



## ORDINANCE

### Amending the Hillsborough Unified Development Ordinance

Sections 5.1.7, 5.2.8, 5.2.18, 5.2.39, 5.2.46, 9.1.5, and 9.2

The Hillsborough Board of Commissioners ordains:

**Section 1.** The amendments to the following sections of the town's Unified Development Ordinance as attached hereto: Sections 5.1.7; 5.2.8; 5.2.18; 5.2.39; 5.2.46; 9.1.5; and 9.2.

**Section 2.** All provisions of any town ordinance in conflict with this ordinance are repealed.

**Section 3.** This ordinance shall become effective upon adoption.

The foregoing ordinance, having been submitted to a vote, received the following vote and was duly adopted this 10th day of June in the year 2024.

Ayes:

Noes:

Absent or excused:

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Sarah E. Kimrey, Town Clerk

## 5.1 USE TABLE

**5.1.7 TABLE: USE TABLE FOR RESIDENTIAL DISTRICTS**

P = Permitted by Right      SUP = Permitted with a Special Use Permit      + = When also in the Plus Overlay district

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[illegible]

## 5.2 USE-SPECIFIC STANDARDS

### 5.2.8 DWELLING, ACCESSORY

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

#### 5.2.8.1 Accessory dwelling units in freestanding structures

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

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

#### **5.2.8.2 Accessory dwelling units within a principal single-family dwelling**

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

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

#### **5.2.18 HOME OCCUPATION**

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

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

allowed so long as the area outside of a structure involved in raising the product sold meets the area requirement below.

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

to fire or explosive hazards; interference with electronic communication; loud, raucous or disturbing noise; dust; odors; fumes; glare; or vibration.

**5.2.18.1.m** The home occupation shall not create or exhibit an increase in noise, traffic or parking demands markedly beyond that normally associated with a residential use.

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

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

**5.2.18.3.a** Boarding of domesticated animals

**5.2.18.3.b** Dealerships for firearms or motor vehicles

**5.2.18.3.c** Motor vehicle maintenance, service, or repair

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

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

## **5.2.39 PLANNED DEVELOPMENT**

### **5.2.39.1 Standards of Evaluation**

#### **5.2.39.1.e Density Allowances:**

- (1) The following factors will be used in computing density: A factor of 3.0 persons per single-family detached dwelling; 2.5 persons per single-family attached dwelling or stacked townhouse; and 2 persons per multiple-family dwelling.
- (2) Residential densities in a PD must be designated as low, medium, or high on the approved master development plan. "Density area" as used herein means a development unit within an area designated on the approved development plan for low-, medium- or high-density.
  - (a) Low: The maximum density in any one low-density area is 5 dwelling units per acre.
  - (b) Medium: The maximum density in any one medium-density area is 15 dwelling units per acre.
  - (c) High: The maximum density in any one high-density area is 25 dwelling units per acre. An application that proposes housing that is affordable to households making 80% AMI or less at the time of

construction may propose up to 40 units per acre as a maximum density (subject to rounding as defined in Section 9.1.4). Where affordable housing is proposed the preference is that this housing type be dispersed throughout the planned development instead of clustered together in one area.

**5.2.46 SHORT-TERM RENTAL**

**5.2.46.1 Standards of Evaluation**

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

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

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

**9.1 RULES OF MEASUREMENT, COMPUTATIONS, AND EXCEPTIONS**

**9.1.5.2 Permissible Encroachment into Required Setbacks**

- 9.1.5.2.c** Accessory buildings and freestanding accessory dwelling units may encroach into a side yard or rear yard setback not adjacent to a street right-of-way to within 5 feet of the property line, with the following limits:
- (a) For an accessory building with a highest point 12' or more above the ground elevation, an additional setback of 2' for each 1' of elevation above 12' is required until the standard setback is met.
  - (b) The setback being reduced is not part of a land use or stream buffer required elsewhere in this Ordinance, nor a recorded easement for utilities, drainage, or access.

**9.2 DEFINITIONS**

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