

612 Hillsborough Street
Summary Record of Staff Decision

October 6, 2022

Prepared by: Tas Lagoo, Senior Planner

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Correspondence Regarding Notice of Violation

Tasmaya Lagoo

From: Jessica Goodstein
Sent: Tuesday, June 14, 2022 4:31 PM
To: 612 Hillsborough
Subject: Re: Sign inquiry
Attachments: 612 Hillsborough_parking_NOV_20220614.pdf; Chapel Hill Code of Ordinances LUMO Table 3.7.1.pdf

Good afternoon Mr. Kelly,

I appreciate your honesty on the parking situation.

Unfortunately, 612 Hillsborough is zoned as residential use and the parking spaces on the property can only be used by and for the residence. The only lots that are zoned for renting out parking spaces are considered a "commercial use". I am not an expert in zoning compliance and referred to my colleague in the zoning department.

He explained that your off-campus parking is in violation of the Town of Chapel Hill Land Use Management and Operations (LUMO) Matrix table Section 3.7-1 (please see attached file) that in summary, states:

The parking in this situation as "Parking-Off Street". Parking- Off street is allowed in the properties zoning districts (R-1, R-2, and R-3) as an accessory use to the primary use (residential multi-family). Renting/leasing/lending a parking space to someone who does not reside onsite, is not a use considered "accessory" to the primary use.

Please read the notice of violation with further instructions and steps towards compliance with the Town of Chapel Hill codes. You will see there are no fines at this time and is simply asking for the signs to come down and the off-campus parking side business to come to an end within thirty days.

Sorry for being the bearer of bad news!

If you have any further questions on the matter, I would like to refer you to Gene Poveromo, the zoning inspector, at 919-619-5389

Thank you,

Jessica Goodstein
Code enforcement officer
Town of Chapel Hill

From: 612 Hillsborough <612Hillsborough@ellerliving.com>
Sent: Monday, June 13, 2022 3:45 PM
To: Jessica Goodstein <jgoodstein@townofchapelhill.org>
Subject: RE: Sign inquiry

Good afternoon Jessica,

The advertisement at 612 Hillsborough means that we sell our extra parking spots to students at UNC Chapel Hill. At 612 Hillsborough Apartments, every apartment is allowed 1 parking spot with options to rent additional ones for an extra fee. Because this often leaves us with extra spots, we sell them to students living off campus at UNC.

Hope this helped and let me know if you have any additional questions.
Thanks,

Joseph Kelly
Leasing Consultant
612 Hillsborough Apartments
612 Hillsborough Street, Chapel Hill, NC 27514
www.612Hillsborough.com (919) 636-5132

Consumer Debt Collection Warning: To the extent any portion of this email relates to a consumer debt, please be advised that this email message is an attempt to collect a debt and any information provided may be used for that purpose.

-----Original Message-----

From: Jessica Goodstein <jgoodstein@townofchapelhill.org>
Sent: Monday, June 13, 2022 3:40 PM
To: 612 Hillsborough <612Hillsborough@ellerliving.com>
Subject: Sign inquiry

Good afternoon,

My coworker and I drove by 612 Hillsborough St. back in March of 2022 and had a question or two regarding one particular advertisement along the sidewalk. My coworker was supposed to finish the case up but has been out of the office and now the report has been assigned to me.

the sign reads "off campus parking"

Could your team help me better understand what this signs means?

I'd really appreciate the clarity.

Thank you very much,

Jessica Goodstein

Notice of Violation Issued June 14, 2022



BUILDING AND DEVELOPMENT SERVICES

Town of Chapel Hill

405 Martin Luther King Jr. Blvd.

Chapel Hill, NC 27514

phone (919) 968-2718 fax (919) 932-2954

codeenforcement@townofchapelhill.org

www.townofchapelhill.org

June 14, 2022

Certified Receipt No.:

ECP HILLSBOROUGH LLC.
1350 ENVIRON WAY
CHAPEL HILL, NC 27517

FIRST AND FINAL WRITTEN NOTICE OF
ZONING CODE VIOLATION

LUMO Matrix 3.7-1 - Parking-off street at 612 HILLSBOROUGH ST CHAPEL HILL NC 27514
Violation Reference# ZO-22-16

Dear ECP HILLSBOROUGH LLC. ,

This notice is to advise you that your property at 612 HILLSBOROUGH ST (the "Property"), is in violation of the Town of Chapel Hill Land Use Management Ordinance # LUMO Matrix 3.7-1 - Parking-off street. This notice constitutes the **First and Final Notice** as outlined in Article 4.13 of the Land Use Management Ordinance (LUMO). This is the only notice that you will receive regarding the violation.

DESCRIPTION OF THE VIOLATION

On 03/11/2022 town staff observed that your property was out of compliance with

Please see attached matrix table.

In summary, Lumo defines the parking in this situation as "Parking-Off Street". Parking- Off street is allowed in the properties zoning districts (R-1, R-2, and R-3) as an accessory use to the primary use (residential multi-family). Renting/leasing/lending a parking space to someone who does not reside onsite, is not a use considered "accessory" to the primary use.

Below is a summary of relevant facts:

On June 06, 2022 Town staff observed a sign on Hillsborough Street, advertising "Off Campus Parking" in relation to 612 Hillsborough Apartments. Photos were taken for documentation.

On June 13, 2022 Town staff made an inquiry with the leasing consultant of the property and found that property managers sell excess parking spaces to non-residential students for a fee.

In order to bring the "Property" into compliance, and to stay addition enforcement action, the **following actions must be taken within the time limits as described below:**

COMPLIANCE STEPS
<p>Remit payment of \$ for civil penalty incurred by this violation per LUMO 4.13.1 <u>no later than ten (10) days of receipt of this notice.</u></p> <p>Must cease operations of renting parking spaces to non-residents within thirty (30) days of receiving this notice.</p> <p>Must cease advertising the operation of the off-campus parking immediately.</p> <p>Documentation must be provided to the code enforcement officer, proving that the off-campus parking business is no longer in operation.</p>

If you fail to take the necessary steps as outlined above in order to bring "the Property" into compliance, you may be subject to the imposition of up to a \$500.00 penalty, **for each day** that the violation exists **for each separate violation**, which shall run retroactively from the date of this Final Written Notice and will accrue daily until the property is brought into compliance per Section 4.13 of the Land Use Management Ordinance.

Note that this determination of violation and order may be appealed to the Board of Adjustment in accordance with Section 4.10 of the Land Use Management Ordinance. An application to appeal must be filed within **thirty (30) days of receipt of this letter.** Should you have any questions regarding the Board of Adjustment process, please contact Planning at planning@townofchapelhill.org.

If there are any further questions pertaining to the contents of this letter, or complying with the ordinances as outlined above, please contact me at jgoodstein@townofchapelhill.org or 919-724-6373.

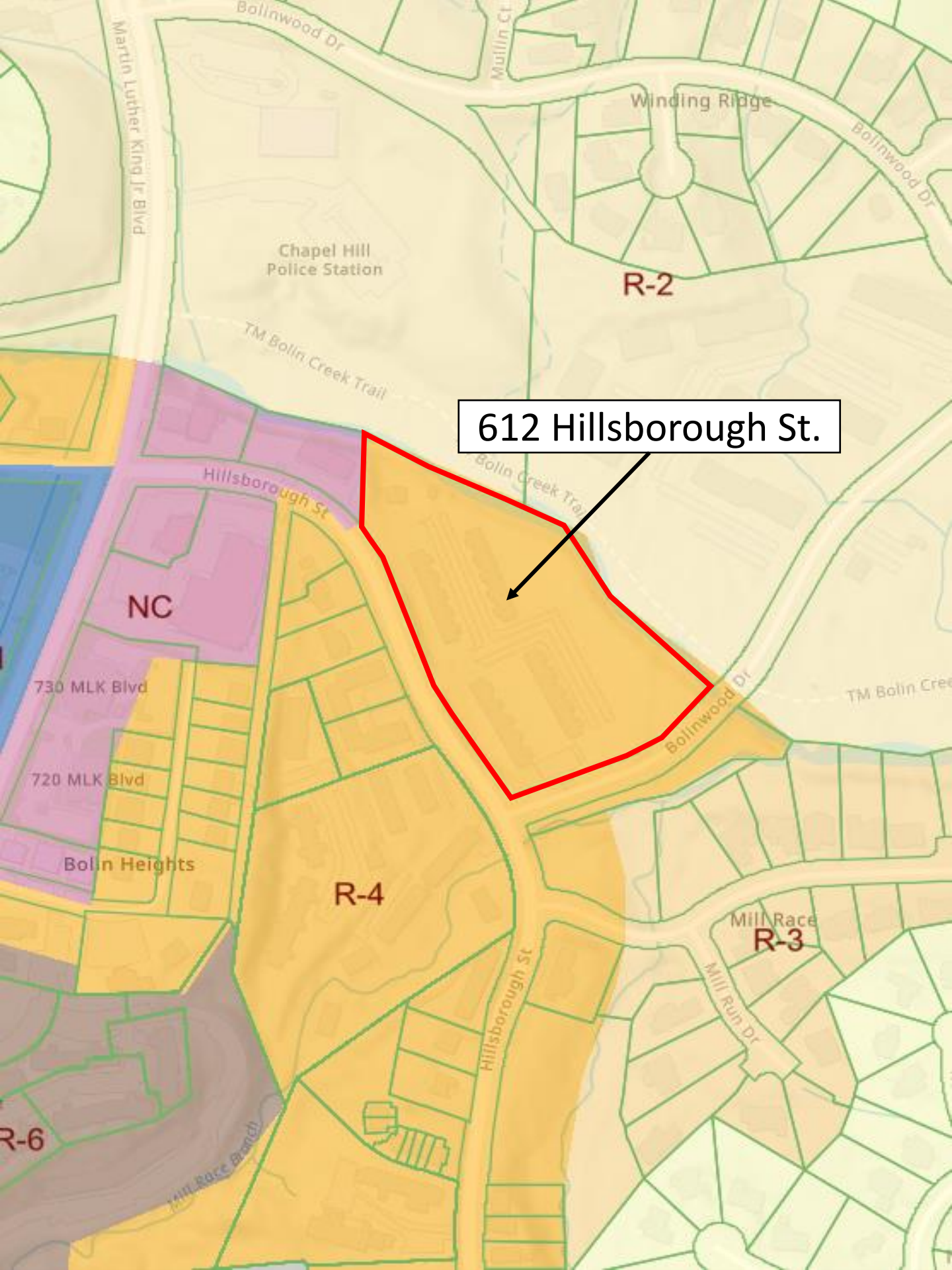
Sincerely,

Jessica Goodstein
Code Enforcement Officer

CC: Joseph Kelly, Leasing Consultant

Attachments: LUMO Matrix 3.7-1 - Parking-off street

Area Map of Subject Property



Martin Luther King Jr Blvd

Bolinwood Dr

Mullin Ct

Winding Ridge

Bolinwood Dr

Chapel Hill Police Station

R-2

TM Bolin Creek Trail

612 Hillsborough St.



Hillsborough St

Bolin Creek Trail

NC

730 MLK Blvd

720 MLK Blvd

Bolin Heights

R-4

Bolinwood Dr

TM Bolin Cree

Mill Race
R-3

Mill Run Dr

Hillsborough St

R-6

Mill Race Branch

Town of Chapel Hill Land Use Management
Ordinance Table 3.7-1

Table 3.7-1: Use Matrix

Table 3.7-1: Use Matrix																																			
		Zoning District																				Historic Rogers Road Neighborhood District				Planned Development (PD-)									
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Accessory use customarily incidental to a permitted principal or special use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	A	A	A	A	A	A	A	A	A
Adult day care facility (See also Article 6)	B	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	—	—	P, A	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	—	P, A	
Agriculture, Female Chickens	A	A	A	A	A	A	A	A	A	A	A	A	A	—	—	—	—	—	—	—	—	—	A	—	—	—	—	—	—	—	—	—	—	—	—
Agriculture, livestock	A	A	P, A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P, A	—	—	—	—	—	—	—	—	—	—	—	—	—
Agriculture, non-livestock	A	A	P, A	A	A	A	A	A	A	A	A	A	—	A	A	A	A	A	A	A	A	—	P, A	—	—	—	—	A	A	A	A	A	A	A	A
Automated teller machines (ATM) (Walkup)	C	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	A		—	—	—	—	P	P	P	P	P	P	P	P
Automated teller machines (ATM) (Drive-up)	C	—	—	—	—	—	—	—	—	—	—	—	—	—	S	S	S	S	S	S	S	—		—	—	—	—	P	P	P	P	P	P	P	P
Automotive Repair	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	—	—	—	—	—	P, A	A	—	—	—	—	—	—	—	P, A	—	P, A	P, A	P, A	P, A
Automotive repair (less collision, service and painting)	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	P, A	—	—	—	—	P, A	A	—	—	—	—	—	—	P, A	P, A	—	P	P, A	P, A	P, A

Table 3.7-1: Use Matrix

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		Zoning District																				Historic Rogers Road Neighborhood District				Planned Development (PD-)									
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LJ-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Automotive, trailer, and farm implement sales or rental	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P, A	—	P, A	—	P, A	
Bank	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	A	—	—	—	—	—	—	P, A	P, A	P, A	P, A	—	P, A
Barber shop/beauty salon	C	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	A	—	—	—	—	—	—	P	P	P	P	—	P	
Business—Convenience	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	P, A	—	—	A	A	A	A	—	—	—	—	—	—	P, A	P, A	—	P, A	—	P, A	
Business—General	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	P, A	—	—	A	A	—	Z	—	—	—	—	—	—	P, A	P, A	—	P, A	—	P, A	
Business—Wholesale	C	—	—	—	—	—	—	—	—	—	—	—	—	A	P, A	—	—	—	—	—	—	P, A	—	—	—	—	—	—	—	P, A	—	P, A	—	A	
Business, office-type	B	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	A, Z	—	—	—	P	—	—	P, A	P, A	P, A	P, A	—	P, A	
Car wash (See also Article 6)	C	—	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—		
Cemetery (See also Article 6)	A	S	S	S	S	S	S	S	S	S	S	S	—	—	—	—	—	—	S	S	—	—	—	—	—	—	—	—	—	—	—	—	—	P	
Child day care facility (See also Article 6)	B	P, A	P, A	PA	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	AY	—	P, A	P, A	P, A	—	P, A	PA	P, A	P, A	P, A	—	P, A	
Clinic	B	—	—	—	—	—	—	—	—	—	—	—	—	P	P, A	P, A	P	P	P, A	P, A	—	A	—	—	—	P	—	—	—	P, A	P, A	P, A	—	P	
Club	B	—	—	—	—	—	—	—	—	—	—	—	—	PA	PA	PA	PA	PA	PA	PA	—	—	—	—	—	—	—	A	PA	PA	PA	PA	—	P, A	
College or University	B	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	P	P	P	P	—	—	—	—	—	—	—	—	—	—	P	—	—	P	

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Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Drive-in window (See also Article 6)	C	—	—	—	—	—	—	—	—	—	—	—	—	S	S	S	S	S	S	S	—	—	—	—	—	—	—	—	A	A	A	A	A	A	P
Dwelling Units, Single Family	A	P	P	P	P	P	P	P	P	P	P	P	CZ	P	P	P	P	P	P	P	—	—	—	P	P	P	—	P	—	—	—	P		P	
Dwelling units, single-family with accessory apartment	A	P	P	P	P	P	P	P	P	P	P	P	CZ	P	P	P	P	P	P	P	—	—	—	A	A	A	—	P	—	—	—	P	—	P	
Dwelling units, duplex (See also Article 6)	A	—	—	—	—	—	P	—	P	P	P	P	CZ	P	P	P	P	P	P	P	—	—	—	P	P	P	—	P	—	—	—	P	—	P	
Dwelling units, multifamily, 3 to 7 dwelling units	A	—	—	—	—	—	—	—	—	P	P	P	CZ	P	P	P	P	P	P	P	—	—	—	—	—	P	—	P	—	—	—	P	—	P	
Dwelling units, multifamily, over 7 dwelling units	A	—	—	—	—	—	—	—	—	—	—	CZ	CZ	P	P	P	P	P	P	P	—	—	—	—	—	—	—	P	—	—	—	P	—	P	
Dwelling units, Live- Work (See also Article 6)	B	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	
Dwelling units, triplex (See also Article 6)	A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	—	—	—	—	—	—	—	—	
Dwelling Unit, Upper Story	A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	
Essential services	A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	—	—	—	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	

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Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Extraction of earth products (See also Article 6)	C	—	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Fine arts educational institution (See also Article 6)	B	—	—	—	—	—	—	—	—	—	S	S	—	P	P	P	P	P	P	P	—	A	—	—	—	—	—	—	—	—	—	—	—	P	
Flex office	C	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	—	—	—	
Flex space	C	—	—	—	—	—	—	—	—	—	—	—	—	A	P A	—	—	—	—	—	P	P, A	—	—	—	—	—	—	—	—	A	—	A	P	A
Food Truck	C	—	—	—	—	—	—	—	—	—	—	—	—	A	A	A	—	—	—	—	—	A	—	—	—	—	—	—	—	—	—	A	—	A	
Fraternity dwelling (See also Article 6)	B	—	—	—	—	—	—	—	—	—	S	S	—	S	S	—	S	S	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	P	
Funeral home	B	—	—	—	—	—	—	—	—	—	—	—	—	P	P A	—	P	P	P A	P A	—	—	—	—	—	—	—	—	—	—	P	—	P	—	P
Group care facility (See also Article 6)	B	S	S	S	S	S	S	S	S	S	S	S	—	P	P	P	P	P	P	P	—	—	—	S	S	S	—	A	—	—	P	P	—	P	
Hangar, medical aircraft	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	—	—	—	A	A	A	—	A	—	—	—	A	—	A	
Home occupation, Major (See also Article 6)	A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	A	A	A	—	—	—	—	—	—	—	—	
Hospital	B	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	P	—	—	—	
Hotel or motel	B	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	—	—	P	P	—	—	—	—	—	—	—	—	—	—	P	P	P	—	P
Independent Senior Living Facility (See also Article 6)	B	S	S	S	S	S	S	S	S	S	S	S	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	—	—	—	—	P	—	A	—	P, A	P, A	P, A	—		

Table 3.7-1: Use Matrix

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		Zoning District																				Historic Rogers Road Neighborhood District				Planned Development (PD-)									
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Kennel	C	—	—	—	—	—	—	—	—	—	—	—	—	—	P, A	—	—	—	A	A	—	—	—	—	—	—	—	—	—	P, A	—	P, A	—	—	
Landfill (See also Article 6)	C	—	S	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Main tenance/storage facility	C	—	—	—	—	—	—	—	—	—	—	—	—	—	A	—	—	—	P, A	P, A	P, A	AY	—	—	—	—	—	—	—	A	—	A	P, A	—	
Manufact ured home park	A	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	P	—	—	
Manufact ured home, Class A	A	P	P	P	P	P	P	P	P	P	P	P	CZ	P	P	P	P	P	P	P	—	—	—	P	P	—	—	P	—	—	—	P	—	P	
Manufact ured home, Class B	A	P	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Manufacturing, light	C	—	—	—	—	—	—	—	—	—	—	—	—	A	P, A	—	—	—	—	—	P	P, A	—	—	—	—	—	—	—	A	—	A	P	A	
Outdoor skateboard ramp (See Article 6)	A	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	A	A	A	A	A	—	—	—	—	—	—	A	A	A	A	A	A	A	
Park/ride (See also Article 6)	C	S	S	S	S	S	S	S	S	S	S	S	—	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	YZ	—	—	—	—	—	A	P, A	P, A	P, A	P, A	P, A	P, A	
Parking, off-street	C	A	A	A	A	A	A	A	A	A	A	A	—	P, A	A	A	A	A	P, A	P, A	A	AY	—	—	—	—	—	A	A	A	A	A	A	A	
Personal services	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	P, A	—	—	A	A	—	A	—	—	—	—	A	P, A	P, A	—	P, A	—	P, A		
Place of assembly, over 2,000 seating capacity (See also Article 6)	C	—	—	—	—	—	—	—	—	—	—	—	—	S	S	—	—	—	S	P	—	—	—	—	—	—	—	—	—	P	P	—	—	P	
Place of assembly, up to 2,000 seating capacity	C	A	A	A	A	A	A	A	A	A	A	A	—	P, A	P, A	A	A	A	P, A	P	A	Z	—	—	—	P	—	A	A	P, A	P, A	P, A	A	P, A	

Table 3.7-1: Use Matrix

Table 3.7-1: Use Matrix																																			
		Zoning District																				Historic Rogers Road Neighborhood District				Planned Development (PD-)									
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Place of worship (See Article 6)	B	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	P	AY	—	P	P	P	—	P	P	P	P	P	—	P	
Public cultural facility	B	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	A	—	P	P	P	P	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A
Public service facility (See also Article 6)	C	S	S	S	S	S	S	S	S	S	S	S	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	YZ	—	S	S	S	S	A	P, A	P, A	P, A	P, A	P, A	P, A	P, A
Public use facility	B	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A	Z	—	P	P	P	P	P, A	P, A	P, A	P, A	P, A	P, A	P, A	P, A
Publishing and/or printing	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	P, A	—	—	—	—	—	—	—	P, A	P, A	P, A	P, A	P, A	P, A
Recreation facility: Commercial	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	P, A	—	—	P, A	P, A	A	Z	—	—	—	—	—	A	P, A	P, A	P, A	P, A	P, A	A	P, A
Recreation facility: Non-profit	C	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P, A	P, A	P	Z	—	P	P	P	P	A	P	P	P	P, A	P	P	
Recreation facility: Outdoor commercial	C	—	—	—	—	—	—	—	—	—	—	—	—	S	S	S	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	—	P, A	—	P	
Research activities	B	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	—	P, A	P, A	P, A	P, A	P, A	—	—	—	—	—	—	—	—	P, A	P, A	P, A	P, A	P, A	P, A
Research Activities, Light	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P, A	—	—	—	—	—	—	—	—	—	—	—	—	—
Residence hall	B	—	—	—	—	—	—	—	—	—	—	—	—	P	—	—	—	—	P	P	—	—	—	—	—	—	—	P	—	—	—	P	—	—	
Residential support facility	B	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Rooming house	B	—	—	—	—	—	—	P	P	P	P	—	P	P	P	P	P	P	P	—	—	—	—	—	—	—	P	—	—	—	P	—	—	—	P
School, elementary or secondary	B	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	P	P	—	—	—	P	P	P	—	P	P	P	P	P	P	—	P	

Table 3.7-1: Use Matrix

Table 3.7-1: Use Matrix																																		
		Zoning District																				Historic Rogers Road Neighborhood District				Planned Development (PD-)								
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1
Service station/convenience store (See also Article 6)	C	—	—	—	—	—	—	—	—	—	—	—	—	S	S	S	—	—	A	A	A	—	—	—	—	—	—	P	P	—	P	A	P	
Shelter	B	—	—	—	—	—	—	—	—	—	—	—	—	S	—	S	S	S	S	S	—	—	—	—	—	—	—	—	—	—	—	—	—	P
Self-Storage Facility, Conditioned	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	S	—	—	—	YZ	—	—	—	—	—	—	—	—	—	S	—	—
Short-term rental, dedicated	A	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P
Short-term rental, primary residence	A	A	A	A	A	A	A	A	A	A	A	A	-	A	A	A	A	A	A	A	-	-	-	A	A	A	A	A	-	-	-	A	-	A
Solid waste management facility	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	Z	P, A	—	—	—	—	—	—	—	—	—	—	—
Supply yard	C	—	—	—	—	—	—	—	—	—	—	—	—	—	P, A	—	—	—	—	—	P, A	YZ	—	—	—	—	—	—	—	P, A	—	P, A	P, A	—
Temporary portable building: Construction-related (See also Article 6)	C	A	A	A	A	A	A	A	A	A	A	A	—	A	A	A	A	A	A	A	A	AY	—	—	—	—	—	A	A	A	A	A	A	A
Temporary portable building: Not construction-related	C	—	—	—	—	—	—	—	—	—	—	—	—	S	S	S	S	S	S	S	A	—	—	—	—	—	—	—	—	—	—	P	P	
Tourist home	B	—	—	—	—	—	—	—	—	—	—	—	—	P	P	—	P	P	P	P	—	—	—	—	—	—	—	—	—	P	P	P	—	P
Veterinary hospital or clinic	C	—	—	—	—	—	—	—	—	—	—	—	—	—	P, A	—	—	—	A	A	—	A	—	—	—	—	—	—	—	P, A	—	P, A	—	P, A

Table 3.7-1: Use Matrix

Table 3.7-1: Use Matrix																																			
		Zoning District																				Historic Rogers Road Neighborhood District				Planned Development (PD-)									
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Vocational school	C	—	—	—	—	—	—	—	—	—	—	—	—	P, A	P, A	—	—	—	P, A	P, A	—	A	—	—	—	—	—	—	—	P, A	P, A	P, A	—	—	P, A
Water and wastewater treatment plan	C	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	P, A	—	—	—	—	—	—	—	—	—	—	—	P, A	—	
Wireless Communication Facilities																																			
Collocation on existing tower or base station	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	—	P	P	P	P	P	YZ	P	—	—	—	—	P	P	P	P	P	P	P	
Small wireless facility ^, concealed: new base station or new dual purpose tower	C	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	YZ	P	—	—	—	—	P	P	P	P	P	P	P	
Small wireless facility ^, non- concealed: new base station or new tower	C	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	YZ	P	—	—	—	—	P	P	P	P	P	P	S	
Macrocell facility: new concealed base station	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	YZ	P	—	—	—	—	P	P	P	P	P	P	P	
Macrocell facility: new concealed dual-purpose tower	C	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	YZ	S	—	—	—	—	S	S	S	S	S	S	S	
Macrocell facility: new non-concealed base station	C	—	—	—	—	—	—	—	—	—	—	—	—	P	P	P	P	P	P	P	P	YZ	—	—	—	—	—	—	—	P	P	P	P	S	

Table 3.7-1: Use Matrix

Table 3.7-1: Use Matrix																																			
		Zoning District																				Historic Rogers Road Neighborhood District				Planned Development (PD-)									
Uses	Use Group	R-LD5	RT	R-LD1	R-1A	R-1	R-2	R-2A	R-3	R-4	R-5	R-6	R-SS-CZD	TC-1, TC-2, TC-3	CC	N.C.	OI-1	OI-2	OI-3	OI-4	I	LI-CZD	MH	HR-L	HR-M	HR-X	HR-C	H	SC(N)	SCI	OI	MU	I	DA-1	
Macrocell facility: new non-concealed tower	C	—	—	—	—	—	—	—	—	—	—	—	—	—	S	S	S	S	S	S	S	YZ	S	—	—	—	—	S	S	S	S	S	S	S	S

Town of Chapel Hill Land Use Management
Ordinance Appendix A

APPENDIX A. - DEFINITIONS

This appendix [Definitions] provides definitions and rules for interpreting this appendix A to the Code.

Interpretation of terms or words:

For the purpose of this appendix, certain terms or words used herein shall be interpreted as follows:

1. The word "shall" is always mandatory and the word "may" is permissive.
2. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".

Terms not herein defined shall have the meanings customarily assigned to them.

List of terms or words.

Above average rainfall: The hydrologic condition that exists when rainfall for the preceding thirty (30) days is greater than one hundred twenty (120) percent of the average rainfall for the same period, as recorded by the National Weather Service.

Adult day care facility: A use of land and buildings that provides care on a regular basis to aging, disabled or handicapped adults away from their homes, and by persons other than family members, guardians, or custodians, and where a payment, fee or grant is made for such care. The term adult day care facility shall not be construed to include a group care facility or independent senior living facility.

Administrative decision: Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in this appendix. These are sometimes referred to as ministerial decisions or administrative determinations.

Administrative hearing: A proceeding to gather facts needed to make an administrative decision.

Affordable: See section 3.10.8.

Affordable dwelling unit: A dwelling unit that is restricted for occupancy by a household within the target income prescribed by section 3.10.8 of this ordinance.

Agriculture, female chicken: The use of land for the keeping of female chickens in accordance with the following regulations:

- (1) No person shall allow his or her female chickens to run at large.
- (2) It shall be unlawful for any person to keep more than ten (10) female chickens.
- (3) Female chickens must be kept a minimum of thirty (30) feet from the nearest residence other than that of the owner and may not be kept between the street and a line drawn parallel to the street facing walls of a residence.
- (4) All female chicken houses and lots must be maintained in a clean and sanitary condition at all times.

It shall be unlawful to raise female chickens for commercial purposes.

Agriculture, non-livestock: The use of land for the production of cash grains, field crops, vegetables, fruits, and nuts, and for horticulture and floriculture.

Agriculture, livestock: The use of land for the keeping, grazing, feeding, or breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as horses, breeding of livestock, including cattle, hogs, sheep, goats, and poultry, and also animal specialties such as horses, rabbits, bees, and fish and fur-bearing animals in captivity.

Applicant: Any person or his/her duly authorized representative who submits an application as defined herein.

Application: Any application for approval of a concept plan, rezoning, special use permit, subdivision plat, site plan, master land use plan, zoning compliance permit, or variance, or any other permit required by article 4 of this Land Use Management Ordinance.

Arboricultural standards: Accepted professional practices and techniques for tree installation and maintenance established to keep trees in a safe and healthy condition.

Area median income or "AMI": The median income (MFI) of the HMFA, which is published annually by the U.S. Department of Housing and Urban Development.

Area of shallow flooding: A designated AO or VO Zone on a community's flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity may be evident.

Area of special flood hazard: The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Alley: A publicly dedicated and maintained right-of-way twenty (20) feet or less in width that provides only a secondary means of access to abutting property and is not intended for general traffic circulation.

Automated teller machine (ATM), walk-up: A computer-controlled terminal associated with a financial institution, not accessible by motorized vehicle, through which a customer may make deposits, withdrawals, or other transactions. Other terms sometimes used to describe such terminals are customer-bank communications terminal (CBCT) and remote service unit (RSU).

Automated teller machine (ATM), drive-up: A computer-controlled terminal associated with a financial institution, accessible by motorized vehicle, through which a customer may make deposits, withdrawals, or other transactions. Other terms sometimes used to describe such terminals are customer-bank communications terminal (CBCT) and remote service unit (RSU).

Automotive repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive, trailer, farm implement sales or rental: The sale or rental of new and used motor vehicles, travel trailers, or farm implements to be displayed and sold on the premises, but not including repair work except incidental warranty repair of the above.

Bank: Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

Bankfull elevation: The top elevation of a stream's current active channel.

Barber shop/beauty salon: An establishment that provides services generally involving the cutting and styling of hair, and including customary accessory uses such as shoe polishing, manicure work, facial treatment, the sale and fitting of wigs, and the sale of hair treatment products.

Base flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year (the one hundred-year flood).

Basement: That portion of a building between floor and ceiling, that is wholly or partly below grade.

Bedroom: A separate room or space used or intended to be used for sleeping purposes, which is sometimes referred to as a sleeping room.

Best management practice (BMP): A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source pollution inputs to receiving waters in order to achieve water quality protection goals.

BMP manual: The document published by the North Carolina Department of Environment and Natural Resources entitled "Stormwater Best Management Practices" (April 1999), which document is hereby incorporated by reference.

Bona fide farm: Agricultural activities as defined in NCGS 160D-903(a).

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property.

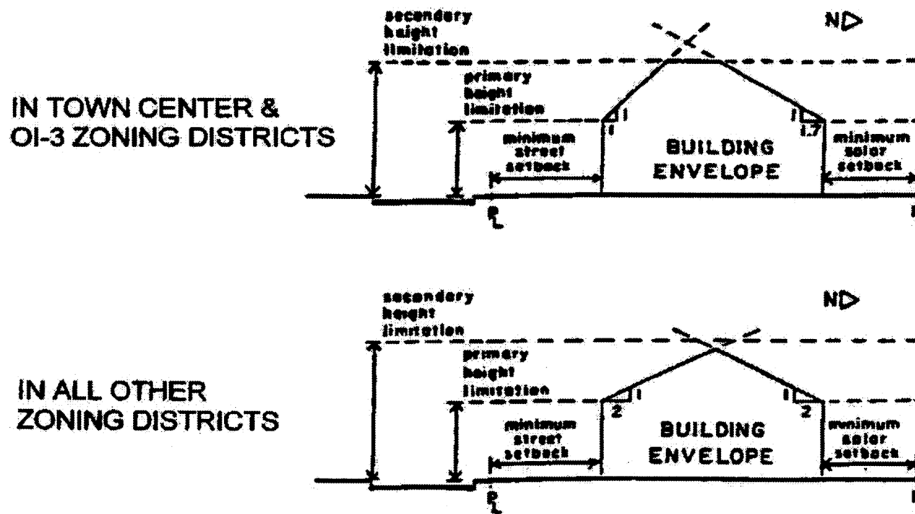
Building, accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

Building, principal: A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.

Building envelope: The three-dimensional space within which a structure is permitted to be built on a zoning lot, and which is defined by setback and height regulations. Divisions 3.8.2(f) and (g) regulate the setback height and core height, respectively, which together define the vertical extent of the building envelope. Divisions 3.8.2(h)—(j) regulate the street, interior, and north setback lines, respectively, which together define the perimeter setbacks and horizontal extent of the building envelope.

BUILDING ENVELOPE

(AS DEFINED BY SETBACK & HEIGHT REQUIREMENTS)



Built-upon area: That portion of a development project that is covered by impervious or partially impervious surfaces including buildings, pavement, gravel roads, recreation facilities (e.g. tennis courts), etc. (Note: Slatted decks and the water area of a swimming pool are considered pervious.)

Bus stop: A structure that includes a roof and a bench or standing area, is located on a bus route at which a bus operated by Chapel Hill Transit stops for the purpose of boarding or deboarding passengers pursuant to a published fixed-route schedule.

Business, convenience: Commercial establishments that generally serve day-to-day commercial needs of a residential neighborhood, including drugstores, tobacco shops, newsstands, bakeries, confectioneries, delicatessens, meat and produce markets, food stores with less than ten thousand (10,000) square feet in floor area, and eating and drinking establishments.

Business, general: Commercial establishments that provide retail sales and services. All associated activities, noise, odors, and vibrations shall be contained entirely within an enclosed building or tenant space, except as otherwise provided for in this Code.

Business, office-type: Quasi-commercial uses that generally accommodate occupations such as administrative, executive, legal, accounting, design, communications, medical office, and including institutional offices of a charitable, philanthropic, religious, or educational nature.

Business, wholesale: Commercial establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments, basically for use in the fabrication of a product or for use by a business service.

Business services: Any profit-making activity that renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

Caliper: The term "caliper" shall mean the measurement of a tree trunk's diameter in inches at a height six (6) inches above the ground for trees up to and including four (4) inches in caliper, and at a height twelve (12) inches above the ground for trees exceeding four (4) inches in caliper, but no greater than eight (8) inches in caliper. This measurement is used for new tree planting and young, recently established trees.

Canopy tree: A healthy evergreen or deciduous tree species that matures at a height of at least thirty (30) feet.

Car wash: A facility for the washing, cleaning, vacuuming and polishing of automobiles, pick up trucks and other light trucks, but not construction equipment or semi tractor trailer trucks, and for the sale of automotive washing, cleaning and polishing supplies.

Cementitious: Having cement-like, cementing, or bonding type properties; material or substance producing bonding properties or cement-like materials.

Cemetery: Any one or a combination of more than one of the following in a place used or to be used and dedicated or designated for cemetery purposes: (a) a burial park, for earth interment; (b) a mausoleum; or (c) a columbarium. (Source: N.C.G.S. 65-48). A "cemetery" includes a licensed cemetery, but not an unlicensed cemetery. A "licensed cemetery" means land and facilities used for burial of the dead meeting the requirements of a perpetual care cemetery under State law. Such a facility includes any burial ground, mausoleum, or columbarium operated by a cemetery company and meeting licensing requirements of the state. An "unlicensed cemetery" means land and facilities used for the burial of the dead, including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under state law.

Certificate of appropriateness: A document issued by the historic district commission certifying compliance with the provisions of [article 3](#).

Certificate of occupancy: A document issued by the building inspector certifying compliance with all applicable state and local laws, including all terms of an approved zoning compliance permit, and authorizing occupancy of a building or structure.

Certified arborist: A professional tree care specialist that currently retains the designation of certified arborist as determined and governed by the International Society of Arboriculture (ISA). All levels of ISA certification, except certified tree worker, shall be acceptable to the town.

Channel: A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water or a ditch or canal excavated for the flow of water.

Child day care facility: A use of land and buildings that provides care to preschool children away from their homes, and by persons other than family members, guardians, or custodians, and where a payment, fee, or grant is made for such care.

Church: See place of worship.

Clinic: An establishment used for the care, diagnosis, therapy, or counseling of sick, ailing, infirm, or injured persons or nonmedical therapy and counseling on an outpatient basis, as distinct from a medical office, as defined in appendix A of the Land Use Management Ordinance.

Club: An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal, or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

Cluster development: A subdivision in which building lots are grouped together through a transfer of allowable density within the subdivided tract. Cluster development permits more efficient development by creating lots with gross land areas smaller than those required for conventional lot-by-lot development, yet maintains application of normal lot density standards to the subdivided tract as a whole by requiring that land area saved by lot size reductions be reserved as permanent recreation area. See subsection 3.8.8.

College, university, or professional school: A degree-granting establishment, and its associated programs, centers, and functions, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, junior colleges, universities, technical institutes, seminaries, and professional schools (architectural, dental, engineering, law, medical, etc.)

Commercial center: Retail or shopping center with a minimum of four (4) tenants that consists of at least eight thousand (8,000) square feet of floor area with a majority of the floor area occupied by general convenience or general business floor area on a zoning lot.

Commercial subdivision: The subdivision of a development on a zoning lot that consists of uses designated within Use Group B and/or Use Group C in the Use Matrix (section 3.7, Table 3.7-1). Such a subdivision would create two (2) or more individual lots plus land developed and designated for the common use and benefit of the occupants/owners of the individual commercial subdivision lots, provided:

- 1) That an entity is designated to be legally responsible for maintenance and control of the common land areas;
- 2) That the special use permit approval or site plan approval which encumbers the entire zoning lot be recorded at the Orange or Durham County Register of Deeds Office, whichever is appropriate;
- 3) That an application for any change to a special use permit approval or site plan approval shall require that the application be signed by all property owners of the zoning lot for which the special use permit approval or site plan approval applies;
- 4) That a zoning compliance permit shall be issued and valid for the development prior to application for commercial subdivision;
- 5) That all parking area, drive aisles, and required outdoor space shall be the common land area; and
- 6) The individual lots within a commercial subdivision shall not be required to meet the lot design standards of section 5.2 or the intensity regulations of section 3.8, provided the zoning lot containing the commercial subdivision meets such standards.

Common ownership: Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stock owner, partner, or associate, or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association, but excluding ownership of less than one (1) percent of any stock traded on the New York, American or Pacific Stock Exchanges or traded over-the-counter where the price is listed at least weekly in the Wall Street Journal.

Communications, wireless facilities: Please refer to Section 5.20.3, for detailed definitions related to this subject.

Comprehensive plan: A plan, or any portion thereof, adopted by the town council, establishing goals, objectives, and policies designed to manage the quantity, type, location, timing, and quality of development and redevelopment in the Chapel Hill community.

Conditional districts: Conditional districts and Conditional zoning districts are synonymous terms. See Conditional Zoning Districts.

Conditional use district: A zoning district requested by the property owner in which all uses are considered a special use. As of July 1, 2021, conditional use districts are no longer permissible pursuant to NCGS 160D-703."

Conditional zoning: A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment.

Conditional zoning district: Zoning districts in which the development and use of the property is subject to predetermined ordinance standards and the rules, regulations, and conditions imposed as part of a legislative decision by the Town Council creating the district and applying it to the particular property. Conditional zoning districts are sometimes referred to as Conditional Districts.

Construction commences: Means that construction has commenced in accordance with the terms of a building permit, as set forth in NCGS 160D-1111.

Contiguous property: Property bordering, adjoining, or meeting at the boundary, border or surface.

Conventional districts: Zoning districts which govern usual and typical development situations, which are established by section 3.3 of this appendix. In conventional districts, a variety of uses are allowed as permitted principal uses or uses by right and may also include uses permitted only with a special use permit. Conventional districts replaces the term General Use Districts in order to bring this Land Use Management Ordinance into compliance with North Carolina General Statutes. Conventional Districts and General Use Districts are synonymous terms.

Council: See town council.

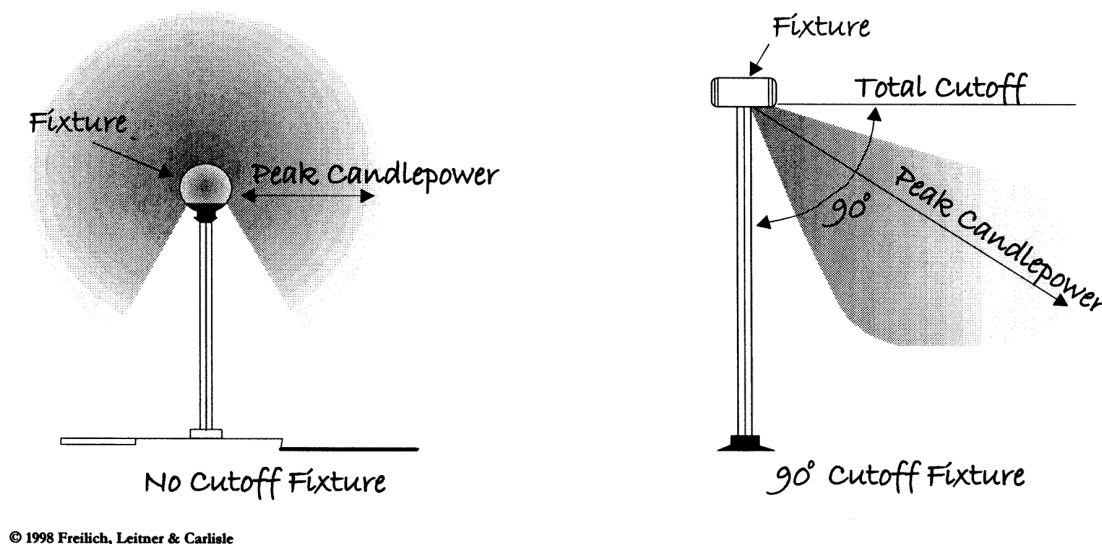
Critical root zone: A circular area surrounding a tree, of which the center is the center of the tree trunk and the radius is the distance from the outside of the trunk to any point twelve (12) times the diameter at breast height (DBH), which points constitute the circumference of the critical root zone. The critical root zone shall extend to a depth of two (2) feet below surface ground level. The town manager, or his/her designee, may

expand or partially retract the critical root zone depending on the tree species and site specific situations so as to improve the chances that trees will not be damaged during construction and to permit construction to take place.

Cutoff: The point at which all light emitted from a source or fixture is eliminated at a specific angle above ground level.

Cutoff angle: The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

Cutoff light: A fixture with elements such as shields, reflectors, or reflector panels which direct and cutoff the light at a cutoff angle that is not more than ninety (90) degrees. Typically this type of fixture conceals the light source, thus reducing glare and spillover of light.



DBH—Diameter at breast height: The total cross-sectional diameter of the trunk(s) of a tree measured four and one-half (4.5) feet from the ground at the center of the tree. For trees with less than four and one-half (4.5) feet of clear trunk, diameter shall be of the largest leader measured four and one-half (4.5) feet above ground level. For multi-trunk trees it shall be the sum of the individual trunks measured four and one-half (4.5) feet above ground level. This point of measurement is used for established and mature trees.

Decision maker: The entity or agency which has authority to render a final decision as to the approval, conditional approval, or denial of an application.

Dedication: The deliberate appropriation of property by its owner for general public use.

Defined conditional zoning district: See conditional zoning district and Section 3.4.3.

Density: The average number of families, persons, or housing units per acre of land.

Design manual: The most recent version of a document entitled "Town of Chapel Hill Design Manual", which document is hereby incorporated by this reference.

Design vehicle: Typical vehicle sizes which are used to design street, parking and/or loading area facilities. The design vehicle is designated by wheelbase length, in meters (e.g., WB-43 means a wheelbase size of 43 meters). [Reference: AASHTO, A Policy on Geometric Design of Highways and Streets (1994), at 647.]

Detention: The temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention facility: A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Determination: A written, final, and binding order, requirement, or determination regarding an administrative decision.

Developer: A person, including a governmental agency who undertakes any development and who is the landowner of the property to be developed or who has been authorized by the landowner to undertake development on that property.

Developing land: A zoning lot on which surveying for development is currently taking place or for which an application is currently being reviewed for development by the town planning staff or for which development activities are approved.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to: the construction, structural alteration, enlargement, or rehabilitation of any buildings or other structures, including farm buildings; mining; dredging; filling; grading; paving; excavation or drilling operations; clearing vegetation; division of a parcel of land into two (2) or more parcels or some changes in use of structures or land. Development may also include any land disturbing activity on real estate that changes the amount of impervious surfaces on a parcel.

Development approval: An administrative or quasi-judicial approval made pursuant to this appendix that is written and that is required prior to commencing development or undertaking a specific activity, project, or development proposal. Development approvals include, but are not limited to, zoning compliance permits, site plan approvals, special use permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations pursuant to this appendix including but not limited to plat approvals.

Development project: A project in which one (1) or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses as provided for in this zoning code.

Director: See planning director.

District-specific plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the applicable application and regulations, including but not limited to lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and manmade-and, depending on

requirements, the location of proposed utility lines.

Disturbed area: An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including filling. Examples of disturbed areas include, but are not limited to, impervious surfaces, pervious surfaces, lawns, and stormwater detention or retention ponds.

Disturbed area ratio: A decimal fraction, when multiplied by the gross land area of a zoning lot, determines the maximum disturbed area permitted within the zoning lot.

Ditch or canal: A man-made channel other than a modified natural stream constructed for drainage purposes that is typically dug through inter-stream divide areas. A ditch or canal may have flows that are perennial, intermittent, or ephemeral and may exhibit hydrological and biological characteristics similar to perennial streams.

Dormitory: A building used as group quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

Drainage easement: A legal right granted by a landowner allowing the use of private land for stormwater management purposes.

Drip zone: The area encompassed by a line drawn directly underneath the tips of a tree's outermost branches.

Drive-in window: A window or other opening in the wall of a principal building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

Driveway: Vehicular way, other than a street or alley, that provides vehicular access from a street to or through off-street parking and/or loading areas.

Drought: The hydrologic condition that exists when rainfall for the proceeding thirty (30) days is less than eighty (80) percent of the average rainfall for the same period, as recorded by the National Weather Service.

Dwelling: Any building or structure (except a mobile home) that is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling unit: A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Dwelling units, multifamily: A dwelling or combination of dwellings on a single lot consisting of three (3) or more dwelling units.

Dwelling units, single-family: A detached dwelling consisting of a single dwelling unit only. A single-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

Dwelling units, single-family with accessory apartment: A dwelling or combination of dwellings on a single zoning lot consisting of two (2) dwelling units, for which:

- (1) Accessory (attached or not attached) apartments have a floor area limit of no more than seven hundred fifty (750) square feet or seventy-five (75) percent of the floor area of the principal dwelling unit (whichever is smaller), except as provided in the next sentence.
- (2) The floor area of an attached accessory apartment may exceed the aforementioned floor area limit of seven hundred fifty (750) square feet and be up to one thousand (1,000) square feet of floor area only if both of the following conditions are met: a) an attached accessory apartment does not increase the existing footprint of the structure (principal dwelling unit, garage or other existing, standalone structure on the property) to which it would be attached; and b) the attached accessory apartment does not exceed seventy-five (75) percent of the floor area of the principal dwelling unit.
- (3) Together, the principal dwelling unit and the accessory apartment that are part of a two-family dwelling shall be classified as a rooming house (a different use type and group) if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

Dwelling units, two-family: A dwelling or combination of dwellings on a single lot consisting of two (2) dwelling units. Any dwelling unit that is part of a two-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

Dwelling units, two-family—Duplex: A single dwelling consisting of two (2) dwelling units (other than a "two-family dwelling - including accessory apartment"), provided the two (2) dwelling units are connected by or share a common floor-to-ceiling wall, or, if the two (2) units are arranged vertically, that they share a common floor/ceiling and not simply by an unenclosed passageway (e.g., covered walkway). Any dwelling unit that is part of a two-family dwelling shall be classified as a rooming house if occupied by more than four (4) persons who are not related by blood, adoption, marriage, or domestic partnership.

Efficiency apartment: A dwelling unit within a multifamily dwelling unit building that without a separate distinct room for sleeping.

Efficiency dwelling unit: A dwelling unit in which living and sleeping activities are conducted or intended to be conducted within a single room.

Engineered stormwater controls: A structural best management practice (BMP) used to reduce non-point source pollution to receiving waters in order to achieve water quality protection.

Ephemeral stream: A feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

Erosion and sediment control plan: A plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Essential services: The erection, construction, alteration, or maintenance by public utilities or governmental agencies of traffic distribution systems; water, sewage, steam, gas, electrical, or communication transmission or distribution systems; and storm water collection and distribution systems; including streets, sidewalks, street lights, bus passenger shelters, traffic signals, pipes, hydrants, pumping stations, wires, curb-and-gutter, catch basin, drains, or other similar equipment and accessories reasonably necessary for the provision of adequate service by such public utilities or governmental agencies, but not including buildings or other substantial above-ground structures (see public service facility and radio or television transmitting and/or receiving/facility).

Evidentiary hearing: A hearing where sworn testimony is heard to gather competent, material, and substantial evidence in order to make findings for a quasi-judicial decision required by this appendix.

Exterior architectural features: "Exterior architectural 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 the 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. In the case of outdoor advertising signs, "exterior architectural features" shall be construed to mean the style, material, size, and location of all such signs.

Extraction of earth products: The process of removal of natural deposits of mineral ores, soils, or other solid matter from their original location, not including any processing of such material beyond incidental mechanical consolidation or sorting to facilitate transportation off-site.

Extraterritorial jurisdictions or "ETJ": The territory, outside of the town limits within which the town may exercise the powers conferred by 160D of the North Carolina General Statutes, as set forth in NCGS 160D-202.

Family: An individual living alone or two (2) or more persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall include an establishment with support and supervisory personnel that provides room and board, personal care and habitation services in a family environment for not more than six (6) residents who are handicapped, aged, disabled, or who are runaway, disturbed or emotionally deprived children and who are undergoing rehabilitation or extended care. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

Fine arts educational institution: Private entities that provide instruction and facilities for training and education in the fine arts, such as ballet schools, music conservatories, and visual arts schools. These uses may include performances and exhibits as accessory activities associated with the principal use.

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 does not meet the minimum lot width and street frontage standards specified in section 3.8 for the zoning district in which the lot is located (see Figures 5.2.6-1 to 5.6.2-3).

Flex office: A building providing use flexibility for office and light industrial uses, such as printing, design, light assembly of products, artist space, or storage/warehousing. A flex office could also host a coworking center, where many individual small business owners or freelancers work alongside one another in common space, or a business incubator, where individuals working to launch new businesses can rent affordable space in which to perform office work and access shared resources such as printers, scanners, and other tools and services such as financial counseling and management training.

Flex space: A building designed to accommodate a combination of office, food processing—light, wholesale, retail, and warehousing and business-related storage functions, the exact proportions of each use being subject to needs over time. They are usually designed with loading docks to the rear and parking in the front. The front façade and other public street-facing façades are often treated with a higher quality of architectural finish than the rear and sides.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters;
- 2) The unusual and rapid accumulation of runoff of surface waters from any sources.

Flood hazard boundary map (FHBM): The official map of a community, on which the Federal Emergency Management Agency, or its successor agency, has delineated both the areas of special flood hazard and the risk premium zones applicable to Chapel Hill.

Flood insurance study: The official report provided by the Federal Emergency Management Agency (FEMA), or its successor agency, containing flood profiles as well as the flood boundary-floodway map and the water surface elevation of the base flood.

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 wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area: The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor areas used for access and storage. Not countable as floor area are open terraces, patios, atriums, balconies, carports, garages, breezeways, and screened porches.

Floor area ratio (FAR): A decimal fraction that, when multiplied by the gross land area of a zoning lot, determines the maximum floor area permitted within the zoning lot. The floor area ratios for the various zoning districts are in the schedule of intensity regulations.

Food processing, light: A facility for the preparation, processing, canning, or packaging and storage of food products, including the production of alcoholic beverages, provided that all food processing, light, activities are completely enclosed and that they are operated in a manner that prevents external effects such as, but not

limited to, smoke, soot, dirt, vibration, and odor from being detectable on any lot line of the zoning lot. Light food processing facilities may include areas for accessory uses including retail sales and/or eating and drinking establishments that serve the products processed on site.

Food truck: A readily movable trailer or motorized wheeled vehicle, currently registered with the Division of Motor Vehicles, designed and equipped to serve food.

Foot-candle (FC): A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.

Footprint: The area bounded by the external walls of any structure.

Fraternity or sorority dwelling: A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college, university, or professional school students who are affiliated with a social, honorary, or professional organization recognized by the college, university, or professional school.

Funeral home: An establishment primarily engaged in preparing the dead for burial, conducting funerals, and cremating the human dead.

General use districts: General use districts have the same meaning as See "Conventional District".

Glare: The effect produced by a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Gross land area: All area within the boundaries of a zoning lot (net land area) plus half of the following areas located within or adjoining the lot: (1) publicly-owned or otherwise permanently dedicated open space, such as parks, recreation areas, water bodies, cemeteries and the like, and (2) public rights-of-way; provided that the total amount of credited open space and public streets shall not exceed ten (10) percent of the net land area of the zoning lot.

Group care facility: An establishment qualified for a license by the State of North Carolina for the provision of resident services to seven (7) or more individuals of whom one or more are unrelated, and who are handicapped, aged, disabled, or who are runaway, disturbed, or emotionally deprived children and who are undergoing rehabilitation or extended care, and who are provided services to meet their needs. Included are group homes for all ages, halfway houses, boarding homes for children, and convalescent and nursing homes.

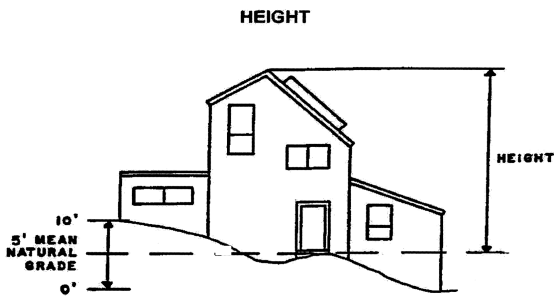
Hazardous materials: Those materials listed in the most current consolidated list of chemicals covered by Superfund Amendments and Reauthorization Act of 1986 (SARA), Title III.

Headway: The time interval between transit vehicles moving in the same direction on a particular route.

Health club: Establishments over 10,000 square feet for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms.

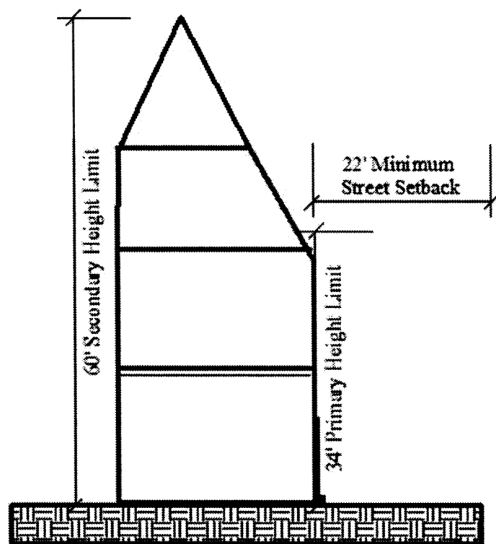
Healthy living tree: A tree that is relatively free of disease or rotten wood and that has prospects for longtime survival.

Height (of a structure or part thereof): The vertical distance from the mean finished grade at the foundation along the street façade to the highest portion of the structure, or part thereof. To determine mean finished grade, take the spot elevations from the highest and lowest points of the foundation. The average of these two (2) spot elevations is the mean finished grade and the elevation from which height measurements are made.



Height limitation, core height: The absolute maximum height allowed for any structure located in the interior or core area of a lot. The core height is the upper limit of the vertical portion of the building envelope. The allowable core height, at any given point on a lot, increases with the horizontal distance interior to the lot, measured away from the perimeter setback lines. Core heights are established in division 3.8.2(g).

Height limitation, setback height: The maximum height allowed for any structure located at the perimeter setbacks on a zoning lot, as defined by the applicable minimum setback lines. The setback height is the lower limit of the vertical portion of the building envelope. Setback heights are established in division 3.8.2(f).



High density option: One of two approaches available for development in watershed overlay districts. Generally, the high density option relies on density limits and engineered stormwater controls to minimize the risk of water pollution.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Home occupation: An occupation conducted as an accessory use of a dwelling unit, provided that:

- (a) Home occupations shall have a limit of one full-time equivalent employee who is not a member of the family residing in the home with the home occupation; "Full-time equivalent employee" refers

to one or more employees who work a total of no more than forty (40) combined hours on-site per week;

- (b) The use of the dwelling unit or accessory buildings for the home occupation shall be clearly incidental and subordinate to the use of the property for residential purposes, and not more than thirty-five (35) percent nor more than seven hundred fifty (750) square feet of the floor area of the dwelling unit and any accessory buildings combined shall be used in the conduct of the home occupations; provided, that the floor area defined as used in the home occupation is the area dedicated to or primarily used for the home occupation, and does not include areas incidentally used for the home occupation;
- (c) No external evidence of the conduct of the home occupation, including commercial signs, shall be visible;
- (d) Traffic and parking regulations;
 - (1) The home occupation shall not generate traffic volumes or parking area needs greater than would normally be expected in the residential neighborhood.
 - (2) In addition, normally there shall be no more than three (3) vehicles parked at any time on- or off-street for non-residential purposes including but not limited to parking by non-resident employees, customers, delivery services, etc.; but excluding drop-offs and pick-ups. Home occupations for arts education or similar educational purposes are exempt from any parking restrictions.
 - (3) There shall be no regular pick-up and delivery by vehicles other than those of a size normally used for household deliveries.
- (e) No equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses off the lot in the case of detached dwelling units, or outside the dwelling unit in the case of attached dwelling units;
- (f) The on-premises sale and delivery of goods which are not the products of the home occupation are prohibited, except that the sale of goods which are incidental to a service of the home occupation is permitted;
- (g) A zoning compliance permit is issued for the home occupation(s). The permit shall describe the nature of the business and include the applicant's certification that the home occupation will be conducted in accord with the Land Use Management Ordinance and other applicable laws and ordinances. The town manager may revoke a zoning compliance permit for a home occupation if he/she determines the conditions were being violated. Once a home occupation permit has been granted, it shall remain in effect until: (1) it is revoked by the town; (2) the home occupation is terminated by the resident or residents for one hundred eighty (180) or more days; or (3) the holder of the permit moves from the residence.

Home occupation, major: A major home occupation is an accessory business use of a residentially-zoned property.

Major home occupations (as distinguished from "home occupations") are those that meet one (1) or more of the following criteria:

1. Employ more than one (1) non-resident;
2. Utilize outdoor storage of materials, supplies, products, or machinery;
3. Has external evidence of the conduct of the home occupation, such as noise, vibration, dust, odor, light, or glare; or
4. Uses more floor area of the dwelling unit than is allowed for a "home occupation" use.

Examples of major home occupations include: lawn care or landscaping services, woodworking shops, small engine repair, appliance repair, metalworking, and any home business with more than one (1) non-resident employee.

Hospital: An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, and staff offices.

Hotel or motel: A building or group of buildings containing in combination ten (10) or more lodging units intended primarily for rental or lease to transients by the day or week, as distinguished from residence halls, in which occupancy is generally by residents rather than transients. This term does not include short-term rentals.

Hydrologic abstraction: The reduction of total rainfall to effective rainfall through runoff interception, infiltration, surface storage, evaporation, and/or evapotranspiration.

Hydrologic soil group (HSG): A soil conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.

Impervious surface: A surface composed of any material that impedes or prevents natural infiltration of water into the soil.

Independent senior living facility: A commercial facility made up of senior units, in which the residents are limited in occupancy to persons at least fifty-five (55) years or older, such that no more than half of individuals in a unit of the facility requires living assistance. The age restriction is excluded for rooms occupied by resident staff personnel performing duties directly related to the operation of the facility. The facility shall consist of a single building or a group of buildings with one (1) ownership and management. The facility shall maintain a common dining room and common kitchen. The facility may provide senior units with or without independent kitchen facilities. The ownership and management may also provide other services, all of which must be exclusive to the residents, guests, and facility personnel, as a part of the fees associated with residency. Examples of these services include personal services, such as transportation, banking, and/or a barber shop/hair salon; recreation activities and amenities; concierge services; and housekeeping. The facility owners or management cannot provide health maintenance services and/or treatment.

Independent kitchen facility: A fully-equipped kitchen that may or may not include all of the improvements typically found in single-family dwelling units.

Industrial stormwater permit: A national pollutant discharge elimination system permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration: The process of percolating stormwater into the subsoil.

Infiltration facility: Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Intensity: The degree to which land is used, generally measured by a combination of the type of land use and the amount of land or floor area devoted to that use.

Interior common elements: For any building, "interior common elements" includes common interior halls, stairwells, elevators, and recreational facilities. "Interior" means that the elements are located inside the exterior, load-bearing walls of the building. "Common" means that the elements are accessible and open to all tenants or occupants of the building, and are not reserved for use by an individual tenant or occupant.

Intermittent stream: 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.

Intermittent stream field verification criteria: An intermittent stream shall be confirmed by the town manager by at least two (2) of the following:

- (a) The presence of water during periods of wet weather or more than forty-eight (48) hours after a storm event of at least one-half (0.5) inch rainfall.
- (b) The presence of geomorphological features that are characteristic of a fluvial system, such as:
 - (1) Riffle/pool sequences.
 - (2) Areas of alluvial deposition (i.e. point bars).
 - (3) Sinuosity.
 - (4) Fluvially weathered bed materials (i.e. cobbles, gravels, boulders).
- (c) The presence of a channel or depression (including natural springs) created by topographic features that is hydrologically connected to surface waters through surface flow or a pipe.
- (d) The presence of amphibian larvae or benthic macro-invertebrates.

Jurisdictional wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. This definition is limited to areas deemed wetlands by the current delineation practices of the U.S. Army Corps of Engineers.

Kennel: Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold.

Kitchenette: An area that includes and is limited to a countertop, sink, a refrigerator, stovetop and/or microwave.

Land disturbance: Any use of the land by any person in residential, industrial, educational, institutional, or commercial development, or highway or road construction or maintenance that results in a change in the natural cover or topography. A "land disturbance" includes any activity that changes the existing hydrological characteristics of the land surface. This may include the grading, digging, cutting, scraping, compaction, or excavation of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse. Routine maintenance of landscape areas is not included as "land disturbance."

Landfill: Any lot or premises on which is deposited solid waste material, including trash, construction debris, stumps, branches and limbs, garbage, and industrial waste.

Landowner: The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Landscape protection certificate: A certificate granted by the town manager to any individual who completes the landscape protection seminar.

Landscape protection plan: A plan identifying existing landscape elements, proposed changes, and protection measures to be used to aid the survival of such landscape elements as defined in section 5.7.

Landscape protection seminar: A presentation administered by the town to all persons seeking certification as a landscape protection supervisor.

Landscape protection supervisor: A person who has attended the town training on requirements for landscape protection.

Legislative decision: The adoption, amendment, or repeal of a regulation under this appendix.

The term also includes the decision to approve, amend, or rescind a development agreement consistent with the provisions of this appendix as well as zoning atlas amendments.

Legislative hearing: A hearing to solicit public comment on a proposed legislative decision.

Level of service: An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based upon and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility.

Light source: The element of a lighting fixture that is the point of origin of the lumens emitted by the fixture.

Live-work dwelling unit: A structure or portion of a structure combining a dwelling unit with an integrated nonresidential work space typically used by one (1) or more of the residents. The nonresidential work space is typically found on the building's ground floor.

Loading, off-street: Space located outside any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

Local street: A street designed and used primarily for access to lots within a Subdivision or neighborhood. Streets which are not classified as arterial streets or collector streets shall be classified as local streets.

Lodging unit: A room or group of rooms forming a separate habitable unit used or intended to be used for living and sleeping purposes by one (1) family only, without independent kitchen facilities; or a separate habitable unit, with or without independent kitchen facilities, occupied or intended to be occupied by transients on a rental or lease basis for periods of less than thirty (30) days.

Lot: Land bounded by lines legally established for the purpose of property division. As used in this appendix, unless the context indicates otherwise, the term refers to a zoning lot.

Lot line: A line that marks the boundary of a lot.

Lot line, interior: Any lot line that is not a street lot line; a lot line separating a lot from another lot. Where a lot line is located within an access easement that does not meet the standards of a street contained within this appendix, the easement boundary adjacent to the lot shall be considered the interior lot line.

Lot line, North: Any portion of a lot line that has an alignment within forty-five (45) degrees of an East/West axis.

Lot line, street: Any lot line separating a lot from a street right-of-way or easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot shall be considered the street lot line.

Lot line, zero: Any interior or north lot line along which a structure is allowed with no setback in accord with the zero lot line development standards of Table 3.8-1.

Lot width: The horizontal distance measured along a straight line connecting the points at which a line demarcating the minimum street setback required from a street lot line intersects with interior lot lines and/or other street lot lines (see definition of Street Frontage Width).

Low density option: One of two approaches available for development in watershed overlay districts. Generally, the low density option relies on non-structural means, specifically density limits, to minimize risk of water pollution.

Low-income household: A household whose income is more than sixty-five (65) percent, and does not exceed eighty (80) percent, of area median income (AMI).

Lumen: A quantitative unit measuring the amount of light emitted by a light source.

M.A.I. appraiser: A member of the American Institute of Real Estate Appraisers.

Maintenance agreement: A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

Maintenance and/or storage facility: Land, building, or structure devoted primarily to the maintenance and/or storage of equipment, and materials primarily intended for business or governmental purposes.

Major bus boarding location: The right-of-way of any street link or series of street links in which at least four (4) bus shelters are located within a distance of one (1) mile, or in which headways occur at intervals not exceeding an average of ten (10) minutes from 7:00 to 9:00 am and 5:00 to 6:00 p.m. as provided in the then-existing route schedules published by Chapel Hill Transit.

Manufactured home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site.

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufacturing, light: Manufacturing, processing, creating, renovating, painting, cleaning, assembly, and/or storage of goods, merchandise, food processing, light and equipment, or other industrial uses which have all operations and storage within enclosed structures and provided that they are operated in a manner [that] prevents external effects such as, but not limited to, smoke, soot, dirt, vibration, and odor from being detectable on any lot line of the zoning lot.

Mean sea level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this appendix, the term is synonymous with National Geodetic Vertical Datum (NGVD). For purposes of national flood insurance programs, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Medical office: Facilities that provide diagnoses and outpatient care on a routine basis but are unable to provide prolonged in-house medical and surgical care and occupy ten thousand (10,000) square feet of floor area, or less, per building.

Mini-kitchen: An area that includes and is limited to a countertop, sink, small refrigerator, a microwave or hotplate, also referred to as a half-kitchen.

Minimum parking requirements: The minimum number of parking spaces required pursuant to subsection 5.9.7(c) of this appendix.

Mobile home: A single portable manufactured housing unit, or a combination of two (2) or more such units connected on-site, that is:

- a) Designed to be used for living, sleeping, sanitation, cooking, and eating purposes by one family only containing independent kitchen, sanitary, and sleeping facilities;
- b) Designed so that each housing unit can be transported on its own chassis;
- c) Placed on a temporary or semi-permanent foundation; and
- d) Is over thirty-two (32) feet in length and over eight (8) feet in width.

Mobile home, class A: A mobile home that meets the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards and which is certified by the town manager as meeting the following appearance performance criteria: a) the mobile home shall have a length not exceeding four (4) times its width; b) the pitch of the mobile home's roof shall have a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run; c) the exterior materials shall be of a color, material, and scale compatible with those existing in the immediate vicinity, and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint; d) a continuous permanent masonry foundation, unpierced except for required ventilation, shall be installed under the mobile home; and e) the tongue and undercarriage chassis shall be removed subsequent to final placement.

Mobile home, class B: A mobile home that meets the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or, after inspection by the building inspector, is found to be in good condition and fit and safe for human occupancy, but which is not certified as meeting the appearance performance criteria contained in definition of mobile home, class A, above.

Mobile home park: A combination of two (2) or more mobile homes on a single zoning lot.

Moderate-income household: A household whose income is more than eighty (80) percent, and does not exceed one hundred (100) percent, of area median income (AMI).

Modified natural stream: An on-site channelization or relocation of a stream channel and subsequent relocation of the intermittent or perennial flow, as evidenced by topographic alterations in the immediate watershed. A modified natural stream must have the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water.

National geodetic vertical datum (NGVD): A vertical control, as corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

Net land area: All area within the boundaries of a development project.

Node: Any of the following: The terminus or intersection of two (2) or more streets; the head or bulb of a cul-de-sac; or the terminus of a dead-end street.

Nonconforming feature: A physical feature or characteristic or a use, building, structure, or other development of land that was lawfully established prior to the effective date of this appendix or a subsequent chapter thereto, but does not conform to the intensity regulations of section 3.5 or the design standards of article 5 applicable to such use, building, structure, or development of land, including, but not limited to, nonconforming structures, nonconforming signs, nonconforming parking facilities, and nonconforming lighting.

Nonconforming lot: A lot that was lawfully created prior to the effective date of this appendix or a subsequent amendment thereto, but does not conform to the minimum gross land area or minimum lot width requirements established in section 3.5 for the zoning district in which it is located.

Nonconforming use: A use of land, buildings, or structures that was lawfully established prior to the effective date of this appendix or a subsequent amendment thereto, which:

- (a) Does not conform to the use regulations of section 3.7 for the zoning district in which it is located;
or
- (b) Would have required a special use permit pursuant to section 3.7 if established after the effective date of this appendix, but does not have a special use permit.

Non-cutoff light: A fixture with elements such as shields, reflectors, or reflector panels which direct and cutoff the light at a cutoff angle that exceeds ninety (90) degrees (see definition of "cutoff light," above).

Non-point source pollution: Pollution that enters waters mainly as a result of precipitation and subsequent collective runoff from lands that have been disturbed by man's development activities and includes all sources of water pollution which are not required to have a permit in accordance with N.C.G.S. 142-215.1(c). Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonprofit housing entity: A community housing development organization (CHDO) defined in 24 C.F.R. § 92.2, including any community land trust as defined in 42 U.S.C.A. § 12773.

Normal flow: The volume of water carried by a stream in times other than droughts or above average rainfall.

Normal rainfall: The 30-year average rainfall, updated each decade to the most recent 30-year period by the National Climatic Data Center.

Obligate and facultative wetland vegetation: Species of plants which are known to occur, respectively, more than ninety-nine (99) percent of the time in wetlands, and more than sixty-seven (67) percent of the time in wetlands. These species are listed in the National List Of Plant Species That Occur In Wetlands: Southeast Region 2, published periodically by the U.S. Fish and Wildlife Service.

Off-site facility: A stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

Open space: Land devoted to uses characterized by vegetative cover or water bodies, such as agricultural uses, pastures, meadows, parks, recreational areas, lawns, gardens, cemeteries, ponds, streams and the like.

Outdoor skateboard ramp: A ramp or other similar type of structure used for skateboarding or similar or related purposes which is between four (4) feet and ten (10) feet in height, and between twelve (12) feet and thirty (30) feet in length. Ramps smaller than four (4) feet in height and twelve (12) feet in length are not subject to the regulations in this appendix. Ramps greater than ten (10) feet in height or thirty (30) feet in length are prohibited, except as a public use facility.

Outparcels: Outparcels are hereby defined as development or parcels of land generally located at the perimeter boundary of a mixed use development and physically separated from the remainder of the development.

Parking, off-street: Space located outside any street right-of-way or easement and designed to accommodate the parking of motor vehicles.

Park/ride terminal: An off-street parking facility designed or intended to provide peripheral collection and storage of vehicles to accommodate commuter traffic into or out from the Chapel Hill community, including accessory structures such as bus passenger shelters.

Parallel conditional zoning district: See conditional zoning district and Section 3.4.3.

Pedestrian and bicycle islands: A refuge within the right-of-way and traffic lanes of a highway or street designed for the protection of passengers or bicyclists from traffic while they are crossing the street or waiting to board transit vehicles.

Perennial surface waters: A natural or man-made basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, and similar water features. For the purposes of this section, the surface waters must be part of a natural drainageway with a continuous discharge during a year of normal rainfall. Perennial surface waters include those that are shown on the town's Geographic Information System (GIS) coverage (subject to field verification) in addition to others that are confirmed as such by field verification by the town manager or the North Carolina Division of Water Quality.

Perennial stream: 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.

Perennial stream field verification criteria: A perennial stream shall be confirmed by the Engineering Department by at least two (2) of the following:

- (a) The presence of continuously flowing water during a year of normal rainfall.
- (b) The presence of geomorphological features that are characteristic of a fluvial system, such as:
 - (1) Riffle/pool sequences.
 - (2) Areas of alluvial deposition (i.e. point bars).
 - (3) Sinuosity.
 - (4) Fluvially weathered bed materials (i.e. cobbles, gravels, boulders).
- (c) The presence of obligate and facultative wetland vegetation, as identified by U.S. Fish and Wildlife Service species lists, along the stream channel and banks.
- (d) The presence of fish, amphibian larvae, or benthic macro-invertebrates.

Perennial water body: A natural or man-made basin that stores surface water permanently at depths sufficient to preclude growth of rooted plants, including lakes, ponds, and similar water features. For the purposes of this section, the surface waters must be part of a natural drainageway (i.e. connected to a stream by a channel with intermittent or perennial flow). Perennial water bodies shall be those delineated on the town's aerial topographic maps, subject to field verification.

Performance guarantee: A letter of credit or cash escrow posted as security for the completion of improvements required by this appendix.

Permanent affordability or permanently affordable: A requirement that affordable dwelling units that are required by section 3.10 remain affordable with no expiration date or time restriction, to the extent permitted by law.

Permanent open space: Open space which is legally dedicated as such but does not include easements.

Person: Any person, firm, partnership, association, corporation, company, or organization of any kind.

Personal instruction: Establishments that principally offer instruction in performing and culinary arts, martial arts, physical exercise, yoga, crafts, social customs and activities, and similar uses. Typical uses include, but are not limited to, dance instruction centers, cooking schools, exercise studios, craft and art instructional studios, and martial arts studios.

Personal services: Establishments primarily engaged in providing individual services generally related to personal needs. Typical uses include, but are not limited to spas, massage facilities, dry cleaners, tailors, and tattoo parlors.

Place of assembly: A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or terpsichorean performances, speeches or ceremonies, motion picture presentations, and other entertainment events, including stadiums, coliseums, athletic centers, theaters, concert halls, night clubs, amphitheaters, and arenas.

Place of worship: A structure in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

Planned development: Land that is under unified control and planned and developed as a whole in a single development operation or a definitely programmed series of development operations. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is constructed according to comprehensive and detailed plans which include not only streets, utilities, lots or building sites, and the like, but also site plans and floor plans for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provision, operation, and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated, or maintained at general public expense.

Planning director: The planning director of the Town of Chapel Hill, or his or her designee.

Principal building or structure: A building or structure or, where the context so indicates, a group of buildings or structures, in which the primary use of a lot or parcel is conducted.

Principal structure: The structure in which the principal use of a property is conducted. This shall include any buildings which are attached to the principal structure by a covered structure.

Principal use: The primary or main use of land or structures, as distinguished from a secondary or accessory use.

Professional engineer: A person who has been duly registered and licensed as a professional engineer by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. (Source: N.C.G.S. 89C-3)

Proportions: The ratios established by length, width and height and may exist as planar or volumetric measurements.

Proposed development: The development requested by an applicant that includes all buildings and land uses subject to an application.

Public cultural facility: The use of land, buildings, or structures by a municipal or other governmental agency to provide cultural services directly to the general public, including public libraries and museums.

Public hazard:

- Any tree, plant, shrub or vegetation which so overhangs any sidewalk or public street either dedicated or proposed to be dedicated, or which is growing thereon (or adjacent thereto), in such a manner as to obstruct or impair the free and full use of the sidewalk or public street by the public as determined by the town manager; or
- Any tree, plant, shrub, or vegetation which obstructs clear and reasonable view of traffic safety or other public safety lights, signals, and signs; or
- Any tree, plant, shrub or vegetation in the vicinity of utility lines which has the potential to interfere with the provisions of reliable utility service as determined by the town manager.

Public land: Land owned by the Town of Chapel Hill, or any other governmental entity or agency thereof.

Public service facility: The use of land, buildings, or structures by a public utility, railroad, or governmental agency, including water treatment plants or pumping stations, sewage treatment plants or pumping stations, non-nuclear power plants and substations, telephone exchanges, bus and railroad terminals, and other similar public service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Public use facility: The use of land, buildings, or structures by a municipal or other governmental agency to provide protective, administrative, social, transit, and recreational services directly to the general public, including police and fire stations, municipal buildings, community centers, public parks, and any other public

facility providing the above services, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and not including public cultural facilities or public service facilities.

Publishing and printing: An establishment primarily engaged in preparing, publishing, and printing newspapers, periodicals, books, and pamphlets.

Qualified professional: Any person employed in a design-related profession such as architecture, landscape architecture, planning, or engineering, with formal training or education in the specified field of practice.

Quasi-judicial decision: A decision involving the finding of facts regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, certificates of appropriateness, and appeals of administrative determinations.

Decisions on other development approvals are quasi-judicial in nature if this appendix authorizes a decision-making board to approve or deny the application based not only upon whether the application complies with the specific requirements set forth in the regulation, but also on whether the application complies with one or more generally stated standards requiring a discretionary decision on the findings to be made by the decision-making board.

Radio, television, or wireless transmitting and/or receiving antenna, accessory: An antenna designed for the above-ground transmission and/or reception of airborne radio or television signals, customarily incidental to a permitted principal use, provided that any antenna located on a zoning lot containing a single-family or two-family dwelling shall serve only the needs of the occupants of such dwellings.

Radio, television, or wireless transmitting and/or receiving facility: Any of the following:

- (1) The use of land, buildings, or structures for the above-ground transmission and/or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas except accessory radio or television transmitting and/or receiving antennas.
- (2) Any staffed or unstaffed facility used for the transmission and/or reception of wireless communications, usually consisting of an antenna or group of antennas, transmission lines, ancillary appurtenances, and equipment enclosures, and may include an antenna-supporting structure. This includes any of the following:
 - (a) Antenna-supporting structure: Any vertical projection, including a foundation, designed and primarily used to support one (1) or more antennas or which constitutes an antenna itself. This definition includes replacements and broadcast antenna-supporting structures. This definition does not include stealth wireless communications facilities, as defined below, but does include roof-mounted antenna-supporting structures that extend above the rooflines by more than twenty (20) feet, or that have an overall height of greater than fifty (50) feet. Antenna-supporting structures will not be construed to be utility equipment. For purposes of this subsection, an "antenna supporting structure, broadcast" means an antenna-supporting structure, including replacements, which contains antennas that transmit signals for radio and

television communications. For purposes of this subsection, "antenna-supporting structure, replacement" means the construction of an antenna-supporting structure intended to replace an antenna-supporting structure in existence at the time of application.

- (b) Co-located antenna: a situation in which two (2) or more providers place an antenna on a common antenna-supporting structure, or the addition or replacement of antennas on an existing structure. The term co-location includes combined antennas, but does not include roof-mounted or surface-mounted wireless communications facilities, or the placement of any personal wireless service antenna on an amateur radio antenna within a residential district.
- (c) Surface-mounted structure: an antenna that is attached to the surface or facade of a building or structure other than an antenna-supporting structure.
- (d) Roof-mounted antenna: an antenna mounted on the roof of a building that extends above the roofline by twenty (20) feet or less and has an overall height of fifty (50) feet or less. Roofline means, in the case of a flat or pitched roof, the uppermost line of the roof of a building; and, in the case of a parapet, the uppermost height of the parapet.

Recharge: The replenishment of underground water reserves.

Reconfiguration: A change in the form or design of an existing development or structure. Reconfiguration shall be treated as development if it involves substantial improvement as defined in this section.

Reconstruction: The act of putting a structure back in working order, in approximately its original form. Reconstruction shall be treated as development if it involves substantial improvement as defined in this section.

Recreation area: Any land required to be dedicated under the subdivision provisions of article 5.5. These areas may be improved with recreation amenities at the time of development, however in most cases recreation areas are generally left unimproved during the initial development of the subdivision.

Land dedicated as recreation area shall generally be suitable for future recreation improvements such as playgrounds, playfields, or other active recreation purposes. Recreation areas, in most cases, shall be centrally located within the subdivision, consist of land that is relatively flat and dry, and is otherwise capable of accommodating active recreation.

The town council may waive suitability requirements in order to preserve greenway corridors or other important natural areas.

Recreation facility, commercial indoor: A private profit-making facility providing recreational activities enclosed within buildings, including commercially operated indoor swimming pools and tennis courts, health clubs, gymnasiums, , bowling alleys, and indoor skating rinks.

Recreation facility, non-profit: A non-profit facility providing recreational activities, including private country clubs, golf courses, riding stables, tennis clubs, and athletic fields.

Recreation facility, outdoor commercial: A private profit-making facility providing recreational activities outdoors, including commercially operated outdoor swimming pools and tennis courts, outdoor miniature golf, driving ranges, golf courses, and outdoor batting cages.

Recreation space: Any space, improved for active recreation purposes, required to be dedicated under the multifamily development provisions of article 5.5. These areas are improved with recreation amenities at the time of development.

All recreation space amenities must adhere to requirements of the Americans with Disabilities Act.

Recreation space shall be improved with recreation facilities designed for active play. All recreation space improvements must be built or installed using standards generally accepted for each type of amenity. Examples of active play facilities include:

- Playgrounds utilizing commercial grade play equipment and adhering to national safety standards for play equipment and fall surfaces.
- Ballfields and athletic fields designed and built for active recreation. Such fields must be properly graded and have appropriate turf, goals, sub-drainage, benches, and other amenities commonly required for the intended sport. Unimproved open grass areas are not considered to be athletic fields.
- Basketball courts installed with regulation goals and in hard surface court areas large enough to sustain regulation play. Half courts are acceptable. Basketball goals installed in a street or parking lot are not acceptable.
- Swimming pools and bathhouses
- Tennis courts
- Community gardens appropriately designed and constructed with at least five (5) percent of the garden area consisting of raised beds for handicap users, a source of water throughout the garden area, storage area for tools, handicap accessibility, and access for maintenance.
- Clubhouses intended to be owned by a homeowners' association and operated for the recreation needs of the community.
- Exercise rooms within an apartment, condominium, or other such building intended to be used by the residents for recreation purposes.
- Ponds improved to support fish, stocked with fish, and improved to allow fishing access by persons with disabilities.
- Roof top running tracks
- Paved Greenway Trails

- Unpaved Greenway Trails of a length that provides a meaningful recreation experience. Generally three thousand (3,000) linear feet or longer.

Examples of facilities which are not considered active in nature include:

- Open lawn areas
- Large expanses of unimproved space between or around active recreation elements
- Picnic tables and picnic facilities
- Seating areas
- Areas dedicated to lawn games such as badminton, croquet, lawn darts, horseshoes, etc.
- Areas dedicated to table top board games
- Gardens not improved for active gardening by the community
- Orchards

The town council may allow up to thirty (30) percent of the recreation space to consist of passive recreation elements if they are located adjacent to and support the more active recreation elements. For example, some picnic facilities, seating, and lawn games could be counted if they are adjacent to a children's play area and support the mission of the play area.

The town council may waive suitability requirements in order to preserve greenway corridors or other important natural areas.

Redevelopment: See N.C.G.S. Section 160A-503.

Regulatory flood plain: Areas of inundation during the base flood discharge as delineated on the flood hazard boundary maps and flood insurance study for the Town of Chapel Hill, North Carolina, Orange, Durham, and Chatham Counties, latest revisions, as defined by the associate director of the Federal Emergency Management Agency.

Regulatory floodway: The channel of a river or other watercourse and the adjacent land areas as delineated on the flood hazard boundary maps and flood insurance study for the Town of Chapel Hill, North Carolina, Orange, Durham, and Chatham Counties, latest revisions, as defined by the associate director of the Federal Emergency Management Agency, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot above the one hundred (100) year flood water surface elevation.

Renovation: The act of improving a structure or development by renewing and restoring component parts. Renovation shall be treated as development if it involves substantial improvement as defined in this section.

Research activities: Research, development, and testing conducted in dry labs, wet labs, or other types of facilities related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Research activities, light: Research, development, and testing conducted in dry labs, wet labs, or other types of facilities related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities do not involve live mammals, reptiles, or birds for research, testing, or any other purpose, and provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration, or odor detectable outside the buildings.

Residence hall: A building or group of buildings containing in combination ten (10) or more lodging units intended primarily for rental or lease for periods of thirty (30) days or longer, provided, however, that temporary lodging units for guests of regular tenants may be provided, with the number of such units limited to not more than ten (10) percent of the total number of lodging units.

Residential support facility: A building or group of buildings owned or operated by a nonprofit organization intended to be used solely for temporary occupancy by family members of patients being treated at a local hospital.

Retail services: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use including personal services and instruction. This term does not include places of assembly.

Retail sales: Establishments engaged in selling of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Rezoning plan: A plan that depicts the general configuration and relationship of the principal elements of the proposed development such as uses, intensity, location and size of parking and loading areas, access and circulation, open space, any areas containing environmental constraints, a maximum building envelope with massing exhibits and the development envelope. Development envelope means the area, as designated on the approved rezoning plan, containing building footprints, parking areas, loading areas, and other appurtenant impervious features. Not included in the term development envelope are below ground utility lines, above-ground stormwater management areas, landscape and natural areas, and other non-impervious features.

Riparian buffer: A natural or vegetated area adjacent to streams and perennial water bodies through which stormwater flows in a diffuse manner, so that runoff does not become channelized and which provides for the infiltration of runoff and filtering of pollutants. The riparian buffer is measured landward (horizontal distance) from the stream bank on both sides of the stream or from the normal pool elevation of a perennial water body. The riparian buffer shall also "wrap around" the upstream end of the stream origin.

Riverine: Areas formed by, or resembling a river.

Rooming house: A building or group of buildings containing in combination three (3) to nine (9) lodging units intended primarily for rental or lease for periods of longer than one (1) week, with or without board. Emergency shelters for homeless persons and residential support facilities, as defined elsewhere in this appendix, are not included. A rooming house shall include a single-family dwelling, two-family dwelling including accessory apartment, or a two-family dwelling duplex if used in a manner described in the applicable definition sections so as to constitute a rooming house.

School, elementary: A facility providing a curriculum of elementary academic instruction, including kindergartens, elementary schools, middle schools, and comparable private schools.

School, secondary: A facility providing a curriculum of secondary academic instruction, including high schools and comparable private schools.

Self-storage facility, conditioned: A conditioned building devoted primarily to the storage of personal equipment, records, goods, and belongings that contains separate conditioned storage spaces that are designed to be leased or rented individually. All storage shall be within an enclosed building. Storage spaces with individual exterior accesses are not permitted.

Self-storage facility, unconditioned: Land, unconditioned building, or structure devoted primarily to the storage of personal equipment, goods, and belongings that contain separate unconditioned storage spaces that are designed to be leased or rented individually. Storage spaces are primarily accessed through individual exterior accesses. This use is explicitly not permitted within the jurisdiction of the Town of Chapel Hill.

Senior unit: A unit found in an independent senior living facility.

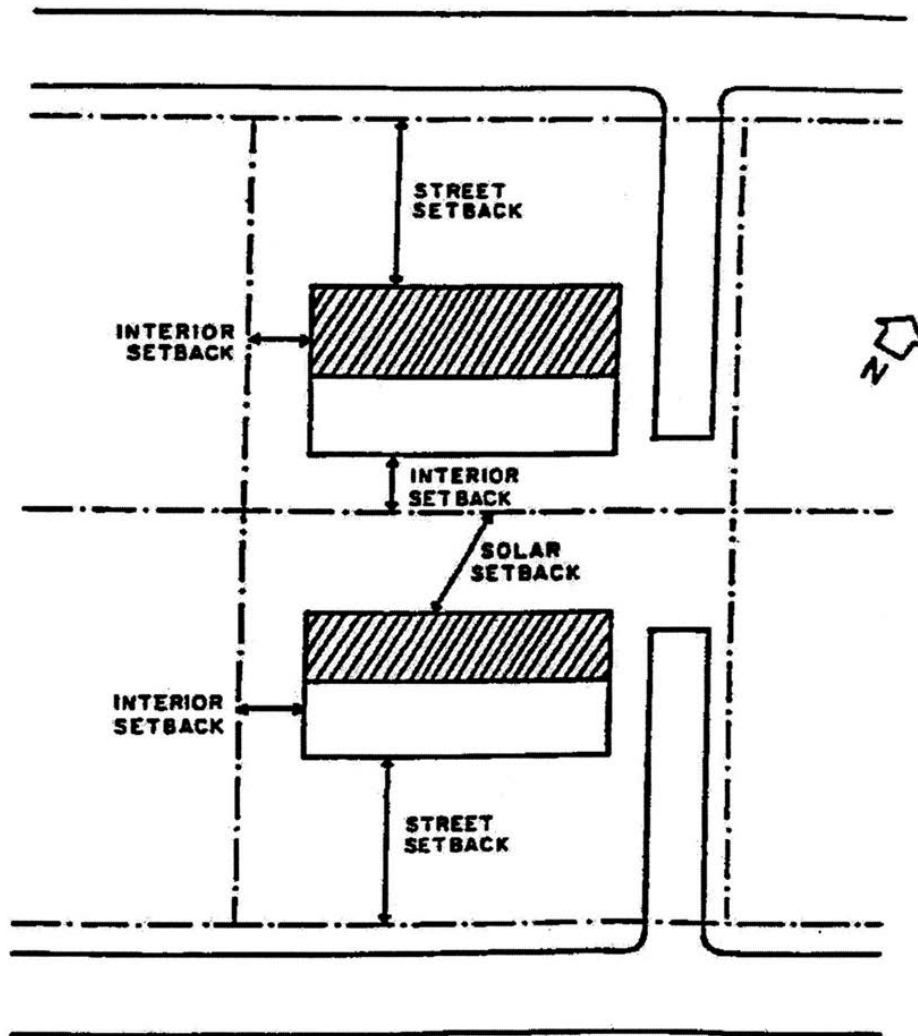
Service station/convenience store: An establishment where gasoline and other petroleum products are sold as a principal use of the property. Light maintenance activities such as engine tune-ups, lubrication, and minor repairs may also be provided if incidental to such principal use. Service stations do not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting, and body work are conducted.

Setback, interior: The horizontal distance between the interior lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the interior lot line.

Setback, solar: The horizontal distance between the north lot line of a zoning lot and any structure on such zoning lot, measured along the north/south axis in a southerly direction from the north lot line. A north lot line shall be construed to include any portion of a lot's lot line which has an alignment within forty-five (45) degrees of an East/West axis.

Setback, street: The horizontal distance between the street lot line of a zoning lot and any structure on such zoning lot, measured perpendicular to the street lot line (see Figure 13-4).

SETBACKS



Shelter: A building or group of buildings owned or operated by a non-profit organization intended to be used solely for temporary occupancy of homeless persons, with on-site supervision during all hours of operation, with or without board for the occupants and staff of the shelter. The number of homeless persons permitted to occupy a shelter shall be established by special use permit and based on the findings required for the special use permit.

Short-term rental (STR): A dwelling unit rented in whole or in part for fewer than thirty (30) consecutive days for a fee or other valuable consideration as defined in [section 6.27](#) or a lodging unit contained in a building that primarily contains dwelling units.

Sign: Any device designed to inform or attract the attention of persons not on the premises on which the device is located.

Sign, cantilevered ground: A sign supported in a cantilevered fashion by an upright post.

Sign, free-standing: A sign attached to, erected on, or supported by a structure whose primary function is to support a sign and which is not itself an integral part of a building or other structure and including signs attached to or painted on a motor vehicle if such motor vehicle is located on a site in such a way as to serve as a

sign, as defined above.

Sign, ground: A free-standing sign attached to a contiguous structural base or planter box, which base or box shall be of the same width as or greater width than the message portion of the sign, and is permanently affixed to the ground. Ground signs do not include free-standing signs supported by poles.

Sign, projecting: A sign attached to and supported by a building and extending beyond the building to which it is attached at an angle.

Sign, wall: A sign attached to or painted on a wall or building, with the exposed display surface of the sign in a plane parallel to the plane of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window.

Sign plan, unified: An overall plan for placement and design of multiple signs for a building or group of buildings on a single zoning lot.

Single-family lot: A lot that is located in a subdivision within a zoning district that allows single-family dwelling units, and that does not include covenants, restrictions, or conditions of approval that prohibit the construction of a single-family dwelling unit on the lot.

Site plan review: The process whereby the council or planning commission reviews plans of a development proposal which is a permitted use to assure that it complies with applicable development regulations and standards.

Site-specific vesting plan: An approved or conditionally approved special use permit, conditional zoning district that includes a district-specific plan, or a Form District Permit authorizing the development of a zoning lot as provided for in this appendix. Such site-specific vesting plans have vested rights for a period of two years.

Sleeping room: A room designated as sleeping or bedroom on the plans and permit application.

Solid waste management facility: Solid waste management facility shall be operated by or on behalf of a governmental agency and shall include, but not be limited to, a solid waste transfer facility and a materials recovery facility. A solid waste management facility shall not include the burial of any waste material.

Special use: A use of land, buildings, or structure that is identified in this appendix as a use that because of its inherent nature, extent, and external effects, requires special care in the control of its location, design, and methods of operation in order to ensure protection of the public health, safety, and welfare.

Special use permit: A permit issued by the council authorizing development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. The term includes permits previously referred to as conditional use permits.

Sports fields: An area designed for active recreation, whether publicly or privately owned, including but not limited to baseball/softball diamonds, soccer fields, football fields, golf courses and ranges, tennis courts, racetracks, and swimming pools.

Standard details: The document entitled "Town of Chapel Hill Standard Details" and dated September 1997, which document is hereby incorporated by this reference.

Stealth wireless communications facility: A wireless communications facility, ancillary appurtenance, or equipment enclosure that is not readily identifiable as such, and is designed to be camouflaged and aesthetically compatible with nearby uses. A stealth facility may have a secondary function including, but not limited to, the following: church steeple, bell tower, spire, clock tower, cupola, light standard, flagpole with a flag, etc.

Stop work order: An order issued which requires that all construction activity on a site be stopped.

Stormwater management: The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

Stormwater retrofit: A stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff: Flow on the surface of the ground, resulting from precipitation.

Stream: A body of concentrated flowing water in a natural low area or natural channel on the land surface.

Stream bank: The point on a stream's cross-section defined by the bankfull elevation.

Stream buffer: A natural or vegetated area adjacent to watercourses through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized and that provides for the infiltration of runoff and filtering of pollutants. The stream buffers required by this section are delineated in Table 3.6.3-2.

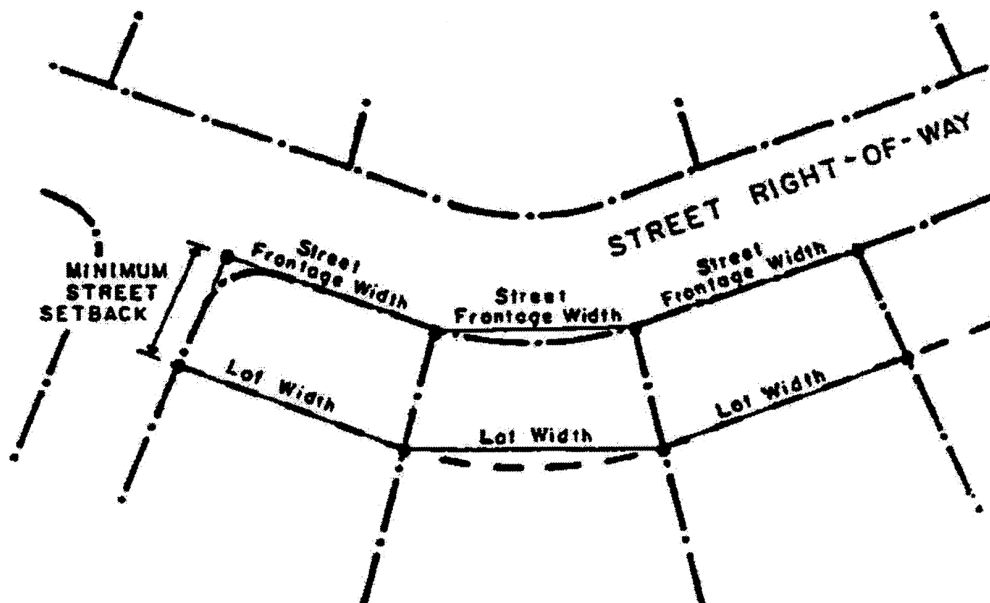
Stream channel: A natural water-carrying trough cut vertically into low areas of the land surface by erosive action of concentrated flowing water; or a ditch or canal excavated for the flow of water.

Stream corridor: A natural or vegetated area adjacent to watercourses through which stormwater runoff flows in a diffuse manner, so that runoff does not become channelized and that provides for the infiltration of runoff and filtering of pollutants. The stream corridors required by this section are delineated in Table 3.6.3-2.

Street: A right-of-way or easement thirty (30) feet or more in width containing a roadway which provides or is used primarily for vehicular circulation.

Street frontage width: The horizontal distance measured along a straight line connecting the points at which the street lot line abutting a street intersects with interior lot lines and/or other street lot lines.

LOT WIDTH AND STREET FRONTAGE WIDTH



App. A Section 9-3-A-6

Street, private: A street consisting of a private easement and a privately maintained roadway.

Street, public: A street consisting of a publicly dedicated right-of-way and a roadway maintained by the Town of Chapel Hill or the State of North Carolina.

Street link: A section of the street network, or a local street, defined by a node at each end or at one end.

Street network: The street system within the incorporated areas and extraterritorial jurisdictions of the town that consists of the existing arterial streets and collector streets as defined herein and as designated in the capital improvements program.

Structural alteration: Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams, or girders.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal and accessory buildings, signs, fences, walls, bridges, monuments, flagpoles, antennas, and transmission poles, towers, and cables.

Structure, accessory: A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Structure, principal: A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

Studio apartment: See "efficiency apartment."

Subdistrict: A portion of a base or overlay district that has unique standards or variations in the range of allowable uses.

Substantially commenced: For the purposes of determining whether sufficient progress has been made on an approved plan authorized by this appendix, one or more of the following construction activities toward the completion of an approved plan shall occur: obtaining a grading permit and conducting grading activity on a continuous basis and not discontinued for more than thirty days; or installation and approval of on-site infrastructure; or obtaining a building permit for the construction and approval of a building foundation. "Substantially commenced" for purposes of determining whether an approved plan is null and void is not necessarily the same as "substantial expenditures" used for determining vested rights pursuant to applicable law.

Substantial improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the assessed taxable value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Supply yard: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Surface water: Any intermittent or perennial stream or modified stream or any perennial water body as defined herein.

Telecommunications, wireless facilities: Please refer to Section 5.20.3, for detailed definitions related to this subject.

Temporary portable building: A building intended for nonresidential use for a limited time period, consisting of one (1) or more modules constructed off the ultimate site of use and transported to that site either on its own wheels or otherwise.

Temporary portable building, construction-related: A temporary portable building directly related to the development of a lot and limited in duration to a time period extending from issuance of the initial zoning compliance permit for such development to issuance of the final certificate of occupancy for the development.

Tourist home: A building or group of buildings containing in combination three (3) to nine (9) lodging units intended for rental or lease primarily to transients for by the day or week with or without board, as distinguished from rooming houses in which occupancy is generally by residents rather than transients. Emergency shelters for homeless persons and residential support facilities, as defined elsewhere in this appendix, are not included. A tourist home shall not be considered an accessory use or as a home occupation. This term does not include short-term rentals.

Town attorney: The town attorney of the Town of Chapel Hill, or his or her designee.

Town council: The governing body of the Town of Chapel Hill, consisting of a mayor and eight (8) council members, as established in the Charter of the Town of Chapel Hill.

Town limits: The territory within the boundaries of the town, as prescribed in N.C.G.S. 160A-21 to 160A-22.

Town manager: The town manager of the Town of Chapel Hill, or his or her designee.

Townhouse development: A development of a zoning lot that consists of two (2) or more dwelling units or buildings, each of which is located on its own individual lot, plus land developed and designated for the common use and benefit of the occupants of the townhouse lots, provided an entity is designated to be legally responsible for maintenance and control of the common land areas. The gross land area of the commonly held land shall be not less than ten (10) percent of the zoning lot's total gross land area. The individual lots within a townhouse development shall not be required to meet the lot design standards of [article 3](#) or the intensity regulations of [section 3.5](#), provided the zoning lot containing the townhouse development meets such standards.

Tract: An undeveloped parcel of land not previously recorded as a zoning lot.

Traffic engineer: An appropriately trained person who specializes in studying vehicular and pedestrian and bicycle traffic conditions.

Transit-oriented development: A proposed development, or portion thereof, that is subject to the requirements of a transit-oriented development district (subsection 3.5.4 of this appendix).

Transit station: A designated area where passengers may embark or disembark from public transportation.

Transportation facilities: Includes: (1) Streets, including street links and intersections within the jurisdiction of the Town of Chapel Hill, or arterial streets and collector streets within the jurisdiction of or the North Carolina Department of Transportation, or its successor agency, that are located within the incorporated boundaries of the Town of Chapel Hill and any extraterritorial jurisdictions granted pursuant to NCGS 160D-202, and (2) buses owned and operated by Chapel Hill Transit.

Transportation plan: A plan, or any portion thereof, adopted by the Chapel Hill Town Council, establishing goals, objectives, policies, and recommendations designed to manage vehicular, transit, bicycle, and pedestrian transportation access and circulation patterns in the Chapel Hill community. The transportation plan is composed of the transportation sections of the comprehensive plan, the thoroughfare plan, the street classification standards, the functional classification of existing streets, the bikeways plan, the sidewalk plan, and any council-adopted plans for area traffic circulation and parking.

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.

Tree canopy: The combined area encompassing the drip zones of all canopy trees.

Tree—rare or specimen: A tree that meets those qualifications as outlined in subsection 5.7.6 of this appendix.

Trip distribution: The geographic distribution of trip ends attracted to the proposed development, usually expressed as a percentage of the total site trips generated by (and assignable to) major site access corridors streets located on the street network that lie within the impact area. [Reference: R. Keller & J. Mehra, Site Impact Traffic Evaluation Handbook (Federal Highway Administration, 1985)]

Trip ends: The total of all trips entering plus all trips leaving a specific land use within a specific time period. [Reference: R. Keller & J. Mehra, Site Impact Traffic Evaluation Handbook (Federal Highway Administration, 1985)]

Triplex dwelling unit: A single structure comprised of three (3) dwelling units that share common vertical walls or horizontal floors/ceilings located on a single lot.

Two-family lot: A lot that is located in a subdivision within a zoning district that allows two-family dwelling units, and that does not include covenants, restrictions, or conditions of approval that prohibit the construction of a two-family dwelling unit on the lot.

Undeveloped land: A zoning lot or a tract on which no residential, commercial, office or industrial activity is taking place.

Unrestricted unit: A dwelling unit that is not an affordable dwelling unit, or a subdivision lot that is reserved for a dwelling unit other than an affordable dwelling unit.

Upper story dwelling unit: A dwelling unit located on a floor above a nonresidential use. The residents of the building may or may not be associated with the nonresidential use, and the two (2) portions are usually leased or sold separately from one (1) another. Upper story dwelling units shall be limited to one (1) floor of residential over one (1) floor of nonresidential.

Urban services area: The urban areas of the Town of Chapel Hill and adjacent areas which are in the process of changing from rural to urban land uses, as designed in Figure 9 of the comprehensive plan.

Use: The specific activity or function for which land, a building, or a structure is designated, arranged, intended, occupied, or maintained.

Use, accessory: A use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to, the principal use of the lot or structure.

Use, principal: The primary use and chief purpose of a lot or structure.

Variance: A relaxation of the strict terms of a specific provision of this appendix authorized by the board of adjustment in accord with the provisions of section 4.6 of this appendix.

Vertical mixed use building: A building in which commercial uses are located on the first floor; commercial, residential, or office uses are located on the second to fourth floors; and residential uses are located on any floors above the fourth floors. A building must include both (1) commercial and/or office uses, and (2) residential uses, in order to be considered a vertical mixed use building.

Very low-income household: A household whose income does not exceed sixty-five (65) percent of area median income (AMI).

Veterinary hospital or clinic: An establishment used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals in need of medical or surgical attention.

Volume (traffic): The number of vehicles to pass a predetermined location during a specified period of time.

Water and wastewater treatment plant: The use of land, buildings, or structures by a public utility or governmental agency to provide sanitary treatment of community water supplies and wastewater discharges.

Watercourse: Any natural or manmade conveyance of concentrated surface flow including: (1) any area of a perennial stream or regulatory flood plain which is inundated during the base flood discharge, (2) any intermittent or perennial stream, (3) any ephemeral stream or ditch that frequently transports stormflow, or (4) any perennial water body.

Watershed buffer: A natural or vegetated area through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

Wetted perimeter: The line of intersection between water and any other part of a stream's cross section.

Wireless communications: Please refer to Section 5.20.3, for detailed definitions related to this subject.

Woodlands: Land which is undeveloped except for roads and utilities, and contains significant stands of native trees.

Zoning atlas: See section 3.2 of this appendix.

Zoning compliance permit: A permit issued by the town manager authorizing the recipient to make use of property in accord with the requirements of this appendix.

Zoning lot: A legally subdivided lot (not a tract) shown on a legally recorded plat or deed, or a combination of such legally subdivided and recorded adjacent lots.

(Ord. No. 2003-11-10/O-3, § 1; Ord. No. 2004-02-23/O-2; Ord. No. 2005-11-09/O-5a, § 1; Ord. No. 2009-03-09/O-6a, § 2; Ord. No. 2009-05-18/O-4, §§ 9, 10; Ord. No. 2010-01-11/O-2, § 1a; Ord. No. 2010-03-08/O-2, §§ 1—3; Ord. No. 2010-06-21/O-11, § 3; Ord. No. 2010-12-06/O-9, § 2; Ord. No. 2011-04-25/O-3, § 3; Ord. No. 2011-09-12/O-8, § 1; Ord. No. 2012-01-30/O-2, § 1; Ord. No. 2013-03-25/O-2, § 1; Ord. No. 2014-03-10/O-2, § 3; Ord. No. 2015-11-23/O-6, § V; Ord. No. 2015-11-23/O-8, §§ IV, V; Ord. No. 2016-03-21/O-1, § 10; Ord. No. 2016-03-02/O-2, § 6; Ord. No. 2016-03-21/O-3, § 1; Ord. No. 2017-04-05/O-7, §§ 18, 19; Ord. No. 2017-11-29/O-4, § 14; Ord. No. 2018-05-23/O-4, § 6; Ord. No. 2019-05-22/O-2, § 11; Ord. No. 2020-06-24/O-3, § 2; Ord. No. 2020-10-28/O-10, § 16; Ord. No. 2021-05-19/O-1, §§ 111, 112; Ord. No. 2021-06-23/O-9, § 4)