

## 4C. Staff draft of text amendment

### 4.2 BUSINESS BASE ZONING DISTRICTS

#### 4.2.5 GENERAL COMMERCIAL DISTRICT (GC)

##### 4.2.5.1 Intent

The purpose of the GC District is to accommodate a diverse range of retail, service, and office uses that provide goods and services to the residents and businesses in the community at large – e.g., shopping centers, convenience stores, and retail sales establishments. Attached dwelling developments of 5 units or more may be allowed subject to the issuance of a Special Use Permit. Performance standards shall be used to insure the absence of adverse impacts beyond the zoning district boundary.

##### 4.2.5.2 Application Criteria

This district will usually be applied where the following conditions exist:

- 4.2.5.2.a Water and sewer lines exist at the site or are to be made available as part of the development process.
- 4.2.5.2.b All property to be designated for new development under this classification shall have direct access to arterial streets.

**5.1.8 TABLE: USE TABLE FOR NON-RESIDENTIAL DISTRICTS**

P = Permitted by Right

SUP = Permitted with a Special Use Permit

PA = Permitted as accessory use

\* = Refer to 5.2.47

	LO	NB	OI	CC	GC	HIC	ARU	BP	EDD	LI	GI		ESU	NBSU	SDSU
Adult Day Care			P			P							SUP	SUP	SUP
Adult Use						SUP									
Artisan Studio	P	P	P	P	P	P	P	P	P	P	P		SUP	SUP	SUP
Bank & Financial Institution	P		P	SUP	P	P		P	P				SUP		SUP
Bar				P	P	P	P		P				SUP		SUP
Bed and Breakfast Facility															
Botanical Garden & Arboretum		P	P	P	P	P	P				P		SUP		
Brewery		SUP			P	P	P	P	P	P	P				
Building/Trade Contractor's office		P			P	P		P	P	P	P		SUP		
Cemetery			SUP			SUP									
Child Day Care		P	P		P	P	P	P	P				SUP	SUP	SUP
Church, Place of worship		P	P	P			P		P				SUP	SUP	SUP
Detention Facility			SUP						SUP						
Dwelling: Accessory		P	P	P	P	P		P					SUP	SUP	SUP
Dwelling: Attached (1-4 units)				P			P				SUP		SUP	SUP	SUP
Dwelling: Attached (5-19 units)				P	<u>SUP</u>		P				SUP		SUP		SUP
Dwelling: Attached (20+ units)				SUP	<u>SUP</u>		P				SUP		SUP		SUP
Dwelling: Mobile Home A															
Dwelling: Mobile Home B															
Dwelling: Mobile Home C															
Dwelling: Single-family		P	P	P	P	P							SUP	SUP	SUP
Electronic Gaming Operation		PA		PA	PA/SUP	PA/SUP								SUP	
Event Center			P	SUP	P	P	P	P	P				SUP	SUP	SUP
Extended Care Facility			P			P							SUP		SUP
Family Care Home													SUP	SUP	SUP
Family Child Care Home														SUP	
Farm, Bona fide															
Farmer's Market		P	P	P	P	P	P		P	P	P		SUP		SUP

## 5.2 USE-SPECIFIC STANDARDS

### 5.2.9 DWELLING, ATTACHED

#### 5.2.9.1 Categories of Attached Dwellings

This Ordinance hereby establishes the following attached dwelling use types:

- 5.2.9.1.a Attached Dwellings Up to 4 Units;
- 5.2.9.1.b Attached Dwellings 5-19 Units; and
- 5.2.9.1.c Attached Dwellings 20+ Units.

The review and approval process for these uses are specified in tables 5.1.7, *Use Table for Residential Districts*, and 5.1.8, *Use table for Non-Residential districts*, for each zoning district.

#### 5.2.9.2 Standards of Evaluation

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

- 5.2.9.2.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 Section 9.
- 5.2.9.2.b Site plans show compliance with the dimensional requirements for the applicable Zoning District in which the attached dwelling unit is being developed.
- 5.2.9.2.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.
- 5.2.9.2.d The interior roads and parking areas shall meet the required specifications included in Section 6.21, *Streets*.
- 5.2.9.2.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.
- 5.2.9.2.f The Fire Marshal has reviewed and approved in writing the fire protection plan, including the location of fire hydrants.
- 5.2.9.2.g The utility plan has been reviewed and approved by the Utilities Director 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.
- 5.2.9.2.h The lighting plan meets or exceeds the specification of this Ordinance.
- 5.2.9.2.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.
- 5.2.9.2.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.

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

**5.2.9.2.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.

**5.2.9.2.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.

**5.2.9.3 Recreational Standards for attached dwellings**

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

**5.2.9.4 Open Space Standards for attached dwellings**

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

**5.2.9.5 Zoning District Specific Standards for attached dwellings**

**5.2.9.5.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) An existing building in the CC zone may renovate existing gross floor area into attached dwellings when:
  - i. The ground floor area is used for non-residential uses and access to the dwelling(s).
  - ii. The conversion does not require an addition of enclosed building

- area other than creating access from the ground level, if necessary.
- iii. Applicant provides construction drawings verifying there is adequate water, sewer, and solid waste collection service to the property to comply with paragraphs e, f, g, h, and k in Section 5.2.109.2 above and all other applicable town and building codes. The requirements in Section 5.2.109.2\_a, b, c, d, i, j, l, and m, Section 5.2.109.3, and Section 5.2.109.4 do not apply to these units.
- (d) New buildings in the CC zone may be constructed for attached dwellings when:
- i. The ground floor area of all buildings(s) is used for non-residential uses and access to the dwelling(s).
  - ii. Off-street parking is provided at a rate of 1.2 spaces per dwelling unit.
  - iii. Applicant provides a site plan and construction drawings verifying compliance with the relevant requirements of Section 5.2.109.2 and all other applicable town and building codes.
  - iv. The requirements in Section 5.2.109.3 and Section 5.2.109.4 apply to any site containing twenty or more dwelling units
  - v. The requirements of Section 6.10, Landscaping (Parking Lot), apply to parking and vehicle accommodation areas proposed to be constructed or modified as part of the project.

**5.2.9.5.b** General Commercial (GC) District

- (a) It is the intent of these provisions to allow attached dwelling developments on lots zoned General Commercial in an effort to mix land uses within the General Commercial district to the extent that it does not detract from the function of the district as predominantly commercial. It is not the intent of this section to impede the location of commercial establishments in the General Commercial district.
- (b) Any lot within the General Commercial district may contain a single-family dwelling unit along with a non-residential enterprise or as an individual use.
- (c) An applicant may seek approval of a Special Use Permit to convert existing buildings or construct new buildings for attached dwellings of five (5) units or more. In addition to all other requirements for Special Use Permits set forth in Section 3.8, Special Use Permits, an applicant seeking a Special Use Permit under this subparagraph must submit the following information with their application:
  - i. Documentation from a licensed commercial real estate appraiser indicating that the property is not suitable for sole commercial use due to reasons other than market trends, such as location, access, lot size, topography, and environmental features; and
  - ii. A written statement from the Town of Hillsborough Utilities Department that the town has capacity to serve the proposed development with water and sewer.

(d) Attached dwellings shall be permissible on property zoned General Commercial only when commercial development is also present or proposed on the property.

**5.2.9.5.c** *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-Adjustment~~ 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-Adjustment~~ 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-Adjustment~~ 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.

**6.3.2 TABLE: DIMENSIONAL REQUIREMENTS –NON-RESIDENTIAL**

	ARU	OI	NB & NBSU	CC & CCSU	GC	HIC	LI	GI	LO	ESU	EDD	BP	SDSU
Minimum Lot Area (sf or acre)	3 acres	10,000	10,000	None	10,000	10,000	40,000	40,000	1 acre	2 acres	40,000	40,000	TBD
Attached dwelling minimum lot size (min sf per unit)	3,630 sf 12 DU/ac	NA	NA TBD (SUP)	NA TBD (SUP)	NA <u>2,900 sf</u> <u>15 DU/ac</u>	NA	NA	NA TBD (SUP)	NA	TBD	NA	NA	TBD
Minimum Lot Width	100	75	75	0	75	75	100	200	75	100	75	75	TBD
Minimum Side Yard Width	20*	20*	15*	0	15* <sup>^</sup>	15* <sup>^</sup>	50*	50*	20	20	25	25	TBD
Minimum Rear Yard Width	20*	20*	20*	0	20* <sup>^</sup>	20* <sup>^</sup>	50*	50*	20	20	25	25	TBD
Minimum Front Setback	20	20	20	0	20 <sup>+</sup>	20 <sup>+</sup>	35	35	20	50	25	25	TBD
Maximum Building Height	65	40	35	40	40	65	65	65	60	60	45	60	60

\* Refer to Table 6.3.3 for Side and Rear Setbacks for Zoning Lots Abutting a Different Zoning District.

<sup>^</sup> For parcels abutting South Churton Street between Interstate-40 and the Eno River, parking must observe at 10' landscaped setback from a side or rear property line. Please refer to Section 6.10.3

<sup>+</sup> For parcels abutting South Churton Street between Interstate-40 and the Eno River, the minimum front yard setback is 30 feet and the maximum front yard setback is 100 feet, measured from the Churton Street right of way boundary.

TBD – *This standard will be determined during the SPECIAL Use Permit review process*

**6.3.3 TABLE: SIDE AND REAR SETBACKS FOR LOTS ABUTTING A DIFFERENT ZONING DISTRICT**

<b>Adjacent -&gt; Proposed</b>	<b>R-40</b>	<b>R-20</b>	<b>R-15</b>	<b>R-10</b>	<b>MF</b>	<b>AR</b>	<b>ARU</b>	<b>OI</b>	<b>NB</b>	<b>CC</b>	<b>GC</b>	<b>HIC</b>	<b>GI</b>	<b>LI</b>	<b>EDD</b>	<b>NB-SU</b>	<b>CC-SU</b>	<b>PW</b>	<b>PWCA</b>
<b>ARU</b>	50	50	50	50	50	50	0	20	20	0	0	0	20	20	20	20	0	50	50
<b>OI</b>	20	20	20	20	20	20	0	0	0	0	0	15	20	20	20	0	0	20	20
<b>NB</b>	15	15	15	15	15	15	0	0	0	0	0	15	15	15	15	0	0	15	15
<b>GC</b>	30	30	20	20	20	30	0	0	0	0	0	0	20	20	20	0	0	30	30
<b>HIC</b>	30	30	20	20	20	30	0	15	15	15	0	0	20	20	20	0	0	30	30
<b>LI</b>	50	50	50	50	50	50	0	50	50	50	50	30	0	0	20	0	0	50	50
<b>GI</b>	50	50	50	50	50	50	0	50	50	50	50	30	0	0	20	0	0	50	50
<b>EDD</b>	25	25	25	25	25	25	25	20	25	25	25	25	25	20	25	25	25	25	25