

Agenda

Planning Board Regular Meeting

6:30 PM February 15, 2024

Board Meeting Room, Town Hall Annex, 105 E. Corbin St.



1. **Call to order and confirmation of quorum**
2. **Agenda changes and approval**
3. **Minutes review and approval**
 - [A.](#) December 21, 2023 Regular Meeting
 - [B.](#) January 18, 2024 Joint Public Hearing
4. **Discussion**
 - [A.](#) UDO text amendment: Section 6.21.3 *Design Standards - Public Streets*
 - [B.](#) UDO text amendment: Accessory dwelling units (ADUs), home occupations, and short-term rentals
5. **Updates**
 - A. Board of Adjustment
 - B. Parks and Recreation Board
 - C. Staff and board members
6. **Adjournment**

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Public Comment Instructions

For agenda items and items not on the agenda

Public Comment — Written

Members of the public may provide written public comment by submitting it via the Planning Board contact form at <https://www.hillsboroughnc.gov/contact-us/8/contact-planning-board-staff-support.html> by noon the day of the meeting. When submitting the comment, include the following:

- Date of the meeting
- Agenda item you wish to comment on (Example: 5C)
- Your name, address, email, and phone number

Public Comment — Verbal

Members of the public can indicate they wish to speak during the meeting by contacting the Planning Board's staff support at 919-296-9477 or through the board contact form at <https://www.hillsboroughnc.gov/contact-us/8/contact-planning-board-staff-support.html> by noon the day of the meeting. When submitting the request to speak, include the following:

- Date of the meeting
- Agenda item you wish to comment on (Example: 5C)
- Your name, address, email, and phone number

Members of the public can also attend the meeting and sign up to speak prior to the meeting starting. For concerns prior to the meeting related to speaking, contact staff support at 919-296-9477.

Minutes

PLANNING BOARD

Regular meeting

6:30 p.m. December 21, 2023

Human Resources Training Room, Town Hall Administration Building 101 E.
Orange Street



Present: Chair Frank Casadonte, Vice Chair Hooper Schultz, Cassandra Chandler, John Giglia, Robert Iglesias, and Sherra Lawrence

Absent: Saru Salvi, Christian Schmidt

Staff: Planning and Economic Development Manager Shannan Campbell, Planner II Molly Boyle, and Stormwater and Environmental Services Manager Terry Hackett

Jeanette Benjey, a potential new extraterritorial jurisdiction representative for the Planning Board, was also in attendance. Her appointment is pending approval from the Orange County Board of Commissioners.

1. Call to order and confirmation of quorum

Chair Frank Casadonte called the meeting to order at 6:32 p.m. Planning and Economic Development Manager Shannan Campbell confirmed the presence of a quorum.

2. Agenda changes and approval

Campbell proposed adding the introduction of new town planner Molly Boyle as item 3. She said Boyle will be staffing the Planning Board while Campbell works on the town parking study, revision of the United Development Ordinance (UDO), and an update of the land use plan in keeping with the town's comprehensive sustainability plan.

Motion: Vice Chair Hooper Schultz moved to amend the agenda as presented. Board member John Giglia seconded.

Vote: 6-0

3. Introduction of Planner Molly Boyle and incoming board member Jeanette

Campbell introduced planner Molly Boyle, who shared her background with the Board. Jeanette Benjey, a potential new extraterritorial jurisdiction board member, introduced herself. Board members in attendance introduced themselves to Boyle and Benjey.

4. Minutes review and approval

August 17, 2023, Joint Public Hearing.

Motion: Board member Cassandra Chandler moved to approve the minutes as presented. Schultz seconded.

Vote: 6-0

5. Adopt 2024 Planning Board meeting schedule

Casadonte explained that the 2024 schedule includes 11 meetings, 4 of them joint public hearings, with no meeting in July. Schultz asked if calendar invites could be sent to board members for the meeting dates. Boyle said they could.

Motion: Schultz moved to adopt the schedule as presented. Board member Robert Iglesias seconded.
Vote: 6-0

6. Discussion

A. UDO text amendment: Riparian buffers and variances

An amendment proposed by Stormwater and Environmental Services that updates sections on riparian buffers and associated variance procedures.

Stormwater and Environmental Services Manager Terry Hackett provided an overview of the proposed changes. He said the overall intent of the proposed amendment was to help staff enforce the new state riparian buffer rules. He said the amendment provides more flexibility to staff in enforcing rules by expanding uses which include more specific requirements and conditions; creates more specific impact thresholds, making rules more enforceable; updates “diffuse flow” of stormwater requirements to meet new state standards; provides parity between the town and private citizens and developers regarding allowed impacts; increases flexibility for development of infill lots that often have streams; and corrects factual and typographical errors.

He explained that the former arrangement whereby minor variance requests were heard by the town’s Board of Adjustments was onerous. Under the proposed amendment, variances can be sought only for a prohibited use and must be granted by the state. He also explained that the town has retained its “kick-in clause” that allows staff to determine if a stream exists even if it is not mapped. He said some streams depicted on maps no longer exist, while some existing streams were never mapped, partly due to changing rainfall patterns.

Casadonte asked board members to review the proposed changes. Boyle explained that variance requests will go the state Environmental Management Commission rather than the town’s Board of Adjustment. Iglesias asked if that board no longer had oversight on riparian buffer issues. Hackett said that was correct.

Iglesias asked where the 50-foot riparian buffer standard originated. Hackett explained 50 feet was the state minimum. He said some jurisdictions, like Orange County, have wider buffers, which may not provide more water quality protection but may provide better wildlife corridors and protection for sensitive aquatic species. He added that along the Eno River, flood plain rules supersede the 50’ riparian buffer. Boyle noted that under the new proposed table of permitted uses, certain uses are allowed within the outer zone (Zone 2) that are not permitted within the inner zone (Zone 1). Asked by Casadonte if “allowable on authorization” referred to state or town authority, Hackett said the phrase referred to the town.

Iglesias asked how fertilizer usage in riparian buffers was monitored. Hackett said by neighbors and town staff, who try to educate homeowners and developers on the topic.

Schultz asked about the provision for dewatering wells. Hackett explained that mines may pump out water if it is clean and noted that the state, not the town, has jurisdiction over mining operations. Schultz asked if the removal of nuisance vegetation using pesticides or herbicides should be deemed allowable since these treatments might go directly into the water. Hackett noted that the town’s Tree Board applies EPA-approved herbicides in a very spot-specific manner to remove invasive species. Schultz recommended the town have

oversight of all herbicide use in riparian buffers. Hackett said he was open to moving that use to the “allowable upon authorization” column.

Iglesias asked why the proposed amendments are an improvement. Hackett said they make the ordinances more enforceable by defining uses more specifically and what the limits are to certain uses. Campbell added they also give staff more flexibility in making judgement calls. Giglia asked what the procedure would be for an appeal. Hackett said there is no formal mechanism; parties appealing a decision would need to hire an attorney.

Motion: Iglesias moved to send the amendment to the town board with proposed changes. Schultz seconded, clarifying the proposed changes were to make “removal of nuisance vegetation” in item IX under section oo) Vegetation Management of the Permitted Uses table “allowable with authorization” instead of “deemed allowable and to add the word “herbicide” to the described use. Schultz seconded.

Vote: 6-0

Hackett asked how he should share with the boards any suggested changes to the proposed amendments made by the state. Campbell said they could be shared at the next public hearing.

B. UDO text amendment: Streets

An amendment clarifying requirements for streets in Hillsborough’s jurisdiction and when those requirements apply

Boyle explained that the proposed amendment was intended to clarify that the latest town standards apply not just to new, but also improved streets.

Motion: Schultz moved to send the amendment as-is to the town board. Chandler seconded.

Vote: 6-0

C. UDO text amendment: Government maintenance yards

Proposes to make government maintenance yards permitted by right in the Light Industrial (LI) district instead of requiring a special use permit (SUP)

Boyle explained that town staff had discovered that, under the current UDO, land uses more intensive than government maintenance yards were permitted by right in the light industrial zoning district (LI). The proposed change makes permitting requirements consistent throughout the LI district. Campbell added that the town’s maintenance yard on Hwy 86 N may be expanding and requiring a special use permit would be onerous.

Motion: Chandler moved to send the amendment as-is to the town board. Giglia seconded.

Vote: 6-0

D. UDO text amendment: Off-street parking

An amendment to clarify off-street parking regulations and consolidate them under Section 6.13 Parking, Loading, and Circulation

Boyle explained that off-street parking is regulated in several different places in the current UDO with some slight inconsistencies. The proposed amendment consolidates these references under Section 6.13 and

applies the same standard to all development, except one- and two-family detached homes, which are not subject to Section 6.13.

Schultz questioned the requirement of any off-street parking minimums, given the availability of public parking and the town's commitment to denser development. Boyle suggested staff might propose more revisions to off-street parking once the upcoming parking study was complete. Campbell agreed that the study would inform later revisions of the UDO.

Motion: Schultz moved to send the amendment to the town board, with a note suggesting the town move away from parking minimums. Iglesias seconded.

Vote: 6-0

E. UDO text amendment: Accessory dwelling units (ADUs) and home occupations

Proposes to allow larger ADUs and home occupations and also to establish minimum setback/location requirements for detached ADUs

Boyle explained the proposed amendment was meant to create more opportunities for reasonably sized ADUs and to avoid penalizing owners of small houses. Staff is proposing to increase the maximum size for ADUs to 50% of the gross floor area of the primary dwelling or 1,000 square feet, whichever is greater, but not larger than the primary dwelling. She described the proposed location requirements for ADUs. She said the amendment also increases the maximum size for home occupations, since it is common to propose home occupations in ADUs.

Chandler asked if there was a limit to the number of ADUs per lot. Boyle said the limit would still be one. Giglia asked if there was a minimum lot size. Boyle said no; applicants need only meet setback requirements. Chandler asked about potential problems with increased parking; Boyle said there is currently a limit of one parking space per bedroom. Giglia expressed concerns about ADUs making demands on a sewer and water system that is already at/near capacity. Campbell said ADU water usage was negligible and not a concern for the utilities director.

Casadonte asked about setback requirements. Campbell explained that under the current UDO, ADUs are subject to the same setback requirements as primary dwellings, which makes adding an ADU or converting an existing structure into an ADU impossible in many cases. As a result, some residents are calling their ADUs home offices to evade those requirements. Reducing the setback requirement will promote more transparency. She said the amendment changes rules for both home occupation and ADUs because many residents combine home occupations with ADUs. The Tourist Development Authority recently pointed out that the town treats short-term rentals of 1 to 2 bedrooms as home occupations, which currently have a space limit of 600 square feet. Most ADUs are larger than that. Staff is proposing to make maximum sizes for home occupations and ADUs the same. She noted the town has seen a growth in home occupations since the Covid pandemic, and the amendment will make it more likely people will apply for home occupation permits, allowing staff to have more oversight.

Schultz said the amendment would also promote more affordable housing by offering more rental alternatives. Boyle noted there has been much discussion in planning departments about relaxing ADU standards for this reason. Campbell added that many residents want to add an ADU but cannot under current restrictions. Iglesias pointed out the amendment will not increase home ownership, only rental options. Campbell said the revision of the town's UDO will likely promote home ownership by allowing more duplexes and triplexes.

Casadonte noted that short-term rentals were driving up home prices in some communities. Schultz said the town has restrictions on short-term rentals. Campbell explained the town allows short-term rentals of up to two-bedrooms, but not whole-house short-term rentals.

Casadonte asked if board members were ready to make a recommendation. Some board members felt the maximum size for ADUs should be 1,000 sf rather than 1,250 sf.

Motion: Schultz moved to send the amendment as-is to the town board. Lawrence seconded.

Vote: 5-1. Nays: Iglesias.

Iglesias said he didn't fully understand all the measurements and dimensions specified in the amendment. There was discussion of setbacks and other restraints on the construction of ADUs; Boyle said some language in the amendment might need editing for clarity. Campbell said staff could prepare diagrams to illustrate the proposed changes, and the board could postpone making a recommendation to the town board at the next public hearing and discuss the amendment further in its February meeting.

7. Updates

A. Board of Adjustments

Iglesias reported the board had not met recently.

B. Parks and Recreation Board

Schultz summarized proceedings of the last meeting in October. The board began planning for fiscal year 2025, including the construction of a \$300,000 skate park. Plans are underway to provide access to the Eno River in Gold Park using wood mulch. Planners for the \$16 million Ridgewalk have encountered obstacles navigating the right-of-way owned by the NC Railroad and the Churton St. bridge, which is owned by the NC Dept. of Transportation.

C. Staff and Board members

Campbell reported that plans for the new train station are moving forward, with site plans recently submitted. The project is expected to be completed in 2027.

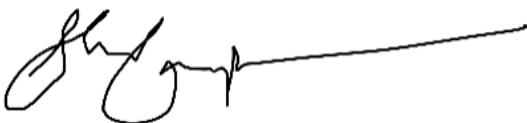
Giglia asked if new developments could be required to install solar panels on roofs. Boyle said it would be difficult to require their installation but said the town might explore ways to incentivize their adoption. Campbell added that the town had recently made it easier to install rooftop solar panels in the historic district.

8. Adjournment

Motion: Schultz moved to adjourn the meeting at 8:33 p.m. Chandler seconded.

Vote: 6-0

Respectfully submitted,



Shannan Campbell, Planning and Economic Development Manager

Staff support to the Planning Board

Approved: Month X, 202X

Minutes

PLANNING BOARD AND BOARD OF COMMISSIONERS

Joint public hearing

7 p.m. January 18, 2024

Town Hall Annex Board Meeting Room, 105 E. Corbin St.



Present

Town board: Mayor Mark Bell and commissioners Meaghun Darab, Kathleen Ferguson, Matt Hughes and Evelyn Lloyd

Planning Board: Chair Frank Casadonte, Vice Chair Hooper Schultz, and members Cassandra Chandler, John Giglia, Robert Iglesias, Sherra Lawrence, Saru Salvi and Christian Schmidt

Absent: Board of Commissioners: Robb English

Staff: Planning and Economic Development Manager Shannan Campbell, Planner Molly Boyle, Stormwater and Environmental Services Manager Terry Hackett and Town Attorney Bob Hornik

1. Call to order and confirmation of quorum

Mayor Mark Bell called the meeting to order at 7:00 p.m. and passed the gavel to board chair Frank Casadonte, who shared one agenda change: agenda changes and approval moved to item 2 and Planning Board appointments moved to item 3.

2. Agenda changes and approval

Motion: Commissioner Kathleen Ferguson moved to approve the agenda as amended. Member Cassandra Chandler seconded.

Vote: 12-0.

3. Planning Board appointments

Planner Molly Boyle explained that only Planning Board members would vote on the appointments and that members could vote on one motion to reappoint both members up for reappointment.

Reappointment of members Robert Iglesias and Hooper Schultz to three-year terms expiring January 31, 2027

Motion: Chandler moved to reappoint both members. Member John Giglia seconded.

Vote: 6-0 (Iglesias and Schultz did not vote since the motion dealt with their reappointments.)

4. Minutes review and approval

Draft minutes from June 15, 2023 (Regular Planning Board Meeting)

Motion: Chandler moved to approve the minutes as presented. Schultz seconded.

Vote: 8-0

5. Open the public hearing

Motion: Commissioner Matt Hughes moved to open the public hearing. Member Saru Salvi seconded.
Vote: 12-0

6. Text amendments to the Unified Development Ordinance

A. Text amendment to various UDO sections on riparian buffers and variance procedures (staff-initiated)

Stormwater and Environmental Services Manager Terry Hackett provided background on the proposed amendment. The town has delegated authority from the state to enforce the Neuse riparian buffer rules. In 2020 the state revised its buffer rules. Recently, two or three residents who have lots that would be substantially encumbered with stream buffers prompted staff to study the new state rules more closely. The proposed changes have mostly to do with the table of uses. The uses are largely the same but are more specific, which will make them more enforceable.

Member Christian Schmidt asked about differences between the new town requirements with the state requirements. Hackett said the town's rules were in some cases more stringent. He cited as an example the town's rule that the use of herbicides in removing vegetation requires written authorization, whereas the state rules do not.

Hughes asked how would the "kick in" provision work for an unmapped stream. Hackett explained that because the new state rules had dropped an earlier provision about identifying streams using field evidence, town staff added that provision because there are streams in the town that are unmapped, especially in the historic district. If planning staff see evidence of a stream on a topographical map, they will direct the applicant to contact stormwater staff to request a field determination.

Hackett also explained changes to the variance process. He said town staff determined that if a use is not on the table of uses, then it's prohibited and an applicant seeking a variance would have to appeal to the state. Hughes asked Town Attorney Bob Hornik if this is an area where the state allows a municipality to impose more stringent rules than the state. Hornik explained that when the issue arose a few years ago, the state at first said local governments could not, but then began issuing waivers, so he thought the town's stricter rules would be permitted.

Casadonte asked Hackett what the process is once the changes are passed. Hackett explained the town must next submit changes to the state. Once reviewed by the Department of Environmental Quality staff, the proposed changes will be sent to the Environmental Management Commission. He expects a decision by May. Hornik added that this amendment was the only one on the agenda that would need approval from the state.

B. Text amendment to UDO Section 6.21.3 Design Standards - Public Streets (applicant-initiated)

Boyle explained that the applicant originally sought a change to allow right of way (ROW) reductions for local streets if no on-street parking was proposed, with a minimum ROW width of 48 feet. Staff recommended some changes, not specific to local streets, and the applicant agreed with the revisions. The amendment allows ROW reduction if on-street parking is allowed but not proposed. Town review and approval would be required. The amendment includes ROW widths for multi-lane avenues pulled from the street manual, bringing it in line with the Unified Development Ordinance (UDO).

Applicant Oliver Kaija from Bohler Engineering in Raleigh said he was representing E. J. Shaw and the Shaw Family trust, which owns a parcel on Waterstone Dr. In researching the site development and dedication of public right of way (ROW), he found a discrepancy between the town's street design manual and the UDO for

allowed ROW widths. He said the amendment would allow more projects like his to bring streets into the public right of way.

Asked by Schmidt if a ROW includes sidewalk, Boyle said it normally does. Schmidt expressed concern that moving parking off the street might create opportunities for cars to pass over pedestrian pathways. Boyle said in instances when staff had concerns that a design would infringe on pedestrian safety, they wouldn't approve. She said the amendment simply aligns the UDO with the street manual, allowing flexibility, but doesn't rule out on-street parking.

Hughes noted that the town board has adopted a policy of not encouraging more private roads and expressed concern that shrinking the width of roads would negate that policy, adding he was wary of amending town-wide code for a particular project. Boyle explained this particular project had drawn town staff's attention to a discrepancy between the town code and its street manual. She said any proposal that didn't meet the requirements of solid waste or public works would be denied by staff. She added the width of a ROW would be reduced only when on-street parking is allowed but not proposed and would at most be reduced to 48 feet, which is the width of the local ROW minus the standard 9' depth of a parking space on both sides of the street. Hughes noted there had been issues in the past with allowance of on-street parking on private roads that later were converted to public roads and that he wanted to ensure roads are wide enough to accommodate school buses and provide sufficient parking.

Ferguson said the board had addressed issues with school bus clearance in past discussions. Boyle said staff could add language about meeting requirements for access by fire and other vehicles. Chandler said even without designated on-street parking, drivers still park along the street. Ferguson, noting safety issues with delivery and construction vehicles parking on the street, asked if reductions in ROWs would create a hazard. Planning and Economic Development Manager Campbell said many of these problems were the result of previously designated private streets being converted to public streets after construction. She said these requirements apply just to new public streets, where wide ROWs aren't necessary if the developer is not going to provide on-street parking. She said the town is no longer approving private streets for residential subdivisions over four lots.

Ferguson asked again if reducing widths of ROWs would create hazard, noting the rise in vehicles making home deliveries. Campbell said the town had added loading zones downtown because of drivers stopping in the middle of the road. Schultz noted that wider roads can create their own dangers, such as speeding and excess impervious surface. Ferguson and Chandler said many local streets are being impacted by the rise in home delivery services. Kaija said he recognized the challenges with residential collector streets, but said with his project, which is likely to be multifamily, with possible some office space, there would be dedicated curb cuts off the roads with their own parking. His client would be required by code to provide a loading zone for any building whose use requires it. He said that dedicating a 60' wide public ROW with on-street parking that won't be utilized makes the project untenable because of nearby stream buffers, adding that removing on-street parking would actually widen the lanes from 10 to 11.5 feet. He said his client wants to dedicate these as public ROW to create connectivity and that town staff would make sure they meet requirements for utilities and emergency vehicles.

Iglesias asked if the amendment would help mitigate problems with parking like those reported in the Collins Ridge development. Boyle said she wasn't sure and that illegal parking on the street was more of an enforcement issue. She noted wider ROWs and unnecessary impervious surfaces create their own problems, such as speed, and can encourage more parking on the street. Chandler asked how staff had landed on the 48-foot width. Boyle said that it was the absolute minimum ROW allowed for a residential local street if on-

street parking is eliminated on both sides; it wouldn't be a practical minimum for a collector street, which has a larger ROW.

Hornik pointed out that 48 feet is the minimum width staff might allow; staff must be satisfied a proposal meets safety standards and other requirements before approving that width. Schmidt asked how the amendment would provide incentives for developers to dedicate more public ROWs. Kaija explained that when on-street parking is required when it's not congruent with a development, it takes away 16 feet of developable, marketable land that could be used for private parking or other amenities. He added that while the amount of private land retained by the developer would be increased, its use would still be subject to staff review.

Asked by Schmidt if town staff could ask developers for extra pedestrian safety measures like cutouts for delivery, Boyle said yes, the town can negotiate. Member Saru Salvi asked how other towns handle the issue. Boyle said she didn't have data on hand, but that there are standard widths for drive aisles and these were consistent with the other jurisdictions where she had worked. Kaija said he thought the town's standards for widths of lanes, planting strips, and utilities were congruent with those of other municipalities. Board member John Giglia asked if the reduction of ROWs would impact future bike lanes. Boyle said if a proposal concerned an area where the town wanted to account for bike lanes, staff would consider that in reviewing a proposed reduction.

C. Text amendment to UDO Section 6.21.2 Streets - Applicability (staff-initiated)

Boyle explained this amendment clarifies that the section applies not just to new streets but also improved streets. Bell asked if the difference between new and improved had ever been an issue. Campbell said no, the distinction is a standard one that isn't currently codified in the UDO. She said an improved street might be one whose layout is changed when a property is redeveloped. Hornik added that some private streets in the Waterstone development that were turned over to the town would be classified as improved. Campbell added that an improved road is one that has been more than resurfaced, for instance a gravel road that was converted into a public paved road. She noted the town's standards for public roads are somewhat more stringent than those of the NC Department of Transportation (DOT).

D. Text amendment to various UDO sections on government maintenance yards (staff-initiated)

Boyle explained that town staff were recently surprised to discover that government maintenance yards were required to seek a special use permit in the light industrial district, unlike comparable uses in the district. The amendment would make these yards permitted by right in the light industrial district. She explained the amendment doesn't exempt a government maintenance yard from seeking applicable development permits, such as for building or land disturbance. Campbell clarified the amendment would not apply to the state's DOT, but only to the town and Orange County. Hughes asked if the change would apply to county school transportation yards. Campbell said most likely.

E. Text amendment to various UDO sections on off-street parking (staff-initiated)

Boyle explained that this amendment was intended to consolidate and clarify by putting all references to off-street parking in the UDO in one section. It applies to everything except 1- and 2-family units and keeps the current allowance of one row of parking and one drive aisle in front of the primary structure, with a maximum width of 44 feet. Additional parking must be behind or to the side of the primary building. It also corrects an issue with the parking reduction and additions formula that didn't work for less intensive land uses.

Schmidt asked if the formula would fit better in the administrative section. Boyle said she considered it but thought it best to wait until the upcoming UDO rewrite. Hughes asked how the amendment would factor into the UDO rewrite and how it relates to the recent proposal from Holy Family church for additional parking.

Campbell said the amendment doesn't affect the current minimum parking formula, adding that the change extends the standards to redeveloped as well as new properties. Campbell said she expected the town to revisit parking issues in the upcoming revision of the UDO.

Bell commended Boyle on running her first public hearing with the town.

7. Close the public hearing.

Motion: Ferguson moved to close the public hearing items. Schmidt seconded.

Vote: 12-0

8. Planning Board recommendation(s)

Boyle explained the board was not required to make recommendations but could recommend any amendments it was ready to recommend. Casadonte asked if there were any text amendments the board wanted to discuss further. Several members said the applicant-initiated public street amendment needed more discussion.

Motion: Schultz moved to recommend to approve text amendments in sections 6A, C, D, and E as written. Schmidt seconded.

Vote: 8-0. Motion passed.

Casadonte asked if the board wanted to workshop the amendment on public streets. Some members said they had trouble envisioning a 48' ROW. Campbell said staff could provide widths for sample streets and provide cross sections at the next meeting. Asked about developers' options for designating streets as private, Campbell said the town now allows private streets only in apartment complexes and commercial shopping centers. She explained that current design guidelines make on-street parking an option for public streets but don't allow the option to reduce ROW widths if it is not provided. Schmidt said that if the town is giving a developer square footage by removing on-street parking, the town should get something in exchange, for instance features that mitigate congestion by delivery vehicles. Casadonte summarized the next steps and said the board would work on the amendment in its February meeting.

9. Updates

A. Board of Adjustment

Iglesias reported there had not been a meeting. The next one is scheduled for February.

B. Parks and Recreation Board

Schultz reported the board, which met on the previous Tuesday, is exploring the possibility of adding basketball courts to the priorities list for the Cates Creek masterplan. Members also discussed the Ridgewalk and added board member Wendy Kuhn to the Orange County Climate Council.

C. Staff and Board Members

Campbell invited new board member Schmidt to introduce himself. Schmidt said he had moved to the area in July and is employed by an urban planning consulting firm in Chapel Hill that is working with Orange County to update its land use plan.

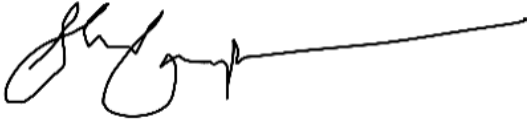
10. Adjournment

Motion: Chandler moved to adjourn the meeting. Schultz seconded.

Vote: 8-0.

Meeting adjourned at 8:33 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannan Campbell', with a long horizontal line extending to the right.

Shannan Campbell
Planning and Economic Development Manager
Staff support to the Planning Board

Approved: Month X, 202X

DRAFT



Agenda Abstract PLANNING BOARD

Meeting Date:	February 15, 2024
Department:	Planning and Economic Development Division
Agenda Section:	Old Business
Public hearing:	Yes
Date of public hearing:	January 18, 2024

PRESENTER/INFORMATION CONTACT

Oliver Kaija, Bohler Engineering (Applicant)
Molly Boyle, Planner II (Staff)
Shannan Campbell, Planning and Economic Development Manager (Staff)

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment to Section 6.21.3 *Design Standards – Public Streets* (applicant-initiated)

Attachments:

1. Text amendment application
2. UDO Section 6.21.3, as proposed to be amended
3. Street Manual excerpt (design elements for commercial/industrial streets – local and collector)

Background:

The applicant has proposed to amend UDO Section 6.21.3 *Design Standards – Public Streets*. The proposed amendment, inclusive of staff-recommended edits, was heard at the Joint Public Hearing on January 18, 2024.

Some board members were concerned that the proposed right-of-way minimum (48') was too narrow, particularly for residential streets. There were also concerns that right-of-way reductions would negatively impact other street design elements, such as sidewalks, travel lanes, and planting strips.

Revised Proposal:

The text amendment has been revised based on feedback from the public hearing. The revised amendment includes more detail and is enclosed as **Attachment 2**. It proposes to allow right-of-way reductions *only when*:

- The proposed street is a commercial/industrial local or collector street (not residential);
- On-street parking is omitted from the street design;
- The right-of-way is reduced by no more than the width of the omitted on-street parking; and
- The right-of-way reduction does not impact other design elements required in the Street Manual.

For reference, the required design elements for commercial/industrial streets (local and collector) from the Street Manual are included as **Attachment 3**.

Relevant Links:

- Hillsborough Street Manual:
<https://assets.hillsboroughnc.gov/media/documents/public/street-standards.pdf>
- Joint Public Hearing Agenda from January 18, 2024:
<https://mccmeetings.blob.core.usgovcloudapi.net/hillsbrnc-pubu/MEET-Agenda-33e85b2847364670a303aaf96d180005.pdf>

Comprehensive Sustainability Plan goals:

- Transportation and Connectivity Goal 1:
Develop and maintain a safe, efficient, and sustainable multimodal transportation system (including bicycle, pedestrian, and transit options) that offers alternatives to single-occupancy vehicle trips and promotes health and access to area jobs, destinations, and services.
- Strategy:
Adopt regulations that contribute to meeting identified transportation and connectivity needs in town.

Financial impacts:

None.

Staff recommendation and comments:

Note that Planning staff would not review right-of-way reductions in a vacuum.

Per UDO Article 3 *Administrative Procedures*, UDO Section 2.6 *Technical Review Committee*, and the Administrative Manual, development applications are reviewed by the town's Technical Review Committee. The Technical Review Committee includes representatives from the Fire Marshal's office, Public Works, Utilities, and Solid Waste, amongst others. For submittals requiring board approval (e.g., special use permit, site-specific vesting plan), a right-of-way reduction request would be reviewed by the applicable board as well.

Staff recommends approval of the text amendment as written.

Action requested:

Discuss and make a recommendation on the proposed text amendment.

Appendix I

Application Packet for Unified Development Ordinance Text & Zoning Map Amendments (Rezoning) / Future Land Use Plan & Comprehensive Plan Amendments

<u>Complete Application</u> <u>Deadline (12 Noon)</u>	<u>Joint Public Hearing</u> <u>Date</u>	<u>Planning Board</u> <u>Recommendation Date</u>	<u>Earliest Decision</u> <u>Date</u>
December 19, 2022	January 19, 2023	February 16, 2023	March 13, 2023
March 27, 2023	April 20, 2023	May 18, 2023	June 12, 2023
June 26, 2023	July 20, 2023	August 17, 2023	September 11, 2023
September 25, 2023	October 19, 2023	November 16, 2023	December 11, 2023
December 18, 2023	January 18, 2024	February 15, 2024	March 11, 2024

Fee Schedule

Future Land Use/Comprehensive Plan Map Amendment:	\$300.00
UDO Text Amendment	\$300.00
Rezoning to General Purpose or Overlay District:	The greater of \$500.00 or \$50.00 per acre

* Rezoning reviewed in conjunction with an annexation request should first calculate the standard fee and then double it to account for the fiscal impact analysis of the application.

Submittal Requirement Checklist

Unified Development Ordinance & Future Land Use/Comprehensive Plan Text Amendments

- ☒ Complete application and applicable review fee
- ☒ For UDO text amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)

Zoning Map & Future Land Use Map Amendments

- ☐ Complete application and applicable review fee
- ☐ Copy of the deed and/or a fully dimensioned survey to a scale greater than 100 ft to the inch and smaller than 20 ft to the inch that includes existing structures, critical areas (specified on application), rights-of-way and width, and driveways (existing and new)
- ☐ For zoning map amendments, a written narrative addressing UDO Section 3.7.2 (see page 3 of this packet)



TOWN OF
HILLSBOROUGH

**APPLICATION FOR
Text and/or Map Amendment Request**

Planning Department
101 E. Orange Street/P.O. Box 429
Hillsborough, NC 27278

Phone: (919) 296-9477 Fax: (919) 644-2390
Website: www.hillsboroughnc.gov

Amendment Type: ☐ Future Land Use Plan Map

☐ Zoning Map

☐ Comprehensive Plan Text

☒ Unified Development Ordinance text

Property Address: North side of Waterstone Dr between
Old NC 86 and College Park Rd

PIN: 9873146102

Applicant Name: Oliver Kaija

Mailing Address: 4130 Parklake Ave Suite 200

Phone: 919-578-9000

City, State, Zip: Raleigh, NC 27612

E-mail: okaija@bohlereng.com

Property Owner Name: Shah Trust - Vijay Shah

Mailing Address: 6819 Creek Wood Dr

Phone: _____

City, State, Zip: Chapel Hill, NC 27514

E-mail: vshah@trademarkproperties.com

Location/Streets Accessed: _____

Current Zoning District(s): ESU

Proposed Zoning District(s): ESU

Acreage: 19.47

Water Service: ☒ Public Water ☐ Well

Sewer Service: ☒ Public Sewer ☐ Septic Tank

Existing Structures on Site: none

Critical Areas:



☐ Flood ☒ Drainage/Stream/Pond ☐ Cemetery ☐ Historic Resource ☐ Steep Slopes
☐ Easement See next page

Describe how the request will address the following factors that the Town Board of Commissioners must determine when considering an amendment to the test of the Unified Development Ordinance or Zoning Map (use separate sheet):

1. The extent to which the amendment is consistent with all applicable Town-adopted plans.
2. The extent to which there are changed conditions that require an amendment.
3. The extent to which the proposed amendment addresses a demonstrated community need.
4. The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.
5. The extent to which the proposed amendment deviates from logical and orderly development pattern or deviate from logical and orderly development pattern or

Please see next page for responses
6. The extent to which the proposed amendment would encourage premature development.
7. The extent to which the proposed amendment would result in strip or ribbon commercial development.
8. The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.
9. The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding lands.
10. The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

I/We certify that all of the information presented by me/us in this application is accurate to the best of my/our knowledge, information, and belief. **APPLICATIONS WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF PROPERTY OWNER.**

 _____ Applicant's signature	12/14/2023 _____ date
 _____ Property Owner's signature	12/14/23 _____ date

Bohler Engineering, on behalf of Shah Trust, is proposing to add a condition to Section 6.21.3.3 in the Unified Development Ordinance (UDO) to allow for a flexible right of way width options to align with the flexibility afforded within the street design manual, specifically as it pertains to the inclusion of on street parking.

Question 1: The extent to which the amendment is consistent with all applicable Town-adopted plans.

Response 1: The amendment still requires development to abide by Town standards and review processes.

Question 2: The extent to which there are changed conditions that require an amendment.

Response 2: The amendment specified above requests for wording in the UDO to allow for flexibility in ROW widths in the code, given that the flexibility to include or exclude on-street parking for street sections exists within the Street Manual.

Question 3: The extent to which the proposed amendment addresses a demonstrated community need.

Response 3: The proposed amendment will allow for flexibility for other developers who may not need all elements of the sections provided in the Streets Manual. Additionally, it will encourage new development to create roads that can be public and comply with all the elements of the public requirements.

Question 4: The extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land and is the appropriate zoning district for the land.

Response 4: The proposed amendment does not affect the zoning districts. All zoning requirements that are imposed will still need to be met by all developments.

Question 5: The extent to which the proposed amendment would result in a logical and orderly development pattern or deviate from logical and orderly development patterns.

Response 5: The proposed amendment will continue to allow for logical and orderly development patterns because developments are still required to abide by all Town standards and processes.

Question 6: The extent to which the proposed amendment would encourage premature development.

Response 6: The proposed amendment will not encourage premature development. Developments are still required to abide by all Town standards and processes.

Question 7: The extent to which the proposed amendment would result in strip or ribbon commercial development.

Response 7: The proposed amendment does not encourage strip or ribbon commercial developments. The amendment will allow new developments to dedicate public roads within a smaller right of way section.

Question 8: The extent to which the proposed amendment would result in the creation of an isolated zoning district unrelated to or incompatible with adjacent and surrounding zoning districts.

Response 8: The proposed amendment does not encourage isolated zoning districts. All Town zoning requirements are still expected to be followed by all developments.

Question 9: The extent to which the proposed amendment would result in significant adverse impacts on the property values of surrounding areas.

Response 9: The proposed amendment would not have an adverse impact on property values. This text amendment would encourage developers to build public roadways and further development that could potentially increase property value of surrounding areas.

Question 10: The extent to which the proposed amendment would result in significantly adverse environmental impacts, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

Response 10: The proposed amendment would encourage developments to have smaller right-of-way widths which results in less impervious areas being developed. This will increase developable area that could be used for open space, conservation area and other environmental features. For any stream crossings, a smaller ROW width will preserve more of the existing environmental features.

6.21 STREETS

6.21.1 PURPOSE AND INTENT

It is the intent of this section to protect and promote the public health, safety, and general welfare by requiring the uniform construction of streets. Street rights-of-way are designed and developed to serve several functions: (i) to carry motor vehicle traffic, and in some cases, allow on-street parking; (ii) to provide a safe and convenient passageway for pedestrian traffic; and (iii) to serve as an important link in the town's drainage system.

6.21.2 APPLICABILITY

New streets will generally be dedicated to the town or NC Department of Transportation. Private streets are generally only permitted in minor subdivisions and some developments where land ownership is not defined by the vehicle circulation system (apartment complexes, shopping centers or office parks). Allowable private streets are also regulated by this section.

6.21.3 DESIGN STANDARDS – PUBLIC STREETS

6.21.3.1 New public streets in the city limits must meet the Town of Hillsborough's *Standard Specifications for Street Construction* and Acceptance Procedures in the *Checklist and Approval Requirements for Utility Projects*.

6.21.3.2 Public streets in developments in the Town's extraterritorial zoning jurisdiction must be approved and accepted by the NC Department of Transportation.

6.21.3.3 Minimum ~~right of way~~ right-of-way widths ~~by public street type~~ for public streets are as follows:

~~6.21.3.3.a Arterial Streets shall provide 100 feet of public right of way~~

~~6.21.3.3.b Collector Streets shall provide 70 feet of public right of way~~

~~6.21.3.3.c Local Streets shall provide 60 feet of public right of way~~

~~6.21.3.3.d Cul de sacs shall provide 50 feet of public right of way~~

<u>Minimum Right-of-Way (ROW) Widths by Public Street Type</u>		
<u>Public Street Type</u>	<u>Minimum ROW Width (ft.)</u>	<u>ROW Reduction Allowed</u>
<u>Arterial Street</u>	<u>100' (standard) or 150' (multi-lane boulevard)</u>	<u>No</u>
<u>Collector Street</u>	<u>70' (standard) or 120' (multi-lane boulevard)</u>	<u>New commercial/industrial streets only</u>
<u>Local Street</u>	<u>60'</u>	<u>New commercial/industrial streets only</u>
<u>Cul-de-sac</u>	<u>50'</u>	<u>No</u>

6.21.3.4 In some cases, minimum right-of-way widths for new commercial/industrial streets may be reduced. Proposed cross-sections and dimensional standards must be submitted to the town for review and approval. A right-of-way reduction shall be granted only under the following conditions:

6.21.3.4.a The proposed street is either a commercial/industrial local street or a commercial/industrial collector street as defined in the town's Street Manual;

6.21.3.4.b On-street parking is omitted from the proposed street design;

6.21.3.4.c The right-of-way is reduced by no more than the width of the omitted on-street parking; and

6.21.3.4.d The right-of-way reduction does not impact any other design elements required in the Street Manual, including but not limited to minimum width requirements for travel lanes, planting strips, and/or sidewalks.

~~6.21.1.16.~~6.21.3.5 Additional street right-of-way may be required in cases ~~were~~where underground public utilities, sidewalks, and drainage facilities cannot all be located within the minimum stated above.

~~6.21.1.26.~~6.21.3.6 Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than sixty (60) degrees.

~~6.21.1.36.~~6.21.3.7 The proposed street layout shall be coordinated with the existing street system of the surrounding area and with the Hillsborough Thoroughfare Plan. Where possible proposed streets shall be the extension of existing streets. Modification of the existing grid pattern may be allowed to accommodate sitetopography.

~~6.21.1.46.~~6.21.3.8 To maximize connectivity for public safety and avoid the requirement for additional right of way width improvement and dedication, block lengths will generally not exceed 400 feet and there will be two points of access for any street containing 30 or more dwellings not equipped with individual sprinkler systems.

~~6.21.1.56.~~6.21.3.9 All permanent dead-end streets (as opposed to temporary dead-end streets or stub-outs) shall be developed as cul-de-sacs in accordance with the standards set forth in the North Carolina Fire Prevention Code. To avoid the requirement of additional right of way width improvement and dedication, dead-end streets may not exceed 400 feet in length.

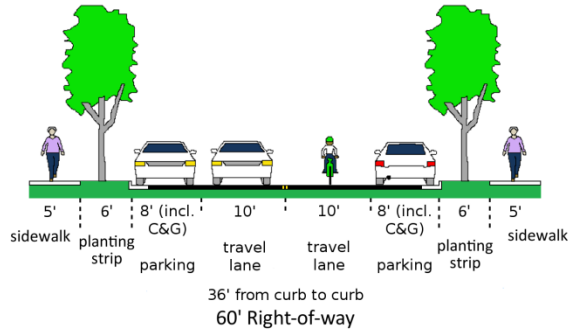
~~6.21.1.66.~~6.21.3.10 Cul-de-sacs shall not be used to avoid connection with an existing street or to avoidthe extension of an important street.

~~6.21.1.76.~~6.21.3.11 Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersection on the opposite side of such street. In any event, where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 150 feet.

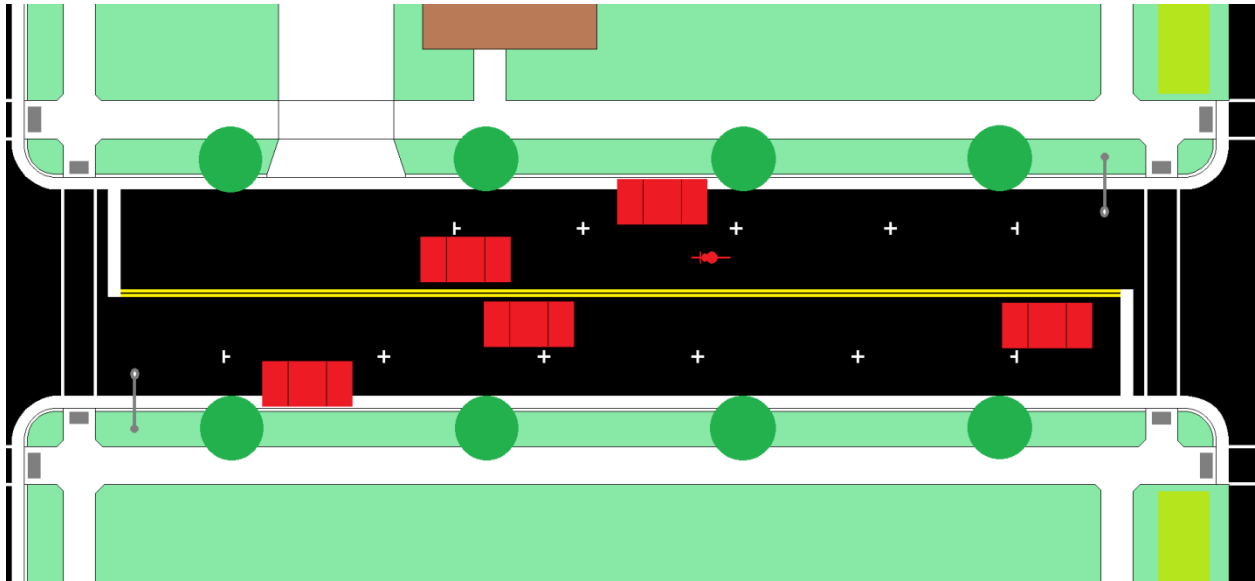
~~6.21.1.86.~~6.21.3.12 Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be at least 1,000 feet.

~~6.21.1.96.~~6.21.3.13 The permit issuing authority may require the applicant to extend a right of way, build the street, and/or provide a temporary cul-de-sac in order to stub out streets that should be connected to existing or proposed streets outside the subdivision.

COMMERCIAL/INDUSTRIAL LOCAL STREET



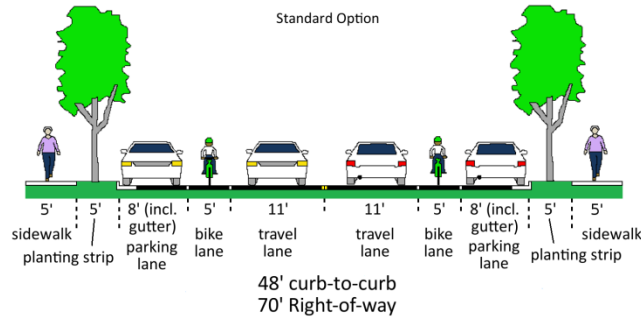
Commercial/Industrial Local Streets are the standard type of streets found within business and industrial districts. These are low-speed streets intended to provide access to businesses and are appropriate for mixed traffic. All commercial/industrial streets should be designed with curb and gutter as the standard design. These streets are intended to allow on-street parking and provide room for truck movements.



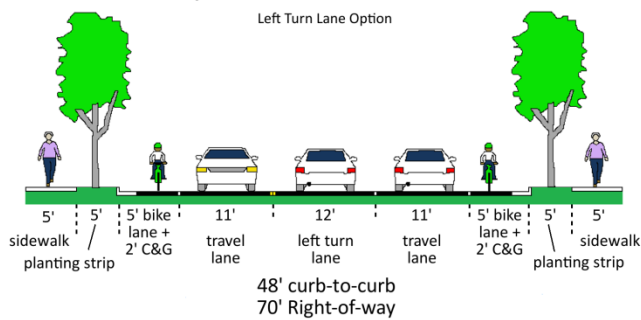
Summary of Design Elements

Right-of-way width	60 feet
Roadway width (face of curb to face of curb)	36 feet
Planting strip width	6 feet on each side of street
Sidewalk width	5 feet on each side of street
Curb radius at intersections	10 feet
Street trees (within planting strip)	every 40 feet
Street lighting (within planting strip)	at intersections, and at least every 175 feet
Speed limit	20-25 miles per hour
Lane striping	marked center line, parking stalls
Crosswalk striping	standard
On-street parking	allowed

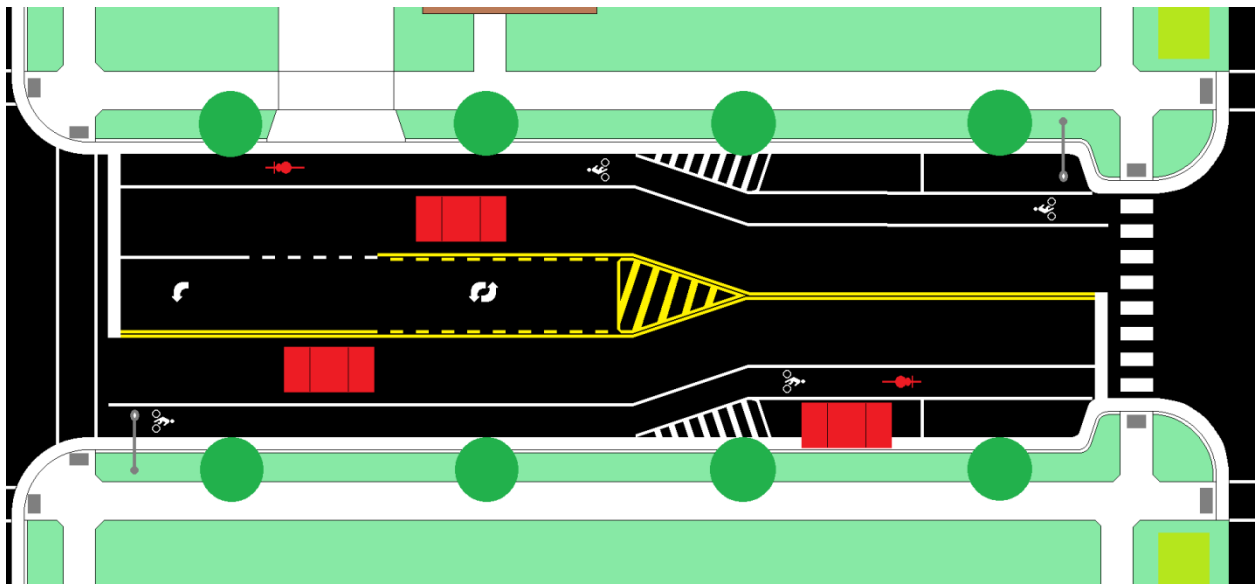
COMMERCIAL/INDUSTRIAL COLLECTOR STREET



COMMERCIAL/INDUSTRIAL COLLECTOR STREET

**Commercial/Industrial**

Collector Streets are the network of streets within business/industrial areas that connect local streets with the larger highway network. These are generally medium-speed, medium-volume streets, and as such should have separate marked lanes for motor vehicle traffic, bicycle traffic, and parked vehicles. All commercial/industrial streets should be designed with curb and gutter as the standard design. The standard cross-section should be used in areas with little turning traffic or where on-street parking is desirable. The left-turn lane cross-section should be used in areas with heavy left-turn volumes and can be either a standard turn lane or a two-way left turn lane.

**Summary of Design Elements**

Right-of-way width	70 feet	Roadway width (FOC to FOC)	48 feet (36' at bulbouts)
Planting strip width	5 feet (each side)	Sidewalk width	5 feet (each side)
Curb radius at intersections	10 feet	Street trees (in planting strip)	every 40 feet
Street lighting (in planting strip)	at intersections, and at least every 175 feet	On-street parking	allowed in marked areas
Speed limit	25-35 miles per hour	Crosswalk striping	standard (high visibility at major/poor-visibility crossings)
Lane striping	travel lanes (11'), turn lanes (12'), bike lanes (opt., 5'), parking lanes (8')		



Agenda Abstract PLANNING BOARD

Meeting Date:	February 15, 2024
Department:	Planning and Economic Development Division
Agenda Section:	Old Business
Public hearing:	Yes
Date of public hearing:	April 18, 2024 (tentative)

PRESENTER/INFORMATION CONTACT

Molly Boyle, Planner II
Shannan Campbell, Planning and Economic Development Manager

ITEM TO BE CONSIDERED

Subject: Unified Development Ordinance (UDO) text amendment (staff initiated):

- Table 5.1.7 *Use Table for Residential Districts*
- Section 5.2.8.1 – 5.2.8.2 *Dwelling, Accessory*
- Section 5.2.18.1 *Home Occupation*
- Section 5.2.46 *Short-Term Rental* (new section)
- Section 9.1.5.2 *Permissible Encroachment into Required Setbacks*
- Section 9.2 *Definitions*

Attachments:

1. UDO sections listed above, as proposed to be amended

Background:

This amendment was first reviewed at the Planning Board regular meeting on December 21, 2023. The board voted 5-1 to send the amendment to the public hearing on January 18, 2024. However, before the amendment went to public hearing, the Tourism Development Authority requested the following revisions:

- Allow accessory dwelling units (ADUs) to encroach into side and rear yard setbacks under UDO Section 9.1.5.2 (c) *Permissible Encroachment into Required Setbacks*;
- Include a definition for “short-term rental” in Section 9; and
- Add that a short-term rental is permissible with a home occupation permit.

Revised Proposal:

The proposed text amendment has been revised based on feedback from the Tourism Development Authority and the Planning and Economic Development Manager.

Staff created a definition for “short-term rental” using *A Planner’s Dictionary* from the American Planning Association as reference. A new section, Section 5.2.46 *Short-term Rental*, includes use standards, one of which is that a home occupation permit is required for any short-term rental operation.

The amendment does not allow short-term rentals in the multi-family (MF) district, the mobile home park (MHP) district, or residential special use districts¹. However, the board may wish to discuss allowing short-term rentals in

¹ Effective July 1, 2021, special use zoning districts are no longer allowed in North Carolina. These special use zoning districts existed before that date and are now considered conditional zoning districts per the North Carolina General Statutes.

those districts as well. The proposed changes regarding maximum ADU size have not been changed since the December 21st meeting.

Relevant Links:

- Planning Board Regular Meeting Agenda from December 21, 2023:
<https://hillsborough-nc.municodemeetings.com/bc-pb/page/planning-board-regular-meeting>

Comprehensive Sustainability Plan goals:

- Land Use and Development Goal 1:
Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity.
- Strategy:
Ensure that land use and redevelopment regulations are aligned with preferred future land use and growth patterns.

Financial impacts:

None.

Staff recommendation and comments:

Staff recommends approval of the text amendment as written.

Action requested:

Discuss and send the proposed text amendment to the joint public hearing on April 18, 2024.

5.1 USE TABLE

5.1.7 TABLE: USE TABLE FOR RESIDENTIAL DISTRICTS

P = Permitted by Right		SUP = Permitted with a Special Use Permit					+ = When also in the Plus Overlay district						
	AR	R-40	R-20	R-15	R-10	MF	MHP	PW	PWCA		MFSU	ALN	RSU
School: Elementary, Middle & Secondary													
School: Higher Education													
School: Vocational													
<u>Short-term Rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>			<u>P</u>	<u>P</u>				
Storage & Warehousing: Inside building, excluding explosives & hazardous wastes													
Storage & Warehousing: Outside													
Storage & Warehousing: Self													
Telecommunication Tower	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		SUP	SUP	
Temporary Family Health Care Structure	P	P	P	P	P								
Transit Passenger Terminal													
Transmission Lines	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP	SUP		SUP	SUP	
Veterinarian/Animal Hospital													
Wholesale sales, indoor													
Wholesale sales, with outdoor storage/display													

5.2 USE-SPECIFIC STANDARDS

5.2.8 DWELLING, ACCESSORY

The following sections are provided to create opportunities for a diversity of housing stock within town. A dwelling unit must contain sleeping, cooking, and bathroom facilities. Guest quarters or suites that do not contain all three types of facilities are not dwelling units and are not reviewed in this section.

5.2.8.1 Accessory **dwelling** units in freestanding structures

New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit in the R-10, R-15, and R-20 districts, subject to the following conditions:

- 5.2.8.1.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- 5.2.8.1.b The lot has direct access to a public street.
- 5.2.8.1.c One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.1.d The structure containing the accessory dwelling must meet the applicable primary building setbacks established in Table 6.3.1, *Dimensional Requirements – residential* OR Section 7.5.3, *Non-conforming lot setback requirements*. The existing, primary dwelling may be non-conforming in regard to building setbacks required in the zoning district. The setback provision in Section 9.1.5.2.c of this ordinance is ~~not~~ available for an accessory building containing a dwelling unit.
- 5.2.8.1.e An accessory dwelling unit in a freestanding structure shall be located to the side or rear of the primary dwelling and behind the primary dwelling's front façade.
- 5.2.8.1.ef All structures containing dwellings are connected to municipal water and sewer service.
- 5.2.8.1.fg The accessory **dwelling** unit ~~does-shall~~ not exceed fifty (50) percent of the ~~heated living area~~ **gross floor area** of the principal dwelling unit or ~~800-1,000~~ square feet **in gross floor area**, whichever is ~~less~~ **greater**. In no case shall the accessory dwelling unit exceed the gross floor area and/or height of the principal dwelling unit.
- 5.2.8.1.gh The accessory unit is constructed to the state building code for one- and two-family dwellings (i.e., is not a manufactured home).
- 5.2.8.1.hi There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.1.ij The application materials indicate storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.1.jk Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

5.2.8.2 Accessory dwelling units within a principal single-family dwelling

Accessory dwelling units may be located within a principal single-family dwelling in any zoning district, subject to the following conditions:

- 5.2.8.2.a The lot is developed, or proposed to be developed, with a single-family dwelling and customary accessory outbuildings.
- 5.2.8.2.b One (1) accessory dwelling unit is permitted per lot, whether within the principal dwelling or as a freestanding structure.
- 5.2.8.2.c Both dwellings are connected to municipal water and sewer service.
- 5.2.8.2.d The accessory dwelling unit ~~does shall~~ not exceed fifty (50) percent of the ~~heated living area~~ gross floor area of the principal dwelling unit or ~~800-1,000~~ square feet in gross floor area, whichever is ~~less~~ greater. In no case shall the accessory dwelling unit exceed the gross floor area of the principal dwelling unit.
- 5.2.8.2.e The accessory dwelling unit must have its own exterior access. Any interior access to the principal dwelling must be lockable from both dwellings.
- 5.2.8.2.f There is sufficient off-street parking on the parcel to accommodate two spaces for the principal dwelling and one space per bedroom in the accessory unit, which may include garage spaces.
- 5.2.8.2.~~hg~~ The application materials indicated storage locations for solid waste and recycling containers for both dwellings consistent with Town Code requirements.
- 5.2.8.2.h Units that existed on August 12, 1996 that do not meet one or more provisions of this section may continue as legal non-conforming uses.

5.2.18 HOME OCCUPATION

5.2.18.1 All home occupations shall comply with the following conditions:

- 5.2.18.1.a A home occupation is the base of operations for the business and the primary function of the business takes place on the residential property for which the permit is issued. For example: an employee who telecommutes to their place of business in RTP is not engaged in a home occupation and does not require a home occupation permit, but the person who owns a computer consulting business and conducts business from their home does. A self-employed business owner who keeps his business records at his home and is contacted at his home to arrange work but does not do any of the job function at the home does not need a home occupation permit.
- 5.2.18.1.b A home occupation is located within a dwelling unit or in an accessory building on the same lot or parcel as the dwelling unit. A home occupation involving the growing or raising of an agricultural product may also be allowed so long as the area outside of a structure involved in raising the product sold meets the area requirement below.

- 5.2.18.1.c** ~~The area occupied by the home occupation shall not exceed 25 percent of the heated floor area of the dwelling unit to which it is accessory. A home occupation may also occupy no more than 500 square feet of an accessory building on the same parcel as the dwelling to which it is accessory. In no case may the~~ The area of a home occupation shall not account for more than 600-1,000 square feet of total area on a parcel (dwelling, outbuilding, and/or area involved in raising an agricultural product), except when the home occupation is a short-term rental, in which case the area of the home occupation shall not exceed the gross floor area of the short-term rental unit and any off-street parking required under this section.
- 5.2.18.1.d** The principal person or persons providing the business or service must reside in the dwelling on the premises.
- 5.2.18.1.e** The operator of the home occupation may not employ more than one (1) non-resident person on the premises.
- 5.2.18.1.f** The home occupation shall not cause or result in any change in the external appearance of the existing dwelling and structures on the property.
- 5.2.18.1.g** All vehicles used in connection with the home occupation shall be of a size and/or type customary for residential use, and shall be located on the premises in such a manner, so as to not disrupt the quiet nature and visual quality of the surrounding area. No more than two (2) business-related vehicles may be parked at the site of the home occupation. In no instance shall any vehicle with a gross vehicle weight exceeding 5,000 pounds be parked, stored, or otherwise maintained at the site of a home occupation.
- 5.2.18.1.h** Home occupations shall not result in regular and on-going business-related vehicular traffic to the home where located.
- 5.2.18.1.i** There shall be sufficient off-street parking for patrons of the home occupation, with the number of off-street parking spaces required for the home occupation to be provided and maintained in addition to the space or spaces required for the dwelling itself.
- 5.2.18.1.j** There shall be no advertising devices on the property, or other signs of the home occupation, which are visible from outside the dwelling or accessory building.
- 5.2.18.1.k** The site of the home occupation shall not contain any outdoor display or storage of goods, equipment, or services associated with the home occupation.
- 5.2.18.1.l** The home occupation shall not create adverse impacts on health, safety, or comfort of customers or neighboring residents which can be detected by the normal senses off the premises. Such impacts shall include but not be limited to fire or explosive hazards; interference with electronic communication; loud, raucous or disturbing noise; dust; odors; fumes; glare; or vibration.
- 5.2.18.1.m** The home occupation shall not create or exhibit an increase in noise, traffic or

parking demands markedly beyond that normally associated with a residential use.

5.2.18.2 Home occupations shall obtain a Zoning Compliance Permit in accordance with Section 3.14, *Zoning Compliance Permit*.

5.2.18.3 The following uses are not permitted as home occupations in residential zoning districts except as a legal non-conforming use:

5.2.18.3.a Boarding of domesticated animals

5.2.18.3.b Dealerships for firearms or motor vehicles

5.2.18.3.c Motor vehicle maintenance, service, or repair

5.2.18.3.d Any use that will routinely generate five or more customers within one hour or more than 10 customers in one day.

5.2.18.3.e Any use that is only permitted with a ~~or~~ Special Use Permit if otherwise located.

5.2.46 SHORT-TERM RENTAL

5.2.46.1 Standards of Evaluation

The following specific standards shall be used to evaluate an application for approval of this use:

5.2.46.1.a A home occupation permit shall be required for all short-term rentals.

5.2.46.1.b Short-term rentals shall be used for lodging and overnight accommodations only and shall not be used for public events as defined in Section 9.2 *Definitions*.

9.1 RULES OF MEASUREMENT, COMPUTATIONS, AND EXCEPTIONS

9.1.5.2 Permissible Encroachment into Required Setbacks

9.1.5.2.c Accessory buildings and freestanding accessory dwelling units may encroach into a side yard or rear yard setback not adjacent to a street right-of-way to within 5 feet of the property line, with the following limits:

(a) For an accessory building with a highest point 12' or more above the ground elevation, an additional setback of 2' for each 1' of elevation above 12' is required until the standard setback is met.

(b) The setback being reduced is not part of a land use or stream buffer required elsewhere in this Ordinance, nor a recorded easement for utilities, drainage, or access.

9.2 DEFINITIONS

Short-term Rental A primary dwelling, accessory dwelling, or any portion thereof offering overnight accommodations to guests for stays of less than 30 days in exchange for compensation.