

**A RESOLUTION ACCEPTING A REPORT: SETBACKS, SCREENING AND
SPECIAL EXCEPTIONS
Resolution No. 79/2001-02**

WHEREAS, the Carrboro Board of Aldermen has requested information on setback and screening requirements, and on special exception permits.

NOW, THEREFORE BE IT RESOLVED by the Carrboro Board of Aldermen that the Aldermen has reviewed materials compiled to address this request and has accepted this report.

This is the 15th day of January in the year 2002.

Section 15-184 Building Setback Requirements.

(a) Subject to Section 15-187 (Architecturally Integrated Subdivisions) and the other provisions of this section, no portion of any building or any freestanding sign may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table set forth below: **(AMENDED 1/22/85)**

- (1) If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured from such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
- (2) As used in this section, the term "lot boundary line" refers to lot boundaries other than those that abut streets.
- (3) As used in this section, the term "building" includes any substantial structure which, by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:
 - a. Gas pumps and overhead canopies or roofs.
 - b. Fences, walls or berms running along lot boundaries adjacent to public street rights-of-way if such fences, walls or berms exceed three feet in height and are substantially opaque except that fences, walls or berms shall not be regarded as "buildings" within the meaning of this subsection if they are located along the rear lot line of lots that have street frontage along both the front and rear of such lots. **(AMENDED 05/19/98)**
- (4) Notwithstanding any other provision of this chapter, signs that do not meet the definition of freestanding signs may be erected on or affixed to structures (e.g., some fences) that are not subject to the setback requirements applicable to buildings only if such signs are located such that they satisfy the setback requirements applicable to freestanding signs in the district where located.

(AMENDED 5/26/81; 12/7/83; 2/4/86; 11/14/88; 05/15/90; 04/16/91; 01/16/01)

ZONE	Minimum Distance from Street Right of Way line		Minimum Distance from Street Centerline		Minimum Distance from Lot Boundary Line
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign

ZONE	Minimum Distance from Street Right of Way line		Minimum Distance from Street Centerline		Minimum Distance from Lot Boundary Line
	Building	Freestanding Sign	Building	Freestanding Sign	Building and Freestanding Sign
C	25	12.5	55	42.5	20
WR	35	17.5	65	47.5	20
RR	40	20	70	50	20
R-20	40	20	70	50	20
R-15	35	17.5	55	47.5	20
R-10	25	12.5	55	42.5	12
R-S.I.R.	25	12.5	55	42.5	10
R-7.5	25	12.5	55	42.5	10
R-3	15	7.5	45	37.5	8
B-1(c)	--	--	30	--	--
B-1(g)	--	--	30	--	--
B-2	15	7.5	45	37.5	10
B-3	15	7.5	45	37.5	15
B-3-T	15	7.5	45	37.5	15
B-4	30	15	60	45	10
CT	--	--	30	--	--
B-5	40	20	70	50	20
M-1	--	--	30	--	--
M-2	--	--	30	--	--
WM-3	30	15	60	45	20
O	15	7.5	45	37.5	15
O/A	15	7.5	45	37.5	15
R-2	15	7.5	45	37.5	8, plus 2 feet for every additional foot above 35 feet in height

(b) With respect to lots within the R-20 district that were in existence or had received preliminary plat approval by Orange County prior to November 14, 1988 and were outside the town's extraterritorial planning jurisdiction but that on or after that date became zoned R-20 as a result of the implementation of the Joint Planning Agreement:

- (1) The minimum set back distance from the lot boundary line shall be 15 feet rather than the 20 feet indicated in the table set forth in subsection (a);
- (2) On lots having frontage on more than one street, the building setback applicable to the street which the front of the principal building located on that lot faces shall be as set forth in subsection (a). The building setback from the other streets shall be 15 feet from the right-of-way line.

(AMENDED 04/25/89)

(c) Whenever a lot in a nonresidential district has a common boundary line with a lot in a residential district, then the lot in the nonresidential district shall be required to observe the property line setback requirements applicable to the adjoining residential lot.

(d) Setback distances shall be measured from the property line or street centerline to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it (such as a flagpole, etc.). Setbacks for berms shall be measured from the property line or street centerline to the point on the berm where it exceeds three feet in height. **(AMENDED 05/19/98)**

(e) Whenever a private road that serves more than three lots or more than three dwelling units or that serves any nonresidential use tending to generate traffic equivalent to more than three dwelling units is located along a lot boundary, then:

- (1) If the lot is not also bordered by a public street, buildings and freestanding signs shall be set back from the centerline of the private road just as if such road were a public street.
- (2) If the lot is also bordered by a public street, then the setback distance on lots used for residential purposes (as set forth above in the column labeled "Minimum Distance from Lot Boundary Line") shall be measured from the inside boundary of the traveled portion of the private road.

(f) Notwithstanding any other provision of this section, on lots in residential zones used for residential purposes, a maximum of one accessory building may be located in the rear yard of such lot without regard to the setback requirements otherwise applicable to the rear lot boundary line if such accessory building does not exceed fifteen feet in height or contain more than 150 square feet of gross floor area. **(AMENDED 5/26/81)**

(g) In addition to the foregoing requirements, no impervious surface within any C, WR, B-5, or WM-3 zoning district may be located in or closer than twenty feet to the nearest edge of a designated buffer area, as described in Section 15-265, except that the permit-issuing authority may authorize the crossing of a designated buffer area and the presence of impervious surface there and in the setback area from the buffer area by or for: **(AMENDED 12/7/83; 11/11/86; 05/15/90)**

- (1) a subcollector, local or minor street where the permit-issuing authority finds that the crossing is justified
 - (a) in that without such a crossing over 50% of a tract would be without access and therefore undevelopable; or

- (b) in that the crossing is necessary to comply with overriding Town policies relating to safety, as in provisions for dual access for police and fire protection; or
 - (c) in that it allows a design that would clearly result in less damage to the watershed environment than would result if the property were developed without such a crossing;
- (2) a bike or pedestrian path;
- (3) water and/or sewer lines and pump stations where the permit-issuing authority finds that
 - (a) it is practicably unavoidable if the subject property is to be served under the provisions of Section 15-238(c) and an alternate design would result in greater damage to the watershed environment; **(AMENDED 05/15/90)** and
 - (b) the system, taken as a whole, emphasizes placement outside of the buffer area; and
 - (c) to the extent practical, and consistent with (a) and (b) above, the direction of the line crossing is perpendicular to the stream; and
 - (d) in the case of sewer lines, the lines are constructed of ductile iron pipe, or of comparable material which will not require significant clearing of vegetation, and
 - (e) in the case of a pump station, the station will be capable of pumping peak water flow with the main pump out of service, have an emergency power supply and a telemetering system (that will provide the Orange Water and Sewer Authority with information concerning the status of the pumps, electricity, and the wet well level).
- (4) Water dependent structures. **(AMENDED 12/14/93)**
- (h) Notwithstanding the provision of subsection (g), **(AMENDED 1/22/85)**
 - (1) No crossing shall be allowed except where full measures are employed to minimize, to the maximum extent practicable, potential adverse effects. In meeting this standard, the permit issuing authority shall consider factors such as the use of bridges as opposed to culverts, the length of bridge spans, the redirecting of storm water run-off through a buffer or filtering mechanism, safeguards to line breakages, and other similar factors.
 - (2) The provisions of subsection (g) may not be utilized to allow the crossing of a designated buffer if the situation otherwise justifying

the crossing has been created by or results from the subdivision of a tract after the effective date of this section.

(i) Notwithstanding any other provision of this section, no setback requirement shall apply to bus shelters erected by or at the direction of the town. **(AMENDED 1/22/85)**

(j) Notwithstanding any provision in (a), no minimum distance from a lot boundary line for buildings or freestanding signs shall be required from any railroad right-of-way or other railroad property being used principally as a track bed or corridor. **(AMENDED 2/4/86)**

(k) Any building in a B-1(c) or B-1(g) district shall be located away from any residential dwelling unit existing on July 1, 1985 a minimum distance of fifteen feet plus two feet for each additional foot that the building exceeds thirty feet in height.

(l) In addition to the overall density restrictions of the underlying zone, each mobile home unit in any mobile home community (use classification 1.122 or 1.123) must be placed such that it is at least 10 feet in any direction from any other mobile home unit within the community, in order to reduce the likelihood of the spread of fire. **(AMENDED 10/20/87)**

(m) Notwithstanding the provisions of subsections (a) or (b), properties located in Carrboro's Transition Area II, and zoned R-R shall be required to maintain a 100-foot undisturbed, naturally vegetated setback along any common boundary line with properties in Orange County's planning jurisdiction that are designated both Rural Buffer and Public/Private Open Space on the Joint Planning Area Land Use Plan. No structures or associated clearing shall be permitted within this setback. Utilities and associated clearing shall be permitted within this setback only to the extent that no reasonable alternative exists. **(AMENDED 06/05/89)**

(n) When the neighborhood preservation district commission determines that an application for a permit under this ordinance involves a proposed authentic restoration, new construction or reconstruction in the same location and in the original conformation of a structure within a neighborhood preservation district that has architectural or historic significance, but that such proposed restoration, construction or reconstruction cannot reasonably be accomplished in conformity with the setback requirements set forth in this section, the neighborhood preservation district commission may recommend, and the permit issuing authority may allow, a deviation from these requirements to the extent reasonably necessary to accommodate such restoration, construction or reconstruction. **(AMENDED 09/26/89)**

(o) Signs erected in connection with elections or political campaigns, as described in subsection 15-273(a)(5), shall not be subject to the setback requirements of this section. However, as provided in subsection 15-273(a)(5), such signs may not be attached to any natural or man-made permanent structure located within a public right-of-way,

including without limitation trees, utility poles, or traffic control signs. **(AMENDED 08/25/92)**

(p) When the appearance commission determines that (i) any new construction or any repair, renovation, or reconstruction of a pre-existing building is proposed within any commercial zoning district; and (ii) the appearance of the building would be substantially improved by the addition of or extension of an architectural feature; and (iii) the feature proposed by the appearance commission would violate the setback provisions of this section, then, subject to the following requirements, the commission may recommend, and upon such recommendation the applicant may amend his plans to propose and the permit issuing authority may authorize, an encroachment of such architectural feature into the required setback area.

- (1) For purposes of this subsection, the term "architectural feature" includes any part of a building other than a building wall or mechanical appurtenance.
- (2) The maximum encroachment that can be authorized under this subsection is two feet.
- (3) The encroachment may be allowed when the appearance commission and permit issuing authority both conclude that authorization of the encroachment would result in a building that is more compatible with the surrounding neighborhood than would be the case if the encroachment were not allowed.

(AMENDED 11/09/93)

(q) Notwithstanding the other provisions of this section, in the historic district, no portion of any new dwelling unit on a flag lot may be located any closer than fifteen (15) feet from any property line or any closer than thirty (30) feet from any existing dwelling unit located on the lot from which the flag lot was created (see Section 15-175.10).

(AMENDED 11/21/95)

(r) Notwithstanding the other provisions of this section, the base of a use classification 18.200 tower shall be set back from a street right-of-way line and a lot boundary lane a distance that is not less than the height of the tower. **(AMENDED 02/18/97)**

(s) Notwithstanding any provision in this section with respect to use classification 1.340, single-room occupancy buildings may be set back from a street right-of-way line a distance that is consistent with the setbacks of other nearby buildings that front the same street. **(AMENDED 01/11/00)**

ARTICLE XIX

SCREENING AND TREES

PART I. SCREENING

Section 15-304 Board Findings Concerning the Need for Screening Requirements.

The Board finds that:

- (1) Screening between two lots lessens the transmission from one lot to another of noise, dust, and glare.
- (2) Screening can lessen the visual pollution that may otherwise occur within an urbanized area. Even minimal screening can provide an impression of separation of spaces, and more extensive screening can shield entirely one use from the visual assault of an adjacent use.
- (3) Screening can establish a greater sense of privacy from visual or physical intrusion, the degree of privacy varying with the intensity of the screening.
- (4) The provisions of this part are necessary to safeguard the public health, safety, and welfare.

Section 15-305 General Screening Standards

Every development shall provide sufficient screening so that:

- (1) Neighboring properties are shielded from any adverse external effects of that development;
- (2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.

Section 15-306 Compliance with Screening Standards

(a) The table set forth in Section 15-308, in conjunction with the explanations in Section 15-307 concerning the types of screens, establishes screening requirements that, presumptively, satisfy the general standards established in Section 15-305. However, this table is only intended to establish a presumption and should be flexibly administered, as provided in Section 15-309.

(b) The numerical designations contained in the Table of Screening Requirements (Section 15-308) are keyed to the Table of Permissible Uses (Section 15-146), and the letter designations refer to types of screening as described in Section 15-307. This table indicates the type of screening that may be required between two uses. Where such screening is required,

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only one of the two adjoining uses is responsible for installing the screening; the use assigned this responsibility is referred to as the “servient” use in Section 15-308, and the other use is the “dominant” use. To determine which of the two adjoining uses is required to install the screening, find the use classification number of one of the adjoining uses in the servient column and follow that column across the page to its intersection with the use classification number in the dominant use column that corresponds to the other adjoining use. If the intersecting square contains a letter, then the use whose classification number is in the servient column is responsible for installing that level of screening. If the intersecting square does not contain a letter, then begin the process again, starting this time in the servient column with the other adjoining use.

(c) If, when the analysis described in subsection (b) is performed, the servient use is an existing use, but the required screening is not in place, then this lack of screening shall constitute a nonconforming situation, subject to all the provisions of Article VIII of this ordinance.

(d) Notwithstanding any other provision of this article, a multi-family development shall be required at the time of construction, to install any screening that is required between it and adjacent existing uses according to the table set forth in Section 15-308, regardless of whether, in relation to such other uses, the multi-family development is the dominant or servient use.

Section 15-307 Descriptions of Screens.

The following three basic types of screens are hereby established and are used as the basis for the Table of Screening Requirements set forth in Section 15-308.

- (1) **OPAQUE SCREEN. TYPE “A”.** A screen that is opaque from the ground to a height of at least six feet, with intermittent visual obstructions from the opaque portion to a height of at least twenty feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstruction should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants. Suggested planting patterns that will achieve this standard are included in Appendix E.
- (2) **SEMI-OPAQUE SCREEN. TYPE “B”.** A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least twenty feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of

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the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetation screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone for intermittent visual obstruction may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

- (3) **BROKEN SCREEN. TYPE "C".** A screen composed of intermittent visual obstructions from the ground to a height of at least twenty feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The screen may contain deciduous plants. Suggested planting patterns which will achieve this standard are included in Appendix E.

Section 15-308 **Table of Screening Requirements**

[PLEASE REFER TO THE NEXT FOUR (4) PAGES]

SECTION 15-308 TABLE OF SCREENING REQUIREMENTS

DOMINANT USE (EXISTING)

SERVIENT USE (PROPOSED)			1.000														2.000
			1.100														2.100
			1.111	1.112	1.113	1.114	1.121	1.122	1.200	1.300	1.400	1.500	1.600	1.700	1.800	1.900	
1.000	1.100	1.111															
		1.112															
		1.113															
		1.114															
		1.121															
		1.122	B	B					C					C	C	C	
	1.200																
	1.300		C	C	C	C	C		C					C	C	C	
	1.400		C	C	C	C	C		C					C	C	C	
	1.500		A	A	A	A	A	B	A	B	A		A	A	A	A	
	1.600																
	1.700		A	A	A	A	B	B	A	B	B		B		A	A	
	1.800																
	1.900																
2.000	2.100		A	A	A	A	A	B	A	B	A		A	A	A	A	
	2.200		A	A	A	A	A	B	A	B	A		A	A	A	A	B
3.000			A	A	A	A	A	B	A	B	A		A	A	A	A	
4.000			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
5.000	5.100		A	A	A	A	A	B	A	B	B		B	A	A	A	
	5.200		A	A	A	A	A	B	A	B	B		B	A	A	A	
	5.300		A	A	A	A	A	B	A	B	B		B	A	A	A	
	5.400		A	A	A	A	A	B	A	B	A		A	A	A	A	
6.000	6.100		A	A	A	A	A	B	A	B	A		A	A	A	A	
	6.200	6.210	A	A	A	A	A	A	A	A	A	B	A	A	A	A	B
		6.220	B	B	B	B	B	B	B	C	C		C	A	A	A	
		6.230	A	A	A	A	A	A	A	A	A	C	A	A	A	A	B
		6.240	A	A	A	A	A	A	A	A	A	C	A	A	A	A	B
		6.250	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
		6.260	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
7.000			B	B	B	B	B	B	B	B	B		B	B	B	B	
8.000			A	A	A	A	A	B	A	B	A		A	A	A	A	
9.000			A	A	A	A	A	A	A	A	A		A	A	A	A	
10.000			A	A	A	A	A	A	A	A	A	B	A	A	A	A	B
11.000			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
12.000			A	A	A	A	A	A	A	A	A		A	A	A	A	B
13.000			A	A	A	A	B	B	A	B	A		A	A	A	A	
14.000	14.100		B	B	B	B	B	B	B	B	B		B	B	B	B	
	14.200		B	B	B	B	B	B	B	B	B		B	B	B	B	
	14.300		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	14.400		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
15.000	15.100		A	A	A	A	A	A	A	A	A		A	A	A	A	
	15.200		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	15.300		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	15.400		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
16.000			A	A	A	A	A	A	A	A	A		A	A	A	A	
17.000			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
18.000	18.100		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	18.200		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
	18.300		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
19.000			A	A	A	A	B	B	A	B	A		A	A	A	A	B
20.000			A	A	A	A	B	B	A	B	A		A	A	A	A	
21.000	21.100		A	A	A	A	B	B	A	B	B		B	A	A	A	
	21.200		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
22.000			A	A	A	A	B	B	A	B	B		B	A	A	A	
23.000																	
24.000			A	A	A	A	A	A	A	A	A		A	A	A	A	
25.000			A	A	A	A	B	B	A	B	A		A	A	A	A	B
26.000																	
STREETS																	
RAILROAD			A	A	A	A	A	A	A	A	A	A	A	A	A	A	A

SECTION 15-308 TABLE OF SCREENING REQUIREMENTS

DOMINANT USE (EXISTING)

SERVIENT USE (PROPOSED)			DOMINANT USE (EXISTING)													
			2.200	3.000	4.000	5.000					6.000					7.000
						5.100	5.200	5.300	5.400	6.100	6.200					
1.000	1.100	1.111								6.210	6.220	6.230	6.240	6.250	6.260	
		1.112														
		1.113														
		1.114														
		1.121														
		1.122														
	1.200															
	1.300															
	1.400															
	1.500			B		A	A	A	C		B					A
	1.600															
	1.700															
	1.800															
	1.900															
2.000	2.100			C		A	A	A	C		B					A
	2.200			B		A	A	A	B	C	B					A
3.000						A	B	B			B					A
4.000			A	A		A	A	A	A	A	B	A	C	A		A
5.000	5.100															
	5.200															C
	5.300															C
	5.400			C		A	A	A			B					A
6.000	6.100			C		A	A	A	C		C					A
	6.200	6.210		B		A	A	A	B	C	B					A
		6.220					B	B								C
		6.230	C		C	A	A	A	B	C	A	A				A
		6.240	B	B		A	A	A	C	B	C	B	C			A
		6.250	A	A	A	A	A	A	A	A	A	A	A	A		A
		6.260	A	A	A	A	A	A	A	A	A	A	A	A	A	A
7.000						B										
8.000				C		A	A	A	C		B					A
9.000				C		A	A	A	B	A	A					A
10.000			B	B		B	B	B	B	B	B	A	B	B		B
11.000			A	B	A	A	A	A	A	A	A	A	A	A	A	A
12.000				A		A	A	A	A	B	B	A				A
13.000				B		A	A	A	C	C	C	B				
14.000	14.100															
	14.200															
	14.300		A	A	B	A	A	A	A	A	A	A	A	A	A	A
	14.400		A	A	B	A	A	A	A	A	A	A	A	A	A	A
15.000	15.100			C		A	A	A			B					A
	15.200		A	A		A	A	A	A	A	A	A	A			A
	15.300		A	A	B	A	A	A	A	A	A	A	A	A	A	A
	15.400		A	A		A	A	A	A	A	A	A	A	A		A
16.000				C		A	A	A	C		B					A
17.000			A	A	B	A	A	A	A	A	A	A	A	A		A
18.000	18.100		A	A	C	A	A	A	A	A	A	A	A	A	A	A
	18.200		A	A	C	A	A	A	A	A	A	A	A	A	A	A
	18.300		A	A	C	A	A	A	A	A	A	A	A	A	A	A
19.000				B		A	A	A	B	C		B				A
20.000						A	B	B			B					A
21.000	21.100															C
	21.200		A	A		A	A	A	A	A	B	A	C	A		A
22.000																
23.000																
24.000				C		A	A	A	B	C		A				A
25.000				B		A	A	A	B	C		B				A
26.000											B					
STREETS																
RAILROAD			A	A	C	A	A	A	A	A	A	A	A	A	A	A

SECTION 15-308 TABLE OF SCREENING REQUIREMENTS

DOMINANT USE (EXISTING)

SERVIENT USE (PROPOSED)			8.000	9.000	10.000	11.000	12.000	13.000	14.000	14.100	14.200	14.300	14.400	15.000	15.100	15.200	15.300	15.400	16.000
1.000	1.100	1.111																	
		1.112																	
		1.113																	
		1.114																	
		1.121																	
		1.122																	
	1.200																		
	1.300																		
	1.400																		
	1.500								A	A				C					
	1.600																		
	1.700								C	C									
	1.800																		
	1.900																		
2.000	2.100								A	A									
	2.200								A	A				C					
3.000																			
4.000			A	A	B		A	A	A	A				A	C			C	A
5.000	5.100								C	C									
	5.200																		
	5.300																		
	5.400								A	A									
6.000	6.100								A	A									
	6.200	6.210							A	A				B					B
		6.220							B	C									
		6.230	B	C			A	C	A	A				B					C
		6.240	B	C				C	A	A				C					C
		6.250	A	A	B		A	A	A	A				A	C			C	A
		6.260	A	A	A		A	A	A	A				A	A			A	A
7.000																			
8.000								A	A										
9.000								C	A	A				B					
10.000			B	C			C	C	B	B				B					B
11.000			A	A			A	A	A	A	C			A	A			A	A
12.000			A	B				B	A	A				A					B
13.000																			
14.000	14.100																		
	14.200																		
	14.300		A	A	B		A	A	A	A				A	B			B	A
	14.400		A	A	B		A	A	A	A				A	B			C	A
15.000	15.100								A	A									
	15.200		A	A	C		A	C	A	A				B					A
	15.300		A	A	B		A	A	A	A				A	B			B	A
	15.400		A	A	C		A	C	A	A				B					A
16.000									A	A				C					
17.000			A	B	B		B	A	A	A				A	B			B	A
18.000	18.100		A	A	A		A	A	A	A				A	C			C	A
	18.200		A	A	A		A	A	A	A				A	C			A	A
	18.300		A	A	A		A	A	A	A				A	C			C	A
19.000									A	A				C					
20.000																			
21.000	21.100																		
	21.200		A	A	B		A	A	A	A				A	C			C	A
22.000									C	C									
23.000																			
24.000								C	A	A				B					
25.000									A	A				C					
26.000																			
STREETS																			
RAILROAD			A	A	A		C	A	C	C				A	C			C	A

SECTION 15-308 TABLE OF SCREENING REQUIREMENTS

DOMINANT USE (EXISTING)

SERVIENT USE (PROPOSED)			17.000	18.000			19.000	20.000	21.000		22.000	23.000	24.000	25.000	26.000	STRT	RAIL.
				18.100	18.200	18.300			21.100	21.200							
1.000	1.100	1.111															
		1.112															
		1.113															
		1.114															
		1.121															
		1.122														C	A
	1.200																B
	1.300															C	A
	1.400															C	A
	1.500							B	A		A					C	A
	1.600															C	A
	1.700																A
	1.800																A
	1.900																A
2.000	2.100							C	A		A					C	
	2.200							B	A		A				C	C	
3.000									B		A					C	
4.000							A	A	A		A		A	A	A	A	
5.000	5.100															C	
	5.200															C	
	5.300															C	
	5.400							C	A		A					C	
6.000	6.100							C	A		A					C	
	6.200	6.210						B	A		A					C	
		6.220							B							C	
		6.230					C	B		C	A		C	C	C	C	
		6.240					B	B	A		A		C	B	C	B	
		6.250					A	A	A	A	A		A	A	A	A	
		6.260	A				A	A	A	A	A		A	A	A	A	
7.000										B						C	
8.000								C	A		A					C	
9.000								C	A		A				C	C	
10.000							B	B	B		B		C	B	B	B	
11.000			C		C	C	A	A	A	B	A		A	A	A	A	C
12.000								A	A		A		B		B	B	
13.000								B	A		A					C	
14.000	14.100																
	14.200																
	14.300						A	A	A	B	A		A	A	A	A	C
	14.400						A	A	A	B	A		A	A	A	A	C
15.000	15.100							C	A		A					C	
	15.200						A	A	A		A		A	A	A	A	
	15.300						A	A	A		A		A	A	A	A	C
	15.400						A	A	A		A		A	A	A	A	
16.000								C	A		A					C	
17.000							A	A	A	B	A		B	A	A	A	
18.000	18.100						A	A	A	C	A		A	A	A	A	C
	18.200						A	A	A	C	A		A	A	A	A	C
	18.300						A	A	A	C	A		A	A	A	A	C
19.000								B	A		A				C	C	
20.000									B		A					C	
21.000	21.100															C	
	21.200						A	A	A		A		A	A	A	A	
22.000																C	
23.000																	
24.000								C	A		A				C	C	
25.000								B	A		A				C	C	
26.000																C	
STREETS																	
RAILROAD							A	A	A	C	A		A	A	A	A	

Art. XIX - SCREENING AND TREES**Section 15-309 Flexibility in Administration Required.**

(a) The Board recognizes that because of the wide variety of types of developments and the relationships between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, as provided in Section 15-306, the permit-issuing authority may permit deviations from the presumptive requirements of Section 15-308 and may require either more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in Section 15-308 without imposing unnecessary costs on the developer.

(b) Without limiting the generality of subsection (a), the permit-issuing authority may modify the presumptive requirements for:

- (1) Commercial developments located adjacent to residential uses in business zoning districts.
- (2) Commercial uses located adjacent to other commercial uses within the same zoning district.
- (3) Uses located within planned unit developments.

(c) Whenever the permit-issuing authority allows or requires a deviation from the presumptive requirements set forth in Section 15-308, it shall enter on the face of the permit the screening requirement that it imposes to meet the standard set forth in Section 15-308 and the reasons for allowing or requiring the deviation.

(d) If the permit-issuing authority concludes, based upon information it (or the appearance commission) receives in the consideration of a specific development proposal, that a presumption established by Section 15-308 is erroneous, it shall initiate a request for an amendment to the Table of Screening Requirements in accordance with the procedures set forth in Article XX.

Section 15-310 Combination Uses.

(a) In determining the screening requirements that apply between a combination use and another use, the permit-issuing authority shall proceed as if the principal uses that comprise the combination use were not combined and reach its determination accordingly, relying on the table set forth in Section 15-308, interpreted in the light of Section 15-309.

(b) When two or more principal uses are combined to create a combination-use, screening shall not be required between the composite principal uses unless they are clearly separated physically and screening is determined to be necessary to satisfy the standard set forth in Section 15-305. (For example, screening may be required in a residential combination use consisting of single-family and multi-family components.)

Section 15-311 Landscaping Plan.

Any person who has been issued a permit under this chapter for any development in a non-residential district involving the construction of new buildings or parking areas or additions to or exterior modifications of existing buildings or parking areas, as well as (i) any similar development in a residential district, if such development requires a special or conditional use permit, shall prepare and file a landscaping plan prior to the issuance of a building permit for such development. No building permit shall be issued for such development until the Appearance Commission has had the opportunity, pursuant to regular agenda procedures, to review and comment upon such landscaping plan. (AMENDED 2/4/86)

Section 15-311.1. Screening of Flag Lots in the Historic District (HD) (AMENDED 11/21/95).

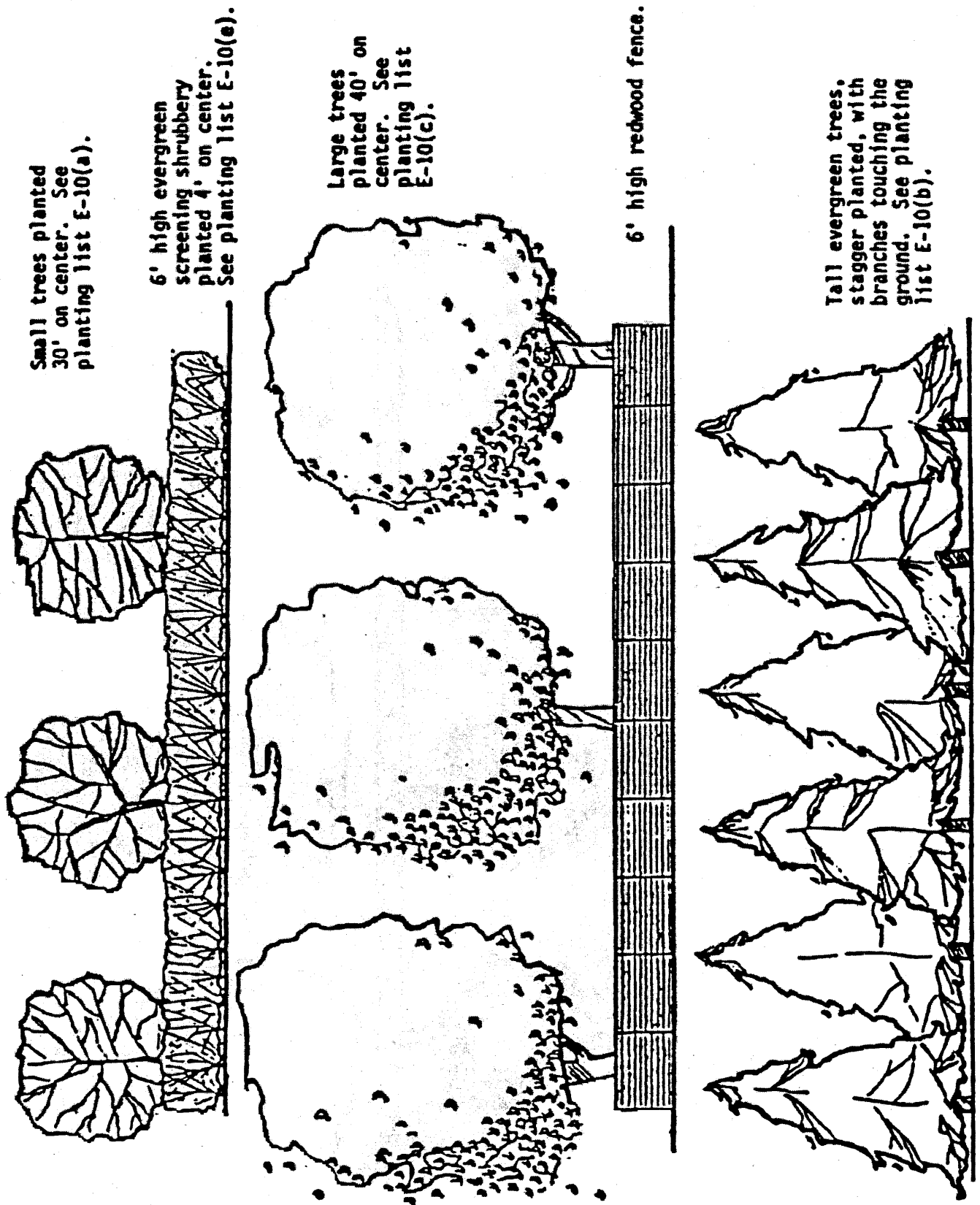
Notwithstanding the provisions of Section 15-308, every flag lot in the Historic District (HD) shall provide a Type B screen [as described in Section 15-307 (1)] between the flag lot and adjacent property [see Section 15-175.10(c)].

Section 15-312 Protective Buffer Along Major Roads (AMENDED 05/25/99)

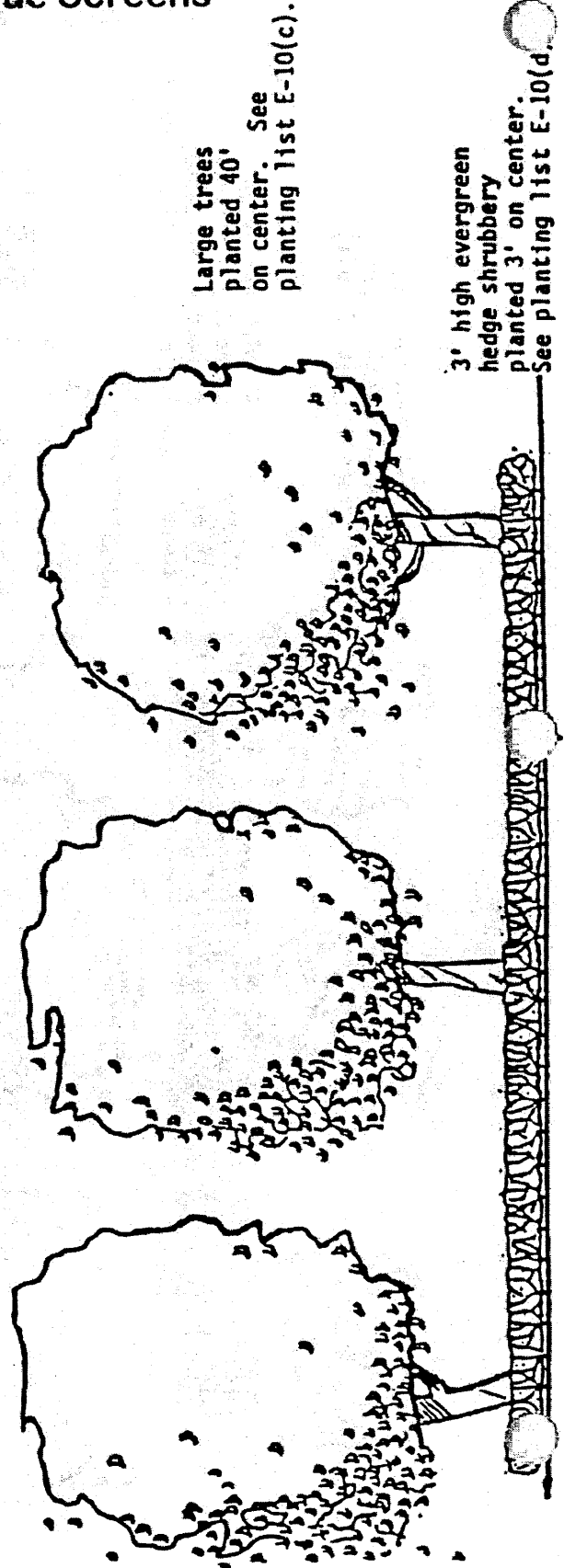
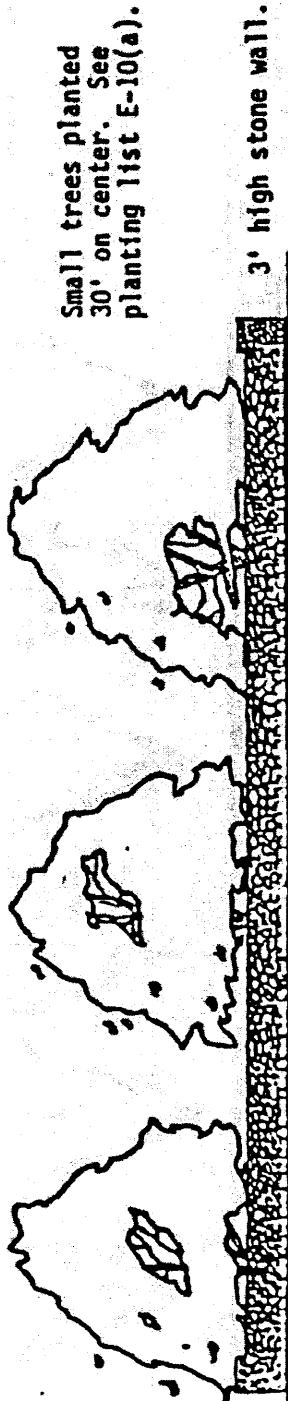
Notwithstanding the provisions of Section 15-308, an undisturbed protective buffer shall be maintained along Old N.C. 86, Dairyland Road, Union Grove Church Road, Homestead Road, Eubanks Road and Smith Level Road south of Ray Road that will help preserve the scenic views and elements of this area. With respect to each property that fronts one of the named streets, any development that occurs after the effective date of this section shall provide an undisturbed buffer (except for necessary crossings) that is a minimum of 50 feet in width and on average is 100 feet in width along such frontage. If the buffer area does not provide the equivalent of a Type 'A' screen, the developer shall provide a Type 'A' screen on the development's side of the buffer (one hundred (100) feet from the right-of-way).

Section 15-313 Reserved.

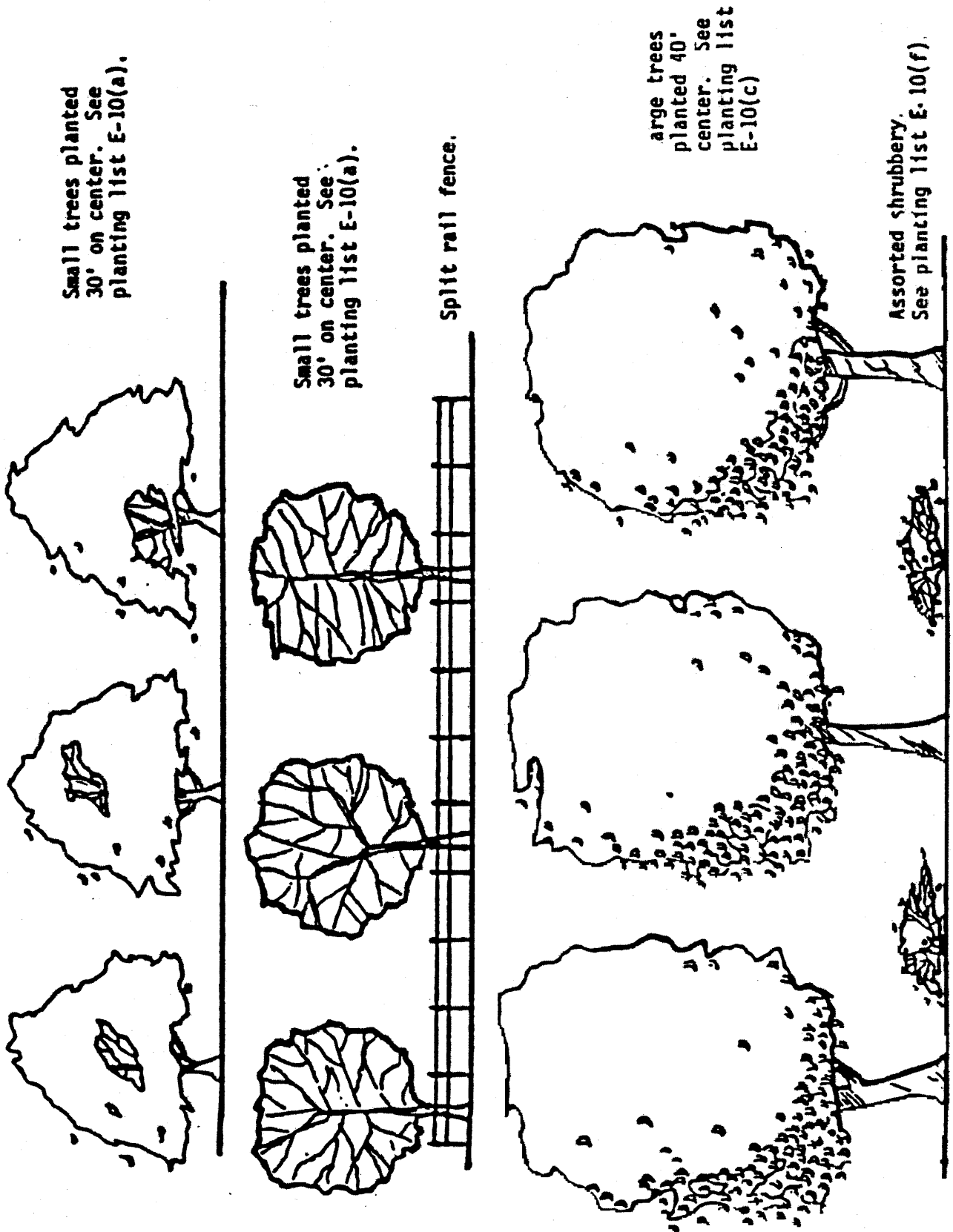
E-6 Typical Opaque Screens



E-7 Typical Semi-Opaque Screens



8 Typical Broken Screen



MICHAEL B. BROUGH & ASSOCIATES

MEMORANDUM

TO: Roy Williford
FROM: Michael B. Brough *M.B.B.*
DATE: June 9, 1994
RE: Special Exceptions Amendment

You have requested that I provide a memorandum explaining the purpose and intent of the proposed amendment to the land use ordinance providing for special exceptions.

The origin of this amendment is a request from Allen Spalt, Chair of the Board of Adjustment, that the land use ordinance be amended to give the Board of Adjustment authority to allow minor deviations from certain dimensional requirements of the ordinance under circumstances where the applicant could not satisfy the very stringent criteria for variances. Two types of "special exceptions" are authorized by the ordinance, one of which is set forth in subsection (d) of Section 15-92.1 and the other of which is provided for in subsection (e) of that section.

Subsection (c) of Section 15-92.1 sets forth the general standards that would have to be satisfied for any special exception under this ordinance. The Board would have to find first that the issuance of the permit will not create a threat to the public health or safety, and second that issuance of the permit will not adversely affect the value of adjoining or neighboring property. With respect to the second finding, the Board is allowed (but not required) to make this finding if the applicant presents a petition, signed by the owners of adjoining or nearby properties, stating that such property owners believe their property values will not be adversely affected by the proposed use. It would be unlawful simply to provide that an applicant is entitled to a special exception permit if the neighbors do not object. However, the effect of a proposed use on adjoining property values is a recognized criterion for the Board to make a decision, and neighbors are competent to testify as to the effect of a proposed use on their property values. This mechanism therefore allows a legitimate method of considering the views of adjoining property owners, while not absolutely binding the Board of Adjustment either to grant the exception if the neighbors "approve" or refuse to grant if the neighbors "disapprove."

The first of the two types of special exceptions is authorized in subsection (d) of Section 15-92.1. This subsection allows a reduction of up to fifty percent in the required setbacks from lot boundary lines. The reduction is permitted only for buildings on lots used for conforming residential purposes in residential districts, and only then when the building in question has existed for at least three years prior to the application. The reason for this is to

Memorandum
Roy Williford
Page Two

prevent the flexibility that this amendment provides from being used routinely by developers to circumvent the basic setback provisions of the ordinance. The intent of this subsection is to provide some relief for homeowners that have lived in a home for a period of time (there is no particular magic to three years) when circumstances arise that create a need or desire to extend a home in a manner that would otherwise violate the setback requirements. The other provisions of this subsection are self-explanatory.

The second type of special exception, authorized in subsection (e) of Section 15-92.1, allows the Board to grant permission to extend a building that is already nonconforming with respect to a setback line along the same plane of the existing nonconformity. The effect is that more of the building will be nonconforming than was previously the case, but none of the building will encroach further upon the setback line than did the building before the exception was granted. This provision has been in Hillsborough's ordinance for some time and has been used successfully.

Please let me know if additional explanation is needed.

Section 15-92.1 Special Exception Permits (AMENDED 06/21/94)
[PLEASE REFERENCE "APPENDIX H"]

(a) An application for a special exception permit shall be submitted to the board of adjustment by filing a copy of the application with the administrator in the planning department.

(b) All of the provisions of this article applicable to the processing of variance applications shall also apply to special exception permit requests, except the provisions of Subsections 15-92(b) and 15-96(b) and (c).

(c) The board of adjustment may issue a special exception permit for the purposes and under the circumstances set forth in the remaining subsections of this section if it concludes, in addition to any other findings required below, that:

- (1) Issuance of the permit will not create a threat to the public health or safety; and
- (2) Issuance of the permit will not adversely affect the value of adjoining or neighboring properties. If the applicant presents a petition, signed by the owners of all properties entitled to receive notice of the hearing on the application pursuant to Section 15-102(2), and stating that such property owners believe their property values will not be adversely affected by the proposed use, this shall be sufficient evidence from which the board may (but shall not be required to) make the required finding. The board may also make the required finding based on other competent evidence.

(d) The board of adjustment may issue a special exception permit under this section to allow a reduction of up to 50% in the required distances that buildings must be set back from lot boundary lines under Subsection 15-184(a)(4), provided that:

- (1) The reduction may be permitted only for buildings on lots used for conforming residential purposes in residential districts, where the building in question has existed for at least three years prior to the application for the special exception permit;
- (2) In no case may the reduction allow a building to be located closer to a lot boundary line than a distance equal to one-half of the minimum building separation requirement established by the North Carolina State Building Code or allow the location of a building in such proximity to a pre-existing building as to violate the minimum building separation requirement of the North Carolina State Building Code;

- (3) Reductions may be allowed under this section only for setbacks from lot boundary lines, not setbacks from street right-of-way lines.

(e) The board of adjustment may issue a special exception permit to authorize a structure to encroach upon a setback required under Section 15-184 if it finds that:

- (1) The proposed encroachment results from an addition to or an extension of an existing structure that already is nonconforming with respect to the requirements of section 15-184; and
- (2) The proposed addition or extension will not encroach upon any required front, rear, or side yard to a greater extent than the existing structure on that lot.

APPENDIX H

EXAMPLE of SECTION 15-92.1

SPECIAL EXCEPTION

