# 5. USE STANDARDS

## 5.1 USE TABLE

### 5.1.1 EXPLANATION OF USE TABLE STRUCTURE

For each base zoning district established in this Ordinance, Table 5.1.5, *Use Table-Residential Districts* and 5.1.6, *Use Table-Non-Residential Districts*, lists land uses and indicates whether individual uses are:

(a) Permitted by right;

(b) Permitted with a Special Use Permit;

(c) Permitted with a Conditional Use Permit;

(d) Permitted as a combination use.

The permitted uses within an overlay zoning district shall be those allowed in the underlying base zoning district. Uses not listed in the Use Tables, Tables 5.1.5 and 5.1.6, are prohibited.

### 5.1.2 USES PERMITTED IN ALL DISTRICTS

**5.1.2.1** Within all districts there are certain uses permitted as a matter of right that are not specifically included within Table 5.1.5, *Use Table-Residential* and Table 5.1.6, *Use Table –Non-Residential*. The following uses are allowed in all districts without a Zoning Compliance Permit provided they meet other applicable requirements of this Ordinance:

(a) Above ground and buried utility lines for local distribution of electricity, telephone, and cable television service; accessory and appurtenant apparatus such as poles, guy wires, transformers and switching boxes. **High voltage transmission lines are <u>not</u> included in this exception**.

(b) Temporary buildings and structures used in connection with the construction of a permanent building.

(c) Off street parking as a required accessory use to a permitted use.

(d) Public and private streets and roads and railroad rights-of-way.

(e) Sanitary sewer collection lines, water, gas, and liquid fuel distribution lines, and any necessary on-line pumping stations.

**5.1.2.2** The following uses are also permitted in all zoning districts upon the issuance of a Zoning Compliance permit documenting compliance with relevant provisions of this Ordinance:

(a) Fences

(b) Accessory buildings in residential districts that are fifty square feet or larger. This includes but is not limited to storage buildings, garages, carports, and any

structure designed to provide weather protection to people, animals, supplies, household items, vehicles or equipment.

### 5.1.3 COMBINATION USES

**5.1.3.1** A combination use is a use consisting of a combination on one lot of two or more principal uses separately listed in the Permitted Use Table. Combination uses shall be permissible on a lot only if each component principal use is permissible in the district where the lot is located.

**5.1.3.2** When a combination use consists of two or more principal uses each of which requires a different type of permit (Zoning Compliance Permits only, Conditional Use Permit, Special Use Permit) then the permit authorizing the combination use shall be:

(a) An SUP if any of the principal uses combined requires a Special Use Permit.

(b) A CUP if any of the principal uses combined requires a Conditional Use Permit, and no use requires a Special Use Permit.

(c) Only a Zoning Compliance Permit in all other cases.

**5.1.3.3** When two principal uses are combined, the total amount of parking required for the combination use shall be determined by adding together the amount of parking required for each individual principal use according to the relative amount of space occupied by that use, taking into consideration any shared parking allowed under this Ordinance.

### 5.1.4 ACCESSORY USES

**5.1.4.1** The following list provides examples of expected accessory uses in residential zoning districts. This list is not exhaustive. When determining whether an activity is an allowed accessory use, the definition of accessory use and the impact of the activity shall be considered. Zoning Compliance Permits are not needed for allowed accessory uses. Items not included on this list may be allowed as combination uses in compliance with Section 5.1.3.2.

(a) Yard and/or garage sales occurring on no more than 3 days in any 90 day period

(b) Parking/storage of unused boat/RV

(c) Occupation of RV/tent by guests or minor residents for no longer than 2 weeks in 60 any day period

(d) Occupation of RV during construction of new or major renovation of single family residence as long as the building permit is valid

(e) display of a single vehicle for sale at any one time, not to exceed 2 per year

(f) Placement of movable storage unit used for storage only, not to exceed 60 days in any 180 day period

(g) Tree houses, play structures, trampoline, or other residential recreation structures that are not permanently affixed to the ground

(h) Hobbies & recreational activities of a non-commercial nature, which do not fall within the definition of a "home occupation"

(i) Garden statuary, garden structures (excluding storage buildings), and art may be located in the back area, provided the footprint of such features does not exceed the permit threshold of fifty square feet in area.

(j) Private or public events that do not meet permit thresholds pursuant to a separate permit process established in the Town Code

(k) Agricultural activities for the personal use of the resident or in support of a licensed home occupation including but not limited to growing herbs, fruits and vegetables, raising fowl or livestock consistent with the Town Code provisions on keeping animals, and beekeeping. The area dedicated to raising products for a home occupation must be included in the square footage calculation of the home occupation.

**5.1.4.2** The following list provides examples of expected accessory uses in non-residential zoning districts. This list is not exhaustive. When determining whether an activity is an allowed accessory use, the definition of accessory use and the impact of the activity shall be considered. Zoning Compliance Permits are not needed for allowed accessory uses. Items not included on this list may be allowed as combination used in compliance with Section 5.1.3.

(a) Special events permitted pursuant to a separate permitting process established in the Town Code

(b) Special events that do not exceed the permit thresholds for event process in town code

(c) Parking of storage containers, wholly behind the building in locations not needed for required parking or traffic circulation, and screened from adjoining properties

(d) Outdoor dining or customer seating when provided in a manner and location that is not assigned or required for another purpose.

## 5.1.5 TABLE: USE TABLE FOR RESIDENTIAL DISTRICTS

P = PERMITTED BY RIGHT SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | AR | R-40 | R-20 | R-15 | R-10 | MF | MHP | MFSU | MRSU | RSU | PW | PWCA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Adult Day Care | | | | | | | | | SUP | | | |
| Adult Use | | | | | | | | | | | | |
| Artisan Studio | | | | | | | | | | SUP | | |
| Bank & Financial Institution | | | | | | | | | | | | |
| Bar | | | | | | | | | | | | |
| Bed and Breakfast Facility | C | C | C | C | C | | | | | | | |
| Botanical Garden & Arboretum | P | | | | | | | | | | | |
| Building/Trade Contractor's office | | | | | | | | | | | | |
| Cemetery | | | | | | | | | | | | |
| Cemetery, Faith Based | SUP | SUP | SUP | SUP | SUP | | | | | | | |
| Child Day Care | | C | C | C | C | | | SUP | | | | |
| Church, Place of worship | C | C | C | C | C | C | C | C | C | | C | C |
| Club or Lodge | | | C | | | | | | | | | |
| Community Center | P/C | P/C | P/C | P/C | P/C | | | | | | | |
| Detention facility | | | | | | | | | | | | |
| Drive-up Window | | | | | | | | | | | | |
| Dry Cleaning or Laundry Plant | | | | | | | | | | | | |
| Dwelling: Accessory | P | P | P | P | P | | | SUP | SUP | SUP | P | P |
| Dwelling: Attached (1-4 units) | P | P | P | P | P | P | | SUP | SUP | SUP | | |
| Dwelling: Attached (5-19 units) | C | C | C | C | C | C | | SUP | SUP | SUP | | |
| Dwelling: Attached (20+ units) | SUP | SUP | SUP | SUP | SUP | SUP | | SUP | SUP | SUP | | |
| Dwelling: Mobile Home A | P | P | P | P | P | | P | | | | | |
| Dwelling: Mobile Home B | | | | | + | | P | | | | | |
| Dwelling: Mobile Home C | | | | | | | P | | | | | |
| Dwelling: Single-family | P | P | P | P | P | P | P | P | P | SUP | P | P |
| Electronic Gaming Operation | | | | | | | | | | | | |
| Event Center | | | | | | | | | | | | |
| Extended Care Facility | SUP | SUP | SUP | SUP | SUP | | | | SUP | | | |

## 5.1.5 TABLE: USE TABLE FOR RESIDENTIAL DISTRICTS

P = PERMITTED BY RIGHT SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | AR | R-40 | R-20 | R-15 | R-10 | MF | MHP | MFSU | MRSU | RSU | PW | PWCA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Family Care Home | P | P | P | P | P | P | P | | | | | |
| Family Child Care Home | P/C | P/C | P/C | P/C | P/C | | | | | | | |
| Farm, Bona fide | P | P | | | | | | | | | | |
| Farmer's Market | P/C | P/C | | | | | | | | | | |
| Flex Space | | | | | | | | | | | | |
| Food Preparation Business | | | | | | | | | | | | |
| Funeral Home | | | | | | | | | | | | |
| Gallery/Museum | | | | | | | | | | SUP | | |
| Greenhouses/Nursery | P | | | | | | | | | | | |
| Group Care Facility | C | C | C | C | C | | | | | | | |
| Health Care Facility | | | | | | | | | | | | |
| Health/Fitness Club | | | | | | | | | | | | |
| Homeless Shelter | | | SUP | SUP | SUP | SUP | SUP | SUP | SUP | | SUP | SUP |
| Hospitals | | | | | | | | | | | | |
| Hotels & Motels | | | | | | | | | | | | |
| Junkyard/Outside Storage of Junked or Wrecked Motor Vehicles | | | | | | | | | | | | |
| Kennels, Boarding | C | | | | | | | | | | | |
| Library | | | | | | | | | | | | |
| Mail Order Houses | | | | | | | | | | | | |
| Manufacturing Complex | | | | | | | | | | | | |
| Meeting Facility | | | | | | | | | | SUP | | |
| Mobile Home Park | | | | | | | | | | | | |
| Motor Vehicle Fuel Station | | | | | | | | | | | | |
| Motor Vehicle Maintenance, & Service | | | | | | | | | | | | |
| Motor Vehicle Repair | | | | | | | | | | | | |
| Motor Vehicle Sales & Rentals | | | | | | | | | | | | |

## 5.1.5 TABLE: USE TABLE FOR RESIDENTIAL DISTRICTS

P = PERMITTED BY RIGHT SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | AR | R-40 | R-20 | R-15 | R-10 | MF | MHP | MFSU | MRSU | RSU | PW | PWCA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Non-residential uses in historic houses in the historic district | | | C | | | | | | | | | |
| Offices not providing direct services to clients via walk in | | | | | | | | | | | | |
| Offices providing direct services to walk in clients | | | | | | | | | | | | |
| Outlet sales | | | | | | | | | | | | |
| Park, Athletic or Community | C | C | C | C | C | C | C | | | | | |
| Park, Cultural or Natural | P | P | P | P | P | P | P | | | | | |
| Park, Neighborhood | P | P | P | P | P | P | P | | | | | |
| Park and Ride Facility | | | | | | | | | | | | |
| Parking as Principal Use, Surface or Structure | | | | | | | | | | | | |
| Performance Facility | | | | | | | | | | | | |
| Personal service business | | | | | | | | | | SUP | | |
| Personal Vehicle Sales | | | | | | | | | | | | |
| Petroleum Products (storage & distribution) | | | | | | | | | | | | |
| Processing Facility | | | | | | | | | | | | |
| Public Safety Services | P | P | P | P | P | | | | | | | |
| Public Utilities | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | | SUP | SUP |
| Recreational Facilities | | | | | | | | | | | | |
| Recycling Materials Collections Center | | | | | | | | | | | | |
| Research Facility | | | | | | | | | | | | |
| Restaurant | | | | | | | | | | | | |
| Retail sales/rentals of goods with outside display/storage of merchandise | | | | | | | | | | | | |

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P = PERMITTED BY RIGHT SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | AR | R-40 | R-20 | R-15 | R-10 | MF | MHP | MFSU | MRSU | RSU | PW | PWCA |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Retail sales/rentals of goods within wholly enclosed structure | | | | | | | | | | | | |
| Rooming/Board house | | | C | C | C | | | | | | | |
| School: Art & Music | | | | | | | | | | | | |
| School: Dance, Martial Arts | | | | | | | | | | | | |
| School: Elementary, Middle & Secondary | C | C | C | C | C | | | | | | | |
| School: Higher Education | | | | | | | | | | | | |
| School: Vocational | | | | | | | | | | | | |
| Storage & Warehousing: Inside building, excluding explosives & hazardous wastes | | | | | | | | | | | | |
| Storage & Warehousing: Outside | | | | | | | | | | | | |
| Storage & Warehousing: Self | | | | | | | | | | | | |
| Telecommunication Tower, 200' or taller | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | | SUP | SUP |
| Telecommunication Tower, less than 200' tall | C | C | C | C | C | C | C | C | C | | C | C |
| 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 |
| Vehicle Restoration | | | | | | | | | | | | |
| Veterinarian/Animal Hospital | | | | | | | | | | | | |
| Wholesale sales, indoor | | | | | | | | | | | | |
| Wholesale sales, with outdoor storage/display | | | | | | | | | | | | |

## 5.1.6 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

P = PERMITTED BY RIGHT PA= PERMITTED AS ACCESSORY USE ONLY SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | ARU | OI | NB | CC | GC | HIC | LI | GI | LO | ESU | BP | SD | NBSU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Adult Day Care | | P | | | | P | | | | SUP | | P | SUP |
| Adult Use | | | | | | SUP | | | | | | | |
| Artisan Studio | P | P | P | P | P | P | P | P | P | SUP | P | P | SUP |
| Bank & Financial Institution | | P | | P | P | P | | | P | SUP | P | SUP | |
| Bar | P | | | P | C | P | | | | SUP | | SUP | |
| Bed and Breakfast Facility | | | | | | | | | | | | | |
| Botanical Garden & Arboretum | P | P | P | P | P | P | | P | | SUP | | | |
| Building/Trade Contractor's office | | | P | | P | P | P | P | | SUP | P | | |
| Cemetery | | C | | | | C | | | | | | | |
| Cemetery, Faith Based | | | | | | | | | | | | | |
| Child Day Care | P | C | C | C | P | P | P | | | SUP | P | SUP | SUP |
| Church, Place of worship | P | P | P | P | P | P | P | P | | SUP | | SUP | SUP |
| Club or Lodge | | | | P | P | P | | | | SUP | | SUP | SUP |
| Community Center | | P | P | P | P | P | | | | SUP | | SUP | SUP |
| Detention facility | | C | | | | | | | | | | | |
| Drive-up Window | | | | C | C | C | | | | SUP | SUP | SUP | |
| Dry Cleaning or Laundry Plant | | | | | | | | SUP | | | SUP | | |
| Dwelling: Accessory | | P | P | P | P | P | | | | P | P | P | P |
| Dwelling: Attached (1-4 units) | P | | | | | | | SUP | | SUP | | P | P |
| Dwelling: Attached (5-19 units) | P | | | | | | | SUP | | SUP | | P | |
| Dwelling: Attached (20+ units) | P | | | | | | | SUP | | SUP | | P | |
| Dwelling: Mobile Home A | | | | | | | | | | | | | |
| Dwelling: Mobile Home B | | | | | | | | | | | | | |
| Dwelling: Mobile Home C | | | | | | | | | | | | | |
| Dwelling: Single-family | | P | P | P | P | P | | | | SUP | | P | P |
| Electronic Gaming Operation | | | PA | PA | PA/SUP | PA/SUP | | | | | | | PA |
| Event Center | P | SUP | | SUP | | SUP | | | | SUP | SUP | SUP | SUP |
| Extended Care Facility | | C | | | | C | | | | SUP | | SUP | |

## 5.1.6 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

P = PERMITTED BY RIGHT PA= PERMITTED AS ACCESSORY USE ONLY SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | ARU | OI | NB | CC | GC | HIC | LI | GI | LO | ESU | BP | SD | NBSU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Family Care Home | | | | | | | | | | P | | P | P |
| Family Child Care Home | | | | | | | | | | | | | P |
| Farm, Bona fide | | | | | | | | | | | | | |
| Farmer's Market | | P | P | | | | | | | P | | P | |
| Flex Space | P | | | | | P | P | P | | SUP | P | SUP | |
| Food Preparation Business | P | | | | | | | | | | | | |
| Funeral Home | | P | | P | P | P | | | P | SUP | | SUP | SUP |
| Gallery/Museum | P | P | P | P | P | P | | | P | SUP | | SUP | SUP |
| Greenhouses/Nursery | | | | | | P | P | P | | SUP | | | SUP |
| Group Care Facility | | | | | | | | | | | | | |
| Health Care Facility | P | P | | P | P | P | | | | SUP | P | SUP | SUP |
| Health/Fitness Club | P | | | | P | P | | | | SUP | P | SUP | SUP |
| Homeless Shelter | | SUP | SUP | SUP | SUP | SUP | | | | SUP | | SUP | SUP |
| Hospitals | | C | | | | | | | | SUP | | | |
| Hotels & Motels | P | | | C | | C | | | | SUP | P | SUP | |
| Junkyard/Outside Storage of Junked or Wrecked Motor Vehicles | | | | | | | | SUP | | | | | |
| Kennels, Boarding | | | | | | | C | C | | | | | |
| Library | | P | | P | P | P | | | P | SUP | | SUP | SUP |
| Mail Order Houses | P | | | | | P | P | P | | SUP | P | | SUP |
| Manufacturing Complex | P | | | | | | P | P | | | P | | |
| Meeting Facility | P | P | | P | P | P | | | P | SUP | P | SUP | SUP |
| Mobile Home Park | | | | | | | | | | | | | |
| Motor Vehicle Fuel Station | | | | | C | C | | | | SUP | SUP | SUP | |
| Motor Vehicle Maintenance, & Service | | | | | C | P | | | | SUP | | SUP | SUP |
| Motor Vehicle Repair | | | | | | C | P | P | | | | | |
| Motor Vehicle Sales & Rentals | | | | | | P | | | | SUP | | | |

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P = PERMITTED BY RIGHT PA= PERMITTED AS ACCESSORY USE ONLY SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | ARU | OI | NB | CC | GC | HIC | LI | GI | LO | ESU | BP | SD | NBSU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Non-residential uses in historic houses in the historic district | | | | | | | | | | | | | |
| Offices not providing direct services to clients via walk in | P | P | | P | P | P | P | P | | SUP | P | SUP | SUP |
| Offices providing direct services to walk in clients | P | P | P | P | P | P | | | P | SUP | P | SUP | SUP |
| Outlet sales | P | | | | | | P | P | | SUP | | | |
| Park, Athletic or Community | | C | C | C | C | C | P | P | | SUP | | SUP | |
| Park, Cultural or Natural | | P | P | P | P | P | P | P | | SUP | | SUP | |
| Park, Neighborhood | | | | | | | | | | SUP | | SUP | |
| Park and Ride Facility | P | P | P | P | P | P | P | P | P | P | P | P | P |
| Parking as Principal Use, Surface or Structure | | C | | C | | C | | | | SUP | P | SUP | |
| Performance Facility | P | P | | P | P | P | | | | SUP | P | SUP | SUP |
| Personal service business | P | P | P | P | P | P | | | P | SUP | P | SUP | SUP |
| Personal Vehicle Sales | P | | | | C | P | | | | | | | SUP |
| Petroleum Products (storage & distribution) | | | | | | | | SUP | | | | | |
| Processing Facility | | | | | | | | SUP | | | SUP | | |
| Public Safety Services | P | P | P | P | P | P | P | P | P | SUP | P | SUP | SUP |
| Public Utilities | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP |
| Recreational Facilities | P | P | SUP | | P | P | | | | SUP | | SUP | SUP |
| Recycling Materials Collections Center | P | P | | | | P | P | P | | SUP | | SUP | SUP |
| Research Facility | P | | | | | | SUP | SUP | | SUP | SUP | | |
| Restaurant | P | | P | P | P | P | | | | SUP | P | SUP | SUP |
| Retail sales/rentals of goods with outside display/storage of merchandise | P | | | | P | P | P | | | SUP | | SUP | SUP |

## 5.1.6 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS

P = PERMITTED BY RIGHT PA= PERMITTED AS ACCESSORY USE ONLY SUP = PERMITTED WITH A SPECIAL USE PERMIT C = PERMITTED WITH A CONDITIONAL USE PERMIT

| | ARU | OI | NB | CC | GC | HIC | LI | GI | LO | ESU | BP | SD | NBSU |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Retail sales/rentals of goods within wholly enclosed structure | P | | P | P | P | P | | | | SUP | | SUP | SUP |
| Rooming/Board house | | | | | | | | | | | | | SUP |
| School: Art & Music | P | P | | P | P | P | | | | SUP | | SUP | SUP |
| School: Dance, Martial Arts | P | P | | P | P | P | P | P | | SUP | P | SUP | SUP |
| School: Elementary, Middle & Secondary | P | C | C | C | C | C | | | | SUP | C | SUP | |
| School: Higher Education | P | C | | | | | | | | | | | |
| School: Vocational | P | C | | | | C | C | C | | SUP | C | | |
| Storage & Warehousing: Inside building, excluding explosives & hazardous wastes | P | | | | | P | P | P | | SUP | P | | |
| Storage & Warehousing: Outside | | | | | | | P | P | | | P | | |
| Storage & Warehousing: Self | | | | | | | P | P | | | | | |
| Telecommunication Tower, 200’ or taller | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP |
| Telecommunication Tower, less than 200’ tall | C | C | C | C | C | C | C | C | C | C | C | C | SUP |
| Transit Passenger Terminal | | | | | | SUP | | | P | SUP | SUP | SUP | |
| Transmission Lines | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP | SUP |
| Vehicle Restoration | | | | | | | | SUP | | | | | |
| Veterinarian/Animal Hospital | | C | C | C | C | C | | | C | SUP | C | SUP | SUP |
| Wholesale sales, indoor | P | | | | | P | P | P | | SUP | P | | |
| Wholesale sales, with outdoor storage/display | | | | | | | P | P | | | | | |

# 5.2 USE-SPECIFIC STANDARDS

## 5.2.1 ADULT USE

Adult uses as defined in N.C. Gen. Stat. § 14-202.10 are recognized as having certain serious objectionable operational characteristics and a deleterious effect on adjacent areas. Special regulation of these uses is necessary to ensure that their adverse effects do not contribute to degradation or decline of surrounding areas. The primary intent of the following standards is to prevent negative impacts on residential areas and particular uses.

### 5.2.1.1 Standards of Evaluation

The following specific standards shall be used to evaluate an application for approval of adult uses:

(a) No building to be occupied as an adult use shall be established within five hundred (500) feet of a residentially zoned lot line. No adult use shall be located less than one thousand (1,000) feet from any church, school, park, playground, synagogue, convent, library, or other areas where large numbers of minors regularly travel or congregate.

(b) All windows, doors, openings, entries, etc. for all adult uses shall be located, covered, buffered, or otherwise treated so that views into the interior of the establishment are not possible from any public or semi-public area, street or way.

(c) No adult use shall be located within a one thousand (1,000) foot radius of another adult use.

(d) The proposed methods of soundproofing the buildings must be sufficient to reduce noise from the interior of the building. The noise level at the property line shall not exceed forty-five (45) decibels.

(e) There must be sufficient number of employees to maintain the safe and orderly operation of the establishment.

(f) Live entertainment and amplified music shall cease no later than 12:00 a.m. (midnight)

## 5.2.2 BAR

### 5.2.2.1 Standards of Evaluation

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

(a) When located in the adaptive re-use district, new tenants in this category shall install an opaque screen which is 80% solid (or greater) at least 6 feet tall to separate any outdoor seating area from any existing outdoor play area associated with an existing school or child day care.

(b) Outdoor performances can only be performed when the use is a special use in its zoning district and outdoor amplified performances are part of the original or modified special use permit application OR upon issuance of a noise permit if established in the Town Code and the permit requirements are applicable to the proposed performance.

### 5.2.3 BED AND BREAKFAST HOME

#### 5.2.3.1 Standards of Evaluation

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

(a) Each unit within a bed and breakfast establishment shall have direct access to a hall or exterior door.

(b) The applicant shall provide evidence that the Fire Marshal has reviewed and approved the fire protection plan.

(c) If a state, county or city license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been met; no Zoning Permit or Certificate of Occupancy will be issued until the Town receives proof that all State, county, and/or other local permits have been approved.

### 5.2.4 CEMETERY

#### 5.2.4.1 Standards of Evaluation

The following specific standards shall be used in deciding upon an application for approval of this use:

(a) Proof that the requirements of the North Carolina General Statutes Chapter 65 the standards of the North Carolina Cemetery Commission shall be met, to the extent that they apply to the applicant entity.

(b) There shall be adequate space within the site for the parking and maneuvering of the funeral cortege at each proposed burial site.

(c) The proposed landscaping shall provide visual obstruction from adjacent property through new planting or existing vegetation. At a minimum, this visual obstruction shall be equal to a Type A buffer.

(d) The proposed landscaping shall show the balance between providing an aesthetically pleasing arrangement of plots, amenities, driveways and landscaping and providing a facility that is safe for visitation and long term protection of grave markers.

(e) The minimum lot size for any cemetery not co-locating on a parcel occupied by the place of worship of the applicant faith-based organization shall meet the minimum lot size for the zoning district in which it is located.

(f) The site for a proposed cemetery for a faith-based organization shall be located within one-half mile of the site the applicant organization uses as its place of worship.

(g) The site shall have frontage on Town or State maintained road.

(h) All interior vehicular access and maneuvering space shall be improved with pervious, semi-pervious or impervious surfaces which can be maintained to provide safe and consistent passage.

(i) No interments shall take place within thirty (30) feet of any lot line.

(j) The applicant has provided information sufficient to the permit issuing authority regarding guarantee of perpetual maintenance and the length of time the proposed cemetery will have lots available for sale.

## 5.2.5 CHILD DAY CARE

### 5.2.5.1 Standards of Evaluation

Child day care centers, including pre-schools, shall be licensed as a child care center by the State, shall comply with all state regulations for child care centers, and must satisfy the following standards:

(a) Proof that a license from the State of North Carolina has been applied for. A copy of the approved license shall be provided to the Planning Department within 30 days of the Certificate of Occupancy for any approved Child Day Care requiring a license. No unconditional Certificate of Occupancy may be issued until a copy of all required state licenses have been issued.

(b) If not located in a stand-alone building, a child day care center shall be located on the first floor of a principal structure, and must be segregated and secured (including the restrooms) from the remaining portion of the building in which it is located.

(c) Child day care centers shall not be established within one thousand (1,000) feet of any adult uses nor within five hundred (500) feet of any bar nightclub.

(d) Outdoor recreation areas associated with the facility must meet the State's requirement for the licensing level being sought for the facility, and must satisfy the fencing and buffering requirements with particular attention paid to protecting the privacy of adjacent property owners and to maintaining the character of a residential neighborhood.

(e) All required parking spaces shall be located off the street right-of-way. In addition, safe and adequate access shall be provided from the parking spaces to the building and to the street.

(f) When located in the Adaptive Re-Use District, new tenants in this category shall install an opaque screen which is 80% solid (or greater) at least 6 feet tall to separate any outdoor play area from any existing outdoor seating area associated with a restaurant or bar.

(g) When located in the Adaptive Re-Use District, new tenants in this category may not designate child loading/unloading areas where there is overlapping driveway use with any industrial use in existence at the time of the day care's application.

## 5.2.6 CHURCH OR PLACE OF WORSHIP

### 5.2.6.1 Standards of Evaluation

The following specific standards shall be used in deciding upon an application for approval of uses in this category:

(a) The written description of the operation indicates compliance with the stated, applied for use and that use is permitted by right of with a conditional or special use permit within the zoning district.

(b) The lot area is of sufficient size that all required parking, access, yard areas, and screens are provided without any variance to the stated standards of this Ordinance. A combination of on-street, on-site, and shared parking may be allowed with the approval of the permit issuing authority.

(c) Structures, driveways, and other significant physical features within 100 feet of the development area of this project are protected from adverse impacts as required by this ordinance.

## 5.2.7 COMMUNITY CENTER

### 5.2.7.1 Standards of Evaluation

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

(a) Evidence from the owners or operators that the facility will be operated by a non-profit organization. The identification numbers for such non-profit organization from the North Carolina Department of Revenue and the Internal Revenue Service shall be provided to the Town.

(b) No structure associated with outdoor recreation activities shall be situated within the setback required for the district in which the use occurs. Such structures include but are not limited to: back stops, basketball or football or soccer goals, pavement for tennis or basketball courts and batting cages.

(c) Floor plans must show adequate meeting areas and that the bathroom facilities are adequate for the type of facility and the number of participants expected, as determined by the permit issuing authority.

(d) The minimum lot area shall be one acre, and shall be adequate for the improvements proposed or required, as determined by the permit-issuing authority.

(e) The hours of operation of outdoor activities shall not adversely affect the residential character of the surrounding residential neighborhoods.

## 5.2.8 DRIVE-UP WINDOW

### 5.2.8.1 Standards of Evaluation

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

(a) The site plan shows that there is adequate vehicular and pedestrian circulation space around the building in addition to the required stacking spaces (for purposes of this section a “stacking space” equals one car length, or approximately twenty feet). The required number of stacking spaces shown must be usable and must be located outside

any public road right-of-way. In the case of uses not specified in this Ordinance, the permit issuing authority shall determine whether the number of proposed stacking spaces is adequate for the intended use.

(b) The site plan shows that the circulation pattern is a one-way system that provides a separation between the drive-up window customers and other customers, and that there is adequate room for individuals to park and maneuver safely in the parking lot.

(c) Sites may not have direct driveway connections to streets classified as arterial.

(d) Drive-up windows and their menu boards shall not be located on the primary or pedestrian-oriented facades of buildings.

(e) Financial institutions with drive-up windows shall be limited to three (3) drive-up bays per building.

(f) Stacking spaces for drive-up areas shall not inhibit traffic flow on the site.

(g) Restaurants are required to have six (6) stacking spaces per window;

(h) Drive-up banks are required to have six (6) stacking spaces per window;

(i) Dry cleaning and laundry services are required to have three (3) stacking spaces per window.

### 5.2.9 DWELLING, ACCESSORY

**5.2.9.1** New or existing accessory buildings may be used as dwelling units in addition to the principal dwelling unit, subject to the following conditions:

(a) One (1) accessory dwelling unit is permitted per lot, provided that the unit per acre density is not greater than that allowed by right for the zoning district. Units existing as of August 12, 1996 that do not meet the density limit may continue as non-conforming uses

(b) Both structures meet all the applicable building setback requirements.

(c) The accessory unit does not exceed fifty (50) percent of the heated living area of the principal structure.

(d) Approval of the Orange County Health Department for water and sewage disposal facilities or the approval of the Town of Hillsborough for water or sewer service, as applicable.

**5.2.9.2 Efficiency Apartment**

An efficiency apartment must be located within a principal single family dwelling, and must meet the following criteria:

(a) The efficiency apartment must be architecturally integrated with the principal structure. Connection by breezeway, walkway or other artificial means does not satisfy this requirement.

(b) The lot fronts on a public street;

(c) One of the units is occupied by the property owner;

(d) The efficiency apartment shall contain no more than one fourth (1/4) of the gross floor area of the total dwelling; and

(e) The efficiency apartment must be inaccessible, or able to be made inaccessible from the principal dwelling.

(f) Other situations with more than one dwelling unit within a single structure are considered attached dwellings under this ordinance.

**5.2.9.3 Temporary Family Health Care Structure**

A structure meeting the definition of "temporary family health care structure," as defined in Section 9.2, Definitions, of this Ordinance, may be used as a dwelling unit in addition to a principal dwelling, subject to the following conditions:

(a) The Permit applicant, in addition to other items required for the issuance of a Zoning Compliance Permit for any other structure or building, shall provide the following information as part of their application:

(1) written certification from a physician licensed to practice in the State of North Carolina that the person being cared for is mentally or physically impaired, and

(2) a floor plan of the proposed temporary family health care structure.

(b) Only one temporary family health care structure will be permitted per lot.

(c) The temporary family health care structure may, or may not, be placed on a permanent foundation.

(d) The temporary family health care structure must be occupied by a caregiver in providing care for a mentally or physically impaired person as defined in Section 9.2, Definitions, of this Ordinance.

(e) The temporary family health care structure must be located on property owned or occupied by either:

(1) the caregiver (see Section 9.2, Definitions) as the caregiver's residence, or

(2) the named legal guardian of the mentally or physically impaired person being cared for.

(f) The temporary family health care structure must meet the building setbacks required for the principal dwelling unit.

(g) The temporary family health care structure must be connected to any water, sewer and electric utilities serving the property. In areas not served by water and sewer, it must be connected to a private well and septic tank.

(h) The temporary family health care structure must comply with all applicable State laws, local ordinances and other requirements as if the temporary family health care structure were permanent real property, including all applicable provisions of the State Building Code and NCGS 143-139.1(b).

(i) No signage advertising or otherwise promoting the existence of the temporary family health care structure will be permitted either on the exterior of the temporary family health care structure or elsewhere on the property where it is located.

(j) The applicant for a Zoning Compliance Permit for a temporary family health care structure must provide evidence of continued compliance with this Section on an annual basis for as long as the temporary family health care structure remains on the property. The required evidence will consist of:

(1) a confirmation statement from the Permit holder verifying that there is still need for the temporary family health care structure, and

(2) an inspection of the temporary family health care facility by the Town at a reasonable time that is convenient to the caregiver, and

(3) a doctor's certification that the person being cared for still has need for a caregiver.

(k) The temporary family health care structure must be removed from the lot within 60 days of the date the mentally or physically impaired person is no longer receiving, or is no longer in need of the assistance as provided for in this Section. If the temporary family health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within 60 days of its removal, as applicable.

(l) The Permit for a temporary family health care structure may be revoked if the Permit holder violates any provision of this Section or NCGS 160A-202.

## 5.2.10 DWELLING, ATTACHED

### 5.2.10.1 Categories of Attached Dwellings

This Ordinance hereby establishes the following attached dwelling use types:

(a) Attached Dwellings Up to 4 Units, requiring administrative approval;

(b) Attached Dwellings 5-19 Units, requiring Conditional Use Permit approval; and

(c) Attached Dwellings 20+ Units, requiring Special Use Permit approval.

### 5.2.10.2 Standards of Evaluation

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

(a) The number of dwelling units per acre proposed is equal to or less than the maximum number of units per acre permitted in the district in which they are proposed, when calculated according to the rounding information provided in Article 9.

(b) Site plans show compliance with the dimensional requirements for the applicable Zoning District in which the attached dwelling unit is being developed.

(c) For developments consisting of 5 or more dwelling units, vehicular ingress and egress and exits for the development are directly off a public road(s) which is either a collector or arterial street and meet the driveway standards in Section 6.9*, Driveway Connections*. Up to 4 dwelling units are permissible on any public street.

(d) The interior roads and parking areas shall meet the required specifications included in Section 6.21, *Streets*

(e) The project is served or is proposed to be served by public water and sewer systems. The proposed distribution systems have been sized to meet the demands of the project, including fire protection.

(f) The Fire Marshal has reviewed and approved in writing the fire protection plan, including the location of fire hydrants.

(g) The utility plan has been reviewed and approved by the Town Engineer and the State has approved the extension of the Town's systems. All utilities, including electrical, telephone, and cable television, are to be installed underground.

(h) The lighting plan meets or exceeds the specification of this Ordinance.

(i) The grading, storm drainage, and soil erosion and sedimentation control plans have been reviewed and approved by the Orange County Soil Erosion and Sedimentation Control Officer or consulting Engineer, as applicable.

(j) The pedestrian circulation minimizes the conflicts between pedestrians and motor vehicles, and it provides convenient access to all common areas and facilities and to public streets.

(k) The proposed trash container and recycling system meets the requirements of this Ordinance and the Orange County Solid Waste Management Ordinance.

(l) The site plan shows the phasing, if any, of the development, including any phases to be developed later. If a development is to be built in phases, and complete plans for the succeeding phases are not available, then the requirements in this section shall apply to each phase as if it were a separate and discrete development. Further, when a development is built in phases and includes improvements that are designed to relate to, benefit, or be used by the entire development, (such as swimming pools or tennis courts), the developer shall submit a schedule for completion of these improvements. All common implements necessary to comply with the requirements of this Ordinance for each phase must be completed before occupancy of a subsequent phase may commence.

(m) An improvement must be scheduled and completed before the final phase of the development is begun. The permit-issuing authority may, in special cases (exclusive of financial hardship) authorize the applicant to commence the intended use of the property or to occupy any building before these improvements are installed provided that a performance bond or other security satisfactory as to amount certified by the applicant's engineer to be 125% of the estimated cost to complete the work, and in a form to the Town Attorney, is furnished.

### 5.2.10.3 Recreational Standards for attached dwellings

For recreational standards, see Section 6.15, *Recreational Sites*.

### 5.2.10.4 Open Space Standards for attached dwellings

For open space standards, see Section 6.12, *Open Space*.

### 5.2.10.5 Zoning District Specific Standards for attached dwellings

**5.2.10.5.a** *Central Commercial (CC) District*

(a) It is the intent of these provisions to allow attached dwelling developments on lots zoned Central Commercial in an effort to mix land uses within the Central Commercial zone to the extent that it does not detract from the function of the zone as a commercial center. It is not the intent of this section to impede the location of retail establishments in the CC district.

(b) Any lot within the CC zone may contain a single dwelling unit along with a non-residential enterprise or as an individual use.

(c) Multiple dwelling units in an attached building are permitted within the CC zone when:

(d) The lot is at least 10,000 square feet in area.

(e) The ground floor area is used exclusively for non-residential use(s), including at least one retail enterprise.

(f) A sidewalk exists within the adjacent public right-of-way or will be constructed as part of the construction/conversion process.

**5.2.10.5.b** *General Industrial (GI) District*

An applicant may seek approval of a Special Use Permit to convert an existing or former industrial building to an attached dwelling development if the building façade is maintained, or designed to maintain sufficient detailing and characteristics as to retain its industrial character.

In addition to all other required submittals for Special Use Permits set forth in Section 3.8, *Special Use Permits*, applicants seeking a Special Use Permit under this subparagraph must include with their application:

(a) Elevations showing the existing building facade and the proposed building façade.

(b) Application materials shall indicate compliance with the relevant requirements for accessory dwelling developments in this Ordinance.

(c) An applicant may include retail, service, and/or office uses in the permit request which encompass up to thirty (30) percent of the floor area of the project.

(d) The Board of Commissioners shall carefully consider the potential impacts on proposed residences of any existing industrial uses in the immediate vicinity and may deny an SUP for attached dwelling uses under this section if they deem the development incompatible with the existing industrial use. In addition, the Board of Commissioners must consider the potential impact of any other use permitted as of right in the district on the proposed residential use before it may find the proposed use to be compatible with the district. The Board of Commissioners may deny the SUP for attached dwelling use if the Board determines that such use, if developed as proposed at the proposed location, would not be compatible with any other use(s) permitted in the district.

## 5.2.11 DWELLING, MOBILE HOME

### 5.2.11.1 Intent

It is the intent of this section to address the specific criteria which must be met to place a mobile home or modular home within the zoning jurisdiction of the Town of Hillsborough.

### 5.2.11.2 Classes of Mobile or Manufactured Homes

This Ordinance recognizes three (3) classes of mobile homes: Class A, Class B, and Class C. Homes which do not meet the criteria set forth shall not be located within the Town's jurisdiction.

#### 5.2.11.2.a *Dwelling, Mobile Home, Class A*

Before issuing a Zoning Compliance Permit for a Class A mobile home, the Planning Director shall certify the following:

(a) The pitch of the home's roof shall have a minimum vertical rise of two (2) feet for each twelve (12) feet of horizontal run.

(b) The exterior siding shall consist of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction.

(c) Each home shall either have a brick curtain wall or have ABS plastic color skirting with interlocking edges (key locked) installed around the perimeter of the home before a Certificate of Occupancy is issued.

(d) The home shall have a length not exceeding three (3) times its width.

(e) All transportation lights and towing apparatus shall be removed or covered before a Certificate of Occupancy is issued.

(f) Applicant shall provide documentation showing that the proposed unit meets the requirements for a Class A designation. This information shall be retained by the Planning Director.

**5.2.11.2.b** *Dwelling, Mobile Home, Class B*

Before issuing a Zoning Compliance Permit for a Class B mobile home, the Planning Director shall certify that in addition to satisfying the requirements of Section 5.2.12.2a above, the home meets the following standards:

(a) All transportation lights and towing apparatus shall be removed or covered before a Certificate of Occupancy is issued.

(b) A legal non-conforming Class B mobile home may be replaced with a similar or higher class mobile home provided the replacement is permitted within 180 days of the removal of the existing Class B mobile home. The replacement mobile home may not increase any dimensional non-conformity enjoyed by the existing mobile home.

**5.2.11.2.c** *Dwelling, Mobile Home, Class C*

Before issuing a Zoning Compliance Permit for a Class C mobile home, the Planning Director shall certify the following:

(a) Continuous skirting, unpierced except for required ventilation and access, shall be installed under all sides of the home. The materials used in this skirting shall be all-season, all-weather building products, including, but not limited to, vinyl, fiberglass, Masonite or treated lumber. This shall be installed before a Certificate of Occupancy is issued.

(b) In no case shall the degree of reflectivity of exterior finishes, including skirting, exceed that of gloss white paint.

(c) All towing apparatus shall be covered by the skirting so as not to be visible from any direction.

(d) A legal non-conforming Class C mobile home may be replaced with a similar or higher class mobile home provided the replacement is permitted within 180 days of the removal of the existing Class C mobile home. The replacement mobile home may not increase any dimensional non-conformity enjoyed by the existing mobile home.

## 5.2.12 ELECTRONIC GAMING

### 5.2.12.1 Standards for Evaluation

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

(a) Electronic Gaming Operations are allowed as an accessory use with a ZCP only when co-located with the following primary uses: restaurant A or C, Laundromat, bar, nightclub, or convenience store.

(b) Any Electronic Gaming Operation must provide a written description of their good faith efforts to prevent minors from using the gaming terminals as part of their application materials. Efforts may include but are not limited to business operation methods, physical separation of terminals from other parts of the business, and the like.

(c) To qualify as an accessory use within a primary use listed above, the Electronic Gaming Operation may not contain more than three (3) computer terminals or individual stations. Any operation with four (4) or more computer terminals must seek a Special Use Permit and be operated in combination with a primary use listed above.

(d) No Electronic Gaming Operation with four (4) or more computer terminals shall be established within:

i. five hundred (500) feet of a residentially zoned lot line or lot line of a parcel in residential use; or

ii. one thousand (1,000) feet of any place of worship, school, park, playground, convent, library, or any areas where large numbers of minors regularly travel or congregate; or

iii. a one thousand (1,000) foot radius of another Electronic Gaming Operation.

## 5.2.13 EVENT CENTER

### 5.2.13.1 Standards for Evaluation

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

(a) The proposed uses must occupy a structure that exists on the applicant parcel before application is submitted.

(b) The proposed use of the site shall not require a structural expansion or addition of more than fifty (50) percent of the gross floor area existing in the building to be used at the time of application and planned to be retained for use.

(c) If a state, county or town license or permit is required to operate such a facility, the standards necessary to qualify for such a permit have been, or can be met; no building permit or certificate of occupancy for such use shall be issued until all other state, county and/or local permits required for the use are submitted to the Town.

(d) If live or recorded music is allowed at events, no amplified sound and/or music shall be allowed outdoors after 9 PM or indoors after 12:00 AM (midnight).

(e) The proposed methods of soundproofing the buildings must be sufficient to reduce noise from the interior of the building. The noise level at the property line shall not exceed forty-five (45) decibels.

(f) Outdoor areas planned to be used in connection with the event center shall be located and buffered in such a manner as to protect neighboring uses from light, noise, and loss of privacy.

## 5.2.14 EXTENDED CARE FACILITY

#### 5.2.14.1 Standards for Evaluation

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

(a) All proposed structures shall appear residential in character.

(b) The standards for building setbacks, landscaping, buffering, stormwater control, impervious surface limits, signage, parking, and lighting, for the Office/Institutional District shall apply regardless of the zoning classification of the site.

(c) At least (10) percent of the gross parcel area shall be maintained as outdoor open space or park space. Areas dedicated to required buffers, storm drainage or detention shall not be considered open or park space.

### 5.2.15 FAMILY CHILD CARE HOME

#### 5.2.15.1 Standards of Evaluation

All family child care homes shall be licensed as required by the state and shall meet all applicable state requirements.

(a) The principal person or persons operating the family child care home must reside in the dwelling on the premises.

(b) The family child care home shall not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.

(c) Notwithstanding any other limitation established by this Ordinance, a family care home may have one, unlighted freestanding sign not to exceed 8 square feet in area or 5 feet in height, otherwise in compliance with Section 6.18*, Signage*.

### 5.2.16 FENCES AND WALLS

#### 5.2.16.1 Standards of Evaluation

**5.2.16.1.a** Fences which have a "friendly" (i.e., aesthetically pleasing) and "unfriendly" (i.e., aesthetically less pleasing) sides shall be constructed so the "friendly" side faces outward toward neighboring properties. The “unfriendly” side of a fence is that with the rails connecting pickets or posts or other support structure.

**5.2.16.1.b** Fences and walls do not have to meet any setback standard, but must be located wholly on the applicant’s property and outside of a public right of way, or utility, access or drainage easement unless an encroachment agreement or other similar written authorization is provided.

**5.2.16.1.c** On any parcel containing a detached single family dwelling, fences and walls shall be limited to 8 feet in height. Within the Historic District, a height of 6 feet or less may be required during the Certificate of Appropriateness review process.

**5.2.16.1.d** Fences and walls erected to meet requirements in Section 6 for either screening or buffering must be of wood, stone, or masonry, unless the permit issuing authority specifically allows the use of alternate materials.

**5.2.16.1.e** Fences and walls are required to secure Certificate of Appropriateness if located in the Historic District or at a local landmark before construction.

**5.2.16.1.f** Fences and walls are required to meet all of the provision of this subsection and to secure a Zoning Compliance Permit before construction unless the proposed fence or wall meets one of the following criteria:

i. The fence or wall is less than 30 inches tall, or

ii. The fence of wall encloses an area and is wholly located within the parcel's building envelop (does not encroach in any primary building setback), or

iii. The fence or wall does not enclose an area; is less than 50% of the length of any property line it runs parallel to; is less than 6 feet tall; and is intended to screen a view, define a boundary, or provide support to landscape material.

### 5.2.16.2 Special Requirements and Considerations

The accumulation of materials, whether usable or appearing to be scrap materials, scrap tires, or solid waste as defined in the Section 11 of Hillsborough Town Code, assembled on a property to create a barrier or define a property line will not be considered a fence or wall for zoning purposes. The Town may treat such accumulations as appropriate under Section 11 of the Town code.

## 5.2.17 FLEX SPACE

### 5.2.17.1 Standards of Evaluation

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

(A) When located in the adaptive re-use district, new tenants in this category may not introduce tractor trailer traffic into or through a designated child/student loading or unloading area for any school or child day care in existence at the time of the flex space use application.

## 5.2.18 GROUP CARE FACILITY

### 5.2.18.1 Standards of Evaluation

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

(a) Operators shall have licensing permit or letter stating that such licensing permit will be issued from the Orange County Department of Social Services, Adult Home Specialist or such other County, state and/or federal agency as may have licensing jurisdiction over the operator.

(b) The lot area shall conform to the minimum required for the zoning district and be sufficient to contain all required components.

(c) The structure proposed shall have the appearance of a residential building, and any proposed structural alterations shall be of such a nature as to preserve the residential character of the building. The proposed changes or improvements of the property shall be in keeping with the residential nature of the area.

(d) Parking areas are to be located to the side or rear of the building, shall meet the parking lot landscaping requirements in Section 6.10*, Landscaping*, and shall provide any screening required by Section 6.16*, Screening,* for neighboring uses as determined by the permit issuing authority.

(e) Improved recreation areas shall be provide screening to neighboring uses as required by Section 6.16*, Screening*, and as determined by the permit issuing authority.

(f) The proposed use shall not be located within five hundred (500) feet of another existing group care facility.

## 5.2.19 HOME OCCUPATION

**5.2.19.1** All home occupations shall comply with the following conditions:

(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.

(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.

(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 area of a home occupation account for more than 600 square feet of total area on a parcel (dwelling, outbuilding and area involved in raising an agricultural product).

(d) The principal person or persons providing the business or service must reside in the dwelling on the premises.

(e) The operator of the home occupation may not employ more than one (1) non-resident person on the premises.

(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.

(g) All vehicles used in connection with the home occupation shall be of a size, 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.

(h) Home occupations shall not result in regular and on-going business-related vehicular traffic to the home where located.

(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.

(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.

(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.

(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.

(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.

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

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

(a) Boarding of domesticated animals

(b) Dealerships for firearms or motor vehicles

(c) Motor vehicle maintenance, service, or repair

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

(e) Any use that is only permitted with a Conditional Use or Special Use Permit if otherwise located.

## 5.2.20 HOMELESS SHELTER

### 5.2.20.1 Standards of Evaluation

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

(a) A shelter shall provide minimum floor space of fifty (50) square feet for each individual sheltered;

(b) No shelter facility shall be located within 1/4 mile of an existing shelter for the homeless, family care home, or group care facility; and

(c) The facility must be contained within a building or group of buildings and operated by a government agency or non-profit organization.

## 5.2.21 JUNKYARD, VEHICLE

### 5.2.21.1 Standards of Evaluation

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

(a) All storage areas on the site shall be secured by a fence at least eight (8) feet tall, uninterrupted except for required vehicle access points to prevent unlawful entry.

(b) The landscape plan shows that all storage areas are screened so that a person six feet tall cannot see stored items when standing at ground level on all adjacent properties and the public right of way within 100 feet of the property line. This screening may be accomplished through any single or combination of methods approved by the permit issuing authority.

(c) No outside work using motorized equipment or mechanical devices shall be allowed between the hours of 7:00 p.m. and 7:00 a.m.

(d) Applicants shall provide noise level documentation for equipment used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

(e) There shall be no storage of materials closer than fifty (50) feet to a public right-of-way or residentially zoned property, nor closer than thirty (30) feet to non-residentially zoned property.

## 5.2.22 KENNEL, BOARDING

#### 5.2.22.1 Standards of Evaluation

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

(a) No part of any building, structure, or runway in which animals are housed or exercised shall be closer than one hundred and fifty (150) feet to a property line., The minimum distance from a property line shall be fifty (50) feet if all portions of the facility in which animals are housed are wholly enclosed within a building.

(b) Any kennel or runway which is not wholly enclosed within a building shall be encircled by a security fence at least six (6) feet in height.

(c) The proposed landscaping shall provide visual obstruction equal to a Type B buffer from adjacent property through new planting or existing vegetation.

(d) The facility shall be designed in a manner to minimize visual contact between animals and outside influences. The number of windows and doors shall be kept to a minimum. The facility shall be air conditioned.

### 5.2.23 MAIL ORDER HOUSE

#### 5.2.23.1 Standards of Evaluation

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

(a) No more than twenty (20) percent of the gross floor area of the structure can be used for retail sales to walk-in customers.

(b) When located in the Adaptive Re-Use District, new tenants in this category may not introduce tractor trailer traffic into or through a designated child/student loading or unloading area for any school or child day care in existence at the time of the mail order house use application.

### 5.2.24 MANUFACTURING COMPLEX

#### 5.2.24.1 Standards of Evaluation

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

(a) Any use requiring a state air permit and/or local Significant Industrial User Pretreatment certificate shall provide a copy of the current permit for the operation with the application.

(b) Average daily traffic and anticipated characteristics of vehicular traffic, particularly heavy truck traffic (three or more axels), anticipated to be generated by the use shall be submitted with the application.

(c) Anticipated noise levels at property lines based on similarly situated uses in other locations. Movable equipment on site must be included in the calculation.

(d) No outside work using motorized equipment or mechanical devices shall be allowed between the hours of 7:00 p.m. and 7:00 a.m.

(e) Applicants shall provide noise level documentation for equipment used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

(f) Outside storage of materials and equipment is permitted if it meets the standards of Section 6.11*, Lighting Requirements*.

(g) The distance to the nearest occupied dwelling unit and residentially zoned parcel shall be submitted.

(h) When located in the Adaptive Re-Use District, new tenants in this category may not introduce tractor trailer traffic into or through a designated child/student loading or unloading area for any school or child day care in existence at the time of the manufacturing use application.

## 5.2.25 MIXED RESIDENTIAL AS REQUIRED BY THE MIXED RESIDENTIAL SPECIAL USE DISTRICT

### 5.2.25.1 Uses Required

For the purposes of this section, three types or stages of dwelling units are expected. A mixed residential development shall provide a combination of these uses:

(a) Independent living units-units that contain complete cooking, eating, bathing, and sleeping facilities. The unit density area associated with this level (including parking and recreation) shall not exceed 9 independent living units per acre and not more than 50% of the number of units in the development. Independent living units may be detached or attached units.

(b) Limited care units-units that may or may not contain complete independent living facilities, but include routine non-medical assistance.

(c) Assisted living units-units that do not contain independent eating or cooking facilities but include routine and regular assistance, and monitoring, both medical and otherwise. These facilities shall have the appropriate license from the State of North Carolina.

### 5.2.25.2 Support Facilities

In addition to the dwelling unit mix, the following support facilities shall also be included in this district. The residential units must be present for these services to be provided.

(a) Health services facilities, twenty-four hour skilled nursing care, and emergency services for exclusive use of persons within at least the limited care and assisted living units.

(b) Shared food preparation service, common dining halls, and common spaces for recreation and social use all of which shall be conveniently located indoors for the exclusive use of all residents and their guests. Together these facilities shall total a

minimum area of thirty square feet per constructed limited care and assisted living unit, exclusive of circulation space.

(c) The facilities listed above shall be conveniently located to the assisted living units and shall be available to those units via sheltered walkways.

(d) Outdoor open and park areas of no less than ten percent of the gross land area in the development. The following are not considered open or park space: private drives, off-street parking areas, stormwater control devices and drainageways and any required perimeter buffer area.

(e) Limited services and retail opportunities aimed at providing convenience needs of residents and guests limited care and assisted living units.

### 5.2.25.3 Standards of Evaluation

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

(a) The site plan shall clearly delineate the portions of the parcel directly associated with each type of dwelling or lodging unit for the purposes of confirming density.

(b) Buildings in this district shall not exceed 3 stories in height and shall provide elevators in all multi-story buildings.

(c) The site plan shall show a perimeter buffer protecting neighboring uses from the impact of the development or vice versa, depending on the neighboring uses. The expected buffer will vary depending on the adjacent land use and the portion of the site being buffered. Any deviations from the expected buffer shall be clearly noted and explained on the site plan.

(d) The perimeter buffer shall be 50 feet wide where proposed and adjacent uses are of similar densities or intensities and 100 feet where the proposed use is more dense or intense than the adjacent use. The perimeter buffer shall meet the Type B definition in Section 6.5, *Buffers*, unless otherwise authorized by the permit issuing authority.

(e) The pedestrian path system shall provide a connection to any immediately adjacent public park, open space, or facility.

(f) A phasing plan indicating the timing of construction. Approvals to build or occupy certain units may be conditioned on the completion of other components. Conditions of this type shall be clearly indicated in the approval of a Special Use Permit.

(g) The mix of dwelling unit types and services provided a variety of services to the elderly population

(h) The mix of dwelling unit types and services provided allow residents to remain in the development through declining health and allow partners to remain in close proximity to one another if their health conditions are different.

(i) The proposed services are properly licensed or registered with the State of North Carolina.

## 5.2.26 MOBILE HOME PARK/MANUFACTURED HOME PARK

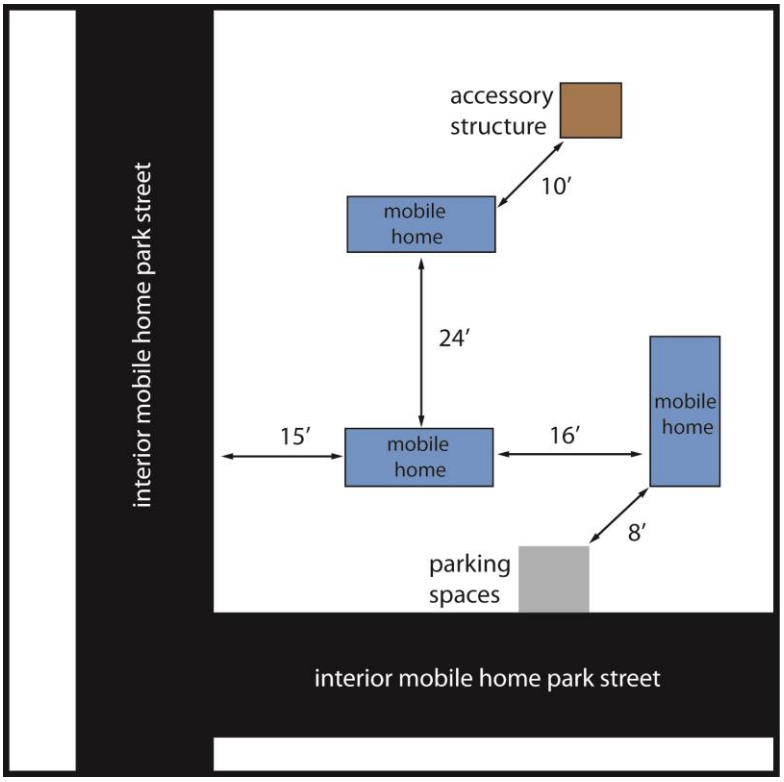
### 5.2.26.1 Standards of Evaluation

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

(a) The minimum lot area of a new mobile home park shall be five (5) acres exclusive of any public rights-of-way.

(b) The maximum number of units per forty thousand (40,000) square feet of lot area shall be seven (7). The minimum distances between mobile homes, the access road and property lines are as shown.

**Figure 5-1: Mobile Home Park Structure Spacing**




(c) The owner and developers have submitted a plan to maintain the mobile home park.

(d) The rules and regulations for the park tenants shall address, at a minimum, the following:

(e) Accessory storage of goods;

(f) Outside storage of goods;

(g) Maintenance of units, skirting, lawns, parking areas, common facilities and recreation areas; and

(h) Non-functioning motor vehicles

(i) Off-street parking spaces shall be provided as required in Section 6.13*, Parking, Loading, and Circulation.*

(j) The proposed street names shall not duplicate any other street name in Hillsborough's zoning jurisdiction. All street intersections shall have a road name sign for each intersecting street. The signs shall be made to conform to the existing street name signs erected by the Town.

(k) Each unit in the park shall be numbered in a logical sequence. The unit numbers shall be reflective and placed on the side of the unit facing the road. The park owner shall ensure that new units are numbered and that existing units maintain their numbers.

(l) A school bus stop shall be provided at the entrance of the park. The space shall be a minimum of twelve (l2) feet wide by twenty-four (24) feet long. There shall be a weather shelter of not less than fifty (50) square feet. This shelter may be in conjunction with central mail distribution boxes.

(m) Mobile home parks containing spaces or lots for more than eight units shall comply with the active recreational facilities and usable open space requirements applicable to other multi-family developments as described in Section 6.15*, Recreation Sites*, except that the number of recreational points required of a mobile home park shall be based on the number of mobile home spaces.

(n) All electrical, telephone and cable TV service lines shall be installed underground. Only those facilities such as transformers normally not buried may be above ground.

(o) The lighting plan for the mobile home park shall meet the minimum requirements of the Ordinance.

(p) Trash and recycling receptacles shall be provided in adequate numbers and locations to meet the requirements of this Ordinance and the Orange County Solid Waste Management Ordinance.

(q) The pedestrian circulation system shall connect each unit with all common areas in the park, with the off-street parking spaces and with the public road. The pathways shall be a minimum of three (3) feet wide and surfaced with an all- weather material such as asphalt or gravel. The number of intersections of the interior pedestrian pathways and the road system shall be kept to a minimum.

(r) Each unit within the park shall have individual connections to the public water and sewer systems.

(s) The water and sewer line extension plans have been approved by the State and the Town.

(t) Each mobile home unit shall be skirted before a Certificate of Occupancy will be issued.

(u) The landscape plan meets the requirements for a Type B buffer around the perimeter of the park.

(v) The entrances and exits for the development are directly off a paved public road(s) which is either a collector or arterial street, and meet the driveway standards in Section 6.9.

#### 5.2.26.2 Existing Mobile Home Parks

After the adoption of this Ordinance, existing mobile home parks may continue to operate under existing Conditional Use Permits. No expansion of the number of units in an existing park is allowed unless the whole park is granted a new Conditional Use Permit under the terms of this Ordinance.

### 5.2.27 MOTOR VEHICLE FUEL STATION

#### 5.2.27.1 Standards of Evaluation

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

(a) The proposed hours of operation shall be consistent with the predominant uses in the area.

(b) Subject to the limitation established in Section 5.2.24.d, below, lots with frontage on more than one street shall be limited to one (1) driveway cut on the higher classified street. Additional driveway cut(s), if any, shall be on streets of lower classification. Driveways permits shall be approved by NCDOT for access to state roads.

(c) Site plan shall show anticipated traffic pattern for vehicles entering, exiting and on the site, including pump islands, stacking space, additional parking spaces, and sidewalks and other pedestrian areas, with emphasis on vehicular and pedestrian safety;

(d) Sites shall not have direct driveway connections to streets classified as arterial or collector.

(e) Changeable message signs (i) will be permitted to display the price of fuel only and (ii) may not exceed fifty (50) percent of the sign area for the use.

(f) Gas station canopies shall be designed to be an integral part of the station architecture, and canopy lighting shall comply with the lighting requirements of Section 6.11.

(g) Gas station pumps may be placed at the rear of the lot when the use is combined with a convenience store, and the convenience store is located near the main street to shield the utilitarian pump canopy and highlight the building

(h) Vehicle Accommodation/Pump Island

i. Within General Commercial (GC) and High Intensity Commercial (HIC) districts, motor vehicle stations may accommodate a maximum of ten (10) vehicles at one time.

ii. In all other districts where the use is permitted, a maximum of eight (8) vehicles may be served at one time.

### 5.2.28 MOTOR VEHICLE MAINTENANCE AND SERVICE

#### 5.2.28.1 Standards of Evaluation

The following specific standards shall be used in evaluating an application for the approval of this use:

(a) The proposed hours of operation shall be consistent with the predominant uses in the area.

(b) Lots with frontage on more than one street shall be limited to one (1) driveway cut on the higher classified street. Additional driveway cut(s), if any, shall be on streets of lower classification. Driveways permits shall be approved by NCDOT for access to state roads.

(c) Service bay doors shall not be located on the building façade facing the public right-of-way or on pedestrian- oriented façades.

(d) Applicants shall provide noise level documentation for equipment use outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

### 5.2.29 MOTOR VEHICLE REPAIR

#### 5.2.29.1 Standards of Evaluation

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

(a) Areas for storage of vehicles awaiting repair shall be buffered from the public right-of-way.

(b) Service bay doors shall not be located on the building façade facing the public right-of-way or on pedestrian- oriented façades.

(c) No outside display or storage of retail goods is permitted unless approved as a combination use.

(d) Applicants shall provide noise level documentation for equipment and sound system use outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

### 5.2.30 MOTOR VEHICLE SALES/RENTAL

#### 5.2.30.1 Standards of Evaluation

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

(a) Outside display of vehicles between the primary façade (i.e., the façade facing the public right-of-way) and the street is limited to an area not greater than five (5) percent of the gross floor area of the building on the site or twenty (20) vehicles, whichever is less.

(b) Outside displays shall not be permitted in designated parking spaces. Vehicles designated as available for sale, lease or rent shall not be parked or displayed in designated parking spaces required to meet the minimum parking requirements of this Ordinance.

(c) Outside display of vehicles available for sale, lease or rent are considered “parked cars” and the display area must meet requirements for parking lots in terms of landscaping, vehicle maneuvering, and similar requirements.

(d) No service, maintenance or repairs of vehicles is permitted unless approved as a combination use.

(e) Applicants shall provide noise level documentation for any sound system used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

## 5.2.31 NON-RESIDENTIAL USE IN A HISTORIC STRUCTURE WITHIN THE HISTORIC DISTRICT

### 5.2.31.1 Standards of Evaluation

The following standards apply to lots that front on either Churton Street or King Street and are adjacent to a lot zoned Central Commercial (CC) at the time of application. (For purposes of this section, “adjacent” means that at least fifty (50) percent of a boundary line of the lot is shared with or directly across a public right-of-way (street or alley) from a lot(s) zoned CC). The following specific standards shall be used in evaluating an application for approval of this use:

(a) To evaluate the structure(s) on the lot within which the non-residential use is to be conducted either has been individually listed on the National Register of Historic Places or has been certified by the State Historic Preservation Office as a contributing building(s) within the Historic District.

(b) The property owner has placed a Preservation Agreement on the lot(s)and all historic structures (exterior as well as interior, as appropriate), and that such Preservation Agreement has been approved by and is being held by either the Preservation Fund of Hillsborough, Inc. or the Historic Preservation Foundation of North Carolina, Inc., or their successors ("preservation agreement") being a right as defined in the Historic Preservation and Conservation Agreements Act (G.S. 121-35(3)), which also incorporates the Secretary of the Interior's Standards for Rehabilitation in effect as of March, 1990.

(c) The proposed development of the site and the proposed uses and facilities must not be detrimental to adjacent properties due to noise, glare, traffic, hours of operation or other conditions; must be complimentary and compatible with surrounding area and appropriate in the location proposed given the character of surrounding residential developments; and must preserve the historic character of the site and the building(s) on the site.

(d) Buffers, fencing, parking, and permitted use requirements shall apply in the same manner as to the properties zoned CC, except that particular attention is to be paid to

protecting the privacy of adjacent property owners and to maintaining the character of a residential neighborhood.

(e) The permit-issuing authority may place additional conditions on any permit in order to assure protection of adjacent properties and to assure the proper application of the purpose of this section.

#### 5.2.31.2 Termination of Approval

The application approval shall not be valid to any use(s) not specifically approved, and shall be void:

(a) If the specifically approved use(s) shall cease for a period of one year; or

(b) If any of the requirements set forth in 5.2.28.1 above are no longer be met; or

(c) If the historic structure(s) shall be destroyed.

### 5.2.32 OUTLET SALES

#### 5.2.32.1 Standards of Evaluation

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

(a) Outlet sales areas may not exceed ten (10) percent of the gross floor area of the building on the parcel where such sales are to occur.

(b) Parking spaces shall be provided for outlet sales areas using the same formula for determining the required number of spaces as is used for retail sales. Parking spaces shall be conveniently located to the sales entrance.

### 5.2.33 PARK, ATHLETIC AND PARK, COMMUNITY

#### 5.2.33.1 Standards of Evaluation

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

(a) The site plan shows there are no residential structures within one hundred (100) feet of any outdoor playing field (including but not limited to baseball fields, basketball courts, tennis courts, soccer fields, football fields, and spectator areas for such fields).

(b) If there is no residential structure on the adjacent property, the outside boundary of the playing field must be set back at least fifty (50) feet from the property line. No structure associated with outdoor recreation activities shall be located within the setback required for the district in which the use occurs. Such structures include but are not limited to back stops, basketball or football goals, soccer goals, pavement for tennis or basketball courts, batting cages, bleachers, as well as picnic shelters, tables, swings, barbecue grills and playground equipment.

(c) Athletic and community parks shall have a minimum lot area of five (5) acres, unless a lesser area is approved by the permit issuing authority upon good cause shown by the applicant to justify the reduction.

(d) The lot size is adequate for the improvements proposed or required, and the lot provides room for adequate buffers and fencing. In particular, the applicant must show that adjacent property is protected from undue glare from outdoor lighting and trespass by patrons going to and from the park.

(e) Security of park users and surrounding properties is addressed by balancing buffers and visual access into the park from adjacent lots and rights-of-way.

(f) Proposed restroom facilities shall be adequate to accommodate the maximum number of participants expected.

(g) The type of illumination for playing fields shall be designed and located to minimize the impact of glare on adjacent property and shall comply with the applicable lighting requirements of this Ordinance. All outdoor illumination associated with playing fields shall cease at 10:00 pm.

## 5.2.34 PARK, CULTURAL AND PARK, NATURAL

### 5.2.34.1 Standards of Evaluation

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

(a) Cultural parks shall have a minimum lot area of two (2) acres, unless a lesser area is approved by the permit issuing authority upon good cause shown by the applicant to justify the reduction.

(b) The lot size is adequate for the improvements proposed or required, and the lot provides room for adequate buffers and fencing. In particular, the applicant must show that the adjacent property is protected from undue glare from outdoor lighting and trespass by patrons going to and from the park.

(c) Security of park users and surrounding properties is addressed by balancing buffers and visual access into the park from adjacent lots and rights-of-way.

(d) Proposed restroom facilities shall be adequate to accommodate the maximum number of participants expected.

(e) All outdoor lighting shall be designed and located to minimize the impact of glare on adjacent property and be extinguished when the park is not in use.

(f) All applicable site plan performance standards included in Section 3.13, *Site Plan*, have been met.

## 5.2.35 PARK, NEIGHBORHOOD

### 5.2.35.1 Standards of Evaluation

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

(a) The lot size is adequate for the improvements proposed or required and sufficient to serve the population living within a ¼ mile radius.

(b) The site plan provides protection to neighboring uses in the form of buffers and fencing. In particular, the applicant must demonstrate that the adjacent property is protected from undue glare from outdoor lighting and trespass by participants going to and from the park.

(c) Security of park users and surrounding properties is addressed by balancing buffers and visual access into the park from adjacent lots and rights-of-way.

(d) Parking spaces are not required because of proximity to intended users; however, some parking may be appropriate to accommodate guests.

## 5.2.36 PARK AND RIDE FACILITY

### 5.2.36.1 Standards of Evaluation

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

(a) The owner applicant is the Town of Hillsborough or a public transit provider who will provide service to the site.

(b) The site contains 100 or fewer parking spaces.

(c) The submitted site plan shall include information about the size of transit vehicles to be using the site and demonstrate that the site has sufficient area and capacity to allow vehicles to maneuver safely on the site and to and from the adjoining public right of way.

(d) The submitted site plan or project narrative shall describe the proposed service (hours of operation and frequency) expected for the site upon opening and within 10 years.

(e) If the applicant proposes restrooms or other comfort facilities beyond open passenger shelters, these structures must be of a permanent nature, not temporary or movable.

(f) Emergency call boxes will be required for sites where the stop location is greater than 200 feet to any parking spaces or where there is not line of sight visibility from the stop location to all parking spaces.

(g) The project narrative shall also detail the owner or operators plans for site security and monitoring both while in service and outside of service hours.

(h) To the extent requirements in Section 6 of this ordinance limit the location and visibility of parking from adjoining rights of way; those sections will not be required for this use since the predominant site activity is parking. The permit issuing authority may allow flexibility of landscaping location on the site to maximize site efficiency and safety to users so long as the total required landscaping required by this ordinance is installed on the parcel.

(i) The permit issuing authority may increase landscaping or screening requirements along adjoining residential property to mitigate the impacts to those properties.

## 5.2.37 PERFORMANCE FACILITY

### 5.2.37.1 Standards of Evaluation

The following specific standards shall be used in deciding upon an application for approval of uses in this category:

(a) When located in the Central Commercial district, this use shall:

i) Not include athletic events

ii) Be limited to 99 seats or less

iii) Retain all existing street and sidewalk facing windows with visually transparent glass, although UV coatings are permitted.

(b) Outdoor performances can only be performed when the use is a special use in its zoning district and outdoor amplified performances are part of the original or modified special use permit application OR upon issuance of a noise permit if established in the Town Code and the permit requirements are applicable to the proposed performance.

## 5.2.38 PERSONAL VEHICLE SALES

### 5.2.38.1 Standards of Evaluation

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

(a) The proposed hours of operation shall consistent with the predominant uses in the area.

(b) Applicants with lots having frontage on more than one street shall be limited to one (1) driveway cut on the higher classified street. Additional driveway cut(s), if any, shall be on streets of lower classification. Driveways permits shall be approved by NCDOT for access to state roads.

## 5.2.39 PETROLEUM PRODUCTS, STORAGE AND DISTRIBUTION

### 5.2.39.1 Standards of Evaluation

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

(a) When this use is operated in conjunction with retail sales and uses storage capacity is limited to no more than ten thousand (10,000) gallons for sale to retail customers.

(b) When this use is operated only for sale to bulk customers or storage capacity exceeds ten thousand (10,000) gallons, retail sales and rental uses are allowed.

(c) The amounts of petroleum products to be stored shall not exceed the capacity of the site to protect adjacent property from harm in an emergency. The proposed methods of handling the material shall be in accordance with accepted practices.

(d) The Fire Marshal has reviewed and accepted the emergency response plan. The applicant shall have sufficient material to respond to an emergency or the fire department has the existing capacity to respond.

(e) No existing structures on adjacent property shall be closer than one hundred and fifty (150) feet to any proposed storage vessel. No vessel shall be closer than one hundred (100) feet to a property line. Existing bulk storage facilities shall meet the standards set forth in the Fire Prevention Code as recommended by the American Insurance Association.

(f) The site shall be secured, by a chain link fence with barbed wire or a wall with barbed wire, or other similar perimeter security barriers as approved by the permit issuing authority. The minimum height shall be eight (8) feet.

(g) The system of drainage and dikes on site shall prevent the discharge of any stored products into streams on the property or on adjacent property. The impoundment basin shall be of sufficient volume to retain the volume of the largest storage vessel on the site. The dikes must be designed in such a manner as not to impede normal maintenance in and around the vessels or the response during an emergency.

(h) The site plan must demonstrate that there will be no adverse environmental impacts on water quality or on aquatic lift in the Eno River or any tributary thereto.

(i) A fire hydrant served by a minimum six (6) inch line shall be located within two hundred and fifty (250) feet of the main entrance to the proposed facility.

(j) The storage facilities shall be screen from the public right-of-way and from adjoining properties by a Type B buffer.

## 5.2.40 PUBLIC UTILITIES

### 5.2.40.1 Standards of Evaluation

The following specific standards shall be used to evaluate an application for approval of these uses:

(a) The proposed landscaping shall provide a visual buffer equal to a Type B buffer from adjacent property through new plantings or existing vegetation. .

(b) The proposed site meets the needs of the applicant and minimizes potential adverse impacts on the adjacent property.

(c) All required state agency approvals have been obtained, and the proposed operators have been or will be certified by the appropriate state agency; no certificate of occupancy shall be issued until proof of such certification has been submitted to the Town.

(d) Public convenience and necessity shall be served by this facility if installed as proposed.

(e) All outside storage areas and treatment facilities are fenced with a minimum eight (8) foot high cyclone fence topped with barbed wire, or similar perimeter security satisfactory to the permit issuing authority

(f) The architectural elevations of the buildings show that the buildings preserve the character of the surrounding area to the maximum extent practicable.

(g) All structures except public water storage facilities are set back at least one hundred (100) feet from the property line. Elevated public water storage facilities shall observe a setback equal to the greater of the height of the storage facility or the setback required in the district where the facility is located.

(h) All electric power distribution and service lines (not including transformers or enclosures containing electrical equipment such as switches, meters, or capacitors which may be pad mounted), telephone, gas distribution, and cable television lines shall be placed underground in accordance with the specifications and policies of the respective utility companies.

(i) All electric power, telephone, gas distribution, and cable television lines serving new development and/or new structures shall run underground from the point of connection with the existing main lines to all structures on the lot served by those lines. Such lines shall be placed underground in accordance with the specifications and policies of the respective utility companies.

(j) Whenever it can reasonably be anticipated that utility facilities constructed in one development will be extended to serve other adjacent or nearby properties, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden, expense or unnecessary duplication of service.

(k) All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities located within the development.

## 5.2.41 RECREATIONAL FACILITY

### 5.2.41.1 Standards of Evaluation

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

(a) Applicants shall indicate the maximum building capacity and the expected peak usage times including capacities and peak usage for all outdoor facilities, fields or courts included as elements of the facility.

(b) Shared parking with adjacent uses that have different peak usage times is encouraged.

(c) Outdoor facilities, fields, and courts located within one thousand (1000) feet of residential uses shall not be used after 10:00 PM unless specifically authorized at the time of permit approval.

(d) The public use portion of outdoor facilities, fields, and courts shall observe a fifty (50) foot setback from property lines when adjacent to property in residential use.

(e) The setback requirement stated above is a presumptive setback, and may be expanded or reduced based on the particular circumstances of each application. In determining the appropriate setback for a particular situation, he Town must consider the impacts of noise, lights, and loss of privacy on neighboring properties. Mitigation measures may include, but are not limited to: grade change, landscaping, fencing, operations modifications and details.

(f) In reviewing applications, the Town will balance the need for security and the impact of the proposed use on the surrounding neighborhood.

## 5.2.42 RESTAURANT

### 5.2.42.1 Standards of Evaluation

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

(a) Outdoor eating areas shall be buffered, screened, landscaped, or otherwise located to protect patrons and adjacent properties from adverse impacts, and to provide a pleasant experience to the patrons.

(b) Outdoor play or recreation areas shall be located on a pedestrian façade.

(c) Sites shall not have direct driveway connections to streets classified as arterial.

(d) Changeable message signs are prohibited.

(e) Drive-up windows and ground-mounted menu boards shall not be located on the primary or pedestrian oriented façades.

(f) Stacking space for drive-up areas shall not inhibit traffic flow on the site.

(g) Drive-up windows are prohibited in the Limited Office (LO) district.

(h) Restaurants proposed in the Neighborhood Business (NB) district shall provide information about their seating capacity, hours of operation, provision of drive-up or delivery service, on-site food preparation, special events offered, and service of alcoholic beverages to determine the use's compliance with the intent of the Neighborhood Business district.

(i) Applicants shall provide noise level documentation for any sound system used outdoors on site. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

(j) Outdoor performances can only be performed when the use is a special use in its zoning district and outdoor amplified performances are part of the original or modified special use permit application OR upon issuance of a noise permit if established in the Town Code and the permit requirements are applicable to the proposed performance.

## 5.2.43 RETAIL SALES AND RENTAL

### 5.2.43.1 Standards of Evaluation

The following specific standards shall be used in evaluating an application for approval of this use:

(a) Areas proposed for outside storage and display of retail items shall be clearly delineated on the site plan.

(b) Areas proposed for outside display and storage of retail items shall be located in a fenced or buffered area.

(c) Fenced areas must be enclosed on all sides by fencing or buildings, may be open to the sky, and the fence must be of adequate height to secure the area, but shall not exceed 8 feet in height.

(d) Outside displays may not encroach on pedestrian ways, fire lanes, required parking spaces, travel lanes, or landscaped areas.

## 5.2.44 ROOMING / BOARDING HOUSE

### 5.2.44.1 Standards of Evaluation

The following specific standards shall be used in evaluating an application for approval of this use:

(a) Each unit within a rooming/boarding house shall have direct access to a hall or exterior door.

(b) If a state, county or town license or permit is required to operate such a facility, the standards necessary to qualify for such permit must be met, and such permit issued before a final Certificate of Occupancy is issued.

## 5.2.45 SCHOOL: ELEMENTARY, MIDDLE, & SECONDARY

### 5.2.45.1 Standards of Evaluation

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

(a) Structures, driveways, and other significant physical features within one hundred (100) feet of property line of this project are protected from adverse impacts as required by this Ordinance.

(b) Schools shall be located a minimum of one thousand (1,000) feet from established adult uses.

(c) When located in the Adaptive Re-Use District, new tenants in this category shall install an opaque screen which is 80% solid (or greater) at least 6 feet tall to separate any outdoor play area from any existing outdoor seating area associated with a restaurant or bar.

(d) When located in the Adaptive Re-Use District, new tenants in this category may not designate child loading/unloading areas where there is overlapping driveway use with any industrial use in existence at the time of the school's application.

## 5.2.46 SUBDIVISION, CONDITIONAL OR SPECIAL

### 5.2.46.1 Standards of Evaluation

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

(a) The preliminary subdivision plan shows lots that conform to the minimum lot size and width requirements shown in Section 6.3, *General Dimensional Standards*.

(b) Any new public street to be constructed as part of this proposal conforms to the town design specifications for that street type.

(c) At least 5 new lots including any remainder are being created from the parent tract within any five year period for a Conditional Subdivision or 20 new lots including any remainder are being crated from the parent tract within any five year period for a Special Subdivision.

(d) The relevant development standards in Section 6 are met or reasonably can be met.

## 5.2.47 SUBDIVISION, CONSERVATION

### 5.2.47.1 Standards of Evaluation

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

(a) The site plan shall identify and protect existing "irreplaceable natures features" on the site. These areas shall be designated Open Space in accordance with Section 6.12.

(b) The development plan sets aside a minimum of 35% of the gross parcel area in land that meets the standards for open space.

(c) The development plan creates no more 100 dwelling units, including accessory units in detached structures

(d) Individual lots have no required minimum area or width, provided each lot meets the minimum street frontage requirement and the density limit for the zoning district as calculated in Section 6.3, *General Dimensional Standards.*

(e) Individual lots observe a minimum front yard setback of 15' and side and rear setback of 10' each, or such other setbacks approved by the permit issuing authority that meet fire and building code requirements.

(f) Any new public street conforms to the town design specifications for that street type.

(g) At least 20 new lots, including any remainder of the original parcel being subdivided, are being created within a five year period.

(h) The relevant development standards in Section 6 are met or reasonably can be met.

## 5.2.48 SUBDIVISION, MINOR

### 5.2.48.1 Standards of Evaluation

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

(a) The preliminary subdivision plan shows lots that conform to the minimum lot size and width requirements as shown in Section 6.3, *General Dimensional Standards*.

(b) Any new street to be constructed as part of this proposal conforms to the town design specifications for that street type.

(c) No more than 4 lots, including any remainder shall be, created from the parent tract within any two year period. The creation of a fifth (or more) lot within a five year period shall cause the subdivision to be processed as a major subdivision.

(d) A map or plat suitable for recording in the Register of Deeds shall be submitted.

## 5.2.49 STORAGE AND WAREHOUSING, OUTDOOR

### 5.2.49.1 Standards of Evaluation

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

(a) Storage areas shall be located behind buildings or screened from adjacent property and public right-of way with a solid screen at least six (6) feet in height.

(b) Solid screens may be one or a combination of fences, walls, vegetation, topographical change, or berms. Fences and walls must be opaque and vegetation must be kept in healthy condition.

(c) No item defined by this Ordinance or in the Town Code as “solid waste” may be stored on a site.

(d) No hazardous materials may be stored unless specifically authorized by the State Fire Code and necessary for operations in the ordinary course of business for the principle use on the site.

(e) All outside storage areas shall be clearly indicated on submitted site plans and storage must be confined to designated areas.

## 5.2.50 TELECOMMUNICATION TOWER

### 5.2.50.1 Standards of Evaluation

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

(a) Adjacent to residential zoning districts, minimum setbacks from the base of the tower to the property boundary shall be equal to the height of the tower. The setback may be reduced to no less than one-half of the tower height if easements for the remaining setback distance are granted by adjoining property owners, provided that no residence may be located within a distance equal to the height of the tower measured from the base of the tower.

(b) Adjacent to non-residential zoning districts, minimum setbacks from the base of the tower to the property boundary shall be equal to fifty (50) percent of the height of the tower. The setback may be reduced to no less than twenty (20) percent of the tower height if an engineer certifies that the proposed setbacks are sufficient to contain the tower in the event of collapse.

(c) A Type B buffer shall be provided between the base of the tower (including all base station equipment) and adjoining property. Existing vegetation may be removed only to the extent necessary to accommodate the tower, equipment buildings, and support structures such as guy wires.

(d) No structures may be located within the required tower setback area, except those structures which are accessory to the tower.

(e) The site plan shall reserve space for at least one (1) equipment building in addition to that proposed for use by the applicant in order to accommodate and encourage co-location opportunities.

(f) Security fencing shall be provided around the tower base or around the perimeter of the site.

(g) The applicant shall provide a written explanation documenting how or why the telecommunications equipment planned for the proposed tower cannot be accommodated on an existing tower. Such written explanation shall, at a minimum, address the following issues:

(h) The planned equipment would exceed the structural capacity of existing and approved towers, considering existing and planned use of those towers. The applicant must address whether any existing tower serving the area can be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(i) The planned equipment would cause radio frequency interferences with other existing or planned equipment for existing towers and the interference cannot be prevented at a reasonable cost.

(j) Existing or approved towers do not have space on which the equipment can be placed so it can function effectively and reasonably in parity with similar existing or approved equipment.

(k) No tower or other suitable facility exists in an area where the equipment to be placed on the tower will function in its intended manner.

(l) The proposed telecommunications tower shall be structurally designed to support at least one (1) additional user, and the required Conditional Use Permit or Special Use Permit shall include a statement that the owner of the tower will require all users of the tower to permit other user(s) to attach communication facilities which do not interfere with the primary purpose of the tower, provided that such other users agree to negotiate commercially reasonable terms for shared use of the facility. The color of the tower shall be of light tone, except to the extent required by law, so as to minimize its visual impact.

(m) The tower shall not be artificially lighted unless required by the FAA, FCC or other federal or state agency having jurisdiction.

(n) Although the height of the tower and antenna may exceed the maximum height of the zoning district, neither will unreasonably interfere with the view of/from any historic site, scenic road, or major view corridor. The height, design, placement, or other characteristics of the proposed tower shall be designed in a manner to minimize the intrusive visual impact on the surrounding area.

(o) The permit issuing authority may authorize the location of a tower exceeding the height of the Eno/Occoneechee Mountain ridge line provided the tower is directly related to public safety and another location is impracticable.

(p) Towers and appurtenant fixtures with expired communication licenses shall be removed within twelve (12) months of the license expiration, or within 12 months of the cessation of active telecommunications use of the tower for any reason. The Conditional Use Permit or Special Use Permit shall include a requirement that the applicant record a removal agreement to ensure compliance with this requirement. The approved permit will also list the Planning Department as a recipient of all license renewal notices.

## 5.2.51 TRANSMISSION LINE

### 5.2.51.1 Standards of Evaluation

The following specific standards shall be used to evaluate an application for approval of new high voltage electric transmission lines in the Town's zoning jurisdiction:

(a) The width of the right-of-way is sufficient to protect for existing structures on adjacent property from tower collapse, effects of electromagnetic fields, and transmission line failure.

(b) The methods of the proposed right-of-way maintenance protect adjacent property owners and property from herbicide damage due to herbicides and other maintenance methods and chemicals.

(c) The public convenience and necessity shall be served by this facility if installed as proposed.

(d) The applicant has submitted an emergency response plan which protects adjacent properties and the environment from accidental or natural disaster.

## 5.2.52 USE REQUIRING CONDITIONAL USE OR SPECIAL USE PERMITS BASED ON THE SIZE, INTENSITY, OR LOCATION OF THE USE

### 5.2.52.1 Intent

This section establishes submittal requirements and standards of evaluation for the Board of Adjustment and Town Board to use in reviewing Conditional Use or Special Use Permits for uses requiring such permit, but for which specific standards are not stated in this section.

### 5.2.52.2 Standards of Evaluation

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

(a) The written description of the operation indicates that the use is permitted either as of right as a Conditional Use, or as a Special Use within the zoning district.

(b) Any use requiring a state air permit and/or local Significant Industrial User Pretreatment certificate shall provide a copy of the current permit for the operation with the application.

(c) Average daily traffic and anticipated characteristics of vehicular traffic, particularly heavy truck traffic (three or more axles), anticipated to be generated by the use shall be submitted with the application.

(d) Applicants shall provide noise level documentation for equipment or vehicles used outdoors on site, if any. The permit issuing authority may require any one, or a combination of fencing, distance, hours of operation, and baffling as needed to minimize noise generated by such facilities.

(e) The distance to the nearest occupied dwelling unit and residentially zoned parcel shall be submitted.