by the routine and regular presence of the building's residents rather than the routine and regular presence of stored goods, equipment, or other materials.

(5) A building more than 45 feet in width shall be divided into increments of no more than 45 feet through articulation of the façade achieved through the following techniques:

(a) Divisions or breaks in materials
(b)Window bays
(c) Separate entrances and entry treatments
(d) Variation in roof line
(e) Building setbacks

(6) The following exterior materials are prohibited: metal siding with exposed fasteners, vinyl siding, and processed wood panel products (e.g. hardboard).

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

(1) If the project requires the issuance of a zoning permit and the Appearance Commission certifies to the zoning administrator that the alternative design substantially achieves the purpose (as spelled out in subsection (a) of this section) of the architectural standards for

downtown development, then the development shall not be required to comply with the standards set forth in subsection (a).

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

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

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

(b) For all day care homes and facilities, adequate vehicular turnaround area must be provided on-site or within nearby public-right-of-way, so that use of nearby private property may be avoided.

Notwithstanding the foregoing provision, for day care facilities located on collector or arterial streets, the day care operator must demonstrate, at time of permit application, that sufficient parking spaces are provided on site, and that appropriate driveway access and configuration are provided such that site ingress and egress present no additional hazards in the street right-of-way, such as cars queuing up in the street, or cars backing into the street.

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

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

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

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

(1) Open space, if practicable, is dedicated to either the homeowners association or the town, and

(2) Storm water best management practices (BMPs) and associated grading and stabilization occur outside any primary conservation areas, and all runoff from the BMPs is discharged in a diffuse manner that insures that erosional rills will not be created as runoff enters and flows through conservation areas; and

(3) Roof drainage is captured in sufficient quantity and in appropriately sized and sited devices to provide at a minimum for all on-site plantings, including but not be limited to screenings, vehicle accommodation areas, foundation plantings, garden beds, trees, shrubs, flowers, groundcover, and turf, and

(4) Nutrient load requirements may be met (i) by storm water management structures or devices on the development site itself and/or (ii) the retrofitting of existing or construction of new BMPs elsewhere in the VMU development, and

(5) Educational materials including, but not limited to on-site signage, brochures, and web postings on stormwater management practices are prepared and/or installed, and

Low Impact Development techniques are used to the extent practicable.

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

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

(a) Hours of Operation. Electronic gaming operations may operate from 8:00 a.m. until 10:00 p.m., seven (7) days per week, but not at other times;

(b) Spacing Requirements.

(1) Each electronic gaming operation must be a minimum of 500 feet from any building being used as a dwelling.

(2) Each electronic gaming operation must be a minimum of 1,000 feet from any other electronic gaming operation.

(3) For the purposes of this subsection, the distance shall be measured in a straight line from the closest point between the building housing the electronic gaming operation and the building housing the dwelling or other electronic gaming operation;

(c) All applicable State and local permits and business licenses must be issued to the applicant prior to the opening of the business; and

(d) If food and/or beverages are served, the establishment must meet any State requirements and the requirements of the Orange County Health Department.

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 data of this section (05/15/90). **(AMENDED 05/15/90)**

(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)**

(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)**

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

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

(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)**

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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

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

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 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.

(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.

<u>Section 15-182.4 Residential Density Bonuses for Affordable Housing</u> (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 annual 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 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 pro-

vider 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 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 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:

(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
0	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.

(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)**

(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)**

(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:

(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)**

(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 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, and O/A.

(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'

ZONE	MAXIMUM HEIGHT
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-l(g) district abuts a street right-of-way of fifty feet or less dedicates additional right-of-way to more that 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-l (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-l (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 equal to twice the lot boundary line setback requirement applicable to such adjoining lot.

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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 s 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-l (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-l (c) or B-l (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;

(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.

(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 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 15-186 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
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 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 sub-

division 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 initially 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.

(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.

ARTICLE XIII

RECREATIONAL FACILITIES AND OPEN SPACE

<u>Section 15-196 Active Recreational Areas and Facilities Required</u> (AMENDED 5/10/83; 4/24/84; 12/10/85; 10/22/13)

(a) Subject to subsection (d) and Sections 15-197 and 15-203, all residential developments shall provide active recreational areas and facilities to such an extent that the sum total of recreation points assigned to each recreational area and facility [under subsection (b)] equals or exceeds the number of recreation points required of that development in accordance with the remaining provisions of this section.

(b) For purposes of this section, a recreation point is a unit of measurement that allows various types of recreational areas and facilities to be compared to one another. As set forth more fully in Appendix G to this chapter, the principal criterion upon which recreation points are assigned to various facilities is the cost associated with the development of such facilities. The following table establishes the recreation points assignable to the facilities listed. Points for facilities not included in the table below shall be determined by the permit issuing authority by applying the methodology set forth in Appendix G.

TYPE FACILITY	POINTS/SQUARE FOOT	TYPICAL POINTS	SQUARE FEET
Swimming Pool	.463	356	(768)
Swimming Pool Patio	.020	6	(2820)
Tennis Court (1)	.034	245	(7200)
Tennis Court (2)	.028	403	(14400)
Tennis Court (4)	.025	720	(28800)
Basketball Court	.058	139	(2400)
Volleyball Court	.014	25	(1800)
Hiking/Biking Trail	.016	64	(4000)
Fitness Station	.022	9	(400)
Picnic Shelter	.148	37	(250)
Gazebo	.326	102	(314)
Clubhouse	.508	609	(1200)
Play Equipment	.107	136	(1275)
Slide	.514	8	(16)
Swing	.176	8	(48)
Climber	.160	8	(50)
Ladder	.108	5	(48)
Balance Beams	.075	3	(40)
Pullup Bars	.330	3	(8)
Seesaw	.076	6	(80)
Whirl	.333	9	(28)
Sandbox	.097	6	(64)
Baseball Field	.010	675	(67500)
Football/Soccer Field	.011	396	(36000)
Indoor Fitness Center	.81	810	(1000)

(c) The minimum total of recreation points required of any development shall equal the sum of the recreation points assigned to each type of dwelling unit or lot proposed for that development in accordance with the following (The methodology for determining the assignment of recreation points to residential type is set forth in Appendix G.):

TYPE OF RESIDENCE (By Use Classification)	POINTS PER DWELLING UNIT
1.100 Single Family detached	10.39
1.120 Includes mobile home parks	11.25
1.200 Two-family residences	10.39
1.300 Multi-family residences	
One Bedroom	5.94
Two Bedroom	9.47
Three or more Bedroom	11.81
1.34 Single-Room Occupancy	2.97

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. Subject to Section 15-197, 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 two-bedroom multi-family units that could be approved under this chapter. **(AMENDED 10/10/00)**

(d) The Board recognizes that some developments will contain such a small number of dwelling units that the active recreational areas and facilities required pursuant to this section would be of minimal practical value and that maintenance of such areas for so small a development would likely prove problematic. Therefore, the following types of residential developments shall not be required to provide active recreational areas and facilities under this section but shall be required to pay to the town's open space and recreational facilities fund a fee in lieu thereof in accordance with Section 15-203 if the town determines that it will be feasible to provide active recreational areas and facilities on land that can reasonably be expected to serve the residents of such developments:

(1) Unsubdivided developments that are small enough so that the minimum amount of recreation points required of such developments is not more than 80. **(AMENDED 2/24/87)**

(2) Subdivided residential developments of less than fifteen dwelling units. (**AMENDED 06/27/95)**

(3) For purposes of this subsection, the term "development" refers to the entire project developed on a single tract or contiguous multiple tracts under common ownership or control, regardless of whether the development is constructed in phases or stages. **(AMENDED 2/24/87)**

(e) If the proposed development contains land subject to the provisions of 15-198(e), then a bike and pedestrian path that has the potential of connecting with similar type facilities on adjoining tracts that also have lands subject to the provisions of 15-198(e) shall be provided within this area, unless the permit issuing authority concludes that such a bike and pedestrian path would be environmentally undesirable or economically unfeasible. **(AMENDED 06/27/95)**

(f) Play equipment suitable for children under 12 should comprise at least 10% of the total required recreation points of single-family units and 5% of the points required of multi-family units in a development. Residential developments consisting of solely single-room occupancy units shall be exempt from the requirement to provide play equipment suitable for children. **(AMENDED ON 10/10/00)**

(g) Active recreational facilities and areas should be located throughout the development so that they can be reached safely and easily by their anticipated users. Such facilities and areas should be on land that is suitable for the intended use, have a minimum of 1200 square feet per area, and be sufficiently screened to minimize the impacts on adjacent residences.

(h) When the cost of the land associated with recreational facilities is included in calculating the recreational points for such facilities under this section, then such land may generally not also be credited toward the fulfillment of the mandatory open space requirements set forth under Section 15-198. Exceptions to this policy are as follows:

(1) Play fields, including without limitation baseball fields, soccer fields, and football fields;

(2) Bike and pedestrian paths constructed pursuant to subsection (e) of this section. (Only the area that is within the width of the dedicated easement for the bike and pedestrian area is subject to the double counting provision.)
(AMENDED 06/27/95)

(i) **(AMENDED 4/8/03; REPEALED 6/12/07)**

<u>Section 15-197 Exception to Recreational Facilities and Open Space Requirements.</u>

(a) If an application is submitted for a subdivision and the application does not also seek approval for the development of improvements to the subdivision (such as the extension of water and sewer facilities or the creation of public streets or private roads) or the construction of buildings or other substantial improvements on any lot so subdivided, then the Board (for a major subdivision) or the planning director (for a minor subdivision) may approve the subdivision without requiring the provision of active recreational areas and facilities (Section 15-196) or the provision of usable open space (Section 15-198) if the subdivision approval authority finds that the property is being subdivided for purposes other than the desire to accommodate a present plan to develop any of the lots so created in any manner other than the use as a single-family detached residence. **(AMENDED 10/08/96)**

(b) The requirements of this article shall not apply to the reconstruction or enlargement of pre-existing single-family residential dwelling units or to the reconstruction or renovation of pre-existing multi-family units, except to the extent that such reconstruction or renovation of multi-family residences increases the number of dwelling units or bedrooms within any such residential development. **(AMENDED 10/08/96)**

<u>Section 15-198 Open Space</u> (AMENDED 04/24/84; 03/26/85; 12/10/85; 11/11/86; REWRITTEN 06/27/95; 06/20/06; AMENDED 3/24/09; 3/23/10)

(a) The Board finds that when land is developed for residential purposes, the public health, safety, and welfare are best served when substantial portions of the tracts so developed remain as common open space. The preservation of such open space areas serves the following important objectives, to the benefit of the residents of such developments as well as the general public:

(1) Preservation of open vistas, providing relief from an urban landscape;

(2) Preservation of environmentally sensitive lands;

(3) Preservation of habitat for wildlife;

(4) Preservation of historically or archaeologically significant areas;

(5) Provision of areas for passive recreation, such as walking or jogging.

(b) For purposes of this section:

(1) Open space refers to an area that:

a. Is not encumbered with any substantial structure;

b. Is not devoted to use as a roadway, parking area, or sidewalk;

c. Is not part of any privately owned lot that is used or intended for use for residential purposes.

d. Is legally and practicably accessible to the general public or to the residents of the development where the open space is located.

(2) Narrow strips of common area that separate lots within a development from each other, from streets, or from adjoining tracts shall generally not be regarded as open space within the meaning of this section unless such areas:

a. Are at least 50 feet in width and capable of functioning as a substantial visual buffer; or

b. Are configured and/or improved (e.g. through the installation of trails) in such a way as to be conducive to actual use for passive recreational purposes (i.e. walking or jogging) by residents of the development where located.

(3) The following areas shall be regarded as open space if such areas satisfy at least the criteria set forth in Subdivision (1) a, b, and c of subsection (b) of this section:

a. Utility easements located outside of street rights of way;

b. Cemeteries located on a tract prior to its development.

c. Areas used for the growing of crops, such as hay, corn, or vegetables, if and to the extent that such uses occur within an area that is subject to the control of a homeowners association and such uses are approved by the homeowners association. **(AMENDED 05/25/99)**

(4) The term "primary conservation areas" shall mean: **(AMENDED 05/25/99; 6/20/99)**

a. Areas containing slopes greater than 25%

b. Hardwood areas as designated in the Geographic Information System (GIS) of the Town of Carrboro. **(AMENDED 3/24/09)**

c. Wetlands as defined pursuant to Section 404 of the Clean Water Act

d. Floodplains

e. Water quality buffers on perennial and intermittent streams. **(AMENDED 3/24/09)**

f. Lakes and ponds;

g. Road buffers as required by Section 15-312 of this Chapter, except for those portions of the buffers that must be included in road or utility crossings.

(5) The term "secondary conservation areas" shall mean: **(AMENDED 05/25/99)**

a. Areas containing slopes greater than 15% but not more than 25%;

b. Wooded areas other than hardwood areas as designated in the Geographic Information System (GIS) of the Town of Carrboro. **(AMENDED 3/23/10)**

c. Vistas along entranceways to the town;

d. Other areas containing unusual natural features (such as major rock formations);

e. With respect to streams designated on the adopted Stream Classification Map of the Town of Carrboro, those areas within an average perpendicular distance of sixty feet from the edge of the floodway of the stream, if the floodway is designated on the "Flood Boundary and Flood Map" prepared by the U.S. Department of Housing and Urban Development or sixty feet from the centerline of the stream where the floodway is not designated on the map.

f. Other environmentally, historically, or archaeologically significant or unique areas, including water quality buffers on ephemeral streams. **(AMENDED 3/24/09)**

(c) Except as otherwise provided in subsection (j) and Section 15-203, every residential development in zoning districts other than the R-2, ORMU, B-1(c), B-1(G), B-2, and CT zoning districts shall be developed so that at least forty percent (40 percent) of the total area of the development remains permanently in open space. Every residential development in the R-2 and ORMU district shall be developed so that at least twenty percent (20 percent) of the total area of the development remains permanently as open space. **(AMENDED 09/05/95; 06/20/06; 6/12/07)**

(d) Subject to subsection (g), every residential development containing at least 25 lots or dwelling units shall contain, as part of its required open space, one or more areas that are relatively flat, well drained, grassed, and otherwise well suited for use as a play field:

(1) Each such area shall contain a minimum of 20,000 square feet configured in such a manner as to be useful as a play field.

(2) Every development covered by this subsection shall set aside in one or more play fields meeting the criteria of this subsection a minimum of 400 square feet of area per lot or dwelling unit within the development.

(3) Play fields provided under this section shall be located with due regard for the safety and convenience of those using such facilities as well as the welfare of residents living nearby. The play fields required by this subsection shall be located such that 90% of the lots or dwelling units within any development that is required to install such play field are within 1,500 feet of a play field installed to meet the requirements of this

subsection, unless the developer demonstrates by clear and convincing evidence that adherence to this requirement would not be feasible.

(4) Play fields constructed to meet the requirements of this subsection may be used by the developer to satisfy the active recreational requirements set forth in Section 15-196 as well as the open space requirements of this section. However, the recreation points assigned to such play fields shall be based upon the actual cost of constructing such play fields, exclusive of land costs. **(AMENDED 05/25/99)**

(5) Notwithstanding the foregoing, the playfield requirement will not apply to residential mixed use developments located within the OR-MU zoning district. **(AMENDED 6/20/06)**

(e) Subject to subsection (g), if a tract where a residential development is proposed contains any areas defined above as primary conservation areas, then such areas shall be designated as open space. **(AMENDED 05/25/99)**

(f) **RESERVED (AMENDED 05/25/99)**

(g) A developer shall not be required to set aside as open space under the provisions of subsections (d) and (e) more than the minimum required percentage of open space set forth in subsection (c). If the sum total of open space otherwise required under the provisions of subsections (d) and (e) exceeds forty percent of the development tract (twenty percent in the R-2 district), then the permit issuing authority shall allow the developer to set aside a smaller area of open space under subsections (d) and (e), individually or collectively, so that the developer is not required to preserve as open space more than forty percent of the development tract (twenty percent in the R-2 district). However, if areas that constitute primary conservation areas have not been set aside as open space, then the development plans shall otherwise provide for the preservation of such areas even though they may be located within privately owned lots (e.g. by specifying buildable areas within individual lots). Notwithstanding the foregoing, hardwood areas identified in the Geographic Information System (GIS) of the Town of Carrboro that are not set aside as common open space shall be preserved except to the extent that removal of such hardwood trees is necessary to accommodate the permitted uses created out of land not set aside as common open space. (**(AMENDED 09/05/95; 05/25/99; 3/23/10)**

(h) If the area of open space required to be preserved under subsections (d) and (e) does not exceed forty percent (40%) of the area of the development tract (20% in the R-2 district), then the permit issuing authority may require that the developer set aside from among the areas that constitute secondary conservation areas as defined above an amount of open space equal to the difference between the amount of open space preserved under subsections (d) and (e) and forty percent (40%) of the development tract (20% in the R-2 district). **(AMENDED 09/05/95; 05/25/99)**

(i) Except as otherwise set forth in this section, the choice as to the areas to be set aside as open space shall remain with the developer.

(j) Subdivided residential developments of less than fifteen dwelling units are exempt from the requirements of this section unless the town agrees that it will accept an offer of dedication of such open space, and in that case the offer of dedication shall be made. Subdivided residential developments exempted by this subsection from the requirement of providing usable open space shall be required to make a payment in lieu thereof to the town's open space and recreational facilities fund in accordance with Section 15-203 if the town determines that it will be possible to provide usable open space areas that are reasonably expected to benefit or serve the residents of such developments. For purposes of this subsection, the term "developments" shall have the same meaning as is set forth in subsection 15-196(d)(3).

(k) Residential developments consisting solely of multi-family, single-room occupancy units (1.340) shall be exempt from the requirements of this section. **(AMENDED 01/11/00)**

Section 15-199 Ownership and Maintenance of Recreational Facilities and Open Space Not Dedicated to the Town (REWRITTEN 06/27/95)

(a) Unless the town requires that recreational facilities or open space be dedicated to the town or agrees to accept an offer of dedication voluntarily made by the developer, such recreational facilities and open space shall remain under the ownership and control of the developer (or his successor) or a homeowners' association or similar organization that satisfies the criteria established in Section 15-201. If such recreational facilities and open space are not publicly dedicated, they shall be made available to all residents of the development under reasonable rules and regulations established to encourage and govern the use of such facilities and open space by the residents without payment of separate optional fees or charges other than membership fees in a homeowners' association. Such facilities and open space may be made available to a limited extent on a fee basis to persons who are not residents of the development where such facilities or open space are located, so long as such use does not become so extensive as to remove the facilities and open space from the category of an accessory use to a residential development and transform the use to a separate principal use classification (see use classification 6.000) under the Table of Permissible Uses.

(b) The person or entity identified in subsection (a) as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.

Section 15-200 Dedication of Open Space (AMENDED 11/26/85; REWRITTEN 06/27/95; REPEALED 09/05/95)

Section 15-201 Homeowners' Association (AMENDED 11/26/85)

Homeowners' associations or similar legal entities that, pursuant to Section 15-199, are responsible for the maintenance and control of common areas, including recreational facilities and open space, shall be established in such a manner that:

(1) Provisions for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied;

(2) The association or similar legal entity has clear legal authority to maintain and exercise control over such common areas and facilities;

(3) The association or similar legal entity has the power to compel contributions from residents of the development to cover their proportionate shares of the costs associated with the maintenance and upkeep of such common areas and facilities; and

(4) The association will establish a capital fund for the maintenance and upkeep of common areas and facilities and a method of contributing to that fund which will spread the costs of said maintenance and upkeep to the residents over a number of years. **(AMENDED 11/26/85)**

Section 15-202 Flexibility in Administration Authorized.

(a) The requirements set forth in this article concerning the amount, size, location and nature of recreational facilities and open space to be provided in connection with residential developments are established by the Board as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted town plans. The Board recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing body is authorized to permit minor deviations from these standards whenever it determines that: (i) the objectives underlying these standards can be met without strict adherence to them; and (ii) because of peculiarities in the developer's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.

(b) Whenever the permit issuing board authorizes some deviation from the standards set forth in this article pursuant to subsection (a), the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

Section 15-203 Fees in Lieu of Active Recreational Areas and Facilities or Usable Open Space.

(a) When the permit-issuing authority determines (upon the recommendation of the recreation director) that the recreational needs of a development required by Section 15-196 to construct active recreational areas and facilities could also be adequately met by facilities constructed on town property that is located close enough to such development to reasonably serve its residents, the town may authorize the developer to pay a fee to the town's open space and recreational facilities fund in lieu of providing on-site facilities. For purposes of this subsection, "town property" means property that is owned by the town or that the town has made plans to acquire within a reasonable time. **(AMENDED 2/20/90)**

(b) With respect to residential developments that are exempt from the requirement of providing on-site active recreational areas and facilities under Subsection 15-196(d) or exempt from the requirement of providing usable open space under Subsection 15-198(j) and that choose not to provide such facilities or open space, the town shall accept and the developer shall pay a fee to the town's open space and recreational facilities fund if the permit-issuing authority determines that the town has acquired or has made plans to acquire within a reasonable time the necessary land to provide usable open space or a site for recreational facilities that can be expected to benefit or serve such developments.

(c) The minimum amount of the fee paid under this section in lieu of active recreational areas and facilities shall be determined by multiplying the amount of recreation points that would otherwise be required of the development under Section 15-196 by the dollar value per point established in the town's miscellaneous fees and charges schedule. However, nothing herein shall prevent a developer from paying a fee that exceeds the minimum fee established pursuant to this subsection, and the town's willingness to allow a payment of fees in lieu of on-site provisions of facilities or open space under subsection (a) may depend upon the developer's agreement to pay fees in excess of the minimum.

(d) The minimum amount of the fee paid under this section in lieu of usable open space shall be determined by multiplying the square footage of open space that would otherwise be required of the development under Subsection 15-198(c) by the dollar value per square foot established in the town's miscellaneous fees and charges schedule.

(e) With respect to any development that is authorized or required by this section to pay a fee in lieu of providing recreational facilities or usable open space, no use may be commenced, lot sold, or building occupied unless the fee has been paid. If a development is intended to be sold or occupied on a phase-by-phase basis, payment of the fee relating to each phase must first be made.

Section 15-204 Downtown Livability Area and Urban Amenities Provisions

(a) The Board concludes that when land is developed substantially for residential purposes in the downtown, defined for purposes of this section as those areas zoned B-1(G), B-1(c), B-2, or CT, the public health, safety, and welfare are best served when portions of such properties are developed as "downtown livability areas" and improved with "urban amenities" as those terms are used in this section. The development of such properties in this way may serve some or all of the following important objectives, to the benefit of downtown business owners, shoppers, workers, pedestrians, and residents, as well as the general public:

(1) provide relief from the high-density built environment (for example by mitigating urban temperature, pollution, glare);

(2) enhance the pedestrian experience;

(3) promote walking and biking in the downtown area;

(4) decrease stormwater runoff;

(5) provide food or habitat for wildlife;

(6) provide opportunities for artistic expression or the enjoyment of the same;

(7) provide opportunities for social gathering.

(b) For purposes of this section, "downtown livability area" (DLA) refers to an outdoor area that (i) is not devoted to use as a roadway, parking area, required sidewalk, or required shade tree islands in parking lots; (ii) is legally and practically accessible to all of the residents, occupants, tenants, and owners of the property to which the DLA appertains (except that balconies and roof areas developed as DLA with or without urban amenities need not be so accessible); (iii) is not encumbered with any substantial structure other than an urban amenity; and (iv) with or without the improvement of an urban amenity, achieves one or more of the objectives set forth in subsection (a) of this section. An "outdoor area" means an area that is either not under roof or, if under roof, is permanently open to the outdoors on at least 50 percent of the circumference of such area. A "green roof" means a roof of a building or structure (or portion thereof) that is covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane.

(c) For purposes of this section, "urban amenities" refers to improvements that (i) are located or constructed within downtown livability areas, and (ii) are designed, installed, and maintained to achieve one or more of the objectives set forth in subsection (a) of this section, together with any improvements necessary to support the function or safety of or provide access to such amenities. Urban amenities include but shall not be limited to the following: water features (reflecting pools, fountains); special visual or environmental exterior features incorporated into building architecture, public art; historic markers, features, or places; shade-producing street trees; outdoor furniture for seating, playing games, or picnicking; arbors, trellises, or pergolas with live plants; balcony plantings; birdfeeders, birdhouses, and birdbaths; widened sidewalks; covered bike racks; garden perimeter walls low and wide enough to accommodate sitting and lounging; green roofs.

(d) For downtown developments in which 25 percent or more of the gross floor area is for residential use only, the downtown livability area and urban amenities requirements are as follows:

(1) The site shall be developed so that an area (measured in square feet) equal to at least 12 percent of the total land area remains permanently as downtown livability area, provided that:

a. DLA can be reduced to 10 percent of the land area if the DLA is substantially landscaped with grass, vegetative ground cover, plants, shrubs, bushes, or other vegetative landscaping and that is shaded to the extent of at least 35 percent of such area at noon on June 21st by building, awnings, pergolas, other structures, or shade trees, constructed or planted within or adjacent to such DLA.

For purposes of this subsection a "shade tree" means a tree whose height at maturity can be expected to exceed 20 feet, and of a species, according to its shape, size, and leaf size, that can be expected to provide shade during the growing season. (Please refer to LUO Appendix E, page E-13, "Trees for Shading" for examples of appropriate tree species for provision of shade.)

b. DLA can be reduced to 10 percent of the land area if it is legally, practically, and visually accessible to the general public.

c. The DLA can be reduced to 7 percent of the land area if it meets both the criteria set forth in (d)(1)b and (d)(1)c.

(2) The dollar value of the urban amenities to be installed within the downtown livability area shall equal an amount to **7** percent of the assessed value of the land that constitutes the development site, determined as of the date the development permit is approved**.**

When a development that is subject to this requirement contains a residential component, and the developer either provides recreation facilities or makes a payment in lieu to satisfy the requirements of this article, then such developer shall receive a credit toward the fulfillment of such developer's urban amenities obligation, if the amenities are publicly accessible**,** in the amount of 50 percent of the dollar value of the recreational facilities installed (determined by multiplying the recreational points associated with the facilities installed by the dollar value of such points as set forth in the town's miscellaneous fees and charges schedule) or the dollars paid in lieu of installing facilities.

(e) **Reserved.**

(f) The dollar value of the urban amenities shall be determined in the permit review process. The developer shall submit sufficiently detailed information as to the particular amenities to be installed and the cost of such amenities to allow the permit issuing authority to determine whether the requirements of this section will be satisfied.

(g) The requirements of this section shall not apply to permits issued for single-family or two-family dwellings or to those developments described in Section 15-197 of this article.

(h) The requirements of this section shall not apply to previously developed lots if the developer demonstrates to the reasonable satisfaction of the permit issuing authority that the cost of the work proposed under the new permit is less than 50 percent of the assessed value of the improvements already on the lot when the applications for the new permit is filed.

(i) For the purposes of this section, the term "development site" shall mean the lot where the development occurs, except that if less than 50 percent of such lot is proposed to be

the subject of improvements authorized under the requested permit (including the construction of buildings, parking, landscaping, and/or significant improvements), then the term "development site" shall refer just to the portion of such lot where the improvements authorized by the permit are to be constructed.

Section 15-205_Fees in Lieu of Downtown Livability Area and Urban Amenities

(a) When the permit-issuing authority determines that it is physically impossible or impracticable for a development to satisfy the downtown livability area and urban amenities requirements of Section 15-204, then the permit-issuing authority may authorize the developer to pay a fee to the town's downtown livability area and urban amenities fund in lieu of complying with such requirements. The permit authority may allow such a payment in lieu only if it concludes that the objectives set forth in Subsection 15-204(a) could also be adequately met by having the town construct urban amenities on town property that is located within the downtown area. For purposes of this subsection, "town property" means property that is owned by the town or that the town has made plans to acquire within a reasonable time.

(b) The amount of the fee paid under this section in lieu of downtown livability area shall be equal to the product of the number of normally required square footage of DLA that is not being provided times the per square foot assessed value of the lot on which such development is proposed. The amount of the fee paid under this section in lieu of urban amenities shall be determined as follows: the dollar amount of urban amenities that would otherwise be required to be constructed on the development site in accordance with the provisions of Section 15-204 shall be calculated, and from this amount shall be subtracted the dollar amount of urban amenities (if any) that are placed on the development site within any downtown livability areas that are provided.

(c) With respect to any development that is authorized to pay a fee in lieu of providing downtown livability area or urban amenities, no use may be commenced, lot sold, or building occupied unless the fee has been paid. If a development is intended to be sold or occupied on a phase-by-phase basis, payment of the fee relating to each phase must first be made.

Section 15-206 Ownership and Maintenance of Downtown Livability Areas and Urban Amenities

(a) Downtown livability areas and urban amenities provided in accordance with Section 15-204 shall remain under the ownership and control of the developer (or his successor) or a property owners' association or similar organization that satisfies the criteria established in Section 15-201. Such downtown livability areas and urban amenities shall be made available to all owners, residents, occupants, and tenants of the development under reasonable rules and regulations established to encourage and govern the use of such downtown livability areas and urban amenities by the users without payment of separate optional fees or charges other than membership fees in a property owners' association.

(b) The person or entity identified in subsection (a) as having the right of ownership and control over such downtown livability areas and urban amenities shall be responsible for the continuing upkeep and proper maintenance of the same.

Sections 15-207 through 15-209 Reserved.

ARTICLE XIV

STREETS AND SIDEWALKS

Section 15-210 Street Classification.

(a) In all new subdivisions, streets that are dedicated to public use shall be classified as provided in subsection (b).

(1) The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day;

(2) The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;

(3) Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(b) The classification of streets shall be as follows:

(1) **MINOR**: A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than nine dwelling units and is expected to or does handle up to seventy-five trips per day.

(2) **LOCAL**: A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least ten but not more than twenty-five dwelling units and is expected to or does handle between seventy-five and two hundred trips per day.

(3) **CUL-DE-SAC**: A street that terminates in a vehicular turn-around.

(4) **SUBCOLLECTOR**: A street whose principal function is to provide access to abutting properties but is also designed to be used or is used to connect minor and local streets with collector or arterial streets. Including residences indirectly served through connecting streets, it serves or is designed to serve at least twenty-six but not more than one hundred dwelling units and is expected to or does handle between two hundred and eight hundred trips per day.

(5) **COLLECTOR**: A street whose principle function is to carry traffic between minor, local, and subcollector streets and arterial streets but that may also provide direct access to abutting properties. It serves or is designed to serve,

directly or indirectly, more than one hundred dwelling units and is designed to be used or is used to carry more than eight hundred trips per day.

(6) **ARTERIAL**: A major street in the town's street system that serves as an avenue for the circulation of traffic into, out, or around the town and carries high volumes of traffic. The following streets are arterial streets:

Culbreth Road	Main Street
Dairyland Road	Merritt Mill Road
Damascus Church Road	N.C. Hwy 54
Estes Drive	Old Greensboro Road
Eubanks Road	Old Hwy 86
Greensboro Street	Old Fayetteville Rd.
Hillsborough Road	Rogers Road
Homestead Road	Smith Level Road
Jones Ferry Road	Weaver Street

(AMENDED 06/04/91)

(7) **MARGINAL ACCESS STREET**: A street that is parallel to and adjacent to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

(8) **LOOP STREET**. A street having two points of intersection with the same street. **(AMENDED 06/21/94)**

(9) **ALLEY**. A one-way service road providing a secondary means of public access to abutting property and not intended for general traffic circulation with a maximum length of 550 feet. **(AMENDED 09/27/94)**

Section 15-211 Access to Public Streets in General.

Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use. **(AMENDED 5/10/83; 4/24/84)**

Section 15-212 Access to Arterial Streets.

Whenever a major subdivision that involves the creation of one or more new streets borders on or contains an existing or proposed arterial street, no direct driveway access may be provided from the lots within this subdivision onto this street.

Section 15-213 Entrances to Streets.

(a) All driveway entrances and other openings onto streets within the town's planning jurisdiction shall be constructed so that:

(1) Vehicles can enter and exit from the lot in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling on abutting streets; and

(2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

(3) In considering (1) and (2) above, the following factors shall be considered: **(AMENDED 2/4/86)**

a. The nature of the abutting street, its capacity, use, speed and flow, and reasonably anticipated changes to the street; and
b. The nature of the proposed use of the land, the traffic generated, the existence and number of drive-in window(s), the internal system for moving vehicles while on the lot; and
c. The nature of the exit and entrance, the site distance, the distance from intersections, the alignment with other drives and streets, turning controls or limitations.
d. As a minimum, no drive should be located within 250 feet of an intersection of an existing or planned arterial or collector road.

(b) As provided in G.S. 136-93, no person may construct any driveway entrance or other opening onto a state-maintained street except in accordance with a permit issued by the North Carolina Department of Transportation. Issuance of this permit is prima facie evidence of compliance with the standard set forth in subsection (a).

(c) If driveway entrances and other openings onto town-maintained streets are constructed in accordance with the specifications set forth in Appendix B to this chapter, this shall be deemed prima facie evidence of compliance with the standard set forth in subsection (a).

(d) For purposes of this section, the term "prima facie evidence" means that the permit-issuing authority may (but is not required to) conclude from this evidence alone that the proposed development complies with subsection (a).

Section 15-214 Coordination with Surrounding Streets.

(a) The street system of a subdivision shall be coordinated with existing, proposed and anticipated streets outside the subdivision or outside the portion of a single tract that is being divided into lots (hereinafter, "surrounding streets") as provided in this section.

(b) Collector streets shall intersect with surrounding collector or arterial streets at safe and convenient locations.

(c) Subject to subsection 15-217(a), subcollector, local, and minor residential streets shall connect with all surrounding streets to permit safe, convenient movement of traffic between residential neighborhoods and to facilitate access to neighborhoods by emergency and other service vehicles. The connections shall be created in such a way that they do not encourage the use of such streets by substantial through traffic. **(AMENDED 09/16/97; 05/06/03)**

(d) Whenever connections to anticipated or proposed surrounding streets are required by this section, the street right-of-way shall be extended and the street developed to the property line of the subdivided property (or to the edge of the remaining undeveloped portion of a single tract) at the point where the connection to the anticipated or proposed street is expected. In addition, the permit-issuing authority may require temporary turnarounds to be constructed at the end of such streets pending their extension when such turnarounds appear necessary to facilitate the flow of traffic or accommodate emergency vehicles. Notwithstanding the other provisions of this subsection, no temporary dead-end street in excess of 1,000 feet may be created unless no other practicable alternative is available.

Section 15-215 Relationship of Streets to Topography.

(a) Streets shall be related appropriately to the topography. In particular, streets shall be designed to facilitate the drainage and stormwater runoff objectives set forth in Article XVI, and subject to the design requirements relating to maximum grades set forth in subsection (b), street grades shall conform as closely as practicable to the original topography.

(b) As indicated in Section 15-216, the maximum grade at any point on a street constructed without curb and gutter shall be 8%. On streets constructed with curb and gutter the grade shall not exceed 8% unless no other practicable alternative is available. However, in no case may streets be constructed with grades that, in the professional opinion of the public works director, create a substantial danger to the public safety.

Section 15-216 Street Width, Sidewalk, and Drainage Requirements in Subdivisions
(AMENDED 08/27/96)

(a) Minor and local streets where the grade does not exceed 8% may be constructed without curb and gutter in accordance with the standards set forth in subsection (b). All other streets shall be constructed in accordance with the standards set forth in subsection (c). **(AMENDED 05/12/98)**

(b) Subject to subsections (d), (e), and (f), streets constructed without curb and gutter shall conform to the following standards as well as the specifications referenced in Section 15-219. To the extent practicable, the side slope of the drainage swale shall not exceed 4:1 on the street side and on the back side shall not exceed 3:1. When necessary, the minimum right-of-way

shall be expanded to accommodate the proper construction of the travel lane, shoulders, swales, and (if applicable) a sidewalk within the right-of-way.

TYPE STREET with Swales	MINIMUM ROW WIDTH	MINIMUM PAVEMENT WIDTH	BIKE LANES	MINIMUM SHOULDER WIDTH 1	MINIMUM SHOULDER WIDTH 2	SIDEWALK REQUIREMENT
MINOR	**47'**	**18'**	**NONE**	**6'**	**8'**	**NONE**
LOCAL	**47'**	**20'**	**NONE**	**6'**	**8'**	**ONE SIDE**

(AMENDED 11/19/96; 05/12/98)

(c) Subject to subsections (d), (e), and (f), collector streets and other streets not constructed according to the requirement of subsection (b) shall conform to the requirements of this subsection and the specifications referenced in Section 15-219. Only standard 90^0 curb may be constructed, except that roll-type curb may be authorized by the permit issuing authority. Street pavement width shall be measured from curb face to curb face where 90^0 curb is used, and from the back of one curb to the back of the opposite curb where roll-type curb is used.

TYPE STREET with Curb & Gutter	MINIMUM ROW WIDTH	MINIMUM PAVEMENT WIDTH	BIKE LANES	SIDEWALK REQUIREMENT
ALLEY (One-way)	**20'**	**12'**	**NONE**	**NONE**
Minor	**37'**	**18'**	**NONE**	**NONE**
Local	**43'**	**20'**	**NONE**	**ONE SIDE**
Subcollector	**50'**	**26'**	**NONE**	**BOTH SIDES**
Collector	**60'**	**34'**	**BOTH SIDES**	**BOTH SIDES**
Arterial	**NCDOT Standards**	**NCDOT Standards**	**BOTH SIDES**	**BOTH SIDES**

(AMENDED 11/19/96; 05/12/98)

(d) The Board may allow a deviation from the standards set forth in subsections (b) and (c) to allow the construction of a street divided by a landscaped median with one-way traffic proceeding in opposite directions on either side of the median. The Board may allow such a street if it finds that, if completed as proposed, such a street will (i) adequately and safely serve the functions streets are designed to serve, and (ii) will not impose on the town any undue or unreasonable costs or burdens relating to repair and maintenance.

(e) The Board may allow a deviation from the right-of-way minimums set forth in subsections (b) and (c) if it finds that (i) the deviation is needed because in order for a development to be served by a public street the street must be constructed within an area that is not of sufficient width to comply with the right-of-way criteria set forth above, (ii) a street that meets the pavement width criteria and substantially complies with the other criteria set forth above can be constructed within the right-of-way that can be made available; and (iii) that the applicant show that he has made a reasonable effort and attempted to purchase the necessary right-of-way.

(f) The Board may allow a deviation from the standard right-of-way minimums set forth in subsections (b) and (c) if it finds that the developer has obtained an agreement from the utility companies whose lines will need to be located within a street right-of-way to install such

lines in a single trench or in some other fashion that allows the street right-of-way to serve all of its intended purposes with a lesser width than that specified in subsections (b) and (c).

(g) The sidewalks required by this section shall be at least five feet wide and constructed with concrete according to the specification set forth in Appendix C, except that the permit issuing authority may permit the installation of walkways constructed with mortarless laid brick pavement according to specifications set forth in Appendix C when it concludes that: (**AMENDED 12/08/98**)

(1) Such walkways shall serve the residents of the development as adequately as concrete sidewalks; and

(2) Such walkways shall be more environmentally desirable or more in keeping with the overall design of the development.

(h) Whenever the permit issuing authority finds that a means of pedestrian access is necessary from the subdivision to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the streets, the developer may be required to reserve an unobstructed easement of at least ten feet in width to provide such access.

(i) In subdivision developments that abut a public street, sidewalks shall be constructed adjacent to such street if a sidewalk in that location is required by the officially adopted town sidewalk master plan. Whenever possible, such sidewalk shall be constructed within the public right-of-way.

(j) The sidewalks required by this section along streets with curb and gutter shall be constructed with a planting strip at least three feet in width, unless the permit-issuing authority allows the strip to be omitted or constructed at a lesser width upon a finding that such deviation from the presumptive standard is warranted to avoid environmental damage or to promote public safety. For purposes of this subsection, a planting strip shall mean a strip of land located between the back of the curb and the walkway. Such planting strips shall be planted with grass or otherwise landscaped. **(AMENDED 11/19/96; 12/08/98)**

Section 15-216.1 Street Widths, Sidewalk and Drainage Requirements in Certain Developments (AMENDED 05/06/03)

(a) When any tract of land is developed under circumstances requiring the issuance of a special or conditional use permit, the street and road design requirements for streets other than collector streets that would otherwise be determined in accordance with the provisions of Sections 15-216 and 15-221 may be modified, by approval of the permit-issuing authority, to alternative street width and construction specifications, sidewalk and drainage requirements, as illustrated in Appendix C, for developments that

1) involve the extension of, or connection to, existing Town streets, the construction specifications of which do not meet the minimum standards established in Section 15-216 in association with Section 15-210 Street Classification;
2) meet the following low-impact development criteria:

    a) preserves open space and minimizes land disturbance;
    b) protects natural systems and preserves natural processes (including, but not limited to, drainage ways, vegetation, soils, and other sensitive areas);
    c) maximizes the incorporation of natural site elements (including, but not limited to, wetlands, stream corridors, and mature forests), and;
    d) decentralizes and micromanages stormwater at its source to the maximum extent practicable.

3) include a minimum of 15 percent affordable housing units (as defined in Section 15-182.4(a).

(b) Streets constructed in accordance with this Section shall conform to the following standards as well as specifications presented in Appendix C.

Type Street Alternative	**Minimum ROW Width**	**Minimum Pavement Width**	**Bike Lanes**	**Minimum Shoulder Width 1 2**	**Sidewalk Requirement**
Local	59'	20'	NONE	9 (2)	ONE SIDE
Subcollector	73'	26'(1)	NONE	9 (2)	BOTH SIDES (3)

(1) Minimum pavement width may include the concrete grade beam illustrated in Standard Drawing No. 27, or structural equivalent as approved by the Town Engineer.
(2) Nine feet of width may include a 3-foot planting strip, 5-foot sidewalk, and 1-foot separation between sidewalk and drainage/water quality structure.
(3) May be modified by the permit-issuing authority.
(4) Construction requirements as required in Appendix C and D of the Land Use Ordinance, unless otherwise specifically modified by these provisions or the notes included on standards in Appendix C and D.

(c) The permit-issuing authority may reduce the sidewalk requirement for subcollector streets meeting the alternative street standard from both sides to one side of the road if

    a. The development contains a parallel system that is integrally designed and provides pedestrian access to the interior of the site;
    b. Any new public street passing through the development and the bulk of the facilities and activities are to occur on one side of the road;

c. Any new public street connects to an existing street that does not meet publics street standards and where the site conditions indicate that the full upgrade of the street to the town standards would not be practicable; and
d. The developer is participating in off-site construction of, or improvements to public sidewalks that will connect the new development with the town's sidewalk system.

Section 15-217 General Layout of Streets.

(a) To the extent practicable, all streets shall be interconnected. Cul-de-sacs shall not be used unless the topography of the land does not allow a design that would make an interconnecting street practicable. **(AMENDED 09/16/97; 09/28/99)**

(b) All permanent dead-end streets [as opposed to temporary dead-end streets, see subsection 15-214(d)] shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (c), unless construction of such cul-de-sacs is not reasonably possible given such factors as steep slopes or right-of-way limitations. Under such circumstances, the town may approve alternative designs that will provide a safe and convenient means for vehicular traffic to turn around (alternatives are suggested in Appendix C, Standard Drawing No. 19). Except where no other practicable alternative is available, such streets may not extend more than 550 feet (measured to the center of the turn-around). **(AMENDED 09/27/94, 09/16/97)**

(c) The right-of-way of a cul-de-sac shall have a radius of 60 feet if constructed without curb and gutter or a radius of 52 feet if constructed with curb and gutter. The radius of the paved portion of the turn-around for streets constructed without curb and gutter shall be 42' (measured to the outer edge of pavement) and for streets constructed with curb and gutter shall be 44.5' (measured to the back of the outer curb). If a developer chooses to provide an unpaved center island in the cul-de-sac, the island shall be landscaped and shall not be dedicated to the public; it shall remain under the ownership and control of the developer (or his successor) or a homeowners association or similar organization that satisfies the criteria established in Section 15-201. Cul-de-sacs containing center islands shall have a minimum pavement width of 18 feet if constructed without curb and gutter or 20 feet if constructed with curb and gutter (measured from inner edge of pavement to face of curb). Mountable 45° curbing shall be installed around the island in accordance with Town of Carrboro design specifications. Minimum design and construction specifications for cul-de-sacs are set forth in Appendix C.

Asymmetrical cul-de-sacs may be allowed with the approval of the public works director, town engineer, fire chief, and the applicable permit issuing authorities. **(AMENDED 2/20/90; 08/08/95; 09/16/97)**

(d) Half streets (i.e., streets of less than the full required right-of-way and payment width) shall not be permitted except where such streets, when combined with a similar street (developed previously or simultaneously) on property adjacent to the subdivision, creates or comprises a street that meets the right-of-way and pavement requirements of this chapter. **(AMENDED 09/16/97)**

(e) Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available. **(AMENDED 09/16/97)**

(f) Alleys shall not intersect with any arterials and shall meet the "Entrances to Streets" standards of Section 15-213. Alley radii at street intersections shall not be less than 15 feet. Alleys may run adjacent to lot line boundaries only and not parallel and adjacent to street right-of-way or front property boundaries. In determining conformance with Section 15-184(a), Setback Requirements, the right-of-way lines associated with alleys shall be regarded as lot boundary lines and not street right-of-way lines. **(AMENDED 09/27/94; 09/16/97)**

(g) To the extent practicable, portions of subcollector and collector streets that consist of stretches of 800 feet or more uninterrupted by intersections suitable for stop signs shall contain design features intended to discourage speeding and cut-through traffic, including but not limited to one or more of the following:

(1) Curves with radius of 800 feet or less; or

(2) Design features described in the town's Residential Traffic Management Plan.

(AMENDED 09/16/97)

Section 15-218 Street Intersections.

(a) Streets shall intersect as nearly as possible at right angles, and no two streets may intersect at less than 60°. Not more than two streets shall intersect at any one point, unless the public works director certifies to the permit issuing authority that such an intersection can be constructed with no extraordinary danger to public safety.

(b) Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet except as provided in subsection (d). **(AMENDED 4/26/88)**

(c) Except as otherwise provided in subsection (d) and (e): **(AMENDED 4/26/88; REWRITTEN 1/26/10)**

(1) No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street.

(2) When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet.

(d) The provisions of this section shall not operate to prohibit any property from having direct access onto an adjacent public street, and when a literal application of the provisions of this section would otherwise prohibit all such access, the permit-issuing authority may allow the minimum deviation from the requirements of this section that is necessary to provide reasonable access. **(AMENDED 4/26/88)**

(e) Notwithstanding the foregoing, two streets may intersect with another street on the same side at a distance of less than 400 feet, measured from centerline to centerline of the intersecting streets, if the street with which the two streets intersect is connected to a street within a village mixed use development and a development itself is adjacent to a village mixed use development. However, in no event, may the two streets intersect at a distance of less than 125 feet. **(AMENDED 1/26/10).**

Section 15-219 Construction Standards and Specifications.

Construction and design standards and specifications for streets, sidewalks, and curbs and gutters are contained in Appendix C, and all such facilities shall be completed in accordance with these standards.

Section 15-220 Public Streets and Private Roads in Subdivisions.

(a) Except as otherwise provided in this section, all lots created after the effective date of this section shall abut a public street at least to the extent necessary to comply with the access requirement set forth in Section 15-211. For purposes of this subsection, the term "public street" includes a pre-existing public street as well as a street created by the subdivider that meets the public street standards of this chapter and is dedicated for public use. Unless the recorded plat of a subdivision clearly shows a street to be private, the recording of such a plat shall constitute an offer of dedication of such street. **(AMENDED 2/14/84)**

(b) Architecturally integrated residential subdivisions containing either twenty-five or more units, or consisting of four or more multi-family townhomes, may be developed with private roads that do not meet the public street and sidewalk standards of this chapter as long as: **(AMENDED 11/26/85; 6/25/02)**

(1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;

(2) No road intended to be private is planned to be extended to serve property outside that development; and

(3) The standards applicable to unsubdivided developments set forth in Section 15-221 and 15-222 are complied with.

(c) Subdivisions containing any number of lots may be developed with private roads that do meet the public street and sidewalk standards of this chapter but that are not intended for dedication to the public so long as:

(1) The proposed development will have direct access onto a public street or, if the tract has access to a public street only via a private road, such private road is improved to public street standards;

(2) No road intended to be private is planned or expected to be extended to serve property outside the development; and

(3) The subdivider demonstrates to the reasonable satisfaction of the Board that the private roads will be properly maintained.

(d) A subdivision in which the access requirement of Section 15-211 is satisfied by a private road that meets neither the public street standards nor the standards set forth in Section 15-221 may be developed so long as, since the effective date of this chapter, not more than three lots have been created out of that same tract.

(1) The intent of this subsection is primarily to allow the creation of not more than three lots developed for single-family residential purposes. Therefore, the permit-issuing authority may not approve any subdivision served by a private road authorized under this subsection in which one or more of the lots thereby created is intended for (i) two-family or multi-family residential user or (ii) any non- residential use that would tend to generate more traffic than that customarily generated by three single-family residences.

(2) To ensure that the intent of this subsection is not subverted, the permit-issuing authority may, among other possible options, require that the approved plans show the types and locations of buildings on each lot or that the lots in a residential subdivision served by a private road authorized under this subsection be smaller than the permissible size lots on which two-family or multi- family developments could be located or that restrictive covenants limiting the use of the subdivided property in accordance with this subsection be recorded before final plat approval.

(e) No final plat that shows lots served by private roads may be recorded unless the final plat contains the following notations:

(1) "Further subdivision of any lot shown on this plat as served by a private road may be prohibited by the Carrboro Land Use Ordinance."

(2) "The policy of the Town of Carrboro is that, if the town improves streets (i) that were never constructed to the standards required in the Carrboro Land Use Ordinance for dedicated streets, and (ii) on which 75% of the dwelling

units were constructed after July 1, 1979, 100% of the costs of such improvements shall be assessed to abutting landowners."

(f) The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchaser of a newly created lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road, in accordance with the requirements set forth in G.S. 136-102.6. The intention of this subsection is to afford the same protection to purchasers of lots on private roads within the town as is provided to purchasers of lots outside the town by G.S. 136-102.6.

(g) For purposes of this section, a private road meets the public street and sidewalk standards of this chapter if it is designed and constructed and sufficient setbacks are provided so that, if intended for dedication, it could be accepted as a public street in conformity with the requirements of this chapter. **(AMENDED 11/26/85)**

(h) Notwithstanding the other provisions of this section, the town may prohibit the creation of a private road if the creation of such a road would avoid the public street interconnection requirements set forth in Sections 15-214 and 15-217(a). **(AMENDED 6/25/02)**

Section 15-220.1 Design Standards for Village Mixed Use Developments (AMENDED 5/28/02)

(a) Village mixed use developments may be designed in accordance with the North Carolina Department of Transportation Traditional Neighborhood Development (TND) Guidelines, August 2000. Where specific NCDOT TND design guidelines have been established, these may supercede any related street design standards contained in this Ordinance, as well as standards and guidelines for utilities, landscaping and similar considerations. In the absence of TND specific design guidelines, the existing standards, criteria, guidelines or policies shall be applied.

(b) For purposes of implementing the NCDOT TND Guidelines, a village mixed use development shall be deemed to be a "classic" TND.

Section 15-221 Road and Sidewalk Requirements in Unsubdivided Developments.

(a) Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicle and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this chapter dealing with parking (Article XVIII) and drainage (Article XVI). To the extent not otherwise covered in the foregoing articles, and to the extent that the requirements set forth in this article for subdivision streets may be relevant to the roads in unsubdivided developments, the requirements of this article may be applied to satisfy the standards set forth in the first sentence of this subsection.

(b) Whenever (i) a lot is proposed to be developed residentially for more than four dwelling units or non-residentially in such a fashion as to generate more than 40 vehicle trips per day, and (ii) if the lot were to be subdivided, a street would be required running through the lot to provide a connection between existing or planned adjacent streets in accordance with the provisions of Sections 15-214 and 15-217(a), then the developer shall be required to construct and dedicate the same street that would have been required had the property been subdivided.
(AMENDED 6/25/02)

(c) In all unsubdivided residential developments, sidewalks shall be provided linking dwelling units with other dwelling units, the public street, and on-site activity centers such as parking areas, laundry facilities, and recreational areas and facilities. Notwithstanding the foregoing, sidewalks shall not be required where pedestrians have access to a road that serves not more than nine dwelling units. **(AMENDED 4/24/84)**

(d) Whenever the permit issuing authority finds that a means of pedestrian access is necessary from an unsubdivided development to schools, parks, playgrounds, or other roads or facilities and that such access is not conveniently provided by sidewalks adjacent to the roads, the developer may be required to reserve an unobstructed easement of at least ten feet to provide such access.

(e) In unsubdivided nonresidential developments that abut a public street, sidewalks shall be constructed adjacent to such street if a sidewalk in that location is required by the officially adopted town sidewalk master plan. Whenever possible, such sidewalk shall be constructed within the public right-of-way.

(f) The sidewalks required by this section shall be at least five feet wide, except that, where practicable, the sidewalks in the B-l(c), B-l(g), B-2, and C-T zoning districts shall be at least ten feet wide. Sidewalks are to be constructed according to the specifications set forth in Appendix C, except that the permit issuing authority may permit the installation of walkways constructed with other suitable materials when it concludes that: **(AMENDED 12/08/98; 4/8/03)**

(1) Such walkways would serve the residents of the development as adequately as concrete sidewalks; and

(2) Such walkways could be more environmentally desirable or more in keeping with the overall design of the development.

<u>Section 15-222 Attention to Handicapped in Street and Sidewalk Construction.</u>

(a) As provided in G.S. 136-44.14, whenever curb and gutter construction is used in public streets, wheelchair ramps for the handicapped shall be provided at intersections and other major points of pedestrian flow. Wheelchair ramps and depressed curbs shall be constructed in accordance with published standards of the N.C. Department of Transportation, Division of Highways.

(b) In unsubdivided developments sidewalk construction for the handicapped shall conform to the requirements of Section (11X) of the North Carolina State Building Code.

Section 15-223 Street Names and House Numbers.

(a) Street names shall be assigned by the developer subject to the approval of the permit issuing authority. Proposed streets that are obviously in alignment with existing streets shall be given the same name. Newly created streets shall be given names that neither duplicate nor are phonetically similar to existing streets within the town's planning jurisdiction, regardless of the use of different suffixes [such as those set forth in subsection (b)].

(b) Street names shall include a suffix such as the following:

(1) Circle: A short street that returns to itself.

(2) Court or Place: A cul-de-sac or dead-end street.

(3) Loop: A street that begins at the intersection with one street and circles back to end at another intersection with the same street.

(4) Street: All public streets not designated by another suffix.

(c) Building numbers shall be assigned by the town as provided in Section 7-32 of the Town Code.

Section 15-224 Bridges.

All bridges in subdivided and unsubdivided developments shall be constructed in accordance with the standards and specifications of the N.C. Department of Transportation, except that bridges on roads not intended for public dedication in unsubdivided developments may be approved if designed by a licensed architect or engineer.

Section 15-225 Utilities.

Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in Article XV, Utilities.

Section 15-226 Road Standards in the University Lake Watershed.

Notwithstanding any provision in this ordinance to the contrary, roads in the University Lake Watershed shall not be constructed with curb and gutter. **(AMENDED 11/11/86)**

Section 15-227 through 15-235 Reserved.

ARTICLE XV

WATER AND WASTEWATER, OUTDOOR LIGHTING, AND MISCELLANEOUS UTILITIES (REWRITTEN 4/20/10)

PART 1. WATER AND WASTEWATER

Section 15-236 Utility Ownership and Easement Rights.

In any case in which a developer installs or causes the installation of water, sewer, electric power, telephone, or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 15-237 Lots Served by OWASA-Owned Water and Sewer Lines.

(a) Subject to subsection (d), whenever it is legally possible and practicable in terms of topography to connect a lot with a water or sewer line owned by the Orange Water and Sewer Authority (OWASA) by running a connecting line not more than the distance specified in subdivision (1) below from the lot to the point of connection, then no use requiring water or sewage disposal service may be made of such lot unless connection is made to the OWASA line. **(AMENDED 2/24/87)**

(1) If the tract in question is proposed to be developed for residential purposes, then the distance within which connection must be made shall be 200 feet plus 10 feet for each unit in excess of 4 units on the development tract. If the tract in question is proposed to be developed for nonresidential purposes, then the distance within which connection must be made shall be determined by transposing the projected demand of the proposed non-residential use into the demand created by an equivalent number of average residential units and using the foregoing formula.

(2) In determining units in a development, tracts proposed to be subdivided and not using architecturally integrated subdivisions shall have their total unit potential determined by calculating the maximum number of units allowable for each proposed lot. The total number of units proposed on other developments shall be shown on the proposed site plan.

(b) Connection to the OWASA line is not legally possible if, in order to make connection with the OWASA line by a connecting line that does not exceed a distance

determined in accordance with subsection (a), it is necessary to run the connecting line over property not owned by the owner of the property to be served by the connection, and after diligent effort, the easement necessary to run the connecting line cannot reasonably be obtained.

(c) For purposes of this article, a lot is "served" by the OWASA system if the lot is connected to that system or if connection is required by this section.

(d) This section shall not operate either to require or prevent the extension of water or sewer lines to lots within the WR, C, B-5, or WM-3 zoning districts. **(AMENDED 05/15/90)**

Section 15-238 Sewage Disposal Facilities Required.

(a) Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot, and that complies with all applicable health regulations.

(b) Notwithstanding any other provisions of this article, no sewage treatment system other than individual on site septic systems or individual on site alternative disposal systems approved by the Orange County Health Department or the appropriate state or federal agency and serving a single unit shall be allowed within the WR, C, B-5, and WM-3 zoning districts, except that any lots in the Rangewood Subdivision that were benefited by OWASA's previous water and sewer extension project and which appear on OWASA's final assessment role for that project may be connected to OWASA's water and/or sewer lines as long as all assessments, fees, and charges have been paid or are up-to-date. **(AMENDED 09/01/92)**

(c) Notwithstanding any other provisions of this article, no sewage collection system shall be allowed within the WR, C, B-5, and WM-3 zoning districts except to remedy a public health emergency not otherwise correctable such as (but not limited to) a failing septic system or failing package treatment plant as determined by the Orange County Health Department or appropriate state or federal agency. **(AMENDED 5/3/88; 6/23/88; 5/15/90)**

Section 15-239 Determining Compliance With Section 15-238.

(a) Primary responsibility for determining whether a proposed development will comply with the standard set forth in Section 15-238 often lies with an agency other than the town, and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed sewage disposal system, the authority issuing a permit under this chapter may rely upon a preliminary review by such agency of the basic design elements of the proposed sewage disposal system to determine compliance with Section 15-238. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the town

whether the proposed sewage disposal system complies with the standards set forth in Section 15-238.

IF	THEN
1. The use is located on a lot that is served by the OWASA sewer system or a previously approved, privately owned packaged treatment plant, and the use can be served by a simple connection to the system (as in the case of the single-family residence) rather than the construction of an internal collection system (as in the case of a shopping center or apartment complex)	No further certification is necessary
2. The use (other than a subdivision) is located on a lot that is served by the OWASA sewer system but service to the use necessitates construction of an internal collection system (as in the case of a shopping center or apartment complex); and	
a. The internal collection system is to be transferred to and maintained by OWASA;	OWASA must certify to the Town that the proposed internal collection system meets OWASA's specifications and will be accepted by OWASA. (A "Permit to Construct" must be obtained from the Division of Environmental Management of the NC Department of Natural Resources and Community Development.)
b. The internal collection system is to be privately maintained.	The public works director must certify that the proposed collection system is adequate.
3. The use (other than a subdivision) is not served by the OWASA system but is to be served by a privately operated sewage treatment system (that has not previously been approved) with 3000 gallons per day or less design capacity, the effluent from which does not discharge to surface waters.	The Orange County Health Department (OCHD) must certify to the Town that the proposed system complies with all applicable State and local health regulations. If the proposed use is a single dwelling other than a mobile home, the developer must obtain an improvements permit from the OCHD. If the proposed use is a single family mobile home, the developer must present to the Town a certificate of completion from the OCHD.

4. The use (other than a subdivision is to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity of more than 3000 gallons per day or that discharges effluent into surface waters.	The Division of Environmental Management of the NC Department of Natural Resources and Community Development must certify to the Town that the proposed system complies with all applicable State regulations, (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEM.)
5. The proposed use is a subdivision; and	
a. Lots within the subdivision are to be served by simple connection into existing OWASA lines or lines of a previously approved private system;	No further certification is necessary
b. Lots within the subdivision are to be served by the OWASA system butt the developer will be responsible for installing the necessary additions to the OWASA system;	OWASA must certify to the Town that the proposed system meets OWASA's specifications and will be accepted by OWASA. (A "Permit to Construct" must be obtained from the Division of Environmental Management of the NC Department of Natural Resources and Community Development.)
c. Lots within the subdivision are to be served by a sewage treatment system that has not been approved, that has a design capacity of 3000 gallons per day or less, and that does not discharge into surface waters;	The OCHD must certify that the proposed system complies with all applicable State and local health regulations. If each lot within the subdivision is to be served by separate on-site disposal system, the OCHD must certify that each lots shown on a major subdivision preliminary plat can probably be served, and each lot on a major or minor subdivision final plat can be served by an on-site disposal system.
d. Lots within the subdivision are to be served by a privately operated sewage treatment system (not previously approved) that has a design capacity in excess of 3000 gallons per day or that discharges effluent into surface waters.	The Division of Environmental Management of the NC Department of Natural Resources and Community Development must certify that the proposed system complies with all applicable State regulations. (A "Permit to Construct" and a "Permit to Discharge" must be obtained from DEM.)

(c) Any certification by OWASA pursuant to (b)2.a. or (b)5.b. of this section shall identify on appropriate project plans, the locations of all easements which OWASA will require from the developer. **(AMENDED 5/3/88)**

Section 15-240 Water Supply System Required.

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Section 15-241 Determining Compliance with Section 15-240.

(a) Primary responsibility for determining whether a proposed development will comply with standards set forth in Section 15-240 often lies with an agency other than the town and the developer must comply with the detailed standards and specifications of such other agency. The relevant agencies are listed in subsection (b). Whenever any such agency requires detailed construction or design drawings before giving its official approval to the proposed water supply system, the authority issuing a permit under this chapter may rely upon a preliminary review by such agency of the basic design elements of the proposed water supply system to determine compliance with Section 15-240. However, construction of such system may not be commenced until the detailed plans and specifications have been reviewed and any appropriate permits issued by such agency.

(b) In the following table, the column on the left describes the type of development and the column on the right indicates the agency that must certify to the town whether the proposed water supply system complies with the standards set forth in section 15-240.

IF	THEN
1. The use is located on a lot that is served by the OWASA water system or a previously ap-proved, privately owned public water supply system and the use can be served by a simple connection to the system (as in the case of a single family residence) rather than the construction of an internal distribution system (as in the case of shopping center of apartment complex).	No further certification is necessary
2. The use (other than a subdivision) is located on a lot that is served by the OWASA water system but service to the use necessitates construction of an internal distribution system (as in the case of a shopping center or apartment complex); and	

a. The internal distribution system is to be transferred to and maintained by OWASA;	OWASA must certify to the Town that the proposed internal distribution system meets OWASA's specifications and will be accepted by OWASA. (A "Permit to Construct" must be obtained from the Division of Health Services of the NC Department of Human Resources.)
b. The internal distribution system is to be privately maintained.	The public works director must certify that the proposed distribution system is adequate.
3. The use (other than a subdivision) is located on a lot not served by the OWASA system or a previously approved, privately owned public water supply system; and	
a. The use is to be served by a privately owned public water supply that has not previously been approved.	The Division of Health Services of the NC Department of Human Resources must certify that the proposed system complies with all applicable State and federal regulations. (A "Permit to Construct" must be obtained from DHS.) The Division of Environmental Management of the NC Department of Natural Resources and Community Development must also approve the plans if the water source is a well and the system has a design capacity of 100,000 gallons per day or is located in certain areas designated by DEM. OWASA must also approve the distribution lines for possible future addition to the OWASA system.
b. The use is to be served by some other source (such as an individual well).	The OCHD must certify that the proposed system meets all applicable State and local regulations.
4. The proposed use is a subdivision; and	
a. Lots within the subdivision are to be served by simple connection to existing OWASA lines or lines of a previously approved public water supply system;	No further certification is necessary.
b. Lots within the subdivision are to be served by the OWASA system, developer will be responsible for installing the necessary additions to the OWASA system;	OWASA must certify to the Town that the proposed system meets OWASA's specifications and will be accepted by OWASA. (A "Permit to Construct" must be obtained from the Division of Health Services of the NC Department of Human Resources.
c. Lots within the subdivision are	The Division of Health Services of the NC Department Human Resources must certify that

serve by a privately owned public water supply system that has not previously been approved.	the proposed system complies with all applicable State and federal regulations. (A "Permit to Construct" must be obtained from DHS.) The Division of Environmental Management of the NC Department of Natural Resources and Community Development must also approve the plans if the water source is a well and the system. has a design capacity of 100,000 gallons per day or is located within certain areas designated by DEM. OWASA must also approve the distribution lines for possible future addition to the OWASA system.
d. Lots within the subdivision are to be served by individual wells.	The OCHD must certify to the Town that each lot intended to be served by a well can be served in accordance with applicable health regulations.

PART II. OUTDOOR LIGHTING

Section 15-242_ Purpose and Intent (AMENDED 4/20/10)

(a) The Board finds that outdoor lighting serves a number of beneficial purposes. For work or recreation, it enables people to see essential detail in order that they may undertake their activities at night. It facilitates the safety and security of persons and property, for example through lighting on roads and pathways and the entrances to buildings. It may be used to emphasize features of architectural or historical significance, and to light parks and gardens. It is used for advertising or display to promote products or services, or to call attention to commercial premises by means of area lighting or signs. However, excessive or inappropriately directed lighting may create unwanted glare, interfere with observation of the nighttime sky, waste valuable energy supply, and otherwise interfere with the use or enjoyment of adjoining or nearby public or private property.

(b) It is the intent of this part to preserve, protect, and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems by providing for the installation of individual fixtures and lighting systems that are designed and installed to maintain safety, security and productivity, and to curtail the degradation of the nighttime visual environment.

Section 15-242.1_ Definitions

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this part.

(1) Direct Light: Light emitted directly from the lamp, off of the reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

(2) Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

(3) Floodlight: A form of lighting designated to direct its output more or less in a specific direction.

(4) Footcandle: (fc) The total amount of light or illuminance cast on a surface and equivalent to the light produced by a source of one (1) candle measured at a distance of one (1) foot

(5) Full cut-off luminaries: A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire.

(6) Fully Shielded: Outdoor light fixtures with opaque top and sides, capable of only emitting light in the lower photometric hemisphere as installed.

(7) Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, or cause annoyance and discomfort, and, in extreme cases, causing momentary blindness.

(8) IESNA: Illuminating Engineering Society of North America, a non-profit society of professional lighting specialists that has developed a series of recommended standards for a variety of lighting applications.

(9) Lamp: The component of the luminaire that produces the light and commonly referred to as the "bulb."

(10) Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

(11) Lumen: The unit used to quantify the amount of light energy produced by a lamp at the lamp. Lumen output of most lamps is listed on the packaging. For example, a 60-watt incandescent lamp produces 950 lumens while a 55-watt low-pressure sodium lamp produces 8000 lumens.

(12) Luminaire: A complete lighting system that includes light source and all necessary mechanical, electrical, and decorative parts.

(13) Maintained Foot Candle: Illuminance of lighting fixtures adjusted for dirt buildup and lamp output depreciation.

(14) Wall Pack: A type of light fixture typically flush-mounted on a vertical wall surface.

Section 15-242.2 Applicability

(a) The provisions of this part apply to developments for which permits are issued after the effective date of this part; therefore developments that exist on the effective date of this part that do not comply with its provisions shall not be regarded as nonconforming. However, when new luminaries are installed or existing luminaries are replaced, they shall comply with this part.

(b) Notwithstanding the provisions of subsection (a) of this section, luminaires installed prior to the effective date of this part that violate the following provisions shall be brought into compliance or removed within three months after the date of notification of the violation: Section 15-242.5 (d).

(c) Regulations applicable to the lighting of signs are found in Article XVII of this chapter, particularly Section 15-281.

(d) The provisions of this part do not apply to:

(1) Streetlights installed on public streets.

(2) Traffic control signals and devices.

(3) Temporary emergency lighting (i.e. fire, police, repair workers, etc.).

(4) Moving vehicle lights.

(5) Navigation lights (i.e. airports, heliports, radio/television towers, etc.).

(6) Seasonal decorations with individual lights in place no longer than 60 consecutive days.

(7) Security lights that are controlled by a motion-sensor switch that does not allow the lights to remain on longer than 12 minutes after activation, so long as the lamps do not exceed 150 watts and 2,200 lumens.

Section 15-242.3 Minimum Lighting Requirements for Security

(a) All streets, sidewalks, and other common areas or facilities in subdivisions shall be sufficiently illuminated to ensure the security of property and the safety of persons using such streets, sidewalks, and other common areas or facilities.

(b) All roads, driveways, sidewalks, parking lots, and other common areas or facilities in unsubdivided developments shall be sufficiently illuminated to ensure the security of property and the safety of persons using such roads, driveways, sidewalks, and other common areas or facilities.

(c) All entrances and exits in buildings used for non-residential purposes and in multi-family residential dwellings containing more than four dwelling units shall be adequately lighted to ensure the safety of persons and the security of such buildings.

Section 15-242.4 Subdivisions

(a) With respect to street lighting for subdivision streets that (i) are located on property within the town at or about the time of final plat approval, and (ii) are intended to be dedicated to the town, the developer shall coordinate with the electric utility company to ensure that all

facilities necessary for the installation of street lights in accordance with the town's street lighting policy are put in place. "As a condition of construction plan approval, all public street lighting is to be installed by the developer prior to street acceptance by the town. The developer shall be responsible for all installation cost and monthly billing until the public streets are accepted onto the town's street maintenance system."

(b) With respect to street lighting for subdivision streets that (i) are located on property that is not within the town at or about the time of final plat approval, and (ii) are intended to be dedicated to the public (i.e. to the N.C. Department of Transportation initially and eventually to the town when the subdivision is annexed), the developer shall coordinate with the electric utility company to see that all facilities necessary for the installation of street lights in accordance with the town's street lighting policy are put in place. The installation of street lights that are consistent with town policies may then be provided for either by an arrangement between the developer or a property owners association and the electric utility company until such time as the subdivision is annexed.

(c) With respect to street lighting for subdivision streets that are not intended to be dedicated to the town, the developer shall provide for the installation and maintenance (either by the developer or a successor property owners association) of a street lighting system that will provide sufficient lighting for safety and security purposes.

Section 15-242.5__General Standards

(a) Unless otherwise specified, under no circumstances may the light level at a lot line exceed .2 foot candles. A limitation of 2.0 footcandles shall generally apply to lot lines in the B-1(c) and B-1(g) zoning districts. However, a limitation of .2 footcandles shall apply to lot lines of properties zoned B-1(c) or B-1(g) under any of the following circumstances:

(1) Where such lot lines separate properties zoned B-1(c) or B-1(g) from properties zoned residential;

(2) If and to the extent that properties zoned residential lie directly across a street from the lot lines of properties zoned B-1(c) or B-1(g);

(3) Where such lot lines separate properties zoned B-1(c) or B-1(g) from properties that are not zoned residential but that are used for residential purposes and were so used on the effective date of this subsection;

(4) If and to the extent that properties that are not zoned residential but are used for residential purposes and were so used on the effective date of this subsection lie directly across a street from the lot lines of properties zoned B-1(c) or B-1(g).

(b) Vegetative buffers shall not be used to satisfy the standards set forth in subsection (a) of this section.

(c) Any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens shall be fully shielded and shall be located to prevent glare and light trespass beyond the property boundary (including onto adjacent streets).

(d) The recommended maximum light output is 70,000 lumens per acre for lots developed for commercial or multi-family purposes and 6,500 lumens per acre for lots developed for all other purposes. This recommended maximum does not apply to those uses regulated by Sections 15-242.6, 15-242.7, and 15-242.8.

(e) Floodlights with external shielding shall be angled provided that no light is directed above a twenty-five (25) degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public or private rights-of-way. Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m are encouraged.

(f) The presumptive standard for the maximum height of light poles is fifteen (15) feet in height. The Board recognizes that due to the particularities of any given development, the inflexible application of a height maximum for lighting fixtures may result in a development with excessive energy consumption or light fixtures that are incompatible with the scale or style of a development. These situations can result in a waste of money that could more desirably be used for valuable development amenities or environmentally useful features. Therefore, the permit-issuing authority may permit deviations from the presumptive requirements and may require shorter light fixtures or allow taller light fixtures whenever it finds that such deviations are more likely to satisfy the standard set forth in subsections 15-242 (a) and (b) and that the lighting complies in all other respects with the requirements of this part.

(1) Without limiting the generality of the foregoing, the permit-issuing authority may allow or require deviations from the light fixture height maximum set forth in Subsection 15-242.5 (f) when it finds that:

a. An existing multi-family residential development of greater than four (4) units is seeking to improve security and safety for residents by increasing the number of light fixtures and is also seeking to utilize light fixtures that are similar in size and style to existing fixtures; or

b. Lighting fixtures on neighboring property are substantially lower in height than the maximum that would be allowed and taller light fixtures would result in a discernible negative impact in terms of excessive illumination and glare.

(2) Whenever the permit-issuing authority allows or requires a deviation from the presumptive lighting fixture height requirements set forth in Subsection 15-242.5(e) it shall enter on the face of the permit the lighting fixture height requirement that it imposes and the reasons for allowing or requiring the deviation.

(g) All wall packs shall be fully shielded.

(h) All luminaires shall be shielded or oriented in such a way as to direct light toward the earth's surface and away from reflective surfaces.

(i) Luminaires designed to illuminate building facades, architectural features, or landscaping shall be oriented and shielded so that direct illumination is focused exclusively on such building façade, architectural feature, or landscaping and away from adjoining properties, public or private way, and the night sky.

(j) Upward flagpole lighting is permitted for governmental flags, either publicly or privately owned, provided that the maximum lumen output is 1,300 lumens. It is encouraged that flags be taken down at sunset to avoid the need for lighting.

(k) Any luminaire must be installed in such a manner that the light emitting source is not visible from any residence not located on the same lot as the luminaire or from any public street.

Section 15-242.6__Vehicular Canopies

(a) The light level beneath vehicular canopies (e.g. for gas stations or convenience stores) shall not exceed 10 foot candles average maintained at the perimeter of the canopy and measured at ground level. Acceptable ways of achieving this objective include, but are not limited to, one or more of the following:

(1) Recessed fixtures incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the vehicular canopy.

(2) Surface mounted fixtures incorporating a flat glass that provides a full cut-off or fully shielded light distribution.

(3) Indirect lighting where light is beamed upward and then reflected down from the underside of the vehicular canopy. Such fixtures shall be shielded such that direct illumination is focused exclusively on the underside of the vehicular canopy.

(4) Any other method approved by the permit issuing authority that achieves an effect similar to the foregoing illustrations.

(b) During hours when the business is not open, the lighting level shall be reduced to security lighting only.

Section 15-242.7 Outdoor Display Areas

(a) All display area lighting shall utilize fully shielded luminaires that are installed in a fashion that maintains the fully shielded characteristics.

(b) Display area lighting shall be installed such that glare is not visible from residential properties.

(c) The display area shall not be illuminated in a manner that exceeds the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA Rp-33, or as updated).

(d) For purposes of this section, an "outdoor display area" is an outdoor area where nighttime sales activity regularly occurs and where accurate color perception of merchandise by customers is required. Examples include sales areas for automobiles, boats, building supplies, or plants.

(e) During hours when the business is not open, the lighting level shall be reduced to security lighting only.

Section 15-242.8 Outdoor Sports Fields and Performance Areas

(a) The mounting height of outdoor sports fields and outdoor performance area lighting fixtures shall not exceed 60 feet from finished grade unless approved by the permit-issuing authority after receipt of substantial information justifying the need for additional height.

(b) All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing or performance area.

(c) Outdoor sports field and performance area lighting systems shall not be operated between the hours of eleven p.m. and sunrise.

Section 15-242.9 Prohibited Uses of Light

The following are prohibited:

(1) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizon;

(2) The operation of searchlights for advertising purposes;

(3) Use of mercury vapor luminaires.

Section 15-242.10__Light Measurement Techniques

a) Light measurements shall be made at finished grade (ground level), with the light-registered portion of the meter held parallel to the ground pointing up. The meter shall have cosine and color correction and have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within the year. Light levels are specified, calculated and measured in footcandles (FC). All FC values are maintained footcandles unless otherwise specified.

b) Compliance with an approved light plan associated with a permit can be verified in the field by confirming that the light fixtures and bulbs do not exceed those shown on the engineered plans. When there is no approved light plan then compliance can be verified by enforcing that the light source is blocked and/or directed in compliance with this Part or by the owner obtaining and providing a professional engineer's certification that verifies that the existing conditions comply with the ordinance.

Section 15-243 RESERVED (AMENDED 4/20/10)

PART III: MISCELLANEOUS UTILITIES (AMENDED 4/20/10)

Section 15-244 Electric Power.

Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

(1) If the use is not a subdivision and is located on a lot that is served by an existing power line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is needed.

(2) If the use is a subdivision or is not located on a lot served by an existing power line, or a substantial internal distribution system will be necessary, then the electric utility company must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed us and every lot within the proposed subdivision.

Section 15-245 Telephone Service.

Every principal use and every lot within a subdivision must have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within such subdivision. Compliance with this requirement shall be determined as follows:

(1) If the use is not a subdivision and is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center), then no further certification is necessary.

(2) If the use is a subdivision or is not located on a lot served by an existing telephone line or a substantial internal distribution system will be necessary, then the electric utility company must review the proposed plans and certify to the town that it can provide service that is adequate to meet the needs of the proposed use and every lot within the proposed subdivision.

Section 15-246 Underground Utilities.

(a) All electric power lines, (not to include transformers or enclosures containing electrical equipment including, but not limited to, switches, meters or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines in subdivisions developed after the effective date of this chapter shall be placed underground in accordance with the specifications and policies of the respective utility companies and located in accordance with Appendix C, Standard Drawing No. 6 or No. 7.

(b) Whenever an unsubdivided development is hereafter constructed on a lot that is undeveloped on the effective date of this chapter, then all electric power, telephone, gas distribution, and cable television lines installed to serve the development site outside of a previously existing public street right-of-way shall be placed underground in accordance with the specifications and policies of the respective utility companies. **(AMENDED 1/22/85)**

Section 15-247 Utilities To Be Consistent With Internal and External Development.

(a) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby development, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication of service.

(b) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

Section 15-248 As-Built Drawings Required.

(a) Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, furnish the town with a copy of a drawing that shows the exact location of such utility lines. Such drawings must be certified as accurate by the utility company. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

(b) If any utility in any right-of-way is installed by a utility company, the company shall maintain accurate as-built drawings and shall make these available to the town upon request.

Section 15-249 Fire Hydrants.

(a) Every development, subdivided or unsubdivided, that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development. **(AMENDED 4/27/82)**

(b) The presumption established by this ordinance is that to satisfy the standard set forth in subsection (a), fire hydrants must be located so that every building within the development is not more than 500 feet from a hydrant. However, the fire chief may authorize or require a deviation from this standard if, in his professional opinion, another arrangement more satisfactorily complies with the standard set forth in subsection (a).

(c) The fire chief shall determine the precise location of all fire hydrants, subject to the other provisions of this section. In general, fire hydrants shall be placed six feet behind the curb line of publicly dedicated streets that have curb and gutter.

(d) All hydrants shall have two 2½ inch hose connections and one 4½ inch hose connection. The 2½ inch hose connection shall be located at least 21½ inches from the ground level. All hydrant threads shall be national standard threads.

(e) Water lines that serve hydrants shall be at least six inch lines, and unless no other practicable alternative is available, no such lines shall be dead-end lines.

(f) When hydrants are required under this section to be located within a public street right-of-way, the installation of such hydrants by the developer shall constitute an offer of dedication of such hydrant to OWASA, and the town and OWASA shall thereafter deal with such hydrant in the same manner as other hydrants located within public rights-of-way within the town. The developer or his successor shall be responsible for ensuring that such hydrant is properly maintained and kept in good working order, and that any costs associated with providing water to such hydrant are paid so that the hydrant can at all times serve its intended function. The developer or his successor may arrange with OWASA or any other entity to have such hydrants properly maintained, but ultimate responsibility for compliance with this section remains on the developer or his successor. **(AMENDED 5/10/83)**

(g) Fire hydrants required under this section shall be installed and in working condition, subject to OWASA approval, prior to framing of any buildings in each phase. **(AMENDED 11/26/85)**

<u>Section 15-250 Screening of Dumpsters</u> (AMENDED 5/26/81)

(a) Every development that, under Chapter 11 of the Town Code, is or will be required to provide one or more dumpsters for solid waste collection shall provide sites for such dumpsters that are:

(1) Located so as to facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and

(2) Constructed according to specifications established by the public works director to allow for collection without damage to the development site or the collection vehicle.

(b) All such dumpsters shall be screened if and to the extent that, in the absence of screening, they would be clearly visible to:

(1) Persons located within any dwelling unit on residential property other than that where the dumpster is located.

(2) Occupants, customers, or other invitees located within any building on non-residential property other than that where the dumpster is located, unless such other property is used primarily for purposes permitted exclusively in an M-1 or M-2 zoning district.

(3) Persons traveling on any public street, sidewalk, or bikeway within the Town of Carrboro.

(c) When dumpster screening is required under this section, such screening shall be constructed, installed, and located to prevent or remedy the conditions requiring the screening.

ARTICLE XVI

FLOOD DAMAGE PREVENTION, STORMWATER MANAGEMENT, AND WATERSHED PROTECTION

PART I. FLOOD DAMAGE PREVENTION (REWRITTEN) 1/16/07)

Section 15-251 Purpose and Objective.

(a) It is the purpose of this part to promote public health, safety, and general welfare and to minimize public and private losses due to flood conditions within flood prone areas by provisions designed to:

(1) Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging, and all other development that may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.

(b) The objectives of this part are:

(1) To protect human life and health;

(2) To minimize expenditure of public money for costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business losses and interruptions;

(5) To minimize damage to public facilities and utilities (i.e. water and gas mains, electric, telephone, cable and sewer lines, streets, and bridges) that are located in flood prone areas;

(6) To ensure that potential buyers are aware that property is in a Special Flood Hazard Area.

Section 15-251.1 Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

1. Accessory Structure (Appurtenant Structure). A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

2. Addition (to an existing building). An extension or increase in the floor area or height of a building or structure.

3. Appeal. A request for a review of the administrator's interpretation of any provision of this ordinance.

4. Area of Special Flood Hazard. See "Special Flood Hazard Area (SFHA)"

5. Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

6. Base Flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

7. Base Flood Elevation (BFE). A determination of the water surface elevations of the base flood as published in the Flood Insurance Study or, for areas not covered in the Flood Insurance Study, as may be obtained from engineering studies available from a Federal or State or other source using FEMA approved engineering methodologies. This elevation, when combined with the "Freeboard," establishes the "Regulatory Flood Protection Elevation."

8. Chemical Storage Facility. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

9. Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

10. Development Permit. A zoning, special use, conditional use, or sign permit required under the provisions of Article IV of this chapter.

11. Disposal. As defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

12. Elevated Building. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

13. Encroachment. The advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

14. Existing Manufactured Home Park or Manufactured Home Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the original effective date of the floodplain management regulations adopted by the town.

15. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

    (a) the overflow of inland waters; and/or

    (b) the unusual and rapid accumulation of runoff of surface waters from any source.

16. Flood Insurance. The insurance coverage provided under the National Flood Insurance Program.

17. Flood Insurance Rate Map (FIRM). An official map provided to the town by the Federal Emergency Management Agency, on which both the Special Flood Hazard Areas and the risk premium zones applicable to the community are delineated.

18. Flood Insurance Study (FIS). An examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data provided to the town by the Federal Emergency Management Agency. The Flood Insurance Study report includes Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), if published.

19. Flood Prone Area. See Floodplain.

20. Floodplain. Any land area susceptible to being inundated by water from any source.

21. Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

22. Floodplain Management Regulations. This ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

23. Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

24. Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

25. Flood Zone. Means a geographical area shown on a Flood Hazard Boundary map or Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

26. Freeboard. The height added to the Base Flood Elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization on the watershed. The Base Flood Elevation plus the freeboard establishes the "Regulatory Flood Protection Elevation". The freeboard shall be two feet.

27. Functionally Dependent Facility. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

28. Hazardous Waste Facility. As defined in NCGS 130A-290(a)(9), a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

29. Highest Adjacent Grade (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

30. Historic Structure. Any structure that is:

    (a) listed individually in the National Register of Historic Places (a listing maintained by the US Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register; or

    (b) certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or

    (c) certified as contributing to the historical significance of any historic district that may be designated by the town.

31. Lowest Adjacent Grade (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

32. Lowest Floor. Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

33. Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term “Manufactured Home” does not include a “Recreational Vehicle.”

34. Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

35. Market Value. The building value, not including the land value and that of any accessory structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

36. Mean Sea Level. For purposes of this part, the North American Vertical Datum (NAVD) as corrected in 1988 shall be used to determine elevation.

37. New Construction. Structures for which the “Start of Construction” commenced on or after April 22, 1975 and includes any subsequent improvements to such structures.

38. Non-Encroachment Area. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.

39. Post-FIRM. Means construction or other development for which the "Start of Construction" occurred on or after April 22, 1975.

40. Pre-FIRM. Construction or other development for which the "Start of Construction" occurred before April 22, 1975.

41. Principally Above Ground. At least 51% of the actual cash value of the structure is above ground.

42. Public Safety Hazard and/or Nuisance. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin.

43. Recreational Vehicle (RV). A vehicle, which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

44. Reference Level. The top of the lowest floor for structures within the Special Flood Hazard Area designated as Zone AE.

45. Regulatory Flood Protection Elevation. The "Base Flood Elevation" plus the "Freeboard." In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard.

46. Remedy a Violation means to bring the structure or other development into compliance with State and community floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

47. Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

48. Salvage Yard. Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

49. Solid Waste. Solid waste as defined in NCGS 130A-290(a) (35).

50. Solid Waste Management Facility. As defined in NCGS 130A-290(a) (35), any facility involved in the disposal of solid waste.

51. Solid Waste Disposal Site. As defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

52. Special Flood Hazard Area (SFHA). The land in the floodplain subject to a one (1%) percent or greater chance of being flooded in any given year, as determined in Section 15-251.2(b) of this part.

53. Start of Construction. This term includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

54. Structure. A walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.

55. Substantial Damage. Damage of any origin sustained by a structure during any one-year period whereby the cost of restoring the structure to it before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. See definition of "Substantial Improvement."

56. Substantial Improvement. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the structure before the "Start of Construction" of the improvement. This term includes structures which have incurred "Substantial Damage," regardless of the actual repair work performed. The term does not, however, include either: (i) any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure

safe living conditions; or (ii) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

57. Variance. A grant of relief from the requirements of this ordinance as authorized in Section 15-92 of this chapter. See also Section 15-251.5.

58. Violation. The failure of a structure or other development to be fully compliant with the provisions of this part. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this part is presumed to be in violation until such time as that documentation is provided.

59. Water Surface Elevation (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

60. Watercourse. A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically.

Section 15-251.2 General Provisions.

(a) This part shall apply to all Special Flood Hazard Areas within the town's planning jurisdiction and joint planning transition area (as those latter terms are defined in Section 15-15).

(b) The provisions of this part shall apply to the following two types of Special Flood Hazard Areas:

(1) Those Special Flood Hazard Areas that are identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Orange County, dated February 2, 2007, which are adopted by reference and declared to be a part of this ordinance.

(2) Those Special Flood Hazard Areas that are designated by the town ordinance following appropriate engineering studies. Such SFHAs may be delineated by showing them on a map, by a written description, or any combination thereof. Such description shall be filed with the Orange County Clerk of Superior Court and Register of Deeds.

(c) As set forth in Part I of Article IV of this chapter, no development may take place within Special Flood Hazard Areas unless an appropriate permit has been issued authorizing such development, and no such permit shall be issued unless the proposed development is in full compliance with the provisions of this chapter.

(d) The provisions of this part are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of this part and the

provisions or another ordinance conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) In the interpretation and application of this part, all provisions shall be considered as minimum requirements, liberally construed in favor of the town, and deemed neither to limit nor repeal any other powers granted under State statutes.

(f) The degree of flood protection required by this part is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur. Actual flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the Special Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the town or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(g) A violation of the provisions of this part shall subject the violator to the penalties and remedies set forth in Article VII of this chapter.

Section 15-251.3 Application Requirements

As provided in Section 15-46, no development may occur without a development permit, and no such permit shall be issued unless the administrator determines, based upon the plans and information submitted, that the development will comply with all the provisions of this chapter, including those applicable to development within Special Flood Hazard Areas. Appendix A to this chapter sets forth requirements related to the information that must generally be submitted with a permit application in order to demonstrate compliance with the requirements of this chapter. However, when the lot or tract with respect to which a development permit is sought contains a SFHA, the following information shall also be submitted to the administrator:

(1) A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:

a. The nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;

b. The boundary of the Special Flood Hazard or a statement that the entire lot is within the Special Flood Hazard Area;

c. Flood zone(s) designation of the proposed development area as determined on the Flood Insurance Rate Map;

d. The boundary of the floodway(s) or non-encroachment area(s);

e. Base Flood Elevation (BFE) information;

f. The old and new location of any watercourse that will be altered or relocated as a result of proposed development and any changes in Special Flood Hazard Areas that occur as a consequence of such changes.

(2) Proposed elevation, and method thereof, of all development within a Special Flood Hazard Area including but not limited to:

a. Elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;

b. Elevation in relation to mean sea level to which any non-residential structure in Zone AE will be flood-proofed; and

c. Elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;

(3) If floodproofing, a Floodproofing Certificate *(FEMA Form 81-65)* with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

(4) Plans drawn to scale, shall include details of the proposed construction or development, and must demonstrate, among other things, that the foundation system requirements and other provisions of this ordinance are met. These details include but are not limited to:

a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);

b. Openings to facilitate equalization of hydrostatic flood forces on walls in accordance with Subsection 15-251.9(e) (3) when solid foundation perimeter walls are used in Zone AE;

c. Usage details of any enclosed areas below the regulatory flood protection elevation.

d. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;

e. Copies of all other Local, State and Federal permits required prior to development permit issuance (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.)

f. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on the plot plan) showing the location of the proposed watercourse alteration or relocation and any changes in Special Flood Hazard Areas that occur as a consequence of such changes.

Section 15-251.4 Permit Requirements.

To the extent that a development permit is issued for a lot or tract that includes a SFHA, such permit (including the plans incorporated into the permit) shall contain at least the following information:

(1) A description of the development to be permitted under the floodplain development permit.

(2) The location of the Special Flood Hazard Area.

(3) The regulatory flood protection elevation required for the reference level and all attendant utilities.

(4) The regulatory flood protection elevation required for the protection of all public utilities.

(5) All certification submittal requirements with timelines.

(6) A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.

(7) The flood openings requirements, if in Zone AE.

Section 15-251.5 Certification Requirements

(a) Elevation certificates or information shall be required for the construction of structures on properties where Special Flood Hazard Areas are located, as set forth in this section.

(1) An application for a development permit authorizing the construction of a structure on a lot containing a SFHA shall include information designating the elevation of the reference level in relation to mean sea level and demonstrating that the reference level will be elevated to a level that is consistent with the requirements of Section 15-251.9.

(2) Upon completion of the foundation survey, the permit holder shall calculate the elevation of the reference level, in relation to mean sea level,

based upon the foundation survey and the approved flooring system and shall certify to the administrator that the reference level will be elevated to a level that is consistent with the requirements of Section 15-251.9.

(3) A final as-built Elevation Certificate is required after construction is completed and prior to issuance of a Certificate of Compliance/Occupancy. For construction within a FEMA established Special Flood Hazard Area, FEMA Form 81-31 shall be used. For other construction covered by this subsection (a), the administrator may designate an alternative form. It shall be the duty of the permit holder to submit to the administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(b) Floodproofing Certificate. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data and an operational plan, is required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the building inspector a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The building inspector shall review the certificate data and plan. Failure to submit the certification or failure to make any required corrections shall be cause to deny a building permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

(c) Foundation Certificate. If a manufactured home is placed within Zone AE, and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required per Section 15-253.9(d).

(d) Certificate Exemption. Accessory structures of less than 150 square feet in size, if located within Zone AE, are exempt from the elevation/floodproofing certification requirements specified in subsections (a) and (b) of this section.

(e) If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the

proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit.

Section 15-251.6 Duties and Responsibilities of the Administrator

As set forth in Part I of Article IV of this chapter, development permits (including permits for development within Special Flood Hazard Areas), shall not be issued unless the requirements of this chapter have been satisfied. In addition to his or her permit responsibilities, the administrator's responsibilities relating to the administration and enforcement of the provisions of this part shall include but shall not be limited to the following duties:

(1) Advise permit recipients that additional Federal or State permits (Wetlands, Endangered Species, Erosion and Sedimentation Control, Riparian Buffers, Mining, etc.) may be required, and require that copies of such permits be provided and maintained on file with the development permit.

(2) Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).

(3) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

(4) Prevent encroachments into floodways and non-encroachment areas except as authorized under Section 15-251.10.

(5) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new or substantially improved structures, in accordance with Subsection 15-251.5(a)(3).

(6) Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved structures and utilities have been floodproofed, in accordance with Subsection 15-251.5(b).

(7) Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with Subsection 15-251.5(a) (3).

(8) When floodproofing is utilized for a particular structure, obtain certifications from a registered professional engineer or architect in accordance with Section 15-251.5 and Subsection 15-251.9(b).

(9) Where interpretation is needed as to the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped

boundary and actual field conditions), make the necessary interpretation in accordance with the following principles:

a. In areas between official cross-sections on the Flood Insurance Rate Maps, SFHA, floodway, and non-encroachment area boundaries shall be determined by scaling distances on these maps.

b. The base flood elevation shall in all cases be the controlling factor in locating the outer limits of a SFHA boundary.

c. Interpretations of floodway and non-encroachment area boundaries shall be based on the current procedures for interpreting such boundaries in accordance with FEMA guidelines.

d. Appeals of the determinations of the administrator under this subsection may be taken to the board of adjustment in accordance with the provisions of Section 15-91 of this chapter.

(10) When the lowest ground elevation of a parcel or structure in a Special Flood Hazard Area is above the Base Flood Elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the Letter of Map Amendment (LOMA) issued by FEMA in the floodplain development permit file.

(11) Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection.

(12) Make on-site inspections of work in progress. As the work pursuant to a development permit progresses, the administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of this chapter and the terms of the permit.

(13) Issue stop-work orders as pursuant to Section 15-117 of this chapter.

(14) Revoke or recommend the revocation of development permits for violations of the provisions of this part as set forth in Section 15-115.

(15) Otherwise enforce the provisions of this part as provided in Article VII of this chapter.

(16) Review, provide input, and make recommendations for variance requests.

(17) Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Subsection 15-251.2(b) of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.

(18) Coordinate revisions to FIS reports and FIRMs, including Letters of Map Revision Based on Fill (LOMR-F) and Letters of Map Revision (LOMR).

Section 15-251.7 Variance Procedures

Variances from the restrictions of this part may be granted by the board of adjustment in accordance with the provisions of Section 15-92 of this chapter.

Section 15-251.8 General Standards for Flood Hazard Reductions

In all Special Flood Hazard Areas, if and to the extent any development is allowed, the following requirements shall be applicable:

(1) All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the structure.

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(3) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.

(4) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, appliances (washers, dryers, refrigerators, freezers, etc.), hot water heaters, and electric outlets/switches.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.

(7) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

(8) Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.

(9) Nothing in this article shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this article and located totally or partially within the floodway or non-encroachment area, provided there is no additional encroachment below the regulatory flood protection elevation in the floodway or non-encroachment area, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this article.

(10) New solid waste management facilities and sites, hazardous waste facilities, salvage yards, and chemical storage facilities shall not be permitted. A structure or tank for chemical or fuel storage incidental to an allowed use or to the operation of a water treatment plant or wastewater treatment facility may be located in a Special Flood Hazard Area only if the structure or tank is either elevated or floodproofed to at least the regulatory flood protection elevation and certified according to Subsection 15-251.5(b) of this part.

(11) All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.

(12) All subdivision proposals and other development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

(13) All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(14) All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Section 15-251.9 Specific Standards for Flood Hazard Reductions

(a) New structures generally prohibited within SFHAs. Within a Special Flood Hazard Area, no new structure (as defined in this part) may be constructed or located, and no substantial improvement of an existing structure may take place, unless and to the extent that the permit issuing authority for the proposed use determines that, in the absence of an authorization to do so, the owner would be deprived of all reasonable use of the subject property. Notwithstanding the foregoing, manufactured homes that are nonconforming because they are located within a SFHA may be replaced with another manufactured home. If such construction (or replacement of manufactured homes) is authorized, all such construction (or replacement) shall be in conformity with the remaining provisions of this section in addition to those set forth in Section 15-251.8.

(b) Residential construction. New construction and substantial improvement of any residential structure (including manufactured homes) located within a Special Flood Hazard Area

or on any lot where a SFHA is located shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation.

(c) Non-residential construction. New construction and substantial improvement of any commercial, industrial, or other non-residential structure located within a SFHA shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation. Structures located in the AE Zone may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the administrator along with the operational and maintenance plans.

(d) Manufactured homes. Manufactured homes that are located within a SFHA or on a lot where a SFHA is located shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by engineer certification, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required. Finally, all enclosures or skirting below the lowest floor shall meet the requirements of subsection (e).

(e) Elevated buildings. Fully enclosed areas of new construction and substantially improved structures that are below the lowest floor of buildings located with a SFHA:

(1) Shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;

(2) Shall be constructed entirely of flood resistant materials below the regulatory flood protection elevation;

(3) Shall include flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria;

a. A minimum of two flood openings on different sides of each enclosed area subject to flooding;

b. The total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;

c. If a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;

d. The bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

e. Flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and

f. Enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

(f) Additions/Improvements. With respect to additions and improvements to structures that are nonconforming because they are located within a Special Flood Hazard Area:

(1) When the addition or improvement constitutes a substantial improvement as defined in Section 15-251.1, both the existing structure and the addition or improvement must comply with the standards for new construction.

(2) When the addition or improvement does not constitute a substantial improvement, the addition or improvement must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.

(g) Accessory Structures. When accessory structures (sheds, detached garages, etc.) are allowed to be placed within a Special Flood Hazard Area pursuant to the provisions of subsection (a) of this section, the following criteria shall be met:

(1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);

(2) Accessory structures shall not be temperature-controlled;

(3) Accessory structures shall be designed to have low flood damage potential;

(4) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;

(5) Accessory structures shall be firmly anchored in accordance with Section 15-251.8;

(6) All service facilities such as electrical shall be installed in accordance with Section 15-251.8; and

(7) Flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below regulatory flood protection elevation in conformance with Subsection (e) of this section.

(8) An accessory structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory structures.

(h) Subsequent to the effective date of this subsection, no portion of any Special Flood Hazard Area outside of the floodway may be filled in with fill dirt or similar material for the purpose of elevating buildings. Whenever fill is placed within a SFHA for any other permitted purpose, slopes shall be adequately stabilized to withstand the erosive force of the base flood.

Section 15-251.10 Floodways and Non-Encroachment Areas

(a) Areas designated as floodways or non-encroachment areas are located within the Special Flood Hazard Areas established in Subsection 15-251.2(b) (1). The floodways and non-encroachment areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The requirements set forth in the remaining provisions of this section, in addition to the standards set forth in Sections 15-251.8 and 15-251.9 shall apply to all development within such areas.

(b) No encroachments, including fill, new construction, substantial improvements or other development shall be permitted within a floodway or non-encroachment area unless: **(AMENDED 11/23/10).**

(1) The proposed encroachment would not result in any impact to the flood levels during the occurrence of the base flood, as demonstrated by hydrologic and hydraulic analysis performed in accordance with standard engineering practice and presented to the

administrator prior to approval of construction plans authorizing such encroachment; or

(2) A Conditional Letter of Map Revision (CLOMR) has been approved by FEMA. Prior to the issuance of a zoning, special, or conditional use permit, the developer must demonstrate to the permit issuing authority, by the submission to the town of the CLOMR study, that it is reasonably likely that a CLOMR will be issued. The CLOMR must be received by the town prior to approval of construction plans authorizing such encroachment.

(b1) When an encroachment within a floodway or non-encroachment area is authorized pursuant to a CLOMR as provided in subsection (b)(2) of this section, then upon completion of the encroachment, the developer must obtain from FEMA a Letter of Map Revision (LOMR) pertaining to such encroachment. If such a LOMR is required for an encroachment, then (i) if the encroachment occurs within a subdivided development, a final plat for the phase of the subdivision where the encroachment occurs shall not be approved until the LOMR has been received by the town, and (ii) if the encroachment occurs within an unsubdivided development, such property may not be used or occupied until the LOMR has been received by the town, except that such occupancy, use, or sale of lots shall be allowed if sufficient security is provided pursuant to Sections 15-53 or 15-60 to ensure that the developer does what is necessary to obtain the LOMR **(AMENDED 11/23/10).**

(c) Any development within a floodway or non-encroachment area that is authorized by this section shall comply with all applicable flood hazard reduction provisions of this part.

(d) No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:

(1) The anchoring and the elevation standards of Subsection 15-251.9(d); and

(2) The no encroachment standard of Subsection 15-251.10(b) (1).

Section 15-251.11 Special Provisions for Subdivisions

(a) An applicant for a conditional use permit or special use permit authorizing a major subdivision and an applicant for minor subdivision final plat approval shall be informed by the planning department of the use and construction restrictions contained in this Article if any portion of the land to be subdivided lies within a Special Flood Hazard Area.

(b) A conditional use permit or special use permit for a major subdivision may not be issued, and final plat approval for any subdivision may not be granted, if any portion of one or more lots lies within a Special Flood Hazard Area unless it reasonably appears that:

(1) With respect to each lot that lies wholly or partly within a Special Flood Hazard area, either (i) a building of the type that is consistent with the zoning of the property can practicably be located in accordance with applicable regulations on the portion of such lot that is located outside the SFHA, or (ii) such lot has already been developed, or (iii) such lot is formed as the result of an adjustment of lot lines between lots in existence on the effective date of this section, and such readjustment does not result in a previously developable lot being rendered undevelopable, or (iv) it plainly appears that such lot is intended to be devoted to a permissible use that does not involve the construction of any building (e.g. that such lot is reserved or dedicated for open space purposes).

(2) Creation of each lot that does not satisfy the criteria set forth in subdivision (1) of this subsection is necessary to avoid depriving the owner of the property of all reasonable use of the tract taken as a whole.

(c) Final plat approval for any subdivision containing land that lies within a Special Flood Hazard Area may not be given unless the plat shows the boundary of the SFHA according to the best information available at the time the final plat is approved and contains in clearly discernible print the following statement: *"Use of land within a special flood hazard area is substantially restricted by Article XVI of Chapter 15 of the Carrboro Town Code."* If, at the time final plat approval is granted, a Conditional Letter of Map Revision (CLOMR) affecting such subdivision has been approved, or the town is otherwise aware that some action is pending that would likely alter the location of the boundary of the SFHA as it affects such subdivision, then the statement on such plat referenced immediately above shall include a note similar to the following: *"The location of the boundary of the special flood hazard area may be altered by a request for a special flood hazard map revision now pending before the Federal Emergency Management Agency."*

Section15-252 through 15-260 Reserved.

PART II. STORM WATER MANAGEMENT

Section 15-261 Natural Drainage System Utilized to Extent Feasible (REWRITTEN 6/27/07) AMENDED 2/21/12) .

(a) To the extent practicable, all development shall conform to the natural contours of the land and natural drainage ways shall remain undisturbed.

(b) To the extent practicable, lot boundaries shall be made to coincide with natural drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such natural drainage ways.

(c) Drainage or filling in of existing ponds, under circumstances where the requirements of Section 15-263 are not applicable, shall only be allowed if the stormwater management benefits of the pond are otherwise provided for through installation of other stormwater management devices or practices deemed suitable by the Administrator. **(AMENDED 2-21/12)**

Section 15-262 Development Must Drain Properly (REWRITTEN 6/27/07)

(a) All development shall be provided with a stormwater management system containing drainage facilities that are adequately designed and constructed to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or stormwater management plan, or

(2) The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

(b) No surface water may be channeled or directed into the OWASA sanitary sewer system.

(c) Whenever practicable, the drainage system of a development shall coordinate with the drainage system or drainage ways on surrounding properties or streets.

(d) Use of drainage swales rather than curb and gutter and storm sewers in subdivisions is provided for in Section 15-216. Private roads and access ways within unsubdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.

(e) The minimum design storm frequency for all drainage systems shall be the 10 year storm, except that those facilities crossing streets shall be designed for the 25 year storm.

(f) Drainage culverts and associated facilities shall be suitably sized to accommodate designated storm frequencies and shall be suitably constructed and installed to insure that the facilities will function adequately and will not deteriorate within an unreasonably short period of time. **(AMENDED 04/03/90)**

Section 15-263 Management of Stormwater (REWRITTEN 6/26/07; AMENDED 6/24/08; AMENDED 10/28/08; 6/22/10; 11/23/10; REWRITTEN 6/26/12)

(a) The requirements of this section shall apply to developments to the extent provided in this subsection.

(1) For purposes of this subsection, "impervious surface" means that portion of the development of a lot or tract that is covered by a surface or material that substantially or completely prevents rainwater from reaching and being absorbed into the underlying soil. Impervious surfaces include but are not limited to streets, driveways, sidewalks, parking lots, buildings, and other roofed, paved, or graveled areas. Wooden slatted decks and the water area of swimming pools are considered pervious, as are detention ponds.

(2) For purposes of this subsection, "net addition of impervious surface" shall be determined by subtracting the total square footage of impervious surface prior to commencement of construction authorized by a development permit from the total square footage of impervious that is proposed to be located on the development site when all construction authorized by the development permit (including all phases thereof) is completed. If the permit issuing authority reasonably concludes that a permit applicant is seeking or has sought separate permits (simultaneously or sequentially) for different components of what is demonstrably intended to be a single development in an attempt to stay below the impervious surface threshold that triggers the requirements set forth in this section, then the permit issuing authority shall treat such multiple applications as a single application for purposes of determining whether the requirements of this section are applicable.

(3) All unsubdivided developments that involve a net addition of more than 5,000 square feet of impervious surface shall be subject to the requirements of this section, except that these requirements shall not apply if the total of the net addition of impervious surface area plus the previously existing impervious surface area on the lot does not exceed (i) six percent (6%) of the lot area within a B-5 or WM-3 zoning district, or (ii) for lots in all other zoning districts, the amount of impervious surface area permissible on lots within the C or WR zoning districts under subsection 15-266(b) of this part.

(4) When land is subdivided, and the permit authorizing the subdivision does not itself authorize the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided, then the requirements of this section shall not be applicable to the subdivision. The applicability of the requirements of this section to each of the individual lots so created shall then be determined as development permits are issued for each such lot.

(5) When land is subdivided, and the permit authorizing the subdivision itself authorizes the net addition of more than 5,000 square feet of impervious surface to the tract to be subdivided (regardless of whether such impervious surface consists of a road or other facilities external to the lots so created, or buildings, parking lots, and other facilities constructed within the lots so created, or a combination of the two), then the subdivision shall comply with the requirements of this section. Furthermore, the stormwater management system that is installed to comply with the provisions of this section shall be required to take into account all the stormwater reasonably expected to be generated by the development (according to generally accepted engineering standards) when all subdivided lots five acres or less in size are fully developed. When such lots are subsequently developed, they shall be exempt from further review under the provisions of this section. However, any lot within such subdivision that is greater than five acres in size and that was not included in the stormwater calculations for purposes of designing a stormwater management system that satisfies the requirements of this section shall be required to comply with the requirements of this section at the time such lot is developed, if and to the extent required to do so under subsection (a)(3) of this section.

(6) Notwithstanding the other provisions of this subsection, if (i) a lot is within a commercial district described in Section 15-136 or a manufacturing district described in 15-137, (ii) on the date that a development permit application is submitted and the fees paid the lot is already developed to the extent that the lot contains at least 10,000 square feet of impervious surface area, and (iii) the reasonably estimated cost of the redevelopment of the lot as proposed in the development permit application exceeds the greater of $100,000, or fifty percent (50%) of the appraised value of the existing improvements on the lot, then the requirements of this section shall be applicable to such redevelopment. For purposes of this subdivision (a)(6), the terms “cost” and “appraised value” shall have the same meaning as provided in Subsection 15-125(c) of this chapter.

(7) Notwithstanding the other provisions of this subsection, the requirements of this section shall apply to any development involving the reconstruction of a previously paved area comprising at least 10,000 square feet (repaving or resurfacing shall not be considered reconstruction).

(8) Notwithstanding the other provisions of this subsection (but subject to the provisions of subsection (a)(8)f below), the requirements of this section shall apply to all proposed new development that cumulatively disturbs one acre or more for single family and duplex residential property and recreational facilities,

and one-half acre for commercial, industrial, institutional, multifamily residential, or local government property. For purposes of this subsection (a)(8) only:

a. Development means any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

b. New development means any development project that does not meet the definition of existing development set forth immediately below.

c. Existing development means development not otherwise exempted from the provisions of this section that meets one of the following criteria: (i) it either is built or has established a vested right based on statutory or common law grounds as of the effective date of this section, or (ii) it occurs after the effective date of this section but does not result in a net increase in impervious surface area and does not increase the infiltration of precipitation into the soil..

d. Land disturbing activity means any use of the land that results in a change in the natural cover or topography that may cause or contribute to sedimentation.

e. Larger common plan of development or sale means any area where multiple separate and distinct construction or land-disturbing activities will occur under one plan. A plan is any announcement or piece of documentation (including but not limited to a sign, public notice or hearing, sales pitch, advertisement, loan application, drawing, permit application, zoning request, or computer design) or physical demarcation (including but not limited to boundary signs, lot stakes, or surveyor markings) indicating that construction activities may occur on a specific plot.

f. Redevelopment means any development on previously developed land.

(b) Developments must install and maintain stormwater management systems that will control and treat runoff from the first one inch of rain as follows:

(1) Draw down the treatment volume in accordance with the requirements of the North Carolina Division of Water Quality Best Management Practices (NC DWQ BMP) Manual.

(2) Achieve an eighty-five percent (85%) average annual removal rate for Total Suspended Solids.

(c) Subject to subsections (d) and (f), developments must install and maintain stormwater management systems that ensure that the nutrient load contributed by the

development is limited to not more than 2.2 pounds per acre per year of nitrogen and 0.82 pounds per acre per year of phosphorus.

(d) Subject to subsection (f), developments that (i) would otherwise be required under subsection (a) to comply with the stormwater treatment standards set forth in subsection (c), and (ii) involve the replacement or expansion of existing structures or improvements, shall have the option of either satisfying the requirements of subsection (c) of this section or achieving a thirty-five percent (35%) nitrogen and five percent (5%) phosphorous reduction in the loading rates for these nutrients when comparing the situation that exists on the date a completed application is submitted to the post redevelopment situation for the entire project site.

(e) The need for engineered stormwater controls to meet the nutrient loading rate standards set forth in subsections (c) and (d) shall be determined by using the loading calculation methods and other standards established by the Division of Water Quality as set forth in Sub-Item (4)(a) of 15A NCAC 2B.0265, including the current version of the Stormwater Best Management Practices Manual published by the Division.

(f) Developers shall have the option of offsetting part of their nitrogen and phosphorus loads by implementing or funding offsite management measures as follows:

(1) Before using offsite offset options, a development shall attain a maximum nitrogen loading rate on-site of six pounds per acre per year for single-family detached and duplex residential development and ten pounds per acre per year for other development, including multi-family residential, commercial and industrial, and shall meet any requirement for engineered stormwater controls required by this Article..

(2) Offsite offsetting measures shall achieve at least equivalent reductions in nitrogen and phosphorus loading to the remaining reduction needed onsite to comply with the loading rate standards set forth in subsection (c) of this section.

(3) A developer may make offset payments to the N.C. Ecosystem Enhancement Program contingent upon acceptance of payments by that Program. A developer may use an offset option provided by the Town of Carrboro, or may propose other offset measures including providing the developer's own offsite offset or utilizing a private seller. All offset measures shall meet the requirements of 15A NCAC 02B.0273(2) through (4) and 15A NCAC 02B.0240.

(g) Developments shall be constructed and maintained so that their stormwater management systems meet the following minimum standards:

(1) The post-development discharge rates shall be less than or equal to the pre-development discharge rates for the 1-, 2-, 5-, 10-, and 25-year 24-hour design storms.

(2) For upstream properties, the 1% chance flood elevation may not be increased.

(3) The Board finds that increases in the total annual volume of runoff associated with new development results in decreased groundwater recharge, increased stream channel instability/erosion and significant water quality degradation. Therefore **to the maximum extent practicable** developments shall install and maintain stormwater management systems such that the post-development total annual stormwater runoff volume shall not exceed the predevelopment volume by more than the limits set forth in the table below. The predevelopment and post-development annual stormwater runoff volume shall be calculated using the Jordan Lake Accounting Tool ("JLAT"), except that the following inputs for the use of permeable pavement shall apply. If the NCDENR Division of Water Quality (DWQ) revises the following table of inputs for the use of permeable pavement, this subsection shall be deemed amended to incorporate the most recent inputs established by DWQ. **(AMENDED 6/26/12) (AMENDED 2/26/13)**

Infiltrating Permeable Pavement			
Soil Type	Infiltrating PP	Detention w/o Liner	Detention w/ Liner
A	90%	-	0
B	85%	-	0
C	80%	20%	0
D	75%	5%	0

A composite curve number shall be assigned to the development site in the pre-development stage using the runoff curve number method described in USDA NRCS Technical Release 55, Urban Hydrology for Small Watersheds (June, 1986). See also Chapters 4 through 10 of NEH-4, SCS (1985).

Preexisting Composite Curve Number*	**Maximum allowable increase in annual stormwater runoff volume**
> 78	50%
>70-78	100%
> 64-70	200%
<=64	400%

(AMENDED 2/26/13)

(h) The presumption established by this section is that, to satisfy the standards set forth herein, the applicant shall design and construct all stormwater management systems required by this section in accordance with the guidelines set forth in the Town of Carrboro Storm Drainage Design Manual (Appendix I to this chapter). However, the permit issuing authority may establish different requirements when it concludes, based upon (i) the information it receives in the consideration of the specific development proposal, and (ii) the recommendations of the public works director or the town engineer, that such deviations from the presumptive guidelines are necessary to satisfy the standards set forth in this section, or that the standards can still be met with such deviations and the deviations are otherwise warranted.

(i) Approval by the town of an applicant's stormwater management plans, and construction by the applicant of the stormwater management system as shown in such plans, shall not relieve the applicant of the responsibility of complying with the standards set forth in this section. If at any time prior to two years after the date that the town concludes that a stormwater management system (or any component thereof) has been constructed in accordance with approved plans, the town determines that the stormwater management system (or any component thereof) installed to meet the requirements of this section does not achieve that objective, the town may require the submission of revised plans and the installation of new, altered, or additional facilities to bring the development into compliance. Prior to issuance of a certificate of occupancy or approval of a final plat, the town may require the applicant to post a performance bond or other sufficient surety to guarantee compliance with this section. **(AMENDED 1/29/13)**

(j) Upon completion of construction of the stormwater management facilities, the permit recipient shall submit to the town "as built" plans for all such facilities in the form required by the town. Compliance with this requirement must occur prior to issuance of a certificate of occupancy, or prior to final plat approval (if applicable), unless adequate security is otherwise provided in accordance with the provisions of Sections 15-53 or 15-60.

(k) Proposed new development undertaken by the Town solely as a public road project shall be deemed compliant with the provisions of this section if it meets the buffer protection requirements of Part III of this Article. All other developments shall comply with both the requirements of this section and the provisions of Part III of this Article.

(l) Variances from the provisions of this section may only be granted in accordance with the requirements of Section 15-92, including subsection (l) of that section.

Section 15-263.1 Maintenance of Structural BMPs.

(a) For purposes of this section, a "structural BMP" is a device constructed or installed to trap, settle out, or filter pollutants from stormwater runoff or to reduce stormwater discharge volume or velocity in order to satisfy one or more of the requirements of Section 15-263.

(b) The owner of each structural BMP installed pursuant to this ordinance shall maintain and operate it so as to preserve and continue its function in controlling stormwater quality and quantity at the degree or amount of function for which the structural BMP was designed. Such operation and maintenance shall be in accordance with the Operation and Maintenance Agreement specified in subsection (e) of this section.

(c**)** The owner of each structural BMP shall ensure that each such facility is inspected in accordance with the Operation and Maintenance Agreement specified in subsection (e) of this section by a qualified registered North Carolina professional or other individual specially qualified by an appropriate training, testing, and certification program. The person performing the inspections shall submit annually to the administrator a report certifying the results of such inspections. The report shall be in a format and shall contain the information prescribed by the administrator. The first report shall be due one year from the date of the as built certification required by Subsection 15-263(i), and subsequent reports shall be due on or before that anniversary date.

(d) The owner of each structural BMP shall ensure that, in accordance with the Operation and Maintenance Agreement, funds are set aside in an escrow account, sinking fund, or other arrangement, sufficient to pay major, non-routine costs associated with keeping such BMPs in proper operational condition, such as the cost of sediment removal, structural, biological, or vegetative replacement, major repair, or reconstruction. The owner shall submit annually to the administrator a report certifying that such funds have been set aside. The report shall be in a format and shall contain the information prescribed by the administrator. The first report shall be due one year from the date of the as-built certification required by Subsection 15-263(i), and subsequent reports shall be due on or before that anniversary date.

(e) Prior to final plat approval, in the case of a subdivision, or prior to the issuance of a certificate of occupancy, in the case of an unsubdivided development, the owner of a development that contains a structural BMP shall enter into an Operation and Maintenance Agreement with the town (and shall record such agreement in the Orange County Registry) that specifies that the owner, and his or her successor and assigns:

(1) Agrees to comply with the obligations set forth in subsections (b), (c), and (d) of this section;

(2) Authorizes the town and its employees or agents to enter the property where the structural BMPs are located at reasonable times to inspect the same for

compliance with the requirements of this section, the permit issued pursuant thereto, and the provisions of the Operation and Maintenance Agreement;

(3) Agrees that, if the owner fails to operate and maintain such structural BMPs in accordance with the requirements of this section, the permit issued pursuant thereto, and the provisions of the Operation and Maintenance Agreement, the town is authorized (but not obligated) to enter the property to perform such work as is necessary to bring such BMPs into compliance and to charge the owner with the costs of such work.

(f) If structural BMPs are to be owned by a property owners or homeowners association or similar entity, then the covenants applicable to such association shall clearly reference the obligations of the association, as owner of such BMPs, to fulfill the obligations of the owner relating to such BMPs as required by the provisions of this section, the permit issued pursuant thereto, and the provisions of the Operation and Maintenance Agreement.

(g) If a structural BMP is located within a subdivision, then the recorded plat of such subdivision shall include a reference to the book and page number where the Operation and Maintenance Agreement is recorded. **(AMENDED 6/26/12)**

(h) Where appropriate in the determination of the Administrator to assure compliance with this section, structural BMPs shall be posted with a conspicuous sign stating who is responsible for required maintenance and annual inspection. The sign shall be maintained so as to remain visible and legible. **(AMENDED 6/26/12)**

Section 15-264 Sedimentation and Erosion Control

(a) No zoning, special use, or conditional use permit may be issued and final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity subject to the jurisdiction of the Orange County Erosion Control Officer or the North Carolina Sedimentation Control Commission unless such officer or agency has certified to the town; either that:

(1) Any permit required by such officer or agency has been issued or any erosion control plan required by such officer or agency has been approved; or

(2) Such officer or agency has examined the preliminary plans for the development and it reasonably appears that any required permit or erosion control plan can be approved upon submission by the developer of more detailed construction or design drawings. However, in this case, construction of the development may not begin (and no building permits may be issued) until such officer or agency issues any required permit or approves any required erosion control plan.

(b) For purposes of this section, "land disturbing activity" means any use of the land by any person in residential, industrial, educational, institutional or commercial development, highway and road construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation. Sedimentation occurs whenever solid particulate matter, mineral or organic, is transported by water, air, gravity, or ice from the site of its origin.

(c) The Orange County Erosion Control Officer is authorized by resolution of the Carrboro Board of Aldermen to enforce within the town the Orange County Soil Erosion and Sedimentation Control Ordinance. **(AMENDED 12/7/83)**

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

Section 15-265 **(REPEALED 3/24/09).**

Section 15-266 Impervious Surface Limitations (AMENDED 12/7/83; 05/15/90)

(a) Within a B-5 or WM-3 zoning district (the total area of which comprises less than one percent of the are of the University Lake Watershed and all of which is located more than one-half mile from the normal pool elevation of University Lake), not more than twenty-four percent (24%) of the land on any lot may be covered by an impervious surface such as a street, drive, sidewalk, parking lot, building, or other roofed structure, etc. In the event that the area of impervious surface is greater than six percent (6%) of the total lot, stormwater management techniques must be employed that would retain the first one inch of rainfall running off of all impervious surfaces on a lot. A registered engineer must certify that the stormwater techniques used will accomplish this objective before a permit is issued, and it shall be a continuing condition of the permit that the owner provide necessary maintenance so that the stormwater retention techniques continue to function effectively. Such stormwater retention techniques shall be subject to inspection by the Town at least annually. In granting the conditional use permit authorizing such facilities, the Board shall require the developer to post a cash bond or other sufficient security to guarantee that the developer or his successor shall adequately maintain such stormwater retention facilities so that such facilities will continue to operate as intended. **(AMENDED 07/06/93; 10/15/96)**

(b) Subject to subsections (c) and (d), within a C or WR zoning district the maximum impervious surface coverage permissible on any lot shall be as shown in the following Table of Impervious Surface Calculations, which establishes a sliding scale of permissible impervious surface coverage based on lot size. For purposes of applying the table, lot sizes shall be rounded to the nearest tenth of an acre. Lot sizes of less than 0.5 acres may not exceed 4200 square feet of impervious surface, and lot sizes in excess of five acres may not exceed an impervious surface area equal to 4% of the lot size. For purposes of this subsection, impervious surface includes but is not limited to areas such as a street, driveway, sidewalk, parking lot, building, or other roofed or paved structure.

LOT SIZE		IMPERVIOUS SURFACE	
ACRES	SQUARE FOOTAGE	SQUARE FOOTAGE	PERCENTAGE
0.5	21,780	4,200	19.28
0.6	26,136	4,300	16.45
0.7	30,492	4,400	14.43
0.8	34,848	4,500	12.91
0.9	39,204	4,600	11.73
1.0	43,560	4,700	10.79
1.1	47,916	4,800	10.02
1.2	52,272	4,900	9.37
1.3	56,628	5,000	8.83
1.4	60,984	5,100	8.36
1.5	65,340	5,200	7.96
1.6	69,696	5,300	7.60
1.7	74,052	5,400	7.29
1.8	78,408	5,500	7.04
1.9	82,764	5,600	6.77
2.0	87,120	5,700	6.54
2.1	91,476	5,800	6.34
2.2	95,832	5,900	6.16.
2.3	100,188	6,000	5.99
2.4	104,544	6,100	5.83
2.5	108,900	6,200	5.69
2.6	113,256	6,300	5.56
2.7	117,612	6,400	5.44
2.8	121,968	6,500	5.33
2.9	126,324	6,600	5.22
3.0	130,680	6,700	5.13
3.1	135,036	6,800	5.04
3.2	139,392	6,900	4.95
3.3	143,748	7,000	4.87
3.4	148,104	7,100	4.79
3.5	152,460	7,200	4.72
3.6	156,816	7,300	4.66
3.7	161,172	7,400	4.59
3.8	165,528	7,500	4.53
3.9	169,884	7,600	4.47
4.0	174,240	7,700	4.42
4.1	178,596	7,800	4.37
4.2	182,954	7,900	4.32
4.3	187,308	8,000	4.27
4.4	191,664	8,100	4.23
4.5	196,020	8,200	4.18
4.6	200,376	8,300	4.14
4.7	204,732	8,400	4.10
4.8	209,088	8,500	4.07
4.9	213,244	8,600	4.03
5.0	217,800	8,712	4.00

(c) If a tract is subdivided, then impervious surface shall be calculated as follows:

(1) The area of each lot shown on a proposed final plat shall be calculated. For purposes of this calculation, all street right-of-way created as part of the subdivision shall be allocated to the adjoining lots by extending lot lines. If lots are created on either side of a proposed street, lot lines shall be extended to the centerline of the right-of-way.

(2) Maximum impervious surface area for each lot shall be determined in accordance with subsections (a) or (b).

(3) The sum total of impervious surface area permissible on the entire tract shall be determined by adding together the impervious surface area available to each lot as determined under subsections (a) or (b).

(4) The impervious surface area within streets and other areas, (such as common areas) outside of individual lot boundaries shall be subtracted from the total area calculated pursuant to subsection (3).

(5) Following the calculation set forth in subsection (4), the remaining permissible impervious surface area shall be allocated by the subdivide to each lot, subject to the applicable limitations set forth in this section, and subject to the further limitation that, with respect to a cluster subdivision, in no case may the overall impervious surface area allocation for the subdivided tract exceed 4% of the area of that tract. For purposes of this calculation, the area of each lot shall exclude street right-of-way. The allocation assigned to each lot shall be indicated on the face of the subdivision final plat, and purchasers of each lot shall be bound by such allocation.

(d) If a development is completed in phases or stages, the percentage restrictions set forth in this section shall apply to each separate phase or stage.

(e) All development within the JLWP that requires a sedimentation and erosion control plan under 15A NCAC 4 or the Orange County Sedimentation and Erosion Control Ordinance shall be subject to the following requirements:

(1) Density and built-upon area shall be limited as follows:

a. For single family residential subdivisions, minimum lot sizes of 20,000 square feet or maximum of two dwelling units per acre; or

b. Twenty-four percent built-upon area for all other residential and non-residential development; or

c. Three dwelling units per acre or thirty-six percent built-upon area for properties without curb and gutter systems.

(2) Stormwater runoff from such developments shall be transported by vegetated conveyances to the maximum extent practicable. **(AMENDED 10/15/96)**

(f) For purposes of this section, the term "built-upon area" means that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. Wooden slatted decks and the water area of a swimming pool are considered pervious. **(AMENDED 10/15/96)**

Section 15-267 Additional Development Standards Within C and WR District
(AMENDED 11/11/86; 05/15/90)

(a) Buildings and other impervious surfaces within the C and WR zoning districts shall be located, to the extent reasonably possible, so as to *(i)* take full advantage of the assimilative capacity of the land and *(ii)* avoid areas described in subsection 15-198(e) and (f). **(AMENDED 09/05/95).**

(b) To avoid the creation of lots that will be difficult to build upon in a manner that complies with the standard set forth in subsection (a) and the impervious surface limitations set forth in Section 15-266, preliminary and final plats for the subdivision of land within the C and WR zoning districts shall show buildable area and approximate driveway locations for all lots within such subdivision. Thereafter, no zoning permit may be issued for construction of buildings or driveways outside the buildable areas so designated on the final plat unless the zoning administrator makes a written finding that the proposed location complies with the provisions of subsection (a) of this section as well as section 15-266.

Section 15-268 (REPEALED 3/24/09).

PART III. WATER QUALITY BUFFERS

Section 15-269 Findings, Purpose and Applicability (REPEALED AND REWRITTEN 3/24/09; REWRITTEN 10/26/10; AMENDED 3/4/14)

(a) The Board finds that:

(1) Soil and pollutants carried overland from upstream land uses can be effectively trapped by leaving a relatively undisturbed strip of vegetation parallel and adjacent to a drainage feature.

(2) Properly managed overland water flow can be directed into this water quality buffer area in a manner that will minimize the concentration of flow and promote diffuse flow and infiltration of the water.

(3) Sediments and other pollutants carried by water will be reduced as a result of the dispersion and infiltration of flow and associated filtering, absorption, and uptake of pollutants.

(b) The purpose of this part is to protect, preserve, and enhance water quality buffers in order to maintain their pollutant removal functions and protect the quality of surface waters and water supplies. With regard to the Jordan Buffer Rules, it should be noted that nutrient removal is the primary function of riparian buffers. The NC Division of Water Quality shall administer the portion of these requirements of Rule 15 A NCAC 02B .0267 and .0268 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian Buffers and Mitigation of Existing Riparian Buffers, respectively) for activities conducted under the authority of the State, the United States, multiple jurisdictions, or local units of governments, and forest harvesting and agricultural activities. The Town of Carrboro shall administer those provisions for all other landowners and shall administer the remaining provisions of this Article for all other land disturbing activities and developments.

(c) Wetlands adjacent to surface waters or within 50 feet of surface waters shall be considered as part of the water quality buffers but are also regulated pursuant to other State and Federal regulations.

Section 15-269.1 Definitions

For purposes of this part, the following terms shall have the meaning as indicated:

(a) 'Access Trails' means pedestrian trails constructed of pervious or impervious surfaces, and related structures to access a surface water including boardwalks, steps, rails, signage.

(b) Archaeological Activities' means activities conducted by a Registered Professional Archaeologist (RPA).

(c) 'Buffer' means a water quality buffer, or an undeveloped area parallel and adjacent to a drainage feature to protect and enhance water quality.

(d) 'DBH' means diameter at breast height of a tree measured at 4.5 feet above ground surface level.

(e) 'Development' means the same as defined in Rule 15A NCAC 2B .0202(23).

(f) 'Diffuse flow' means flow that generally moves down slope via sheet flow rather than concentrating in rills, gullies, and ditches and in doing so is able to infiltrate into the soil and plant root zone.

(g) 'Ditch' means a man-made channel other than a modified natural stream.

(h) 'Ephemeral stream' means a drainage feature that carries only surface runoff in direct response to precipitation. An ephemeral stream may or may not have a well-defined channel and the stream bed is always above the water table. An ephemeral stream lacks the biological, hydrological, and physical characteristics commonly associated with perennial or intermittent streams.

(i) 'Existing development' means development, other than that associated with agricultural or forest management activities that meets one of the following criteria:

1. It either is built or has established a vested right based on statutory or common law as interpreted by the courts, for projects that do not require a state permit, as of the effective date of either local new development stormwater programs implemented under Rule 15A NCAC 2B .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) or, for projects requiring a state permit, as of the applicable compliance date established in Rule 15A NCAC 2B .0271 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development), Items (5) and (6); or

2. It occurs after the compliance date set out in Sub-Item (4)(d) of Rule .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) but does not result in a net increase in built-upon area.

(j) 'Greenway / Hiking Trails' means pedestrian and bicycle trails constructed of pervious or impervious surfaces and related structures including but not limited to boardwalks, steps, rails, and signage and that generally run parallel to the shoreline.

(k) 'High Value Tree' means a tree that meets or exceeds the following standards: for pine species, 14-inch DBH or greater or 18-inch or greater stump diameter; or for hardwoods and wetland species, 16-inch DBH or greater or 24-inch or greater stump diameter.

(l) 'Intermittent stream' means a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the continuous conveyance of water.

(m) 'New development,' for the purpose of this Article, means any development project that does not meet the definition of existing development set out in this Section.

(n) 'Perennial stream' means a well-defined channel that contains water year round during a year of normal rainfall with the aquatic bed located below the water table for most of the year. Groundwater is the primary source of water for a perennial stream, but it also carries stormwater runoff. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

(o) For purposes of this Article only, 'Public utility' means any governmental entity, nonprofit organization, corporation, or any entity defined as a public utility for any purpose by Section 62.3 of the North Carolina General Statutes that is engaged in the production, generation, transmission, delivery, collection, or storage of water, sewage electricity, gas, oil, or electronic signals

(p) 'Riparian buffer enhancement' is defined as the process of converting a non-forested riparian area, where woody vegetation density is greater than or equal to 100 trees per acre but less than 200 trees per acre, to a forested riparian buffer area. The enhanced, forested riparian buffer area shall include at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acres at maturity, and diffuse flow through the riparian buffer shall be maintained.

(q) 'Riparian buffer restoration' is defined as the process of converting a non-forested riparian area, where woody vegetation density is less than 100 trees per acre, to a forested riparian buffer area. The restored, forested riparian buffer area shall include predominately native hardwood tree species planted at a density sufficient to provide 320 trees per acres at maturity, and diffuse flow through the riparian buffer shall be maintained.

(r) 'Shoreline stabilization' is the in-place stabilization of an eroding shoreline. Stabilization techniques which include "soft" methods or natural materials (such as root wads or rock vanes) may be considered as part of a restoration design. However, stabilization techniques that consist primarily of "hard" engineering, such as concrete line channels, riprap or gabions, while providing bank stabilization, shall not be considered stream restoration.

(s) 'Stream' means a body of concentrated flowing water in a natural low area or natural channel on the land surface.

(t) 'Stream restoration' is defined as the process of converting an unstable, altered or degraded stream corridor, including adjacent riparian zone and flood-prone areas to its natural or referenced, stable conditions considering recent and future watershed conditions. This process also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in

order to achieve dynamic equilibrium. 'Referenced' or 'referenced reach' means a stable stream that is in dynamic equilibrium with its valley and contributing watershed. A reference reach can be used to develop natural channel design criteria for stream restoration projects.

(u) 'Stump diameter' means the diameter of a tree measured at six inches above the ground surface level.

(v) 'Surface waters' means any ephemeral, intermittent, or perennial stream, lake, pond, or reservoir, and including waters of the state as defined in G.S. 143-212 except underground waters".

(w) 'Temporary road' means a road constructed temporarily for equipment access to build or replace hydraulic conveyance structures or water dependent structures, or to maintain public traffic during construction.

(x) 'Tree,' for the purposes of this Part, means a woody plant with a DBH equal to or exceeding five inches or a stump diameter exceeding six inches.

(y) 'Water dependent structures' are those structures for which the use requires access or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads.

Section 15-269.2 Required Buffers

(a) Subject to the remaining provisions of this part, the water quality buffer areas described in this section are hereby designated as described below. The width of these buffers shall be as prescribed in Section 15-269.3. Disturbance of the area within, or outside causing hydrologic impacts upon, these buffers is restricted or prohibited as provided in Sections 15-269.4 and 15- 269.5

(b) Buffers shall be established adjacent to all surface waters designated as such on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture, ii the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS), or iii other more accurate mapping approved by the Geographic Information Coordinating Council (GICC) and the N.C. Environmental Management Commission (EMC). Prior to approving a map under item iii., the EMC shall provide a 30-day public notice and opportunity for public comment.

(1) If surface water is not designated as such on any of the foregoing maps, then the buffer requirements of this article applicable to perennial streams, intermittent streams, lakes, or ponds that are shown on such maps shall not apply, but buffers applicable to ephemeral streams may apply.

(2) Where the specific origination point of a stream is in question, a publication of the N.C. Division of Water Quality entitled *Identification Methods for the Origins of Intermittent and Perennial Streams* shall be used by town representatives who have

successfully completed the Division's Surface Water Identification Training Certification course to establish that point.

(3) When a landowner or other affected party believes that surface waters shown on the above described maps have been inaccurately depicted as perennial streams, intermittent stream, lakes or ponds, then such landowner or other affected party may have an on-site evaluation completed by a party who has successfully completed the NC Division of Water Quality *Surface Water Identification Training Certification* course, its successor, or other equivalent training curriculum approved by the Division, and submit the results of that evaluation to the town. Any disputes over onsite determinations made according to this Item shall be referred to the Director of the Division of Water Quality c/o the 401 Oversight Express Permitting Unit, or its successor, in writing. The Director's determination is subject to review as provided in Articles 3 and 4 of G.S. 150B.

(c) Buffers shall also be established adjacent to all ephemeral streams and ponds not shown on the above described maps that have a contributing drainage area that is at least five acres in size, as depicted in the Town's GIS database.

(1) When a landowner or other affected party believes that the designation of an area by the town as an ephemeral stream or pond with a contributing drainage area of at least five acres is in error, such landowner or other affected party may request that Town staff perform an onsite visit and/or submit to the Town data sufficient to make this case. Upon request, Town staff shall make a site visit and consider the information submitted by the landowner or other affected party as well as other relevant information.

(2) The decision as to the existence of an ephemeral stream or pond with a contributing drainage area of at least five acres shall be made by the permit issuing authority when it makes a final decision on the issuance of the permit.

(d) The administrator may require that the precise location of any surface water be Surveyed and accurately shown on development plans whenever necessary to ensure that a proposed development complies with the provisions of this article.

Section 15-269.3 Width of Buffers

(a) ZONES OF THE RIPARIAN BUFFER. The protected riparian buffer shall have two zones as follows:

(1) A streamside zone ("Zone 1') shall consist of an undisturbed area except as provided for in Section 15-269.5. The function of the streamside zone is to protect the physical and ecological integrity of the stream ecosystem, and filter runoff received from Zone 2. The desired vegetation for Zone 1 is mature forest. The location of Zone 1 shall be as follows:

a. Zone 1 shall begin at the most landward limit of the top of the bank. Zone 1 shall extend landward on either side of perennial and intermittent stream, and ephemeral streams with clearly defined streambanks, as indicated in Table 1, measured horizontally on a line perpendicular to a vertical line marking the origin of the buffer as defined above. For ephemeral streams without clearly defined streambanks, Zone 1 shall be measured from the centerline of the stream.

b. For ponds, lakes and reservoirs, Zone 1 shall begin at the most landward limit of the normal water level and extend landward as indicated in Table 1, measured horizontally on a line perpendicular to a vertical line marking the edge of the surface water.

(2) Zone 2 shall consist of an undisturbed area except as provided for in Section 15-269.5. The functions of this zone are to: protect the streamside zone, to filter runoff from upland development, and deliver runoff to Zone 1 in a dispersed fashion. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward as indicated in Table 1 as measured horizontally on a line perpendicular to the surface water. The desired vegetation for this zone is mature native vegetation; forest cover is encouraged.

(3) The total buffer width shall be the sum of the widths of the two zones, as indicated in Table 1, and shall extend on all sides of the waterbody.

Table 1: Required Minimum Buffer Width (*)

Waterbody type	Zone 1 width		Zone 2 width		Total width	
	Watershed	Outside of Watershed	Watershed	Outside of Watershed	Watershed	Outside of Watershed
Perennial Streams, Ponds, Lakes, Reservoirs	100’	50’	--	50’	100’	100’
Intermittent Streams, Ponds	60’	30’	--	30’	60’	60’
Ephemeral Streams, Ponds	--	--	30’	15’	30’	15’

* “Watershed” means within the University Lake Watershed, and “Outside of watershed” means the remainder of the Town’s planning jurisdiction. For streams, the width indicated is in one direction from the stream channel; the total width is therefore twice the width indicated.

(4) Notwithstanding the other provisions of this section, in no case shall the width of any buffer be less extensive than the special flood hazard area for the same stream, pond, or lake drainage feature designated in accordance with the provisions of Part I of this article.

Section 15- 269.4 Diffuse Flow Requirement

Concentrated runoff from new ditches or man-made conveyances shall be converted to diffuse flow at non-erosive velocities before the runoff enters the buffer, and maintained in the buffer by dispersing runoff that has concentrated into rills, gullies, and ditches, and reestablishing vegetation where concentrated flow has displaced vegetation Corrective action to restore diffuse flow shall be taken if necessary to impede the formation or expansion of erosion rills or gullies. Where site conditions constrain the ability to ensure diffuse flow through both Zones 1 and 2, emphasis will be placed on ensuring diffuse flow through Zone 1, as provided for in 15-269.3. No new engineered stormwater devices or conveyances are allowed in the buffers except as provided for in Section 15-269.5.

Section 15-269.5 Exempt and Allowable Activities

(a) The table set forth in subsection (d) below sets out the activities and their designation under this part as exempt, allowable, or allowable with mitigation, except as provided for in 15-269.2. All activities not designated as exempt, allowable, or allowable

with mitigation are prohibited within the buffer unless a variance is granted pursuant to Section 15-269.8.

(b) Activities designated in the table below as exempt, allowable, and allowable with mitigation shall be subject to the following requirements. All activities shall be designed, constructed and maintained to minimize soil and vegetation disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. Activities designated in the table as allowable and allowable with mitigation require written authorization from the Town.

(1) Exempt. Activities designated as exempt are allowed within the buffer. In addition, exempt uses shall meet the requirements listed in the table and the accompanying notes for the specific use.

(2) Allowable. Activities designated as allowable are permissible within the buffer provided that there are no practical alternatives to the requested use as determined in accordance with Section 15-269.6.

(3) Allowable With Mitigation. Activities designated as allowable with mitigation are permissible within the buffer provided that there are no practical alternatives to the requested use as determined in accordance with Section 15-269.6, and an appropriate mitigation strategy has been approved pursuant to Section 15-269.7.

(c) For public utilities as defined in this Article, the activities and their designation as set forth in the table in subsection (d) apply to expansions and extensions. The requirements do not apply to routine or emergency maintenance and repairs.

(d) Table of Exempt and Allowable Activities in Water Quality Buffers (AMENDED 3/4/14)

Activity	Exempt	Allowable	Allowable with Mitigation
Drainage, Stormwater, Erosion Control, and other Water-based activities			
Dam maintenance activities: • Dam maintenance activities that do not cause additional buffer disturbance beyond the footprint of the existing dam or those covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3	X		
• Dam maintenance activities that do cause additional buffer disturbance beyond the footprint of the existing dam or those not covered under the U.S. Army Corps of Engineers Nationwide Permit No. 3		X	
Drainage ditches, roadside ditches and stormwater conveyances through buffers: • New stormwater flows to existing drainage ditches, roadside ditches, and stormwater conveyances provided that flows do not alter or result in the need to alter the conveyance and are managed to minimize the sediment, nutrients and other pollution that convey to surface waters	X		
Realignment of roadside drainage ditches retaining the design dimensions provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations.		X	
• New or altered drainage ditches, roadside ditches and stormwater outfalls provided that a stormwater management facility is installed to control nutrients and attenuate flow before the conveyance discharges through the riparian buffer.			X
• New drainage ditches, roadside ditches and stormwater conveyances applicable to linear projects that do not provide a stormwater management facility due to topographic constraints provided that other practicable BMPs have been employed.			X

Activity	Exempt	Allowable	Allowable with Mitigation
Ponds created by impounding streams and not used as stormwater BMPs: • New ponds in Zone 2 only provided that a riparian buffer meeting the requirements of Section 15-269.3 and 15-269.4 is established adjacent to the pond • All other new ponds		X	X
• Drainage of a pond in a natural drainage way provided that a new riparian buffer that meets the requirements of this section is established adjacent to the new channel. [Ponds that are not in a natural drainage way are not subject to the buffer requirements of this part.] **AMENDED 2/21/12)**	X		
Scientific studies and stream gauging	X		
Stormwater BMPs: • Constructed wetlands in Zone 1, if not closer than 30' to surface waters and diffuse flow is provided into the remainder of Zone 1. • Wet detention, bioretention, and constructed wetlands in Zone 2 if diffuse flow of discharge is provided into Zone 1		X X	
See Wetland, stream and buffer restoration			
Shoreline stabilization, including armoring of stream banks with rip rap or retaining walls			X

Activity	Exempt	Allowable	Allowable with Mitigation
Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and comparable vegetation is replanted immediately after construction is complete. Tree planting may occur during the dormant season; the restored buffer shall comply with Section 15-269.7(g) within five years:	X		
• In Zone 2, provided that the vegetation in Zone 1 is not compromised, that discharge is released as diffuse flow in accordance with Section 15-269.5 , and that ground cover is established within time frames required by the Sedimentation and Erosion Control Act In Zones 1 and 2 to control impacts associated with uses approved by the Town or that have received a variance provided that sediment and erosion control for upland areas is addressed, to the maximum extent practical, outside the buffer.		X	
• In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Water Pollution Control Act.	X		
• In-stream temporary erosion and sediment control measures for work within a stream channel.		X	
Water dependent structures where installation and use result in disturbance to riparian buffers.		X	
Water wells • Single family residential water wells	X		
• All other water wells		X	
Wetland, stream and buffer restoration that results in impacts to the riparian buffers: • Wetland, stream and buffer restoration that requires DWQ approval for the use of a 401 Water Quality Certification	X		
• Wetland, stream and buffer restoration that does not require DWQ approval for the use of a 401 Water Quality Certification		X	
Miscellaneous			
Archaeological activities	X		

Activity	Exempt	Allowable	Allowable with Mitigation
Fences: • Fences provided that disturbance is minimized and installation does not result in removal of trees as defined in Section 15-316 • Fences provided that disturbance is minimized and installation results in removal of trees as defined in Section 15-316	X	X	
Grading and revegetation in Zone 2 only provided that diffuse flow and the health of existing vegetation in Zone 1 is not compromised and disturbed areas are stabilized until they are revegetated		X	
Maintenance access on modified natural streams: a grassed travel way on one side of the water body where less impacting alternatives are not practical. The width and specifications of the travel way shall be only that needed for equipment access and operation. The travel way shall be located to maximize stream shading.		X	
Mining activities: • Mining activities that are covered by the Mining Act provided that new buffers that meet the requirements of this section are established adjacent to the relocated channels Mining activities that are not covered by the Mining Act OR where new buffers that meet the requirements of this section are not established adjacent to the relocated channels Wastewater or mining dewatering wells with approved NPDES permit	X	X	X
Preservation or maintenance of historic or cultural sites	X		
Protection of existing structures, facilities and stream banks when this requires additional disturbance of the riparian buffer or the stream channel		X	
Removal of previous fill or debris provided that diffuse flow is maintained, a stabilizing ground cover sufficient to restrain erosion is established, and any woody vegetation removed is restored		X	
Wildlife passage structures		X	

Recreation			
Access trails: Pedestrian access trails leading to the surface water, docks, fishing piers, boat ramps and other water dependent activities: • Pedestrian access trails that are restricted to the minimum width practicable and do not exceed 4 feet in width of buffer disturbance, and provided that installation and use does not result in removal of trees as defined in Section 15-316 and no impervious surface is added to the buffer. • Pedestrian access trails that exceed 4 feet in width of buffer disturbance, the installation or use results in removal of trees as defined in this Section or impervious surface is added to the buffer.	X	X	
Canoe Access provided that installation and use does not result in removal of trees as defined in Section 15-316 and no impervious surface is added to the buffer.	X		
Greenway / hiking trails[1] designed, constructed and maintained to maximize nutrient removal and erosion protection, minimize adverse effects on aquatic life and habitat, and protect water quality to the maximum extent practical		X	
Playground equipment: • Playground equipment on single family lots provided that installation and use does not result in removal of vegetation • Playground equipment installed on lands other than single-family lots or that requires removal of vegetation	X	X	
Transportation			
Bridges		X	

[1] To the extent practicable, greenway easements shall be located a minimum of 10 feet from the top of bank; surfaces shall be a minimum of 15 feet from the top of bank

Driveway crossings of streams and other surface waters subject to this Section: • Individual driveway crossings that disturb equal to or less than 25 linear feet or 2,500 square feet of buffer • Individual driveway crossings that disturb greater than 25 linear feet or 2,500 square feet of buffer • Multiple driveway crossings in any development that cumulatively disturbs equal to or less than 150 linear feet or one-third of an acre of buffer Multiple driveway crossings in any development that cumulatively disturbs greater than 150 linear feet or one-third of an acre of buffer • Driveway impacts other than crossing of a stream or other surface waters subject to this Section	X	X X	X X
Railroad impacts other than crossings of streams and other surface waters subject to this Part.			X
Railroad crossings of streams and other surface water drainage features subject to this Part: • Railroad crossings that impact equal to or less than 40 linear feet of riparian buffer • Railroad crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Railroad crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X
Road relocation: Relocation of existing private access roads associated with public road projects where necessary for public safety: • Less than or equal to 2,500 square feet of buffer impact • Greater than 2,500 square feet of buffer impact		X	X

Temporary roads, provided that restoration activities, including re-establishment of pre-construction topographic and hydrologic conditions and replanting with comparable vegetation occur immediately after construction. Tree planting may occur during the dormant season; the restored buffer shall comply with Section 15-269.7(g) within five years: • Less than or equal to 2,500 square feet of buffer disturbance • Greater than 2,500 square feet of buffer disturbance • Associated with culvert installation of bridge construction or replacement	X	X X	
Transportation (vehicular, bike) crossings of streams and other surface waters subject to this Section: • Transportation crossings that impact equal to or less than 40 linear feet of riparian buffer • Transportation crossings that impact greater than 40 linear feet but equal to or less than 150 linear feet or one-third of an acre of riparian buffer • Transportation crossings that impact greater than 150 linear feet or one-third of an acre of riparian buffer	X	X	X
Transportation impacts other than crossings of streams and other surface waters subject to this Section			X
Vehicle access roads and boat ramps leading to the surface water, docks, fishing piers, and other water dependent activities, but not crossing the surface water and having a minimum practicable width of not more than 10 feet.		X	

Utilities			
Electric utility, aerial, perpendicular crossings[2,3,4]: • Disturb equal to or less than 100 linear feet of buffer • Disturb greater than 100 linear feet of buffer	X	X	
Electric utility, aerial, other than perpendicular crossings[3]: • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters [2,4,5]	X	X	X
Electric utility, underground, perpendicular crossings[3,4,6]: • Disturb less than or equal to 40 linear feet of buffer • Disturb greater than 40 linear feet of buffer	X	X	

[2] Provided that within 30 feet of surface waters, all of the following BMPs for overhead utility lines are used. If all of these BMPs are not used, then the overhead utility lines shall require a no practical alternative evaluation by the Administrator as defined in Section 15-269.6.
• A zone at least 10 feet wide immediately adjacent to the water body shall be managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed.
• Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.
• Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain where trees are cut.
• Riprap shall not be used unless it is necessary to stabilize a tower.
• No fertilizer shall be used other than a one-time application to re-establish vegetation.
• Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
• Active measures shall be taken after construction and during routine maintenance to ensure diffuse flow of stormwater through the buffer.
• In wetlands, mats shall be utilized to minimize soil disturbance.
[3] Perpendicular crossings are those that intersect the surface water at an angle between 75 degrees and 105 degrees.
[4] Provided that poles or aerial infrastructure shall not be installed within 10 feet of a water body unless the Administrator completes a no practical alternative evaluation as defined in Section 15-269.6
[5] Provided that:

- No heavy equipment shall be used within 30 feet of surface waters.
- A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable.
- Trees shall be: 1) felled so as not to damage trees not intended for removal or stream banks; and 2) removed by chain.
- No permanent felling of trees occurs in protected buffers or streams.
- Stumps shall be removed only by grinding.
- Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
- At the completion of the project the disturbed area shall be stabilized with native vegetation.
- The condition and use of the area within 50 feet of surface waters shall be consistent with Sections 15-269.3 and 15-269.4.

[6] •A tree protection plan shall be developed and approved by Administrator that will protect the buffer to the maximum extent practicable.
•Trees shall be felled so as not to damage trees not intended for removal or stream banks.
•Construction activities shall minimize the removal of woody vegetation, the extent of the disturbed area, and the time in which areas remain in a disturbed state.
•Stump grinding is allowable only for stumps more than 30 feet from surface waters.

Electric utility, underground, other than perpendicular crossings [3,6]:			
• Impacts greater than 50 feet from surface waters	X		
• Impacts within 30-50 feet of surface waters		X	
• Impacts within 30 feet of surface waters [5]			X

• Within 30 feet of surface water, all of the following BMPs for underground utility lines shall be used. If all of these BMPs are not used, then the underground utility line shall require a no practical alternative evaluation by the Administrator, as defined in Section 15-269.6.

• Trees shall be removed by chain. Woody vegetation shall be cleared by hand. No land grubbing or grading is allowed.

.• Vegetative root systems shall be left intact to maintain the integrity of the soil. Stumps shall remain, except in the trench created for the line installation.

• Underground cables shall be installed by vibratory plow or trenching.

• The trench shall be backfilled with the excavated soil material immediately following cable installation.

• No fertilizer shall be used other than a one-time application to re-establish vegetation.

• In wetlands, mats shall be utilized to minimize soil disturbance.

• At the completion of the project the disturbed area shall be stabilized with native vegetation.

•The condition and use of the area within 50 feet of surface waters shall be consistent with Sections 15-269.3 and 15-269.4

[7] All sewer crossings shall be protected from damage and risk of future leakage to the maximum extent practicable using ductile iron and other appropriate construction materials and practices.

[8] The width of the corridor that is maintained to exclude woody vegetation will not exceed 20 feet in width except to accommodate vehicle turnaround, preparedness for emergency situations, and state and federal regulatory standards.

Non-electric utility, perpendicular crossings[3,4,6,7]: • Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor equal to or less than10 feet in width • Disturb equal to or less than 40 linear feet of buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor equal to or less than 10 feet in width • Disturb greater than 40 linear feet but equal to or less than 150 linear feet of buffer with a maintenance corridor greater than 10 feet in width • Disturb greater than 150 linear feet of buffer	X	X X	X X
Non-electric utility, other than perpendicular crossings [3,6]: • Impacts greater than 50 feet from surface waters • Impacts within 30-50 feet of surface waters • Impacts within 30 feet of surface waters [5,8]	X	X	X
Vegetation Management			
Forest harvesting – See Section 15-319.1			
Fertilizer application: One-time fertilizer application to establish vegetation	X		
Vegetation management: • Emergency fire control measures provided that topography is restored • Mowing and harvesting of plant products in Zone 2 only • Planting vegetation to enhance the riparian buffer • Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised • Removal of individual trees which are dead, diseased, or damaged, are in danger of causing damage to dwellings, other structures or human life, or are imminently endangering the stability of the streambank • Removal of poison ivy • Removal of invasive exotic vegetation as defined in Smith, Cherri L., 1998 *Exotic Plant Guidelines.* DENR, Division of Parks and Recreation. Raleigh, N.C. Guideline # 30, or a more recent version or alternative reference approved by the NC EMC.	X X X X X X X		

(e) Additional Setback Requirements for Specific Water Pollution Hazards

The following activities are designated as potential water pollution hazards, and must be set back from any stream or waterbody by the required buffer width provided in 15-269.3 or the distance indicated below, whichever is greater:

Activity	**Setback**
Above or below ground storage of hazardous substances, petroleum or biofuels	150 feet
Animal feedlot operations	250 feet
Land application of biosolids	100 feet
Solid waste landfills or junkyards	300 feet

(f) **(REPEALED 2/21/12)**

(g) No new lot may be created through a major or minor subdivision process that would be undevelopable under the provisions of this part because of the amount or dimensions of protective buffer land included in it, unless such lot has already been developed, or it plainly appears that such lot is intended to be devoted to permanent open space use.

(h) Areas set aside as protective stream buffers as required by this part may be counted towards required open space as set out in Sections 15-198, so long as they meet all the provisions of that section.

(i) Nothing in this part shall prevent a single family residence (including a mobile home) from being located within the required protective stream buffer areas if such home: 1) replaces a home that had been located within such buffer prior to the effective date of this part and is located on the same location as the previous home; or 2) is located on a mobile home pad or foundation that was in existence on the effective date of this part.

(j) Nothing in this part shall prevent the expansion of an existing single family detached residence (including an attached garage) into any buffer area that adjoins an ephemeral stream, if and to the extent that such area was not a regulated stream buffer under the provisions of this chapter in effect prior to the effective date of this section.

Section 15-269.6 Determination of "No Practical Alternatives"

(a) Persons who wish to undertake uses designated as allowable or allowable with mitigation under Section 15-269.5 or wish to meet a mitigation requirement provided under Section 15-269.7(g) shall submit a written request to the permit issuing authority for a "no practical alternatives" determination. The applicant shall certify that the criteria identified in subsection (b) are met and may submit any information deemed relevant to the permit issuing authority determination, in addition to the plans and other information submitted as part of the application for a permit under Article IV of this chapter.

(b) The permit issuing authority shall make a "no practical alternatives" determination if, after reviewing the project plans and any other applicable information, it concludes that:

(1) The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality, and;

(2) Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

(c) Requests for a "no practical alternatives" determination shall be reviewed and either approved or denied. The permit issuing authority shall issue the decision in writing.

(d) If the "no practical alternatives" determination is issued in the context of a zoning permit, then the determination is to be made within 60 days of the submission of a completed application, unless:

(1) The applicant agrees, in writing, to a longer period;
(2) The local government determines that the applicant has failed to furnish requested information necessary to the local government's decision;
(3) The applicant refuses access to its records or premises for the purpose of gathering information necessary to the local government's decision.

(e) Any appeals of determinations regarding determinations of "no practical alternatives" shall be referred to the Director of DWQ. The Director's decision is subject to review as provided in G.S. 150B Articles 3 and 4.

Section 15-269.7 Mitigation for Water Quality Buffers (REWRITTEN 5/22/12)

(a) PURPOSE. The purpose of this section is to set forth the mitigation requirements for water quality buffer protection in relation to either a use shown in Section 15-269.5(d) as "allowable with mitigation" or a use for which a variance has been granted pursuant to Section 15-92(j).

(b) THE AREA OF MITIGATION. Staff shall determine the required area of mitigation, which shall apply to all mitigation options identified in this section, according to the following:

(1) The impacts in square feet to each zone of the buffer shall be determined by adding the area of the footprint of the activity causing the impact to the riparian buffer, including any clearing and grading within the buffer necessary to accommodate other activities, and the area of any ongoing maintenance corridors within the buffer associated with the activity.
(2) The required area of mitigation shall be determined by applying the following multipliers to the impacts determined in subsection (b)(1) to each zone of the riparian buffer:
a. Impacts to Zone one of the riparian buffer shall be multiplied by three;
b. Impacts to Zone two of the riparian buffer shall be multiplied by one and one-half.

(c) THE LOCATION OF MITIGATION. The mitigation effort shall be located within the Town's planning jurisdiction, and as close to the location of the impact as feasible.

(d) OPTIONS FOR MEETING THE MITIGATION DETERMINATION. (**AMENDED 5/22/12)**

(1) For impacts to buffers on intermittent and perennial streams, payment of a compensatory
mitigation fee to the Riparian Buffer Restoration Fund (pursuant to 15A NCAC 02B .0269, Jordan Water Supply Nutrient Strategy: Riparian Mitigation Fees to the NC Ecosystem Enhancement Program), contingent upon acceptance of payments by the NC Ecosystem Enhancement Program, or to a private mitigation bank so long as the mitigation programs alternative to the Riparian Buffer Restoration Fund comply with the most current banking requirements of the US Army Corps of Engineers and the most current applicable trading criteria associated with water quality mitigation. For impacts to ephemeral streams, payment may be made only to the Town's Water Quality Enhancement Fund.

(2) Donation of real property or of an interest in real property pursuant to subsection (f) of this Section;

(3) Riparian buffer enhancement, or riparian buffer restoration. This shall be accomplished by the applicant after submittal and approval of a restoration plan pursuant to subsection (g) of this Section.

(e) PAYMENT TO THE WATER QUALITY ENHANCEMENT FUND. Persons who choose to satisfy their mitigation determination by paying a compensatory mitigation fee to the Water Quality Enhancement Fund as allowed here shall use the following procedure:

(1) The Town shall establish annually, and include on the Miscellaneous Fees and Charges Schedule, a per square foot buffer mitigation fee. The fee shall be based upon a reasonable estimate of the per square foot cost of accomplishing riparian buffer restoration.
(2) The amount of the compensatory mitigation fee due shall be determined by multiplying the area in square feet of mitigation calculated in accordance with subsection (b) by the per square foot buffer mitigation fee.
(3) The required fee shall be submitted to the Town prior to construction plan approval.

(f) DONATION OF PROPERTY. Persons who choose to satisfy their mitigation determination by donating real property or an interest in real property to the Town shall meet the following requirements:

(1) The donation of real property interests may be used to either partially or fully satisfy the payment of a compensatory mitigation fee to the Riparian Buffer Restoration Fund, the Water Quality Enhancement Fund, or another alternative, private mitigation bank. The value of the property interest shall be determined by an appraisal performed in accordance with subsection (f)(4)d of this Section. The donation shall satisfy the mitigation determination if the appraised value of the donated property interest is equal to or greater than the required fee. If the appraised value of the donated property interest is less than the required fee, the applicant shall pay the remaining balance due.

(2) The donation of conservation easements to satisfy compensatory mitigation requirements shall be accepted only if the conservation easement is granted in perpetuity.

(3) Donation of real property interests to satisfy the mitigation determination shall be accepted only if such property meets all of the following requirements:

a. The property shall be located within an area that is identified as a priority for restoration in, or is otherwise consistent with the goals of the Basinwide Wetlands and Riparian Restoration Plan for the Cape Fear River Basin developed by the NC Division of Water Quality.

b. The property shall contain riparian buffers not currently protected by the State's riparian buffer protection program that are in need of restoration.

c. The restorable riparian buffer on the property shall have a minimum length of 1000 linear feet along a surface water and a minimum width of 50 feet as measured horizontally on a line perpendicular to the surface water.

d. The size of the restorable riparian buffer on the property to be donated shall equal or exceed the acreage of riparian buffer required to be mitigated under the mitigation responsibility determined pursuant to Item (b) of this Section.

e. The property shall not require excessive measures for successful restoration, such as removal of structures or infrastructure. Restoration of the property shall be capable of fully offsetting the adverse impacts of the requested use.

f. The property shall be suitable to be successfully restored, based on existing hydrology, soils, and vegetation.

g. The estimated cost of restoring and maintaining the property shall not exceed the value of the property minus site identification and land acquisition costs.

h. The property shall not contain any building, structure, object, site, district that is listed in the National Register of Historic Places established pursuant to Public Law 89-665, 16 U.S.C. 470 as amended.

i. The property shall not contain any hazardous substance or solid waste.

j. The property shall not contain structures or materials that present health or safety problems to the general public. If wells, septic, water or sewer connections exist, they shall be filled, remediated or closed at owner's expense in accordance with state and local health and safety regulations.

k. The property and adjacent properties shall not have prior, current, and known future land use that would inhibit the function of the restoration effort.

l. The property shall not have any encumbrances or conditions on the transfer of the property interests.

(4) At the expense of the applicant or donor, the following information shall be submitted to the Town with any proposal for donations or dedications of interest in real property:

a. Documentation that the property meets the requirements laid out in subsection (f)(3) of this Section;

b. USGS Survey 1:24,000 scale topographic map, county tax map, USDA Natural Resource Conservation Service County Soil Survey Map, and county road map showing the location of the property to be donated along with information on

existing site conditions, vegetation types, presence of existing structures and easements;

c. A current property survey performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the State Board of Registration for Professional Engineers and Land Surveyors in "Standards of Practice for Land Surveying in North Carolina." Copies may be obtained from the North Carolina State Board of Registration for Professional Engineers and Land Surveyors, 3620 Six Forks Road, Suite 300, Raleigh, North Carolina 27609;

d. A current appraisal of the value of the property performed in accordance with the procedures of the North Carolina Department of Administration, State Property Office as identified by the Appraisal Board in the "Uniform Standards of Professional North Carolina Appraisal Practice." Copies may be obtained from the Appraisal Foundation, Publications Department, P.O. Box 96734, Washington, D.C. 20090-6734; and

e. A title certificate from a licensed NC attorney.

(5) The deed conveying the real property interest must be delivered to the Town prior to final plat approval (for mitigation that is required in connection with a subdivision) or to the issuance of a certificate of occupancy (for mitigation that is required in connection with an unsubdivided development) **(AMENDED 5/22/12).**

(g) RIPARIAN BUFFER RESTORATION OR ENHANCEMENT. Persons who choose to meet their mitigation requirement through riparian buffer restoration or enhancement shall meet the following requirements:

(1) The applicant may restore or enhance a non-forested riparian buffer if either of the following applies:

a. The area of riparian buffer restoration is equal to the required area of mitigation determined pursuant to subsection (b) of this Section; or

b. The area of riparian buffer enhancement is three times larger than the required area of mitigation determined pursuant to subsection (b) of this Section.

(2) The location of the riparian buffer restoration or enhancement shall comply with the requirements in subsection (d) of this Section.

(3) The width of the riparian buffer restoration or enhancement site shall comply with Section 15-269.3 as measured horizontally on a line perpendicular to the surface water.

(4) The applicant shall submit a restoration or enhancement plan for approval. The restoration or enhancement plan shall contain the following:

a. A map of the proposed restoration or enhancement site;

b. A vegetation plan. The vegetation plan shall include a minimum of at least two native hardwood tree species planted at a density sufficient to provide 320 trees per acre at maturity;

c. A grading plan. The site shall be graded in a manner to ensure diffuse flow through the riparian buffer;

d. A fertilization plan; and

e. A schedule for implementation.

(5) Within one year after the permit issuing authority has approved the restoration or enhancement plan, the applicant shall present proof that the riparian buffer has been restored or enhanced. If proof is not presented within this timeframe, then the person shall be in violation of the riparian buffer protection program.

(6) The mitigation area shall be placed under a perpetual conservation easement that will provide for protection of the property's nutrient removal and other water quality enhancement functions.

(7) The applicant shall submit annual reports for a period of five years after the restoration or enhancement showing that the trees planted have survived and that diffuse flow through the riparian buffer has been maintained. The applicant shall replace trees that do not survive and restore diffuse flow if needed during that five-year period.

(h) The Town may determine that the option described in 15-269.7(e) does not apply to a public utility as defined in this Article if the mitigation options specified above in 15-269.7(f) and (g) are found to not be feasible.

Section 269.8 Permits and Enforcement of Buffer Requirements.

Like the other requirements of this chapter, the provisions of Part III of Article XVI (water quality buffers) shall ordinarily be enforced by requiring compliance as development permits (i.e., zoning, special use, or conditional use permits) are issued. Accordingly, a determination as to whether a proposed disturbance of a buffer is exempt, allowable, or allowable with mitigation will ordinarily be made in the context of the review process for such a development permit. To the extent that the activities identified in the Table of Exempt and Allowable Activities (set forth in Subsection 15-269.5(d) above) are proposed to be conducted or undertaken under circumstances where no such development permit is likely to be required (e.g., archeological activities or the installation of playground equipment), such activities may not be conducted or undertaken until a buffer disturbance permit has been issued by the zoning administrator. Such permit shall be issued if the administrator concludes, based upon the information submitted with the application for such permit, that the proposed disturbance will be consistent with the requirements of this article.

ARTICLE XVII

SIGNS

Section 15-270 Definitions.

Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.

(1) **SIGN.** Any device that (i) is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision (ii) of this definition, and (ii) is designed to attract the attention of such persons or to communicate information to them. Without limiting the generality of the foregoing, a device that might otherwise be categorized as a sign that is located at least fifteen feet to the interior side of any exterior wall shall not be regarded as a sign so long as it is not internally illuminated, illuminated with spotlights, or otherwise illuminated to draw special attention to it. **(AMENDED 3/11/86)**

(2) **FREESTANDING SIGN.** A sign that (i) is not directly attached to, erected on, or supported by a building or other structure having a principal function other than the support of such sign, but (ii) is instead attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign", is also a freestanding sign.

(3) **OFF-PREMISES SIGNS.** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located.

(4) **SANDWICH BOARD SIGN.** A freestanding sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" (Λ) so that the bottom of the sign rests upon or near the ground. **(AMENDED 12/08/92)**

(5) **TEMPORARY SIGN.** A sign that (i) is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign, or (ii) is intended to remain on the location where it is erected or placed for a period of not more than fifteen days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

Section 15-271 Permit Required for Signs (AMENDED 1/22/85)

(a) Except as otherwise provided in Sections 15-272 (Signs Excluded From Regulation) and 15-273 (Certain Temporary Signs: Permit Exceptions and Additional Regulations), no sign may be erected, moved, enlarged, or substantially altered except in accordance with the provisions of this section.

(b) If plans submitted for a zoning permit, special use permit, or conditional use permit include sign plans in sufficient detail that the permit-issuing authority can determine whether the proposed sign or signs comply with the provisions of this chapter, then issuance of the requested zoning, special use, or conditional use permit shall constitute approval of the proposed sign or signs.

(c) Signs not approved as provided in subsection (b) or (d) exempted under the provisions referenced in subsection (a) may be erected, moved, enlarged, or substantially altered only in accordance with a sign permit issued by the administrator. **(AMENDED 6/26/12)**

(1) Sign permit applications and sign permits shall be governed by the same provisions of this chapter applicable to zoning permits.

(2) In the case of a lot occupied or intended to be occupied by multiple business enterprises (e.g., a shopping center): **(AMENDED 3/4/86)**

a. Subject to Subsection 15-271(b), sign permits shall be issued in the name of the lot owner or his agent rather than in the name of the individual business, and it shall be the sole responsibility of such owner or agent to allocate among the tenants the permissible maximum sign surface area.

b. Upon application by such owner or agent, the administration may issue a master sign permit that allocates permissible sign surface area to the various buildings or businesses within the development according to an agreed upon formula and thereafter sign permits may be issued to individual tenants only in accordance with the allocation contained in the master sign permit.

(d) In the B-1(C) and B-1(G) zoning districts, with respect to developments that (i) require the issuance of a conditional use permit, (ii) are intended to be occupied by multiple commercial enterprises, and (iii) will contain one or more buildings that are at least three stories in height, the Board of Aldermen may approve a master signage plan that shows in detail the dimensions, locations, and characteristics of all signs within that development other than those signs that are excluded from regulation under Section 15-272 or that do not require permits under Section 15-273. **(AMENDED 6/26/12)**

(1) Such master signage plan may be approved as part of the issuance of the original conditional use permit or as a minor amendment to the original conditional use

permit, provided that no such master plan shall be approved through the minor amendment process unless the Board of Aldermen first holds a public hearing on the proposed amendment. Amendments to a master signage plan approved under this section may be approved in accordance with the provisions of Section 15-64 (Amendments to and Modifications of Permits).

(2) In approving a master signage plan as authorized by this subsection, the Board may allow deviations from the requirements of this chapter relating to the number and type of permissible signs as well as other dimensional restrictions applicable to such signs if the Board concludes that such deviations are warranted given the height, shape, dimensions, and orientation of buildings on the development site, the number of individual businesses likely to occupy the development site, the need of the traveling public to be able conveniently and safely to locate and access destination businesses (e.g. hotels and restaurants) and parking areas.

(3) In approving a master signage plan as authorized by this subsection, the Board may also authorize the construction of one or more off-premises signs that direct motorists to the location of parking for a Carrboro hotel or motel, so long as such signs are located in a commercial zoning district on private property with the consent of the property owner. **(AMENDED 1/29/13)**

Section 15-272 Signs Excluded From Regulation.

The following signs are exempt from regulation under this chapter except for those stated in Subsection 15-282(b) through (e).

(1) Signs not exceeding four square feet in area that are customarily associated with residential use and that are not of a commercial nature, such as signs giving property identification names or numbers or names of occupants, signs on mailboxes or paper tubes, and signs posted on private property relating to private parking or warning the public against trespassing or danger from animals.

(2) Signs erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.

(3) Official signs of a noncommercial nature erected by public utilities.

(4) Flags, pennants, or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion; provided that such flags, pennants, or insignia may be displayed within a public right-of-way only when authorized by a resolution adopted by the Board of Aldermen. **(AMENDED 05/09/89)**

(5) Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts, or lights.

(6) Signs directing and guiding traffic on private property that do not exceed four square feet each and that bear no advertising matter.

(7) Church bulletin boards, church identification signs, and church directional signs that do not exceed one per abutting street and sixteen square feet in area and that are not internally illuminated.

(8) Signs painted on or otherwise permanently attached to currently licensed motor vehicles that are not primarily used as signs.

(9) Signs proclaiming religious, political, or other non- commercial messages [other than those regulated by Subdivision 15-273(a)(5)] that do not exceed one per abutting street and sixteen square feet in area and that are not internally illuminated. **(AMENDED 1/22/85)**

(10) Signs attached to the interior of a building window or glass door, or visible through such window or door, so long as such signs, individually or collectively, do not cover more than thirty percent (30%) of the surface area of the transparent portion of such window or door. **(AMENDED 3/11/86)**

a. For purposes of determining whether a sign not attached to the interior of a window or door but visible by looking through such window or door complies with this subdivision, the area of such sign shall be computed in accordance with Section 15-275 and the sign shall be deemed to "cover" an equivalent amount of the surface area of the window or glass door through which it is visible.

b. If a sign located inside a building is visible through glass doors or windows on more than one side of a building, then the relevant windows or doors for purposes of this subdivision are those facing the street toward which the sign has its primary orientation.

c. Notwithstanding the foregoing, signs attached to the interior of a building window or glass door or visible through such window or door that are internally illuminated or externally illuminated by spotlighting or other illuminating technique designed to draw particular attention to them shall not be exempt from regulations.

d. Signs that do not exceed four square feet and that advertise an event or activity sponsored by a nonprofit enterprise shall not be included in determining compliance with the thirty percent (30%) surface are coverage

limitation set forth above, so long as such signs are removed after the event or activity has occurred.

(11) Displays of merchandise offered for sale or rent on the premises where displayed. Only merchandise of the type that is actually for sale or rent, and not pictorial or other representations of such merchandise, falls within this exemption.

(12) Signs posted near structural BMPs to comply with Subsection 15-263.1(h) that do not exceed four square feet. **(AMENDED 6/26/12)**

Section 15-273 Certain Temporary Signs: Permit Exemptions and Additional Regulations

(a) The following temporary signs are permitted without a zoning, special use, conditional use, or sign permit. However, such signs shall conform to the requirements set forth below as well as all other applicable requirements of this chapter except those contained in Section 15-276 (Total Sign Surface Area) and 15-278 (Number of Freestanding Signs).

(1) Signs containing the message that the real estate on which the sign is located (including buildings) is for sale, lease, or rent, together with information identifying the owner or agent. Such signs may not exceed four square feet in area and shall be removed immediately after sale, lease, or rental. For lots of less than five acres, a single sign on each street frontage may be erected. For lots of five acres or more in area and having a street frontage in excess of four hundred feet, a second sign not exceeding four square feet in area may be erected.

(2) Construction site identification signs. Such signs may identify the project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information. Not more than one such sign may be erected per site, and it may not exceed thirty-two square feet in area. Such signs shall be erected prior to the issuance of a building permit and shall be removed within ten days after the issuance of the final occupancy permit.

(3) Signs indicating that, on the lot where the sign is located, a new business is opening, a previously existing business is going out of business, a one- time auction is planned, or some other non- recurring activity of a similar nature is scheduled. Signs referring to sales or other events designed to promote a pre-existing, ongoing business or commercial venture or any specific product or service offered by such business or commercial venture are not authorized under this subsection. Signs authorized under this subsection may be erected or displayed not sooner than two weeks before the activity that is advertised and must be removed not later than three weeks after they

are first erected or displayed. **(REPEALED 3/11/86; AMENDED 12/03/91)**

(4) Displays, including lighting, erected in connection with the observance of holidays. Such signs shall be removed within ten days following the holidays.

(5) Signs erected in connection with elections or political campaigns. Such signs shall be removed within three days following the election or conclusion of the campaign. No such sign may exceed sixteen square feet in area. 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 08/25/83); 08/25/92)**

(6) Signs indicating that a special event such as a fair, carnival, circus, festival or similar happening is to take place on the lot where the sign is located. Such signs may be erected not sooner than two weeks before the event and must be removed not later than three days after the event.

(7) Temporary signs not covered in the foregoing categories, so long as such signs meet the following restrictions:

a. Not more than one such sign may be located on any lot.

b. No such sign may exceed four square feet in surface area.

c. Such sign may not be displayed for longer than three consecutive days nor more than ten days out of any 365-day period.

(b) Other temporary signs not listed in subsection (a) shall be regarded and treated in all respects as permanent signs, except that (as provided in Section 15-276) temporary signs shall not be included in calculating the total amount of permitted sign area.

Section 15-274 Determining the Number of Signs.

(a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign.

(b) Without limiting the generality of subsection (a), a multi-sided sign shall be regarded as one sign.

Section 15-275 Computation of Sign Area.

(a) The surface area of a sign shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight straight lines, or a circle or an ellipse, enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.

(b) If the sign consists of more than one section or module, all of the area, including that between sections or modules, shall be included in the computation of the sign area.

(c) Except as provided in subsection (d), the sign surface area of two-sided, multi-sided, or three dimensional signs shall be computed by including the total of all sides designed either to attract attention or communicate information. This means that, with respect to the typical two-sided sign, where the message is printed on both sides of a flat surface and the sign is erected perpendicular to the street, the sign surface area will equal twice the area of a single side of the sign (i.e., twice the area determined by multiplying the dimensions--length times width--of the sign panel). **(AMENDED 3/12/85)**

(d) With respect to signs covered under Sections 15-272, 15-273, and 15-276(b), the sign surface area of two-sided, multi-sided, and three dimensional signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at one time by a person from any vantage point. Thus, for example, signs directing traffic on private property are exempt from regulation so long as such signs do not exceed four square feet [Subsection 15-262(6)]. A back-to-back sign having dimensions of two feet by two feet would qualify for this exemption. **(AMENDED 3/12/85)**

(e) The sign surface area of any sign located on the wall of a structure where the closest element of the sign is at least 60 feet from the street centerline shall be computed by multiplying the true sign surface area [Section 15-275(a)] by 0.5. **(AMENDED 3/12/85)**

Section 15-276 Total Sign Surface Area.

(a) Unless otherwise provided in this article, the total surface area devoted to all signs on any lot shall not exceed the limitations set forth in this section, and all signs except temporary signs shall be included in this calculation.

(b) Unless otherwise provided in this article or in Article XI (Supplementary Use Regulations), the maximum sign surface area permitted on any lot in an R-2, R-3, R-7.5, R-10, R-15, R-20, R-R, or R-S.I.R. district is four square feet. **(AMENDED 2/4/86)**

(c) Subject to the other provisions of this section, the maximum sign surface area permitted on any lot in a commercial or manufacturing district as set out in Section 15-136 or 15-137 shall be determined as follows: **(AMENDED 2/4/86)**

(1) There may be not more than 0.5 square feet of sign surface area per linear foot of street frontage up to 200 feet of frontage.

(2) There may be up to 0.75 square feet of additional sign surface area per linear foot of lot frontage in excess of 200 feet.

(d) If a lot has frontage on more than one street, then the total sign surface area permitted on that lot shall be the sum of the sign surface area allotments related to each street [as determined in accordance with subsection (c)] on which the lot has frontage. However, the total sign surface area that is oriented toward a particular street may not exceed the portion of the lot's total sign surface area allocation that is derived from frontage on that street. **(AMENDED 4/ /82)**

(e) Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a sign that is oriented toward a street, then the total sign surface area permitted on that lot shall be the sign surface area that would be allowed [as determined in accordance with subsection (c) and Section 15-275 subsection (d)], if the lot boundary closest to the street toward which such sign is to be oriented fronted on such street. The applicant shall be restricted to using only one street and the closest lot boundary to this street for determining the total permitted sign surface area. However, the applicant shall be given the opportunity to determine the one street used in the calculations and toward which this sign will also be oriented.

(f) The sign surface area of any sign located on a wall of a structure may not exceed 50% of the total surface area of the wall on which the sign is located.

(g) Whenever a tract located within a B-4 zoning district is subdivided, then, subject to the following requirements, the subdivider may allocate among the lots so created the total sign surface area that would be allowed under this section on the tract prior to subdivision. **(AMENDED 3/4/86)**

(1) Information concerning the exact nature of the sign surface area allocation must either be indicated on the face of a recorded plat of the subdivided tract or included in a separately recorded document, which document must be referenced on the recorded plat in a manner that indicates the general nature of such document and specifies the book and page number where such recorded document can be located in the Orange County Registry.

(2) Sign surface area allocation may be shifted only from a lot bordering a street to another lot bordering the same street.

(3) No sign allocation may be made affecting (by adding sign surface area to or subtracting sign area from) any lot after such lot has been conveyed by the subdivider.

(4) Once a sign allocation has been made in accordance with this section, the allocation so made shall control the amount of total sign surface area permissible on any lot affected, regardless of the street frontage of such lot.

(5) An allocation under this section shall not affect the provisions of Section 15-277, which will continue to govern the determination of the maximum area of a freestanding sign on any subdivided lot.

Section 15-277 Freestanding Sign Surface Area.

(a) For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 15-275. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.

(b) A single side of a freestanding sign may not exceed 0.3 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may a single side of a freestanding sign exceed 50 square feet in surface area if the lot on which the sign is located has less than 200 feet of frontage on the street toward which that sign is primarily oriented, 75 square feet on lots with 200 or more but less than 400 feet of frontage, and 100 square feet on lots with 400 or more feet of frontage.

(c) With respect to freestanding signs that have no discernible "sides", such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed 0.3 square feet in total surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. However, in no case may such sign exceed 100 square feet in surface area.

Section 15-278 Number of Freestanding Signs.

(a) Except as authorized by this section and Section 15-283, no development may have more than one freestanding sign. **(AMENDED 12/08/92)**

(b) If a development is located on a corner lot that has at least 400 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets.

(c) If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.

(d) If a corner lot contains a building, then a freestanding sign may be located along each of the intersecting streets that abut such lot if the freestanding signs are located such that, when a person is standing next to one such sign, the building on that lot totally obscures the view of the other freestanding sign. **(AMENDED 12/03/91)**

Section 15-279 Subdivision and Multi-Family Development Entrance Signs.

At any entrance to a subdivision or multi-family development, there may be not more than two signs identifying such subdivision or development. A single side of any such sign may not exceed sixteen square feet, nor may the total surface area of all such signs exceed thirty-two square feet.

Section 15-280 Location and Height Requirements.

(a) Freestanding signs other than sandwich board signs shall observe the setback requirements set forth in Section 15-184. **(AMENDED 12/08/92)**

(b) No sign may extend above any parapet or be placed upon any roof surface, except that for purpose of this section, roof surfaces constructed at an angle of 75 degrees or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.

(c) No sign attached to a building may project more than forty-two inches from the building wall. Any sign that is attached to a building wall and that projects more than twelve inches from the building wall shall not exceed twelve square feet (generally, six square feet per sign face, see section 15-275) and shall be constructed so that the lowest part of the sign is at least eight feet above ground level and the highest part is not more than fifteen feet above ground level. **(AMENDED 08/25/92)**

(d) No sign or supporting structure may be located in or over the traveled portion of any public right-of-way unless the sign is attached to a structural element of a building and an encroachment permit has been obtained from the town (and from the state, if necessary).

(e) No part of a freestanding sign may exceed a height of fifteen feet, measured from ground level.

Section 15-281 Sign Illumination and Signs Containing Lights.

(a) Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.

(b) No sign within 150 feet of a residential zone may be illuminated between the hours of 12 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential. Freestanding signs located in residential districts may not be internally lit. **(AMENDED 11/26/85)**

(c) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.

(d) Internally illuminated freestanding signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business or in operation. Notwithstanding any other provision of this ordinance, existing situations that violate the provisions of this subsection shall not be regarded as lawful, nonconforming situations.

(e) Subject to subsection (g), illuminated tubings or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.

(f) Subject to subsection (g), no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date or weather conditions.

(g) Subsections (e) and (f) do not apply to temporary signs erected in connection with observance of holidays.

Section 15-282 Miscellaneous Requirements.

(a) "As provided in the Table of Permissible Uses, off-premises signs may only be located in the M-2 district, except that, within a commercial zoning district, off-premises signs directing motorists to the location of Carrboro hotel parking may be approved in accordance with the provisions of Subsection 15-271(d)(3)." **(AMENDED 1/29/13)**

(b) No sign may be located so that it substantially interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

(c) Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Without limiting the foregoing, banners, streamers, animated display boards, pennants, and propellers are prohibited, but signs that only move occasionally because of wind are not prohibited, if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in subdivision 15-272(4) or to signs indicating the time, date, or weather conditions.

(d) No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

(e) Freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

Section 15-283 Sandwich Board Signs (AMENDED 12/08/92)

(a) Sandwich board signs shall be allowed subject to the provisions of this section to the extent that any other provision of this article is inconsistent with this section, the provisions of this section shall be controlling.

(b) Any business or commercial or noncommercial entity that has a place of business or occupancy on a lot within a B-1(c), B-1(g), B-2, or CT zoning district may place not more than one sandwich board sign on the lot where such business or other entity is located. If such business or other entity is not located on a lot that has street frontage, then it may (with the permission of the lot owner) place a sandwich board sign on the closest lot that has street frontage.

(c) Each single side of a sandwich board sign may not exceed six square feet and may not exceed a height of three feet, measured from ground level. The sign surface area authorized herein shall be in addition to the sign surface area otherwise allowable under this article.

(d) A sandwich board sign shall be of sufficiently solid construction and weight that it will not be blown over in winds of less than forty miles per hour.

(e) Sandwich board signs need not observe the setback requirements set forth in Section 15-184. However, such signs may not be located within the traveled portion of any street or sidewalk or in any other place or manner that would tend to obstruct the free movement of vehicles or pedestrians or block the view of motorists at street intersections or driveway entrances.

(f) Sandwich board signs may not be internally or externally lighted.

(g) Sandwich board signs shall be stored within a completely enclosed building whenever the enterprise advertised by such sign is not open for business.

(h) Sandwich board signs authorized under this subsection must contain a permanently affixed message (i.e., one that does not change daily, weekly, or monthly).

Section 15-284 through 15-289 Reserved.

ARTICLE XVIII

PARKING

Section 15-290 Definitions.

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

(1) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

(2) **DRIVEWAY**. That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

(3) **GROSS FLOOR AREA.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

(4) **LOADING AND UNLOADING AREA**. That portion of the vehicle accommodation area used to satisfy the requirements of Section 15-300.

(5) **PARKING AREA AISLES.** That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces. **(AMENDED 2/4/86)**

(6) **PARKING SPACE**. A portion of the vehicle accommodation area set for the parking of one vehicle.

(7) **VEHICLE ACCOMMODATION AREA**. That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

(8) **VEHICLE STORAGE AREA.** That portion of a vehicle accommodation area used in connection with a 9.200 or 9.400 classification use as a place to park vehicles temporarily while they are waiting to be worked on or pending the pick-up of such vehicles by their owners.

Section 15-291 Number of Parking Spaces Required.

(a) Subject to Section 15-292.1, all developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question. In addition, all 9.200 and 9.400 classification uses shall provide sufficient vehicle storage area to accommodate the number of vehicles likely to be on the premises awaiting work or pending removal of their owners. **(AMENDED 2/4/86; 5/18/04)**

(b) The presumptions established by this article are that: *(i)* a development must comply with the parking standards set forth in subsection (g) to satisfy the requirement stated in subsection (a), and *(ii)* any development that does meet these standards is in compliance. However, the Table of Parking Standards is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-292.

(c) Uses in the Table of Parking Requirements [subsection (g)], are indicated by a numerical reference keyed to the Table of Permissible Uses, Section 15-146. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

(d) With respect to any parking lot that is required to be paved (see Section 15-296): **(AMENDED 9/13/83)**

(1) The number of parking spaces required by this article may be reduced by a total of one space if the developer provides a bikerack or similar device that offers a secure parking area for at least five bicycles.

(2) In non-residential districts, the number of parking spaces required by this article may be reduced by one space for each motorcycle pad provided, up to a total of five percent of the required number of spaces.

(e) Whenever a building is constructed with the intention that it be used in whole or in part for use classification 2.120, 2.220, 2.320, 3.120, or 3.220, the building shall be constructed on the lot in such a manner that sufficient usable space remains on the lot to add the additional parking spaces that would be required to convert the use of the building entirely to use classification 2.110, 2.210, 2.310, 3.110, or 3.210. In addition, whenever a developer proposes to construct a building to be used for purposes that require a lesser number of parking spaces than other uses to which the building might well be put at some future date, the administrator shall send to the developer a certified letter explaining that sufficient space should be left on the lot to add parking spaces at a later time if required. **(AMENDED 2/4/86)**

(f) The Board recognizes that the Table of Parking Requirements set forth in subsection (g) cannot and does not cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements using this table as a guide. In addition, the Board of Aldermen may authorize a reduction of up to 25 percent in the parking requirement when approving a Village Mixed Use Master Plan or Conditional Use Permit or an Office/Assembly development Conditional Use Permit. Land necessary to meet the full, presumptive, parking requirement must be identified during the plan approval process and must be reserved should the need for additional parking arise in the future**. (AMENDED 05/25/99)**

(g) Table of Parking Requirements **(AMENDED 11/28/06)**

USE	PART I. PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
1.100	2 spaces per dwelling unit plus one space per room rented out in each dwelling unit (see Accessory Uses, Section 15-150). These required spaces shall be in addition to any space provided within an enclosed or partially enclosed garage. **(AMENDED 2/24/84; 08/27/96)**

USE	PART I. PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
1.200	2 spaces for each dwelling unit, except that one bedroom units require only one space.
1.300	With respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1½ spaces for each one bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low- or moderate-income or the elderly require only 1 space per unit. All other multi-family units require 1 space for each bedroom in each unit plus 1 additional space for every four units in the development. **(AMENDED 5/10/83)**
1.340	1 space per every four dwelling units. **(AMENDED 01/11/00)**
1.410 **1.420**	1 space for each bedroom.
1.430	1 space for each room to be rented.
1.510	1 space per room plus additional spaces for restaurant or other facilities. **(AMENDED 11/28/06)**
1.61 **1.62** **1.63**	3 spaces for every five beds except for uses exclusively servicing children under 16, in which case 1 space for every 3 beds shall be required.
1.900	4 spaces for offices of physicians or dentists; 2 spaces for attorneys; 1 space for all others.
2.110	1 space per 200 square feet of gross floor area.
2.120 **2.130**	1 space per 400 square feet of gross floor area.
2.140	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window. **(AMENDED 2/4/86)**
2.150	1 space per 200 square feet in the portion of the building to be used for retail sales plus 1 space for every two employees on the maximum shift. **(AMENDED 04/15/97)**
2.210	1 space per 200 square feet of gross floor area. **(AMENDED 2/4/86)**
2.220 **2.230**	1 space per 400 square feet of gross floor area.
2.240	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.

USE	PART I. PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
2.310	1 space per 200 square feet of gross floor area.
2.320	1 space per 400 square feet of gross floor area.
2.330	1 space per 400 square feet of gross floor area.
3.110	1 space per 200 square feet of gross floor area.
3.120	1 space per 400 square feet of gross floor area.
3.130	1 space per 150 square feet of gross floor area.
3.150	1 space per 200 square feet of ground floor area. **(AMENDED 06/20/95)**
3.210	1 space per 200 square feet of gross floor area.
3.220	1 space per 400 square feet of gross floor area.
3.230	1 space per 200 square feet of area within main building plus reservoir lane capacity equal to five spaces per window (10 spaces if window serves two stations).
3.250	3 spaces arranged in close proximity to this use. **(AMENDED 09/01/92)**
3.260	1 space for every full time employee; 1 space for every 2 part time employees; 1 space for every 3 volunteers; 1 space for every 20 seats in the portion of the building used for dining and 1 space for every 100 square feet of the building dedicated toward meeting or educational space (depending on programming needs, this requirement may apply to the kitchen and dining spaces). **(AMENDED 03/22/16)**
4.100 4.200	1 space for every two employees on the maximum shift except that in the B-1-G, B-2, B-3, and B-4 zones, such uses may provide 1 space per 200 square feet of gross floor area.
5.110	1.75 spaces per classroom in elementary schools 5.0 spaces per classroom in high schools.
5.120	1 space per 100 square feet of gross floor area.
5.130	1 space per 150 square feet of gross floor area.
5.200	1 space per every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.
5.310 5.320	1 space per 300 square feet of gross floor area.
5.400	1 space per 300 square feet of gross floor area.

USE	PART I. PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
6.110	1 space for every 3 persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion -- example tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation.
6.120 6.130	1 space for every four seats.
6.140	1 space for every 200 square feet of gross floor area within enclosed buildings **(AMENDED 2/2/88)**
6.210 6.220	1 space per 200 square feet of area within enclosed buildings, plus 1 space for every 3 persons that the outdoor facilities are designed to accommodate when used to the maximum capacity.
6.230	Miniature golf course – 1 space per 300 square feet of golf course area plus 1 space per 200 square feet of building gross floor area; Driving range -- 1 space per tee plus 1 space per 200 square feet in building gross floor area; Par Three Course -- 2 spaces per golf hole plus 1 space per 200 square feet of building gross floor area.
6.240	1 space per horse that could be kept at the stable when occupied to maximum capacity.
6.250	1 space for every three seats.
6.260	1 space per speaker outlet.
7.100	2 spaces per bed.
7.200	3 spaces for every 5 beds
7.300 7.400	1 space for every two employees on maximum shift.
8.100	1 space per 100 square feet of gross floor area. **(AMENDED 2/24/87)**
8.200	1 space for every four outside seats. **(AMENDED 2/24/87)**
8.300	1 space for each drive-in service spot. **(AMENDED 2/24/87)**
8.400	Reservoir lane capacity equal to five spaces per drive-in window. **(AMENDED 2/24/87)**
8.500	Spaces to be determined according to projected level of carry-out service. **(AMENDED 2/24/87)**
8.600	1 space per 200 square feet of floor area plus one space per employee engaged in delivery service. **(AMENDED 2/24/87)**
9.100	1 space per 200 square feet of gross floor area plus an extra 810 square foot vehicle

USE	PART I. PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
	storage area per repair bay.
9.200	2 regular spaces per bay plus a 1,540 square foot vehicle storage area per bay. **(AMENDED 2/4/86)**
9.300	1 space per 200 square feet of gross floor area of building devoted primarily to gas sales operation; plus sufficient parking area to accommodate 2 vehicles per pump without interfering with other parking spaces.
9.400	2 regular spaces per bay and office plus an 810 square foot vehicle storage area per bay. **(AMENDED 2/4/86, 10/20/92)**
9.500	Conveyer type--1 space for every three employees on the maximum shift plus reservoir capacity equal to five times the capacity of the washing operation. Self-service type--2 spaces for drying and cleaning purposes per stall plus two reservoir spaces in front of each stall.
10.210 **10.220**	1 space for every two employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
11.000	1 space per 200 square feet of gross floor area.
12.100 **12.200**	1 space per 200 square feet of gross floor area.
13.100 **13.200** **13.300** **13.400**	1 space per 200 square feet of gross floor area.
14.100 **14.200** **14.300** **14.400**	1 space for every 2 employees on maximum shift.
15.100 **15.200**	1 space per 200 square feet of gross floor area.
15.300	1 space for every 2 employees on maximum shift.
15.400	1 space per 100 square feet of gross floor area.
15.500	1 space per 400 square feet of gross floor area of the collection facility plus 1 space per employee or attendant. **(AMENDED 6/28/83)**
16.100	1 space per 200 square feet of gross floor area plus reservoir lane capacity equal to three spaces per window.
16.200	1 space per 200 square feet of gross floor area.

USE	PART I. PARKING REQUIREMENT (EXCEPT AS NOTED IN PART II OF THIS TABLE)
19.000	1 space per 1,000 square feet of lot area used for storage, display, or sales. **(AMENDED 5/12/81)**
20.000 21.000	1 space per 200 square feet of gross floor area.
22.000	1 space for every employee plus 1 space per 250 square feet of floor area used for day care in addition to spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses.
23.000	1 space per 200 square feet of gross floor area. 1 space per room plus additional space for restaurant or other facilities.
34.000	1 space per room plus additional spaces for restaurant or other facilities.
34.100	2 spaces per main dwelling unit plus 1 space per room. **(AMENDED 06/22/99; 11/28/06)**
34.200	
	PART II. (APPLIES TO PROPERTIES LOCATED WITHIN THE B-1(C), B-1(G), AND B-2 ZONING DISTRICTS
USE	**PARKING REQUIREMENT**
1.100	1 per bedroom and no more than 2
1.200	1 per bedroom and no more than 2
1.300	1 per bedroom and no more than 2
1.500	.75 per room (Note: This does not include parking for associated conference and/or restaurant facilities.)
2.000	1 per 300 square feet of gross floor area
3.000	1 per 400 square feet of gross floor area

(AMENDED 02/04/97; 01/11/00; 5/18/04)

(h) Bicycle parking shall be provided in accordance with the provisions of this subsection by all developments that fall within the use classifications shown in the following Table of Bicycle Parking Standards.

When determination of the number of spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less shall be disregarded, while a fraction in excess of one-half shall be counted as one space.

Table of Bicycle Parking Standards	
Use	**Bicycle Parking Requirement**
1.300	1.5 spaces per unit
2.100 2.200 2.300	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces

3.100 3.200	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
3.260	1 space for every 5 seats in the portion of the building used for dining
5.100	1 space per 10 students plus 1 space per 10 employees
6.200	1 space per 4 presumptively required auto spaces
8.100 8.200	1 space per 10 presumptively required auto spaces, with a minimum of 5 spaces
10.100	1 space per 10 auto spaces, with a minimum of 5 spaces
34.100	1 space per 5 rooms, up to 50 rooms; 1 space per 10 rooms above 50 rooms

(AMENDED 6/19/12; 3/22/16)

Section 15-292 Flexibility in Administration Required

(a) The Board recognizes that due to the particularities of any given development, the inflexible application of the parking standards set forth in Subsection 15-291(g) may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation results in a waste of money as well as a waste of space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in Section 15-191, the permit-issuing authority may permit deviations from the presumptive requirements of Subsection 15-291(g) and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in subsection 15-291(a). In addition, that same flexible approach shall be followed with respect to the vehicle storage area requirements set forth in the preceding table.

(b) Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth in Subsection 15-291(g) when it finds that:

(1) A residential development is irrevocably oriented toward the elderly;

(2) A residential development is located on a bus line, is located in close proximity to the central business district, and is committed to a policy of placing restrictions on the vehicle ownership of its tenants.

(3) A business is primarily oriented to walk-in trade.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in Subsection 15-291(g), it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it receives in the consideration of a specific development proposal, that the presumption established by Subsection 15-291(g) for a particular use classification is erroneous, it shall initiate a

request for an amendment to the Table of Parking Requirements in accordance with the procedures set forth in Article XX.

Section 15-292.1 Payment of Fee In Lieu of Providing Parking Spaces

(a) With respect to properties within the B-1(C), B-1(G), and B-2 districts that are developed for commercial purposes, the permit issuing authority may authorize the developer to forego the construction of parking spaces otherwise required on the developer's property pursuant to the provisions of Section 15-291 of this Article for commercial uses if (i) the permit issuing authority finds that the parking needs of such development can be met by public parking facilities that are located or expected to be constructed within a reasonable time within reasonable proximity to the proposed development, and (ii) the developer pays to the town for each such space that is not constructed a fee in lieu of providing that space in an amount determined as provided in subsection (b) of this section. This fee shall be paid before an occupancy permit is issued to the development, unless the permit issuing authority by condition establishes another time.

(b) The amount of the fee authorized by this section shall be determined by estimating the cost of providing a paved parking space (including land and improvement costs) that meets the requirements of this Article. This determination shall be made annually and the fee shall be included in the Miscellaneous Fees and Charges Schedule adopted by the Board of Aldermen.

(c) Any fees collected in accordance with this section shall be reserved and used exclusively to meet the purposes for which they have been obtained as specified above in subsection (a).

Section 15-293 Parking Space Dimensions (AMENDED 9/13/83)

(a) Subject to subsection (b) and (c), parking spaces shall contain a rectangular area at least eight and one-half feet wide and eighteen feet long. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, as long as the parking spaces so created contain within them the rectangular area required by this section. **(AMENDED 2/5/08)**

(b) In parking areas containing ten or more spaces, up to 40% of the parking spaces may be set aside for the exclusive use of compact cars, provided the compact car area is designated for exclusive use by compact cars, and that adequate signs are provided designating and informing the public of the exclusive use. A compact parking space shall contain a rectangular area eight feet wide and fifteen feet long. **(AMENDED 4/24/12)**

(c) Wherever parking consists of spaces set aside for parallel parking, one foot shall be added to the minimum required width, and three feet to the minimum required length.

(d) Motorcycle pads shall contain a rectangular area at least four feet wide and eight feet long. Spaces shall be located at either end of parking aisles and shall have, centered, a concrete or metal strip one square foot in area to accommodate the use of kick stands.

<u>Section 15-294 Required Width of Parking Area Aisles</u> (AMENDED 5/18/04)

(a) Subject to subsections (b) and (c) parking area aisles shall have a minimum width between parking spaces as follows: **(AMENDED 6/26/84)**

	STANDARD, OR NON-SUBCOMPACT AREA PARKING ANGLE			
AISLE TYPE	**0°**	**45°**	**60°**	**90°**
ONE WAY	13	13	18	24
TWO WAY	19	21	23	24

(b) In parking areas where subcompact spaces are provided pursuant to 15-293(b) of this ordinance, parking aisle spaces adjoining subcompact spaces shall have a minimum width between such parking spaces as follows:

	STANDARD AREA PARKING ANGLE			
AISLE TYPE	**0°**	**45°**	**60°**	**90°**
ONE WAY	13	13	14	20
TWO WAY	19	21	23	24

(c) The width of a parking aisle serving 90° angle parking may be reduced to eighteen feet if *(i)* not more than ten spaces are to be served by an aisle with such reduced width, and *(ii)* the aisle "dead ends", i.e., is not used as an access way to other areas. **(AMENDED 6/26/84)**

(d) Driveways shall be not less than ten feet in width for one way traffic and eighteen feet in width for two way traffic, except that ten foot wide driveways are permissible for two way traffic when *(i)* the driveway is not longer than fifty feet, *(ii)* it provides access to not more than ten spaces, and *(iii)* sufficient turning space is provided so that vehicles need not back into a public street. **(AMENDED 6/26/84)**

(e) Notwithstanding the other provisions of this section, the permit issuing authority may allow the use of geometric standards other that those specified in this section if the permit issuing authority finds that (i) the plans for the vehicle accommodation area are sealed by a registered engineer with recognized expertise in parking facility design, and (ii) the alternative design will satisfy off-street parking requirements as adequately as would a facility using the specifications set forth in this section and would otherwise be consistent with public safety.

Section 15-295 General Design Requirements (AMENDED 5/18/04)

(a) Vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units.

(b) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(c) Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(d) Vehicle storage areas are not required to observe any particular configuration but shall be so located and designed so that the entire amount of required square footage of such areas can be used for the purpose intended without creating any substantial danger of injury to persons or property and without impeding vehicular movement in the adjacent street. **(AMENDED 2/4/86)**

(e) To the extent practicable, parking shall not be allowed between a building façade and a street right-of-way in the B-1(c), B-1(g), and B-2 zoning districts.

Section 15-295.1 Design Standards for Bicycle Parking (AMENDED 6/19/12; 11/19/13)

(a) Bicycle parking may be located in any parking area or in other locations that are easily accessible, clearly visible from the entrance it serves, and do not impede pedestrian or motorized vehicle movement into or around the site. At least 50 percent of bicycle parking shall be sheltered. Designating space for bicycle parking within buildings is an option to consider when feasible.

(b) When a percentage of the required motorized vehicle spaces are provided in a structure, an equal percentage of the required bicycle spaces shall be located inside that structure, unless an equivalent number of other accessible covered bicycle parking spaces are located elsewhere on the site.

(c) Where bicycle parking facilities are not clearly visible to approaching cyclists, signs shall be posted to direct cyclists to the facilities.

(d) Facilities shall provide at least a 30 inch clearance from the centerline of each adjacent bicycle rack/support structure and at least 24 inches from walls or other obstructions.

(e) An aisle or other space shall be provided for bicycles to enter and leave the facility. The aisle shall have a width of at least four feet to the front or the rear of a standard six-foot bicycle parked in the facility.

(f) Each bicycle parking space shall be sufficient to accommodate a bicycle at least six feet in length and two feet wide. Overhead clearance shall be at least seven feet.

(g) Bicycle parking spaces shall be clearly marked as such and shall be separated from motorized vehicle parking by some form of physical barrier designed to protect a bicycle from being hit by a motorized vehicle.

(h) Each bicycle parking space shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using either a chain and padlock or a U-lock. The frame shall support a bicycle in a stable position without damage to the frame, wheels, or components. The rack designs commonly known as "inverted U", "A", and "post-and-loop" are preferred types. The "wave", "toast", and "comb" racks, as described in Chapter 7, Figure 7-60, of the Comprehensive Bicycle Transportation Plan, are discouraged and shall not count toward fulfillment of the requirements in Sec. 15-291(h). (**AMENDED 11/19/13)**

(i) Bicycle racks should be designed and constructed according to Design Guidelines of the Carrboro Bicycle Plan.

Section 15-296 Vehicle Accommodation Area Surfaces

(a) Subject to subsections (e), (f), (g), *and (h)* vehicle accommodation areas that (i*)* include lanes for drive-in windows*; (ii)* are required to contain more than 1,000 square feet of vehicle storage area; or *(iii)* contain parking areas that are required to have more than ten parking spaces and that are used regularly at least five days per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in Appendix D. **(AMENDED 2/4/86; 3/4/86; 6/26/90; 5/6/03)**

(b) Vehicle accommodation areas that are not provided with the type of surface specified in subsection (a) shall be graded and surfaced with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Appendix D) to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such parking areas shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever such a vehicle accommodation area abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the vehicle accommodation area that opens onto such streets), shall be paved as provided in subsection (a) for a distance of fifteen feet back from the edge of the paved street. This subsection shall not apply to single-family residences, duplexes, multi-family residences consisting of two dwelling

units, homes for the handicapped or infirm, or other uses that are required to have only one or two parking spaces.

(c) Parking spaces in areas surfaced in accordance with subsection (a) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (b) shall be demarcated whenever practicable.

(d) Vehicle accommodation areas shall be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(e) Vehicle accommodation areas that constitute 10.100 classification uses (independent automobile parking lots or garages) and that contain more than ten parking spaces shall meet the surfacing requirements set forth in subsection (a) unless it clearly appears that the 10.100 classification use is intended to be temporary (not exceeding four years). In no event may the 10.100 use continue for more than four years unless the lot is paved in accordance with this subsection. Notwithstanding the provisions of Article VIII (Nonconforming Situations), *(i)* any parking lot made nonconforming by this subsection on its effective date shall be brought into compliance within twelve months after the effective date, and *(ii)* unpaved temporary 10.100 uses in operation on the effective date of this subsection must be paved or terminated within one year thereafter or four years from the initial use of such lot, whichever comes later. **(AMENDED 3/11/86)**

(f) The paving requirement of subsection (a) shall not apply to parking areas owned or leased by the town that are used for public parking for a period of time less than four years. If such areas are used for parking for a period in excess of four years, then such areas must be paved if otherwise required under the standards set forth in subsection (a). **(AMENDED 3/4/86)**

(g) The paving requirement of subsection (a) shall not apply to any lot within the B-1(c) zoning district. However, lots that would otherwise be required to be paved but for this exception shall be required to comply with the shading provisions set out in Subsection 15-317. **(AMENDED 6/26/90)**

(h) When any tract of land is developed under circumstances requiring the issuance of a special or conditional use permit, and paving is required per Section 15-296(a), the vehicle overhang area located behind a parking stop may be unpaved as shown in Appendix D-3. **(AMENDED 5/6/03)**

Section 15-297 Joint Use of Required Parking Spaces (AMENDED 5/18/04)

(a) One parking area may contain required spaces for several different uses, but except as otherwise provided in this section, the required space assigned to one use may not be credited to any other use.

(b) To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the same spaces may be credited to both uses. For example, if a parking lot is used in connection with an office building on Monday through Friday but is generally 90% vacant on weekends, another development that operates only on weekends could be credited with 90% of the spaces on that lot. Or, if a church parking lot is generally occupied only to 50% of capacity on days other than Sunday, another development could make use of 50% of the church lot's spaces on those other days.

(c) With respect to properties within the B-1(c), B-1(g), and B-2 districts where two or more use classifications on the same site have two or more distinct peak parking usage periods, the number of parking spaces required may be reduced to the amount that results from dividing the total number of spaces otherwise required by the following ratios:

Use Classifications	Reduction Ratio
2.000 and 3.000 uses	1.2
2.000 and 1.500 uses	1.3
2.000 and 1.100/1.200/1.300 uses	1.2
3.000 and 1.500 uses	1.7
3.000 and 1.100/1.200/1.300	1.4
1.500 and 1.100/1.200/1.300	1.1

(d) If the joint use of the same parking spaces by two or more principal uses involves satellite parking spaces, then the provisions of Section 15-298 are also applicable.

Section 15-297.1 Creation of Public Parking Lots from Private Parking Areas (AMENDMENT 4/15/03)

Notwithstanding any other provision of this chapter, within the B-1(c) and B-1(g) zoning districts:

(1) The town may acquire through lease or purchase portions of one or more lots and create out of the area so acquired an independent parking lot (use classification 10.100);

(2) Acquisition by the town and use of portions of lots as provided in this section shall not be regarded as creating a non-conforming situation with respect to parking on such lots or making any existing situation more non-conforming with respect to parking.

(3) When the town acquires and uses portions of lots as provided in this section, the number of spaces within the public parking lot so created that are attributable to the portion of the parking lot acquired from each "donor" lot shall be regarded as still being located on each "donor" lot for purposes of determining whether each "donor" lot complies with the parking requirements of this article.

Section 15-298 Satellite Parking

(a) If the number of off-street parking spaces required by this chapter cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off- site spaces are referred to in this section as "satellite" parking spaces.

(b) All such satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of a public entrance of a principal building housing the use associated with such parking, or within 400 feet of the lot on which the use associated with such parking is located if the use is not housed within any principal building. Satellite parking spaces intended for employee use may be located within any reasonable distance.

(c) The developer wishing to take advantage of the provisions of this section must present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer must also sign an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number or parking spaces.

(d) Subject to subsection (e), persons who obtain satellite parking spaces in accordance with this section shall not be held accountable for ensuring that the satellite parking areas from which they obtain their spaces satisfy the design requirements of this article. **(AMENDED 3/11/86)**

(e) Satellite parking may be obtained from an independent automobile parking lot or garage [use classification 10.100, see definition subdivision 15-15(32.1)]. However, if a separate lot is owned by an enterprise needing off-site parking and is leased by that enterprise for a period of more than four years (including automatic renewals or renewal options) and is used as a parking lot by that enterprise (and others may lawfully be excluded), then such off-site lot shall be regarded as part of the lot on which the enterprise is located for purposes of the paving and other design requirements of this chapter. **(AMENDED 3/11/86)**

Section 15-299 Special Provisions for Lots With Existing Buildings and Lots within Neighborhood Preservation Districts (AMENDED 9/26/89)

(a) Notwithstanding any other provisions of this chapter, whenever *(i)* there exists a lot with one or more structures on it constructed before the effective date of this chapter, and *(ii)* a change in use that does not involve any enlargement of a structure is proposed for such lot, and *(iii)* the parking requirements of Section 15-291 that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used

for parking, then the developer need only comply with the requirements of Section 15-291 to the extent that *(i)* parking space is practicably available on the lot where the development is located, and *(ii)* satellite parking space is reasonably available as provided in Section 15-298. However, if satellite parking subsequently becomes reasonably available, then it shall be a continuing condition of the permit authorizing development on such lot that the developer obtain satellite parking when it does become available.

(b) Whenever the neighborhood preservation district commission determines that the number of parking spaces otherwise required by this article for a development within the neighborhood preservation district would render such development incongruous with the special character of the district, it may recommend that the permit-issuing authority wholly or partially waive such parking requirements. Upon such recommendation, the permit-issuing authority may authorize a lesser number of parking spaces than that presumptively required under this article if it concludes that such deviation *(i)* will not create problems due to increased on-street parking and *(ii)* will not constitute a threat to public safety. **(AMENDED 09/26/89)**

Section 15-300 Loading and Unloading Areas.

(a) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the development in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the permit-issuing authority may require more or less loading and unloading area if reasonably necessary to satisfy the foregoing standard.

GROSS LEASABLE AREA OF BUILDING	NUMBER OF SPACES WITH MINIMUM DIMENSIONS OF 12' x 55' AND OVERHEAD CLEARANCE OF 14' FROM THE STREET GRADE
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,999	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
Plus one (1) for each additional 72,000 square feet or fraction thereof.	

(c) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can *(i)* maneuver safely and conveniently to and from a public right-of-way, and *(ii)* complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

(d) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

Section 15-301 No Parking Indicated Near Fire Hydrants.

Whenever a fire hydrant is located adjacent to any portion of a vehicle accommodation area required to be paved under subsection 15-296(a), the pavement shall be clearly marked to indicate that parking within fifteen feet of such hydrant is prohibited. **(AMENDED 4/27/82)**

Section 15-302 Limitation on the Total Lot Coverage Devoted to Surface Parking

No development approved after the effective date of this section may construct more than 110 percent of the number of parking spaces determined by the permit issuing authority to be necessary to satisfy the requirements of Section 15-291.

Section 15-303 Reserved.

ARTICLE XIX

SCREENING AND TREES

PART I. SCREENING

Section 15-304 Board Findings Concerning the Need for Screening Requirements.

The Board finds that:

(1) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.

(2) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.

(3) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.

(4) The provisions of this part are necessary to safeguard the public health, safety, and welfare.

Section 15-305 General Screening Standards

Every development shall provide sufficient screening so that:

(1) Neighboring properties are shielded from any adverse external effects of that development;

(2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Section 15-306 Compliance with Screening Standards

(a) The table set forth in Section 15-308, in conjunction with the explanations in Section 15-307 concerning the types of screens, establishes screening requirements that, presumptively, satisfy the general standards established in Section 15-305. However, this table is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-309.

(b) The numerical designations contained in the Table of Screening Requirements (Section 15-308) are keyed to the Table of Permissible Uses (Section 15-146), and the letter designations refer to types of screening as described in Section 15-307. This table indicates the

type of screening that may be required between two uses. Where such screening is required, only one of the two adjoining uses is responsible for installing the screening; the use assigned this responsibility is referred to as the "servient" use in Section 15-308, and the other use is the "dominant" use. To determine which of the two adjoining uses is required to install the screening, find the use classification number of one of the adjoining uses in the servient column and follow that column across the page to its intersection with the use classification number in the dominant use column that corresponds to the other adjoining use. If the intersecting square contains a letter, then the use whose classification number is in the servient column is responsible for installing that level of screening. If the intersecting square does not contain a letter, then begin the process again, starting this time in the servient column with the other adjoining use.

(c) If, when the analysis described in subsection (b) is performed, the servient use is an existing use, but the required screening is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all the provisions of Article VIII of this ordinance.

(d) Notwithstanding any other provision of this article, a multi-family development shall be required at the time of construction, to install any screening that is required between it and adjacent existing uses according to the table set forth in Section 15-308, regardless of whether, in relation to such other uses, the multi-family development is the dominant or servient use.

Section 15-307 Descriptions of Screens.

The following three basic types of screens are hereby established and are used as the basis for the Table of Screening Requirements set forth in Section 15-308.

(1) **OPAQUE SCREEN. TYPE "A".** A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.

(2) **SEMI-OPAQUE SCREEN. TYPE "B".** A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque

portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone for intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

(3) **BROKEN SCREEN. TYPE "C".** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

Section 15-308 Table of Screening Requirements (AMENDED 06/26/07)

[PLEASE REFER TO THE NEXT TEN PAGES]

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			1.000													**2.000**
SERVIENT USE			**1.100**					**1.200**	**1.300**	**1.400**	**1.500**	**1.600**	**1.700**	**1.800**	**1.900**	**2.100**
(PROPOSED)			**1.111**	**1.112**	**1.113**	**1.121**	**1.122**									
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122	**B**	**B**				**C**					**C**	**C**	**C**	
	1.200															
	1.300		**C**	**C**	**C**	**C**		**C**					**C**	**C**	**C**	
	1.400		**C**	**C**	**C**	**C**		**C**					**C**	**C**	**C**	
	1.500		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	1.600												**C**	**C**	**C**	
	1.700		**A**	**A**	**A**	**B**	**B**	**A**	**B**	**B**		**B**		**A**	**A**	
	1.800															
	1.900															
2.000	2.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	2.200		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**B**
3.000			**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
4.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
5.000	5.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	5.200		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	5.300		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	5.400		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
6.000	6.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	6.200	6.210	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**B**	**A**	**A**	**A**	**A**	**B**
		6.220	**B**	**B**	**B**	**B**	**B**	**B**	**C**	**C**		**C**	**A**	**A**	**A**	
		6.230	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**C**	**A**	**A**	**A**	**A**	**B**
		6.240	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**C**	**A**	**A**	**A**	**A**	**B**
		6.250	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
		6.260	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
7.000			**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**B**	
8.000			**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
9.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
10.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**B**	**A**	**A**	**A**	**A**	**B**
11.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
12.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	**B**
13.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
14.000	14.100		**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**B**	
	14.200		**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**B**	
	14.300		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			1.000													**2.000**
SERVIENT USE			**1.100**					**1.200**	**1.300**	**1.400**	**1.500**	**1.600**	**1.700**	**1.800**	**1.900**	**2.100**
(PROPOSED)			**1.111**	**1.112**	**1.113**	**1.121**	**1.122**									
	14.400		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
15.000	15.100		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
	15.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	15.300		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	15.400		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
16.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
17.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
18.000	18.100		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	18.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	18.300		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
19.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**B**
20.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
21.000	21.100		**A**	**A**	**A**	**B**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	21.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
22.000	22.100		**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**		**C**	**C**	**C**	**C**	
	22.200		**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**
	22.300															
23.000																
24.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
25.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**B**
26.000																
34.000	34.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	34.200		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**A**
STREETS																
RAILROAD			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				3.000	4.000	5.000				6.000						
SERVIENT USE			2.200			5.100	5.200	5.300	5.400	6.100	6.200					
(PROPOSED)											6.210	6.220	6.230	6.240	6.250	6.260
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122														
	1.200															
	1.300															
	1.400															
	1.500			B		A	A	A	C			B				
	1.600															
	1.700															
	1.800															
	1.900															
2.000	2.100			C		A	A	A	C			B				
	2.200			B		A	A	A	B	C		B				
3.000						A	B	B				B				
4.000			A	A		A	A	A	A	A	B	A	C	A		
5.000	5.100															
	5.200															
	5.300															
	5.400			C		A	A	A				B				
6.000	6.100			C		A	A	A	C			C				
	6.200	6.210		B		A	A	A	B	C		B				
		6.220					B	B								
		6.230	C		C	A	A	A	B	C	A	A				
		6.240	B	B		A	A	A	C	B	C	B	C			
		6.250	A	A	A	A	A	A	A	A	A	A	A	A		
		6.260	A	A	A	A	A	A	A	A	A	A	A	A	A	
7.000						B										
8.000				C		A	A	A	C			B				
9.000				C		A	A	A	B	A		A				
10.000			B	B		B	B	B	B	B	B	A	B	B		
11.000			A	B	A	A	A	A	A	A	A	A	A	A	A	A
12.000				A		A	A	A	A	B	B	A				
13.000				B		A	A	A	C	C	C	B				
14.000	14.100															
	14.200															
	14.300		A	A	B	A	A	A	A	A	A	A	A	A	A	A

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				3.000	4.000	5.000				6.000						
SERVIENT USE			2.200			5.100	5.200	5.300	5.400	6.100	6.200					
(PROPOSED)											6.210	6.220	6.230	6.240	6.250	6.260
	14.400		A	A	B	A	A	A	A	A	A	A	A	A	A	A
15.000	15.100			C		A	A	A				B				
	15.200		A	A		A	A	A	A	A	A	A	A	A		
	15.300		A	A	B	A	A	A	A	A	A	A	A	A	A	A
	15.400		A	A		A	A	A	A	A	A	A	A	A		
16.000				C		A	A	A	C			B				
17.000			A	A	B	A	A	A	A	A	A	A	A	A		
18.000	18.100		A	A	C	A	A	A	A	A	A	A	A	A	A	A
	18.200		A	A	C	A	A	A	A	A	A	A	A	A	A	A
	18.300		A	A	C	A	A	A	A	A	A	A	A	A	A	A
19.000				B		A	A	A	B	C		B				
20.000						A	B	B				B				
21.000	21.100															
	21.200		A	A		A	A	A	A	A	B	A	C	A		
22.000	22.100															
	22.200		B	B		B	B	B	B	B	B	B	B	B		
	22.300															
23.000																
24.000				C		A	A	A	B	C		A				
25.000				B		A	A	A	B	C		B				
26.000												B				
34.000	34.100		A	A	A	A	A	B	A	B	A		A	A	A	A
	34.200		A	A	A	A	A	B	A	B	A		A	A	A	A
STREETS																
RAILROAD			A	A	C	A	A	A	A	A	A	A	A	A	A	A

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			7.000	8.000	9.000	10.000	11.000	12.000	13.000	14.000				15.000		
SERVIENT USE										14.100	14.200	14.300	14.400	15.100	15.200	15.300
(PROPOSED)																
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122														
	1.200															
	1.300															
	1.400															
	1.500		A							A	A			C		
	1.600															
	1.700									C	C					
	1.800															
	1.900															
2.000	2.100		A							A	A					
	2.200		A							A	A			C		
3.000			A													
4.000			A	A	A	B		A	A	A	A			A	C	
5.000	5.100									C	C					
	5.200		C													
	5.300		C													
	5.400		A							A	A					
6.000	6.100		A							A	A					
	6.200	6.210	A							A	A			B		
		6.220	C							B	C					
		6.230	A	B	C			A	C	A	A			B		
		6.240	A	B	C				C	A	A			C		
		6.250	A	A	A	B		A	A	A	A			A	C	
		6.260	A	A	A	A		A	A	A	A			A	A	
7.000																
8.000			A						A	A						
9.000			A						C	A	A			B		
10.000			B	B	C			C	C	B	B			B		
11.000			A	A	A			A	A	A	A	C		A	A	
12.000			A	A	B				B	A	A			A		
13.000																
14.000	14.100															
	14.200															
	14.300		A	A	A	B		A	A	A	A			A	B	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			7.000	8.000	9.000	10.000	11.000	12.000	13.000	14.000				15.000		
SERVIENT USE										14.100	14.200	14.300	14.400	15.100	15.200	15.300
(PROPOSED)																
	14.400		A	A	A	B		A	A	A	A			A	B	
15.000	15.100		A							A	A					
	15.200		A	A	A	C		A	C	A	A			B		
	15.300		A	A	A	B		A	A	A	A			A	B	
	15.400		A	A	A	C		A	C	A	A			B		
16.000			A							A	A			C		
17.000			A	A	B	B		B	A	A	A			A	B	
18.000	18.100		A	A	A	A		A	A	A	A			A	C	
	18.200		A	A	A	A		A	A	A	A			A	C	
	18.300		A	A	A	A		A	A	A	A			A	C	
19.000			A							A	A			C		
20.000			A													
21.000	21.100		C													
	21.200		A	A	A	B		A	A	A	A			A	C	
22.000	22.100									C	C					
	22.200		B	B	B	B		B	B	B	B			B	B	
	22.300															
23.000																
24.000			A						C	A	A			B		
25.000			A							A	A			C		
26.000																
34.000	34.100			A	A	A	A	A	B	A	B	A		A	A	A
	34.200		A	A	A	A	A	A	B	A	B	A		A	A	A
STREETS																
RAILROAD			A	A	A	A		C	A	C	C			A	C	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				16.000	17.000	18.000			19.000	20.000	21.000		22.000			23.000
SERVIENT USE			**15.400**			**18.100**	**18.200**	**18.300**			**21.100**	**21.200**	**22.100**	**22.200**	**22.300**	
(PROPOSED)																
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122														
	1.200															
	1.300															
	1.400															
	1.500									**B**	**A**		**A**			
	1.600															
	1.700															
	1.800															
	1.900															
2.000	2.100									**C**	**A**		**A**			
	2.200									**B**	**A**		**A**			
3.000											**B**		**A**			
4.000			**C**	**A**					**A**	**A**	**A**		**A**			
5.000	5.100															
	5.200															
	5.300															
	5.400									**C**	**A**		**A**			
6.000	6.100									**C**	**A**		**A**			
	6.200	6.210		**B**						**B**	**A**		**A**			
		6.220									**B**					
		6.230		**C**					**C**	**B**		**C**	**A**	**C**	**C**	
		6.240		**C**					**B**	**B**	**A**		**A**			
		6.250	**C**	**A**					**A**	**A**	**A**	**A**	**A**	**A**	**A**	
		6.260	**A**	**A**	**A**				**A**	**A**	**A**	**A**	**A**	**A**	**A**	
7.000													**B**			
8.000										**C**	**A**		**A**			
9.000										**C**	**A**		**A**			
10.000				**B**					**B**	**B**	**B**		**B**			
11.000			**A**	**A**	**C**		**C**	**C**	**A**	**A**	**A**	**B**	**A**	**B**	**B**	
12.000				**B**						**A**	**A**		**A**			
13.000										**B**	**A**		**A**			
14.000	14.100															
	14.200															
	14.300		**B**	**A**					**A**	**A**	**A**	**B**	**A**	**B**	**B**	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				16.000	17.000	18.000			19.000	20.000	21.000		22.000			23.000
SERVIENT USE			**15.400**			**18.100**	**18.200**	**18.300**			**21.100**	**21.200**	**22.100**	**22.200**	**22.300**	
(PROPOSED)																
	14.400		**C**	**A**					**A**	**A**	**A**	**B**	**A**	**B**	**B**	
15.000	15.100									**C**	**A**		**A**			
	15.200			**A**					**A**	**A**	**A**		**A**			
	15.300		**B**	**A**					**A**	**A**	**A**		**A**			
	15.400			**A**					**A**	**A**	**A**		**A**			
16.000										**C**	**A**		**A**			
17.000			**B**	**A**					**A**	**A**	**A**	**B**	**A**	**B**	**B**	
18.000	18.100		**C**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	
	18.200		**A**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	
	18.300		**C**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	
19.000										**B**	**A**		**A**			
20.000											**B**		**A**			
21.000	21.100															
	21.200		**C**	**A**					**A**	**A**	**A**		**A**			
22.000	22.100															
	22.200		**B**	**B**					**B**	**B**	**B**		**B**			
	22.300															
23.000																
24.000										**C**	**A**		**A**			
25.000										**B**	**A**		**A**			
26.000																
34.000	34.100		**A**		**A**	**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**	**B**	**B**	
	34.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**	**B**	**B**	
STREETS																
RAILROAD			**C**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			24.000	25.000	26.000	34.000		STRT	RAIL.
SERVIENT USE						34.100	34.200		
(PROPOSED)									
1.000	1.100	1.111							
		1.112							
		1.113							
		1.121							
		1.122						C	A
	1.200								B
	1.300							C	A
	1.400							C	A
	1.500							C	A
	1.600							C	A
	1.700								A
	1.800								A
	1.900								A
2.000	2.100							C	
	2.200						C	C	
3.000								C	
4.000			A			A	A	A	
5.000	5.100							C	
	5.200							C	
	5.300							C	
	5.400							C	
6.000	6.100							C	
	6.200	6.210						C	
		6.220						C	
		6.230	C			C	C	C	
		6.240	C			B	C	B	
		6.250	A			A	A	A	
		6.260	A			A	A	A	
7.000								C	
8.000								C	
9.000							C	C	
10.000			C			B	B	B	
11.000			A			A	A	A	C
12.000			B				B	B	
13.000								C	
14.000	14.100								
	14.200								
	14.300		A			A	A	A	C

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			24.000	25.000	26.000	34.000		STRT	RAIL.
SERVIENT USE						34.100	34.200		
(PROPOSED)									
	14.400		A			A	A	A	C
15.000	15.100							C	
	15.200		A			A	A	A	
	15.300		A			A	A	A	C
	15.400		A			A	A	A	
16.000								C	
17.000			B			A	A	A	
18.000	18.100		A			A	A	A	C
	18.200		A			A	A	A	C
	18.300		A			A	A	A	C
19.000							C	C	
20.000								C	
21.000	21.100							C	
	21.200		A			A	A	A	
22.000	22.100							C	
	22.200		B			B	B	B	
	22.300								
23.000									
24.000							C	C	
25.000							C	C	
26.000								C	
34.000	34.100		A			A	A	A	
	34.200		A			A	A	A	A
STREETS									
RAILROAD			A	A	A			A	

Section 15-309 Flexibility in Administration Required.

(a) The Board recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, as provided in Section 15-306, the permit-issuing authority may permit deviations from the presumptive requirements of Section 15-308 and may require either more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in Section 15-308 without imposing unnecessary costs on the developer.

(b) Without limiting the generality of subsection (a), the permit-issuing authority may modify the presumptive requirements for:

(1) Commercial developments located adjacent to residential uses in business zoning districts.

(2) Commercial uses located adjacent to other commercial uses within the same zoning district.

(3) Uses located within planned unit developments.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in Section 15-308, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in Section 15-308 and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it (or the appearance commission) receives in the consideration of a specific development proposal, that a presumption established by Section 15-308 is erroneous, it shall initiate a request for an amendment to the Table of Screening Requirements in accordance with the procedures set forth in Article XX.

Section 15-310 Combination Uses.

(a) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in Section 15-308, interpreted in the light of Section 15-309.

(b) When two or more principal uses are combined to create a combination-use, screening shall not be required between the composite principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in Section 15-305. (For example, screening may be required in a residential combination use consisting of single-family and multi-family components.)

Section 15-311 Landscaping Plan.

Any person who has been issued a permit under this chapter for any development in a non-residential district involving the construction of new buildings or parking areas or additions to or exterior modifications of existing buildings or parking areas, as well as *(i)* any similar development in a residential district, if such development requires a special or conditional use permit, shall prepare and file a landscaping plan prior to the issuance of a building permit for such development. No building permit shall be issued for such development until the Appearance Commission has had the opportunity, pursuant to regular agenda procedures, to review and comment upon such landscaping plan. **(AMENDED 2/4/86)**

Section 15-311.1 Screening of Flag Lots in the Historic District (HD) (AMENDED 11/21/95).

Notwithstanding the provisions of Section 15-308, every flag lot in the Historic District (HD) shall provide a Type B screen [as described in Section 15-307 (1)] between the flag lot and adjacent property [see Section 15-175.10(c)].

Section 15-312 Protective Buffer Along Major Roads (AMENDED 05/25/99; 10/23/07)

Notwithstanding the provisions of Section 15-308, but subject to the remaining provisions of this section, an undisturbed protective buffer shall be maintained along Old N.C. 86, Dairyland Road, Union Grove Church Road, Homestead Road, Eubanks Road and Smith Level Road south of Ray Road that will help preserve the scenic views and elements of this area. With respect to each property that fronts one of the named streets, any development other than use classification 13.200, Fire Station, that occurs after the effective date of this section shall provide an undisturbed buffer (except for necessary crossings) that is a minimum of 50 feet in width and on average is 100 feet in width along such frontage. If the buffer area does not provide the equivalent of a Type 'A' screen, the developer shall provide a Type 'A' screen on the development's side of the buffer (one hundred (100) feet from the right-of-way)

Section 15-313 Reserved.

PART II. SHADING AND TREE PROTECTION

Section 15-314 Board Findings and Declaration of Policy on Protecting Trees and Other Plants (REWRITTEN 06/24/14)

(a) The Board finds that:

(1) Trees, shrubs, and other plants are proven producers of oxygen, a necessary element for human survival; and

(2) Trees, shrubs, and other plants appreciably reduce carbon emissions by shading buildings and thereby lowering energy use to cool buildings; and

(3) Trees, shrubs, and other plants improve air quality by lowering air temperatures and removing air pollutants; and

(4) Trees, shrubs, and other plants transpire considerable amounts of water each day and thereby maintain the natural hydrologic cycle; and

(5) Trees, shrubs, and other plants through their canopies and root systems intercept precipitation and encourage rain to infiltrate into the soil and maintain soil water for plants and recharge ground water and play an important and effective part in soil conservation, erosion control, creek protection and flood control; and

(6) Trees, especially large, old trees, provide invaluable beneficial physical, aesthetic, historic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, and built environment, reducing noise levels and glare, shielding people from high winds, and breaking the monotony of human developments on the land, particularly for parking areas and streets; and

(7) Trees, shrubs and other plants help improve soil quality by breaking up heavy soils, mining nutrients and remediating soils at contaminated sites by absorbing, transforming and containing a number of contaminants; and

(8) Tree stands create habitats that support a diversity of plants and animals; and

(9) Trees, shrubs and other plants make important contributions to the vitality and character of the Town and its neighborhoods and create a more aesthetic, pleasant and emotionally satisfying place in which to live, work and spend leisure time; and

(10) Trees, shrubs and other plants provide numerous human health benefits such as shading ultraviolet radiation, reducing rates of respiratory disease and illness and stress management; and

(11) Trees, shrubs and other plants have an important impact on the desirability of land and, consequently, on property values, as well as benefitting commercial activity by creating a more enjoyable environment. **(AMENDED 03/21/89)**

(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 persons living or working within the town's planning jurisdiction, present and future, to protect certain existing trees and tree stands and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

Section 15-315 Definitions (REWRITTEN 06/24/14)

Unless otherwise specifically provided, or unless the context clearly indicates otherwise, the words and phrases defined below shall have the meaning indicated when used in this Part.

(1) Canopy tree: A healthy evergreen or deciduous tree species that matures at a height of at least thirty (30) feet.
(2) Dripline: Perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground).
(3) Clearcutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural purposes. **(AMENDED 05/25/99)**
(4) A specimen or rare tree is defined as any healthy tree that:

i. has a trunk diameter at breast height (dbh) of thirty-six (36) inches or more for pine tree species; or

ii. has a trunk dbh of 18" inches or more for any species; or

iii. has a trunk dbh of 12 inches or more in the case of the species from the following list of North Carolina native canopy tree genera; or

Aesculus (Ohio Buckeye)
Chamaecyparis (Atlantic White Cedar)
Carya (Southern Shagbark Hickory)
Diospyros (Persimmon)
Fagus (Beech)
Juniperus (Eastern Red Cedar)
Magnolia (Magnolia)
Pinus (Longleaf pine)

Quercus (Swamp Chestnut Oak)
Taxodium (Bald cypress)
Tsuga (Hemlock)
Ulmus (American Elm)

iv. has a trunk dbh of six inches or more in the case of the species from the following list of North Carolina native understory tree genera: or

Amelanchier (Serviceberry)
Asimina (Pawpaw)
Carpinus (Hornbeam)
Cercis (Redbud)
Chionanthus (Fringetree)
Cornus (Dogwood)
Crataegus (Hawthorn)
Halesia (Silverbell)
Hamamelis (Witch-hazel)
Ilex (Holly)
Ostrya (Hophornbeam)
O*xydendrum* (Sourwood)
Sassafras (Sassafras)

v. is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or

vi. provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or

vii. has been cited by the Board of Aldermen as being historically significant; or

viii. any other tree species listed in the North Carolina Natural Heritage Program as being significantly rare, of special concern, threatened, or endangered.

(5) Tree. A perennial woody plant, single or multiple trunks, with few if any branches on its lower part, which at maturity will obtain a minimum six (6) inch caliper.

(6) Tree canopy. The combined area encompassing the drip zones of all canopy trees.

(7) Tree Protection Perimeter: That area within a circle drawn with the tree's trunk as the center. Radius is dependent upon site conditions and the relative tolerance of tree species to construction damage. Standard accepted radius is 1-1.5 feet per diameter inch of tree to be retained.

Section 15-316 Required Trees Along Dedicated Streets.

Along both sides of all newly created streets with respect to which an offer of dedication is required to be made by this chapter, the developer shall either plant or retain sufficient trees so

that, between the paved portion of the street and a line running parallel to and fifty feet from the center line of the street, there is for every thirty feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve inches in diameter. Trees planted to satisfy this section shall not be placed uniformly but in an irregular pattern with a minimum of one twelve inch (12") diameter tree (when fully mature) every one hundred feet (100'). When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E. **(AMENDED 11/19/96)**

Section 15-317 Retention and Protection of Specimen and Rare Trees

(a) Every development shall retain all existing specimen and rare trees unless the retention of such trees would unreasonably burden the development. When a site would be so unreasonably burdened by the retention of all such trees that a choice must be made as to which trees will be retained, the following criteria shall be used by the applicant, in consultation with the land use administrator and landscape or forestry profession also to evaluate the trees for the purpose of deciding which to retain: **(AMENDED 06/24/14)**

(1) The rareness of the tree species, both relative to the species representation on the site and relative to the species representation within the region and the state. This shall be the most important criterion in the evaluation;

(2) The tree's relative size and age, large old trees being considered more valuable than smaller, younger trees of the same species;

(3) The trees' relative expected longevities, including such factors as the trees' relative health at the time of the evaluation;

(4) The relative hardiness of the trees in question, including wind firmness, climatic requirements, susceptibility to insects and diseases;

(5) The trees' relative aesthetic values, including flowers, fruit, form characteristics, potential for autumn coloration;

(6) The trees' relative sizes at maturity;

(7) The trees' relative contribution to summertime comfort through their potential to provide shading. **(AMENDED 03/21/89)**

(b) Flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save rare and specimen trees. **(AMENDED 03/21/89; 06/24/14)**

(c) No excavation or other subsurface disturbance may be undertaken within the Tree Protection Perimeter around any tree to be retained in accordance with (a) above. In addition, no impervious surface (including but not limited to equipment, paving, and structures) may be

located within the Tree Protection Perimeter, either during construction or after completion of the development. **(AMENDED 03/21/89; 06/24/14)**

(d) There shall be no clearcutting in any development within the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement. The term "clearcutting" shall refer to the large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural purposes. **(AMENDED 05/25/99; 06/24/14)**

(e) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections (a) or (b), and, as a result, the parking requirements set forth in Article XVIII cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of subsections (a) and (b), up to a maximum of fifteen percent of the required spaces. **(AMENDED 06/24/14)**

Section 15-318 Shade Trees In Parking Areas.

(a) Vehicle accommodation areas containing more than four parking spaces that are required by Section 15-296 must be shaded by deciduous trees (either retained or planted by developer) that have or will have when fully mature a truck at least twelve inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E. **(AMENDED 11/10/81; 06/24/14)**

(b) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of fifteen feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, thirty-five percent of the vehicle accommodation area will be shaded. **(AMENDED 06/24/14)**

(c) No paving may be placed within 15 feet (measured from the trunk) of any tree retained to comply with subsection (a), unless such tree is eighteen inches or greater in diameter or a very rare species as described in Section 15-316, in which case no paving may be placed within the Tree Protection Perimeter for such trees as described in 15-316(b). New trees planted to comply with subsection (a) shall be located so that they are surrounded by at least 200 square feet of unpaved area. **(AMENDED 5/10/83; 03/21/89)**

(d) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet six inches.

(e) The foregoing requirements shall not apply to 19.100 classification uses where such uses do not involve the construction of a permanent structure and are conducted not more than two days per week on the site of a vehicle accommodation area that is used primarily in connection with another use. Furthermore, when a 19.100 classification use meeting the foregoing requirements is installed on a lot that is nonconforming with respect to the shading requirements of this section, the lot shall not be required to comply with these shading

requirements solely because of installation of such use, even thought a new permit applicable to the entire lot may be required. **(AMENDED 9/2/86)**

Section 15-319 Tree Canopy Coverage Standards (REWRITTEN 06/24/14)

(a) Minimum Canopy Coverage Standards

Subject to the remaining provisions of this section, the following minimum tree canopy coverage percentages are required within the boundaries of every lot or tract for which a zoning, special use, or conditional use permit is issued after [date] _____, exclusive of required cleared active recreation areas, water bodies, access easements, public and private right-of-way, stormwater and utility easements.

Table 1: Minimum Tree Canopy Coverage Standards

Land Use	Minimum Canopy Coverage
Residential	**40%**
Other than residential excluding districts (B-1(c), (B-1(g), (B-2)	**30%**
Other than residential in districts (B-1(c), (B-1(g), (B-2)	**15%**

(1) When a tract is subdivided and pursuant to the provisions of Article XIII the developer sets aside open space areas or recreation areas that contain canopy trees (with a minimum caliper of six inches) or when a developer of a subdivision plants canopy trees to comply with the shading requirements of Article XIII, the total tree canopy area so preserved or established shall be credited against the minimum canopy coverage percentages set forth above. The remaining required tree canopy coverage area shall be allocated by the subdivider among the subdivided lots, and this allocation shall be shown on the recorded plat of such subdivision.

(b) Modifications to Canopy Coverage Standards

The permit issuing authority may approve a development application that does not fully comply with the canopy coverage standards when it finds that the application substantially complies with these standards and that such a deviation enables the development to better achieve other Town objectives, such as the promotion of solar access to encourage active and passive solar technology for water and space heating and renewable energy generation, improved stormwater management, and the preservation of established managed landscapes, or established streetscapes.

(c) Implementation of Standards

Compliance with the tree canopy standards shall be achieved as follows:

1) Protection of existing tree canopy. The extent of existing tree canopy coverage retained at the time of permit application may be documented by survey or by using current aerial photographs available on the Town's web page or similar resource. Protection of the existing tree canopy will be demonstrated by the tree protection plan required by Section 15-320;

2) Replacement of canopy. If the existing protected tree canopy is less than the minimum standard as shown in Table 1, the deficit shall be made up by the planting of additional trees as provided herein:

a. One (1) replacement tree per 500 square feet of tree canopy coverage deficit shall be planted in accordance with an approved planting plan.
b. All canopy trees planted to meet the Town's screening and parking lot shading standards can be counted when calculating replacement canopy trees provided.
c. Supplemental canopy trees planted to complete the canopy coverage requirements shall be planted no less than twenty (20) feet from any other proposed or existing canopy tree.
d. Replacement trees that are planted in an adjacent right-of-way may count toward total tree canopy.
e. Replacement tree caliper shall be two and one-half (2.5) inches at installation. A replacement tree with a caliper of four (4) inches or greater may count for two replacement trees.

Section 15-320 Protection of Trees During Construction.

(a) The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to comply with this article are protected, during the construction process, from removal, destruction, or injury. As described in Appendix A, a tree protection plan detailing the methods for such protection shall be submitted as part of the land use permit application and construction plan package. Tree protection methods shall meet accepted industry standards in accordance with ANSI A300 and associated Best Practices. **(AMENDED 3/12/85; 2/24/87; 03/21/89; 06/24/14)**

(1) The permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the Tree Protection Perimeter of all trees to be retained on the site that are within the area to be disturbed by construction activities, and other provisions made such as are necessary and sufficient to put on notice all construction personnel that the area within the Tree Protection Perimeter of all such trees is to be retained is not be disturbed. During the construction process, the permit recipient shall ensure that all activities are kept outside the Tree Protection Perimeter of all such trees. The barrier required by this subsection shall be installed before the issuance of any grading or construction permits for such site. **(AMENDED 06/24/14)**

(2) The permit recipient shall ensure that all such trees to be retained on the site that are within the area to be disturbed by construction activities, or near roads within the development, shall be further protected from accidental equipment damage by wrapping their trunks with sections of snow fence or boards wired together from the ground to a height six (6) feet above the ground. **(AMENDED 06/24/14)**

(3) The permit recipient shall ensure that land disturbing activity shall not occur, and that building materials, construction trailers, vehicles, equipment or machinery, dirt, fill, and/or other debris shall not be stored within the Tree Protection Perimeter of such trees as are to be retained.

(4) The permit recipient shall ensure that all such trees as are to be preserved shall not be used as supports for roping, cable, signs, or fencing, and that nails shall not be driven into the trunks of trees.

(5) The permit recipient shall ensure that any damage done during construction to the limbs or trunks of such trees as are to be retained shall be properly treated so as to assure the continued health of the trees. The land use administrator shall be consulted, and may suggest that the applicant seek advice from landscape or forestry professionals as to the appropriate method for such treatment. **(AMENDED 06/24/14)**

(6) Prior to the commencement of any land alteration on a site for which a Tree Protection Plan has been approved, including all clearing or grading activities, the land use administrator shall certify in writing based on an inspection of the site that all tree protection measures required by the approved Tree Protection Plan have been put in place properly and accurately. The land use administrator shall provide this certification in a timely fashion on being notified by the permit recipient that the site is ready for such inspection and certification. **(AMENDED 03/21/89)**

(b) If a violation of subsection (a) occurs, and as a result (b) rare or specimen tree(s) specifically shown on approved plans as being retained die or otherwise must be removed within four years after a certificate of occupancy is granted for that portion of a development on which the trees are or were located, then the permit recipient shall be required to replace such trees with trees of the same species, if available, or of a similar species. The choice of the replacement species, where necessary, shall be made subject to approval by the Town. Each replacement tree shall be at least of tree diameter equivalent in size to one (1) inch per every four (4) inches of tree diameter of the tree it replaces, up to a maximum replacement tree diameter of five inches. In cases where the tree to be replaced had a diameter greater than twenty inches, it shall be replaced by more than one tree, such that the ratio of one inch of replacement tree diameter to four inches of original tree diameter is satisfied, and at least one of the replacement trees is of the maximum replacement tree diameter of five inches. In addition, no replacement tree may be smaller than one inch in diameter. For example, a twenty-eight inch diameter tree would be replaced by one

five inch diameter tree and one two-inch diameter tree of the same species. Tree replacement shall be performed by either a landscape contractor or forester licensed to practice in the State of North Carolina, or by an arborist certified by the International Society of Arboriculture or National Arborists Association. Such replacement must take place within one year after the death or removal of the trees occur, and this obligation shall be a continuing condition of the validity of the permit. Violators of the tree protection requirements described in subsection (a) shall be subject to the penalties and remedies for all land use ordinance and land use permit condition violations described in Section 15-114. **(AMENDED 03/21/89; 06/24/14)**

Section 15-321 Performance Security May Be Required (AMENDED 03/21/89; 10/24/06; 06/24/14)

(a) In cases when the land use administrator has reasonable cause to believe that a Tree Protection Plan has been violated, he or she may require that the developer post a security, for the five year period (four years plus one year in which replacement may occur) described in subsections (b) and (c) of section 15-318, to cover the potential replacement of all such large and rare species trees as are called out in the Tree Protection Plan as being protected. The purpose of this security is to ensure that the financial capability will exist, during the full five year period described in subsections (b) and (c) of section 15-318, to replace any large or rare species trees as are called out on a Tree Protection Plan as being protected during construction, and which have died due to construction damage caused by a violation of the Tree Protection Plan.

(b) It is the intent of this section that the removal and replacement of such trees that die due to construction damage shall be arranged by the Town only when the developer cannot be located at the time when the removal and replacement becomes necessary.

(c) The required security shall be in the form of an interest-bearing account or certificate of deposit payable to the Town, in the amount necessary for the removal of all of the large and rare species trees as are called out in the Tree Protection Plan as being preserved, their replacement as described in subsections (b) and (c) of section 15-318, and the one-time violation penalty described in section 15-114 at the time the security is required. At such time as the four year period described in subsections (b) and (c) of section 15-318 is complete, and no deaths of trees called out in the Tree Protection Plan as being preserved have occurred, the security and all interest accrued on it shall revert to the developer. In the event that some but not all of the security amount is used or needed for tree removal and replacement at the end of the four year period described in subsections (b) and (c) of section 15-318, the remaining security amount and the interest it has accrued shall revert to the developer at the end of that four year period.

Section 15-321.1 Regulation of Forestry Activities. (AMENDED 06/24/14)

(a) The terms “forestry,” “forestry activity,” “forestland,” “forest management plan” and “timber harvest” shall be defined by and used in the same manner as in G.S. 160A-458.5.

(b) Notwithstanding any other provisions of this chapter, this chapter does not regulate either:

(1) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under G.S. Chpt. 105, Art. 12; or

(2) Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with G.S. Chpt. 89B.

(c) Notwithstanding subsection (b) above, the Town may deny a zoning, special use, conditional use, or building permit for a tract of land for a period of up to three years after the completion of a timber harvest if the harvest results in the removal from that tract of all or substantially all of the trees protected by this chapter. If the removal of such trees was in willful violation of the requirements of this chapter, then such permits may be refused for a period of five years.

ARTICLE XIX

SCREENING AND TREES

PART I. SCREENING

Section 15-304 Board Findings Concerning the Need for Screening Requirements.

The Board finds that:

(1) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.

(2) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.

(3) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.

(4) The provisions of this part are necessary to safeguard the public health, safety, and welfare.

Section 15-305 General Screening Standards

Every development shall provide sufficient screening so that:

(1) Neighboring properties are shielded from any adverse external effects of that development;

(2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Section 15-306 Compliance with Screening Standards

(a) The table set forth in Section 15-308, in conjunction with the explanations in Section 15-307 concerning the types of screens, establishes screening requirements that, presumptively, satisfy the general standards established in Section 15-305. However, this table is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-309.

(b) The numerical designations contained in the Table of Screening Requirements (Section 15-308) are keyed to the Table of Permissible Uses (Section 15-146), and the letter designations refer to types of screening as described in Section 15-307. This table indicates the

type of screening that may be required between two uses. Where such screening is required, only one of the two adjoining uses is responsible for installing the screening; the use assigned this responsibility is referred to as the "servient" use in Section 15-308, and the other use is the "dominant" use. To determine which of the two adjoining uses is required to install the screening, find the use classification number of one of the adjoining uses in the servient column and follow that column across the page to its intersection with the use classification number in the dominant use column that corresponds to the other adjoining use. If the intersecting square contains a letter, then the use whose classification number is in the servient column is responsible for installing that level of screening. If the intersecting square does not contain a letter, then begin the process again, starting this time in the servient column with the other adjoining use.

(c) If, when the analysis described in subsection (b) is performed, the servient use is an existing use, but the required screening is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all the provisions of Article VIII of this ordinance.

(d) Notwithstanding any other provision of this article, a multi-family development shall be required at the time of construction, to install any screening that is required between it and adjacent existing uses according to the table set forth in Section 15-308, regardless of whether, in relation to such other uses, the multi-family development is the dominant or servient use.

Section 15-307 Descriptions of Screens.

The following three basic types of screens are hereby established and are used as the basis for the Table of Screening Requirements set forth in Section 15-308.

(1) **OPAQUE SCREEN. TYPE "A".** A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.

(2) **SEMI-OPAQUE SCREEN. TYPE "B".** A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque

portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone for intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

(3) **BROKEN SCREEN. TYPE "C".** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

Section 15-308 Table of Screening Requirements (AMENDED 06/26/07)

[PLEASE REFER TO THE NEXT TEN PAGES]

Section 15-309 Flexibility in Administration Required.

(a) The Board recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, as provided in Section 15-306, the permit-issuing authority may permit deviations from the presumptive requirements of Section 15-308 and may require either more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in Section 15-308 without imposing unnecessary costs on the developer.

(b) Without limiting the generality of subsection (a), the permit-issuing authority may modify the presumptive requirements for:

(1) Commercial developments located adjacent to residential uses in business zoning districts.

(2) Commercial uses located adjacent to other commercial uses within the same zoning district.

(3) Uses located within planned unit developments.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in Section 15-308, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in Section 15-308 and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it (or the appearance commission) receives in the consideration of a specific development proposal, that a presumption established by Section 15-308 is erroneous, it shall initiate a request for an amendment to the Table of Screening Requirements in accordance with the procedures set forth in Article XX.

Section 15-310 Combination Uses.

(a) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in Section 15-308, interpreted in the light of Section 15-309.

(b) When two or more principal uses are combined to create a combination-use, screening shall not be required between the composite principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in Section 15-305. (For example, screening may be required in a residential combination use consisting of single-family and multi-family components.)

Section 15-311 Landscaping Plan.

Any person who has been issued a permit under this chapter for any development in a non-residential district involving the construction of new buildings or parking areas or additions to or exterior modifications of existing buildings or parking areas, as well as *(i)* any similar development in a residential district, if such development requires a special or conditional use permit, shall prepare and file a landscaping plan prior to the issuance of a building permit for such development. No building permit shall be issued for such development until the Appearance Commission has had the opportunity, pursuant to regular agenda procedures, to review and comment upon such landscaping plan. **(AMENDED 2/4/86)**

Section 15-311.1 Screening of Flag Lots in the Historic District (HD) (AMENDED 11/21/95).

Notwithstanding the provisions of Section 15-308, every flag lot in the Historic District (HD) shall provide a Type B screen [as described in Section 15-307 (1)] between the flag lot and adjacent property [see Section 15-175.10(c)].

Section 15-312 Protective Buffer Along Major Roads (AMENDED 05/25/99; 10/23/07)

Notwithstanding the provisions of Section 15-308, but subject to the remaining provisions of this section, an undisturbed protective buffer shall be maintained along Old N.C. 86, Dairyland Road, Union Grove Church Road, Homestead Road, Eubanks Road and Smith Level Road south of Ray Road that will help preserve the scenic views and elements of this area. With respect to each property that fronts one of the named streets, any development other than use classification 13.200, Fire Station, that occurs after the effective date of this section shall provide an undisturbed buffer (except for necessary crossings) that is a minimum of 50 feet in width and on average is 100 feet in width along such frontage. If the buffer area does not provide the equivalent of a Type 'A' screen, the developer shall provide a Type 'A' screen on the development's side of the buffer (one hundred (100) feet from the right-of-way)

Section 15-313 Reserved.

PART II. SHADING AND TREE PROTECTION

Section 15-314 Board Findings and Declaration of Policy on Protecting Trees and Other Plants (REWRITTEN 06/24/14)

(a) The Board finds that:

(1) Trees, shrubs, and other plants are proven producers of oxygen, a necessary element for human survival; and

(2) Trees, shrubs, and other plants appreciably reduce carbon emissions by shading buildings and thereby lowering energy use to cool buildings; and

(3) Trees, shrubs, and other plants improve air quality by lowering air temperatures and removing air pollutants; and

(4) Trees, shrubs, and other plants transpire considerable amounts of water each day and thereby maintain the natural hydrologic cycle; and

(5) Trees, shrubs, and other plants through their canopies and root systems intercept precipitation and encourage rain to infiltrate into the soil and maintain soil water for plants and recharge ground water and play an important and effective part in soil conservation, erosion control, creek protection and flood control; and

(6) Trees, especially large, old trees, provide invaluable beneficial physical, aesthetic, historic, and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, and built environment, reducing noise levels and glare, shielding people from high winds, and breaking the monotony of human developments on the land, particularly for parking areas and streets; and

(7) Trees, shrubs and other plants help improve soil quality by breaking up heavy soils, mining nutrients and remediating soils at contaminated sites by absorbing, transforming and containing a number of contaminants; and

(8) Tree stands create habitats that support a diversity of plants and animals; and

(9) Trees, shrubs and other plants make important contributions to the vitality and character of the Town and its neighborhoods and create a more aesthetic, pleasant and emotionally satisfying place in which to live, work and spend leisure time; and

(10) Trees, shrubs and other plants provide numerous human health benefits such as shading ultraviolet radiation, reducing rates of respiratory disease and illness and stress management; and

(11) Trees, shrubs and other plants have an important impact on the desirability of land and, consequently, on property values, as well as benefitting commercial activity by creating a more enjoyable environment. **(AMENDED 03/21/89)**

(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 persons living or working within the town's planning jurisdiction, present and future, to protect certain existing trees and tree stands and, under the circumstances set forth in this article, to require the planting of new trees in certain types of developments.

Section 15-315 Definitions (REWRITTEN 06/24/14)

Unless otherwise specifically provided, or unless the context clearly indicates otherwise, the words and phrases defined below shall have the meaning indicated when used in this Part.

(1) Canopy tree: A healthy evergreen or deciduous tree species that matures at a height of at least thirty (30) feet.
(2) Dripline: Perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground).
(3) Clearcutting: The large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural purposes. **(AMENDED 05/25/99)**
(4) A specimen or rare tree is defined as any healthy tree that:

i. has a trunk diameter at breast height (dbh) of thirty-six (36) inches or more for pine tree species; or

ii. has a trunk dbh of 18" inches or more for any species; or

iii. has a trunk dbh of 12 inches or more in the case of the species from the following list of North Carolina native canopy tree genera; or

Aesculus (Ohio Buckeye)
Chamaecyparis (Atlantic White Cedar)
Carya (Southern Shagbark Hickory)
Diospyros (Persimmon)
Fagus (Beech)
Juniperus (Eastern Red Cedar)
Magnolia (Magnolia)
Pinus (Longleaf pine)

Quercus (Swamp Chestnut Oak)
Taxodium (Bald cypress)
Tsuga (Hemlock)
Ulmus (American Elm)

iv. has a trunk dbh of six inches or more in the case of the species from the following list of North Carolina native understory tree genera: or

Amelanchier (Serviceberry)
Asimina (Pawpaw)
Carpinus (Hornbeam)
Cercis (Redbud)
Chionanthus (Fringetree)
Cornus (Dogwood)
Crataegus (Hawthorn)
Halesia (Silverbell)
Hamamelis (Witch-hazel)
Ilex (Holly)
Ostrya (Hophornbeam)
O*xydendrum* (Sourwood)
Sassafras (Sassafras)

v. is listed as a State or National Champion by the North Carolina Forest Service or the American Forestry Association; or

vi. provides unique habitat for any endangered or threatened wildlife species protected by Federal law; or

vii. has been cited by the Board of Aldermen as being historically significant; or

viii. any other tree species listed in the North Carolina Natural Heritage Program as being significantly rare, of special concern, threatened, or endangered.

(5) Tree. A perennial woody plant, single or multiple trunks, with few if any branches on its lower part, which at maturity will obtain a minimum six (6) inch caliper.

(6) Tree canopy. The combined area encompassing the drip zones of all canopy trees.

(7) Tree Protection Perimeter: That area within a circle drawn with the tree's trunk as the center. Radius is dependent upon site conditions and the relative tolerance of tree species to construction damage. Standard accepted radius is 1-1.5 feet per diameter inch of tree to be retained.

Section 15-316 Required Trees Along Dedicated Streets.

Along both sides of all newly created streets with respect to which an offer of dedication is required to be made by this chapter, the developer shall either plant or retain sufficient trees so

that, between the paved portion of the street and a line running parallel to and fifty feet from the center line of the street, there is for every thirty feet of street frontage at least an average of one deciduous tree that has or will have when fully mature a trunk at least twelve inches in diameter. Trees planted to satisfy this section shall not be placed uniformly but in an irregular pattern with a minimum of one twelve inch (12") diameter tree (when fully mature) every one hundred feet (100'). When trees are planted by the developer pursuant to this section, the developer shall choose trees that meet the standards set forth in Appendix E. **(AMENDED 11/19/96)**

Section 15-317 Retention and Protection of Specimen and Rare Trees

(a) Every development shall retain all existing specimen and rare trees unless the retention of such trees would unreasonably burden the development. When a site would be so unreasonably burdened by the retention of all such trees that a choice must be made as to which trees will be retained, the following criteria shall be used by the applicant, in consultation with the land use administrator and landscape or forestry profession also to evaluate the trees for the purpose of deciding which to retain: **(AMENDED 06/24/14)**

(1) The rareness of the tree species, both relative to the species representation on the site and relative to the species representation within the region and the state. This shall be the most important criterion in the evaluation;

(2) The tree's relative size and age, large old trees being considered more valuable than smaller, younger trees of the same species;

(3) The trees' relative expected longevities, including such factors as the trees' relative health at the time of the evaluation;

(4) The relative hardiness of the trees in question, including wind firmness, climatic requirements, susceptibility to insects and diseases;

(5) The trees' relative aesthetic values, including flowers, fruit, form characteristics, potential for autumn coloration;

(6) The trees' relative sizes at maturity;

(7) The trees' relative contribution to summertime comfort through their potential to provide shading. **(AMENDED 03/21/89)**

(b) Flexible approaches such as adjustments to lot layout, placement of buildings and paved surfaces and location of utilities should be pursued in order to save rare and specimen trees. **(AMENDED 03/21/89; 06/24/14)**

(c) No excavation or other subsurface disturbance may be undertaken within the Tree Protection Perimeter around any tree to be retained in accordance with (a) above. In addition, no impervious surface (including but not limited to equipment, paving, and structures) may be

located within the Tree Protection Perimeter, either during construction or after completion of the development. **(AMENDED 03/21/89; 06/24/14)**

(d) There shall be no clearcutting in any development within the Transition Area portion of the Carrboro Joint Development Area as identified in the Joint Planning Agreement. The term "clearcutting" shall refer to the large-scale, indiscriminate removal of trees, shrubs, and undergrowth with the intention of preparing real property for nonagricultural purposes. **(AMENDED 05/25/99; 06/24/14)**

(e) If space that would otherwise be devoted to parking cannot be so used because of the requirements of subsections (a) or (b), and, as a result, the parking requirements set forth in Article XVIII cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of the provisions of subsections (a) and (b), up to a maximum of fifteen percent of the required spaces. **(AMENDED 06/24/14)**

Section 15-318 Shade Trees In Parking Areas.

(a) Vehicle accommodation areas containing more than four parking spaces that are required by Section 15-296 must be shaded by deciduous trees (either retained or planted by developer) that have or will have when fully mature a truck at least twelve inches in diameter. When trees are planted by the developer to satisfy the requirements of this subsection, the developer shall choose trees that meet the standards set forth in Appendix E. **(AMENDED 11/10/81; 06/24/14)**

(b) Each tree of the type described in subsection (a) shall be presumed to shade a circular area having a radius of fifteen feet with the trunk of the tree as the center, and there must be sufficient trees so that, using this standard, thirty-five percent of the vehicle accommodation area will be shaded. **(AMENDED 06/24/14)**

(c) No paving may be placed within 15 feet (measured from the trunk) of any tree retained to comply with subsection (a), unless such tree is eighteen inches or greater in diameter or a very rare species as described in Section 15-316, in which case no paving may be placed within the Tree Protection Perimeter for such trees as described in 15-316(b). New trees planted to comply with subsection (a) shall be located so that they are surrounded by at least 200 square feet of unpaved area. **(AMENDED 5/10/83; 03/21/89)**

(d) Vehicle accommodation areas shall be laid out and detailed to prevent vehicles from striking trees. Vehicles will be presumed to have a body overhang of three feet six inches.

(e) The foregoing requirements shall not apply to 19.100 classification uses where such uses do not involve the construction of a permanent structure and are conducted not more than two days per week on the site of a vehicle accommodation area that is used primarily in connection with another use. Furthermore, when a 19.100 classification use meeting the foregoing requirements is installed on a lot that is nonconforming with respect to the shading requirements of this section, the lot shall not be required to comply with these shading

requirements solely because of installation of such use, even thought a new permit applicable to the entire lot may be required. **(AMENDED 9/2/86)**

Section 15-319 Tree Canopy Coverage Standards (REWRITTEN 06/24/14)

(a) Minimum Canopy Coverage Standards

Subject to the remaining provisions of this section, the following minimum tree canopy coverage percentages are required within the boundaries of every lot or tract for which a zoning, special use, or conditional use permit is issued after June 24th, 2014, exclusive of required cleared active recreation areas, water bodies, access easements, public and private right-of-way, stormwater and utility easements.

Table 1: Minimum Tree Canopy Coverage Standards

Land Use	Minimum Canopy Coverage
Residential	**40%**
Other than residential excluding districts (B-1(c), (B-1(g), (B-2)	**30%**
Other than residential in districts (B-1(c), (B-1(g), (B-2)	**15%**

(1) When a tract is subdivided and pursuant to the provisions of Article XIII the developer sets aside open space areas or recreation areas that contain canopy trees (with a minimum caliper of six inches) or when a developer of a subdivision plants canopy trees to comply with the shading requirements of Article XIII, the total tree canopy area so preserved or established shall be credited against the minimum canopy coverage percentages set forth above. The remaining required tree canopy coverage area shall be allocated by the subdivider among the subdivided lots, and this allocation shall be shown on the recorded plat of such subdivision.

(b) Modifications to Canopy Coverage Standards

The permit issuing authority may approve a development application that does not fully comply with the canopy coverage standards when it finds that the application substantially complies with these standards and that such a deviation enables the development to better achieve other Town objectives, such as the promotion of solar access to encourage active and passive solar technology for water and space heating and renewable energy generation, improved stormwater management, and the preservation of established managed landscapes, or established streetscapes.

(c) Implementation of Standards

Compliance with the tree canopy standards shall be achieved as follows:

1) Protection of existing tree canopy. The extent of existing tree canopy coverage retained at the time of permit application may be documented by survey or by using current aerial photographs available on the Town's web page or similar resource. Protection of the existing tree canopy will be demonstrated by the tree protection plan required by Section 15-320;

2) Replacement of canopy. If the existing protected tree canopy is less than the minimum standard as shown in Table 1, the deficit shall be made up by the planting of additional trees as provided herein:

a. One (1) replacement tree per 500 square feet of tree canopy coverage deficit shall be planted in accordance with an approved planting plan.
b. All canopy trees planted to meet the Town's screening and parking lot shading standards can be counted when calculating replacement canopy trees provided.
c. Supplemental canopy trees planted to complete the canopy coverage requirements shall be planted no less than twenty (20) feet from any other proposed or existing canopy tree.
d. Replacement trees that are planted in an adjacent right-of-way may count toward total tree canopy.
e. Replacement tree caliper shall be two and one-half (2.5) inches at installation. A replacement tree with a caliper of four (4) inches or greater may count for two replacement trees.

Section 15-320 Protection of Trees During Construction.

(a) The permit recipient shall be responsible for ensuring that all existing trees specifically shown on approved plans as being retained to comply with this article are protected, during the construction process, from removal, destruction, or injury. As described in Appendix A, a tree protection plan detailing the methods for such protection shall be submitted as part of the land use permit application and construction plan package. Tree protection methods shall meet accepted industry standards in accordance with ANSI A300 and associated Best Practices. **(AMENDED 3/12/85; 2/24/87; 03/21/89; 06/24/14)**

(1) The permit recipient shall ensure that, before any excavation takes place on the site, a barrier is erected around the Tree Protection Perimeter of all trees to be retained on the site that are within the area to be disturbed by construction activities, and other provisions made such as are necessary and sufficient to put on notice all construction personnel that the area within the Tree Protection Perimeter of all such trees is to be retained is not be disturbed. During the construction process, the permit recipient shall ensure that all activities are kept outside the Tree Protection Perimeter of all such trees. The barrier required by this subsection shall be installed before the issuance of any grading or construction permits for such site. **(AMENDED 06/24/14)**

(2) The permit recipient shall ensure that all such trees to be retained on the site that are within the area to be disturbed by construction activities, or near roads within the development, shall be further protected from accidental equipment damage by wrapping their trunks with sections of snow fence or boards wired together from the ground to a height six (6) feet above the ground. **(AMENDED 06/24/14)**

(3) The permit recipient shall ensure that land disturbing activity shall not occur, and that building materials, construction trailers, vehicles, equipment or machinery, dirt, fill, and/or other debris shall not be stored within the Tree Protection Perimeter of such trees as are to be retained.

(4) The permit recipient shall ensure that all such trees as are to be preserved shall not be used as supports for roping, cable, signs, or fencing, and that nails shall not be driven into the trunks of trees.

(5) The permit recipient shall ensure that any damage done during construction to the limbs or trunks of such trees as are to be retained shall be properly treated so as to assure the continued health of the trees. The land use administrator shall be consulted, and may suggest that the applicant seek advice from landscape or forestry professionals as to the appropriate method for such treatment. **(AMENDED 06/24/14)**

(6) Prior to the commencement of any land alteration on a site for which a Tree Protection Plan has been approved, including all clearing or grading activities, the land use administrator shall certify in writing based on an inspection of the site that all tree protection measures required by the approved Tree Protection Plan have been put in place properly and accurately. The land use administrator shall provide this certification in a timely fashion on being notified by the permit recipient that the site is ready for such inspection and certification. **(AMENDED 03/21/89)**

(b) If a violation of subsection (a) occurs, and as a result (b) rare or specimen tree(s) specifically shown on approved plans as being retained die or otherwise must be removed within four years after a certificate of occupancy is granted for that portion of a development on which the trees are or were located, then the permit recipient shall be required to replace such trees with trees of the same species, if available, or of a similar species. The choice of the replacement species, where necessary, shall be made subject to approval by the Town. Each replacement tree shall be at least of tree diameter equivalent in size to one (1) inch per every four (4) inches of tree diameter of the tree it replaces, up to a maximum replacement tree diameter of five inches. In cases where the tree to be replaced had a diameter greater than twenty inches, it shall be replaced by more than one tree, such that the ratio of one inch of replacement tree diameter to four inches of original tree diameter is satisfied, and at least one of the replacement trees is of the maximum replacement tree diameter of five inches. In addition, no replacement tree may be smaller than one inch in diameter. For example, a twenty-eight inch diameter tree would be replaced by one

five inch diameter tree and one two-inch diameter tree of the same species. Tree replacement shall be performed by either a landscape contractor or forester licensed to practice in the State of North Carolina, or by an arborist certified by the International Society of Arboriculture or National Arborists Association. Such replacement must take place within one year after the death or removal of the trees occur, and this obligation shall be a continuing condition of the validity of the permit. Violators of the tree protection requirements described in subsection (a) shall be subject to the penalties and remedies for all land use ordinance and land use permit condition violations described in Section 15-114. **(AMENDED 03/21/89; 06/24/14)**

Section 15-321 Performance Security May Be Required (AMENDED 03/21/89; 10/24/06; 06/24/14)

(a) In cases when the land use administrator has reasonable cause to believe that a Tree Protection Plan has been violated, he or she may require that the developer post a security, for the five year period (four years plus one year in which replacement may occur) described in subsections (b) and (c) of section 15-318, to cover the potential replacement of all such large and rare species trees as are called out in the Tree Protection Plan as being protected. The purpose of this security is to ensure that the financial capability will exist, during the full five year period described in subsections (b) and (c) of section 15-318, to replace any large or rare species trees as are called out on a Tree Protection Plan as being protected during construction, and which have died due to construction damage caused by a violation of the Tree Protection Plan.

(b) It is the intent of this section that the removal and replacement of such trees that die due to construction damage shall be arranged by the Town only when the developer cannot be located at the time when the removal and replacement becomes necessary.

(c) The required security shall be in the form of an interest-bearing account or certificate of deposit payable to the Town, in the amount necessary for the removal of all of the large and rare species trees as are called out in the Tree Protection Plan as being preserved, their replacement as described in subsections (b) and (c) of section 15-318, and the one-time violation penalty described in section 15-114 at the time the security is required. At such time as the four year period described in subsections (b) and (c) of section 15-318 is complete, and no deaths of trees called out in the Tree Protection Plan as being preserved have occurred, the security and all interest accrued on it shall revert to the developer. In the event that some but not all of the security amount is used or needed for tree removal and replacement at the end of the four year period described in subsections (b) and (c) of section 15-318, the remaining security amount and the interest it has accrued shall revert to the developer at the end of that four year period.

Section 15-321.1 Regulation of Forestry Activities. (AMENDED 06/24/14)

(a) The terms “forestry,” “forestry activity,” “forestland,” “forest management plan” and “timber harvest” shall be defined by and used in the same manner as in G.S. 160A-458.5.

(b) Notwithstanding any other provisions of this chapter, this chapter does not regulate either:

(1) Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under G.S. Chpt. 105, Art. 12; or

(2) Forestry activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with G.S. Chpt. 89B.

(c) Notwithstanding subsection (b) above, the Town may deny a zoning, special use, conditional use, or building permit for a tract of land for a period of up to three years after the completion of a timber harvest if the harvest results in the removal from that tract of all or substantially all of the trees protected by this chapter. If the removal of such trees was in willful violation of the requirements of this chapter, then such permits may be refused for a period of five years.

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			1.000													**2.000**
SERVIENT USE			**1.100**					**1.200**	**1.300**	**1.400**	**1.500**	**1.600**	**1.700**	**1.800**	**1.900**	**2.100**
(PROPOSED)			**1.111**	**1.112**	**1.113**	**1.121**	**1.122**									
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122	**B**	**B**				**C**					**C**	**C**	**C**	
	1.200															
	1.300		**C**	**C**	**C**	**C**		**C**					**C**	**C**	**C**	
	1.400		**C**	**C**	**C**	**C**		**C**					**C**	**C**	**C**	
	1.500		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	1.600												**C**	**C**	**C**	
	1.700		**A**	**A**	**A**	**B**	**B**	**A**	**B**	**B**		**B**		**A**	**A**	
	1.800															
	1.900															
2.000	2.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	2.200		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**B**
3.000			**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
4.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
5.000	5.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	5.200		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	5.300		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	5.400		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
6.000	6.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	6.200	6.210	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**B**	**A**	**A**	**A**	**A**	**B**
		6.220	**B**	**B**	**B**	**B**	**B**	**B**	**C**	**C**		**C**	**A**	**A**	**A**	
		6.230	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**C**	**A**	**A**	**A**	**A**	**B**
		6.240	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**C**	**A**	**A**	**A**	**A**	**B**
		6.250	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
		6.260	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
7.000			**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**B**	
8.000			**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
9.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
10.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**B**	**A**	**A**	**A**	**A**	**B**
11.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
12.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	**B**
13.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
14.000	14.100		**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**B**	
	14.200		**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**		**B**	**B**	**B**	**B**	
	14.300		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			1.000													**2.000**
SERVIENT USE			**1.100**					**1.200**	**1.300**	**1.400**	**1.500**	**1.600**	**1.700**	**1.800**	**1.900**	**2.100**
(PROPOSED)			**1.111**	**1.112**	**1.113**	**1.121**	**1.122**									
	14.400		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
15.000	15.100		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
	15.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	15.300		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	15.400		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
16.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
17.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
18.000	18.100		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	18.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
	18.300		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
19.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**B**
20.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
21.000	21.100		**A**	**A**	**A**	**B**	**B**	**A**	**B**	**B**		**B**	**A**	**A**	**A**	
	21.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**
22.000	22.100		**C**	**C**	**C**	**C**	**C**	**C**	**C**	**C**		**C**	**C**	**C**	**C**	
	22.200		**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**	**B**
	22.300															
23.000																
24.000			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**		**A**	**A**	**A**	**A**	
25.000			**A**	**A**	**A**	**B**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**B**
26.000																
34.000	34.100		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	
	34.200		**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**		**A**	**A**	**A**	**A**	**A**
STREETS																
RAILROAD			**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**	**A**

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				3.000	4.000	5.000				6.000						
SERVIENT USE			2.200			5.100	5.200	5.300	5.400	6.100	6.200					
(PROPOSED)											6.210	6.220	6.230	6.240	6.250	6.260
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122														
	1.200															
	1.300															
	1.400															
	1.500			B		A	A	A	C			B				
	1.600															
	1.700															
	1.800															
	1.900															
2.000	2.100			C		A	A	A	C			B				
	2.200			B		A	A	A	B	C		B				
3.000						A	B	B				B				
4.000			A	A		A	A	A	A	A	B	A	C	A		
5.000	5.100															
	5.200															
	5.300															
	5.400			C		A	A	A				B				
6.000	6.100			C		A	A	A	C			C				
	6.200	6.210		B		A	A	A	B	C		B				
		6.220					B	B								
		6.230	C		C	A	A	A	B	C	A	A				
		6.240	B	B		A	A	A	C	B	C	B	C			
		6.250	A	A	A	A	A	A	A	A	A	A	A	A		
		6.260	A	A	A	A	A	A	A	A	A	A	A	A	A	
7.000						B										
8.000				C		A	A	A	C			B				
9.000				C		A	A	A	B	A		A				
10.000			B	B		B	B	B	B	B	B	A	B	B		
11.000			A	B	A	A	A	A	A	A	A	A	A	A	A	A
12.000				A		A	A	A	A	B	B	A				
13.000				B		A	A	A	C	C	C	B				
14.000	14.100															
	14.200															
	14.300		A	A	B	A	A	A	A	A	A	A	A	A	A	A

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				3.000	4.000	5.000				6.000						
SERVIENT USE			2.200			5.100	5.200	5.300	5.400	6.100	6.200					
(PROPOSED)											6.210	6.220	6.230	6.240	6.250	6.260
	14.400		A	A	B	A	A	A	A	A	A	A	A	A	A	A
15.000	15.100			C		A	A	A				B				
	15.200		A	A		A	A	A	A	A	A	A	A	A		
	15.300		A	A	B	A	A	A	A	A	A	A	A	A	A	A
	15.400		A	A		A	A	A	A	A	A	A	A	A		
16.000				C		A	A	A	C			B				
17.000			A	A	B	A	A	A	A	A	A	A	A	A		
18.000	18.100		A	A	C	A	A	A	A	A	A	A	A	A	A	A
	18.200		A	A	C	A	A	A	A	A	A	A	A	A	A	A
	18.300		A	A	C	A	A	A	A	A	A	A	A	A	A	A
19.000				B		A	A	A	B	C		B				
20.000						A	B	B				B				
21.000	21.100															
	21.200		A	A		A	A	A	A	A	B	A	C	A		
22.000	22.100															
	22.200		B	B		B	B	B	B	B	B	B	B	B		
	22.300															
23.000																
24.000				C		A	A	A	B	C		A				
25.000				B		A	A	A	B	C		B				
26.000												B				
34.000	34.100		A	A	A	A	A	B	A	B	A		A	A	A	A
	34.200		A	A	A	A	A	B	A	B	A		A	A	A	A
STREETS																
RAILROAD			A	A	C	A	A	A	A	A	A	A	A	A	A	A

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			7.000	8.000	9.000	10.000	11.000	12.000	13.000	14.000				15.000		
SERVIENT USE										14.100	14.200	14.300	14.400	15.100	15.200	15.300
(PROPOSED)																
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122														
	1.200															
	1.300															
	1.400															
	1.500		A							A	A			C		
	1.600															
	1.700									C	C					
	1.800															
	1.900															
2.000	2.100		A							A	A					
	2.200		A							A	A			C		
3.000			A													
4.000			A	A	A	B		A	A	A	A			A	C	
5.000	5.100									C	C					
	5.200		C													
	5.300		C													
	5.400		A							A	A					
6.000	6.100		A							A	A					
	6.200	6.210	A							A	A			B		
		6.220	C							B	C					
		6.230	A	B	C			A	C	A	A			B		
		6.240	A	B	C				C	A	A			C		
		6.250	A	A	A	B		A	A	A	A			A	C	
		6.260	A	A	A	A		A	A	A	A			A	A	
7.000																
8.000			A						A	A						
9.000			A						C	A	A			B		
10.000			B	B	C			C	C	B	B			B		
11.000			A	A	A			A	A	A	A	C		A	A	
12.000			A	A	B				B	A	A			A		
13.000																
14.000	14.100															
	14.200															
	14.300		A	A	A	B		A	A	A	A			A	B	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			7.000	8.000	9.000	10.000	11.000	12.000	13.000	14.000				15.000		
SERVIENT USE										14.100	14.200	14.300	14.400	15.100	15.200	15.300
(PROPOSED)																
	14.400		A	A	A	B		A	A	A	A			A	B	
15.000	15.100		A							A	A					
	15.200		A	A	A	C		A	C	A	A			B		
	15.300		A	A	A	B		A	A	A	A			A	B	
	15.400		A	A	A	C		A	C	A	A			B		
16.000			A							A	A			C		
17.000			A	A	B	B		B	A	A	A			A	B	
18.000	18.100		A	A	A	A		A	A	A	A			A	C	
	18.200		A	A	A	A		A	A	A	A			A	C	
	18.300		A	A	A	A		A	A	A	A			A	C	
19.000			A							A	A			C		
20.000			A													
21.000	21.100		C													
	21.200		A	A	A	B		A	A	A	A			A	C	
22.000	22.100									C	C					
	22.200		B	B	B	B		B	B	B	B			B	B	
	22.300															
23.000																
24.000			A						C	A	A			B		
25.000			A							A	A			C		
26.000																
34.000	34.100			A	A	A	A	A	B	A	B	A		A	A	A
	34.200		A	A	A	A	A	A	B	A	B	A		A	A	A
STREETS																
RAILROAD			A	A	A	A		C	A	C	C			A	C	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				16.000	17.000	18.000			19.000	20.000	21.000		22.000			23.000
SERVIENT USE			**15.400**			**18.100**	**18.200**	**18.300**			**21.100**	**21.200**	**22.100**	**22.200**	**22.300**	
(PROPOSED)																
1.000	1.100	1.111														
		1.112														
		1.113														
		1.121														
		1.122														
	1.200															
	1.300															
	1.400															
	1.500									**B**	**A**		**A**			
	1.600															
	1.700															
	1.800															
	1.900															
2.000	2.100									**C**	**A**		**A**			
	2.200									**B**	**A**		**A**			
3.000											**B**		**A**			
4.000			**C**	**A**					**A**	**A**	**A**		**A**			
5.000	5.100															
	5.200															
	5.300															
	5.400									**C**	**A**		**A**			
6.000	6.100									**C**	**A**		**A**			
	6.200	6.210		**B**						**B**	**A**		**A**			
		6.220									**B**					
		6.230		**C**					**C**	**B**		**C**	**A**	**C**	**C**	
		6.240		**C**					**B**	**B**	**A**		**A**			
		6.250	**C**	**A**					**A**	**A**	**A**	**A**	**A**	**A**	**A**	
		6.260	**A**	**A**	**A**				**A**	**A**	**A**	**A**	**A**	**A**	**A**	
7.000													**B**			
8.000										**C**	**A**		**A**			
9.000										**C**	**A**		**A**			
10.000				**B**					**B**	**B**	**B**		**B**			
11.000			**A**	**A**	**C**		**C**	**C**	**A**	**A**	**A**	**B**	**A**	**B**	**B**	
12.000				**B**						**A**	**A**		**A**			
13.000										**B**	**A**		**A**			
14.000	14.100															
	14.200															
	14.300		**B**	**A**					**A**	**A**	**A**	**B**	**A**	**B**	**B**	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

				16.000	17.000	18.000			19.000	20.000	21.000		22.000			23.000
SERVIENT USE			**15.400**			**18.100**	**18.200**	**18.300**			**21.100**	**21.200**	**22.100**	**22.200**	**22.300**	
(PROPOSED)																
	14.400		**C**	**A**					**A**	**A**	**A**	**B**	**A**	**B**	**B**	
15.000	15.100									**C**	**A**		**A**			
	15.200			**A**					**A**	**A**	**A**		**A**			
	15.300		**B**	**A**					**A**	**A**	**A**		**A**			
	15.400			**A**					**A**	**A**	**A**		**A**			
16.000										**C**	**A**		**A**			
17.000			**B**	**A**					**A**	**A**	**A**	**B**	**A**	**B**	**B**	
18.000	18.100		**C**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	
	18.200		**A**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	
	18.300		**C**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	
19.000										**B**	**A**		**A**			
20.000											**B**		**A**			
21.000	21.100															
	21.200		**C**	**A**					**A**	**A**	**A**		**A**			
22.000	22.100															
	22.200		**B**	**B**					**B**	**B**	**B**		**B**			
	22.300															
23.000																
24.000										**C**	**A**		**A**			
25.000										**B**	**A**		**A**			
26.000																
34.000	34.100		**A**		**A**	**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**	**B**	**B**	
	34.200		**A**	**A**	**A**	**A**	**A**	**A**	**A**	**B**	**A**	**B**	**A**	**B**	**B**	
STREETS																
RAILROAD			**C**	**A**					**A**	**A**	**A**	**C**	**A**	**C**	**C**	

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			24.000	25.000	26.000	34.000		STRT	RAIL.
SERVIENT USE						34.100	34.200		
(PROPOSED)									
1.000	1.100	1.111							
		1.112							
		1.113							
		1.121							
		1.122						C	A
	1.200								B
	1.300							C	A
	1.400							C	A
	1.500							C	A
	1.600							C	A
	1.700								A
	1.800								A
	1.900								A
2.000	2.100							C	
	2.200						C	C	
3.000								C	
4.000			A			A	A	A	
5.000	5.100							C	
	5.200							C	
	5.300							C	
	5.400							C	
6.000	6.100							C	
	6.200	6.210						C	
		6.220						C	
		6.230	C			C	C	C	
		6.240	C			B	C	B	
		6.250	A			A	A	A	
		6.260	A			A	A	A	
7.000								C	
8.000								C	
9.000							C	C	
10.000			C			B	B	B	
11.000			A			A	A	A	C
12.000			B				B	B	
13.000								C	
14.000	14.100								
	14.200								
	14.300		A			A	A	A	C

Section 15-308 Table of Screening Requirements (Amended 6/26/07)

Dominant Use (Existing)

			24.000	25.000	26.000	34.000		STRT	RAIL.
SERVIENT USE						34.100	34.200		
(PROPOSED)									
	14.400		A			A	A	A	C
15.000	15.100							C	
	15.200		A			A	A	A	
	15.300		A			A	A	A	C
	15.400		A			A	A	A	
16.000								C	
17.000			B			A	A	A	
18.000	18.100		A			A	A	A	C
	18.200		A			A	A	A	C
	18.300		A			A	A	A	C
19.000							C	C	
20.000								C	
21.000	21.100							C	
	21.200		A			A	A	A	
22.000	22.100							C	
	22.200		B			B	B	B	
	22.300								
23.000									
24.000							C	C	
25.000							C	C	
26.000								C	
34.000	34.100		A			A	A	A	
	34.200		A			A	A	A	A
STREETS									
RAILROAD			A	A	A			A	

ARTICLE XX

AMENDMENTS

Section 15-320 Amendments in General

(a) Amendments to the text of this chapter or to the zoning map may be made in accordance with the provisions of this article, or in the case of nonsubstantive editorial changes, may be made administratively by the planning director, as described in Section 15-38 of this ordinance. **(AMENDED 09/01/87)**

(b) The term "major map amendment" shall refer to an amendment that addresses the zoning district classification of five or more tracts of land in separate ownership or any parcel of land (regardless of the number of lots or owners) in excess of fifty acres. All other amendments to the zoning district map shall be referred to as "minor map amendments."

(c) All properties within the University Lake Watershed are zoned WR, B-5, WM-3 or C. As provided in Subsection 15-137(b), no additional areas may be rezoned WM-3 or B-5, and no areas within the University Lake Watershed may be rezoned to any classification other than WR, or C. **(AMENDED 10/15/96)**

(d) The regulations applicable to the watershed districts do, and all amendments to these regulations shall, comply with the water supply watershed protection rules promulgated by the State pursuant to G.S. 143-214.5. Copies of all amendments to Sections 15-265 or 15-266 shall be sent to the Division of Community Assistance, Division of Environmental Health, and Division of Water Quality. **(AMENDED 10/15/96)**

Section 15-321 Initiation of Amendments

(a) Whenever a request to amend this chapter is initiated by the Board of Aldermen, the planning board, the board of adjustment, the appearance commission, or the town administration, the town attorney in consultation with the planning staff shall draft an appropriate ordinance and present that ordinance to the Board of Aldermen so that a date for a public hearing may be set.

(b) Any other person may also petition the Board to amend this chapter. The petition shall be filed with the planning department and shall include, among the information deemed relevant by the planning department:

(1) The name, address, and phone number of the applicant.

(2) A description of the land affected by the amendment if a change in zoning district classification is proposed.

(3) Stamped envelopes containing the names and addresses of all those to whom notice of the public hearing must be sent as provided in Section 15-323.

(4) A description of the proposed map change or a summary of the specific objective of any proposed change in the text of this chapter.

(5) A concise statement of the reasons why the petitioner believes the proposed amendment would be in the public interest.

(c) Upon receipt of a petition as provided in (b), the planning staff shall either:

(1) Treat the proposed amendment as one initiated by the town administration and proceed in accordance with subsection (a) if it believes that the proposed amendment has significant merit and would benefit the general public interest; or

(2) Forward the petition to the Board with or without written comment for a determination of whether an ordinance should be drafted and a public hearing set in accordance with subsection (d).

(d) Upon receipt of a proposed ordinance as provided in subsection (a), the Board may establish a date for a public hearing on it. Upon receipt of a petition for an ordinance amendment as provided in subsection (b), the Board may summarily deny the petition or set a date for a public hearing on the requested amendment and order the attorney, in consultation with the planning staff, to draft an appropriate ordinance.

Section 15-322 Planning Board and Other Advisory Consideration of Proposed Amendments

(a) If the Board sets a date for a public hearing on a proposed amendment, it shall also refer the proposed amendment to the planning board for its consideration and may refer the amendment to the appearance commission if community appearance is involved, and may refer the amendment to the transportation advisory board if the amendment involves community transportation issues and may refer the amendment to the environmental advisory board if the amendment involves community environment issues. **(AMENDED 09/19/95, REWRITTEN 02/25/14)**

(b) The planning board shall advise and comment on whether the proposed amendment is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plans officially adopted by the Board of Aldermen. The planning board shall provide a written recommendation to the Board of Aldermen that addresses plan consistency and other matters as deemed appropriate by the planning board. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the Board of Aldermen may proceed in its consideration of the amendment without the planning board report. **(AMENDED 10/24/06)**

(c) A comment by the planning board that a proposed amendment is inconsistent with the Land Use Plan, Thoroughfare Plan or other officially adopted plan shall not preclude consideration or approval of the proposed amendment by the Board of Aldermen, and the Board of Aldermen is not bound by the recommendations of the planning board. **(AMENDED 10/24/06)**

(d) A member of the planning board and any other advisory committee that provides direct advice to the Board of Aldermen (i.e. it does not report to the planning 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. **(AMENDED 10/24/06)**

Section 15-323 Hearing Required: Notice

(a) No ordinance that amends any of the provisions of this chapter may be adopted until a public hearing has been held on such ordinance.

(b) The planning staff shall publish a notice of the public hearing on any ordinance that amends the provisions of this chapter once a week for two successive weeks in a newspaper having general circulation in the Carrboro area. The notice shall be published for the first time not less than ten days nor more than twenty-five days before the date fixed for the hearing. This period is to be computed in accordance with G.S. 160A-364, which provides that the date of publication is not counted but the date of the hearing is.

(c) With respect to all map amendments, the planning staff shall mail, by first class mail, written notice of the public hearing to the record owners of all properties whose zoning classification is changed by the proposed amendment as well as the owners of all properties any portion of which is within 1000 feet of the property rezoned by the amendment. For purposes of this section the term "owners" shall mean the persons shown as owners on Orange County's computerized land records system. The planning staff shall also make reasonable efforts to mail a similar written notice to the non-owner occupants of residential rental property located within 1,000 feet of the lot that is the subject of the rezoning. The notices required by this subsection shall be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The staff member mailing such notices shall certify to the board that the notices have been mailed, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 10/12/82; 1/22/85; 10/1/85; 04/15/97; 3/26/02)**

(d) The first class mail notice required under subsection (c) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for in subsection (c) of this section or may, as an alternative, elect to publish notice of the hearing as required by G.S. 160A-364, but provided that each advertisement shall not be less than one-half (1/2) of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper

which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent Orange County property tax listing for the affected property, shall be notified according to the provisions of subsection (c) of this section. **(AMENDED 10/24/06)**

(e) For proposed zoning map amendments, the planning staff shall prominently post a notice of the public hearing on the site proposed for a rezoning or an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the planning staff shall post sufficient notices to provide reasonable notice to interested persons.

(f) The planning staff shall take any other action deemed by the Planning Department to be useful or appropriate to give notice of the public hearing on any proposed amendment.

(g) The notice required or authorized by this section (other than the posted notice required by subsection (e)) shall: **(AMENDED 11/24/09)**

(1) State the date, time, and place of the public hearing.

(2) Summarize the nature and character of the proposed change.

(3) If the proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment.

(4) State that the full text of the amendment can be obtained from the town clerk.

(5) State that substantial changes in the proposed amendment may be made following the public hearing.

(h) The planning staff shall make every reasonable effort to comply with the notice provisions set forth in this section. However, it is the Board's intention that the notice requirements set forth in this section that are not required by state law shall not be regarded as mandatory, and therefore a failure to comply with such requirements shall not render any amendment invalid. **(AMENDED 11/24/09)**

(i) Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply (regardless of how the staff treats the proposed amendment under subsection 15-321(c)), the applicant shall certify to the Board of Aldermen that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing. The person or persons required to provide notice shall certify to the Board of Aldermen that proper notice has been

provided in fact, and such certificate shall be deemed conclusive in the absence of fraud. **(AMENDED 11/24/09)**

(j) Actual notice of the proposed amendment and a copy of the notice of public hearing required under subsection 15-323(i) of this section shall be by any manner permitted under G.S. 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with G.S. 1A-1, Rule 4(j1). This subsection applies only to an application to request a zoning map amendment where the application is not made by the owner of the parcel of land to which the amendment would apply. This subsection does not apply to a city-initiated zoning map amendment. **(AMENDED 11/24/09)**

Section 15-324 Board Action on Amendments (AMENDED 10/24/06)

(a) At the conclusion of the public hearing on a proposed amendment, the Board may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.

(b) The Board is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.

(c) Voting on amendments to this chapter shall proceed in the same manner as on other ordinances, subject to Section 15-326 of the Land Use Ordinance and Section 2-15 of the Town Code.

(d) Prior to adopting or rejecting any zoning amendment, the Board shall adopt a statement describing whether its action is consistent with the Land Use Plan, Thoroughfare Plan, or other applicable plan officially adopted by the Board and explaining why the Board considers the action taken to be reasonable and in the public interest. This statement is not subject to judicial review.

(e) A Board member shall not vote on 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. (See also Carrboro Town Code Section 2-35).

Section 15-325 Ultimate Issue Before Board on Amendments

In deciding whether to adopt a proposed amendment to this chapter, the central issue before the Board is whether the proposed amendment advances the public health, safety or welfare. All other issues are irrelevant, and all information related to other issues at the public hearing may be declared irrelevant by the mayor and excluded. In particular, when considering proposed minor map amendments:

(1) Except when the request is to rezone property to a conditional use district or conditional zoning district, the Board shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Board shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. **(AMENDED 05/25/99; 05/27/08)**

(2) The Board shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed change on the public at large.

Section 15-326 Citizen Comments on Zoning Map and Text Amendments (AMENDED 10/24/06, REWRITTEN 12/6/16).

The Town of Carrboro Land Use Ordinance may from time to time be amended, supplemented, changed, modified or repealed. If any resident or property owner in the Town submits a written statement regarding a proposed amendment, modification or repeal to this Ordinance to the Clerk of the Board of Aldermen at least two (2) business days prior to the proposed vote on such change, the Clerk to the Board shall deliver such written statement to the Board. If the proposed change is the subject of a quasi-judicial proceeding under North Carolina General Statutes Section 160A-388 (such as conditional use rezoning in which the legislative rezoning is accompanied by or followed by a quasi-judicial conditional use permit process), the Clerk shall provide only the names and addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Board shall not disqualify any member of the Board from voting. Written statements submitted in connection with a quasi-judicial proceeding may be admitted into evidence at such a proceeding if the Board determines that such statements are admissible in the proceeding. (Amended 12-6-16 ; and enacted pursuant to a Resolution in Opposition to the General Assembly's Repeal of Statutory Authority for Qualified Protest Petitions to Trigger a Super Majority Vote for Certain Zoning Map Amendments, dated 12-6-16).

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 forn 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.

Appendix A

INFORMATION REQUIRED WITH APPLICATIONS

A-1. In General.

(a) As provided in Section 15-49, it is presumed that all of the information listed in this appendix must be submitted with an application for a zoning, sign, special use, or conditional use permit to enable the permit-issuing authority to determine whether the development, if completed as proposed, will comply with all the requirements of Chapter 15. As set forth in Section 15-92, applications for variances are subject to the same provisions. However, the permit-issuing authority may require more information or accept as sufficient less information according to the circumstances of the particular case. A developer who believes information presumptively required by this appendix is unnecessary shall contact the planning staff for an interpretation.

(b) As also provided in Section 15-49, the administrator shall develop application processes, including standard forms, to simplify and expedite applications for simple development that do not require the full range of information called for in this appendix. In particular, developers seeking only permission to construct single-family houses or duplexes or to construct new or modify existing signs should contact the administrator for standard forms.

A-2. Written Applications.

Every applicant for a variance or a zoning, sign, special use or conditional use permit shall complete a written application containing at least the following information:

(1) The name, address, and phone number of the applicant.

(2) If the applicant is not the owner of the property in question, (i) the name, address, and phone number of the owner, and (ii) the legal relationship of the applicant to the owner that entitles the applicant to make application.

(3) The date of the application.

(4) Identification of the particular permit sought.

(5) A succinct statement of the nature of the development proposed under the permit or the nature of the variance.

(6) Identification of the property in question by street address and tax map reference.

(7) The zoning district within which the property lies.

(8) The number of square feet in the lot where the development is to take place.

(9) The gross floor area of all existing or proposed buildings located on the lot where the development is to take place.

(10) If the proposed development is a multi-family residential development, the number of one, two, three, or four bedroom dwelling units proposed for consideration.

A-3. Development Site Plans.

Subject to Section A-1 of this appendix, every application for a variance or a zoning, sign, special use, or conditional use permit shall contain plans that locate the development site and graphically demonstrate existing and proposed natural, man-made, and legal features on and near the site in question, all in conformity with Section A-4 through A-6 of this appendix.

A-4 Graphic Materials Required for Plans

(a) The plans shall include a location map that shows the location of the project in the broad context of the town or planning jurisdiction. This location map may be drawn on the development site plans or it may be furnished separately using reduced copies of maps of the Carrboro planning jurisdiction available at the planning department.

(b) Development site plans shall be drawn to scale, using such a scale that all features required to be shown on the plans are readily discernible. Very large developments may require that plans show the development in sections to accomplish this objective without resort to plans that are so large as to be cumbersome, or the objective may be accomplished by using different plans or plans drawn to different scales to illustrate different features. In all cases, the permit-issuing authority shall make the final determination whether the plans submitted are drawn to the appropriate scale, but the applicant for a conditional or special use permit rely in the first instance on the recommendations of the administration.

(c) Development site plans should show on the first page the following information:

(1) Name of applicant
(2) Name of development (if any)
(3) North arrow
(4) Legend
(5) Scale

(d) All of the features required to be shown on plans by Sections A-5 and A-6 may be included on one set of plans, so long as the features are distinctly discernible.

A-5. Existing Natural, Man-Made and Legal Features.

(a) Development site plans shall show all existing natural, man-made, and legal features on the lot where the development is to take place, including but not limited to those listed below. In addition, the plans shall also show those features indicated below by an asterisk (*) that are located within fifty feet in any direction of the lot where the development is to take place, and shall specify (by reference to the Table of Permissible Uses or otherwise) the use made of adjoining properties.

(b) *Existing natural features:*

(1) Tree line of wooded areas.

(2) The location and sizes of all trees greater than eighteen inches in diameter, clearly illustrating which of these trees are to be retained in accordance with Section 15-316, and which are to be removed, along with a written justification for the need to remove any large or rare species trees protected by the provisions of Article XIX, and description of the extent of the hardship that would occur if such removal were not permitted to occur. **(AMENDED 03/21/89)**

(3) Orchards or other agricultural groves by common or scientific name.

*(4) Streams, ponds, drainage ditches, swamps, boundaries of floodways and floodplains.

(5) (If the proposed development is a subdivision or mobile home park of more than fifty lots or if more than five acres of land are to be developed), base flood elevation data (See Article XVI, Part I). **(AMENDED 4/21/87; REPEALED 1/16/07).**

*(6) Contour lines (shown as dotted lines) with no larger than two foot contour intervals. (As indicated in Subsection A-6(b)(17), proposed contour lines shall be shown as solid lines.)

(c) *Existing man-made features.*

*(1) Vehicle accommodation areas (including parking areas, loading areas and circulation areas, see Section 15- 290), all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.

(2) Streets, private roads, sidewalks, and other walkways, all designated by surface material.

(3) Curbs and gutters, curb inlets and curb cuts, and drainage grates.

(4) Other storm water or drainage facilities, including manholes, pipes, and drainage ditches.

(5) Underground utility lines, including water, sewer, electric power, telephone, gas, cable television.

(6) Above ground utility lines and other utility facilities.

*(7) Fire hydrants.

*(8) Buildings, structures and signs (including dimensions of each).

(9) Location of exterior light fixtures.

*(10) Location of dumpsters.

(d) *Existing legal features.*

(1) The zoning of the property, including zoning district lines where applicable.

(2) Property lines (with dimensions identified).

(3) Street right-of-way lines.

(4) Utility or other easement lines.

A-6. Proposed Changes in Existing Features or New Features (AMENDED 6/20/06).

(a) Development site plans shall show proposed changes in (i) existing natural features [see A-5(b)], (ii) existing man-made features [see A-5(c)], and (iii) existing legal features [see A- 5(d)].

(b) Development site plans shall also show proposed new legal features (especially new property lines, street right-of-way lines, and utility and other easements), as well as proposed man-made features, including, but not limited to, the following:

(1) The number of square feet in every lot created by a new subdivision.

(2) Lot dimensions, including lot widths measured in accordance with Section 15-183.

(3) The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines (see Section 15-184).

(4) Principal side(s) building elevations for typical units of new buildings or exterior remodelings of existing buildings, showing building heights (see Section 15-185) and proposed wall sign or window sign area.

(5) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures. **(AMENDED 4/21/87; (REPEALED 1/16/07)**

(6) Elevation in relation to mean sea level to which any non-residential structure will be floodproofed. **(AMENDED 4/21/87; REPEALED 1/16/07)**

(7) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development. **(AMENDED 4/21/87; REPEALED 1/16/07)**

(8) The location and dimensions of all recreational areas provided in accordance with Article XIII, with each area designated as to type of use. **(AMENDED 4/21/87)**

(9) Areas intended to remain as usable open space (Section 15-198) or designated buffer areas (Section 15-265). The plans shall clearly indicate whether such areas are intended to be offered for dedication to public use or shall remain privately owned. **(AMENDED 4/21/87)**

(10) Streets, labeled by classification (see Section 15-210) and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private roads in subdivisions shall also be shown and clearly labeled as such. **(AMENDED 4/21/87)**

(11) Curb and gutters, curb inlets and curb cuts, drainage grates.

(12) Other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.

(13) Sidewalks and walkways, showing widths and surface material.

(14) Bridges.

(15) Outdoor illumination, including the following information: (**REWRITTEN 4/20/10)**

a. Plans showing the location, type, and height of luminaires including both building and ground fixtures. The plan shall include a point-by-point footcandle array in a printout format indicating the location and aiming of illuminating devices, and indicate compliance with the maximum maintained footcandles required by Section 15-242.4 of this chapter.

b. A description of the luminaires, including lamps, supports, reflectors, raised foundations, poles or other supports and shielding devices, which may be provided as electric utility catalogue illustrations, sheets and/or drawings, and product specifications from the manufacturer.

c. Photometric data, such as that furnished by the manufacturer, showing the angle of light emission; and

d. A demonstration or showing that the applicant has attempted to reduce energy consumption through the selection of energy efficient luminaires, timers, or other methods (such as fixtures that automatically change wattage output). **(AMENDED 05/25/09; REWRITTEN 4/20/10)**

(16) Underground utility lines, including water, sewer, electric power, telephone, gas, cable television. Water and sewer pipe line signs shall be labeled.

(17) Above ground utility lines and other facilities.

(18) Fire hydrants.

(19) Dumpsters.

(20) New contour lines resulting from earth movement (shown as solid lines) with no larger than two foot contour intervals (existing lines should be shown as dotted lines).

(21) Scale drawings of all signs requiring permits pursuant to Article XVII, together with an indication of the location and dimensions of all such signs.

(22) Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, see Section 15-290), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel lanes, aisles, and driveways.

(23) Proposed plantings or construction of other devices to comply with the screening requirements of Article XIX, Part I, as well as proposed plantings of trees to comply with the shading requirements of Article XIX, Part II. Plans shall label shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, show the circles of the mature crowns (major trees shall be drawn at diameter = 30'; dwarf or decorative trees shall be drawn at their actual mature crown), and indicate the height at the time of planting.

(24) A Tree Protection Plan, will be completed and stamped by a Certified Arborist of Landscape Architect, illustrating the methods proposed to be used to protect, during construction, the trees that are required to be protected under the provisions of Chapter XIX including specifications as to how the grade, drainage, and aeration will be maintained around the trees. The location of all rare and specimen trees to be retained on the site that will not be within the area to be disturbed by construction activities near a building site, or near roads within the development shall also be shown on the plan, along with a note stating that these trees will not be within the area to be disturbed by construction activities. The Administrator may recommend that applicants consult with experts in landscape architecture or forestry about appropriate tree protection methods for the particular conditions and species in question, and request that their contractors review two videotapes on tree protection during construction developed by the International Society of Arboriculture, entitled "Effect of Building Construction on Trees in Wooded Lots" and "Avoidance of Construction Damage to Tees on Wooded Lots" that are on file in the Public Works Department. **(AMENDED 03/21/89; 06/24/14)**

(25) Plan for Downtown Architectural Standards to comply with Section 15-178 and including, but not limited to, elevation drawings/illustrations of existing and neighboring property building facades.

(26) Plans showing the maximum extent to which all buildings taller than 40 feet will cast a shadow on June 21st and December 21st. **(AMENDED 03/25/14)**

A-7. Documents and Written Information in Addition to Plans.

In additional to the written application and the plans, whenever the nature of the proposed development makes information or documents such as the following relevant, such documents or information shall be provided. The following is a representation list of the types of information or documents that may be requested: **(AMENDED 11/23/10).**

(1) Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.

(2) Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in Article XV, and that all necessary easements have been provided.

(3) Certifications required under Part I of Article XVI. **(AMENDED 4/21/87; REPEALED 1/16/07; AMENDED 11/23/10)**

(4) RESERVED. **(AMENDED 4/21/87; REPEALED 1/16/07; REPEALED 11/23/10)**

(5) Detailed description of play apparatus to be provided in miniparks.

(6) Legal documentation establishing homeowners' associations or other legal entities responsible for control over required common areas and facilities.

(7) Bonds, letters of credit, or other surety devices.

(8) Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent to comply with Section 15-102 or Section 15-52.

(9) Complete documentation justifying any requested deviation from specific requirements established by this chapter as presumptively satisfying design standards.

(10) Written evidence of permission to use satellite parking spaces under the control of a person other than the developer when such spaces are allowed pursuant to Section 15-298.

(11) Written evidence of good faith efforts to acquire satellite parking under the circumstances set forth in Section 15-299.

(12) Verification that 4.000 classification uses will meet the performance standards set forth in Article XI. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent from the nature of the proposed development that such expert verification is unnecessary.

(13) Time schedules for the completion of phases in staged development, as required by Section 15-61.

(14) The environment impact of a development, including its effect on historically significant or ecologically fragile or important areas and its impact on pedestrian or traffic safety or congestion.

A-8. Number of Copies of Plans and Documents.

With respect to all plans and other documents required by this appendix, the developer shall submit the number of copies (not to exceed ten) that the administrator deems necessary to expedite the review process and to provide necessary permanent records.

Appendix-B

SPECIFICATIONS ON DRIVEWAY ENTRANCES

All driveway entrances and other openings onto town-maintained streets shall, at a minimum, conform to the requirements set forth in the N.C. Department of Transportation's Manual on Driveway Entrance Regulations (1966 edition). Whenever, in that manual, regulations both for urban and rural situations are given, the urban requirements shall be applicable. Whenever driveway entrances are constructed on town-maintained streets designed to include a grass strip, [see 15-216(i)] the driveway radius must at a minimum equal the width of the grass strip as shown on the plans. **(AMENDED 08/27/96)**

Appendix C

SPECIFICATIONS FOR DESIGN AND CONSTRUCTION
(AMENDED 04/03/90)

C-1. Design Speed, Sight Distance, Centerline Radius

	MINOR	LOCAL	SUBCOLLECTOR	COLLECTOR	ALLEY
DESIGN SPEED	25 MPH	25 MPH	30 MPH	30 MPH	15 MPH
MINIMUM SIGHT DIS. TANGENT ON VERTICAL CURVE	150'	150'	200'	200'	110'
MINIMUM CENTER LINE RADIUS	150'	150'	200'	230'	90'

(AMENDED 09/27/94; 11/28/06; 11/27/07)

(a) The design speed, sight distance and centerline radii shall be constructed according to the table above. For stop conditions, sight distance may be designed per the criteria listed in the NCDOT Subdivision Roads Minimum Construction Standards manual (2000) or the most recent version of that document, so long as such standards will result in a street layout with a demonstrable environmental benefit. **(AMENDED 11/27/07)**

C-2. Cut and Fill Slopes

Cut and fill slopes on any street right-of-way may not exceed 2:1.

C-3. Sight Distances at Intersections

(a) At non-stop intersections, the intersection shall be constructed so that a person standing at a location on the centerline of any street 90 feet from the intersection of the street centerlines has an unobstructed view to a point located on the centerline of the intersecting street 90 feet (in either direction) from the intersection of the street centerlines. See Standard Diagram No. 1.

(b) Subject to subsection (c), at stop intersections, the intersection shall be constructed so that a person standing 10 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the right-of-way line of the intersecting through street located 70 feet from the intersection of the right-of-way lines. See Standard Diagram No. 2.

(c) At stop intersections where a residential street intersects with a state-maintained primary road (U.S. or N.C.), the intersection shall be constructed so that a person standing 30 feet back of the intersection of right-of-way lines on the stop street has an unobstructed view to a point on the centerline of the through street located 150 feet from the intersection of the street right-of-way lines. See Standard Diagram No. 3.

C-4. Radius at Street Intersections

At street intersections, the intersections of the paved surfaces shall be rounded with a minimum radius as shown in Standard Diagram No. 4 and No. 5. Where streets intersect at less than right angles, a greater radius may be required.

C-5. Clearing and Grubbing

Clearing and grubbing shall be performed within the limits shown on the plans. All timber, brush, roots, stumps, trees, or other vegetation cut during the clearing operations shall become the contractor's responsibility to dispose of, and shall be either removed from the project by him, or satisfactorily disposed of on-site (See Carrboro Fire Department for burning permit).

C-6. Grading and Compaction

Streets shall be graded in accordance with the lines and grade set by the engineer. Before placing curb and gutter or base on the graded subgrade, the subgrade shall be compacted to 100% ASSHO T99 for a depth of 6 inches and then shall be proof rolled in the presence of the engineer. Places that are found to be loose, or soft, or composed of unsuitable materials, whether in the subgrade or below it, must be dug out and refilled with suitable material. All embankments or fills shall be made in one-foot horizontal lifts of suitable material. The fill shall be rolled with a sheepsfoot roller after each lift, followed by a wheel roller, each weighing not less than eight tons.

C-7. Street Base

Base course for streets shall generally be 8 inches thick, unless otherwise directed by the public works director, and shall be crushed stone conforming to N.C. DOT Type ABC stone. The stone base course shall be placed in 4 inch layers watered as necessary, and compacted to 100% AASHO T99. The contractor shall be responsible for keeping the stone base free of contamination from clay or other foreign materials. Handling and placement of stone base shall all be in accordance with N.C. DOT specifications.

C-8. Street Surfaces.

The asphalt surface course shall meet N.C. DOT specs for Type I-2 asphalt. The asphalt shall be placed in one 2-inch layer, and shall be handled and placed in accordance with N.C. DOT specifications.

C-9. Pavement Section Variations

Sections C-6, C-7, and C-8 set the standards that shall apply under normal soils conditions. However, where soils are unusually good or unusually unstable, the public works director may allow or require the developer to have soil tests run and a pavement design made by a qualified soils engineer. Under these circumstances, the public works director may allow

pavement sections constructed to lesser standards than those set forth above (for good soils) or require pavement sections constructed to greater standards than those set forth above (for unstable soils).

C-10. Street Cross Sections

Streets shall be constructed and utilities located in accordance with Standard Drawing No. 6 or No. 7.

C-11. Curb and Gutter

(a) The concrete curb and gutter shall be constructed according to the lines and grades established by the engineer. The concrete shall meet the N.C. State Highway requirements, Section 900. The curb and gutter shall be 30 inches wide, and shall have a vertical curb face. The forms shall be of metal, free of marks or kinks, and shall be rigidly held in position. The engineer shall approve the positioning of the forms before concrete is poured. The concrete shall be placed in the forms in a manner to prevent segregation, and tamped or vibrated sufficiently to prevent honeycombs. The concrete shall be finished smooth and even by means of rollers or floats. Expansion joints shall be provided every 300 feet, and false joints every 10 feet.

(b) Curb and gutter shall be constructed in accordance with Standard Drawing No. 8.

C-12. Sidewalks (AMENDED 08/27/96)

CONCRETE

Concrete sidewalk construction standards shall be similar to street construction standards, with subgrade compacted to 100% AASHTO T99. Concrete sidewalks shall be 4 inches thick (increasing to 6 inches thick at driveway entrances), with alternative paving surfaces constructed to withstand 3000 to 5000 psi. The minimum width of sidewalk shall be constructed to standards as addressed in Article XIV. Expansion joints shall be provided every 30 feet, either side of driveway connections and permanent structures with false joints at 5 foot intervals. **(AMENDED 12/08/98)**

BRICK

Requirements for mortarless laid brick pavement construction, when deemed necessary by the Director of Public Works, shall be modified to accommodate the anticipated usage of the facility. All driveway connections shall be a minimum of 6 inches thick - 3000 psi concrete to the required driveway dimensions from the pavement edge to the extent of the right-of-way and/or property line. A minimum 24 inch flare shall be required at the driveway intersection with the roadway pavement edge, where there is no curb.

The sidewalk sub-grade shall be shaped to conform to the lines, grades and typical sections shown on approved plans. All existing vegetation shall be stripped from the ground surface wherever shaping of the sidewalk sub-grade is required. All unsuitable materials,

boulders, and all vegetative matter shall be removed and replaced with suitable materials. "Soft spots", such as utility trenches or other detected unsuitable load supporting soils shall be removed and refilled with suitable compacted material. The entire sub-grade shall be compacted to a density equal to at least 100 percent of that obtained by compacting a sample of the material in accordance with AASHTO - T99 as modified by the North Carolina Department of Transportation.

Wherever sub-surface drainage problems are anticipated or discovered during construction, the developer/contractor shall provide adequate sub-surface drainage. The trench shall be excavated to the dimensions, depth, line and grade established by the engineer or as directed by the Director of Public Works. Perforated piping shall be laid, coupled securely and backfilled cover and around the pipe with #67 stone or other approved fine aggregate.

Where drainage is to be piped away from the sub-surface drainage system, then a solid pipe without perforations shall be used to the outlet. At locations shown on the plans or as directed by the engineer or the Director of Public Works, the sub-drain system shall be connected to the existing drainage structures or the concrete pads at the outlet end of the sub-drain. Where corrugated plastic pipe is to be used and the outlet is to the through the curb face or to a concrete pad, a minimum 3 feet length of equal diameter PVC piping shall be connected to the corrugated plastic pipe with a suitable fitting. Care shall be taken when backfilling so as to not disturb the installing piping. All earthen backfill shall be firmly tamped.

A minimum 4 inches thick aggregate base course (ABC) shall be applied to all sidewalk paver sub-grade placement areas. The aggregate material shall be placed carefully to minimize segregation of stone and fines. The aggregate base course shall be either watered or dried to obtain optimum moisture content and compacted to at least 100 percent of that obtained by compacting a sample of material in accordance with AASHTO - T180 as modified by the North Carolina Department of Transportation. The aggregate base course surface shall be shaped with a minimum ¼ inch to ½ inch per foot cross slope from the back edge of the sidewalk to the curb edge or if a shoulder/swale constructed roadway, the slope would then be directed to the drainage swale.

The use of edge restraints are necessary with mortarless brick pavements as they hold the pavers together, prevent spreading and movement of pavers due to horizontal surface loading. Only brick or stone embedded in concrete or cast-in-place concrete shall be used for edge restraints conforming to the finished sidewalk surface elevation. All edge restraints shall be installed perpendicular to the brick paver surface. Intermediate restraints shall be used at all interruptions of the brick paver surface and where there are sloped or curved locations. Where mortared brick pavers are required, expansion joints shall be provided every 20 linear feet and along fixed objects such as walls or where directed.

Brick pavers are to be set in a 1 to 1.5 inch compacted sand setting bed over the compacted aggregate base course. The finished brick surface shall have a minimum ¼ inch to ½ inch per foot cross slope from the back edge of the sidewalk to the curb edge. If it is a

shoulder/swale constructed roadway, the slope shall then be directed to the drainage swale. The brick paver surface pattern shall be of the running bond type and perpendicular to the edge restraints. After brick pavers have been laid between the edge restraints, sand shall be broadcast over the paver surface. The loose sand and brick pavers shall be compacted with a vibratory plate tamp to lock-in paver joints with sand and to set the brick pavers in the underlying sand sitting bed. The remaining sand on the paver surface should be broomed into any other remaining open joints or voids and excess removed.

All brick pavers shall be solid red common wire cut units with a dimension of 2.25 inches x 3.75 inches x 7.5. Reference: Brick Sidewalk Standard Drawings No. 24 and No. 25.

C-13. Wheel Chair Ramps

Where required, wheel chair ramps shall be constructed in accordance with Standard Drawing No. 9.

C-14. Storm Water Runoff Control

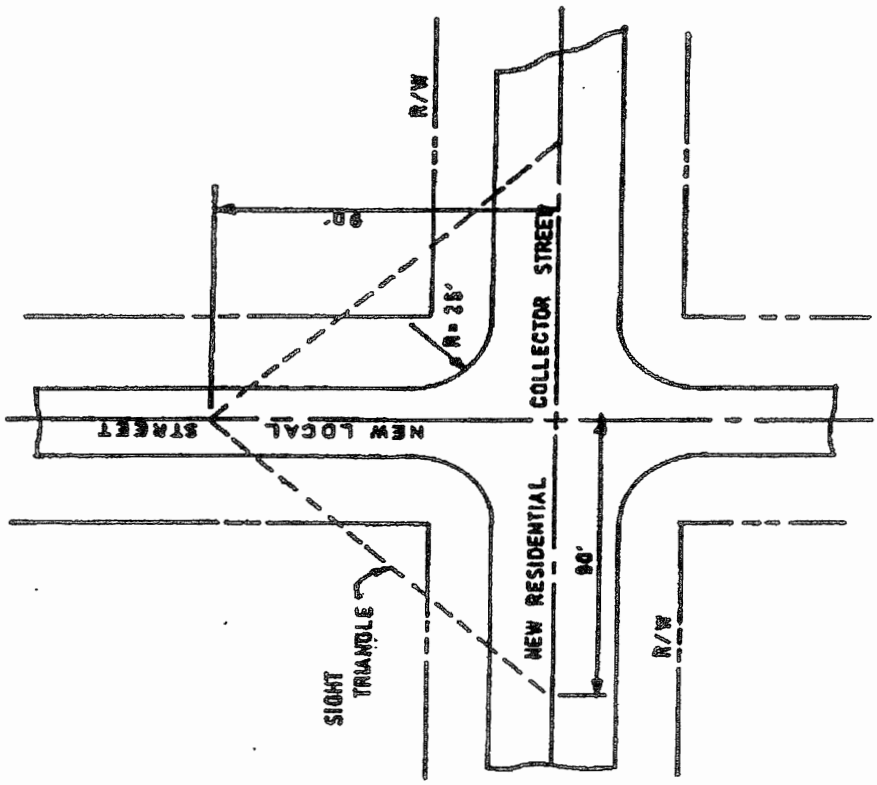
(a) All stormwater drainage facilities other than building foundation and roof drain pipes shall be constructed of materials that meet minimum standards contained in the current version of the N.C. Department of Transportation's Standard Specifications for Roads and Structures, except that culverts described in subsections 1032-1(A) (Plain Concrete Culvert Pipe) and 1033-7 (Vitrified Clay Culvert Pipe) shall not be permitted. **(AMENDED 04/03/90)**

(b) All stormwater drainage facilities shall be designed and installed in accordance with the N.C. Department of Transportation's specifications and the standard specifications and drawings contained herein. In case of conflict, the more stringent specifications shall prevail. **(AMENDED 04/03/90)**

(c) With the exception of building foundation and roof drain pipes, all stormwater drainage culverts, when installed, shall have a minimum cover of 12 inches, unless the town engineer and public works director allow less extensive cover. **(AMENDED 04/03/90)**

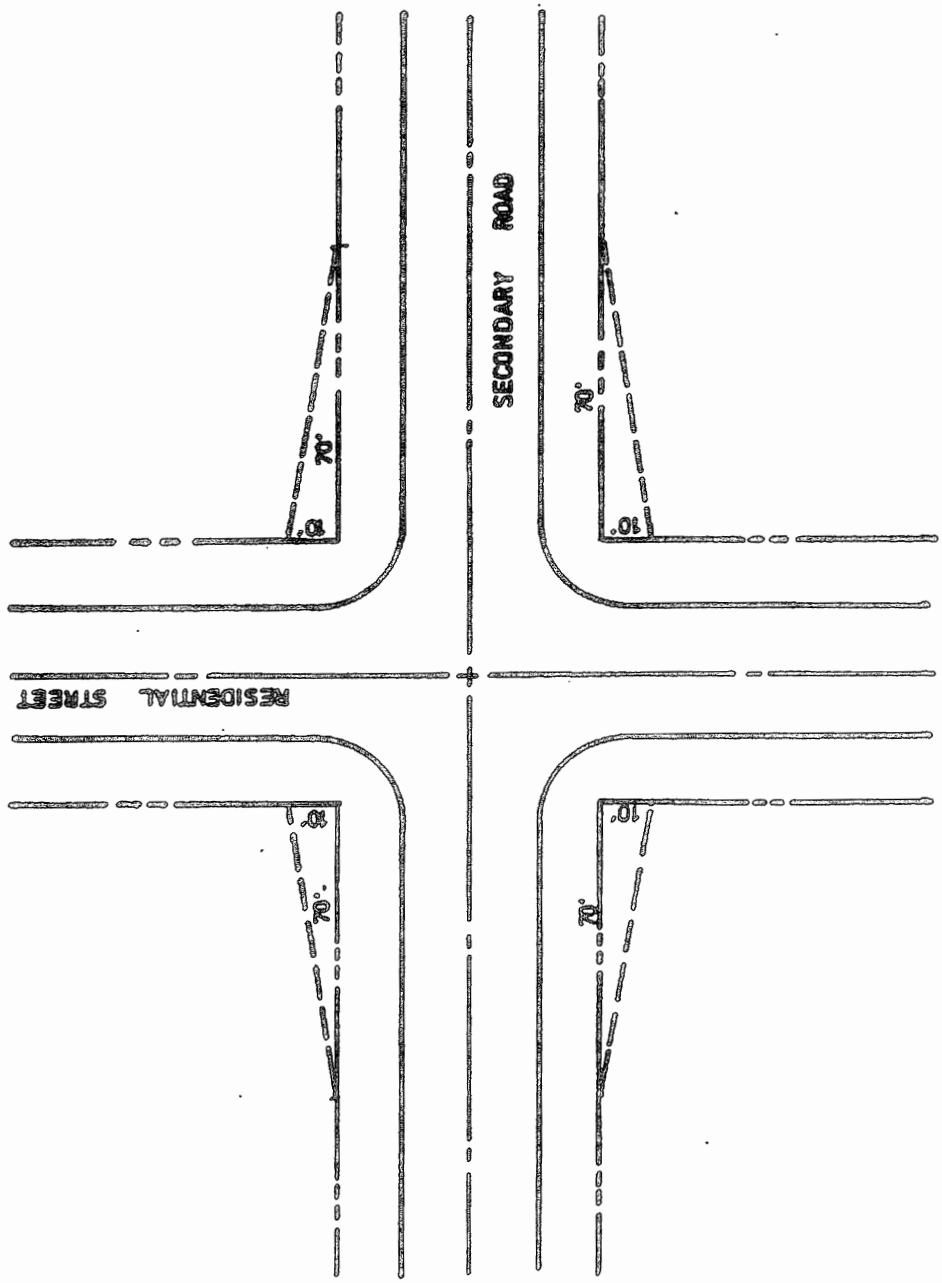
C-15 Sedimentation Control

Road shoulders, swales, back-of-curbs, and cut and fill banks shall be completely dressed up by the contractor and seeded as soon as possible. The seeding mixture and application rate shall be approved by the Orange County Erosion Control Officer.



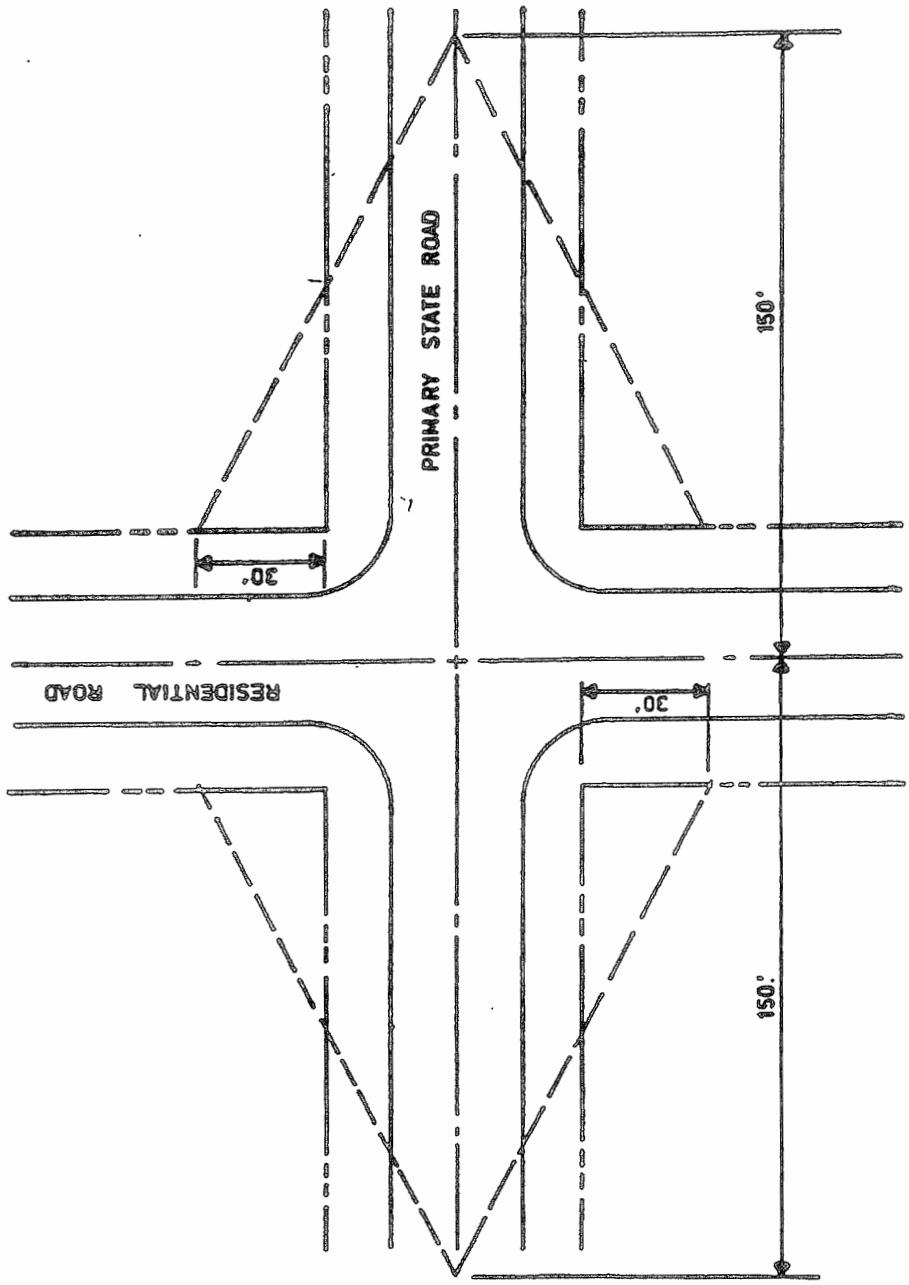
RECOMMENDED STREET CONNECTION
SIGHT DISTANCE FOR NO STOP CONDITION

THE TOWN OF CARRBORO, N.C. STD. NO. 1



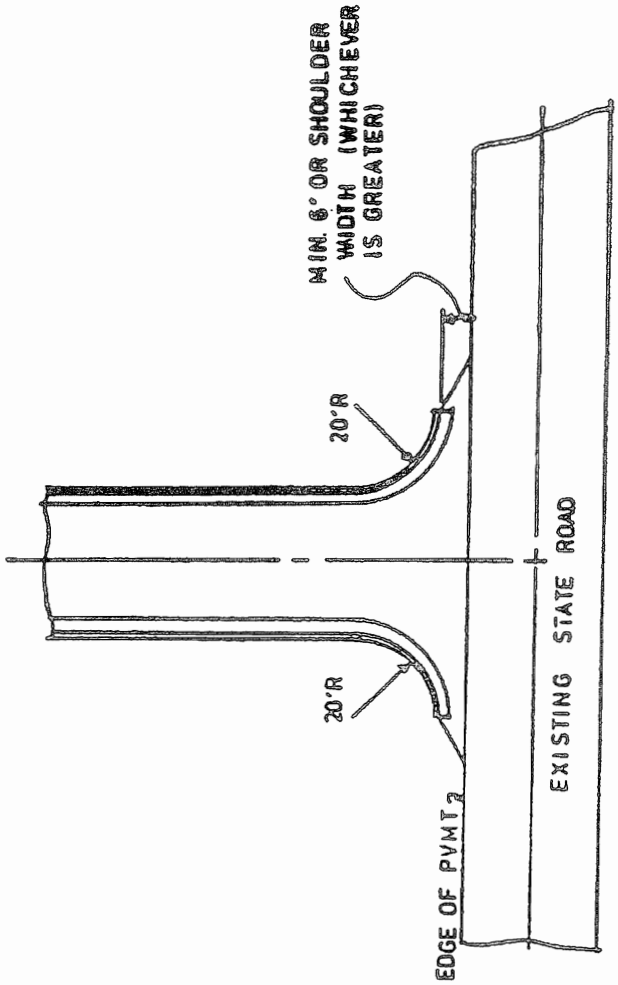
RECOMMENDED STREET CONNECTION
SIGHT DISTANCE FOR STOP CONDITION

THE TOWN OF CARRBORO, N.C. STD. NO. 2



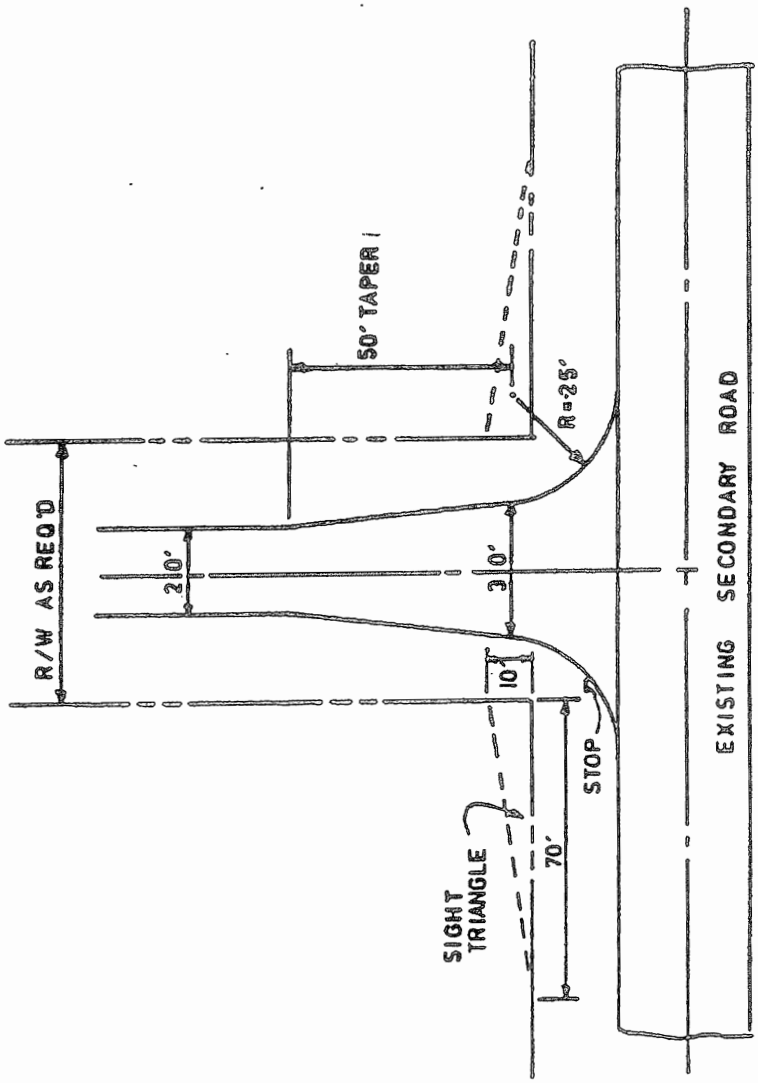
RECOMMENDED STREET CONNECTION
SIGHT DISTANCE FOR STOP CONDITION

THE TOWN OF CARRBORO , N.C. STD. NO. 3



RECOMMENDED STREET CONNECTION
CURB & GUTTER

THE TOWN OF CARRBORO, N. C. STD. NO. 4



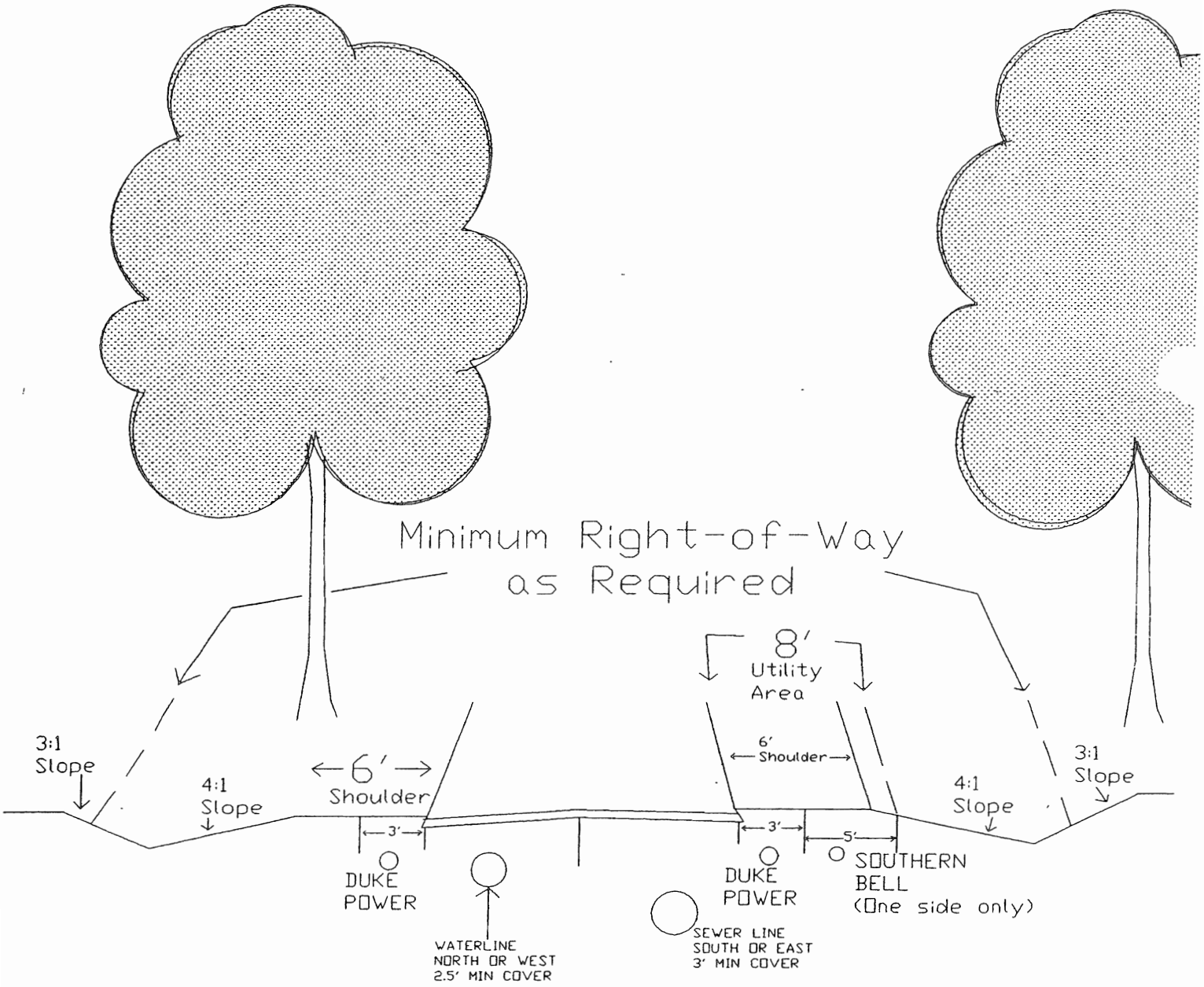
RECOMMENDED STREET CONNECTION
NO CURB & GUTTER

THE TOWN OF CARRBORO, N.C.

STD. NO. 5

STANDARD DRAWING NO. 6
RESIDENTIAL STREET

with Swales

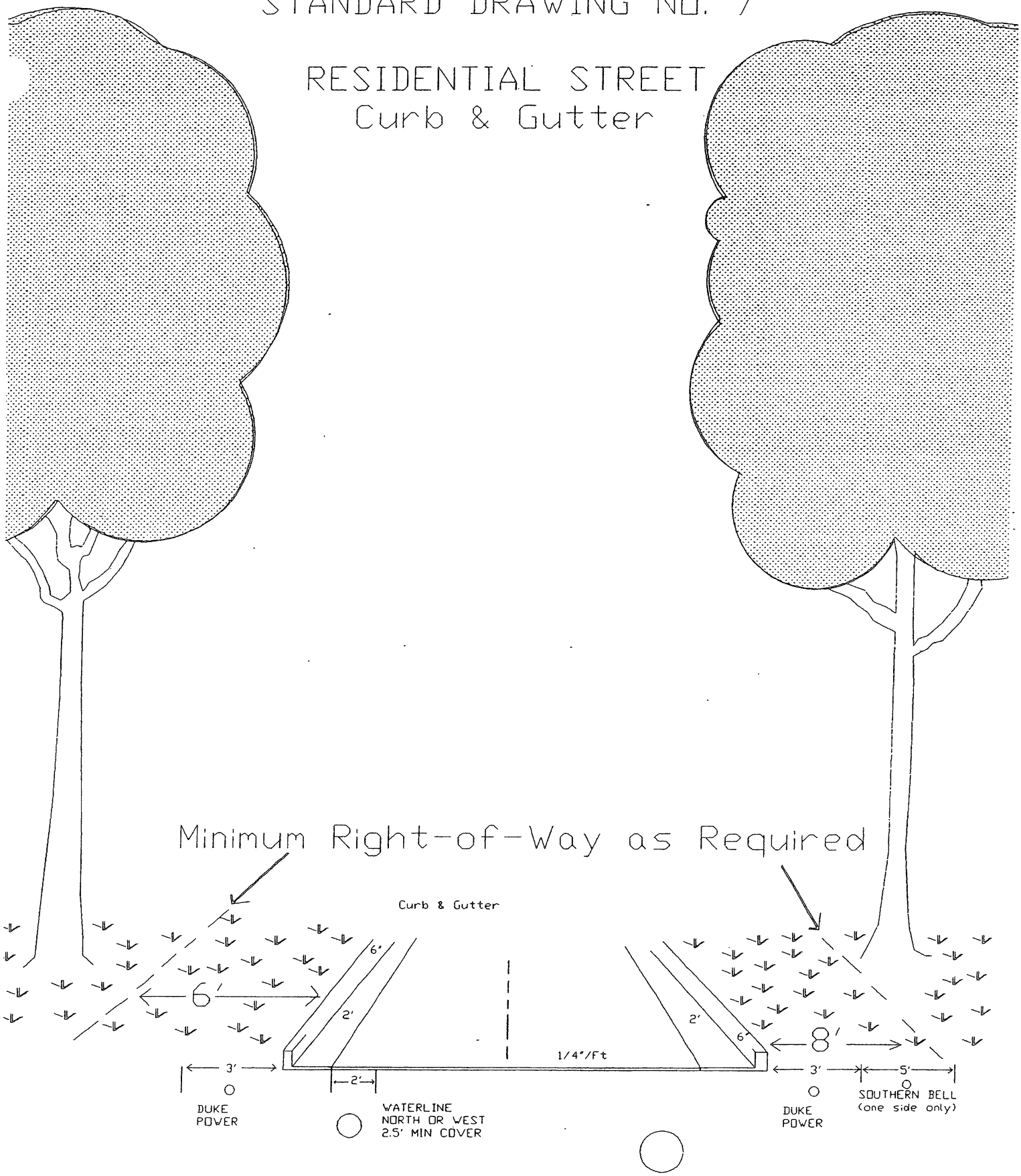


Shoulder will be stabilized
with 3" Type ABC Stone, Scarified
into soil, compacted & seeded

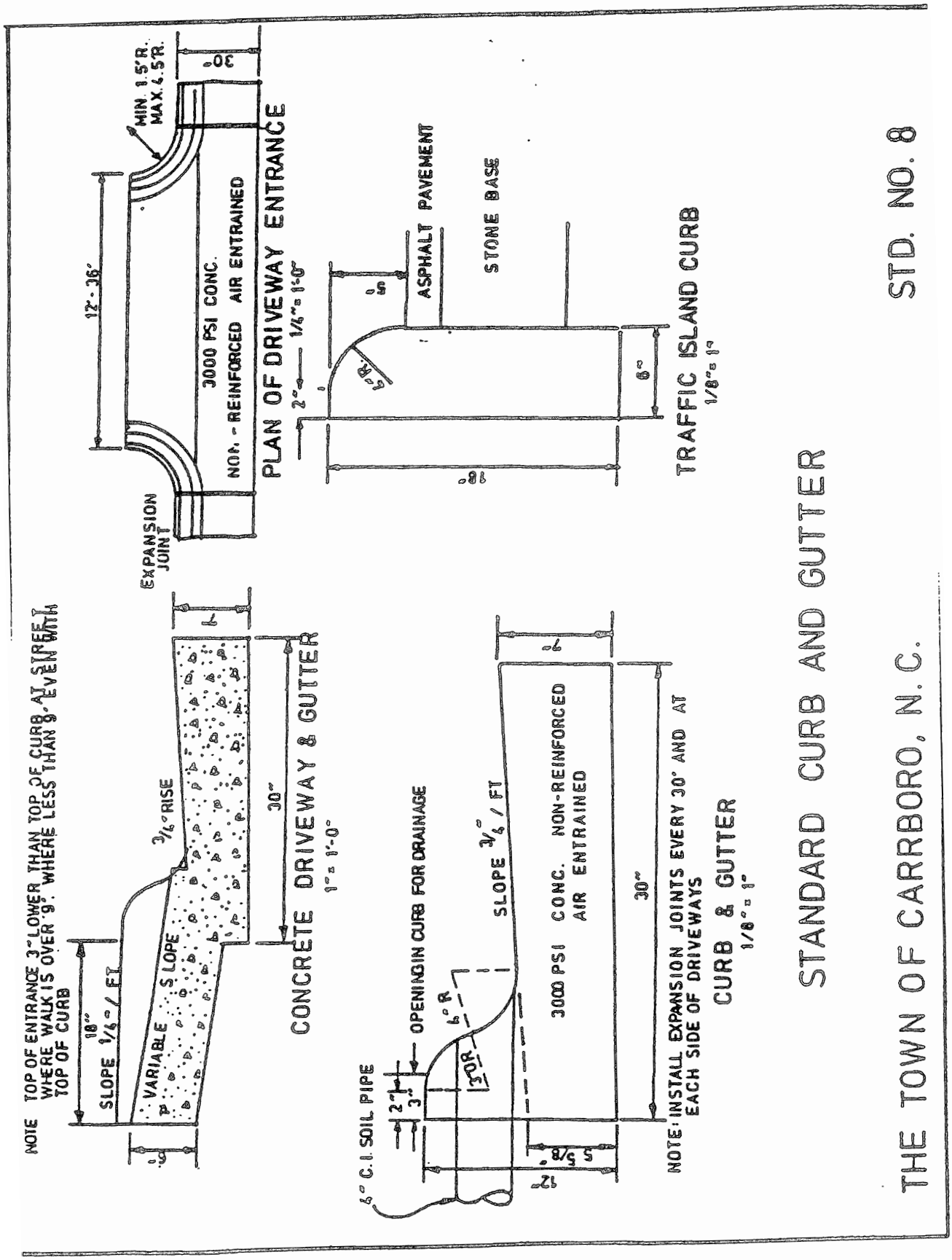
TERRAIN	MAX SLOPE
Level	2:1
Rolling	2:1
Hilly	1 1/2:1

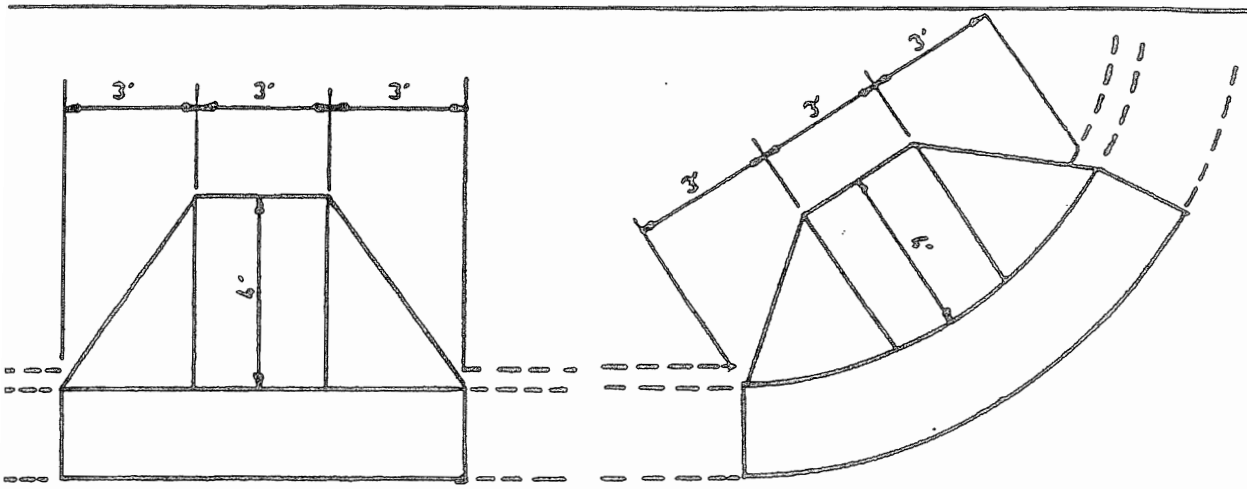
STANDARD DRAWING NO. 7

RESIDENTIAL STREET
Curb & Gutter

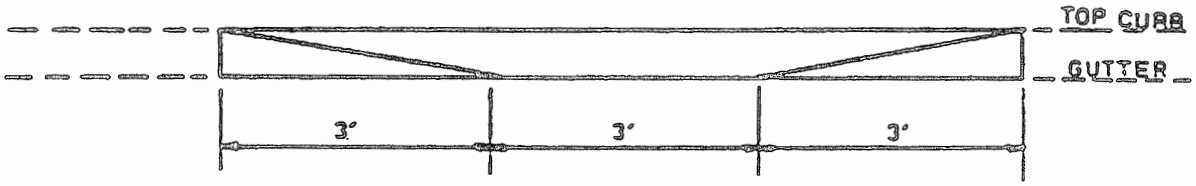


RAIN	MAX SLOPE
vel	2:1
lling	2:1
ly	1 1/2:1

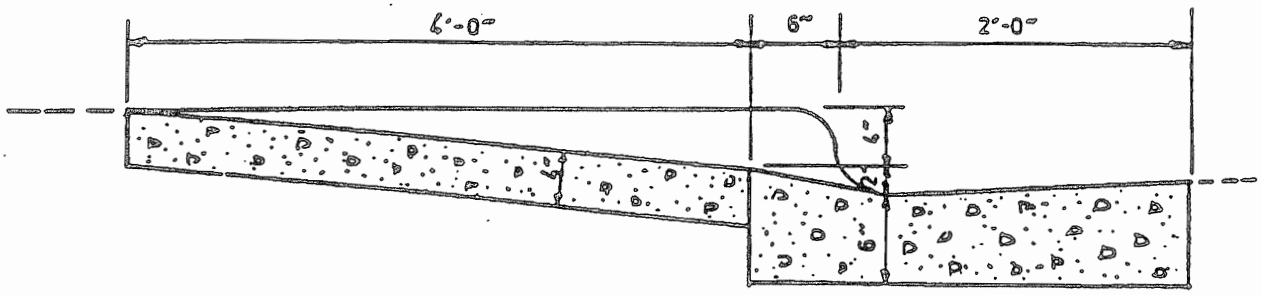

MIN. 1.5'R.
MAX. 4.5'R.
30'
12'-36'
3000 PSI CONC.
NON-REINFORCED AIR ENTRAINED
EXPANSION JOINT
PLAN OF DRIVEWAY ENTRANCE
1/4" = 1'-0"
ASPHALT PAVEMENT
STONE BASE
6"R
2"
5'
18'
6"
TRAFFIC ISLAND CURB
1/8" = 1'
NOTE TOP OF ENTRANCE 3" LOWER THAN TOP OF CURB AT STREET WHERE WALK IS OVER 9' WHERE LESS THAN 9' EVEN WITH TOP OF CURB
SLOPE 1/4" / FT
18"
VARIABLE SLOPE
3/4" RISE
7'
30"
CONCRETE DRIVEWAY & GUTTER
1" = 1'-0"
OPENING IN CURB FOR DRAINAGE
6" R
3" OR
2"
3"
7" C.I. SOIL PIPE
SLOPE 3/4" / FT
3000 PSI CONC. NON-REINFORCED AIR ENTRAINED
30"
5 5/8"
12"
NOTE: INSTALL EXPANSION JOINTS EVERY 30' AND AT EACH SIDE OF DRIVEWAYS
CURB & GUTTER
1/8" = 1'
STANDARD CURB AND GUTTER
THE TOWN OF CARRBORO, N. C.
STD. NO. 8



PLAN



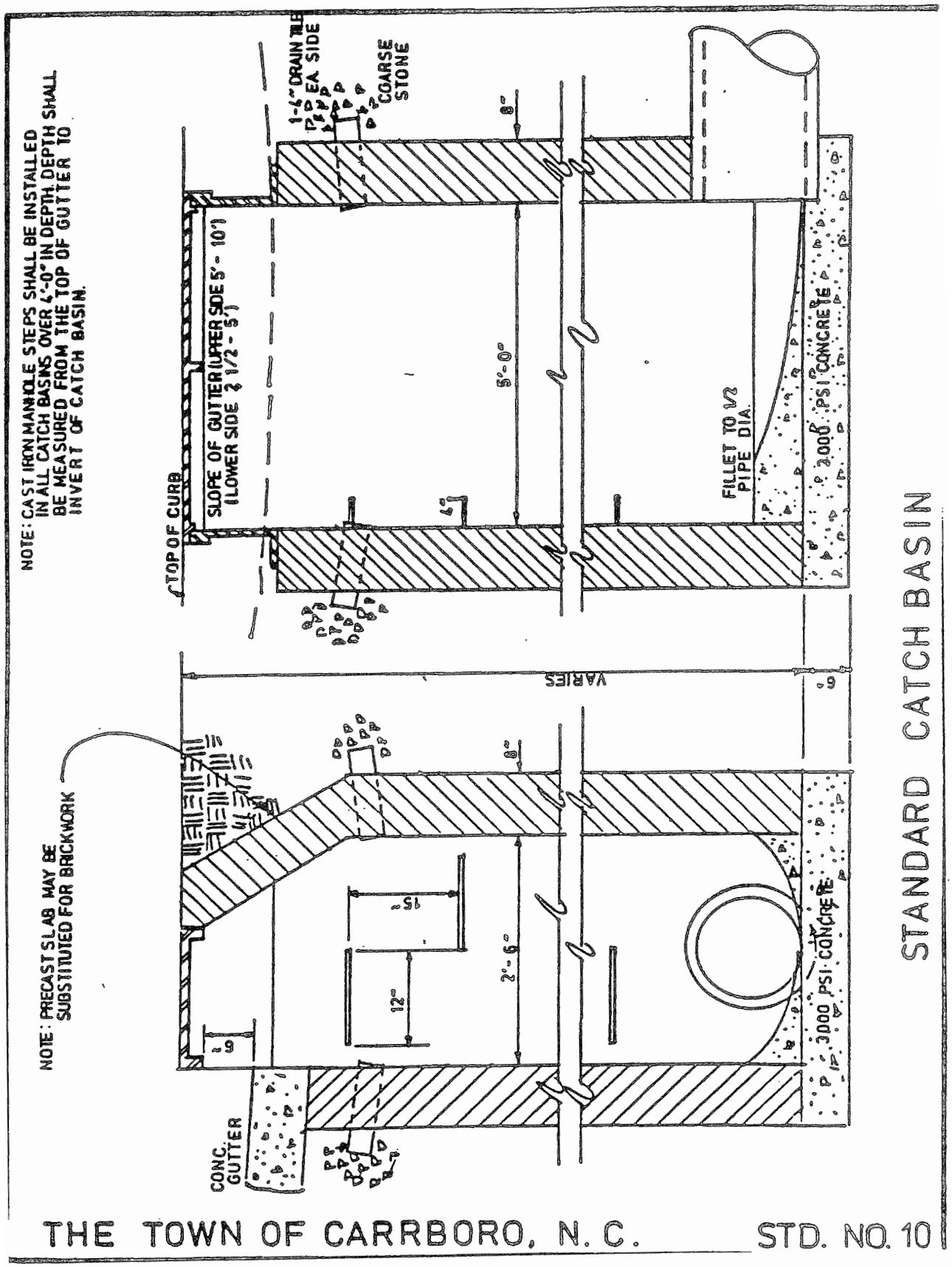
FRONT ELEVATION

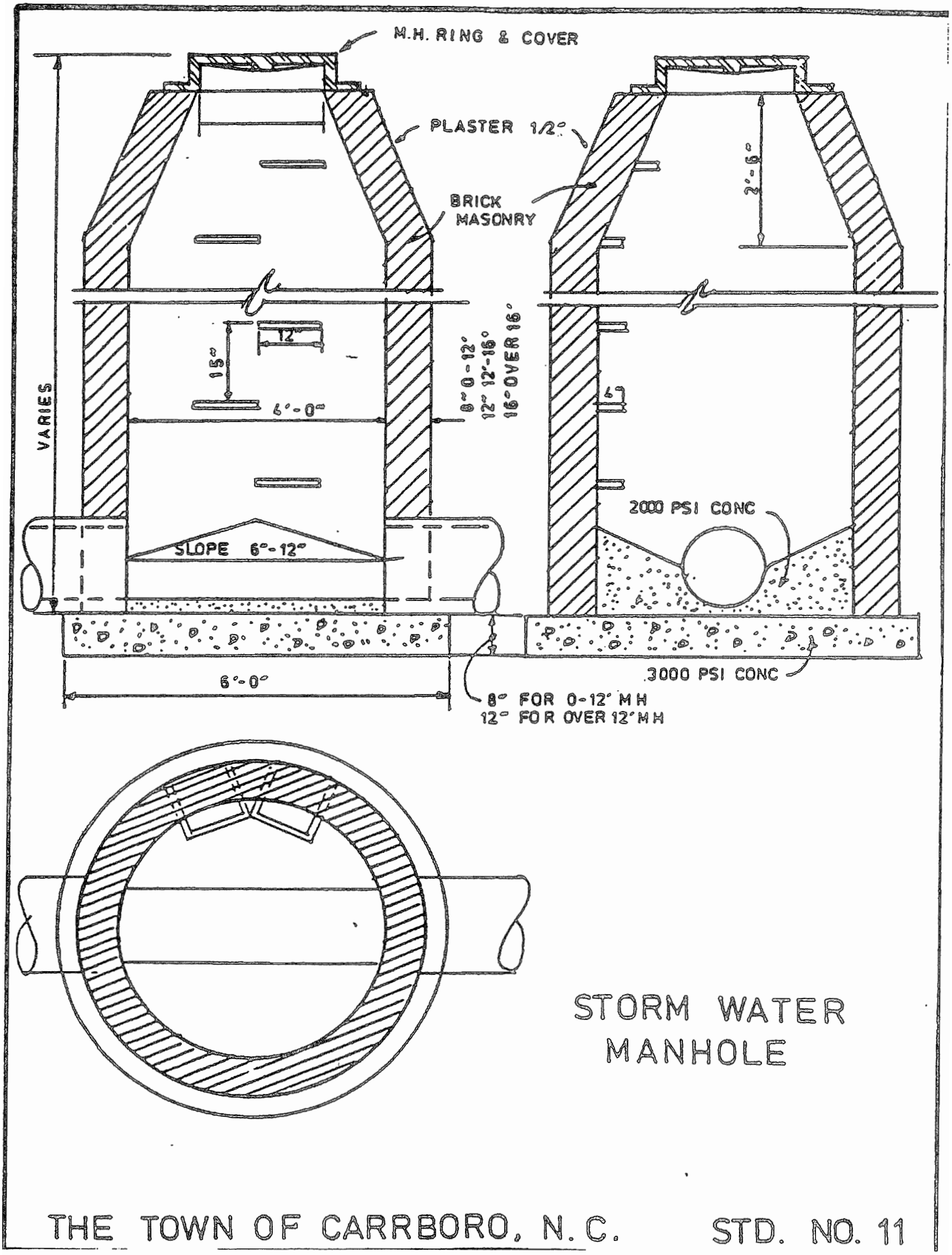


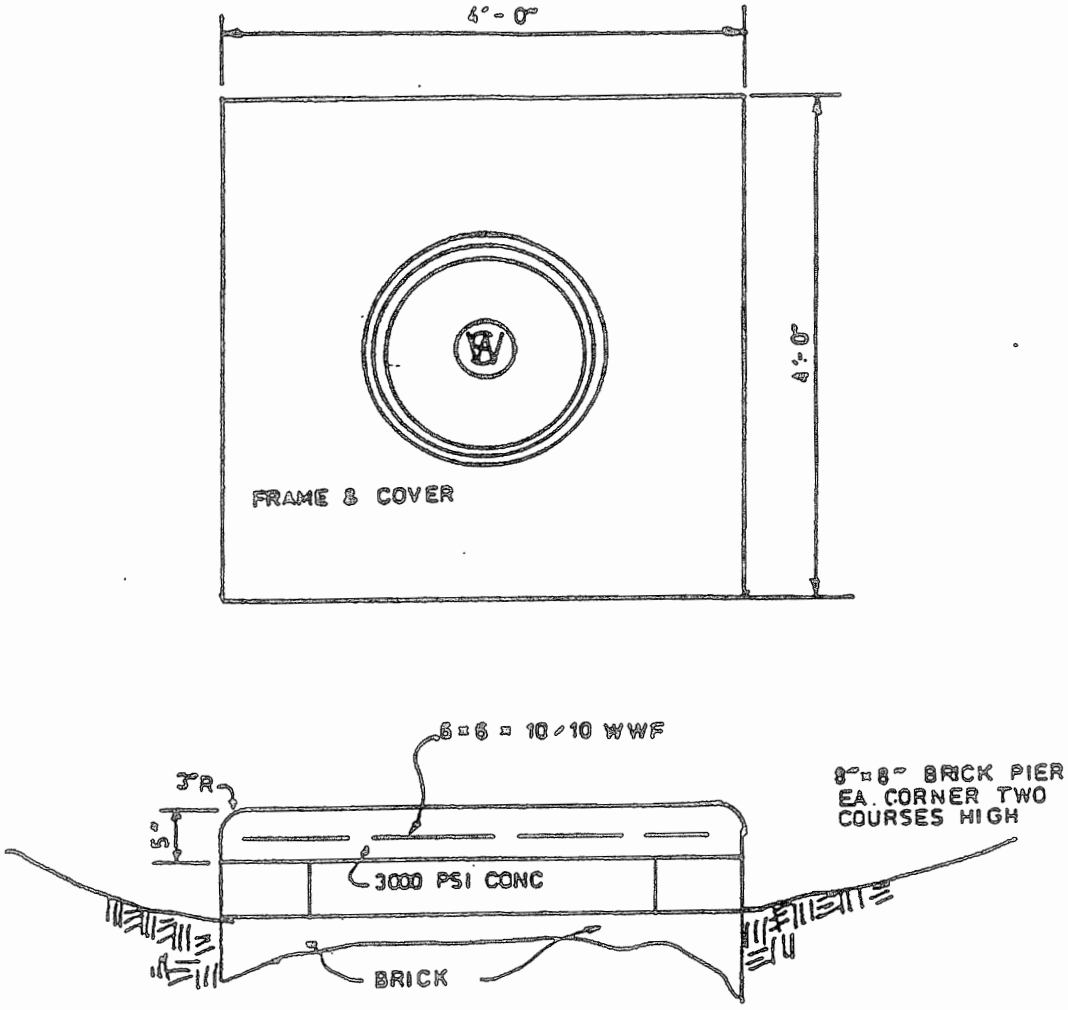
SECTION THRU RAMP

STANDARD WHEEL CHAIR RAMP

THE TOWN OF CARRBORO, N.C. STD. NO. 9

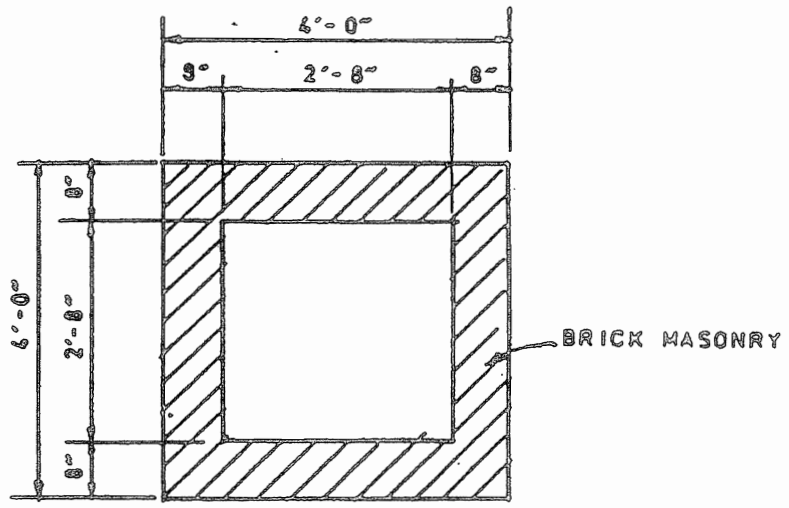

NOTE: CAST IRON MANHOLE STEPS SHALL BE INSTALLED IN ALL CATCH BASINS OVER 4'-0" IN DEPTH. DEPTH SHALL BE MEASURED FROM THE TOP OF GUTTER TO INVERT OF CATCH BASIN.
TOP OF CURB
SLOPE OF GUTTER (UPPER SIDE 5' - 10') (LOWER SIDE 2 1/2 - 5')
1-4" DRAIN TILE PER EA SIDE
COARSE STONE
8"
5'-0"
FILLET TO 1/2 PIPE DIA.
3000 PSI CONCRETE
VARIES
6"
NOTE: PRECAST SLAB MAY BE SUBSTITUTED FOR BRICKWORK
8"
15"
12"
2'-6"
6"
3000 PSI CONCRETE
CONC. GUTTER
STANDARD CATCH BASIN
THE TOWN OF CARRBORO, N. C.
STD. NO. 10

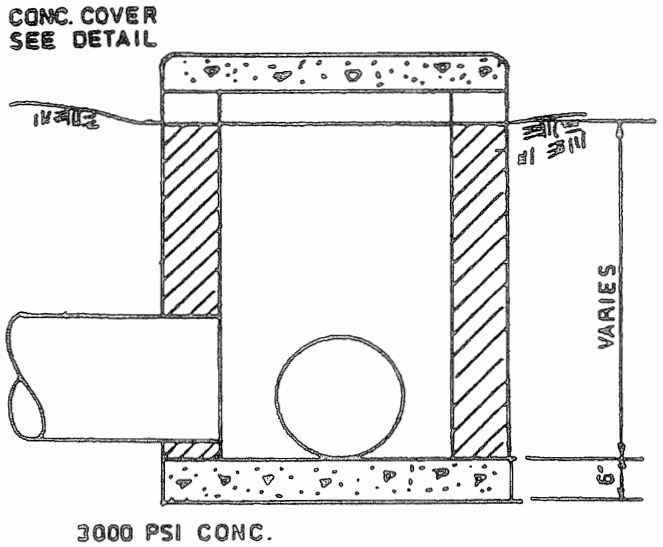

M.H. RING & COVER
PLASTER 1/2"
BRICK MASONRY
2'-6"
12"
15"
6'-0"
8" 0-12'
12" 12'-16'
16" OVER 16'
VARIES
SLOPE 6"-12"
2000 PSI CONC
3000 PSI CONC
6'-0"
8" FOR 0-12' MH
12" FOR OVER 12' MH
STORM WATER MANHOLE
THE TOWN OF CARRBORO, N.C.
STD. NO. 11



YARD INLET . COVER

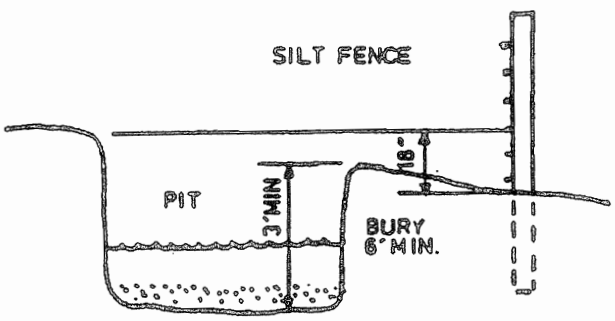
THE TOWN OF CARRBORO, N. C. STD. NO.12

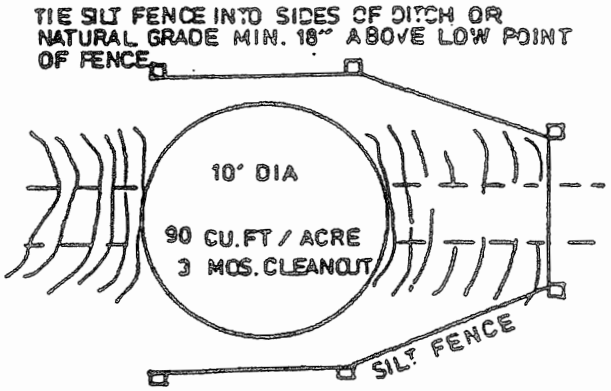




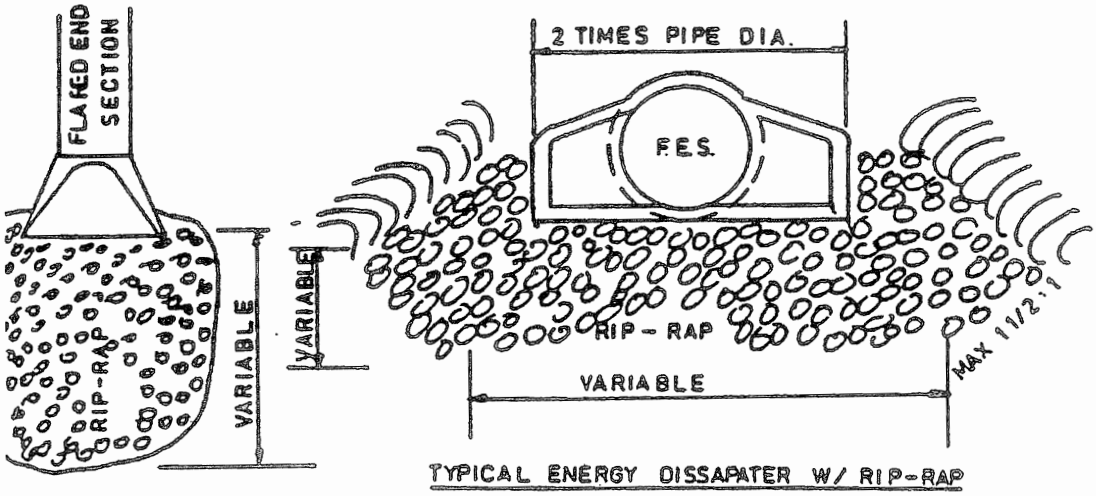
YARD INLET

THE TOWN OF CARRBORO, N.C. STD. NO. 13





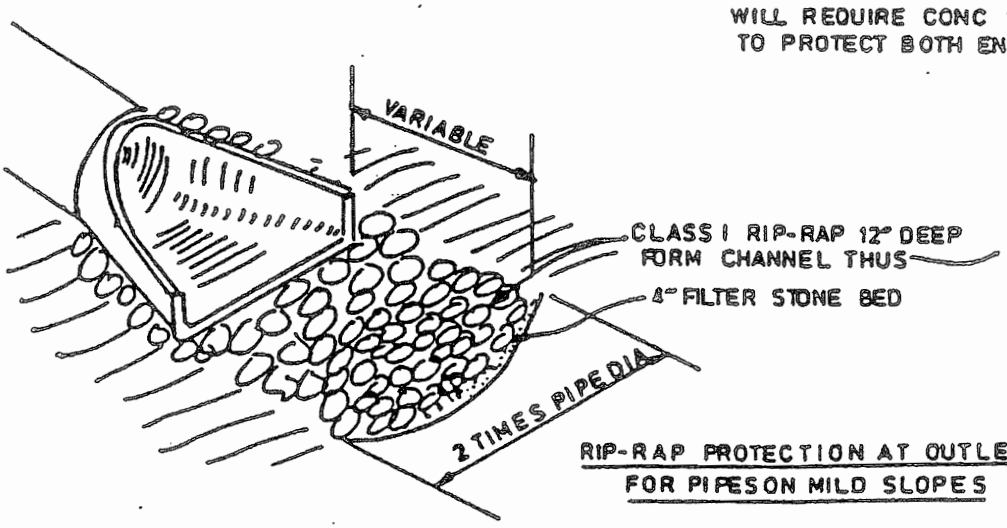
FENCE AND SEDIMENT PIT FOR POINTS OF CONCENTRATED DRAINAGE



TYPICAL ENERGY DISSAPATER W/ RIP-RAP

NOTE :

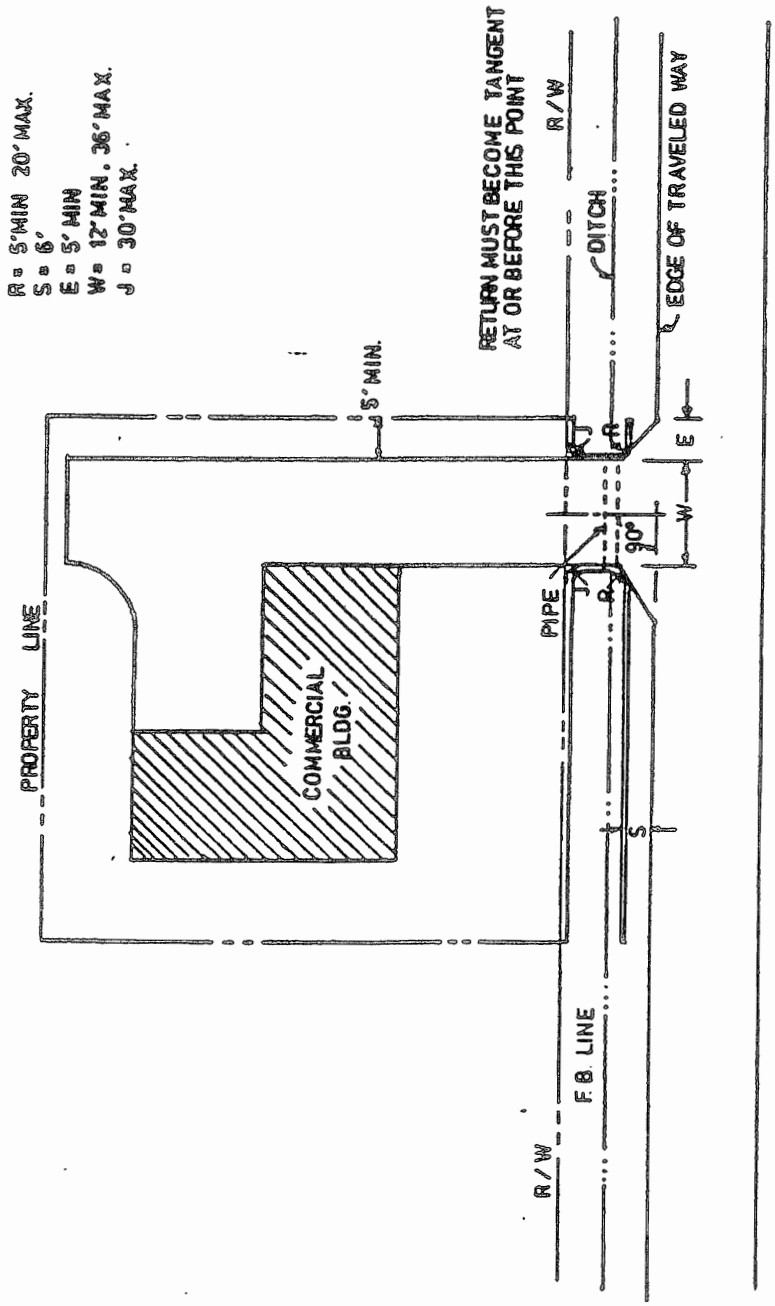
FLARED END PIPES GREATER THAN 36" WILL REQUIRE CONC SLAB AND/OR RIP-RAP TO PROTECT BOTH ENDS OF PIPE



RIP-RAP PROTECTION AT OUTLETS FOR PIPES ON MILD SLOPES

SEDIMENTATION CONTROL

THE TOWN OF CARRBORO, N. C. STD. NO. 14



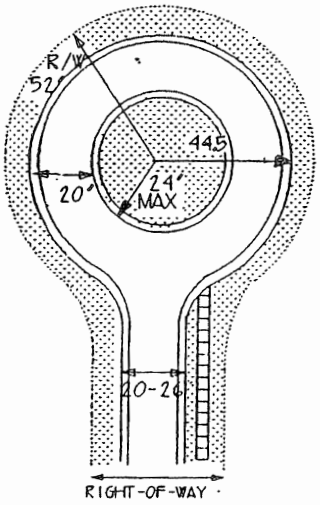
SINGLE DRIVEWAY - OPEN DITCH

THE TOWN OF CARRBORO, N.C. STD. NO. 15

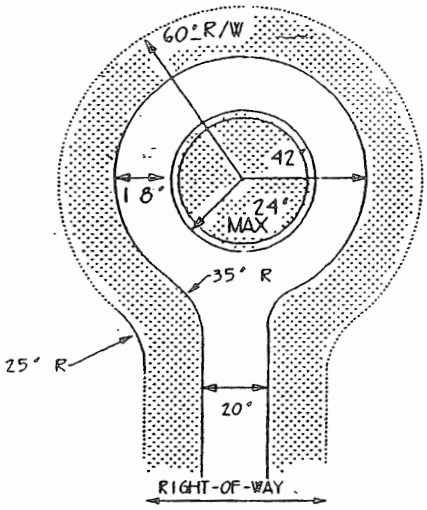
TOWN OF CARRBORO

STANDARD DRAWING NO. 16

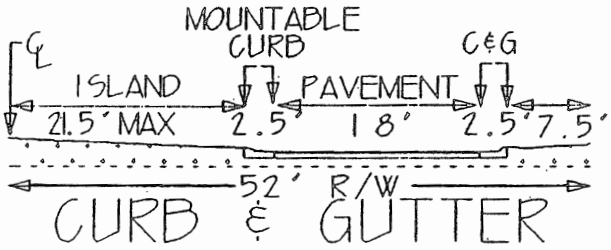
SYMMETRICAL CUL-DE-SAC WITH CENTER ISLAND

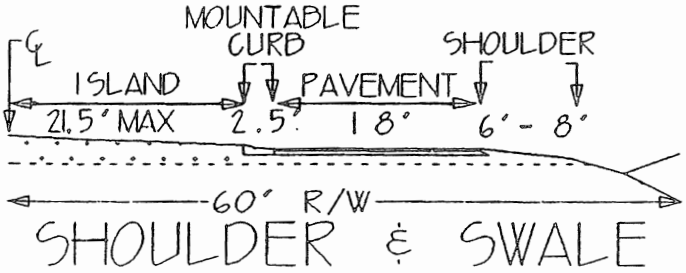


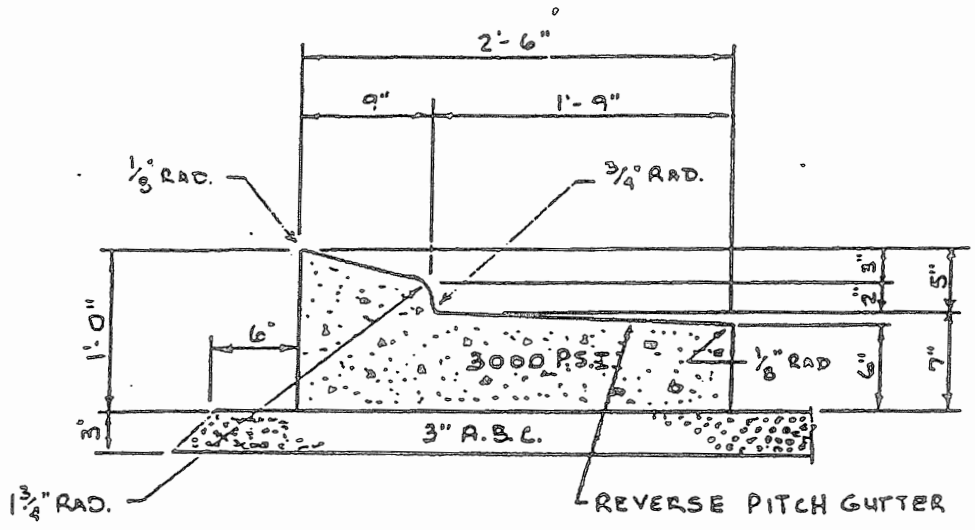
CUL-DE-SAC
WITH CURB & GUTTER



CUL-DE-SAC
SHOULDER & SWALE



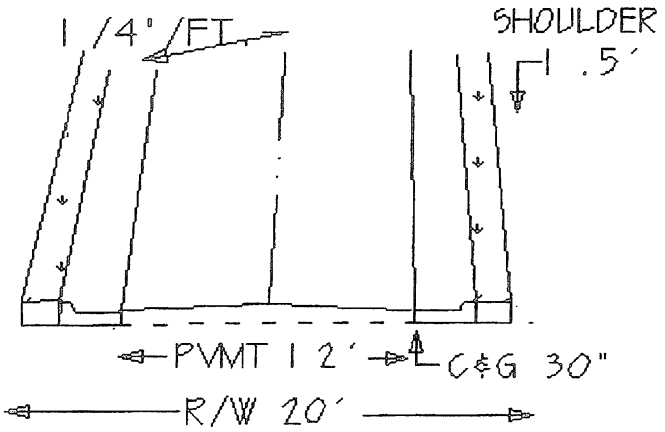




MOUNTABLE CURB CUL-DE-SAC ISLAND

TOWN OF CARRBORO

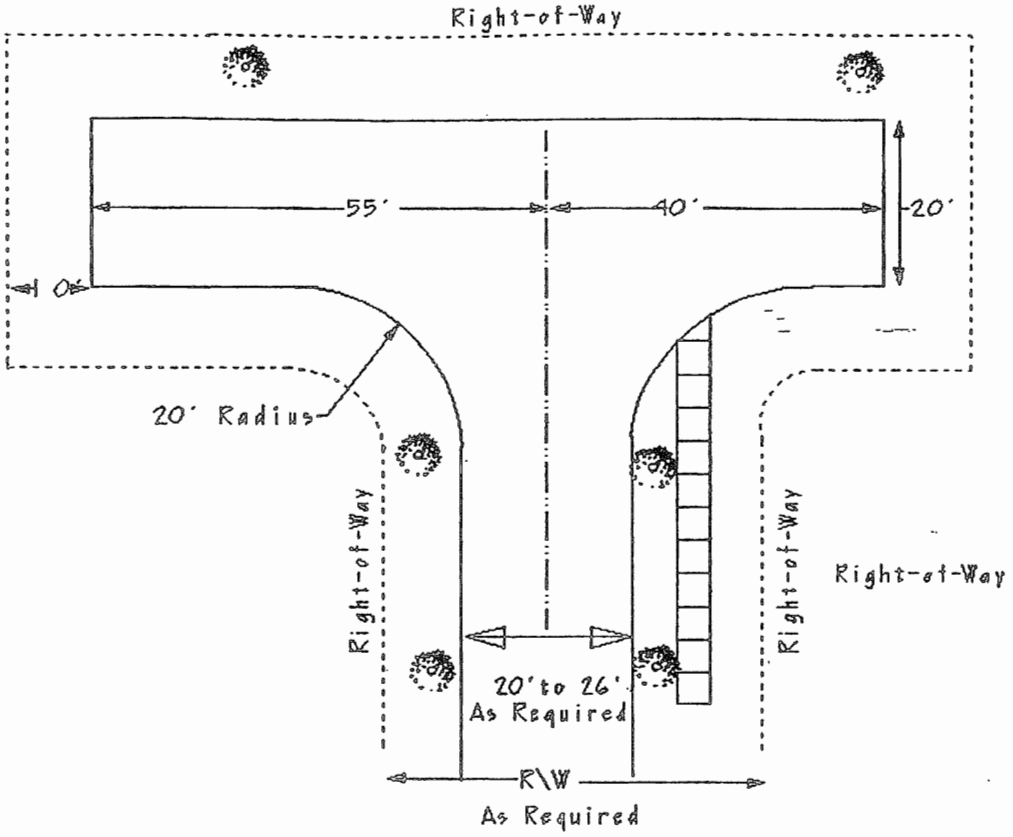
STANDARD DRAWING NO. 17



ALLEY W/CURB & GUTTER

TOWN OF CARRBORO

STANDARD DRAWING NO. 18

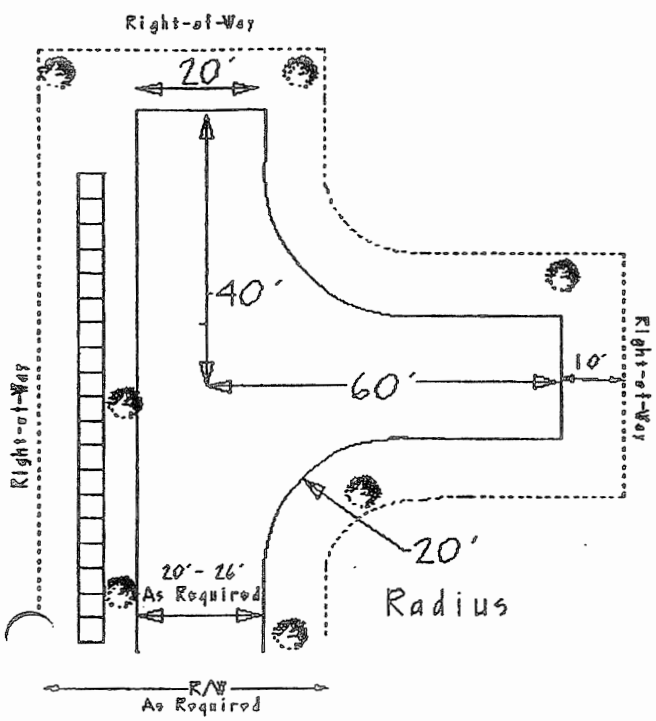


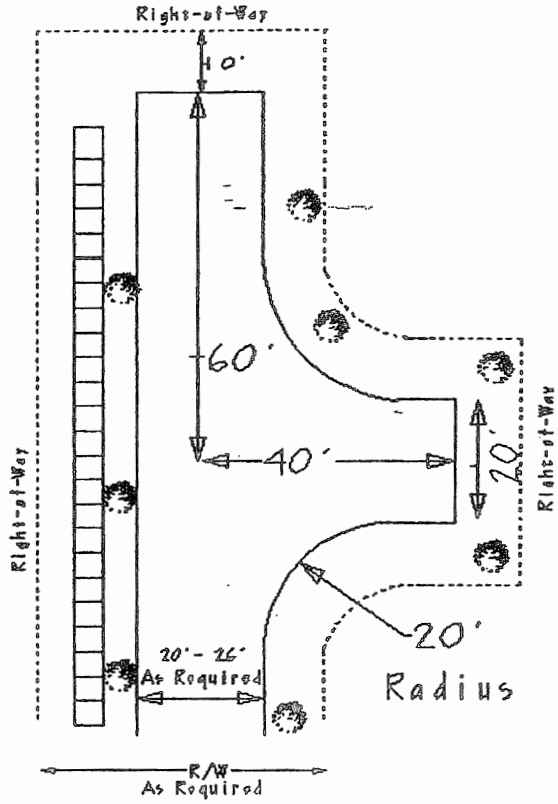
T-TURNAROUND

TOWN OF CARRBORO

STANDARD DRAWING NO. 19

NOTE: LEGS CAN BE REVERSED
IF A LEFT TURN IS DESIRED

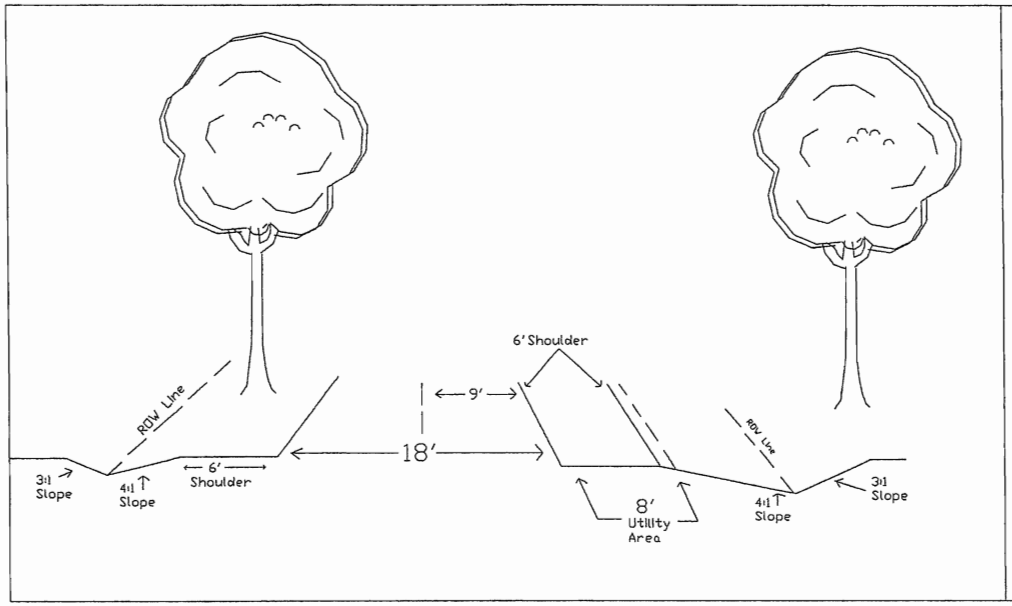




BRANCH TURNAROUNDS

TOWN OF CARRBORO
STANDARD DRAWING NO. 20

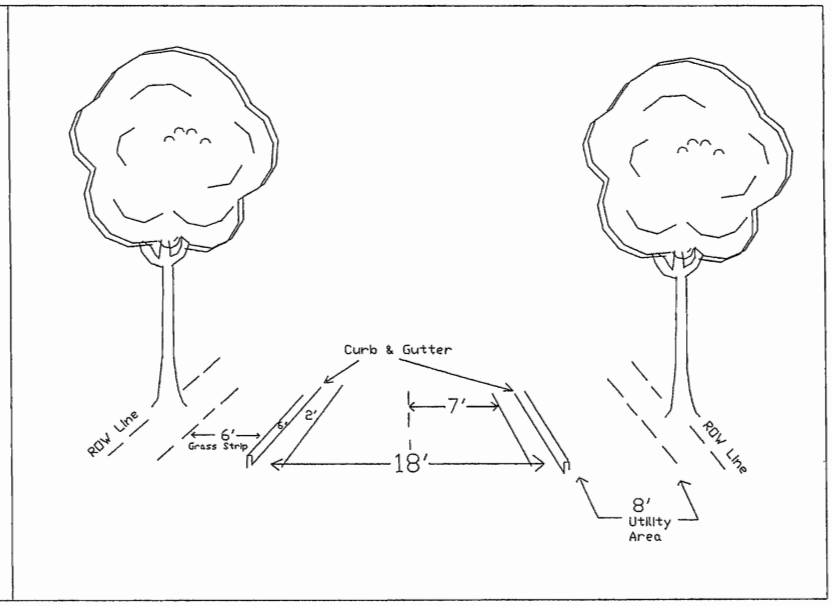
NOTE: No Sidewalk, No Bike Lane



Minimum 47' Right -of-Way
Minimum 18' Pavement

MINOR STREET - NO CURB & GUTTER

NOTE: No Sidewalk, No Bike Lane



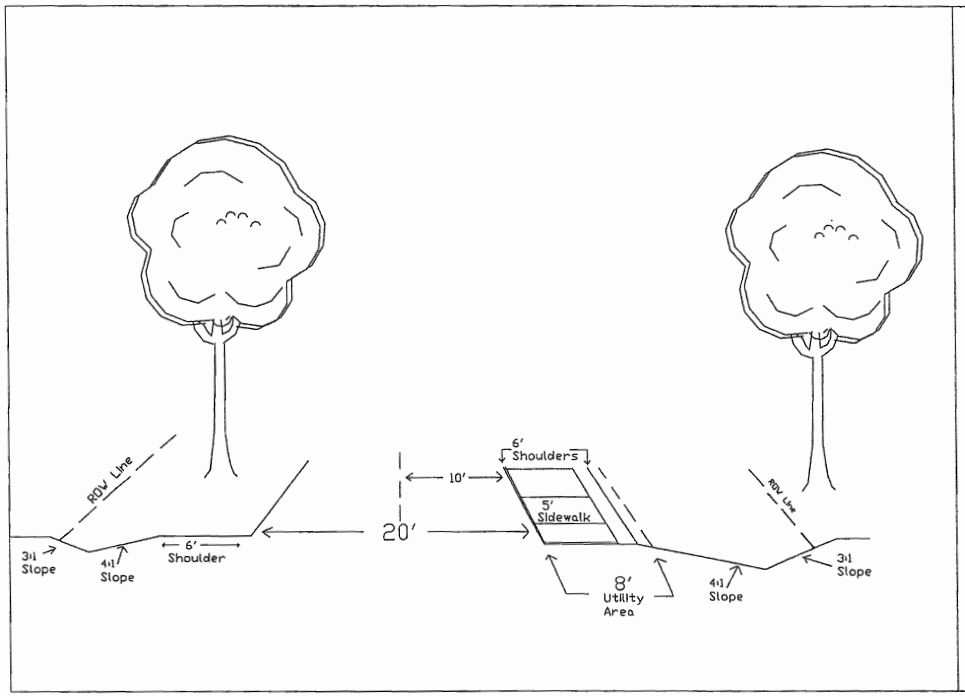
Minimum 37' Right -of-Way
Minimum 18' Pavement

MINOR STREET - CURB & GUTTER

THE TOWN OF CARRBORO, NC

STANDARD DRAWING NO. 21

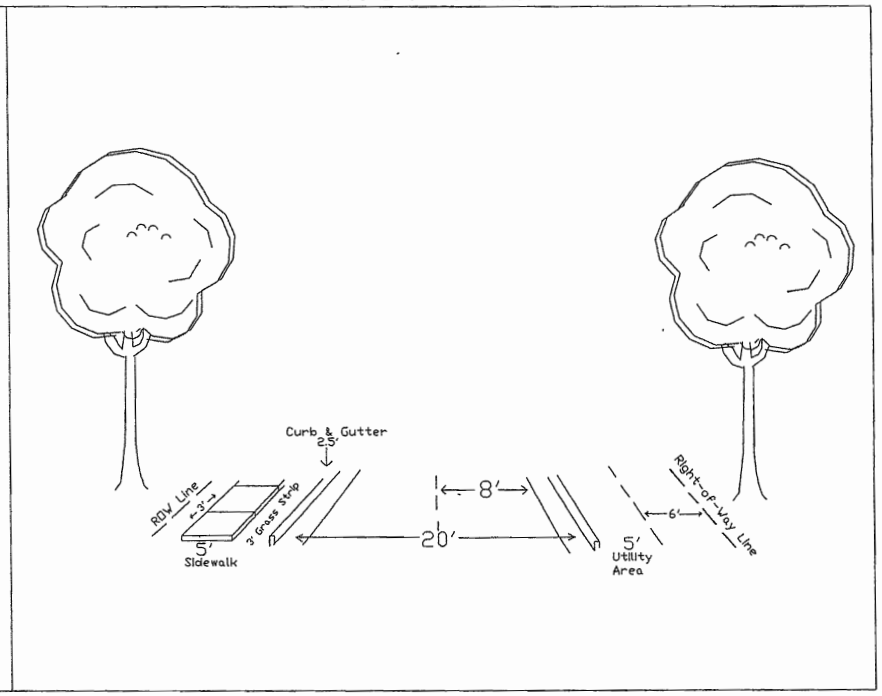
NOTE: Sidewalk Required on One (1) Shoulder



Minimum 47' Right -of-Way
Minimum 20' Pavement

LOCAL STREET - NO CURB & GUTTER

NOTE: Sidewalk Required on One (1) Side
Back of Curb



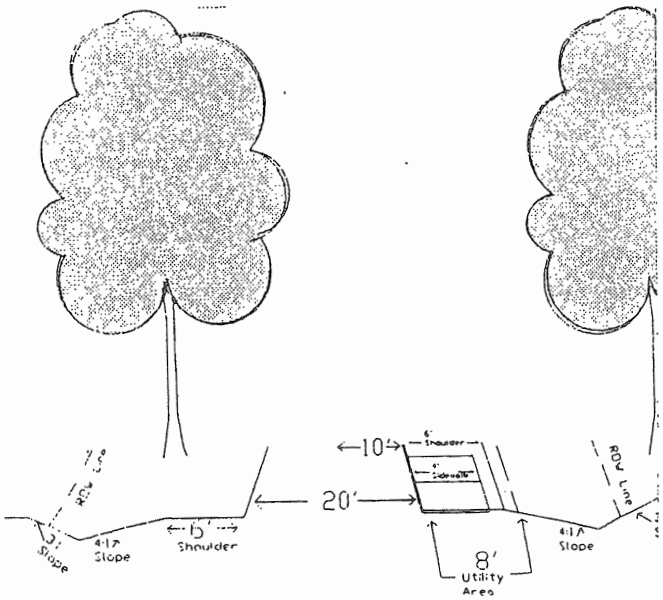
Minimum 43' Right -of-Way
Minimum 20' Pavement

LOCAL STREET - CURB & GUTTER

THE TOWN OF CARRBORO, NC

STANDARD DRAWING NO. 22

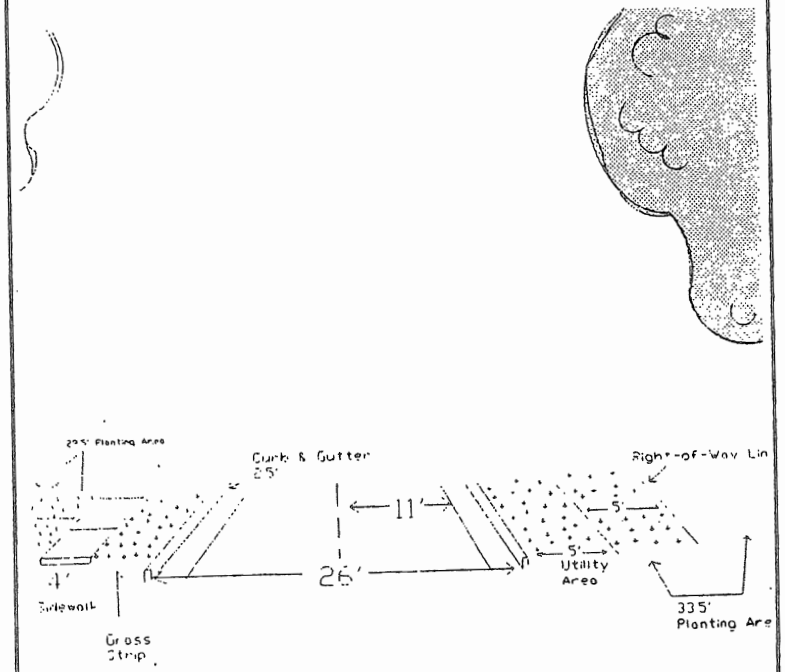
NOTE: SIDEWALK REQUIRED ON ONE SIDE ALONG ROAD;



Minimum 50' Right-of-Way
Minimum 20' Pavement

SUBCOLLECTOR STREET - NO CURB & GUTTER

NOTE: SIDEWALK REQUIRED ON ONE SIDE BEHIND CURB;



Minimum 50' Right-of-Way
Minimum 26' Pavement

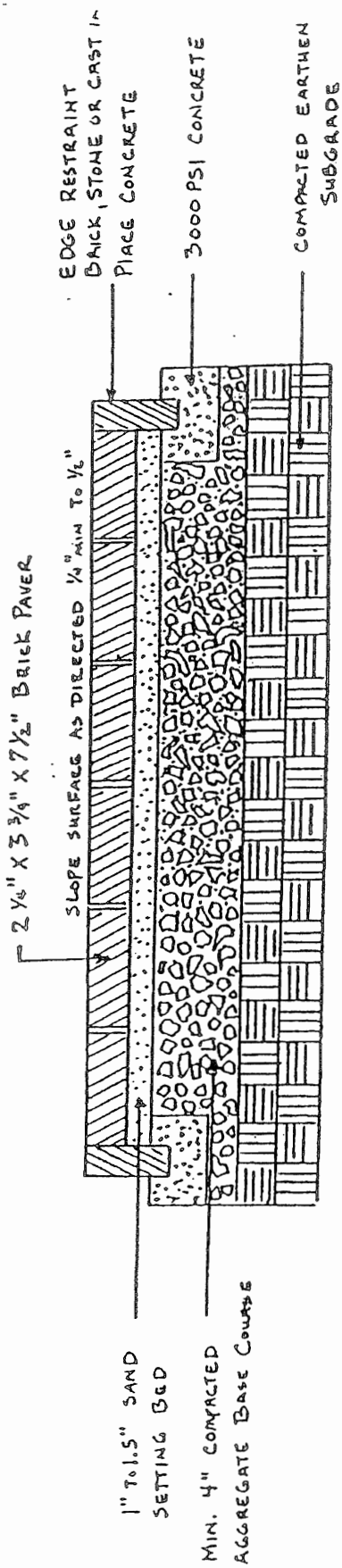
SUBCOLLECTOR STREET - CURB & GUTTER

THE TOWN OF CARRBORO, N.C.

STANDARD DRAWING NO. 23

STANDARD DRAWING NO. 24

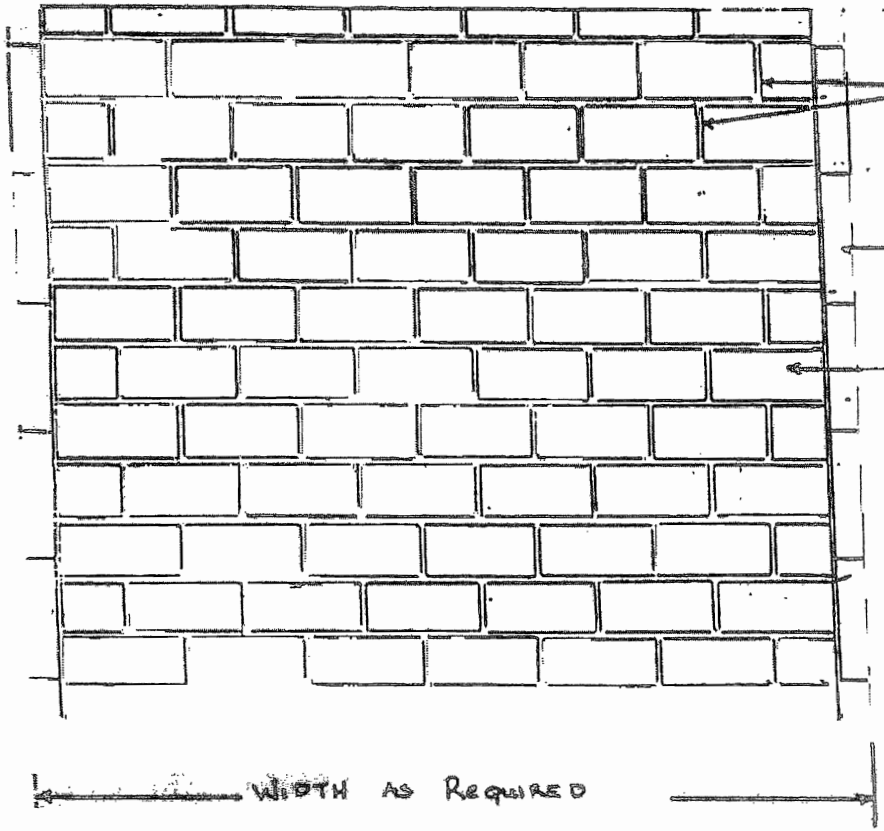
MORTARLESS LAID BRICK PAVERS FOR SIDEWALKS



TYPICAL CROSS SECTION
N.T.S.

STANDARD DRAWING NO. 25

MORTARLESS LAID BRICK PAVERS FOR SIDEWALKS



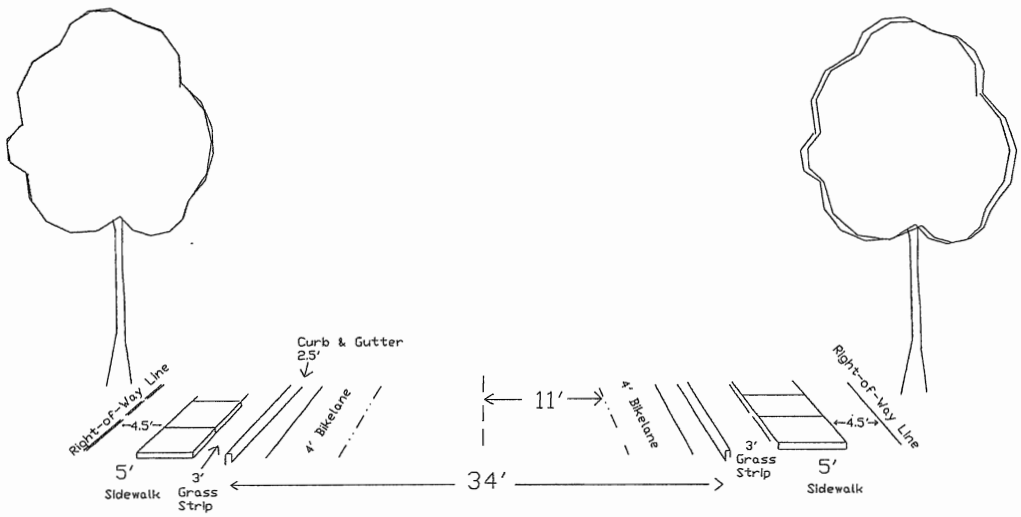
BROADCAST SAND OVER ENTIRE PAVER SURFACE AND COMPACT PAVERS TO FINISHED SURFACE ELEVATION. BROOM GRADED SAND INTO ANY REMAINING OPEN JOINTS OR VOIDS.

ONLY BRICK OR STONE EMBEDDED INTO 3000 PSI CONCRETE OR CAST IN PLACE CONCRETE SHALL BE USED AS EDGE RESTRAINTS.

SOLID RED WIRE CUT BRICK PAVERS
2 1/4" X 3 3/4" X 7 1/2"
SLOPE FINISHED SURFACE AS DIRECTED
MIN. 1/8" TO 1/2" SLOPE

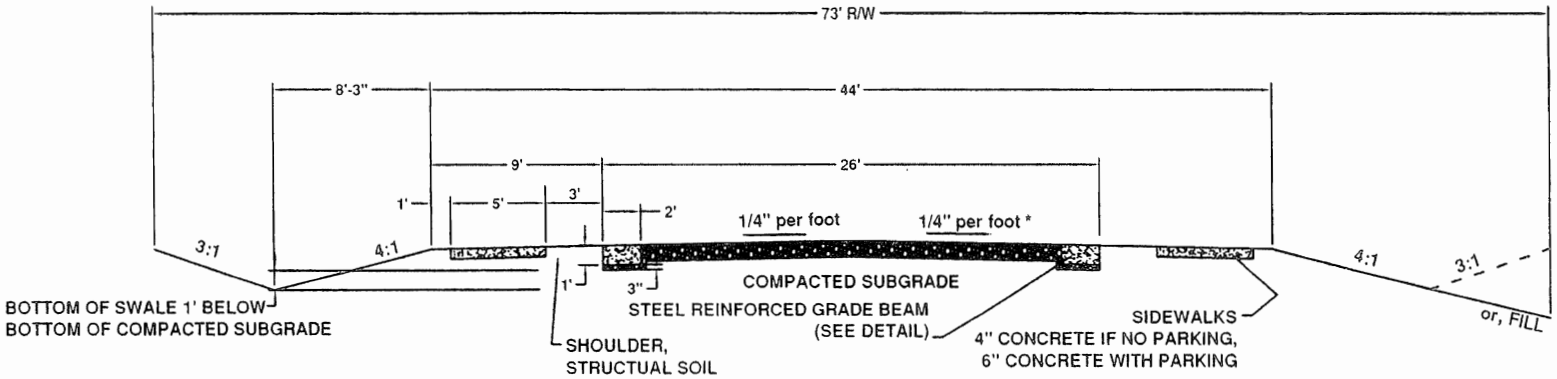
PATTERN SHALL BE RUNNING BOND TYPE AND PERPENDICULAR TO EDGE RESTRAINTS

NOTE: Sidewalk Required on Both Sides Behind Curb

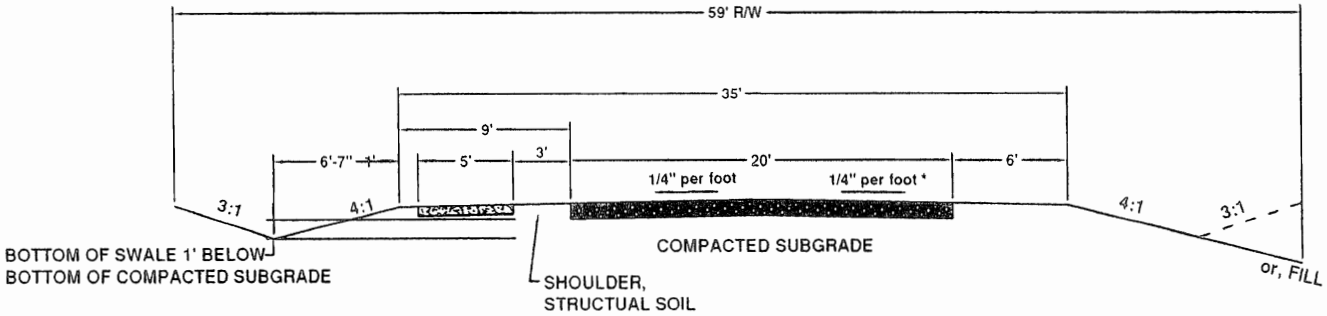


Minimum 60' Right -of-Way
Minimum 34' Pavement

COLLECTOR STREET - CURB & GUTTER



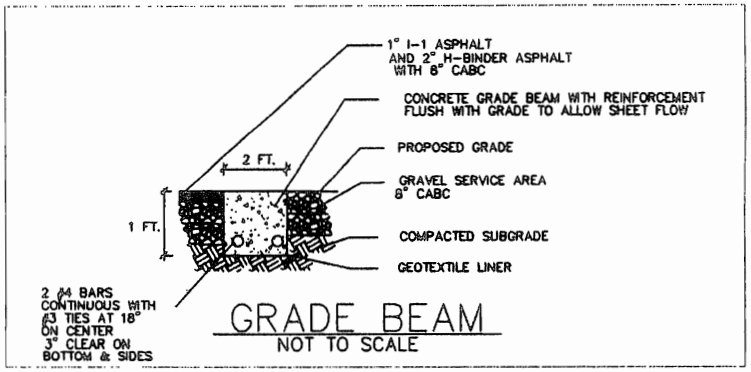
Subcollector (parking may be permitted on one side)



Local (no parking permitted)

NOTES:

1. Super-elevation on the road cross-section may be permitted at the discretion of Public Works and the Town Engineer in such cases that no concentrated or overland flow crosses the road from the high side of the super-elevation.
2. Permit issuing authority may eliminate sidewalk requirement on either side (not both) of subcollector. R/W width may be reduced so long as uniform R/W includes sufficient area for the standard shoulder and swale and so long as a uniform R/W is maintained.



Standard Drawing # 27

Alternative Street Standards (nts)

Appendix D

VEHICLE ACCOMMODATION AREA SURFACES

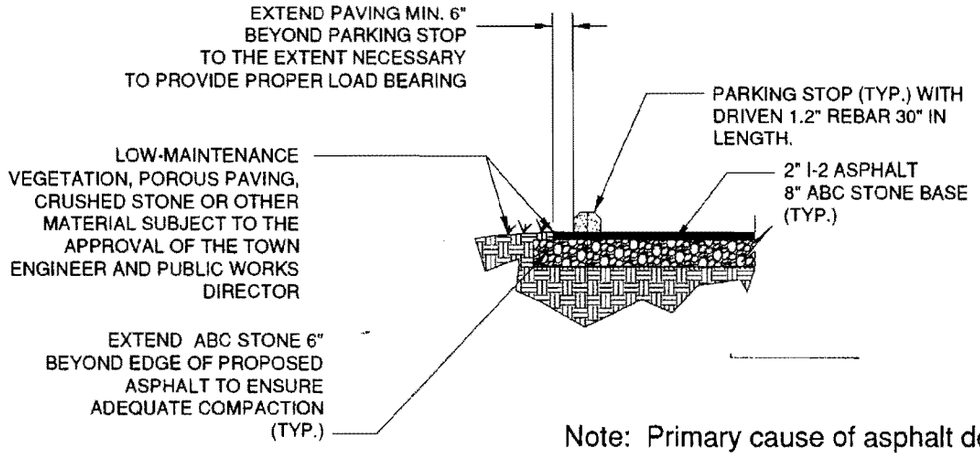
D-1. Paved Surfaces

Vehicle accommodation areas paved with asphalt shall be constructed in the same manner as street surfaces (Appendix C, Section C-6 through C-9). If concrete is used as the paving material, vehicle accommodation areas shall be similarly constructed except that 6 inches of concrete shall be used instead of 2 inches of asphalt. The public works director may allow other paving materials to be used so long as the equivalent level of stability is achieved.

D-2. Unpaved Surfaces

Vehicle accommodation areas without paving shall be constructed in the same manner as paved areas except that crushed stone of the following types may be used in lieu of asphalt, concrete, or other paving material:

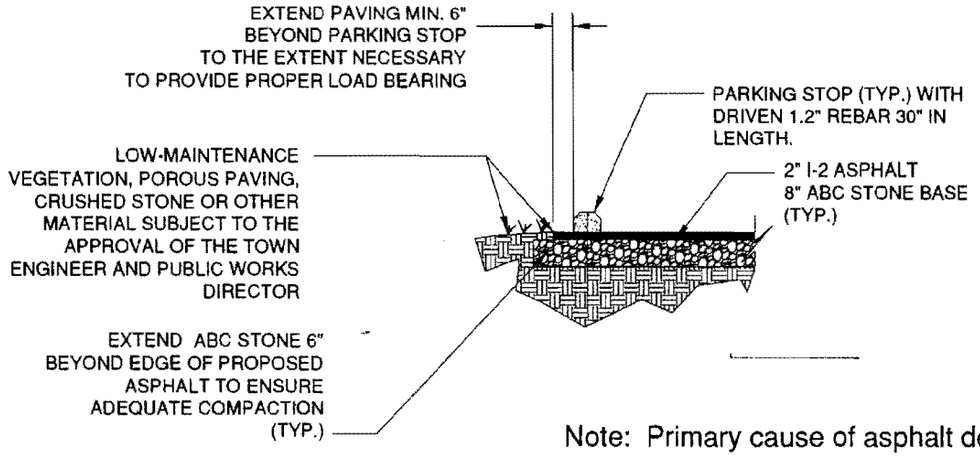
Size 13 Crushed Stone



Note: Primary cause of asphalt deterioration will be large amounts of overland flow directed at asphalt surfaces. To prevent this deterioration, the overland sheet flow should be limited to 50' or less. Concentrated flows or flows longer than 50' should be directed so that stormwater does not flow onto the asphalt surfaces.

Appendix D-3: ALTERNATE PARKING SPACE TREATMENT

nts



Note: Primary cause of asphalt deterioration will be large amounts of overland flow directed at asphalt surfaces. To prevent this deterioration, the overland sheet flow should be limited to 50' or less. Concentrated flows or flows longer than 50' should be directed so that stormwater does not flow onto the asphalt surfaces.

Appendix D-3: ALTERNATE PARKING SPACE TREATMENT

nts

Appendix E

SCREENING AND TREES - GUIDE FOR LANDSCAPING
(AMENDED 6/22/04)

E-1 Guide for Protecting Existing Trees
E-2 Standards for Street and Parking Lot Trees
E-3 Formula for Calculating Twenty Per Cent Shading of Paved Vehicle Accommodation Areas
E-4 Typical Parking Lot Planting Islands
E-5 Guide for Planting Trees
E-6 Typical Opaque Screens
E-7 Typical Semi-Opaque Screens
E-8 Typical Broken Screens
E-9 Guide for Planting Shrubs
E-10 Lists of Recommended Trees and Shrubs
E-11 Small Trees for Partial Screening
E-12 Large Trees for Evergreen Screening
E-13 Large Trees for Shading
E-14 Small Shrubs for Evergreen Screening
E-15 Large Shrubs for Evergreen Screening
E-16 Assorted Shrubs for Broken Screens
E-17 List of Invasive Plant Species

E-1 Guide for Protecting Existing Trees

Section 15-316 provides for the retention and protection of large trees when land is developed. In order to better ensure the survival of existing trees, the developer should heed the following guidelines:

(a) Protect trees with fencing and armoring (if needed) during the entire construction period. The fence should enclose an area 1-1.5 feet x the diameter inches of the tree to be retained. The area inside the fence should be off limits and no work should take place inside the tree preservation zone. **(REWRITTEN 06/24/14)**

(b) Avoid excavations beneath the crown of the tree as required by Section 15-316(b).

(c) Avoid compaction of the soil around existing trees due to heavy equipment. In areas where storage or vehicular access must take place within the tree preservation area outlined above, a drivable mulch pad with ½" plywood on top may be used to protect the tree's root system, maintaining a minimum distance of 8'from the trunk.. Mulch should be maintained at 12" depth. Preservation fencing should still be placed between the work zone and the tree's trunk. Trunk armoring may be needed when equipment will be used in close proximity to the tree. **(REWRITTEN 06/24/14)**

(d) Keep fires or other sources of extreme heat well clear of existing trees.

(e) Damaged roots should be cleanly cut and covered with topsoil to prevent drying. If damage to limbs or branches is anticipated in certain locations, pruning prior to beginning work may be considered. Limbs and branches broken during the construction process but still attached should be pruned to prevent further damage. An assessment should be performed and corrective pruning may be necessary after construction has been completed around the tree. Pruning / restoration work should be performed under the supervision of a Certified Arborist. **(REWRITTEN 06/24/14)**

(f) As is stipulated in Section 15-316(b), no paving or other impermeable ground cover should be placed within the dripline of trees to be retained. **(REWRITTEN 06/24/14)**

E-2 Standards for Street and Parking Lot Trees

Trees planted in compliance with the requirements of Sections 15-315 and 15-317 should have most or all of the following qualities. The trees recommended in Section E-10 represent the best combinations of these characteristics.

(a) Hardiness

(1) Resistance to extreme temperatures.
(2) Drought resistance.
(3) Resistance to storm damage.
(4) Resistance to air pollution.
(5) Ability to survive physical damage from human activity.

(b) Life Cycle

(1) Moderate to rapid rate of growth.
(2) Long life.

(c) Foliage and Branching

(1) Tendency to branch high above the ground.
(2) Wide spreading habit.
(3) Relatively dense foliage for maximum shading.

(d) Maintenance

(1) Resistance to pests.
(2) Resistance to plant diseases.
(3) Little or no pruning requirements.
(4) No significant litter problems.

(e) Flora Within Planting Strips **(AMENDED 11/19/96)**

(1) Match foliage size described in Section E-11 through E-16 with planting strip size.

E-3 Formula for Calculating 35% Shading of Vehicle Accommodation Areas **(REWRITTEN 06/24/14)**

Following is an elementary formula for determining the number of shade trees required in and around parking lots in order to presumptively satisfy the shading requirements of Section 15-317.

1.	Calculate square footage of the vehicle accommodation area. Include parking spaces, driveways, loading areas, sidewalks, and other circulation areas. Do not include building area and any area which will remain completely undeveloped:	_____ sq. ft.
2.	Multiply	x .35
3.	Areas to be shaded:	_____ sq. ft.
	**********	
	Add:	
4.	Area shaded by existing trees to be retained in and around the vehicle accommodation area:*	_____ sq. ft.
5.	Area shaded by required screening trees, if any:*	_____ sq. ft.
6.	Area shaded by required street trees, if any:*	_____ sq. ft.
7.	Subtotal: (if line #*7* is greater than line #*3*, then the shading requirement has been met. If not, go on to line #*8*)	_____ sq. ft.
8.	Enter the difference between line #*7* and line #*3*:	_____ sq ft.
9.	Divide line #*8*:	÷ 707
10.	Total number of shade trees required <u>within</u> the vehicle accommodation area:	_____ trees

_____

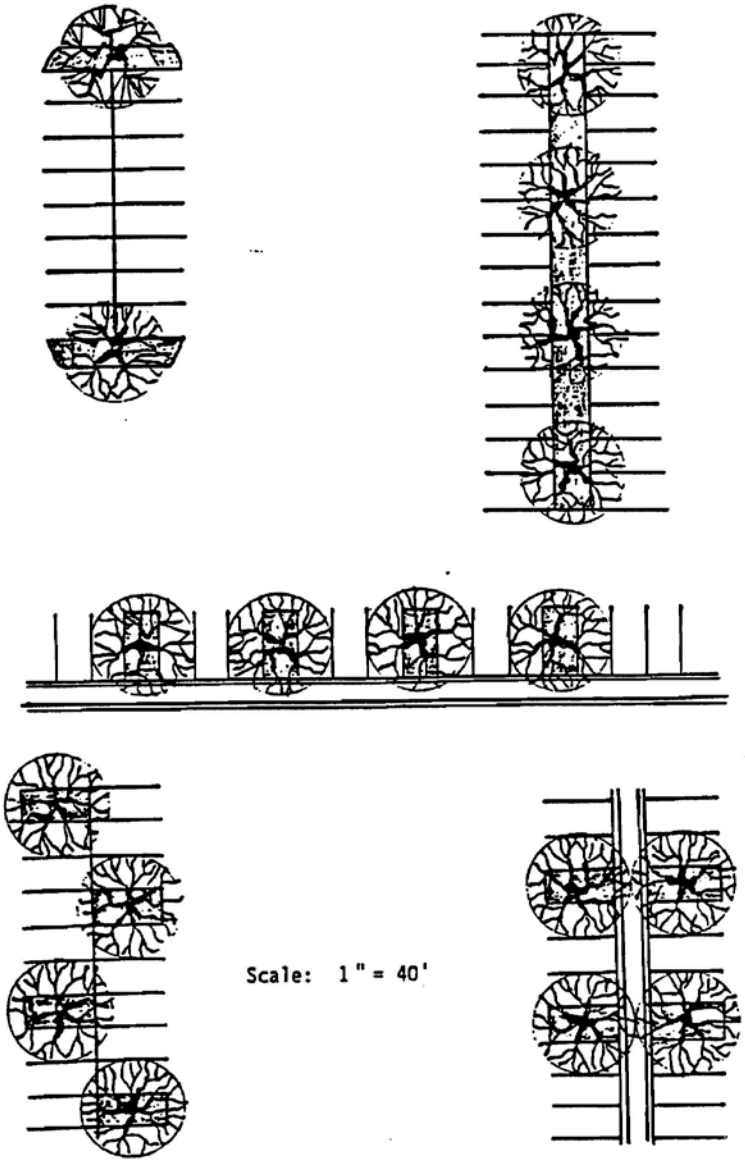
*Existing trees retained in compliance with Section 15-316 will be credited according to their actual crown radius. Shaded area may be calculated as follows:

$$3.14 \times (\text{crown radius})^2 = \text{shaded area}$$

Trees planted within the vehicle accommodation area are credited with shading <u>707 sq. ft.</u> (Based on a crown radius of 15) New or existing trees on the perimeter of the parking lot are credited for having only half a crown over the vehicle accommodation area (e.g., new perimeter trees will be credited for shading <u>354 sq. ft.</u>). Generally, all trees planted in compliance with the screening requirements of Article XIX, Part I and the street tree requirements of Section 15-315 will be considered perimeter trees. When smaller trees such as Dogwoods are planted, the credited shading area will be adjusted downward to <u>314 sq. ft.</u> for interior trees and <u>157 sq. ft.</u> for perimeter trees. (Based on a crown radius of 10 ft.) **(REWRITTEN 06/24/14)**

GUIDE FOR LANDSCAPING

E-4 Typical Parking Lot Planting Islands



PAGE E-5

When smaller trees such as Dogwoods are planted, the credited shading area will be adjusted downward to 314 square feet for interior trees and 157 square feet for perimeter trees. (Based on a crown radius of 10 feet.)

E-5 Guide for Planting Trees (REWRITTEN 06/24/14)

The trees recommended in Section E-10 have minimal maintenance requirements. However, all trees must receive a certain degree of care, especially during and immediately after planting. In order to protect an investment in new trees, the developer and his or her agents should follow these guidelines in accordance with International Society of Arboriculture (ISA) Best Practices, when planting:

(a) All plant material shall conform to the current American Standards for Nursery Stock and must be free from injury, insect infestations and disease. Tree caliper at time of planting should be 2-3".

(b) The best times for planting are early spring and early fall, but may vary depending upon tree species and site conditions. These factors must be considered when selecting species and planting schedule. Trees planted in the summer run the risk of dehydration and precautions must be taken to ensure establishment.

(c) Plant all trees at least three-and-a-half feet from the end of head-in parking spaces in order to prevent damage from car overhang.

(d) Planting hole should be at least 2x the diameter of the root ball and not deeper than the distance from the bottom of the root ball to the root flair, which may be hidden beneath root ball soil. Excess soil above the root flair should be removed once the tree is in place. The tree should be planted so that its root flair is just above existing grade.

(e) Especially in areas where construction activity has compacted the soil, the sides of the planting hole should be scarified or loosened with a pick ax or shovel.

(f) After the pit is dug, observe sub-surface drainage conditions. Most soils in the Carrboro area are poorly drained. Planting depth where poor drainage exists should be dependent upon the water needs of the tree species. If the species is more sensitive to poor drainage, the tree should be planted higher than existing grade, not to exceed ¼ root of the ball above grade. Back fill should then be sloped gradually from top of root ball to existing grade. Gravel placed at the bottom of the hole will not improve drainage.

(g) Backfill should include a proper mix of soil, peat moss and nutrients. All roots must be completely covered. Backfill should be thoroughly watered as it is placed around the roots.

(h) Staking the tree is not recommended unless necessary to stabilize the tree e.g., a lose root ball, unstable bare root transplant, or large evergreen w/higher wind resistance. Staking a tree unnecessarily can reduce the development of structural roots and proper trunk taper. If tree is to be

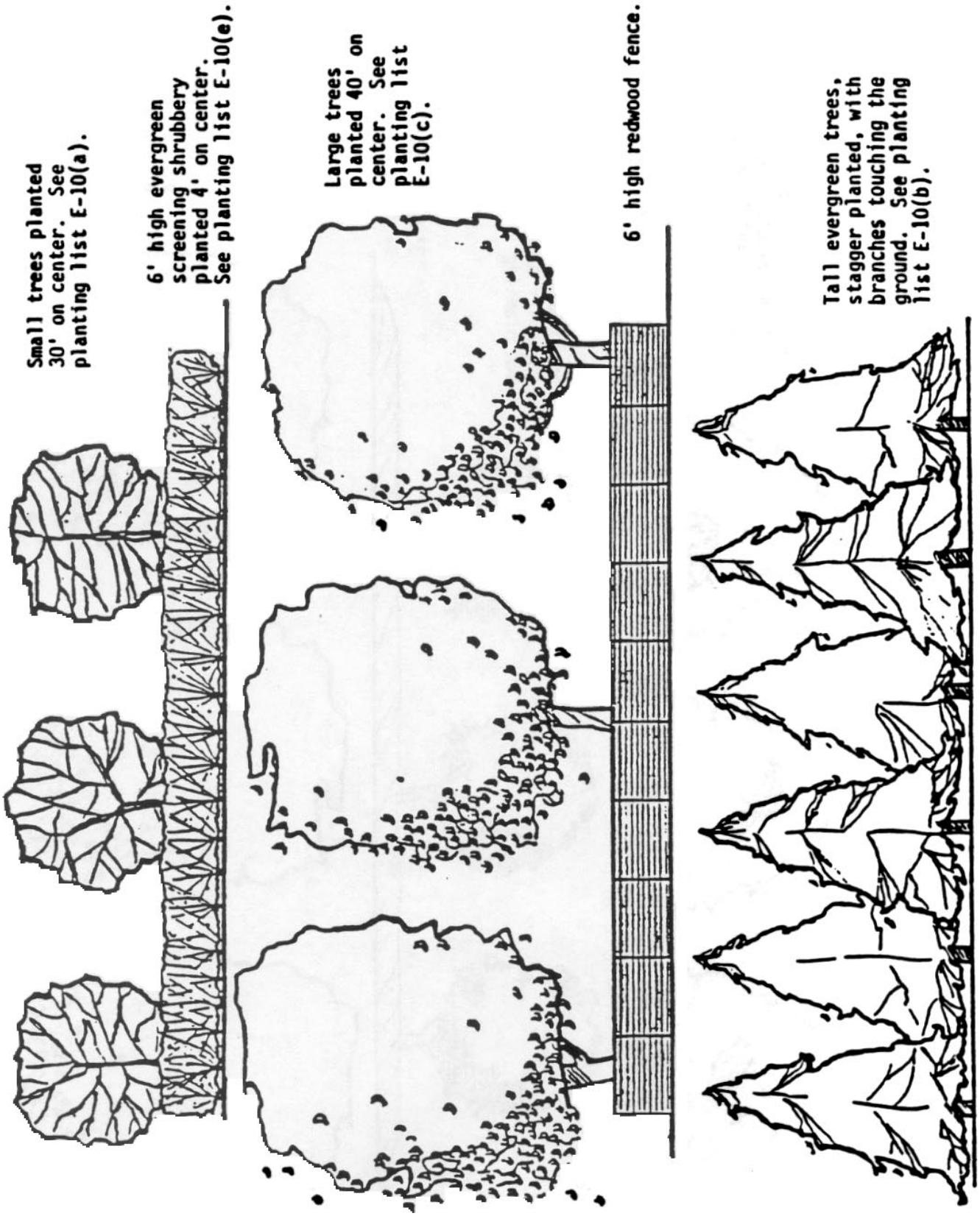
staked, it should be done so loosely and staking should be removed after the first year. Guying materials should not girdle or cut into the bark.

(i) Mulch should be spread at a depth of 2-3 inches maximum, ideally extending to the drip line. At a minimum, it should cover the entire excavation area in order to retain moisture and help to prevent weeds. Mulch should not be allowed to touch the trunk as this will cause moisture build up, increasing the chance of trunk decay. If necessary, on sloped locations, create a raised ring on the downhill side of the slope to catch rain runoff.

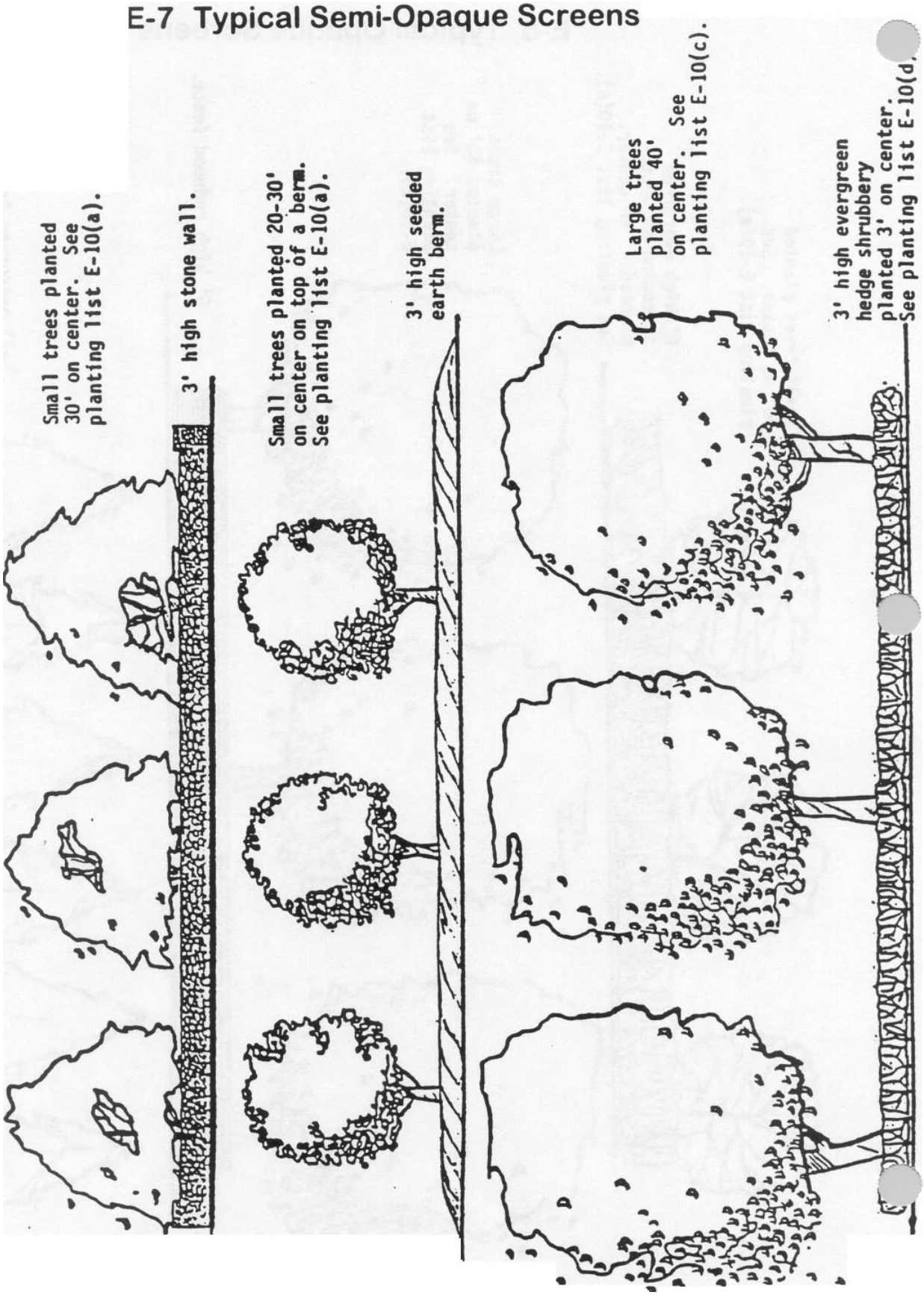
(j) Trunk wrapping is not required but may be considered for certain species with thin bark in certain locations. If wrap is to be used it should be light colored, biodegradable (paper) and be wrapped from the bottom up. This will help to prevent moisture build up along the trunk.

(k) Conscientious post-planting care, especially watering, pruning and fertilizing, is a must for street and parking lot trees. Minimal pruning should be performed during the first year, if at all. Watering and fertilization rates are dependent upon site conditions.

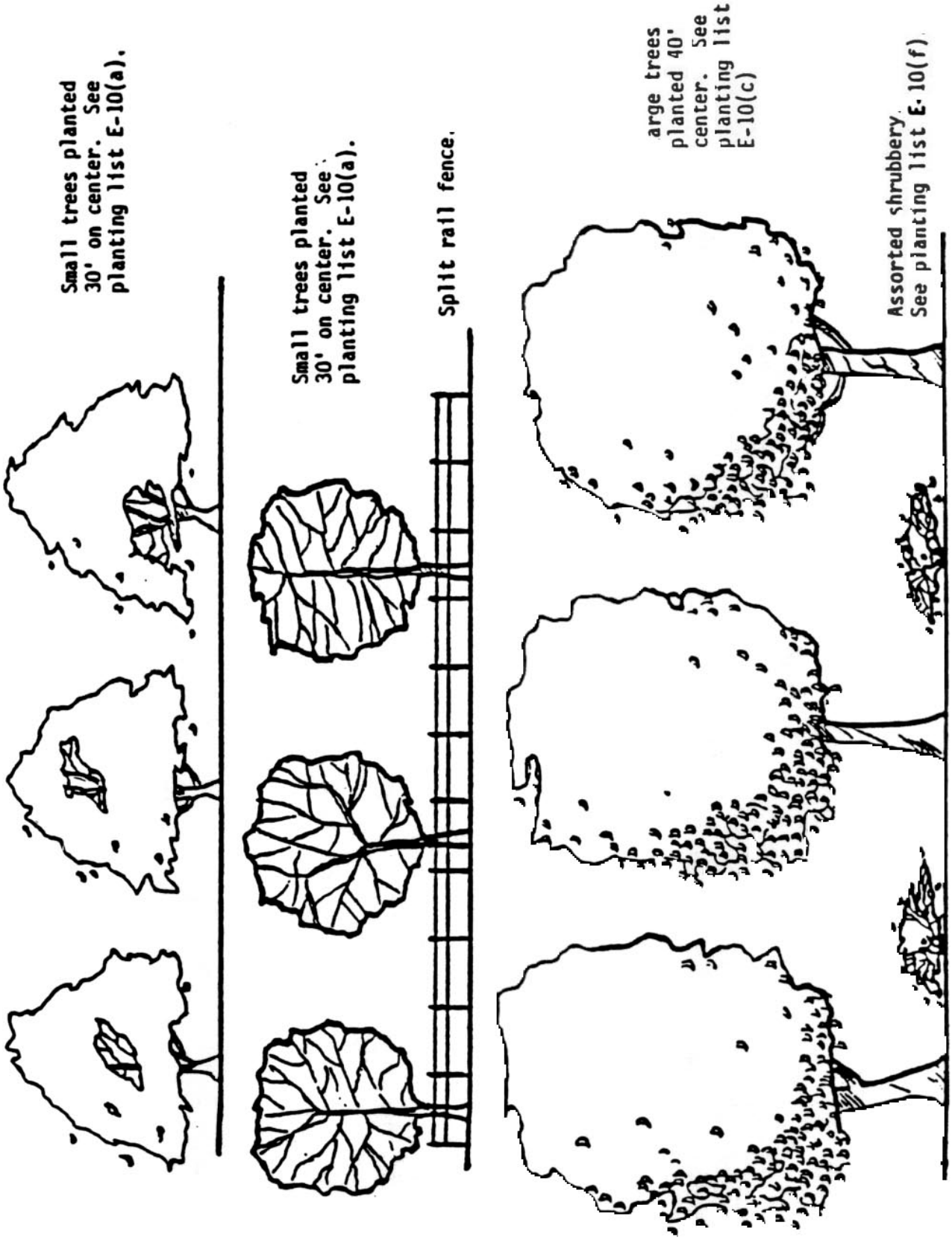
E-6 Typical Opaque Screens



E-7 Typical Semi-Opaque Screens



E-8 Typical Broken Screens



E-9 Guide for Planting Shrubs

Shrubs planted for screening purpose should be given a proper culture and sufficient room in which to grow. Many of the guidelines for tree planting listed in Section E-5 also apply to shrubs. However, because specific requirements vary considerably between shrub types, this Appendix does not attempt to generalize the needs of all shrubs. For detailed planting information on individual species, refer to: Landscape Plants of the Southeast by R. Gordon Halfacre and Anne R. Shawcroft. A copy of this book is available in the Carrboro Planning Department or by contacting Sparks Press, P.O. Box 26747, Raleigh, N.C. 27611.

E-10 Lists of Recommended Trees and Shrubs

The following lists indicate plantings which will meet the screening and shading requirements of Article XIX of the Land Use Ordinance. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these lists according to four principal criteria: *i.)* general suitability for the Piedmont section of North Carolina; *ii.)* hardiness/tolerance of city conditions; *iii.)* ease of maintenance; and *iv.)* availability from area nurseries. When selecting new plantings for a particular site, a developer should first consider the type of plants which are thriving on or near the site. Accordingly, species native to North Carolina should often be favored. However, if an introduced species has proven highly effective for screening or shading in Piedmont Towns, it too may be a proper selection.

The plantings marked with an (±) on the following lists are appropriate for planting within plantings strips -- as defined under Section 15-216, Subsection (j).

Sections E-11 through E-16 contain descriptions of the trees and shrubs listed here.

(A) E-11 SMALL TREES FOR PARTIAL SCREENING (AMENDED 6/22/04)

(1) American Holly
(2) American Hop Hornbeam
(3) American Hornbeam ±
(4) American Smoketree
(5) Carolina Cherry Laurel
(6) Crabapple (southern)
(7) Eastern Redbud
(8) Flowering dogwood
(9) Fringetree
(10) Mock Orange
(11) Paw Paw
(12) Serviceberry ±
(13) Sourwood ±
(14) Viburnum (except V. opulus)
(15) Washington Hawthorn
(16) Yaupon

(B) E-12 LARGE TREES FOR EVERGREEN SCREENING (AMENDED 6/22/04)

(1) Atlantic White Cedar
(2) Eastern Red Cedar
(3) Laurel Oak (listed on E-13)
(4) Loblolly Pine
(5) Shortleaf Pine
(6) Southern Magnolia
(7) Virginia Pine
(8) Longleaf Pine

(C) E-13 LARGE TREES FOR SHADING - The trees on the following list marked with an (*) are appropriate selections to satisfy Section 15-315, Required Trees Along Dedicated Streets **(AMENDED 6/22/04)**

(1) Basswood
(2) Chestnut Oak
(3) Cucumber Tree
(4) Gingko (male only) *
(5) Laurel Oak *
(6) Post Oak
(7) Red Oak (Eastern) *
(8) Scarlet Oak *
(9) Southern Catalpa
(10) Southern Sugar Maple
(11) Swamp Chestnut Oak
(12) Swamp White Oak
(13) Sycamore
(14) Tulip Poplar *
(15) White Oak
(16) Willow Oak *

(D) E-14 SMALL SHRUBS FOR EVERGREEN SCREENING (AMENDED 05/25/99, 6/22/04)

(1) Convexa Japanese Holly
(2) Dwarf Horned Holly
(3) Glossy Abelia
(4) Ilex verticillata (Winterberry Holly)
(5) Indian Hawthorn ±
(6) Japanese Yew
(7) Otto Lukeyn Laurel ±
(8) Poet's Laurel
(9) Warty Blueberry
(10) **Carolina Jessamine
(11) **Trumpet Honeysuckle
(12)

**Vines - which if grown on a trellis would make a nice evergreen screen.

(E) E-15 LARGE SHRUBS FOR EVERGREEN SCREENING (AMENDED 6/22/04)

(1) Anise Bush ±
(2) Carolina Cherry-Laurel ±
(3) Cleyera ±
(4) English Laurel
(5) Fortune Tea Olive
(6) Loblolly Bay
(7) Loropetalum ±
(8) Red Bay
(9) Schipka Laurel
(10) Southern Wax Myrtle
(11) Yaupon Holly (standard) ±

(F) E-16 ASSORTED PLANTINGS FOR BROKEN SCREENS (AMENDED 5/25/99, 6/22/04)

(1) Beautyberry ±
(2) Blueberry
(3) Button Bush
(4) Carolina Allspice (Sweetshrub)
(5) Carolina Rose
(6) Clethra
(7) Devil's Walking Stick
(8) Drooping Leucothoe
(9) Fringetree
(10) Japanese Flowering Apricot (tree)
(11) Judd Viburnum
(12) Oakleaf Hydrangea
(13) Rhododendron
(14) Smoketree
(15) Star Magnolia (tree)
(16) Sumac
(17) Viburnum (except V. opulus)
(18) Witch Hazel (Common)
(19) Witch Hazel (Vernal) ±

The following plant species shall be prohibited when complying with the shading and landscaping provisions of this chapter. **(AMENDED 6/22/04).**

Species (Latin)	**Common Name**
Akebia quinata	Chocolate vine
Acer ginnala	Amur Maple
Acer platanoides	Norway Maple
Ailanthus altissima	Tree of Heaven
Albizia julibrissin	**Mimosa**
Ampelopsis brevipedunculata	Porcelainberry
Baccharia halimifolia	Baccharus spp
All Berberis species including	
Berberis julianae	Wintergreen Barberry
Berberis thunbergii	Japanese Barberry
Broussonetia papyrifera	Paper Mulberry
Celastrus orbiculatus	Bittersweet
All Cotoneaster species including	
Cotoneaster microphyllus	Littleleaf Cotoneaster
Cotoneaster horizontalis	Rockspray Cotoneaster
Crataegus monogyna	Singleseed Hawthorn
Crataegus laevigata	English Hawthorn
All Cytisus scoparius	Scotch Broom
Eleagnus angustifolia	Russian Olive
Eleagnus umbellata	Autumn Olive
Euonymus alatus	Winged Euonoymus, Burning Bush
Euonymus japonicus	Japanese Euonymus
Firmiana simplex	Chinese Parasol Tree

Species (Latin)	Common Name
Hedera helix	English Ivy
All Ligustrum species including	
Ligustrum japonicum	Japanese Privet
Ligustrum lucidum	Waxleaf Privet
Ligustrum obtusifolium	**Border Privet**
Ligustrum vulgare	European Privet
Ligustrum sinense	Chinese Privet
Ligustrim x vicari	Golden Vicary Privet
Lonicera japonica	Japanese Honeysuckle
Lonicera maackii	Bush Honeysuckle
Lonicera nitida	Boxleaf Honeysuckle
Lonicera tatarica	Tatarian Honeysuckle
Miscanthus sinensis	Eulalia, Maiden Grass
Mahonia **repens**	Oregon Grape
Morus alba	**White Mulberry**
Paulownia tomentosa	Princess Tree
Phyllostachys aurea	**Golden Bamboo**
Populus alba	**White Poplar**
Spirea Japonica	**Japanese Meadowsweet**
Taxus cuspidata	Japanese Yew
Viburnum opulus	European Cranberrybush Viburnum
Vinca major	Large Periwinkle
Vinca minor	Common Periwinkle
Wisteria **sinensis**	Chinese Wisteria
Wisteria japonica	Japanese Wisteria

E-11 Small Trees for Partial Screening (Amended 6/22/04)

The following trees are recommended for use in all types of screens. Though smaller than the trees listed in planting lists E-12 and E-13, each of these trees will reach a height of at least 20 feet. Selections marked with an (*) are also recommended as shade trees and may be credited for meeting the 20% shading requirement for paved parking lots.

AMERICAN HOLLY (Ilex opaca) Height: 15-30'; Spread: 10-20'.
This familiar native tree possesses a pyramidal evergreen crown with abundant red berries in the winter. It grows best in full sun and prefers moist yet well drained soils. If the lower limbs are allowed to grow naturally, they will branch to the ground. Hollies should be protected from high winds. The American Holly is a relatively slow grower.

AMERICAN HOP HORNBEAM (Ostryga virginiana) Height: 40 to 50 feet; Spread: 20 to 30 feet
Hophornbeam is a small short-lived understory tree in moist, well-drained forests. It has a slow to medium growth rate on a great variety of soils. It develops a finely branched round crown and is an attractive landscape tree that provides wildlife with a limited amount of seed. Fruit

***AMERICAN HORNBEAM (Carpinus carolinia) Height: 20-30'; Spread: 15-20'.**
This native tree has a natural yet refined appearance. It is slow growing, but at maturity it serves as an excellent small shade tree. Its fluted, "muscular" trunk is an interesting feature. In the wild, the American Hornbeam is common in moist rich soil, yet, when used in landscape design, it is soil tolerant and does not require an unusual amount of water. It has no pests and no special maintenance problems.

AMERICAN SMOKETREE (Cotinus obovatus) Height: 15 feet; Spread: 15 feet
Smoketree is a small tree found on upland sites. This tree is planted as an ornamental for the attractive fruit that are presented on a feathery, hairy stalk, which gives a smoke-like appearance.

BLACK HAW (Viburnum prunifolium; V. dentatum) Height: 12 to 15 feet; Spread: 8 to 12 feet
Black Haw is a small tree with twisted trunk and arching branches with an overall round crown appearance. Does best on partially sunny sites on moist, well-drained soils.

CAROLINA CHERRY-LAUREL (Prunus caroliniana) Height: 20-30'; Spread: 15-20'.
This tree is prized for its dense evergreen foliage. It may be trimmed as a hedge, but also serves as an excellent screen in its natural form. The Cherry-Laurel grows rapidly and has no pests. However, it may not be as cold hardy as other trees on this list.

CRABAPPLE, SOUTHERN (Malus) Height: 15'-30'; Spread 10-20'
Slow to moderate growers, with springtime flowers in colors ranging from pink to red to white. Birds are fond of fruit. Care should be taken when choosing a specific variety to make certain that it is disease resistant. Some disease resistant varieties include 'Adams', 'Callaway', and 'Sentinel'.

EASTERN REDBUD (Cercis canadensis) Height: 20-30'; Spread: 12-25'.
This native tree is covered by beautiful pink flowers in the Spring and develops a dense round crown when allowed to grow in direct sunlight. The Redbud has some pests, and its fruit pods may present a litter problems, but it recommends itself by being drought resistant and tolerant of polluted city air.

***FLOWERING DOGWOOD (Cornus florida) height: 15-30'; Spread: 15-20'.**
The Dogwood is a native woodland tree which is very popular for landscape planting. It is considered to be a fairly hardy tree, but, when planted in direct sun, it must be frequently watered. A healthy Dogwood will develop attractive horizontal branches and bushy crown. Dogwoods look best when planted in groups or when used as an accent in borders. These trees should be guarded against borers and other pests.

FRINGE TREE (Chionanthus virginiana) Height: 12 to 20 feet; Spread:12 to 20 feet
Fringe-tree is a short trunk tree with a narrow, oblong crown found on moist soils. It is a popular ornamental because of the white fringe-like drooping white flower clusters in May and June that mature into inch-long blue-black fruit in September and October.

MOCK ORANGE (Philadelphius inodorus or other native cultivars) Height:3 to 6 feet; Spread: 3 to 9 feet
Mock Orange is a deciduous short shrub, suitable on a range of soil conditions along streams and bluffs, cliffs, and rocky banks, with full sun to partial shade. Best used as part of a shrub border or an edge to natural areas. Fragrant white flowers in spring on spreading branches that twist around each other and arch to the ground.

PAW PAW (Asimina triloba) Height: 15 to 40 feet; Spread: 15 to 30 feet
Pawpaw is an understory species found on moist, well-drained sites that has a tropical appearance in the landscape. Purplish-brown, broad bell shape flowers appear with or slightly before the leaves. Fall ripening fruit resemble a short, fat banana, that is very fleshy, tastes like a banana, and eaten by squirrel, fox, raccoon and small animals.

SERVICEBERRY (Amelanchier canadenis) Height: 10'-20'; Spread 8-15'
An upright shaped tree with a moderate growth rate. Serviceberry will thrive in sun or partial shade. White springtime flowers. Tolerant of most soil types, Serviceberry looks good planted along the edge of woods.

SOURWOOD (Oxyndrum arboreum) Height: 20-30'; Spread: 10-15'.
Sourwoods are handsome native trees which are most effective in landscape design when planted in groups. They are easy to transplant and as each tree matures it assumes a slender form with upright branches. Sourwood prefers relatively dry acid soils. Its only special maintenance problems may be infestations of webworms.

WASHINGTON HAWTHORN (Crataegus phaenophyrum) Height: 25-30'; Spread: 25-30'.
Hawthorns generally require spraying to prevent disease and insect infestation. However, they are an excellent choice for screening because of their extremely dense and thorny branches. They have proven to be excellent as a headlight screen on highway medians and, when planted close together, they form an

impenetrable living fence. They prefer sun and are tolerant to most types of soil. The Washington Hawthorn is generally considered to be the best of the Hawthorns.

YAUPON (Ilex vomitoria) Height: 15 to 20 feet; Spread: 10 to 20 feet

Yaupon is an upright evergreen shrub that forms thickets with numerous stems and branches. It grows well in full to partial shade and adapted to wet and dry sites. Small white flowers in spring yield to small shiny red berry clusters on the stems in the fall. Deer browse the foliage and fruit are eaten by birds and small mammals.

E-12 Large Trees for Evergreen Screening (Amended 6/22/04)

The following trees are ideal for screening large scale areas such as shopping centers and industrial sites. They are also effective in combination with other, smaller screening plants. All three are moderate to fast growers. They are not considered to be shade trees.

ATLANTIC WHITE CEDAR (Chamaecyparis thyoides) Height: 40 to 50; Spread 10 to 20 feet
Atlantic White Cedar is a tall, slender columnar tree; that looses lower branches with age. It grows best in wet sites with full sun. Bluish green needles appear flattened and arranged in irregular sprays with pointed tips. Bluish purple cones are quarter-inch long.

EASTERN RED CEDAR (Juniperus virginiana) - Height 60'; Spread 15-20'.
This is a native evergreen tree that is very hardy in the area. Mature specimens have interesting bark. Has waxy fruit that birds enjoy. Slow growth.

LAUREL OAK (Quercus laurifolia) Height: 40-60'; Spread: 30'+.
The Laurel Oak grows more slowly than the other Oaks listed above, but it has the advantage of being nearly evergreen in Piedmont sections of North Carolina. It has proven to be a good street tree and does quite well under city conditions. It presents no special maintenance problems.

LOBLOLLY PINE (Pinus taeda) - Height 50 to 90; Spread 30 to 40 feet
Loblolly pine grows well on moderately acid soils with poor surface drainage and full sun. It is initially pyramidal until the crown becomes rounded with horizontal branches following the loss of lower branches. Excellent fast growing species for rapid vegetative screening.

LONGLEAF PINE (Pinus palustris) - Height 80 to 100; Spread 30 to 40 feet
Longleaf pine is found on well-drained sandy soils and on swamp edges and requires full sun. In the Piedmont, it rarely attains mature height due to susceptibility to ice storm damage, wind, lightning, high winds, and drought. It is also a nesting tree for red-cockaded woodpecker. It is slow to establish and grows in "grass like" stage for first 5 years.

SHORTLEAF PINE (Pinus echinata) Height 80 to 100; Spread 30 feet
Shortleaf pine is a medium-sized, native, evergreen conifer with relatively short needles and thin, flaky, black bark that becomes reddish brown with age. Shortleaf pine is suitable to sunny sites and a variety of soils. It is a medium to large tree with an initial small, open, pyramidal crown that becomes a small narrow crown with age.

SOUTHERN MAGNOLIA (Magnolia grandiflora) Height: 40-60'; Spread: 25'+.
Magnolias are striking trees which serve well as screens when their branches are allowed to grow to the ground. Generally, the tree does well in city conditions, but it should be planted in quite rich acidic soils

and it requires a lot of moisture. Furthermore, Magnolias require ample space for growth. If planted in full sunlight, they will grow rapidly. Because it drops large waxy leaves, seed pods, and flowers, the Magnolia may present a litter problem.

VIRGINIA PINE (Pinus virginiana) - Height 60'; Spread 25-35'.

A native of the area, Virginia Pine is a short needled tree that is very tolerant of clay soils. More resistant to winter weather conditions than Loblolly Pine.

E-13 Large Trees for Shading (Amended 6/22/04)

The following trees may be used for screening, but they are recommended especially for shading streets and parking lots. Unless otherwise noted, they will grow rapidly. Each species will attain a mature spread of at least thirty feet. The trees on the following list marked with an "*" are appropriate selections to satisfy Section 15-315, Required Trees Along Dedicated Streets.

CHESTNUT OAK (Quercus montana; Q. prinus) Height: 60 to 70 feet; Spread: 50 to 70 feet
Chestnut oak is a medium-sized, native, deciduous, tree that is suited to dry, infertile, rocky upland sites, yet grows best on rich well-drained soils along streams. At maturity, it is a medium-sized long-lived tree with an irregular dense crown. The sweet acorns are an important food for many wildlife species including deer, turkeys, squirrels, chipmunks, and mice, while small birds, mammals, and bees use chestnut oak cavities for nesting

CUCUMBER TREE (Magnolia acuminata; M. Fraserii) Height: 50 to 80 feet; Spread: 50 to 80 feet
Cucumber tree is the most widespread and hardiest of the eight native magnolia species. It grows fairly rapidly and well in rich, moist soils of slopes and valleys and matures in 80 to 120 years. This park-like tree is planted as an ornamental for its attractive leaves, flowers, and cucumber-shaped fruit, producing seeds that are eaten by birds and small mammals. Its shape is pyramidal when young, developing a straight trunk and a rounded crown.

***EASTERN RED OAK (Quercus rubra) Height: 50-70'; Spread: 40'+.**
This tree grows faster than any other Oak, two feet or more per year. It is prized as a street tree because its high branching habit gives it an ideal shape. The Red Oak grows in almost any average soil and presents no special maintenance problems.

***GINKGO OR MAIDENHAIR TREE (Ginkgo biloba) Height: 40-80'; Spread: 30'+.**
The Ginkgo is a tree which is recommended for several outstanding reasons. It is one of the oldest surviving species of trees. It is adaptable to any soil, climate, or degree of exposure to the sun. It does quite well in the city. It has no pests, no diseases, and no pruning requirements. In sum, it is a tree of exceptional vitality. The N.C. Department of Forest Resources calls the Ginkgo, probably the best all around street tree. Two reservations are worth stating, however. First, only male trees should be planted because female Ginkgos bear a messy, malodorous fruit. Second, the Ginkgo is a slow grower. When young, it has a rather gangly appearance. It takes 20 to 30 years to assume its mature, symmetrically spreading form.

***LAUREL OAK (Quercus laurifolia) Height: 40-60'; Spread: 30'+.**
The Laurel Oak grows more slowly than the other Oaks listed above, but it has the advantage of being nearly evergreen in Piedmont sections of North Carolina. It has proven to be a good street tree and does quite well under city conditions. It presents no special maintenance problems.

POST OAK (Quercus stellata) Height: 40 to 50 feet; Spread: 35 to 50 feet
Post oak is a small to medium-sized tree with a crown that has snarled and twisted branches and found on upland sites with full sun. This slow-growing drought resistant oak typically occupies rocky or sandy ridges and dry woodlands with a variety of soils. Acorns provide high-energy wildlife food during fall and winter for wild turkey, white-tailed deer, and squirrels, and provide habitat for birds and mammals. Post oak can be a beautiful shade tree for parks and to stabilize soil on dry, sloping, stony sites where few other trees will grow. It develops an attractive crown with strong horizontal branches.

***SCARLET OAK (Quercu Coccinea) Height: 60-80'; Spread: 40'+.**
This is a third Oak which grows rapidly and is easy to maintain. The Scarlet Oak is more difficult to transplant than the Red or the Willow, but it may be a worthwhile selection for its excellent foliage

SOUTHERN CATALPA (Catalpa bignonoides) Height:25 to 40 feet; Spread: 20 to 30 feet
Catalpa is a medium-sized tree with spreading branches, an irregular crown, and generally crooked bole that is suited to moist, well-drained soils with full sun. The flowers and leaves make this an interesting landscape tree but the fruit can be messy.

SOUTHERN SUGAR MAPLE (Acer saccharum; A. barbatum) Height: 20 to 25 feet; Spread: 20 to 40 feet
Sugar maple grows on moist, well-drained soils and is very tolerant of shade. Seeds are eaten by birds and small animals. A popular ornamental for the fall color, Sugar Maple at maturity is a medium to tall tree with very dense elliptical crown.

SWAMP CHESTNUT OAK (Quercus michauxii) Height: 60 to 70 feet; Spread: 50 to 70 feet
Swamp chestnut oak grows in full sun on moist and wet loamy soils of bottomlands, along streams and borders of swamps, tolerates saturated or flooded soils for a few days to a few weeks. The acorns are sweet and serve as food to wildlife. The crown is round, compacted, and narrow.

SWAMP WHITE OAK (Quercus bicolor) Height: 50 to 60 feet; Spread: 50 to 60 feet
Swamp white oak is a medium sized tree with an irregular crown suitable to river bottomlands, depressions, swamp borders, and along edges of streams. It is rapid growing and long lived, attaining 300 to 350 years. Many kinds of wildlife eat the acorns, particularly ducks. Swamp white oak is intermediate in shade tolerance but not very drought tolerant.

SYCAMORE (Platanus occidentalis) Height: 70-100'; Spread: 60'+.
The Sycamore is probably the fastest growing shade tree on this list. Within ten years, it can grow to a height of between thirty and forty feet. It is easily transplanted, but it needs plenty of space. As one of nature's most massive trees, Sycamores have been known to grow to a height of 170 feet with a trunk 10 feet across. The Sycamore is a native tree which typically grows in flood plains, but it thrives in a variety of situations. Its tolerance of severe conditions has long made it a favorite choice as a street tree. Sycamores are susceptible to fungi and leaf blight and their large leaves and seed balls may present a litter problem.

***TULIP POPLAR (Liriodendron tulipifera) - Height 60'-150'; Spread 30-40'.**
Very common in eastern woodlands, this is a rapidly growing tree with colorful yellow leaves in Fall. Spring flowers, however, are not very noticeable. Difficult to transplant except when young. Excellent street tree.

WHITE OAK (Quercus alba) Height: 60 to 100 feet; Spread:50 to 90 feet
White oak is found on fertile, moist, well-drained soils under partial sun. Acorns are eaten by game birds, deer, bear, and many small mammals. Pyramidal in youth, this species matures into a rugged, irregular crown that is wide spreading, with a stocky bole. While this species is potentially valuable for use in reforestation projects, it is not recommended near paved areas.

***WILLOW OAK (Quercus phellos) Height: 60-80'; Spread: 30'+.**
This is another rapidly growing Oak. It has proven to be quite successful as a street and parking lot tree in the Carrboro area. Its slender leaves give it a finer texture than that of other Oaks, but it still casts excellent shade. The Willow Oak is native to bottomland soils, and thus it needs plenty of moisture. It often spreads majestically as it matures so it should be given ample room to grow. No significant pests or diseases afflict the Willow Oak.

E-14 Small Shrubs for Evergreen Screening (Amended 6/22/04)

The following shrubs are recommended for informal (unclipped) hedges or screens. Each species grows to a height of less than six feet; therefore, these shrubs are appropriate for Semi-Opaque Screens.

CAROLINA JESSAMINE* (Gelsemium sempervirens) - Height up to 20'; Spread varies.
A moderate growing, mostly evergreen vine that grows very well on fences. Fragrant yellow flowers in springtime. Prefers sun or partial shade. All parts of this plant are poisonous.

CONVEXA JAPANESE HOLLY (Ilex crenata 'convexa') Height: 4-6'; Spread: 3-5'.
The Convexa Japanese Holly is another good Boxwood substitute. This shrub is considered to be one of the most attractive, hardy and serviceable Hollies for landscape use. It is attractive in either a clipped or unclipped form. It grows faster than the Littleleaf Japanese Holly.

DWARF HORNED HOLLY (Ilex cornuta 'rotunda') Height: 3'; Spread: 3-4'.
This shrub is an excellent selection for a low hedge. It is soil tolerant and requires no pruning or other special care once established. With its spiny leaves, this plant appears to be and is in fact rugged. Like all Hollies, it grows best in full sun, but unlike others of its species, it produces bright red berries without both sexes being present.

GLOSSY ABELIA (Abelia grandiflora) Height: 4-6'; Spread: 3-5'.
Abelia is quite common in local nurseries and tends to be less expensive than other shrubs on this list. It bears pale pink flowers throughout the summer. Although it has proven quite popular for informal hedges, it has several drawbacks. Abelia should be pruned and thinned to maintain its best form. It may drop its leaves due to low temperatures, lack of pruning, or starvation.

INDIAN HAWTHORN (Raphiolepis indica) Height: 3-4'; Spread: 4-5'.
With its spreading, irregular branching, the India Hawthorn makes an excellent informal hedge. It is tolerant of a variety of soils and is fairly drought resistant. However, it may not be as cold tolerant and pest resistant as other shrubs on this list.

JAPANESE YEW (Taxus cuspidata) Height: 4-6'; Spread: 5-7'.
The versatile Yew is commonly available from local nurseries in a wide variety of sizes and shapes. The Japanese Yew serves as excellent screening material in either a clipped or unclipped form. It tolerates poor growing conditions and flourishes in almost any kind of soil. (Soggy soil may hamper its growth, however.) It is comparatively pest free and is hardy under trying winter conditions. The Yew's best feature is its rich shiny green needles which grow densely on all varieties.

OTTO LUKEYN LAUREL (Prunus laurocerasus var. 'Otto Lukeyn') - Height 4'; Spread 4-7'.
A cold hardy, broad leaved evergreen shrub. Prefers sun, but will grow in fairly shady conditions. Good green color even in winter. This is a shorter growing variety of the Schipka Laurel.

POET'S LAUREL (Danae racemosa) Height: 2 to 3 feet; Spread: 2 to 3 feet
Poet's Laurel prefers partial to full shade, moist, well-drained soil enriched with organic matter; but does tolerate clay soils. It has an open growth habit with slender branches that arch up and away from center of crown. It can spread by rhizomes. While foliage discolors in sun; it can be long-lasting for flower arrangements.

TRUMPET HONEYSUCKLE* (Lonicera sempervirens) - Height up to 50'; Spread varies.
A rapid growing, mostly evergreen vine with beautiful orange to red to yellow flowers occurring in late spring and throughout the summer. Best in full sun.

WARTY BARBERRY (Berberis verruculosa) Height: 3-4'; Spread: 3-4'.
Barberrys as a group have proven to be excellent as hedge plants. With their dense, spiny limbs, they are effective barriers in public places. The Warty Barberry is a shrub with a neat, compact habit. It is soil tolerant and has no special maintenance requirements. It grows slowly, but it will reach a height of 3 to 4 feet within five years.

WINTERBERRY HOLLY (Ilex verticillata) Height: 6 to 15 feet; Spread:6 to 10 feet
With a slow to moderate growth rate, this species is suited to partial to full sun on moist soils, but can tolerate drought. Early summer brings small white flowers that mature into dense clusters of bright red berries.

WINTERGREEN BARBERRY (Berberis julianae) Height: 4-6'; Spread: 2-5'.
This is another Barberry which forms an impenetrable thorny hedge. In fact, it grows even more densely than the Warty Barberry. It is pest resistant and is very hardy. No pruning is required. Because it is fairly slow growing, it will take eight to ten years to reach a height of 5 to 6 feet.

Note: * Vines - which if grown on a trellis would make a nice evergreen screen.

E-15 Large Shrubs for Evergreen Screening (Amended 6/22/04)

The following shrubs are recommended for high hedges or screens. Each species grows to a height of more than 6 feet; therefore, these shrubs are appropriate for Opaque Screens.

ANISE BUSH (Illicium anisatum) - Height 8-12'; Spread 8-10'.
moderate growing, evergreen shrub with an open habit. Small flowers appear in mid-Summer. Prefers a fair amount of moisture, with partial to full sun. Subject to damage during very cold winters.

CAROLINA CHERRY-LAUREL (Prunus caroliniana) Height: 20-30'; Spread: 15-20'.
This tree is prized for its dense evergreen foliage. It may be trimmed as a hedge, but also serves as an excellent screen in its natural form. The Cherry-Laurel grows rapidly and has no pests. However, it may not be as cold hardy as other trees on this list.

CLEYERA (Cleyera japonica) - Height 8-10'; Spread 5-6'.
A slow-moderate growing evergreen shrub. Its new foliage is reddish in color, like the Photinia. However, unlike the Photinia, Cleyera is much more disease resistant and thus a better option. Prefers shade or partial shade, with moist, but well drained soil.

ENGLISH LAUREL (Prunus laurocerasus) - Height 10-12'; Spread 8-11'.
A large leaved, evergreen shrub with moderate growth. Prefers well drained soils. Grows best in sun or partial shade, but will survive in shade. Cold hardy. Makes an excellent evergreen screen.

FORTUNE TEA OLIVE (Osmanthus fortunei) Height: 9-12'; Spread: 5-7'.
This Osmanthus hybrid is a popular, though non-descript, shrub. With its vigorous growth, it will form an excellent screen or border. It is soil tolerant. The Fortune Tea Olive is most notable for its inconspicuous yet highly fragrant flowers.

LOBLOLLY BAY (Gordonia lasianthus) Height 30 to 60 feet; Spread 10 to 15 feet
Loblolly-bay is a small to medium-sized native, evergreen tree that grows on acid soils in flat woodlands or shallow depressions with little or no slope, slow runoff, and poor to very poor drainage. It has a narrow crown and straight trunk.

LOROPETALUM (Loropetalum chinese) - Height 6-10'; Spread 8-9'.
Fast growing evergreen shrub with colorful Spring flowers. Prefers sun or partial sun, in moist, but well drained soil. Excellent substitute for Photinia. Variety 'rubrum' has purplish leaves.

RED BAY (Persea borbonia) Height: 15 to 40 feet; Spread 10 to 20 feet
Redbay is an attractive aromatic evergreen tree suitable for sites with partial to full sun and prefers drier soils. Birds and small mammals eat the fruit.

SCHIPKA LAUREL (Prunus laurocerasus 'schipkaensis') - height 6-8'; spread 3-5'.
A cold hardy, broad leaved evergreen shrub. Prefers sun, but will grow in fairly shady conditions. Good winter color.

SOUTHERN WAX MYRTLE (Myrica cerifera) Height 40 feet; Spread 20 to 25 feet
Southern wax myrtle is an erect, shade tolerant, ornamental, evergreen, small tree or shrub. Its flat leaves are aromatic when crushed and may repel. Underground runners extend the growth laterally and root nodules are capable of atmospheric nitrogen fixation.

YAUPON HOLLY (Ilex vomitoria) Height: 5-15'; Spread: 6-12'.
This is another versatile Holly, slower growing than the Burford, but equally as adaptable to adverse conditions. It is a native shrub which has proven to be one of the most drought resistant of all Hollies. It may be clipped to maintain any desired height. The Yaupon Holly is very heavily fruited and will attract birds.

E-16 Assorted Plantings for Broken Screens (Amended 6/22/04)

The following is a sampling of shrubbery which would be appropriate in a Broken Screen. Because many of these plants are deciduous, they are not suitable for Opaque and Semi-Opaque Screens. (Note: Many of the evergreen shrubs described in planting lists E-14 and E-15 are also suitable for Broken Screens.)

AZALEAS (Rhododendron calendulaceum (Flame); R. nudiflora & R. periclymenoides (Pinxterbloom); R. prunifoloium (Plumleaf)) Height 3 to 10 feet; Spread 4 to 8 feet.
These three azaleas are excellent naturalizing plants that do not require a lot of space. With great orange, pink, and red colors, these species attract hummingbirds and butterflies. Good for sites with full sun to part shade with medium moisture on well-drained soils with a southwest aspect.

BEAUTYBERRY (Callicarpa americana) - Height 6'.
Very colorful deciduous shrub with springtime flowers, followed by purple fruit which lasts into winter. Prefers full sun.

***BLUEBERRY (Vaccinium ashei) - Height 4-6'; Spread 3-5'.**
Also known as Rabbiteye blueberry, this is a heat tolerant, native shrub. White flowers in springtime followed by blue fruits that birds enjoy. Has a moderate growth rate. This shrub prefers well drained, acid soil.

***BORDER FORSYTHIA (Forsythia intermedia) Height: 8-10'; Spread: 7- 10'.**
Forsythias are well known shrubs which bloom bright yellow quite early in the Spring. There are two commonly available forms of this shrubs: the weeping Forsythia suspensa and the more upright Forsythia intermedia. The latter is preferred for screening purposes. With its graceful branches, the Border Forsythia presents a good deciduous foliage mass and should be given plenty of room to grow. It transplants easily and withstands poor growing conditions. It should be thinned occasionally to ensure vigorous growth.

BUTTON BUSH (Cephalanthus occidentalis) Height: 6 to 10 feet Spread: 6 to 10 feet
Buttonbush is a deciduous, warm-season, tall shrub or small tree that grows along swamps, marshes, bogs, ditches, and other riparian areas that are seasonally inundated for at least part of the year. Its base is often swollen, with green branches when young but turns brown at maturity. Tiny, white flowers occur in dense, spherical clusters at branch ends attract bees and butterflies with fruits arranged in a round cluster of brown, cone-shaped nutlets.

CAROLINA ALLSPICE OR SWEETSHRUB (Calycanthus floridus) - Height 6-9'; Spread 5-8'.
This is a deciduous shrub native to the Southeast. Fragrant, maroon flowers appear in late Spring. Takes sun or shade.

CAROLINA ROSE (Rosa carolina) Height 3 to 6 feet Spread: 5 to 10 feet
Best grown in average, medium-wet to wet, well-drained soil in full sun. Fragrant, showy flowers attract birds and butterflies, but this plant does have thorns.

CLETHRA (Clethra alnifolia) - Height 10'.
Another native of the Eastern United States, Clethra has fragrant white flowers in late Summer. Grows well in acid soils. Full sun, however in the Piedmont it would do best with some shade. Varieties are available with pink flowers.

COMMON WITCH HAZEL (Hamamelis virginiana) Height: 8-15'; Spread 7-14'.
This shrub is a larger version of Vernal Witch Hazel with many of the same qualities. It is another native woodland plant which has adapted well to landscaping uses. The Common Witch Hazel is recommended for shady areas, but when planted in the sun it grows to be a splendid well rounded specimen. It is especially useful in large areas.

DROOPING LEUCOTHOE (Leucothoe fontanesiana) Height: 3-4'; Spread: 4-6'.
Drooping Leucothoe is a moundlike shrub which is good for planting in front of and between other flora and beneath trees. It is hardy in city conditions and gives a natural effect when planted along borders. This native evergreen is graceful and attractive in all seasons. It is easy to transplant but requires a heavy mulch and should be provided with at least partial shade. Old branches should be pruned occasionally to stimulate new growth.

FRINGETREE (Chioanthus virginicus) Height: 10-30'; Spread: 8-10'.
The Fringetree is known for its profusion of beautiful flowers. It is considered to be one of the most striking native American shrubs. It is relatively difficult to transplant, but once established it does well in cities as it endures heavy smoke and dust. The mature Fringetree's only drawback is that its leaves appear rather late in the Spring.

JAPANESE BARBERRY (Berberis thunbergii) Height: 3-5'; Spread: 3- 5'.
This extremely common deciduous shrub is considered to be one of the toughest members of the Barberry family. It survives drought, poor soils, exposures, and the worst city conditions. With its many thorns, the Japanese Barberry is often used as an impenetrable barrier, but it is attractive enough to stand alone as a specimen plant. It requires no special maintenance and,when planted singularly, needs no pruning.

JAPANESE FLOWERING APRICOT (Prunus mume) - Height 15' (tree).
Deciduous tree with small, but profuse flowers that have a spicy fragrance. Blooms in February or March. Varieties are available with pink, red, or white flowers. Prefers full sun or partial shade.

OAKLEAF HYDRANGEA (Hydrangea quercifolia) - Height 4-6'; Spread 3-5'.
Deciduous shrub with large, white flower clusters during the Summer. Colorful crimson foliage in Fall. Makes an excellent specimen plant.

SMOKETREE (Cotinus coggygria) - Height 10-15'; Spread 8-14'.
Large shrub or small deciduous tree with attractive round leaves. Colorful lavender panicles appear in Summer. Prefers well drained soil, but otherwise does well in poor soils. Full sun is best for this shrub.

STAR MAGNOLIA (Magnolia stellata) Height: 10-12'; Spread: 8-10'.
This handsome specimen shrub is considered to be the hardiest of all the Magnolias. It forms a broad, rounded mass. It becomes tree-like with age but continues to branch to the ground. Early in the spring, it produces numerous fragrant white flowers. The Star Magnolia should not be planted adjacent to shallow rooting trees. It should be allowed plenty of sun.

SUMAC (Rhus copallina (Shining); R. glabra (Smooth) R. typhina (Staghorn)) Height 7 to 40 feet; Spread 9 to 20 feet
These species are perennial, deciduous, sun-loving, thicket-forming shrubs or small trees with branches that tend to be fairly sparse and stout. Sumac does well on dry to medium moisture sites. The tart fruits are eaten by birds and are very tart in taste. These species provide good fall color.

****** SWAMP WHITE OAK (Quercus bicolor) Height: 50 to 60 feet; Spread: 50 to 60 feet**
Swamp white oak is a medium sized tree with an irregular crown suitable to river bottomlands, depressions, swamp borders, and along edges of streams. It is rapid growing and long lived, reaching 300 to 350 years. Many kinds of wildlife eat the acorns, particularly ducks. Swamp white oak is intermediate in shade tolerance but not very drought tolerant.

VERNAL WITCH HAZEL (Hamamelis vernalis) Height: 4-6'; Spread: 2- 3'.
This rapidly growing native shrub is excellent for bordering and naturalizing. It assumes a dense, upright form, thriving in even the most polluted air. Other than plenty of watering, the Vernal Witch Hazel requires no special maintenance.

******Viburnum (Viburnum prunifolium; V. dentatum) Height: 12 to 15 feet; Spread: 8 to 12 feet**
Black Haw is a small tree with twisted trunk and arching branches with an overall round crown appearance. Does best on partially sunny sites on moist, well-drained soils.

E-17 List of Invasive Plant Species (AMENDED 6/22/04; 6/22/10)

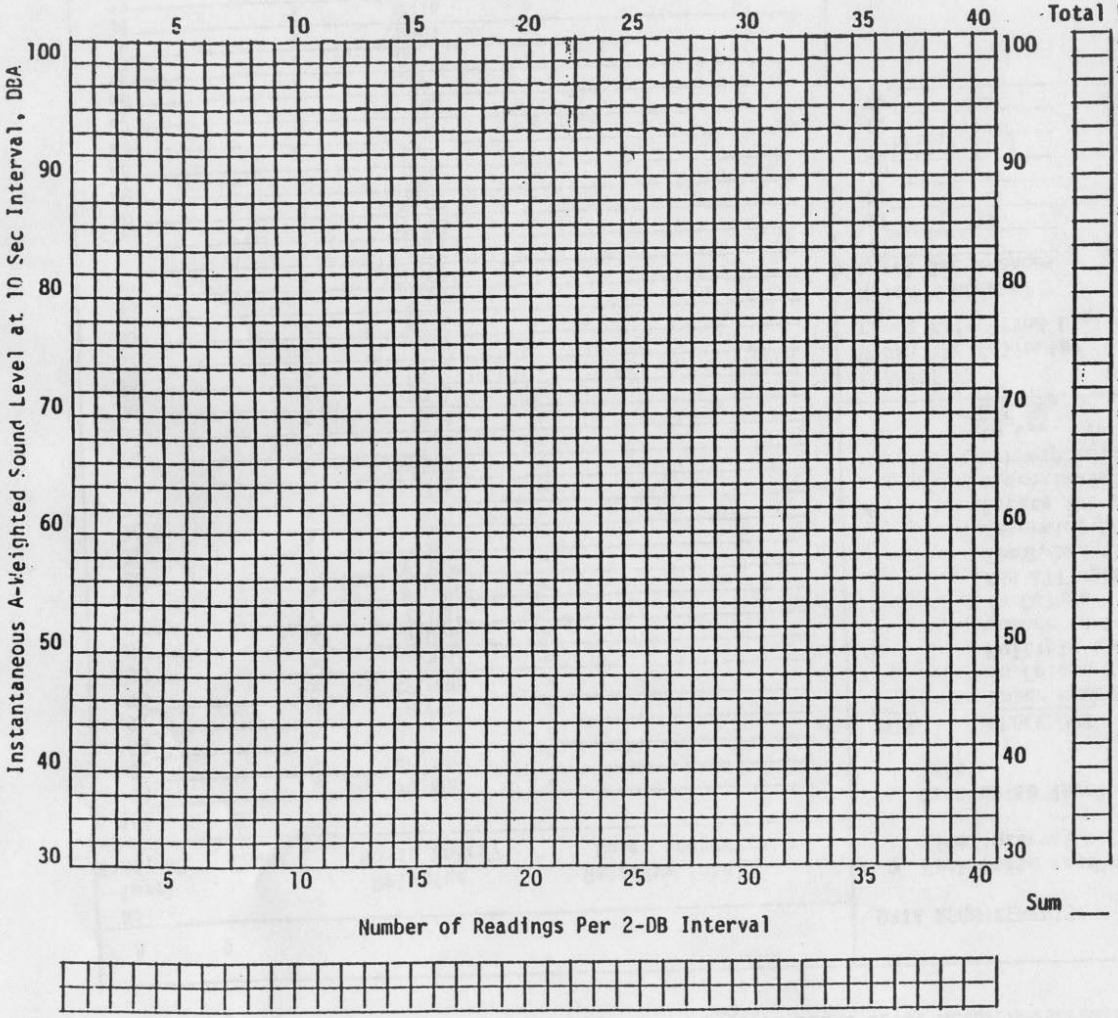
The following plant species shall be prohibited when complying with the shading and screening provisions of this chapter and shall not be shown on any plans submitted in support of a Land Use Permit application. Further information on invasive pest plants that applicants may wish to avoid may be found on the website for the North Carolina Native Plant Society.

Plant Type: A=Aquatic, H=Herbaceous, W=Woody Plant

Species (Latin)	Common Name	Type
Ailanthus altissima	Tree of Heaven	W
Albizia julibrissin	Mimosa	W
Alliaria petiolata	Garlic-Mustard	W
Celastris orbiculatus	Asian Bittersweet	W
Eleagnus angustifolia	Russian Olive	W
Eleagnus umbellata	Autumn Olive	W
Hedera helix	English Ivy	W
Hydrilla verticillata	Hydrilla	A
Lespedeza bicolor	Bicolor Lespedeza	W
Lespedeza cuneata	Sericea Lespedeza	H
Ligustrum sinense	Chinese privet	W
Lonicera fragrantissima	Bush Honeysuckle	W
Lonicera japonica	Japanese Honeysuckle	W
Microstegium vimineum	Japanese Stilt-grass	H
Murdannia keisak	Asian Spiderwort	H
Myriophyllum aquaticum	Parrotfeather	A
Paulownia tomentosa	Princesstree	W
Phragmatis australis	Common Reed	H
Polygonum cuspidatum	Japanese Knotweed	H
Pueraria montana	Kudzu	H
Rosa multiflora	Multiflora Rose	W
Salvinia molesta	Aquarium water-moss	A
Wisteria sinensis	Chinese wisteria	W

Appendix F- COMMUNITY NOISE MEASUREMENT DATA SHEET

SITE No._____ PACKET No._____ CLUSTER_____ AREA_____



Location_____ _____

Operators_____

Date___ DAY M TU W TH F SAT SUN

TIME___ AM/PM TO_____ AM/PM

WIND SPEED____ KM/H (___MPH)

AIR TEMPERATURE_____ °C (___°F)

MASTER CHECK ( )

BATTERY: OK___ REPLACED_____

SETTINGS: A____ SLOW_____

CALIBRATIONS: SET TO__DB. END__DB

MISCELLANEOUS (After Data Coll.)

Background Noise Sources_____

Unusual Situations or Interferences:_____

Comments_____

DESCRIPTION	EVALUATION
__V. QUIET	__V. ACCEPT.
__QUIET	__ACCEPTABLE
__M. QUIET	__M. ACCEPTABLE
__NOISY	__UNACCEPTABLE
__V. NOISY	__V. UNACCEPT.

Code for identifiable Simple noise sources

TRANSPORTATION	MACHINERY
E__EMER. VEH.	C__CONSTRUCTION
G__GEN. AVIA.	Y__YARD MAINT.
J__JET	F__FACTORY
H__HELICOPTER	Q__HOUSEHOLD
R__RAILROAD	
T__TRUCK	OTHER
A__AUTO	D__DOOR
B__BUS	P__PEOPLE NOISE
M__MOTORCYCLE	X__UNIDENTIFIABLE
S__SERVICE VEH.	
V__OFF RD.VEH.	

FURTHER COMMENTS:_____

Computational Work Sheet to Hand-Calculate L_{eq} from Sound Level Meter Measurements Recorded on Data Log

A	B			
Noise Level Band, dB	Count		Relative Noise Energy	Relative Total Noise Energy
100				
98		x	79,400	=
96		x	50,100	=
94		x	31,600	=
92		x	20,000	=
90		x	12,600	=
88		x	7,910	=
86		x	5,010	=
84		x	3,160	=
82		x	2,000	=
80		x	1,260	=
78		x	794	=
76		x	501	=
74		x	316	=
72		x	200	=
70		x	126	
68		x	79.4	
66		x	50.1	
64		x	31.6	
62		x	20.0	
60		x	12.6	
58		x	7.94	
56		x	5.01	
54		x	3.16	
52		x	2.00	
50		x	1.26	
48		x	.79	
46		x	.501	
44			.316	
42		x	.200	
40		x	.26	=
38		x	.0294	=
36		x	.0501	=
34		x	.0316	=
32		x	.0200	=
30		x	.0126	=

SUM B = _____ SUM D = _____

SUM D/SUM B = _____ L_{eq} = _____

DATA REQUIREMENTS:

- o Each noise reading must be taken at a standard time interval between measurements.
- o Each noise level recorded is the instantanteous level.

STEP	PROCEDURE
1	Enter number of counts per noise level in Column B.
2	Multiply the counts in Column B by the number in Column C and enter the result in Column D.
3	Add all values in Column B to determine Sum B, add all values in Column D to determine Sum D and divide Sum D by Sum B.
4	Locate the value in Column C that is approximately equal Sum D/Sum B. The corresponding value in Column A is equal to L_{eq}. Interpolate to the nearest 0.5 dB.

EXAMPLE

Given the following count date, find L_{eq}

Noise Level	Number of Occurrences
81	
82	11
80	-
78	1111
76	1111 1111 1
74	1111
72	

Using Steps 1 through 4 gives

A	B		C		D
81					
82	2	x	2,000	=	4,000
80	0	x	1,260	=	0
78	5	x	794	=	3,970
76	11	x	501		5,511
74	4	x	316	=	1,264
72	0	x	200	=	0

Sum B= 22 Sum D = 14,745

Sum D/Sum B = 670

L_{eq}= 70 dB

o by linear interpolation in Column C and Column A

APPENDIX G

METHOD FOR CALCULATING POINT VALUES FOR ACTIVE RECREATION FACILITIES

(AMENDED 10/06/87)

The procedure described in Sections (1) to (4) below shall be used in order to determine the value, in recreation points, of any active recreation facilities not already listed in the table of facilities and their point per square foot values included in Section 15-196(b). Whenever such calculations are completed for a new type of facility, that facility type and its associated recreation point value shall be added to the list in Section 15- 196(b).

(1) Determine the normal or typical size, in square feet, of the facility in question. This area should include necessary runoff and/or approach areas, in addition to the space required for the facility itself. For example, the estimated space for a basketball court includes the court itself, and adequate sideline and baseline areas.

(2) If the facility is made up of two or more substantial improved surfaces with a wide disparity of costs, and where one of the surfaces can vary widely in size in relation to the other, then for the purpose of estimating recreation points the facility should be artificially subdivided into two facilities, one for each improved surface. An example of this is the case of a swimming pool and swimming pool patio, which have separate recreation point values called out in Section 15-196(b).

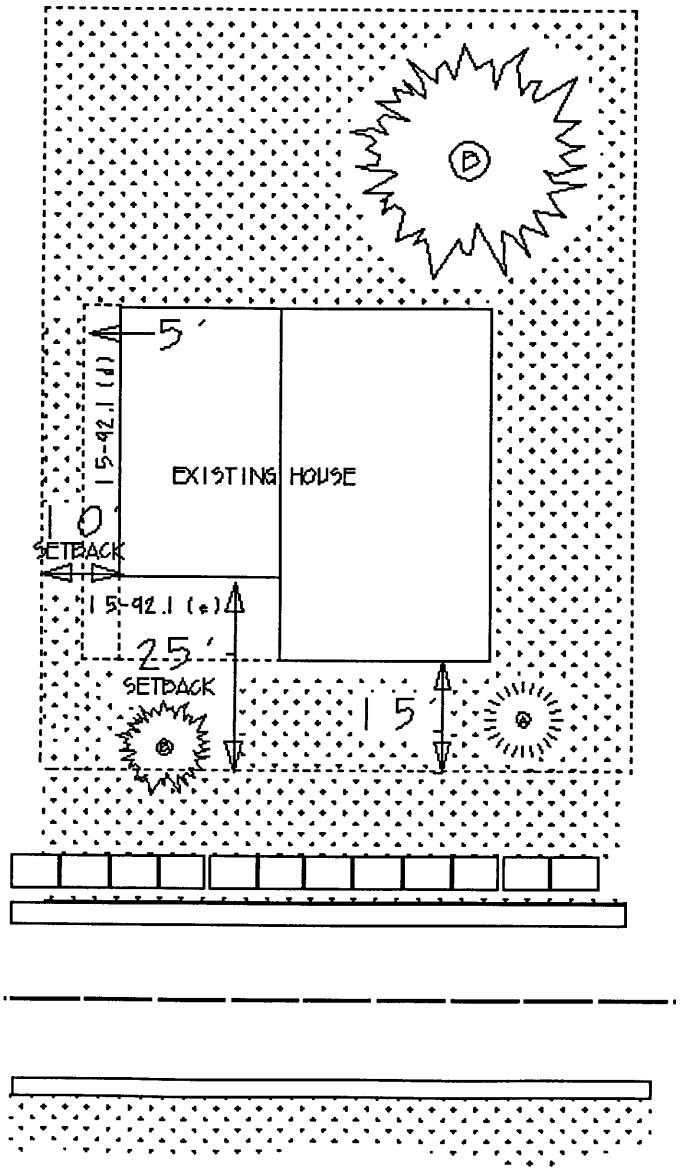
(3) Determine both the land cost for the facility and the facility's construction cost in $1985. During years after 1985, the construction cost component in $1985 is to be calculated by determining the cost in current year's dollars, and adjusting it to $1985 using the annual Consumer Price Index figures for years between the current year and 1985. During years after 1985, the land cost component in $1985 shall be determined by multiplying the total facility land area defined in (1) above by $0.75 per square foot. Add together the land and facility construction costs so calculated, to determine the total cost of the facility in $1985.

(4) Divide the total cost of the facility calculated in (3) above by the total square feet calculated in (1) above to obtain the facility's cost per square foot. Then divided that per square foot cost by 100 to arrive at points per square foot.

APPENDIX H

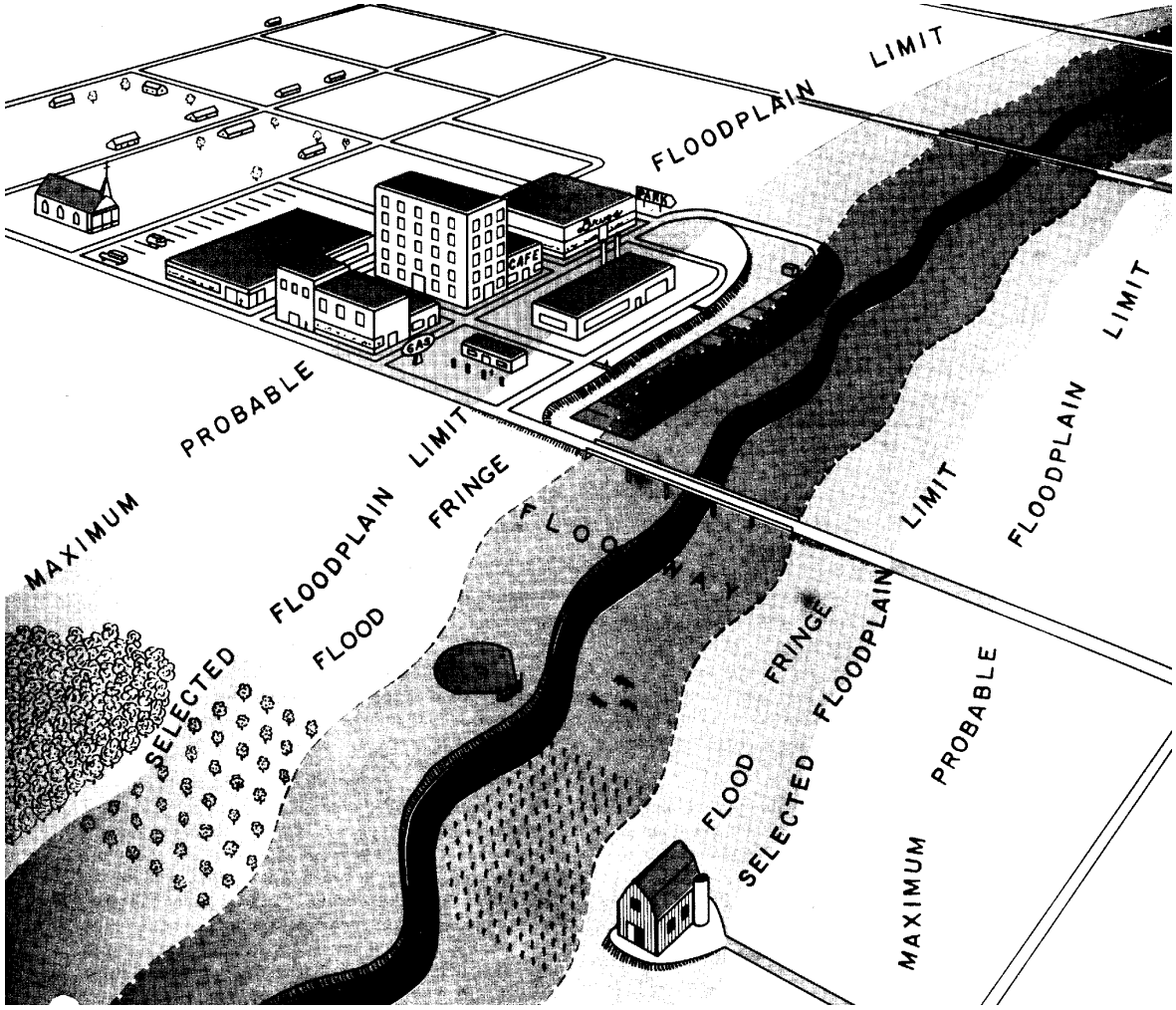
EXAMPLE of SECTION 15-92.1

SPECIAL EXCEPTION



Appendix I

TOWN OF CARRBORO



STORM DRAINAGE DESIGN MANUAL

by:

SUNGATE DESIGN GROUP, P.A.

GENERAL DESIGN STANDARDS AND POLICIES

1. STREET AND LOCAL DRAINAGE

Discharge estimates for specified design storms shall be calculated assuming full development of the contributing watershed based on current zoning or on existing development whichever is greater. Routing of discharges through lakes, ponds, or other impoundments is not acceptable unless the impoundment is publicly owned and operated as a permanent discharge control structure. Diversions of stormwater flow are not acceptable. The Town Engineer must approve any diversion of stormwater, which cannot be avoided.

For review, copies of topographic maps or the equivalent, clearly showing the limits of the site, shall be submitted with the plans. These maps shall extend a minimum of 1000 feet beyond the site boundaries. All off-site drainage areas shall be shown on the topographic maps. All calculations used to compute runoff and storm drainage systems, culvert and detention designs shall be submitted for review.

2. STORM DRAINAGE SYSTEM

All street and local drainage systems, which collect and transport stormwater runoff from the street to an outlet should be designed to pass the 10-year design storm unless more stringent requirements apply. Catch basins in streets shall be designed for spread using the 2-year storm provided a 5-minute time of concentration is used and the remainder of the system is designed for the 10-year storm. For computation of spread, a 4-inch per hour intensity (as allowed by NCDOT) may be used in lieu of the 2-year storm with minimum 5-minute intensity. Inlet capacity at sags shall allow for potential debris blockage by providing twice the required computed opening.

All storm drainage systems shall be analyzed to establish the hydraulic grade line. The hydraulic grade line shall be at least 0.5' below the top of the inlet grate. Each storm drainage structure shall also be checked for inlet control. The recommended HW/D ratio is 1.5 or less. The occurrence of pressure flow in storm drainage systems is not recommended. If pressure flow in the system is proposed, a thorough analysis of pressure flow in the system will be required. In addition the joints in the system will be constructed to withstand the projected pressure without leaking.

No more than 3 cubic feet per second (cfs) shall be discharged over the curb and into the street at any one point and spread shall be checked at that point.

No concentrated flow shall be discharged across walkways. Provisions are to be made to pipe the flow under the walkway.

No pipe shall should be longer than 400 feet without some type structure providing access.

All structures shall allow for access to the storm drainage system with a grate, manhole ring and cover, or lid capable of being removed without mechanical equipment. No "blind boxes" are permitted.

Curb inlets in the roadway should be placed in such a way that the spread of water in the 2-year storm does not exceed one half of a lane width. When the typical section includes a full shoulder or parking lane, no spread encroachment into the travel lane will be allowed.

Inlets should be provided at sags, up-grade of intersections, up-grade of super-elevation crossovers, and where driveways would discharge more than 3 cfs into a street.

A minimum gutter gradient of 0.3 percent shall be utilized. When lesser gutter slopes are encountered (such as at sags), the gutter shall be warped to provide the minimum slope.

NCDOT type E, F, and G (bicycle) grate inlets are allowed in streets. Grates shall be oriented to capture flow.

When development of an area changes the flow regime from sheet flow to concentrated flow, the drainage system should be designed to minimize impacts of the concentrated flow on adjacent properties by tying into existing systems, providing detention, using multiple outlets through agreements with adjacent owners, or other appropriate means.

Minimum drops in inlets, junction boxes and other structures shall be designed and constructed to NCDOT standards.

Where storm drainage lines cross or parallel other utility lines, appropriate clearances shall be provided as required by the appropriate utility or local, state or federal agencies.

A manhole, inlet junction box or other structure allowing for access shall be required at all changes in grade or direction or at any pipe junction. Details shall be provided on the plans for all such structures.

3. CULVERTS

All culverts (conduits which convey flow through the roadway embankment) shall be designed to pass the 25-year storm with HW/D less than or equal to 1.2. Effects of the 100-year storm shall also be analyzed to ensure that:

1) No flooding will occur on upstream off-site properties due to backwater from the culvert.

2) The stability of the roadway embankment will not be compromised due to overtopping.

3) Proposed or existing structures and utilities will not be inundated due to backup of stormwater created by installation of a culvert or other drainage structure.

4) No structures will be constructed on lots within the 100-year flood limits created by backup of stormwater from culverts or other stormwater structures.

Storm drainage pipes in the public or private right-of-way shall be reinforced concrete with a minimum diameter of 15 inches. Pipes utilizing other materials with a service life equal to or greater than reinforced concrete (as determined by an independent testing agent) may be approved by the Town Engineer.

Headwalls plus an appropriate velocity dissipater will be required at the end of all culvert systems (excluding driveway pipes) based on the following table;

END TREATMENT FOR CULVERTS	
18" - 30"	**NO END TREATMENT.**
>36"	**HEADWALL ON UPSTREAM END**

Headwalls are also required if the skew of the pipe is less than 75 degrees or greater than 105 degrees. Skew is defined as the angle from the centerline road line ahead of the end of the pipe on the right-hand side of the road.

All reinforced concrete pipe shall be Class III or higher.

The maximum fill height for Class III RCP with standard bedding is 23 feet. Loading conditions should be evaluated where deep fills or other high loads are expected and the appropriate combination of pipe material, class of pipe, and bedding selected.

Minimum slopes for pipes and open ditches is 0.5%.

Maximum slopes for concrete pipes are 10.0%.

Minimum cover for reinforced concrete culverts is one foot to top of sub grade. Pipes of materials other than reinforced concrete shall have minimum cover conforming to manufacturer's recommendation.

For cross drainage serving 10 acres or more, the maximum depth of the water impounded during the 100-year flood shall not exceed fifteen (15) feet as measured from the upstream invert of the culvert beneath the roadway section to the water surface elevation unless appropriate engineering calculations are submitted verifying the stability of the embankment against slope failure and seepage effects. Any detention facility designed and construction in compliance with the North Carolina Dam Safety Regulations shall be acceptable to the city.

Roads, which cross or parallel creeks serving more than 25 acres of drainage area must have at least 2 feet of freeboard in the 10-year storm and 6 inches in the 100-year storm. If this is impractical, the street may be designed to flood in the 100-year event provided the flooding depth does not exceed 1 foot and substantial erosion protection is provided on the downstream side of the roadway. In "regulated discharge floodplain areas", streets shall be constructed at or above the 100-year flood elevation.

No public roads are to be constructed on dams.

4. OPEN CHANNELS

For open channels, gradual changes in alignment, not to exceed a minimum radius of 4 times the top width of channel is recommend. Where no other options are available, sharper changes in alignment may be allowed under the following conditions.

20 - 45 DEGREES	**Bank stabilization must be provided according to tractive force analysis.**
GREATER THAN 45 DEGREES	**Same as for above but in addition, freeboard equal to or greater than 1/2 of the Q10 depth of flow must be provided utilizing berms or other appropriate means to increase depth of the channel.**

Side slopes for vegetated open channels in residential areas should be no greater than 3 to 1 for stability, safety, and ease of maintenance. Where the channel width must be limited, side slope may be increased if suitable structural stabilization techniques are employed according to following the table and safety measures are utilized. A tractive

force analysis of the channel is also required. Aesthetics and ease of maintenance should also be considered in the design.

MAXIMUM SLOPES FOR COMMON STABILIZATION TECHNIQUES	
STONE	1.5:1
GRID PAVERS	2:1
PAVING *	1:1
GABIONS	VERTICAL
RETAINING WALLS	VERTICAL

*** Note: asphalt channel linings are not allowed.**

5. EASEMENTS

Private drainage easements shall be provided outside of the public right-of-way:

- for all culverts; except private driveway pipes,
- for all new or existing open channels or watercourses,
- below all new or existing pipes and other points of concentrated flow;
- for primary and emergency dam spillways; or
- at other locations deemed appropriate by the Town engineer.

Normally, the easements shall be centered, but offset easements may be permitted by the Town Engineer.

Easements widths may differ from the nominal width below if an engineering study is performed, to the satisfaction of the Town Engineer, which demonstrates that the pipe or channel can be excavated and maintained, meeting all OSHA sloping and other safety regulations, within a different easement width.

Combined easements, with widths as approved by the Town Engineer, are permitted with other utilities.

Private drainage easements containing only storm drainage facilities shall be of sufficient width to provide for access and maintenance and shall be centered over the culvert or watercourse with recommended widths based on the following table

FOR CULVERTS	
0 TO 35 INCHES	20 FEET
36 TO 72 INCHES	40 FEET
72 INCHES AND ABOVE	THE DIAMETER OR WIDTH PLUS 40 FEET
MULTIPLE CULVERTS	THE SUM OF THE DIAMETERS PLUS 40 FEET

FOR OPEN CHANNELS	
0 TO 25 ACRES	15 FEET ON EACH SIDE
25 TO 100 ACRES	25 FEET ON EACH SIDE
= 100 ACRES	DETERMINE FLOOD BOUNDARIES

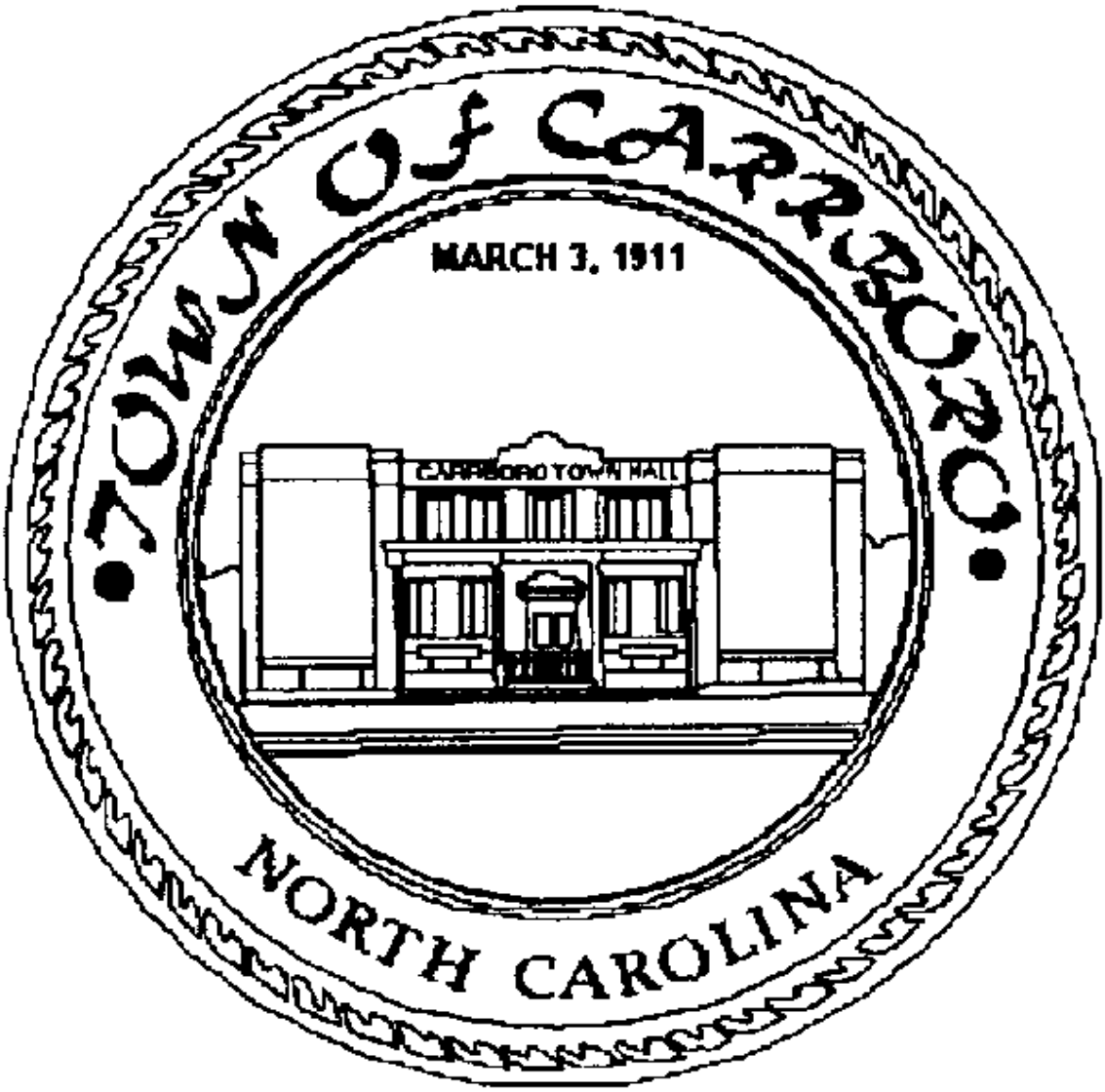
Widths shall be determined from the top of the bank or centerline if no banks are discernible

All drainage easements shall be recorded based on field surveys, following construction, to insure that the drainage structure or watercourse is centered within the easement.

All drainage easements shall be designed to tie into existing easements, existing watercourses, or to other appropriate locations when possible.

6. DETENTION

Detention of stormwater shall be provided in each development so that the peak flow up to and including the post development 25-year storm leaving the site does not exceed up to and including the pre-development 25-year storm peak. This requirement may be varied by the Town Engineer based on existing conditions downstream and the impact, which increased flow in the receiving watercourse, could have on flooding levels. It is recommended that a pre-design meeting with the Town Engineer and the Town Planning Director be held to discuss detention requirements.


TOWN OF CARRBORO
MARCH 3, 1911
CARRBORO TOWN HALL
NORTH CAROLINA

APPENDIX J

NOISE LEVELS [dB(A)] FOR COMMON INDOOR/OUTDOOR SOUNDS

OUTDOOR SOUNDS	dB(A)	INDOOR SOUNDS
	110	Rock Band
Large, Passenger jet landing 370 feet away Large, passenger jet taking off 1000 feet away	100	
Gas lawn mower, 3 feet away		Inside subway train (NYC)
	90	
Diesel truck, 50 feet away		Food blender 3 feet away
Noisy urban area (day)	80	Garbage disposal 3 feet away Shouting - 3 feet away
747 taking off 1000 feet away Commercial area	70	Vacuum cleaner 10 feet away Normal speech 3 feet away
	60	
		Large business office
Quiet urban area (day)	50	Dishwasher, next room
Quiet urban area (night) Quiet suburban area (night)	40	Small theatre/Large conference room (background) Library
	30	
Quiet rural area (night)		Bedroom at night Concert hall (background)
	20	
		Broadcast and Recording Studio
	10	
		Threshold of hearing
	0	

Design and Management Handbook for Preservation Areas

in

Lower Merion Township
Montgomery County, Pennsylvania

by
Andrew Pitz, David Steckel, Holly Harper, Ann Hausmann
NATURAL LANDS TRUST, INC.
Hildacy Farm
1031 Palmers Mill Road
Media, Pennsylvania 19063

and
Margaret Thayer
CONSERVATION ADVISORS
P.O. Box 134
Chadds Ford, Pennsylvania 19317

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Table of Contents

Chapter 1
Introduction 1

Chapter 2
Format for Maintenance & Operation Documents 2

Chapter 3
Design of Preservation Areas and Conservation Easements 3

Chapter 4
Ownership and Easement Options 11
- Individual Ownership 11
- Common Ownership 12
- Nonprofit Ownership 12
- Public Ownership 12
- Mixed Ownership 12
- Contiguous Open Space Parcels 13

Chapter 5
Stewardship Matrix & Guidelines 14
- 5.1 Introduction 14
- 5.2 Stewardship Guidelines 16
  - Section 1: Healthy Native Woodland and Hedgerows 16
  - Section 2: Degraded Woodland and Hedgerows 17
  - Section 3: Healthy Meadow 20
  - Section 4: Degraded Meadow 22
  - Section 5. Healthy Pasture 24
  - Section 6. Degraded Pasture 27
  - Section 7. Old Field/Shrub 30
  - Section 8. Lawn/Landscaped Areas 32
  - Section 9. Formal Gardens 35
  - Section 10. Wetlands 39
  - Section 11. Ponds 41
  - Section 12. Stream Corridors 44
  - Section 13. Historic Resources 45

Chapter 6
List of Recommended Native Plants 47
- 6.1 Shrubs 47
- 6.2 Small Trees 48
- 6.3 Large Trees 48
- 6.4 Sources of Native Plant Materials 49
- 6.5 Planting Guidelines 50

Chapter 7
Recommendations for Monitoring and Enforcement of Preservation Areas 52
- 7.1 Monitoring During the Construction Phase of a Project 52
- 7.2 Long Term Monitoring, Interpretation and Enforcement 53

Chapter 1

Introduction

In 1990, Lower Merion Township passed its Open Space Preservation District Ordinance requiring creation of open space, or Preservation Areas, on every new development over five acres in size in the Township. In order that these areas be properly managed into the future, the ordinance required the preparation and submission of Maintenance and Operation plans. Since the passage of the ordinance a number of such plans have passed through the township approval process. As a result of this experience, the Township decided to clarify the requirement by preparing model Maintenance and Operation documents as an example of what the township expects in these submissions.

Early in 1993, the Natural Lands Trust was retained to prepare these model documents. The Trust had previously reviewed several plans prepared under the Open Space Preservation District Ordinance. In addition, as a result of decades of experience in designing conservation projects the Trust recognized that while developers were making an honest attempt to design projects according to the ordinance, the purpose of conservation was often not being met due to confusion over the best way to achieve conservation goals. In addition, the Trust recognized that some long term mechanisms were needed for monitoring Preservation Areas to ensure that they were, indeed, protected as originally intended.

As the Trust began the project in late winter of 1993, it conducted interviews with a number of parties active in the development process. These interviews reinforced the need for model documents and clarification of design guidelines. It also raised other issues. Looming large among these were the problems that were being encountered during the construction process, namely encroachments on Preservation Areas that were damaging the very resource which was supposed to be protected.

This handbook is therefore intended to meet the following objectives:

1. Guide developers and their consultants in the design of Preservation Areas.
2. Set forth a common format and contents for preparation of Maintenance and Operation documents.
3. Provide guidance in setting management goals and objectives for different types of resources found in Preservation Areas.
4. Give detailed and specific means for restoration and maintenance of resources.
5. Suggest a method for monitoring of Preservation Areas both during construction and over the long term.

Chapter 2

Format for Maintenance & Operation Documents

Maintenance and Operation Documents shall be prepared in the form of an 8 1/2" by 11" written report according to the following outline:

Section 1.0 Executive Summary
A brief summary of the contents of the report focusing on how the existing resource shall be restored and maintained.

Section 2.0 Description of Existing Conditions
A succinct description of resources and site history of the overall site with emphasis on the Preservation Area. *All* resources should be discussed - natural, cultural/historical, scenic and other resources that may be present. Discussion of natural resources should list species found on the site and the overall condition and health of the natural system. Discussion of cultural and historic resources should include the significance or importance of the resource and its physical condition. Other resources should be similarly described and their relative health, condition or significance assessed. Site resources should be discussed with regard to their larger context and the potential to help protect the larger resource by action on a particular site.

Section 3.0 Goals and Objectives for the Preservation Area
List the overall, general goals and specific, measurable objectives to be achieved in the Preservation Area. An example of a goal for a wooded Preservation Area would be to "Maintain the existing healthy forest and restore degraded wooded areas to a healthy condition." An objective might include "Remove all invasive vines in the overstory and 90% of the invasive plants in the understory over a five year period."

Section 4.0 Proposed Restoration Measures
This section will describe the actions, budget and schedule for restoring the resource to a healthy and/or stable condition in accordance with the goals and objectives described in Section 3.0. In the case of a structure this might include physical repair of roofs, walls, etc. In the case of a natural system, such as a woodland, it may include removal of invasive plant and new plantings of native species.

Section 5.0 Maintenance and Operation Plan
A description of the plans for annual maintenance and operation of the Preservation Area specifically describing mowing schedules, invasive plant removal measures, structure upkeep, and other relevant activities.

Chapter 3

Design of Preservation Areas and Conservation Easements

The following guidelines are an attempt to set forward a few general rules that will result in the design of better, more effective Preservation Areas (PA) and will equally apply to the design of conservation easements used to protect PA's.

Guideline 1. Preservation Areas should include the most sensitive resource areas of a property.

Guideline 2. Preservation Areas should be designed as one, large block of land with logical, straightforward boundaries.

Corollary 2.1 - The Preservation Area should cover as few ownerships as possible to limit the difficulty and complexity of future monitoring and enforcement, preferably just **one parcel per project**. If more than one ownership is absolutely unavoidable, then the PA should be configured so that one parcel contains all the sensitive natural area that is present, both to avoid fragmenting the natural system and to ease the burden of monitoring and enforcement.

Corollary 2.2 - Long, thin strips of land should be avoided as PA's unless they are necessary to connect other significant areas or are designed to protect a linear resource that cannot otherwise be protected, e.g., a stream or trail.

Corollary 2.3 - Under no circumstances should PA's extend into small corners of individual lots.

Corollary 2.4 - The boundaries of PA's should be designed to be as simple and short as possible, so they can easily be found in the field and enforced. Where possible, natural boundaries or existing features of the land should be used.

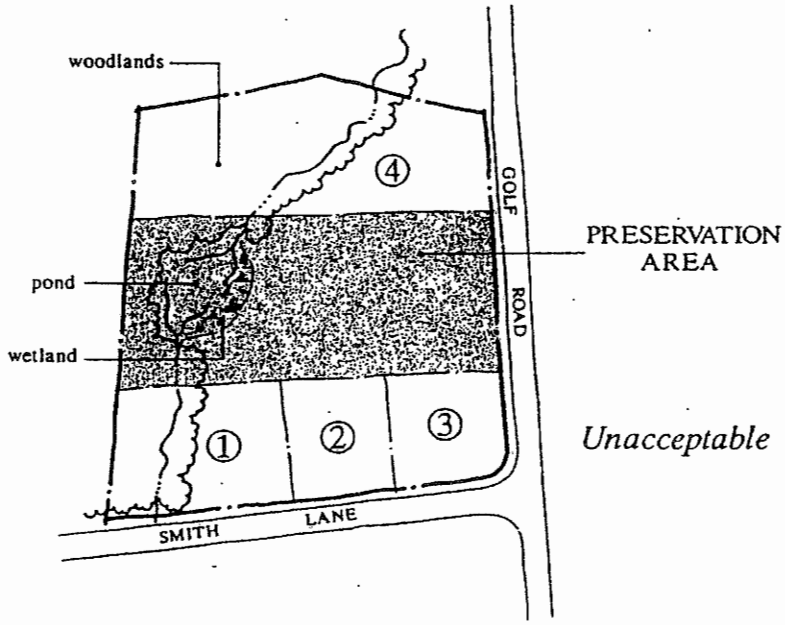
Guideline 3. The PA should be designed as part of a larger continuous and integrated open space system.

Corollary 3.1 - The PA should be contiguous to other protected areas on adjoining lands.

Corollary 3.2 - Where this is not possible, some connection to the other protected areas should be made.

Guideline No. 1

Preservation Areas should include the most sensitive resource areas of the property.



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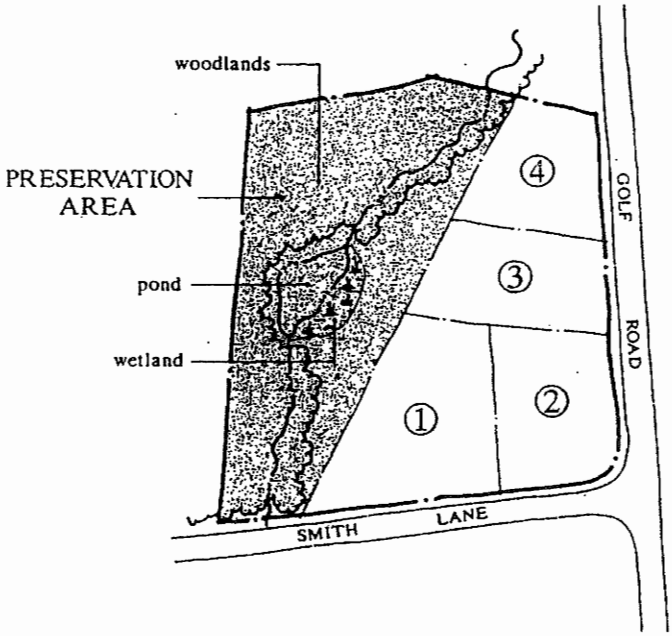

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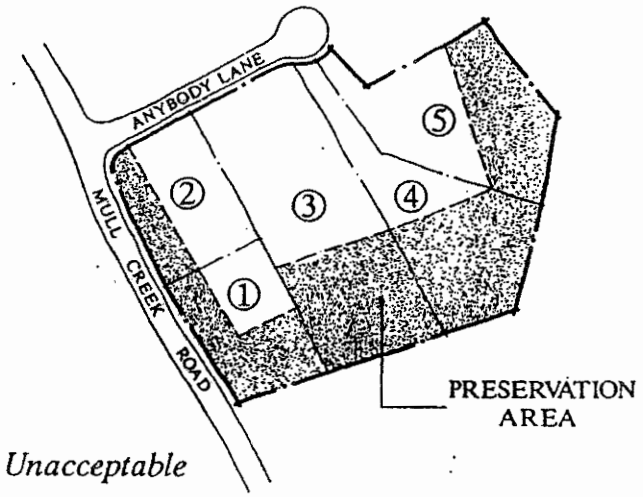

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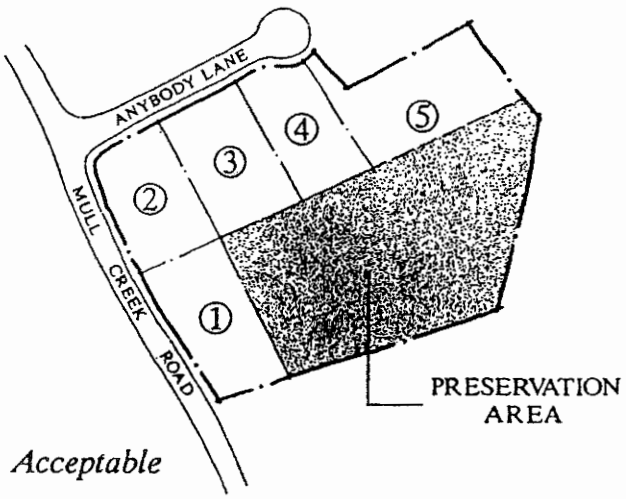

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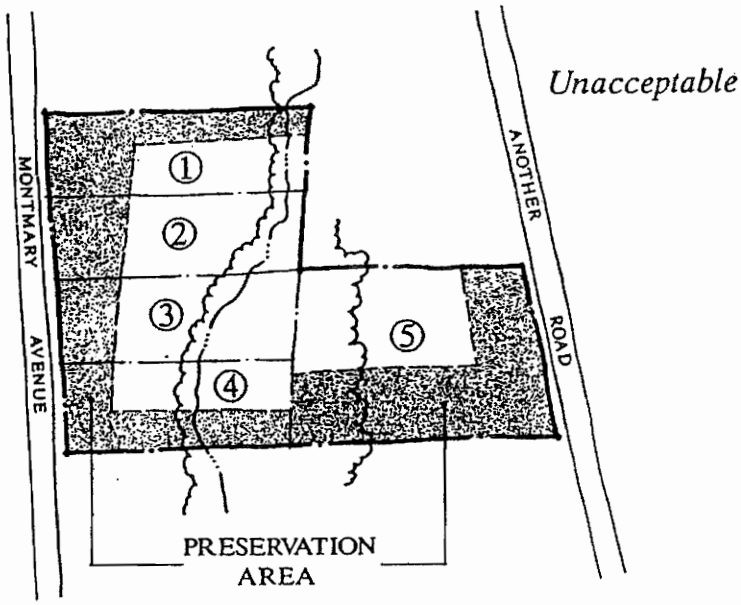

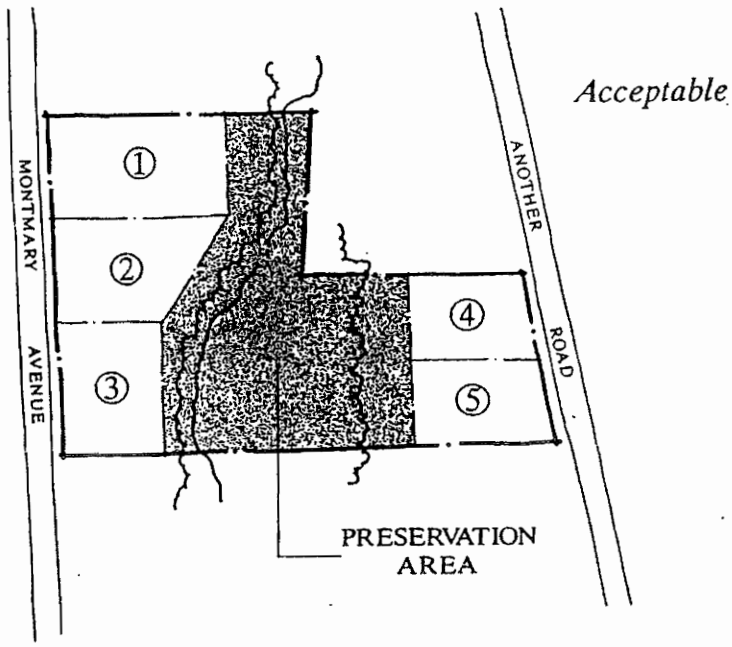

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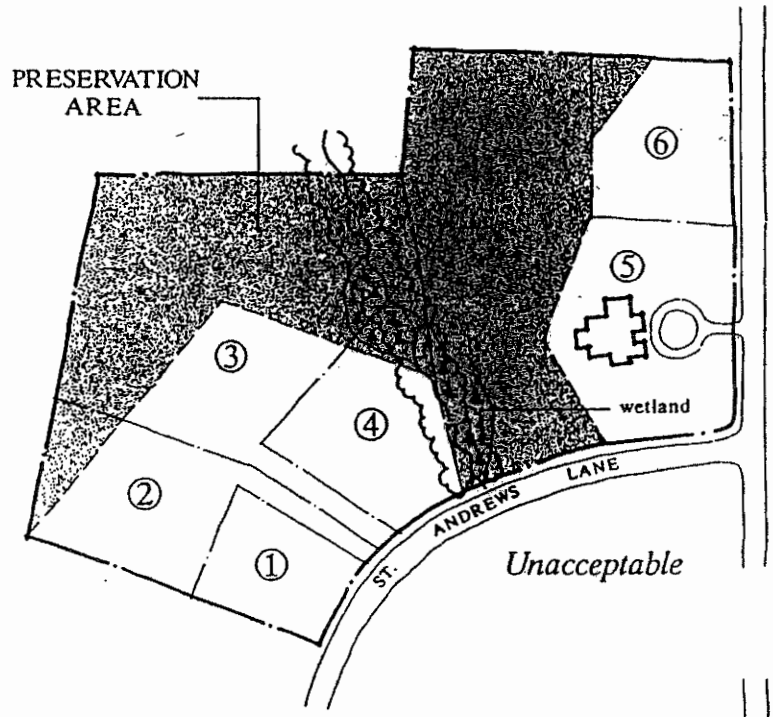

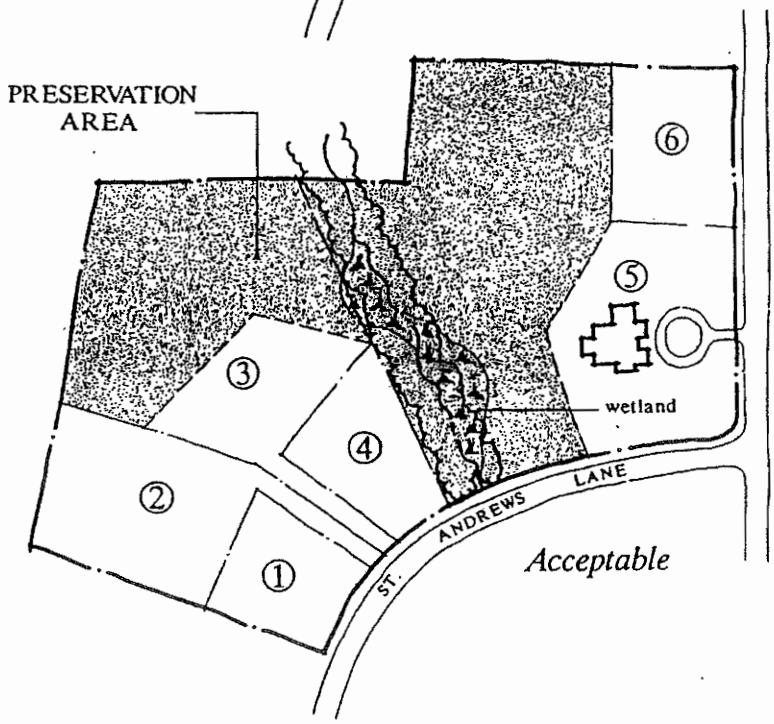

Corollary 2.3

Under no circumstances should Preservation Areas extend into small corners of lots.

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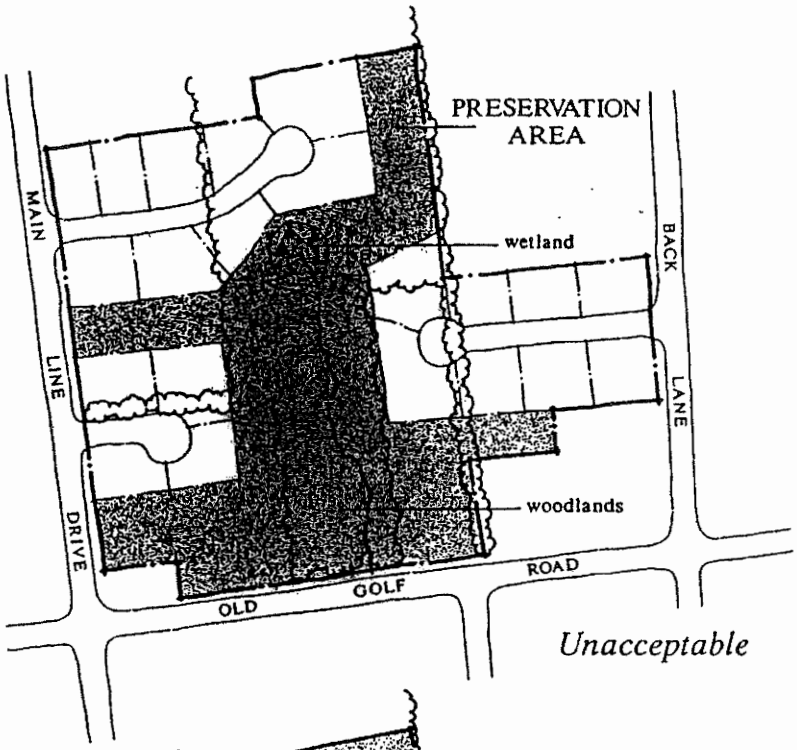
Preservation Areas should be designed as one, large block of land with logical, straightforward boundaries.



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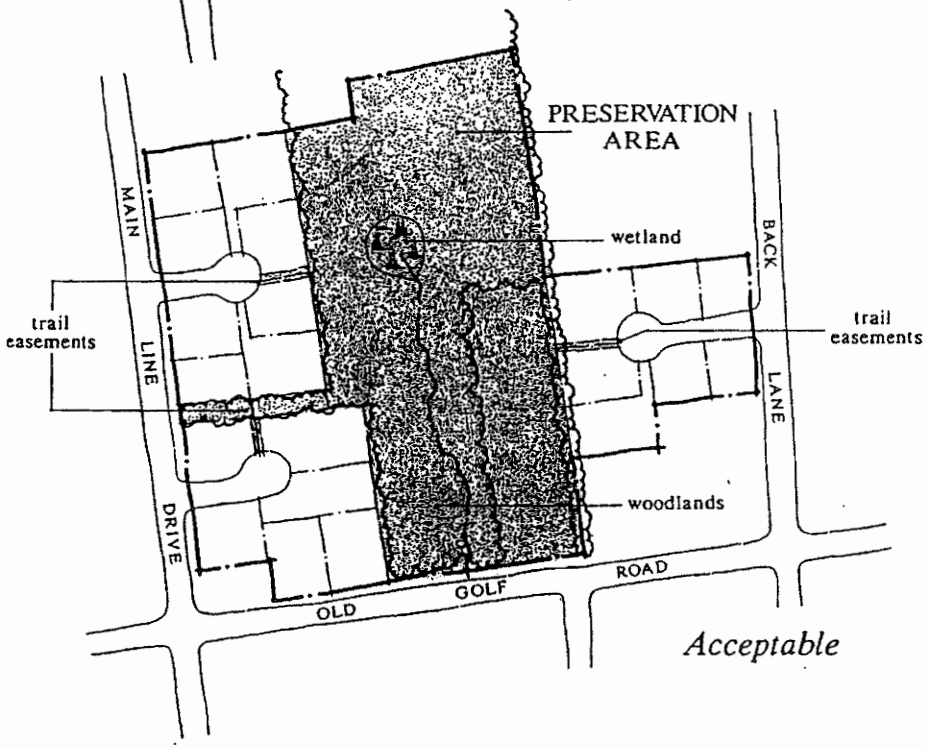

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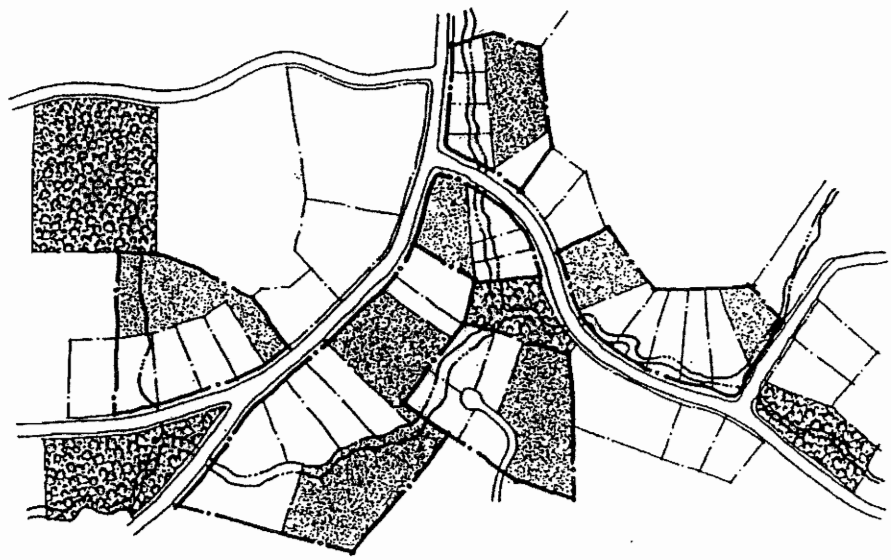
Corollary 2.4

The boundaries of Preservation Areas should be designed to be as simple and short as possible, so they can easily be found in the field and enforced. Where possible, natural boundaries or existing features of the land should be used.

Guideline No. 3

The Preservation Area should be designed as part of a larger continuous and integrated open space system.



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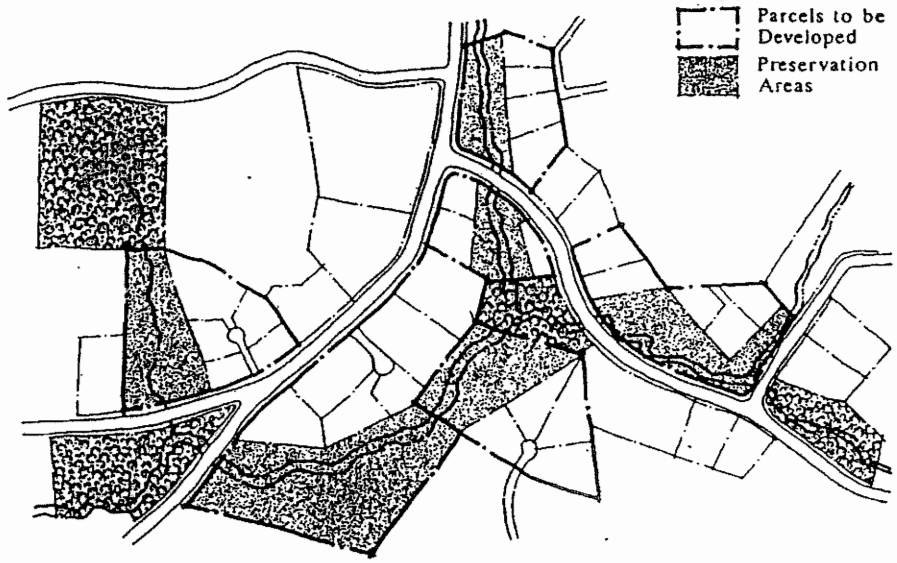

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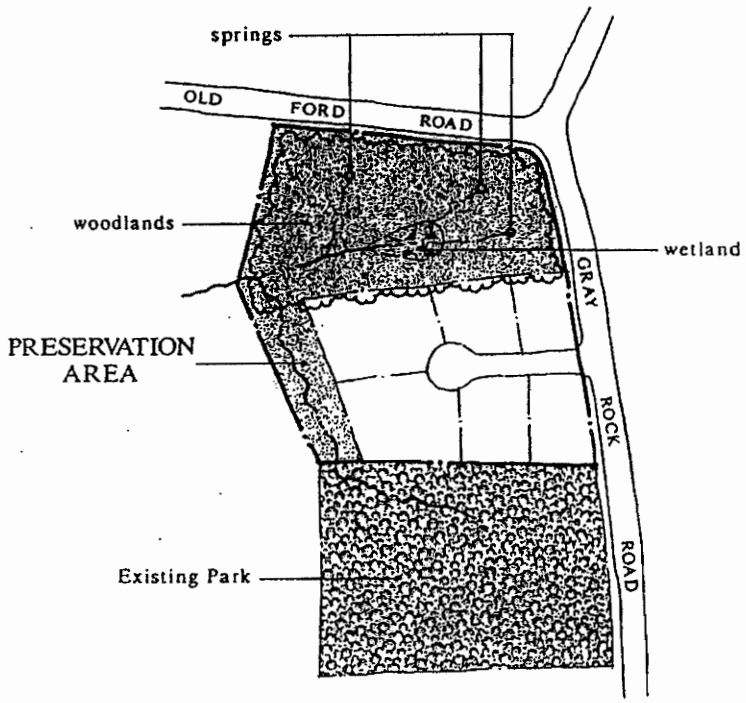
Corollary 3.1

The Preservation Area should be contiguous to other protected areas on adjoining lands.

Guideline No. 3

The Preservation Area should be designed as part of a larger continuous and integrated open space system.



Corollary 3.2

Where this is not possible, some connection to the other protected areas should be made.

Chapter 4

Ownership and Easement Options

One of the most important aspects of structuring a project under the Open Space Preservation District Ordinance concerns the legal and ownership mechanisms for ensuring long term protection of Preservation Areas. There are generally four options for ownership of Preservation Areas:

(1) individual ownership on residential lots,
(2) common ownership through a Homeowners or Condominium Association (HOA),
(3) nonprofit conservation ownership, probably a land trust, or
(4) public ownership through Lower Merion Township.

In addition, the land owned by any one of these entities must be further protected in a "belts and suspenders" approach of placing it under conservation easement, or at a minimum, placing deed restrictions on the land. In the case of an easement given to a land trust, most trusts will require the donation of an easement endowment to cover long term monitoring and enforcement costs. A Homeowners Association or the Township could also hold an easement. As shown in the following matrix, there are eight possible combinations for ownership and easement protection of a Preservation Area.

Owner \ Easement Holder	HOA	Land Trust	Township
Individual	●	●	●
HOA		●	●
Land Trust		●	●
Township		●	

Each option will be discussed below.

Individual Ownership

The Open Space Preservation District Ordinance permits Preservation Areas to be within individual lots so long as adequate protection is present in the form of a conservation easement or adequate deed restrictions. This is the optimal approach when the resources being protected within the PA are of limited importance, particularly when the PA consists of lawn and landscaped areas. In this situation, a

deed restriction is probably adequate legal protection for the PA. However if there is a more significant resource on an individual lot or if the PA is part of an integrated, contiguous system of open space, such as that which Lower Merion Township plans to create along Mill Creek, a conservation easement should go to a land trust or the township in order to strengthen the likelihood of long term protection of that resource. An easement could also go to the HOA if neither a land trust nor the township were interested.

Common Ownership
Condominium and Homeowners Associations (HOAs) can also own PA's. This makes a great deal of sense when there are common features such as recreational areas that benefit all members of the community or when some strong environmental feature is present, such as a stream corridor, and no public or nonprofit entity is interested in ownership. If there is a natural resource of note within the PA, an easement should be given to a land trust or the township.

Nonprofit Ownership
A nonprofit conservation organization, such as the Natural Lands Trust or Brandywine Conservancy, represents an alternative to individual, association or municipal ownership. Of all the possible owners a land trust is likely to be the most sensitive to stewardship of the ecological resource, i.e., the health of the forest, bird populations, etc. Land trust ownership would also relieve the individual owner or HOA of the long term obligations of ownership. However given those obligations a land trust will only be interested in ownership if the land concerned has special ecological or cultural importance and if arrangements can be made to ensure there are adequate funds to pay taxes, insurance and normal operating expenses over the long term. A gift of the PA to a land trust may, in some cases, yield tax benefits to the donor in the form of charitable contributions. If a land trust were to be the owner, a conservation easement should be granted to another land trust or the township.

Public Ownership
To the extent that a proposed PA is within or adjacent to an existing or proposed township park the municipality is also a potential owner. This would also be the case if the property in question represents a special opportunity for a new township park. The township offers two major benefits as a landowner - it already has an established administrative structure for managing park lands, and it is fully capable of operating a recreation program, if that were appropriate. If the township were to be the owner, the only realistic easement holder would be a nonprofit conservation organization.

Mixed Ownership
In some projects that have been submitted to date, a mixed ownership arrangement has been proposed. As a rule, this is not desirable as it greatly complicates the long term task of management of the PA and enforcement of PA maintenance

requirements. However, in a situation where there are two or more noncontiguous PA areas with different resources, such as a wooded stream corridor in one location and a lawn area in another, it may make sense to put the high resource area into common, nonprofit or municipal ownership and the lawn area in individual ownership. This must be judged on a case-by-case basis.

Contiguous Open Space Parcels

When adjoining properties are developed with Preservation Areas, it becomes particularly important to correlate the plans and ownership structures to achieve as much integration of open space and its management as possible. This would be particularly important along linear resource area like streams. Every effort should be made to ensure that the same or similar entities own and/or hold easements on adjoining PA's.

Chapter 5

Stewardship Matrix & Guidelines

5.1 Introduction

The stewardship matrix and accompanying management guidelines are designed to provide direction for the development of Preservation Area (PA) management plans. Under the heading Existing Resource Type are listed the various resource types that can be found within Lower Merion Township. In association with each resource type are listed management options which are viewed as preferable relative to current Township regulations and the Open Space Preservation District Ordinance. An overview and general management guidelines for each preferred option are provided under the referenced section.

The existing resource types are broadly divided into wooded and open areas. Some are further segregated into healthy and degraded. For the purpose of this guide the term "healthy" refers to a resource that has not been degraded by human or natural factors. The most common and obvious sign of degradation within the Township will be the presence of exotic, invasive vegetation. Others include soil erosion, dumping, and a lack of plant regeneration.

Stewardship Matrix

	Available Options				
Existing Resource Type	Preserve As Is	Restore to Healthy State	Convert to Woodland	Convert to Meadow	Convert to Lawn
Wooded Areas					
Native Woodland - Healthy	Section 1				
Native Woodland - Degraded		Section 2a		Section 2b	Section 2c
Hedgerow - Healthy	Section 1				
Hedgerow - Degraded		Section 2a		Section 2b	Section 2c
Open Areas					
Meadow - Healthy	Section 3a		Section 3b		
Meadow - Degraded		Section 4a	Section 4b		Section 4c
Pasture - Healthy	Section 5a		Section 5b	Section 5c	Section 5d
Pasture - Degraded		Section 6a	Section 6b	Section 6c	Section 6d
Old Field/Shrub			Section 7a	Section 7b	Section 7c
Lawn/Landscaped Areas	Section 8a		Section 8b	Section 8c	
Formal Gardens	Section 9a	Section 9b	Section 9c	Section 9d	Section 9e
Wetlands	Section 10a	Section 10b	Section 10c	Section 10d	
Pond	Section 11a	Section 11b	Section 11c	Section 11d	Section 11e
Stream Corridors	depends on existing vegetative cover, maintain as forest or meadow - see Section 12				
Historic Resources	Section 13a	Section 13b			

This handbook cannot anticipate the presence of every possible resource. On particular properties, special resources not covered here, such as a champion tree or a community trail, may be present. In these situations, common sense should prevail and every effort should be made to protect this resource.

The determination of which option is best for a given Preservation Area will be influenced by numerous considerations. These include site conditions, existing resources on adjacent properties, the historical use of the site, the amount of financial commitment that can be given to the management of the Preservation Area, and the need to make the property functional and aesthetically pleasing for the property owner. All factors must be weighed in determining which avenue to pursue. In the case of Preservation Areas which require fairly severe and expensive restorative measures, the best approach may be to plan for a slow, long term restoration that spreads the cost over many years. In this situation, the cost of restoration is likely to be similar or less than that for maintenance of a lawn or formal landscape. It is the Township's intention that the approved management plan for each Preservation Area will be a practical compromise between protecting the environmental, ecological, and historical resources of the property and providing recreational opportunities for the current and future property owners.

To illustrate this point, consider the options for addressing a degraded hedgerow. There are three preferable options available - restoration, conversion to meadow, or conversion to lawn. If the hedgerow is not heavily impacted by invasive plants, serves as a screen, wildlife corridor, or protects a stream, it would be best to restore it. However, if the hedgerow is severely degraded by exotic vegetation to the degree that it is unsightly, would be exorbitantly expensive to restore, and provides no essential environmental or ecological benefits, then it might be best to convert it to meadow or lawn, or remove it and replant it with appropriate species. There will, of course be many real-life situations that fall between these two examples.

In general it is best to fit the desired resource to site conditions so that management costs are minimized and the resource can be fully utilized. Maintaining lawn is one of the most costly land management goals for a suburban property. Minimizing the amount of wet and steep areas (areas often not usable for recreation) that remain in lawn will not only save money but, through conversion to meadow or woodland, will substantially increase the environmental and ecological benefits of the site. Below is a list of additional rules that should be followed while developing the PA management plan.

1. Minimize the creation of additional edge; reduce edge if possible.
2. Plant native species that are adapted to site conditions.
3. Protect stream corridors by buffering with woodland or meadow.
4. Utilize future lawn or meadow as construction staging areas. Avoid using established woodlands or meadows as construction staging areas.
5. Prepare plans in accordance with known financial resources so that the desired management option(s) can be properly established and maintained.

5.2 Stewardship Guidelines

Section 1: Healthy Native Woodland and Hedgerows

Overview

There are undoubtedly few wooded areas in Lower Merion Township that remain in an ecologically healthy condition. To qualify as such would require the site to be well-stocked with native trees relative to its age and site conditions, be free of exotic invasive plants, and not be adversely impacted by deer browse. This could include a variety of "looks", from a dense stand of young tuliptree that has reclaimed an old field to a steep hillside dominated by a relatively open beech forest. A hedgerow would also qualify if it meets the criteria above. Any Preservation Area of this type would be rare and would provide important environmental (air and water purification, erosion control), ecological (habitat for native wildlife), and recreational benefits.

Management Guidelines

Preserve As Is - The preferred management option for a Preservation Area containing this resource should be to preserve it in its current condition. In order to achieve this goal every effort should be made to minimize disturbance to the area - both from natural and human sources. This would include clearing for construction or converting it to another resource. Interior trails are compatible with the resource although they should be minimized since they often act as avenues for other disturbance factors such as invasive plants and bikes. Most importantly, the site should be monitored on a regular basis for the presence of invasive vegetation, reduced levels of regeneration due to over-browsing by herbivores (particularly white-tailed deer), or changes in environmental conditions (air or water pollution) that may adversely impact existing vegetation. If any of these conditions arise within the woodland the property owners/managers should consult Section 2. Degraded Woodland and/or contact a qualified resource manager for an appropriate management solution. The Pennsylvania Bureau of Forestry (R.D. 2, Rt. 23, Pottstown, PA 469-6217) can provide you with general information on forest management and financial assistance programs, and a list of consulting foresters that you can contact for further assistance.

Section 2: Degraded Woodland and Hedgerows

Overview

The majority of woodlands and hedgerows in Lower Merion Township exist in a more or less degraded condition. This usually results from the presence of exotic invasive vegetation or a lack of advanced tree and shrub regeneration due to over-browsing by deer. Woodlands and hedgerows also are degraded by dumping and soil erosion.

The amount of degradation by invasive vegetation on any given property will vary relative to the age of the woodland, the degree of fragmentation, the availability of seed, and the aspect of the site. In general, the vitality and impact of invasive plants increases directly with available light (an exception to this rule is Norway maple, a tree that is well adapted to growing in dense shade). Consequently, woodlands usually are degraded most severely along their edges and within interior gaps. Invasive plants degrade woodlands in a number of ways. Invasive vines (Oriental bittersweet, Japanese honeysuckle, grape, porcelainberry, five-leafed akebia, tearthumb) essentially freeze ecological succession by pulling down large trees and smothering shrubs and small trees. Invasive trees (Norway maple, ailanthus) and shrubs (multiflora rose, bush honeysuckle, Russian olive) create a woodland that is much less diverse in vertical structure and wildlife food than the native woodland. The result is a decline in native species populations, particularly songbirds.

Deer are another natural disturbance that is currently degrading many woodlands because of their high number. The fragmented nature of the Township's natural areas and recent development have fostered a dramatic increase in the impact of white-tailed deer on residual woodlands. Degradation by deer is often not easily apparent since they do not affect the canopy trees that dominate the woodland. Deer degrade woodlands by over-browsing tree seedlings and shrubs which prevents the woodlands from perpetuating itself.

Secluded woodland areas are often used as dumping sites for construction and landscape debris. This is not only unsightly, but potentially can introduce toxic material (asbestos, paint cans, painted wood, solvents, chemicals) or exotic vegetation into the woodland. Trails cut for horses, bikes, or pedestrians can lead to soil erosion if overused or not run along the contour of the slope. This can eventually lead to gullying and sedimentation of nearby streams or ponds.

Management Guidelines

There are three preferred management options for degraded woodlands. Which option or options is (are) chosen will depend on the degree of degradation, site conditions, available management budget, and the environmental, ecological, and recreational benefits of the resource. In general, options 2b. and 2c. should only be considered for sites that have been severely impacted by invasive plants.

2a. Restore to Healthy State - Because of the many environmental, ecological, and recreational benefits of woodlands and hedgerows the most preferred management option is to restore the degraded resource to its original state. Use the following guidelines in developing restoration and maintenance plans for degraded woodlands and hedgerows.

(1) Address the source of degradation as soon as possible to minimize restoration costs.
(2) It will often require many years of treatment to successfully control invasives plants due to budgetary constraints and/or the vitality and persistence of invasive plants. Start by cutting larger vines on canopy trees and work down to tree seedlings and shrubs.
(3) Plant woodland gaps with native trees appropriate to light and moisture conditions. Trees should be planted on 10' X 10' spacings and protected from deer damage with measures such as fencing, tree shelters, or flexible tree guards. This should continue on an as-needed basis to assure that sufficient regeneration is available to replace canopy trees as they die.
(4) If possible remove invasive trees last (they help shade vines) by cutting and treating stumps with an appropriate herbicide. Replace with native tree species.
(5) Heavy equipment should be used only in extreme situations. If used, protect existing trees by staying as far away as possible (at least outside of the drip line) to prevent soil compaction and trunk scarring.
(6) Remove any trash and dispose of according to current Township and DER regulations.
(7) Correct soil erosion by rerouting trails along the contour and/or controlling water source. Fill gullies and plant with an annual rye and/or oats and native trees and shrubs. Do not use standard conservation seed mixes- they may introduce exotic species into the woodland.
(8) Monitor the woodlands annually and address degradation as needed.

2b. Convert to Meadow - A woodland or hedgerow sometimes becomes so degraded by invasive plants that it is better to remove part or all of it with heavy equipment. This is most obvious when the majority (>75%) of the canopy trees have been killed or drastically deformed by vines; or when Norway maple or ailanthus is the dominant species. Creating a grass and wildflower meadow is one option other than reforestation that will provide most of the environmental benefits of woodlands and help to diversify the ecological communities within the Township. Use the following guidelines in developing management plans for grass and wildflower meadows.

(1) Prepare the area for seeding by eliminating all existing vegetation. Remove trees and shrubs manually or mechanically; use a combination of herbicide application and cultivation several times at two week intervals to eliminate existing grasses and herbaceous plants.

(2) Use only native grass and wildflower species appropriate to site conditions. Add annual rye or oats to the seed mix to provide a quick cover for erosion control. Plant in spring or early fall. Liming and fertilization is not necessary for native species.
(3) Mow meadow twice a year at a height of 4"- 6" to prevent intrusion by woody vegetation or invasive vegetation. Recommended dates are mid-July and early March. Do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st, when wildlife is nesting. Maintain trails at a 6'- 8' width.
(4) If desired or needed, augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.

2c. Convert to Lawn - The least preferred option is to convert a highly degraded woodland or hedgerow to lawn. It may be appropriate, however, if lawn adjoins the wooded area and additional lawn is needed for recreational activities. This option is not appropriate for areas of hydric soils or steep (>15%) slopes. Use the following guidelines in developing management plans for lawn areas.

(1) Prepare the area for seeding by eliminating all existing vegetation. Remove trees and shrubs manually or mechanically; use a combination of herbicide application and cultivation several times at two week intervals to eliminate existing grasses and herbaceous plants.
(2) Apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020 or phone 215-489-3415). Seed according to Cooperative Extension recommendations.
(3) Maintain lawn by mowing on an as-needed basis to keep grass 3"- 5" in height.
(4) Herbicides and pesticides should not be applied to lawn within the PA.
(5) Streams and ponds should be buffered from lawn areas on each side by woodland or meadow that has a width equal to the greater of 25' or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn may be maintained along a section of the stream or pond not to exceed 30' to allow for access for passive recreation or a foot bridge, or as a trail (not to exceed 8' in width, or come within 10' of the stream or pond bank) within the buffer area. The lawn area within 10' of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy lawn tractors.

Section 3: Healthy Meadow

Overview

Meadows are open areas maintained in high (> 5") grass and wildflowers. They provide many environmental (erosion control, stream buffer), ecological (wildlife habitat), and recreational (walking and equestrian trails) benefits, and can be an attractive part of the landscape.

Management Guidelines

Because they are uncommon in the Township, the most preferred management option for healthy meadows (those that have not been degraded by natural or human factors) is to preserve them in their current condition. The other preferred option is to convert part or all of it to woodland.

3a. Preserve As Is - Meadows are kept in a healthy condition by following or mimicking the management practices that have kept them healthy. In most cases meadows originate from old hay fields or pasture. Both are maintained through periodic mowing. Use the following guidelines in developing management plans for preserving established healthy meadows.

(1) Mow meadow once or twice a year at a height of 4"- 6" to prevent intrusion by woody vegetation or invasive vegetation. Recommended dates (to maximize ecological benefits) are mid-July and early March. With the exception of trails, do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st, when wildlife are nesting. Maintain trails at a 6'- 8' width.
(2) Monitor the meadow for intrusion by invasive plants. Consult Section 4a. for recommendations on addressing any problems.
(3) If desired or needed augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.

3b. Convert to Woodland or Hedgerow - This option would be appropriate if the planted area would provide a needed screen, significantly reduce the amount of edge of an adjacent, degraded woodland, or create a wildlife corridor. Use the following guidelines in developing management plans for converting meadow to woodland or hedgerow.

(1) Plantings should be spaced to allow for control of competing vegetation with available mowing equipment, but close enough for the canopy to close quickly. For woodland and deep hedgerows this will require a spacing of approximately 10' x 10'. Narrow hedgerows that are principally screens should have at least 20' spacings in staggered rows to allow for full development of trees.
(2) Select native species that are appropriate for site conditions.
(3) Use protective measures such as fencing, tree shelters, and flexible tree

guards to minimize deer damage.

(4) Reduce vegetative competition through selective herbicide use around base of tree or mowing at least four times during the growing season until the canopy has closed. After closure monitor for invasive plants and control as needed.

Section 4: Degraded Meadow

Overview

Meadows within the Township are often impacted by invasive plants, particularly vines (Oriental bittersweet, Japanese honeysuckle), shrubs (multiflora rose, bush honeysuckle), and herbaceous perennials (thistle). They also can suffer from human disturbances such as soil erosion and dumping.

Management Guidelines

There are three preferred options for managing a degraded meadow: restore to a healthy condition; convert to woodland; or convert to lawn. Which option or options is (are) chosen will depend on the degree of degradation, site conditions, available management budget, and the relative environmental, ecological, and recreational benefits of the resource.

4a. Restore to Healthy State - This would be the preferred option for a mildly degraded site and would be one of the least costly of the three options to establish and maintain. Use the following guidelines in developing management plans for restoring a degraded meadow to a healthy state.

(1) Regrade and seed any eroded areas with a mix of native grasses and wildflowers and annual rye or oats to control erosion.
(2) Remove any trash and dispose of according to current Township and DER regulations.
(3) Eliminate invasives through spot spraying or wick application of appropriate herbicide or manual or mechanical pulling. Do not use spray application of herbicides within 50′ of streams. Areas that are disturbed by manual or mechanical removal should be seeded with annual rye and/or oats and mulched to hinder reestablishment of invasives.
(4) Mow meadow twice a year at a height of 4"- 6"to prevent intrusion by woody and invasive vegetation. Recommended dates (to maximize ecological benefits) are mid-July and early March. With the exception of trails, do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st, when wildlife are nesting. Maintain trails at a 6′- 8′ width.
(5) If desired or needed augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.
(6) Monitor the meadow for intrusion by invasive plants.

4b. Convert to Woodland or Hedgerow - This would be appropriate if the planted area would provide a needed screen, significantly reduce the amount of edge of an adjacent woodland, or create a wildlife corridor. Use the following guidelines in developing management plans for converting degraded meadow to woodland or hedgerow.

(1) Planting design should be spaced to allow for control of competing vegetation with available mowing equipment, but close enough for the canopy to close quickly. For woodland and deep hedgerows this will require a spacing of approximately 10′ x 10′. Narrow hedgerows that are principally screens should have at least 20′ spacings in staggered rows to allow for full development of trees.
(2) Select native species that are appropriate for site conditions.
(3) Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.
(4) Reduce vegetative competition through selective herbicide use around base of tree or mowing at least four times during the growing season until the canopy has closed. After closure monitor for invasive plants and control as needed.

4c. Convert to Lawn - The least preferred option is to convert a degraded meadow to lawn. It may be appropriate, however, if lawn adjoins the degraded meadow area and additional lawn is needed for recreational activities. This option is not appropriate for areas with hydric soils or steep (> 15%) slopes. Use the following guidelines in developing management plans for converting meadow to lawn area.

(1) Prepare the area for seeding by eliminating all existing vegetation. Remove trees and shrubs manually or mechanically; use a combination of herbicide application and cultivation several times at two week intervals to eliminate existing grasses and herbaceous plants.
(2) Apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020 or phone 215-489-3415). Seed according to Cooperative Extension recommendations.
(3) Maintain lawn by mowing on an as-needed basis to keep grass 3″- 5″ in height.
(4) Herbicides and pesticides should not be applied to lawn within the PA.
(5) Streams and ponds should be buffered from lawn areas on each side by woodland or meadow that has a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn may be maintained along a section of the stream or pond not to exceed 30′ to allow for access for passive recreation or a foot bridge, or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The lawn area within 10′ of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy lawn tractors.

Section 5. Healthy Pasture

Overview

Pastures are open areas of short grass and forbs that are used for livestock grazing. Today horse grazing dominates the few remaining pastures within the Township. A healthy pasture can provide greater environment benefits than a lawn, be less costly to maintain, and be an attractive part of the landscape.

Management Guidelines

There are four preferred options for managing an existing healthy pasture: preserve as is; convert to woodland; convert to meadow; or convert to lawn. Which option or options is (are) chosen will depend on site conditions, available management budget, and the relative environmental, ecological, or recreational benefits of the resource.

5a. Preserve As Is - Pastures are maintained in a healthy state by timely mowing, proper fertilization, and proper livestock density. Use the following guidelines in developing management plans for pasture.

(1) Establish proper stocking density as per recommendations by the Soil Conservation Service (P.O. Box 380, Rt. 113, Creamery, PA 19430, or phone 215-489-6071). Appropriate densities will vary with soil type, but in general it is best not to exceed one horse per acre.
(2) Mow at least three times per year to stimulate forage growth and discourage undesirable plants such as woody vegetation, thistles, and multiflora rose.
(3) Exposed soil indicates overgrazing. Correct stocking density in order to maintain permanent cover over entire pasture.
(4) Fence pasture to keep livestock out of streams.
(5) Streams and ponds should be buffered from pasture areas on each side by woodland or meadow that has a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent pasture; except that pasture may be maintained along a section of the pond not to exceed 30′ to allow for access for livestock, a foot bridge, or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The pasture or meadow area within 10′ of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy tractors.

5b. Convert to Woodland - This option would be appropriate if the planted area would provide a needed screen, significantly reduce the amount of edge of an adjacent woodland, or create a wildlife corridor. Use the following guidelines in developing management plans for converting pasture to woodland or hedgerow.

(1) Planting design should be spaced to allow for control of competing vegetation with available mowing equipment, but close enough for the canopy to close quickly. For woodland and deep hedgerows this will require a spacing of approximately 10′ x 10′. Narrow hedgerows that are principally screens should have at least 20′ spacings in staggered rows to allow for full development of trees.
(2) Select native species that are appropriate for site conditions.
(3) Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.
(4) Reduce vegetative competition through selective herbicide use around base of tree or mowing at least four times during the growing season until the canopy has closed. After closure monitor for invasive plants and control as needed.

5c. Convert to Meadow - Meadows provide more environmental and ecological benefits than pastures and are less costly to maintain. This would be a preferred option if grazing animals were no longer kept on site. Use the following guidelines in developing management plans for converting pasture to meadow.

(1) Reduce mowing schedule to twice a year at a height of 4″- 6″ to prevent intrusion by woody vegetation or invasive plants. Recommended dates (to maximize ecological benefits) are mid-July and early March. With the exception of trails, do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st when wildlife are nesting. Maintain trails at a 6′- 8′ width.
(2) If desired or needed augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.
(3) Monitor the meadow for intrusion by invasive plants and treat as needed.

5d. Convert to Lawn - This would be a preferred option if lawn adjoins the pasture area and additional lawn is needed for recreational activities. This option is not appropriate for areas with hydric soils or steep (> 15%) slopes. Use the following guidelines in developing management plans for converting pasture to lawn area.

(1) Maintain as lawn by mowing on an as-needed basis to keep grass 3″- 5″ in height.
(2) If the lawn area requires rejuvenation apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020, or phone 215-489-3415). Seed according to Cooperative Extension recommendations.

(3) Herbicides and pesticides should not be applied to lawn within the PA.

(4) Streams and ponds should be buffered from pasture areas on each side by woodland or meadow that has a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent pasture; except that pasture may be maintained along a section of the pond not to exceed 30′ to allow for access for livestock, a foot bridge, or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The pasture or meadow area within 10′ of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy tractors.

Section 6. Degraded Pasture

Overview

Pasture becomes degraded when it is overgrazed or not mowed on a timely basis. This can lead to the establishment of invasive plants, soil erosion, and an unattractive landscape.

Management Guidelines

There are four preferred options for managing a degraded pasture: restore to a healthy state; convert to woodland; convert to meadow; or convert to lawn. Which option or options is (are) chosen will depend on the degree of degradation, site conditions, available management budget, and the relative environmental, ecological, and recreational benefits of the resource.

6a. Restore to a Healthy State - This would be a preferred option if the property owner(s) maintained the appropriate livestock facilities on site.

(1) Eliminate invasives manually, mechanically, or through chemical application according to according to Penn State Cooperative Extension recommendations.
(2) Apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020, or phone 215-489-3415).
(3) Regrade and seed any exposed areas according to Penn State Cooperative Extension recommendations.
(4) Establish proper stocking density as per recommendations by the Soil Conservation Service (P.O. Box 380, Rt. 113, Creamery, PA 19430, or phone 215-489-6071). Appropriate densities will vary with soil type, but in general it is best not to exceed one horse per acre.
(5) Mow at least three times per year to stimulate forage growth and to discourage undesirable plants such as woody vegetation, thistles, and multiflora rose.
(6) Exposed soil indicates overgrazing. Correct stocking density in order to maintain permanent cover over entire pasture.
(7) Fence pasture to keep horse out of streams.
(8) Herbicides and pesticides should not be applied to pasture within the PA except as part of the restoration process.
(9) Streams and ponds should be buffered from pasture areas on each side by woodland or meadow that has a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent pasture.

6b. Convert to Woodland - This would be a preferred option if the planted area would provide a needed screen, significantly reduce the amount of edge of an adjacent, degraded woodland, or create a wildlife corridor. Use the following

guidelines in developing management plans for converting pasture to woodland or hedgerow.

(1) Eliminate invasives manually, mechanically, or through chemical application according to Penn State Cooperative Extension recommendations.
(2) Regrade and seed any exposed or eroded areas with a combination of a perennial native grass and annual rye or oats.
(3) Planting design should be spaced to allow for control of competing vegetation with available mowing equipment, but close enough for the canopy to close quickly. For woodland and deep hedgerows this will require a spacing of approximately 10′ x 10′. Narrow hedgerows that are principally screens should have at least 20′ spacings in staggered rows to allow for full development of trees.
(4) Select native species that are appropriate for site conditions.
(5) Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.
(6) Reduce vegetative competition through selective herbicide use around base of tree or mowing at least four times during the growing season until the canopy has closed. After closure monitor for invasive plants and control as needed.

6c. Convert to Meadow - Meadows provide more environmental and ecological benefits than pastures and are less costly to maintain. This would be a preferred option if grazing animals were no longer kept on site. Use the following guidelines in developing management plans for converting pasture to meadow.

(1) Eliminate invasives manually, mechanically, or through chemical application. Use a combination of herbicide application and cultivation several times at two week intervals to eliminate existing grasses and herbaceous plants.
(2) Regrade and seed any exposed or eroded areas with a mix of native grasses and forbs. Add annual rye or oats to the mix to provide quick erosion control.
(3) Reduce mowing schedule to twice a year at a height of 4″- 6″ to prevent intrusion by woody vegetation or invasive plants. Recommended dates are mid-July and early March. With the exception of trails, do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st, when wildlife are nesting. Maintain trails at a 6′-8′ width.
(4) If desired or needed, augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.
(5) Monitor the meadow annually for intrusion by invasive plants and treat as needed.

6d. Convert to Lawn - This would be a preferred option if lawn adjoins the pasture area and additional lawn is needed for recreational activities. This option is not appropriate for areas with hydric soils or steep (> 15%) slopes. Use the following guidelines in developing management plans for converting degraded pasture to lawn area.

(1) Eliminate invasives manually, mechanically, or through chemical application. Use a combination of herbicide application and cultivation several times at two week intervals to eliminate existing grasses and herbaceous plants.
(2) Regrade and seed according to Penn State Cooperative Extension recommendations.
(3) Apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020; or phone 215-489-3415).
(4) Maintain lawn by mowing on an as-needed basis to keep grass 3"- 5" in height.
(5) Herbicides and pesticides should not be applied to pasture within the PA except as part of the restoration process.
(6) Streams and ponds should be buffered from lawn areas on each side by woodland or meadow that has a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn may be maintained along a section of the stream or pond not to exceed 30′ to allow for access for passive recreation or a foot bridge, or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The lawn area within 10′ of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy lawn tractors.

Section 7. Old Field/Shrub

Overview

The natural tendency for most sites within the Township is to exist as woodlands. Maintaining areas as agricultural fields, meadows, pasture, or lawn essentially freezes the process of ecological succession that moves a site from domination by herbaceous plants (grass and forbs), to an intermediate stage dominated by shrubs and small trees, and then finally to forest. When these activities stop succession proceeds. Old field/shrub areas are formerly open sites that have moved to the intermediate shrub/small tree stage. Although old field/shrub areas provide unique ecological benefits (wildlife habitat) they are costly to maintain (requiring heavy equipment to clear it periodically) and are ideal sites for invasive plants to become established. As a result, they are usually not an attractive part of the landscape.

Management Guidelines

The preferred option for an old field/shrub site would be to move it to another resource type as quickly as possible. There are three preferred options: convert to woodland; convert to meadow; and convert to lawn. Which option or options is (are) chosen will depend on the degree of succession and degradation, site conditions, available management budget, and the relative environmental, ecological, and recreational benefits of the resource.

7a. Convert to Woodland - This preferred option can be either the easiest or hardest road to take depending on the degree of succession and degradation by invasive plants. It will be the least costly if trees are about to dominate the site and the amount of invasive plant material is small. It will be the most difficult option if the site was recently let go and invasive plants are prominent. Use the following guidelines for developing management plans for converting old field/shrub to woodland.

(1) Identify trees and release from competition with invasive plants by cutting or wick application of herbicide. Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.
(2) If necessary, augment natural tree regeneration by planting native tree seedlings. Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.
(3) Monitor annually for invasives and treat as necessary.

7b. Convert to Meadow - This preferred option would be best if the site is heavily impacted by invasive plants. Creating a grass and wildflower meadow will provide many environmental benefits and help to diversify the ecological communities within the Township. Use the following guidelines in developing management plans for converting old field/shrub to grass and wildflower meadows.

(1) Prepare the area for seeding by eliminating all existing vegetation. Remove trees and shrubs manually or mechanically; use a combination of herbicide application and cultivation several times at two week intervals to eliminate existing grasses and herbaceous plants.
(2) Use only native grass and wildflower species appropriate to site conditions. Add annual rye or oats to the seed mix to provide a quick cover for erosion control. Plant in spring or early fall. Liming and fertilization is not necessary for native species.
(3) Mow meadow twice a year at a height of 4"- 6" to prevent intrusion by woody vegetation or invasive vegetation. Recommended dates are mid-July and early March. Do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st, when wildlife is nesting. Maintain trails at a 6'- 8' width.
(4) If desired or needed, augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.

7c. Convert to Lawn - The least preferred option is to convert a highly degraded old field/shrub to lawn. It may be appropriate, however, if lawn adjoins the area and additional lawn is needed for recreational activities. This option is not appropriate for areas of hydric soils or steep (> 15%) slopes. Use the following guidelines in developing management plans for converting old field/shrub to lawn areas.

(1) Prepare the area for seeding by eliminating all existing vegetation. Remove trees and shrubs manually or mechanically; use a combination of herbicide application and cultivation several times at two week intervals to eliminate existing grasses and herbaceous plants.
(2) Grade and apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension in (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020, or phone 215-489-3415)
(3) Seed according to Penn State Cooperative Extension recommendations.
(4) Maintain lawn by mowing on an as-needed basis to keep grass 3"- 5" in height.
(5) Herbicides and pesticides should not be applied to lawn within the PA.
(6) Streams and ponds should be buffered from lawn areas on each side by woodland or meadow that has a width equal to the greater of 25' or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn may be maintained along a section of the stream or pond not to exceed 30' to allow for access for passive recreation or a foot bridge, or as a trail (not to exceed 8' in width, or come within 10' of the stream or pond bank) within the buffer area. The lawn area within 10' of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy lawn tractors.

Section 8. Lawn/Landscaped Areas

Overview

Lawn and landscaped areas are open areas that are formally landscaped and maintained principally for recreational and aesthetic benefits. With proper planning (use of native plant material, planting to buffer stream corridors) and management they can be, in certain circumstances, an appropriate resource for a PA. However, because they afford the least environmental and ecological benefits (indeed they can create environmental problems if not managed properly) and usually require the most financial commitment to maintain, their extent should be minimized.

Management Guidelines

There are three preferred options for lawn/landscaped areas: preserve as is; convert to woodland; and convert to lawn. Which option or options is (are) chosen will depend on the site conditions, available management budget, and the relative environmental, ecological, and recreational benefits of the resource.

8a. Preserve As Is - This would be a preferred option for areas contiguous to lawn within the building lot(s) that would provide important additional recreational benefits. Areas dominated by hydric soils or steep (> 15%) slopes should be considered inappropriate for lawn; they may be appropriate as part of a landscaped area that does not require access by heavy maintenance equipment such as lawn tractors. Use the following guidelines in developing management plans for lawn/landscaped areas.

(1) Maintain lawn by mowing on an as-needed basis to keep grass 3"- 5" in height.
(2) If the lawn area requires rejuvenation apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020, or phone 215-489-3415).
(3) Herbicides and pesticides should not be applied to lawn within the PA.
(4) Streams and ponds should be buffered from lawn areas on each side by woodland or meadow that has a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn may be maintained along a section of the stream or pond not to exceed 30′ to allow for access for passive recreation or a foot bridge, or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The lawn area within 10′ of the stream or pond bank should be mowed with a manually-pushed lawn mower or weed whip to prevent degradation of the bank by heavy lawn tractors.
(5) Trees and shrubs within the landscaped area should be pruned as needed to prevent injury to recreational users and to maintain the health of the plants.

(6) Any tree or shrub that is replaced within the PA should be replaced with a native species appropriate to site conditions.

8b. Convert to Woodland - This option is preferred if the existing lawn or landscaped area is dominated by hydric or steep (>15% slope) conditions, borders a stream, is needed as a visual screen, can significantly reduce the amount of edge of an adjacent woodland, or can create a wildlife corridor. Use the following guidelines in developing management plans for converting lawn or landscaped area to woodland or hedgerow.

(1) Planting design should be spaced to allow for control of competing vegetation with available mowing equipment, but close enough for the canopy to close quickly. For woodland and deep hedgerows this will require a spacing of approximately 10′ x 10′. Narrow hedgerows that are principally screens should have at least 20′ spacings in staggered rows to allow for full development of trees.
(2) Select native species that are appropriate for site conditions.
(3) Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.
(4) Reduce vegetative competition through selective herbicide use around base of tree or mowing at least four times during the growing season until the canopy has closed. After closure monitor for invasive plants and control as needed.

8c. Convert to Meadow - Converting lawn/landscaped ares to meadow would increase the environmental and ecological benefits of the PA, especially if it augmented an existing meadow, buffered a stream corridor, or was located on a wet or steep (>15%) site. Meadow can be "created" from lawn areas simply by reducing the mowing frequency to once or twice annually or through eliminating the existing vegetation and planting. The latter option is preferable in that it allows the landowner to introduce desired species and to eliminate undesirable grasses (tall fescue and perennial rye) or herbs that compete with desirable species. The former option, however, may be more appropriate on wet or steep areas where meadow establishment procedures would be more difficult and could create environmental problems. Any plan that calls for the elimination of existing vegetation to establish meadow on wet or steep (>15%) areas should follow Soil Conservation Service (P.O. Box 380, Rt. 113, Creamery, PA 19430 489-6071) recommendations to minimize environmental impacts. Use the following guidelines in developing management plans for converting lawn and landscaped areas to meadow.

(1) If establishing a new vegetative cover, prepare the area for seeding by eliminating all existing vegetation. Remove trees and shrubs (native species could be transplanted to a wooded area; exotic species to a landscaped area outside the PA) and use a combination of herbicide

application and cultivation several times at two week intervals to eliminate grasses and herbaceous plants. It may be desirable to keep trees within the meadow area, but they should be minimized for ease of maintenance and to provide proper light conditions for meadow plants.

(2) Use only native grass and wildflower species appropriate to site conditions. Add annual rye or oats to the seed mix to provide a quick cover for erosion control. Plant in spring or early fall. Liming and fertilization is not necessary for native species.

(3) Mow meadow twice a year at a height of 4"- 6" to prevent intrusion by woody vegetation or invasive vegetation. Recommended dates are mid-July and early March. Do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st, when wildlife is nesting. Maintain trails at a 6'- 8' width.

(4) If desired or needed, augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.

(5) Monitor the meadow for intrusion by invasive plants and treat as needed.

Section 9. Formal Gardens

Overview

Formal gardens are areas devoted to special plant collections, often containing structural enhancements such as stone wall, fountains, and arbors. Examples include rose, perennial, and dwarf conifer gardens. Most of the old estates within Lower Merion Township contain one or more formal gardens. The environmental and ecological benefits of formal gardens varies with the type of garden. They can potentially provide food and cover for insects, birds, and small mammals, although these benefits can be negated if chemical biocides are used in the maintenance regime. Because these gardens usually require the highest degree of maintenance of any resource option, they should be minimized within the PA. They should only be considered if they are already established on site and if sufficient funds are designated to the perpetual maintenance of plants and structures. Otherwise these sites can quickly deteriorate into an unsightly collection of invasives and masonry rubble.

Management Guidelines

There are five preferred options for formal garden area: preserve as is; restore to a healthy state; convert to woodland; convert to meadow; or convert to lawn. Which option or options is chosen will depend on the site conditions, available management budget, and the relative environmental, ecological, and recreational benefits of the resource.

9a. Preserve As Is - This would be the preferred option if a formal garden exists in the PA and would provide significant recreational and aesthetic benefits if preserved. This option should only be undertaken if sufficient funds are set aside to properly manage the garden in perpetuity. Use the following guidelines in developing management plans for maintaining formal garden areas.

(1) Formal gardens should be maintained by knowledgeable personnel in order to preserve garden health and maximize its aesthetic and recreational benefits.

(2) When replacing plants, choose materials (preferably native plants) adapted to the site that require similar culture (water, light, fertilization) in order to minimize management costs.

(3) Minimize the use of chemical biocides. Any necessary chemical should be applied by qualified personnel to minimize any adverse effects on the environmental or ecological benefits within and around the garden.

(4) Contact the Philadelphia Horticultural Society (325 Walnut Street, Philadelphia, PA 19106; Phone: 625-8250) or Morris Arboretum of the University of Pennsylvania (100 Northwestern Avenue, Philadelphia, PA 19118; Phone: 247-5777) for further information on formal gardens. If the garden has historical significance, consultation with a garden historian is

recommended.

9b. Restore to a Healthy State - This would be the preferred option if a formal garden exists in the PA, is in a state of poor maintenance, but would provide significant recreational and aesthetic benefits if restored and preserved. This option should only be undertaken if sufficient funds are set aside to properly restore and manage the garden in perpetuity. Use the following guidelines in developing management plans for restoring and maintaining formal garden areas.

(1) Formal gardens should be maintained by knowledgeable personnel in order to preserve garden health and maximize its aesthetic and recreational benefits.
(2) If a formal garden is historically significant because of its design or association with important persons, every effort should be made to research and retain the original design and plant selection. If, however, the garden is not significant historically, strong consideration should be given to an adaptive redesign in which emphasis is placed on use of low maintenance native plant materials adapted to the site.
(3) Minimize the use of chemical biocides. Any necessary chemical should be applied by qualified personnel to minimize any adverse effects on the environmental or ecological benefits within and around the garden.
(4) Contact the Philadelphia Horticultural Society (325 Walnut Street, Philadelphia, PA 19106; Phone: 625-8250) or Morris Arboretum of the University of Pennsylvania (100 Northwestern Avenue, Philadelphia, PA 19118; Phone: 247-5777) for further information on formal gardens. If the garden has historical significance, consultation with a garden historian is recommended.

9c. Convert to Woodland - This would be a preferred option if there is no desire to preserve the garden. Converting to woodland would increase the environmental and ecological benefits of the PA, especially if it augmented an existing woodland, buffered a stream corridor, or was located on a wet or steep (>15%) site. Use the following guidelines in converting a formal garden to woodland.

(1) As necessary, remove structural and plant components that will be incompatible with a natural setting - particularly invasive plants or structures that may become a hazard or maintenance problem. Some structural components may add function or interest to a woodland setting and could be retained. For example walkways could become woodland trails, and low walls, if safe, could become interesting artifacts.
(2) Seed any exposed ground with a combination of annual rye or oats and perennial native grasses.
(3) Planting design should be spaced to allow for control of competing

vegetation with available mowing equipment, but close enough for the canopy to close quickly. For woodland and deep hedgerows this will require a spacing of approximately 10′ x 10′. Narrow hedgerows that are principally screens should have at least 20′ spacings in staggered rows to allow for full development of trees.

(4) Select native species that are appropriate for site conditions. For best survival trees should be 1 - 2 inches in caliper for hardwoods and 6 - 8 feet in height for conifers.

(5) Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.

(6) Reduce vegetative competition through selective herbicide use around base of tree or mowing at least four times during the growing season until the canopy has closed. After closure monitor for invasive plants and control as needed.

9d. Convert to Meadow - This would be a preferred option if there is no desire to preserve the garden. Converting to meadow would increase the environmental and ecological benefits of the PA, especially if it augmented an existing meadow, buffered a stream corridor, or was located on a wet or steep (>15%) site. Use the following guidelines in converting a formal garden to meadow.

(1) As necessary, remove structural and plant components that will be incompatible with a meadow setting - particularly invasive plants or structures that may become a hazard or maintenance problem. Some structural components may add function or interest to a meadow and could be retained. For example walkways could become trails, and low walls, if safe, could become interesting artifacts.

(2) Prepare the area for seeding through a combination of herbicide application and cultivation several times at two week intervals to remove herbaceous plants .

(3) Use only native grass and wildflower species appropriate to site conditions. Add annual rye or oats to the seed mix to provide a quick cover for erosion control. Plant in spring or early fall. Liming and fertilization is not necessary for native species.

(4) Mow meadow twice a year at a height of 4″- 6″ to prevent intrusion by woody vegetation or invasive vegetation. Recommended dates are mid-July and early March. Do not mow more than three times per year. Meadows should not be mowed between March 15th and July 1st, when wildlife is nesting. Maintain trails at a 6′- 8′ width.

(5) If desired or needed, augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.

9e. Convert to Lawn - This would be a preferred option if there is no desire to preserve the garden. Converting to lawn might increase the recreational

benefits of the PA, especially if it augmented an existing lawn or landscaped area. This option is not appropriate for areas of hydric soils or steep (> 15%) slopes. Use the following guidelines in converting a formal garden to lawn.

(1) As necessary, remove structural and plant components that will be incompatible with a lawn, particularly invasive plants and structures that may become a hazard or lawn maintenance problem. Some structural components may add function or interest and could be retained. For example walkways could be useful, and low walls, if safe, could become interesting objects in the landscape.
(2) Grade and seed according to Penn State Cooperative Extension recommendations.
(3) Apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension in (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020, or phone 215-489-3415).
(4) Maintain lawn by mowing on an as-needed basis to keep grass 3"- 5" in height.
(5) Herbicides and pesticides should not be applied to lawn within the PA.
(6) Streams and ponds should be buffered from lawn areas on each side by woodland or meadow that has a width equal to the greater of 25' or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn may be maintained along a section of the stream or pond not to exceed 30' to allow for access for passive recreation or a foot bridge, or as a trail (not to exceed 8' in width, or come within 10' of the stream or pond bank) within the buffer area. The lawn area within 10' of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy lawn tractors.

Section 10. Wetlands

Overview

Wetlands are defined as areas which satisfy any one of the following parameters: (1) they support hydrophytic (water-loving plants); (2) they contain hydric soils; or (3) their hydrology is such that there is permanent or periodic inundation, or soil saturation for seven days or more during the growing season. Although historically maligned as wasteland, wetlands (particularly wooded wetlands) are finally receiving proper recognition for the many important ecological and environment benefits they provide. These include storm water control, stream buffers against pollution from soil erosion and chemical herbicides and fertilizers, and wildlife habitat. For this reason management activities within wetlands are highly regulated at the federal, state, and local level. Wetland restrictions in Lower Merion Township are covered in the Natural Features Conservation Ordinance.

Because wetland regulations are still being modified it is prudent to contact the Soil Conservation Service (P.O. Box 380, Rt. 113, Creamery, PA 19430; phone 215-489-6071) and/or the Pennsylvania Department of Environmental Resources (Ridley Creek State Park; phone 215-566-4800) prior to any management work in a wetland area.

Management Guidelines

There are four preferred options for wetland areas: preserve as is; restore to healthy state; convert to woodlands; or convert to meadow. Which option or options is (are) chosen will depend on the site conditions, available management budget, and the relative environmental, ecological, and recreational benefits of the resource. However, every effort should be made to minimize the amount of wetland maintained as lawn/landscaped area.

10a. Preserve As Is - This would be a preferred option if the existing resource is a woodland, meadow or pasture in a healthy condition. Consult Sections 1, 3a and 5a for management guidelines for healthy woodland, meadow and pasture respectively. Any permitted management work within wetlands is best undertaken when the ground is frozen or dry. This will not only make the task easier but minimize the impact to the site.

10b. Restore to Healthy State - This would be a preferred option if the existing resource is a woodland, meadow or pasture in a degraded condition. See Sections 2a, 4a, and 6a for management guidelines for restoring degraded wet woodland, meadow and pasture, respectively. Any permitted management work within wetlands is best undertaken when the ground is frozen or dry. This will not only make the task easier but minimize the impact to the resource.

10c. Convert to Woodland - This would be a preferred option if the existing

resource is meadow, pasture or lawn. See Sections 3b, 4b, 5b, 6b or 8b, respectively, for guidelines to convert meadow, pasture or lawn to woodland. Any permitted management work within wetlands is best undertaken when the ground is frozen or dry. This will not only make the task easier but minimize the impact to the resource.

10d. Convert to Meadow - This would be the preferred option if the existing resource is pasture or lawn/landscaped area. This would not be a preferred option if the existing resource is woodland. See Section 5c, 6c or 8c for guidelines to convert pasture or lawn/landscaped area to meadow. Any permitted management work within wetlands is best undertaken when the ground is frozen or dry. This will not only make the task easier but minimize the impact to the resource.

Section 11. Ponds

Overview

Ponds are open bodies of water formed by damming a stream or through excavation. Ponds can provide many benefits including environmental (as silt traps for associated streams), ecological (habitat for aquatic plants and animals, and waterfowl), and recreational (fishing, boating) and can be an attractive part of the landscape. They do, however, require specialized maintenance (periodic dredging and dam repairs) that are potentially very costly. For this reason ponds should only be included as part of the PA if sufficient funds are designated for proper maintenance.

Management Guidelines

There are five preferred options for ponds: preserve as is; restore to healthy state; convert to woodland; convert to meadow; or convert to lawn. For further information on pond maintenance (or prior to any conversion of the existing resource) contact the Soil Conservation Service (P.O. Box 380, Rt. 113, Creamery, PA 19430, phone: 489-6071) or the Montgomery County Conservation District (phone: 278-3618).

11a. Preserve As Is - This would be the preferred option if the pond is in sound condition and there is sufficient funds to perpetually maintain the resource. If the pond remains part of the PA it is important to buffer it from lawn or pasture areas by maintaining woodland or meadow along its edge. Consult the Stewardship Matrix to reference the appropriate section for converting the existing resource to woodland or meadow. The woodland or meadow should have a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn or pasture may be maintained along a section of the pond not to exceed 30′ to allow for access for passive recreation or livestock, a foot bridge, or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The lawn or pasture area within 10′ of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy tractors.

11b. Restore to Healthy State - This would be a preferred option if the pond is structurally unsound, silted in, or dominated by undesirable vegetation and there is sufficient funds to both restore it to a sound condition and perpetually maintain the resource. If the pond remains part of the PA it is important to buffer it from lawn or pasture areas by maintaining woodland or meadow along its edge. Consult the Stewardship Matrix to reference the appropriate section for converting the existing resource to woodland or meadow. The woodland or meadow should have a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn or pasture may be maintained along a section of the pond not to exceed 30′ to

allow for access for passive recreation or livestock, a foot bridge, or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The lawn, pasture, or meadow area within 10′ of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy tractors.

11c. Convert to Woodland - This would be a preferred option if there is no desire to preserve the pond and DER (Ridley Creek State Park; Phone: 566-4800) approval was obtained for filling in the pond, or alternatively, breaching the dam. Use the following guidelines in converting a pond to woodland.

(1) Follow DER or SCS recommendations for draining, removing structures, and filling.
(2) Seed exposed ground with a combination of annual rye or oats and perennial native grasses.
(3) Planting design should be spaced to allow for control of competing vegetation with available mowing equipment, but close enough for the canopy to close quickly. For woodland and deep hedgerows this will require a spacing of approximately 10′ x 10′. Narrow hedgerows that are principally screens should have at least 20′ spacings in staggered rows to allow for full development of trees.
(4) Select native species that are appropriate for the site, which in this case are likely to be wetland conditions. For best survival trees should be 1 - 2 inches in caliper for hardwoods and 6 - 8 feet in height for conifers.
(5) Use protective measures such as fencing, tree shelters, and flexible tree guards to minimize deer damage.
(6) Reduce vegetative competition through selective herbicide use around base of tree or mowing at least four times during the growing season until the canopy has closed. After closure monitor for invasive plants and control as needed.

11d. Convert to Meadow - This would be a preferred option if there is no desire to preserve the pond and DER approval was obtained for filling the pond or breaching the dam. Use the following guidelines in converting a pond to meadow.

(1) Follow DER or SCS recommendations for draining, removing structures, and filling.
(2) Use only native grass and wildflower species appropriate to the site, which is likely to be wet. Add annual rye or oats to the seed mix to provide a quick cover for erosion control. Plant in spring or early fall. Liming and fertilization is not necessary for native species.
(3) Mow meadow twice a year at a height of 4″- 6″ to prevent intrusion by woody vegetation or invasive vegetation. Recommended dates are mid-July and early March. Do not mow more than three times per year.

Meadows should not be mowed between March 15th and July 1st, when wildlife is nesting. Maintain trails at a 6'- 8' width.

(4) If desired or needed, augment existing meadow species with native species appropriate to site conditions through overseeding or installation of plugs.

11e. Convert to Lawn - This would be a preferred option if there is no desire to preserve the pond and DER approval was obtained for filling the pond. Converting to lawn would increase the recreational benefits of the PA, especially if it augmented an existing lawn or landscaped area. This option is not appropriate for areas of hydric soils or steep (> 15%) slopes. Use the following guidelines in converting a formal garden to lawn.

(1) Follow DER or SCS recommendations for draining, removing structures, and filling.
(2) Grade and seed according to Penn State Cooperative Extension recommendations.
(3) Apply lime, fertilizer, and organic matter as prescribed by a Penn State University (or comparable laboratory) soil analysis recommendation. Soil test kits are available from the Penn State Cooperative Extension in (P.O. Box 20, 1015 Rt. 113, Creamery, PA 19430-0020 489-3415).
(4) Maintain lawn by mowing on an as-needed basis to keep grass 3"- 5" in height.
(5) Herbicides and pesticides should not be applied to lawn within the PA.
(6) Streams and ponds should be buffered from lawn areas on each side by woodland or meadow that has a width equal to the greater of 25' or 20% of the perpendicular width of all (PA and non-PA) adjacent lawn; except that lawn may be maintained along a section of the pond (not to exceed 30') as: access for passive recreation; a foot bridge or ford; or as a trail (not to exceed 8' in width, or come within 10' of the stream or pond bank) within the buffer area. The lawn area within 10' of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy lawn tractors.

Section 12. Stream Corridors

Overview

Stream corridors are land areas immediately adjacent to streams, typically including floodplains, alluvial soils and stream related wetlands. Stream corridors can provide many benefits including environmental (as silt and chemical buffers for associated streams), ecological (wildlife habitat), and recreational (fishing) and can be an attractive part of a PA. Given their critical position all stream corridors within a PA should be maintained as woodland or meadow to maximize their buffering role. The width of the buffer needed to protect the stream resources and provide environmental and ecological benefits will vary relative to soils and slope. In general the buffer should be no less than 25 feet on either side of the stream and may need to be more to include sensitive areas such as floodplains. The exact extent of the protected stream corridor should be made on a case-by-case basis. Streams should be buffered from lawn or pasture areas on each side by woodland or meadow that has a width equal to the greater of 25′ or 20% of the perpendicular width of all (PA and non-PA) adjacent pasture; except that lawn or pasture may be maintained along a section of the stream (not to exceed 30′) as: access for passive recreation or livestock; a foot bridge or ford; or as a trail (not to exceed 8′ in width, or come within 10′ of the stream or pond bank) within the buffer area. The pasture or meadow area within 10′ of the stream or pond bank should be mowed with a walk-behind mower or weed whip to prevent degradation of the bank by heavy tractors.

Management Guidelines

As stated above, stream corridors should be consist of woodland or meadow to buffer the adjacent water resource. Therefore, regardless of the existing resource the goal should be to maintain the corridor as healthy woodland or meadow or move the existing resource to healthy woodland and/ or meadow. Use the Stewardship Matrix to reference the appropriate section for guidelines to achieve this goal.

Section 13. Historic Resources

Overview

Lower Merion Township's historic resources, which recall the area's heritage and contribute to the community's character, can be categorized as follows: (1) *built resources* incorporating residences, barns, commercial buildings, houses of worship, civic structures, etc.; (2) *archeological resources* encompassing artifacts and relics of past human cultures; and (3) *cultural resources* including combinations of built and natural resources, such as trees, streams, bridges, walls, spring houses, corn cribs, railroad tracks, and cemetery markers.

The Lower Merion Township Historic Architectural Review Board (HARB) has inventoried many of the Township's historic resources. HARB is a seven- member board appointed by the Board of Commissioners to protect the Township's distinctive historical character and cultural heritage. Because historic resources provide area residents and visitors with a critical link to the past, it is recommended that you contact the HARB directly for advice (75 E. Lancaster Avenue, Ardmore, PA 19003, phone 642-5039) if your PA contains built, archaeological or cultural resources.

Management Guidelines

There are two preferred management options for historic resources: preserve as is and restore to a healthy state. The option selected will depend upon the condition and integrity of the resource, the available management budget, and the interpretive value of the resource. The HARB considers a resource to have a high degree of integrity if it possesses one of the following: (1) an authentic, remnant historic or architectural identity evident through surviving or physical characteristics such as location, setting, design, materials and/or workmanship; (2) the documented potential of possessing retrievable or surviving characteristics; or (3) documented association with an historical event or person, accompanied by surviving relevance to the setting of the event or person. It is recommended that you contact the HARB directly for assistance in determining the integrity and interpretive value of your historic resource(s). If required, the HARB will also help you identify potential sources of preservation funding.

13a. <u>Preserve As Is</u> - If a resource has a high degree of integrity and interpretive value, measures should be taken, at the very least, to sustain the existing form, integrity and material of the resource. Preservation may include either initial stabilization or ongoing maintenance. Because of the varied nature of historic resources, it is recommended that an expert in the type of resource present be retained to advise on the most appropriate methods for preservation, i.e., an architect specializing in historic architecture, an archeologist, or landscape historian. In the case of simple vernacular structures such as spring houses any sensitive, competent design professional is probably qualified.

13b. Restore to a Healthy State - If a resource, which has a high degree of integrity, and interpretive value, exists in a state of disrepair, every effort should be made (funds permitting) to restore the resource to its form and condition at an appropriate point in history. If restoration is not feasible for financial or other reasons, the goal should be to stabilize the resource in order to prevent further damage. Consultation with the HARB will help determine the appropriate point in history.

Chapter 6

List of Recommended Native Plants

The following list of plants are generally suitable for use in Preservation Areas. However the user of this handbook should be aware that even among native plants, different species are more or less suitable to different sites depending on factors such as shade tolerance and moisture availability. Therefore a knowledgeable landscape architect, horticulturalist, or landscape contractor should be retained to develop planting plans for the specific site in question. For more information on these plants, please see Selected Native Trees and Shrubs of Eastern Pennsylvania and Southern New Jersey and Their Wildlife Uses, published by Natural Lands Trust, 1992.

6.1 Shrubs

Scientific name	Common name
Amelanchier canadensis	SHADBUSH or SHADBLOW SERVICEBERRY
Aronia arbutifolia	RED CHOKEBERRY
Aronia melanocarpa	BLACK CHOKEBERRY
Calycanthus floridus	COMMON SWEETSHRUB
Clethra alnifolia	SUMMERSWEET CLETHRA
Cornus sericea	RED-OSIER DOGWOOD
Hamamelis vernalis	VERNAL WITCHHAZEL
Ilex glabra	INKBERRY
Ilex verticillata	WINTERBERRY
Itea virginica	VIRGINIA SWEETSPIRE
Kalmia latifolia	MOUNTAIN LAUREL
Magnolia virginiana	SWEETBAY MAGNOLIA
Myrica pensylvanica	NORTHERN BAYBERRY
Rhododendron carolinianum	CAROLINA RHODODENDRON
Rhododendron maximum	ROSEBAY RHODODENDRON
Rhododendron arborescens	SWEET AZALEA
Rhododendron calendulaceum	FLAME AZALEA
Rhododendron canescens	PIEDMONT AZALEA
Rhododendron prunifolium	PLUMLEAF AZALEA
Rhododendron viscosum	SWAMP AZALEA (prefers wet conditions)
Vaccinium corymbosum	HIGHBUSH BLUEBERRY
Viburnum dentatum	ARROWWOOD VIBURNUM
Viburnum lentago	NANNYBERRY
Viburnum prunifolium	BLACKHAW VIBURNUM
Viburnum trilobum	AMERICAN CRANBERRY

6.2 Small Trees

Scientific name	Common name
Cercis canadensis	EASTERN REDBUD
Chionanthus virginicus	WHITE FRINGETREE
Cornus florida	FLOWERING DOGWOOD
Crataegus phaenopyrum	WASHINGTON HAWTHORN
Franklinia alatamaha	FRANKLIN TREE
Halesia carolina	CAROLINA SILVERBELL
Hamamelis virginiana	COMMON WITCHHAZEL
Ilex opaca	AMERICAN HOLLY
Oxydendrum arboreum	SOURWOOD
Sorbus americana	AMERICAN MOUNTAINASH
Stewartia ovata	MOUNTAIN STEWARTIA

6.3 Large Trees

Scientific name	Common name
Acer rubrum	RED MAPLE
Acer saccharinum	SILVER MAPLE
Acer saccharum	SUGAR MAPLE
Betula nigra	RIVER BIRCH
Betula lenta	SWEET BIRCH
Carya ovata	SHAGBARK HICKORY
Celtis occidentalis	COMMON HACKBERRY
Fagus grandifolia	AMERICAN BEECH
Fraxinus americana	WHITE ASH
Fraxinus pennsylvanica	GREEN ASH
Gleditsia triacanthos	COMMON HONEYLOCUST
Juglans nigra	BLACK WALNUT
Juniperus virginiana	EASTERN REDCEDAR
Liquidambar styraciflua	AMERICAN SWEETGUM
Liriodendron tulipifera	TULIP POPLAR
Nyssa sylvatica	BLACK GUM
Picea glauca	WHITE SPRUCE
Pinus strobus	EASTERN WHITE PINE
Quercus acutissima	SAWTOOTH OAK
Quercus alba	WHITE OAK
Quercus palustris	PIN OAK
Quercus rubra	RED OAK
Tilia americana	AMERICAN LINDEN
Tsuga canadensis	EASTERN HEMLOCK

6.4 Sources of Native Plant Materials

Most nurseries carry at least some native species, although they are often cultivars. Straight native species are preferable for maximum benefit.

Eccles Nurseries, Inc.
P.O. Drawer Y
Rimersburg, Pa. 16248

Environmental Concern, Inc.
210 West Chew Avenue
Post Office Box P
St. Michaels, MD 21663
(410) 745-9620

Feeney's Nursery
York Road
Furlong, Pa. 18925

Flickinger's Nursery
P.O. Box 245
Sagamore, Pa. 16250

Moon Nursery
Box 482, Quarry Road
Yardley, Pa. 19067
(215) 968-6141

Natural Landscapes
345 N. Jennersville Road
West Grove, Pa. 19390
(215) 869-3788

North Creek Nurseries
R.R. #2, Box 33
Landenburg, Pa. 19350
(215) 255-4762

Octoraro Wetland Nurseries
P.O. Box 24
Oxford, Pa. 19363
(215) 932-3762

Pinelands Nursery
323 Island Road
Columbus, NJ 08022
(609) 291-9486

Shemin Nurseries
100 Green Tree Road
P.O. Box 649
Oaks, Pa. 19456-0649
(215) 666-0595

Sylva Native Nursery & Seed Co.
R.D. #2, Box 1033
New Freedom, Pa 17349

Snipes Nursery
U.S. Route 1
Morrisville, Pa. 19067
(215) 295-1138

Pinelands Nursery
R.R. 1, Box 12, Island Road
Columbus, NJ 08022
(609) 291-9486

Temple University - Ambler Campus
Native Plant Propagation Center
580 Meetinghouse Road
Ambler, Pa. 19002-3999
(215) 283-1330

This is a partial list of sources. It does intend to be complete or to imply endorsement.

6.5 Planting Guidelines

When planting trees or shrubs following these guidelines will maximize the chances of success.

1. Use only native tree and shrub species appropriate to site conditions per Sections 6.1, 6.2, and 6.3.
2. Planting shall occur only in early spring or early fall unless otherwise recommended as a sound conservation management practice. Deciduous trees and shrubs shall be planted prior to bud break, leafing out, or after leaf fall to optimize plant survival.
3. All plants shall be nursery grown and in accordance with the American Standards for Nursery Stock, latest edition.
4. All plants shall be typical of their species or variety and shall have a normal habit of growth. They shall be sound, healthy and vigorous, well-branched, and densely foliated when in leaf. They shall be free of disease and insect pests, eggs, or larvae. They shall have healthy, well-developed root systems.
5. Trees should be large enough to survive deer pressure (browse and rub), but not too large that they suffer prolonged shock in transplanting. Large trees lose a greater percentage of their root system during transplanting than small trees and consequently suffers "transplanting shock" for a longer time. This results in limited top growth until the root system can be re-established. Small trees suffer less shock and can often overtake larger trees before they have recovered. Planting large trees, therefore, can be both financially wasteful and poor arboriculture. Hardwood trees shall be 0.75" - 1.5" in caliper and/or 6' - 8' tall at planting and softwood trees shall be 6' - 8' tall at planting. This height will help ensure that plants will resist competition from invasive plants and damage from deer browse. Shrubs shall be a minimum of 18" - 24" tall at planting.
6. All plants shall be balled and burlapped or containerized.
7. Root balls of all plants shall be adequately protected at all times from sun, drying winds, and frost.
8. Woodland gaps shall be planted with trees on 10' x 10' spacings and protected from deer damage with fencing, tree shelters, or flexible tree guards.
9. Hedgerows that are principally screens shall have at least 20' spacings in staggered rows to allow for full development of trees.
10. The planting hole shall be 2-3 times as wide as the diameter of the root ball, but need not be much deeper than the root ball. As necessary, mound soil in the hole so that when set in place, the plant will have the top of its root ball at or slightly above ground level. If debris is encountered, e.g., rocks, broken concrete, trash, etc., remove it to a minimum depth of 30" and backfill with soil, leaving a hole as deep as the root ball.
11. Any burlap, twine, or wire basket covering the upper half of the ball must be loosened and laid flat in the hole or cut away completely after the plant has been

set in place. It is essential to completely remove all synthetic string and fabric from around the root ball (natural burlap will decompose in time).

12. Backfill with soil and lightly tamp soil surface.
13. If space permits, mound the soil into a collar 4" - 5" high surrounding the perimeter of the root ball to retain water.
14. If planting on a slope, mound soil on the downslope side to prevent water runoff.
15. Watering is only necessary if the plant is planted with foliage and not during optimal planting times. However, if water is easily accessible, water all plants to help remove air pockets from backfilled soil. In this case, the planting hole shall be backfilled 3/4 full with soil and watered well. When the water has been absorbed, the hole shall be filled the rest of the way with soil and tamped lightly.
16. If available and/or desired, put a layer of mulch 2" - 3" thick over the planting area, but no closer than 2" to the trunk of the tree.
17. Stakes shall not be used unless the tree is planted with a loose root ball or later found to be displaced. If they are required, hardwood stakes no less than 2" x 2" across shall be driven into the ground outside the root ball. Use two stakes for trees smaller than 2.5" - 3.5" in caliper, three stakes for trees larger than 2.5" - 3.5" in caliper. The stakes shall be tall enough to provide the firm support necessary for proper root development, but not too tall to permit the tree to flex in the wind. The stakes shall all be the same height for uniform support. Number 10 galvanized wire shall be looped around the trunk, allowing enough space for growth, and tied to each stake. The trunk shall be protected by placing a short piece of 3/4" diameter, 2-ply reinforced hose around the wire where it comes into contact with the trunk. All stakes and wire shall be removed from the plants after one year.
18. Heavy equipment shall be used only in extreme situations. If necessary, protect existing trees by staying as far away as possible (at least outside the drip line) to prevent soil compaction and trunk scarring.
19. Mow as necessary to maintain any herbaceous vegetation at a height no greater than 6" until areas are permanently re-established with new plantings.
20. Planting shall continue on an as-needed basis to assure that sufficient regeneration is available to replace canopy trees as they die.

Chapter 7

Recommendations for Monitoring and Enforcement of Preservation Areas

Monitoring or inspections of Preservation Areas both during construction and annually thereafter is important to ensure that the plan is being implemented correctly, to address new or unforeseen problems, and to allow for the incorporation of the latest knowledge and technology into the plan. There is a far greater likelihood of proper stewardship of resource areas over the long term with this component. The procedures proposed below are based on discussions with the Township Building Regulation staff, consultants active in the Township and, in the case of the procedures for annual inspections, on the annual monitoring and enforcement that the Natural Lands Trust and other land trusts now conduct on their conservation easements.

7.1 Monitoring During the Construction Phase of a Project

During construction it is inevitable that there will be problems when work must be done in or around the Preservation Area. "Construction" and "preservation" are contradictory terms at least when it comes to natural areas. However the problems can be minimized by careful planning for construction and through better communication during the construction phase.

Planning for construction

It is recommended that the plans for Preservation Area recognize necessary intrusions into the PA for installation of utilities, removal of invasive plants that require machinery, etc. The plan should clearly delineate three zones:

(1) areas that are not to be intruded upon at any time - the "pristine areas";
(2) areas that must be intruded upon for installation of utilities and other necessary components of the development plan; and
(3) areas where intrusion is required in order to effect restoration of the resource, e.g., vehicles needed for removal of undesirable vegetation, earthmoving equipment to fill in eroded areas, or cherry-pickers to prune large trees.

Pre-Construction Communication

To improve communication and scheduling during the construction process there should be a pre-construction conference between the Township Building Regulation staff, the general contractor, and *all* the subcontractors at which the contractors are

made aware of the restriction on access into the Preservation Area. All contractors should be made to sign an acknowledgement form at this meeting. Either at this meeting or as soon thereafter as is practical, a master schedule should be drawn up which lists all permitted intrusions into the PA and when they will occur. The Building Regulation staff should then be informed before these permitted intrusions so that they can arrange to be on site at the proper time.

7.2 Long Term Monitoring, Interpretation and Enforcement

To ensure the long term integrity of Preservation Areas, it is recommended that Lower Merion Township institute administrative procedures for the Preservation Areas program.

Long term administration of Preservation Areas will include three principal tasks: 1) annual monitoring, 2) interpretation of PA restrictions and maintenance requirements, and 3) enforcement of PA restrictions and maintenance requirements. Based on the experience of nonprofit conservation organizations, the heart of this long term process will be an ongoing, annual monitoring process followed up with appropriate enforcement actions. Procedures for annual monitoring are described below. Interpretation is usually a minor item and consists primarily of answering owners' questions about what they can and cannot do within restricted areas.

Database
The Township should create and maintain a database of every property that contains a Preservation Area. Such a database could be developed from models already in use at land trusts, such as the Natural Lands Trust. Based on the experience of nonprofit organizations, the database should include the following information (data fields):

a. Project code number
b. Conveyance date (where applicable)
c. Recording date
d. Developer name and address(es)
e. Restriction type
   - conservation easement
   - deed restriction
   - trail easement
   - other
e. Tax parcel numbers
f. Deed Book and Page
g. Other location data: Map Book, Aerial photo

h. Funding provisions, e.g., endowment
i. Amendments
j. Property Address
k. Watershed/subwatershed
l. Protected acreage (by tax parcel)
m. Total property acreage (by tax parcel)
n. Property description
o. Natural features present:
   - woodlands
   - floodplain, alluvial soil
   - ponds
   - meadow
   - streams
   - steep slopes
   - wetlands
p. Chain of title from time of conveyance/protection
   - donor name and address
   - value of land and easement at time of donation
   - each successor owner and date of transfer
   - purchase price at each transfer
   - current landowner
q. Summary of restrictions with emphasis on nonstandard, special provisions.
r. List of pre-existing improvements
s. Summary of permitted improvements and status
t. Inspection record with reports from each annual inspection and results of any actions
u. File number if applicable

Annual Inspection

It is extremely important to inspect each property annually, not only to detect any violations that may have occurred, but to remind landowners that their land is under special restriction and that someone is monitoring and enforcing those restrictions. It also provides an opportunity for the landowner to gather stewardship recommendations for specific problems within the PA.

The procedure described below is based on that used at the Natural Lands Trust.

a. Annual monitoring begins with a verification of the ownership of each eased or otherwise protected parcel.
b. This research is followed up by a letter to each owner notifying them that an inspection of their property will be scheduled within a certain specified time period and giving them the name of the person who will contact them to set an

appointment.

c. The inspecting staff person then contacts each owner by phone and makes an appointment.
d. At the specified time, the staff person walks the property with the owner, photographs the property, and fills out a simple standard form which lists general easement standards and specific restrictions of the property being inspected.
e. The inspection report is then formally typed (or word processed, or preferably entered directly into the database) and a copy mailed to the owner with an accompanying acknowledgement form for the owner to sign and return.
f. If any violations are discovered they are discussed by an appropriate committee and action taken on a case-by-case basis.

This process results in four annual contacts between the owner and the monitoring organization, usually over a four to six month period. By using good database software it is possible to reduce the quantity of time involved in this process to a minimum. All the paperwork can be handled by a computer literate secretary or technician.

Enforcement

In the case of conservation easements held by nonprofit conservation organizations, the nonprofit would be the first line of defense with respect to enforcement of PA restrictions. The Lower Merion Building Regulation Department should also participate in enforcement because of their strong enforcement powers. If no conservation easement were in force, the Township would be the principal enforcement entity, although in some cases, the homeowners association might also play a role.

Staffing

It is important that the persons who inspect Preservation Areas have both a practical knowledge of land and natural systems and the ability to read and interpret legal documents. The Township can either assign this task to existing staff, hire new staff or contract the work out to an existing organization with the appropriate experience already available.

TOWN OF CARRBORO

VILLAGE MIXED USE & AFFORDABLE HOUSING VERNACULAR STANDARDS

referenced in:
SECTIONS 15-141.2, 15-177, 15-182.4
of the:
TOWN OF CARRBORO LAND USE ORDINANCE

Adopted by:
BOARD OF ALDERMEN
on:
MAY 25, 1999

I N T R O D U C T I O N

This booklet has been prepared to illustrate the architectural principles specified in the Town of Carrboro's Land Use Ordinance, Sections 15-141.2, 15-182.4, and15-177. This document presents Carrboro's vernacular architecture and its detail and is to be used as a set of guidelines for new residential construction. The information that follows is not meant to be copied, but to provide an architectural language to ensure that the new residential structures in Carrboro have reference to Carrboro's history. This in turn will continue to provide Carrboro with an architecturally unique sense of place that distinguishes it from "anyplace U.S.A."

PURPOSE OF THE GUIDELINES

This booklet serves as a companion to the architectural and site design elements included in the town's Land Use Ordinance, and illustrates the architectural standards that are to be executed in new residential construction in villages, major subdivisions, or affordable housing units in Carrboro. The booklet provides the visual and written text to give structure to the concept of a village vernacular. The guidelines themselves have been selected to achieve several purposes, including:

1. Celebrating the historical events that defined the Town of Carrboro and are reflected in the built environment.
2. Provide a diversity of housing types, sizes, within a range of styles characteristic of mill-era architecture.
3. Maintain the scale of residential development in keeping with the historical precedent.
4. Reference traditional building forms and materials.
5. Provide a sense of place.

SUMMARY OF FOUR BUILDING STYLES

The illustrations represent the vernacular architecture of the Town of Carrboro and its environs during the period when mills were the defining features of the Town. It was in this era, roughly from 1890 to 1950, that the form of the community was established. These forms resulted from economics, topography, convention, craftsmanship and materials.

In Carrboro, four building styles comprise most of the architectural form for that period. These styles are presented below in chronological order. A brief commentary concerning their function in the community follows.

MILL HOUSE, ***one-story*** – These wood frame structures date to the earliest period of occupation that is directly associated with the mill operation in the Carrboro vicinity. These buildings are truly representative of Carrboro's earliest rental housing, built as they were to house the many individuals and families who migrated into this small town from outlying areas. As is typical of early industrial housing throughout the state, the houses are one-room deep, usually with a rear ell. The houses

were placed on lots large enough to include a garden plot, approximately 7,000 square feet. Simple, gable roofs, minimal decoration, and full, or nearly full, front porches, are typical features. Slightly more decorative elements are also found, including triple-A gables with shingles and vents, and sawn spandrels and chamfered porch posts. The main block usually contains a center hall and two rooms, although one type does have a separate entry for each of the two rooms.

MILL HOUSE, *two-story* – Dating to the same era are the two-story, mill houses. Including both the L-shaped houses, and the one-room deep versions, which typically included a one-story, rear ell. These structures are also of wood frame construction and served both as rental housing and private residences. Some of the larger structures were operated as boarding houses for unmarried laborers. The one-room deep variety can be seen with or without the dormer.

FOURSQUARE – The large spaces in the attics of these handsome houses provided extra space, primarily for families, and most were privately built. Dating to the earliest decades of the twentieth century, these two- or three-room deep, center hall plan, houses provide some variety in the Carrboro vernacular. These houses are found plain, or with gables or dormers. Most have three-quarter, or full, front porches.

CRAFTSMAN – The first of the four building types that can be considered to represent a national style, rather than the local vernacular, these structures are found in wood, as well as brick and stone. The one to one-and-a-half story structures were usually built as private residences.

SHARED OR COMMON ELEMENTS

Although the construction era for the four building styles spans nearly five decades, a number of characteristics are common to all. These characteristics include construction materials and practices, such as the use of wood for framing, sheathing, and decoration. The structures were almost always balloon framed and supported on masonry piers.

Finished floor elevations are usually minimal, ranging from 18 to 24 inches. The building facades are characterized by balanced or ordered fenestration; with window and door openings placed symmetrically and regularly spaced. Entry porches are commonly found with the main façade porch spanning between 80 and 100 percent of the main façade. Exterior lighting is minimal. Garages and other accessory structures are detached and usually set back behind the lot's principal building.

Of the many architectural features, seven elements have been identified as necessary in order to achieve the objectives noted above. These elements include:

1. Porches that span 80 percent of the front façade.
2. Roof characteristics, as follows:
   - Main roof pitch between 10/12 and 12/12
   - Lower roof pitch between 3/12 and 4/12
   - Minimum roof overhang of 16 inches on all eaves and gables.
3. Clapboard or shingle siding with a four and a half to a five and a half-inch exposure.
4. Windows shall have a vertical to horizontal proportion of not less than two to one.

5. Columns, vents, gables and other details shall reflect those presented in this booklet.
6. Chimneys are to be located within the body of the house.
7. Garage doors shall be nine feet wide or under. Garage doors shall not face the street.

HOW TO USE THE MANUAL

This guide contains photographs, sketches, and text that depict residential structures from the four building styles. The information presented here is organized along four principal topic areas. Some repetition, in light of the shared elements among the building styles, may be noted.

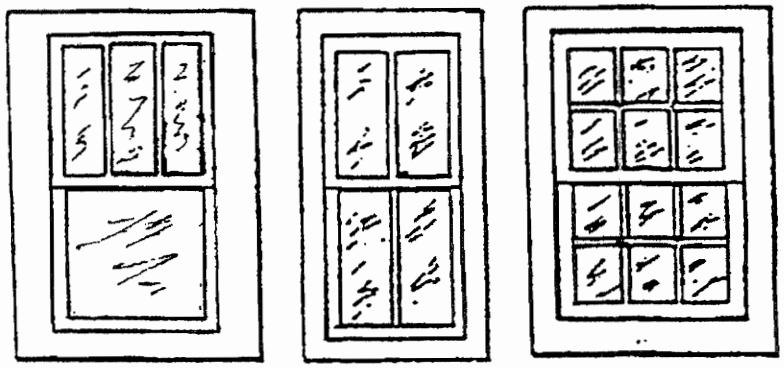
Construction materials are to reflect antecedents. Metal roofs, brick foundations, and wood siding are to be used, wherever appropriate. Other materials may be acceptable if designed to maintain traditional proportions.

Information on the structure of the four building styles is presented in seven categories, building form, exterior materials, façade treatment, fenestration, gables and vents, porch trim and eaves. General descriptions are included for each category. There are exceptions or variations within each category, and even some architectural examples that are not included. The illustrations have been selected as they highlight the most common, or signature, elements of each building style.

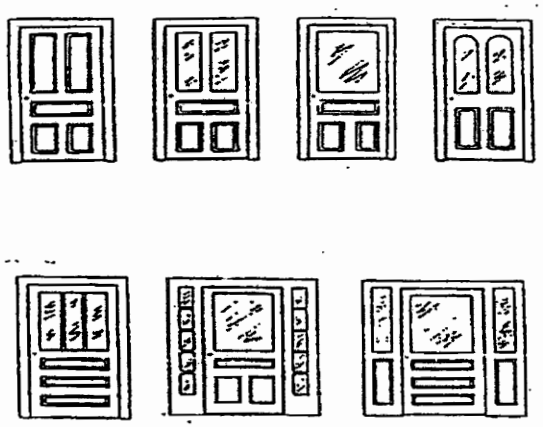
The descriptions and details presented here will assist an applicant or designer to conform with the seven architectural elements described above as acceptable features and proportions are noted. The array of elements selected, however, should occur within a particular style, with the exception of shared or common elements.

GUIDE TO TRIM AND FINISHING DETAILS

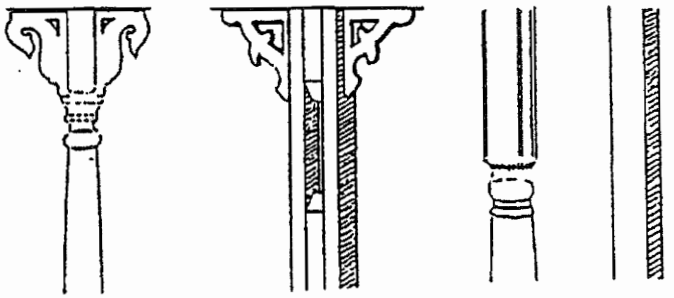
Sketches of five trim and finishing details, including windows, doors, columns, gables and vents, presented below provide simple illustrations of these building details.



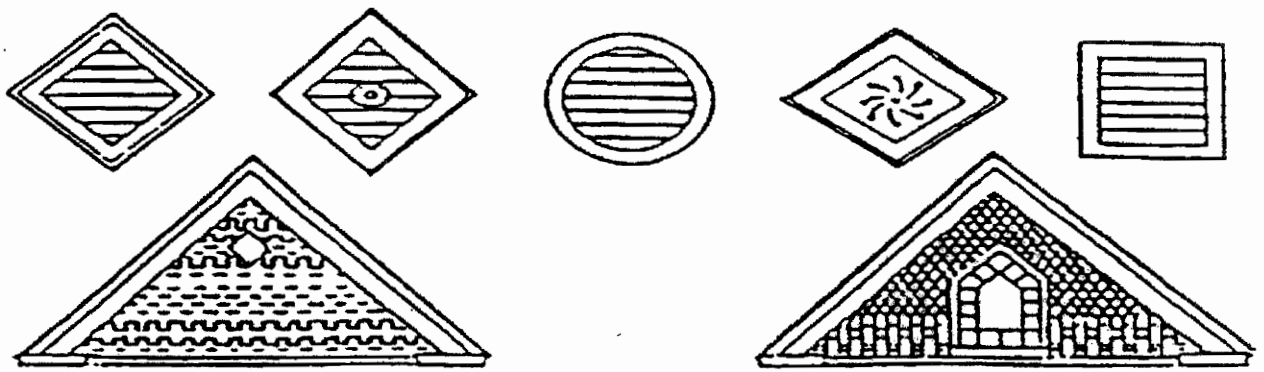
WINDOWS



DOORS



COLUMNS



GABLES & VENTS

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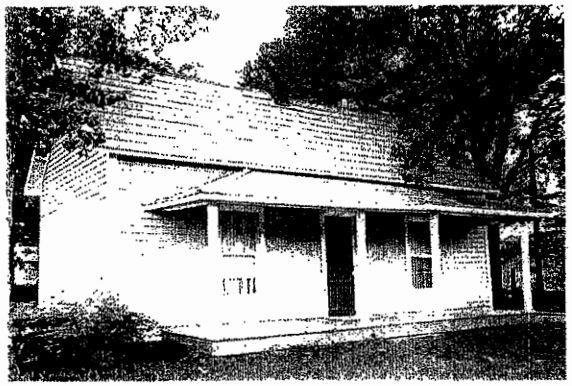
BUILDING FORM

MILL HOUSE: ONE-STORY

MASSING
- One- to One-and a-half story
- One room deep with rear ell
- 800 – 1,000 square feet

ROOF
- Side gable
- Triple 'A' or cross-gable
- Porch roof – shed or hipped
- Boxed eave and gable end returns or open eave



MILL HOUSE: TWO-STORY

MASSING
- Two stories
- One room deep with rear ell
- I-house or Gable-and-wing
- 1,400 – 1,700 square feet

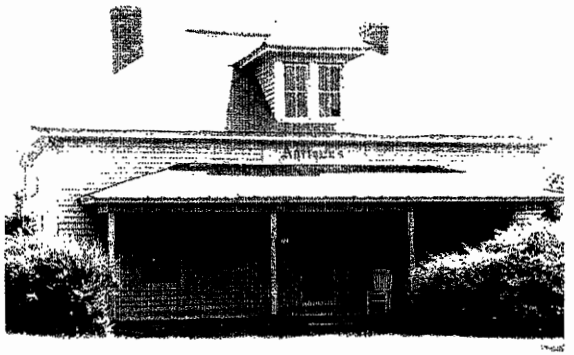
ROOF
- Side gable
- Triple 'A' or Cross gable
- Porch roof – shed or hipped
- Boxed eave and gable end returns or open eave

BUILDING FORM

FOURSQUARE

MASSING
- One- to One-and a-half story
- Two rooms deep with center hall
- 1,200 – 1,600 square feet

ROOF
- High hipped
- Plain, or Triple 'A' with dormer
- Porch roof –hipped or recessed



CRAFTSMAN

MASSING
- One- to One-and a-half story
- Two or three rooms deep
- Center hall or modified L-plan
- 1,200 – 1,800 square feet

ROOF
- Front gable
- Side gable with dormer(s)
- Porch roof –shed and integrated with main roof or recessed

EXTERIOR MATERIALS

MILL HOUSE: ONE-STORY

WALLS
- Lapped siding with 4 - 5-inch reveal
- Plain trim boards, 4 to 6 inches in width surround doors and windows
- Wood

ROOF
- Moderate overhang (10 – 18 inches)
- Tin or shingle
- Open eave with fascia, but no soffit

MILL HOUSE: TWO-STORY

WALLS
- Lapped siding with 4 – 5-inch reveal
- Plain boards, 4 to 6 inches in width surround doors and windows
- Wood

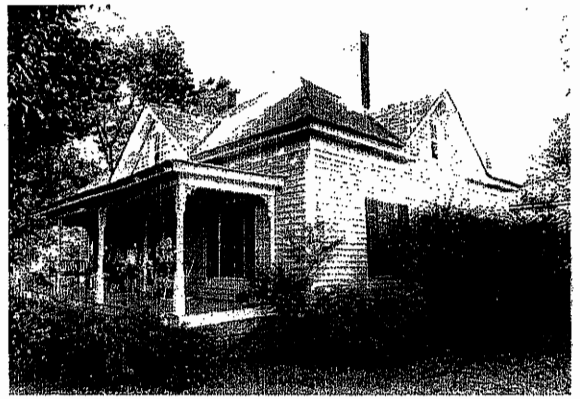
ROOF
- Moderate overhang (10- 18 inches)
- Boxed eave
- Tin or shingle

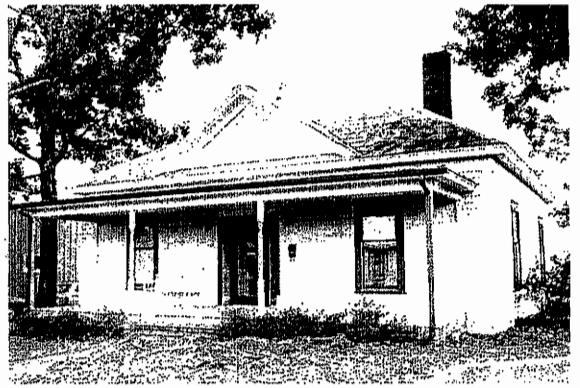
EXTERIOR MATERIALS

FOURSQUARE

WALLS
- Lapped siding with 4 – 5-inch reveal
- Plain boards, 4 to 6 inches wide surround doors and windows
- Wood

ROOF
- Moderate overhang (10 –18 inches)
- Boxed eave
- Tin or shingle

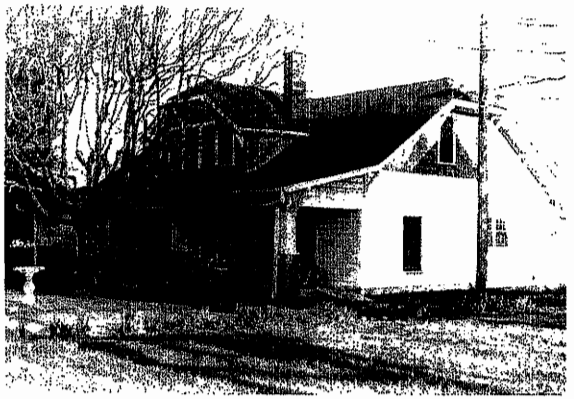




CRAFTSMAN

WALLS
- Lapped siding with 4 – 5-inch reveal
- Occasionally german siding, novelty board, or brick.
- Plain boards, 4 to 6 inches in width surround doors and windows
- Wood

ROOF
- Wide overhang (24 – 28 inches deep)
- Rafter ends exposed or false rafter ends
- Tin or shingle



FAÇADE TREATMENT

MILL HOUSE: ONE-STORY

FENESTRATION
- Double-hung windows
- Symmetrical, three- or four-bay façade
- One or two front doors centered on façade

PORCH
- Centered on main façade
- At least 80 percent of the length of the façade
- Six to eight feet deep

MILL HOUSE: TWO-STORY

FENESTRATION
- Double-hung windows
- Symmetrical, one window per bay

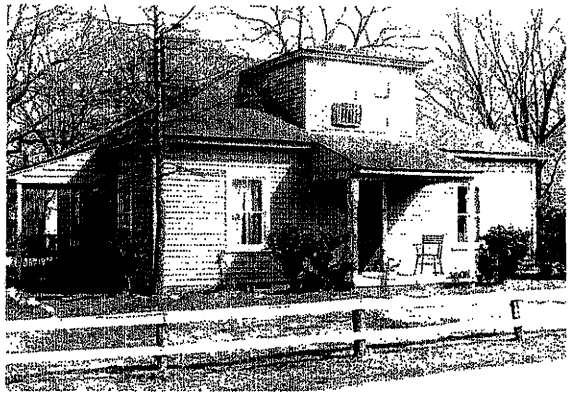
PORCH
- Porches on I-house same as one-story
- Porches on L-plan are either wrap-around or corner porches at entry
- Six to eight feet deep

FAÇADE TREATMENT

FOURSQUARE

FENESTRATION
- Double-hung windows
- Symmetrical, one window per bay
- Multiple in dormers and occasionally in front

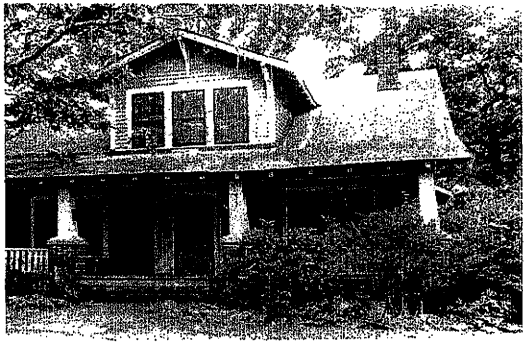
PORCH
- Porches are centered and run about 80 percent of the façade. Entry porches are also found.
- Six to eight feet deep



CRAFTSMAN

FENESTRATION
- Double-hung,
- Usually two or more windows per bay,

PORCH
- Continuous porch found on bungalow style. Recessed or hip (centered) on front-gable type. Wraparound also found.
- Porch railings commonly found.
- Six to eight feet deep



FENESTRATION

MILL HOUSE: ONE-STORY

WINDOWS
- Double-hung
- Light pattern, 2/2, 4/4,6/6
- Minimum vertical to horizontal proportion of two to one

DOORS
- Single entry doors
- Multi-paneled, wood
- With or without glazing in upper half of door

MILL HOUSE: TWO-STORY

WINDOWS
- Double-hung
- Light pattern, 2/2, 4/4,6/6
- Minimum vertical to horizontal proportion of two to one

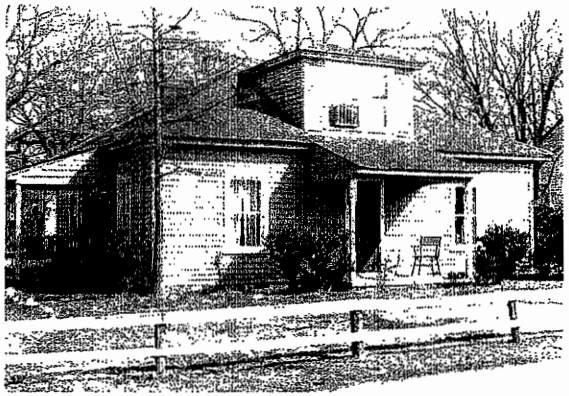
DOORS
- Single entry doors
- Multi-paneled, wood
- With or without glazing in upper half of door

FENESTRATION

FOURSQUARE

WINDOWS
- Double-hung
- Light pattern, 2/2, 4/4,6/6
- Minimum vertical to horizontal proportion of two to one

DOORS
- Single entry doors
- Multi-paneled, wood
- With or without glazing in upper half of door
- Sidelights and transoms



CRAFTSMAN

WINDOWS
- Double-hung
- Light pattern, 3/1, 4/1
- Minimum vertical to horizontal proportion of two to one

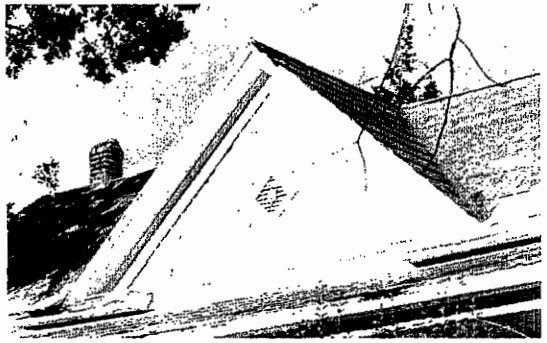
DOORS
- Single entry doors
- Multi-paneled, wood
- With or without glazing in upper half of door
- Sidelights

GABLES AND VENTS

MILL HOUSE: ONE-STORY

GABLES
- Triple – 'A' or cross gable on main façade, centered above door
- Often decorated with scalloped, sawtooth, or split shakes

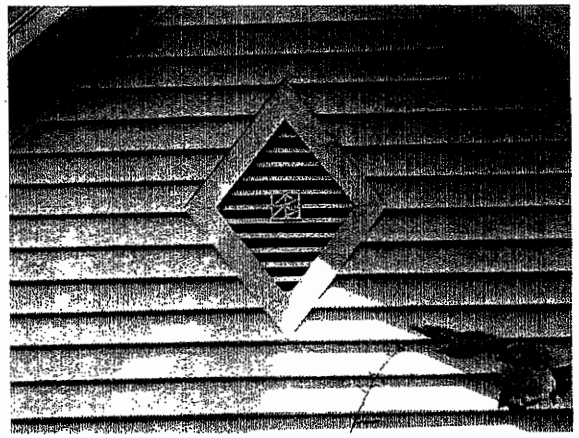
VENTS
- Used in triple-A gable or gable ends
- Diamond-shaped
- Horizontal louvers or pinwheel cutout



MILL HOUSE: TWO-STORY

GABLES
- Triple – 'A' or cross gable on main façade
- Cross gable often decorated with scalloped, sawtooth, or split shakes

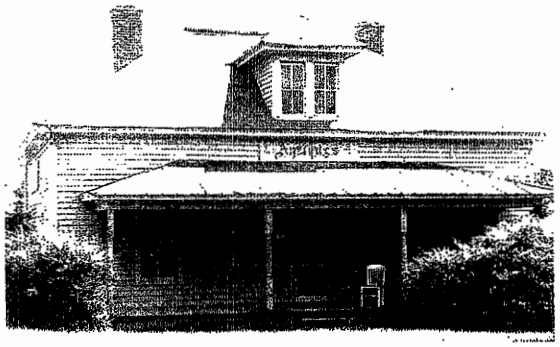
VENTS
- Used in triple-A gable or gable ends
- Diamond-shaped
- Horizontal louvers or pinwheel cutout



GABLES AND VENTS

FOURSQUARE

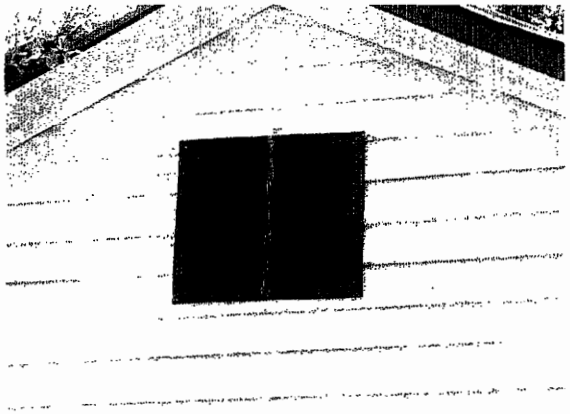
GABLES
- Cross gable on front or side
- Small, functional windows



CRAFTSMAN

GABLES
- No true gables but large, projecting dormers typically found

VENTS
- Half-circle, diamond, or square vents with louvers in front gable type.

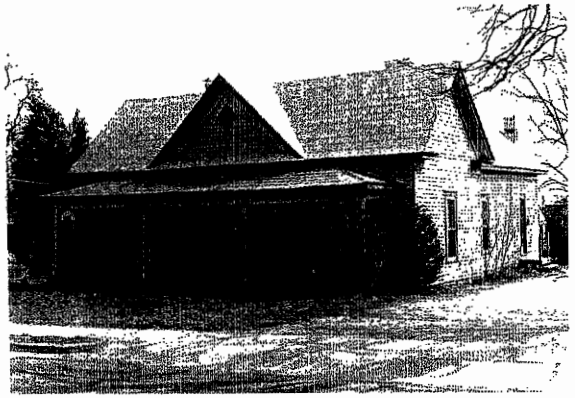


PORCH TRIM

MILL HOUSE: ONE-STORY

SPANDRELS AND COLUMNS

- Turned spindles with decorative spandrels or chamfered post
- Porch railings



MILL HOUSE: TWO-STORY

SPANDRELS AND COLUMNS

- Turned spindles with decorative spandrels or chamfered post
- Porch railings

PORCH TRIM

FOURSQUARE

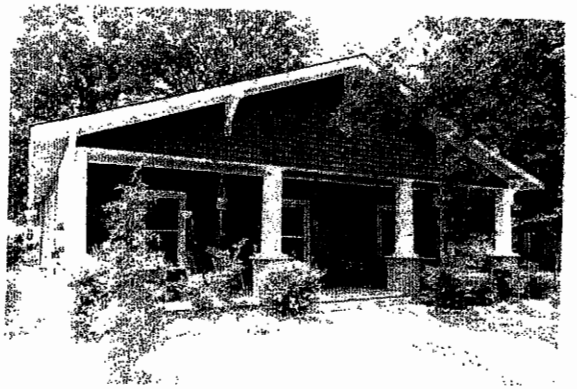
SPANDRELS AND COLUMNS

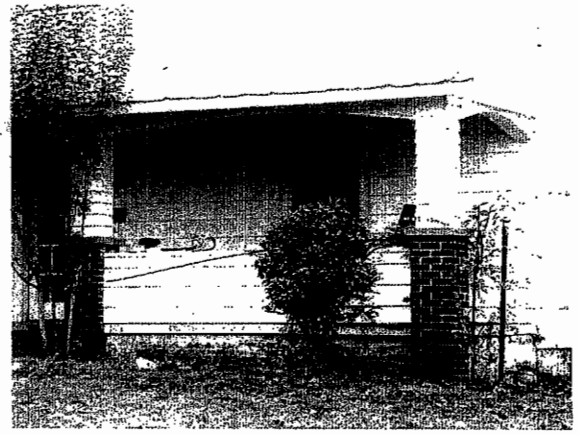
- Turned spindles with decorative spandrels
- Chamfered posts
- Square or tapered posts on brick piers

CRAFTSMAN

SPANDRELS AND COLUMNS

- Paired box posts on brick plinths
- Chamfered posts
- Square or tapered posts on brick piers



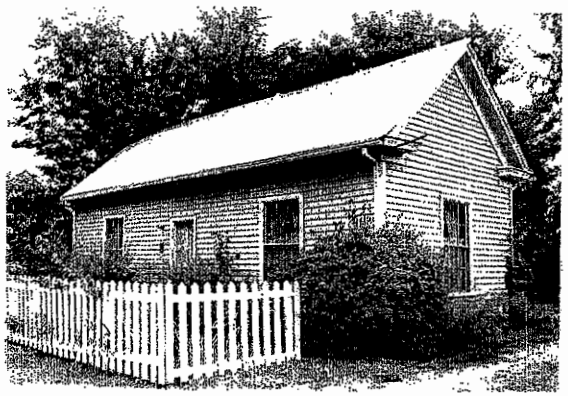


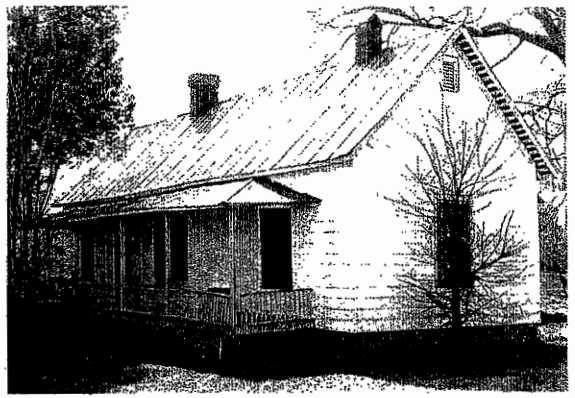
EAVES

MILL HOUSE: ONE-STORY

16" – 18" wide, in two designs:

- Boxed eave with horizontal soffits, frieze board, mitered eave returns on gable end.
- Exposed rafter with visible rafter tails and minimal trim.





MILL HOUSE: TWO-STORY

16" – 18" wide, in two designs:

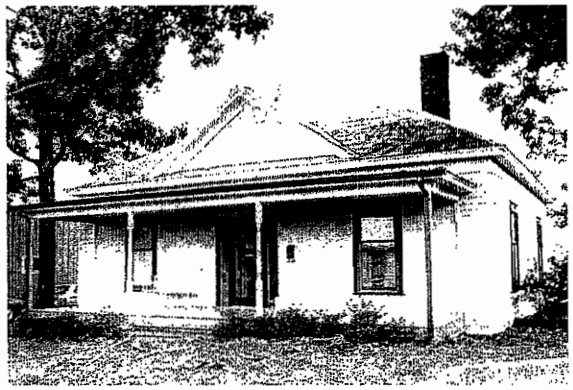
- Boxed eave with horizontal soffits, frieze board, mitered eave returns on gable end. Contains rake and frieze board
- Exposed rafter with visible rafter tails and minimal trim.

EAVES

FOURSQUARE

18" – 24" overhang

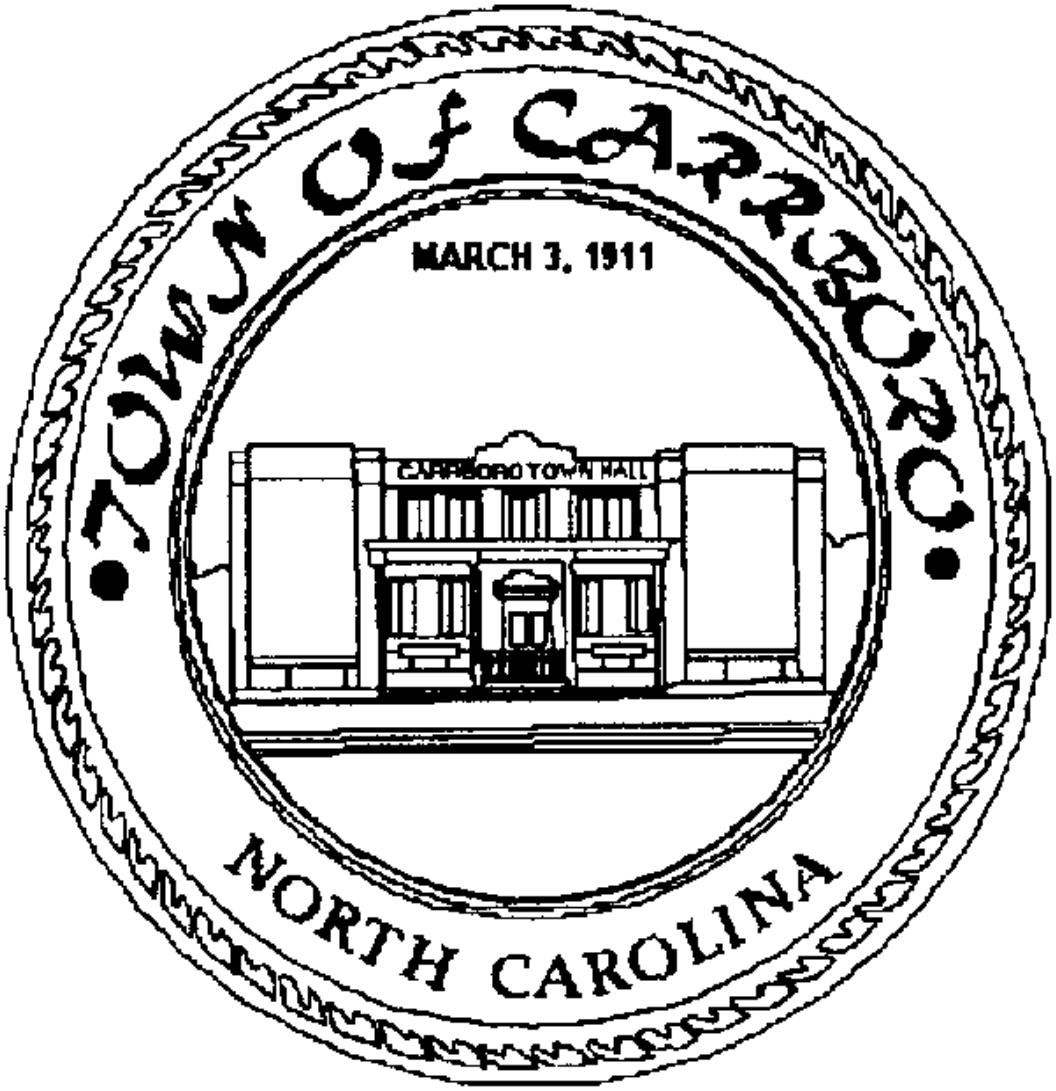
- Boxed eave
- 8" – 10" rake and frieze board



CRAFTSMAN

18" 24" overhang

- Open eaves
- Exposed rafters
- Decorative brackets added under eaves


TOWN OF CARRBORO
MARCH 3, 1911
CARRBORO TOWN HALL
NORTH CAROLINA