



# Minutes

## Board of Commissioners Work Session with Joint Water and Sewer Advisory Committee Meeting

7 p.m. Aug. 26, 2024

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

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

Advisory board: Vice Chair Daniel Rawlins and members Grace Beeler, Mo Rasheed, Steed Robinson Barry Weston

Absent: Chair Jenn Sykes

Staff: Planning and Economic Development Manager Shannan Campbell, Environmental Engineering Supervisor Bryant Green, Town Attorney Bob Hornik, Town Clerk and Human Resources Technician Sarah Kimrey, Communications Specialist JC Leser, Town Manager Eric Peterson, Utilities Director Marie Strandwitz and Public Space and Sustainability Manager Stephanie Trueblood

### 1. Opening of the work session

Mayor Mark Bell called the meeting to order at 7 p.m.

### 2. Agenda changes and approval

The mayor asked to add Item 6A – Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation).

Motion: Commissioner Kathleen Ferguson moved to approve the amended agenda. Commissioner Matt Hughes seconded.

Vote: 5-0.

### 3. Items for decision - consent agenda

- A. Miscellaneous budget amendments and transfers
- B. Proclamation – Living Wage Day 2024
- C. Unified Development Ordinance text amendments (staff-initiated):
  - Section 6.1 *Development Standards – Purpose and Intent*
  - Section 6.20.16 *Development Standards: Stormwater Management – Riparian Buffers*
- D. Flood Damage Prevention Ordinance text amendment (staff initiated): Article 3, Section 3.C
  - *Establishment of Floodplain Development Permit*

Motion: Ferguson moved to approve all items on the consent agenda. Commissioner Meaghun Darab seconded.

Vote: 5-0. Nays: None.

### 4. In-depth discussion and topics

A. Water and Sewer Advisory Committee and Board of Commissioners Joint Meeting Agenda

Daniel Rawlins, vice chair of the Water and Sewer Advisory Committee, recapped the memorandum sent by the committee to the Board of Commissioners.

Commissioner Robb English expressed appreciation for the service of appointed board members.

Committee members shared that some among them felt frustration that their recommendations on investigating different fee structures and backflow were not accepted by the board. Additionally, participation by departments other than the Utilities Department has declined.

Utilities Director Marie Strandwitz said that participation from other departments has decreased since the COVID-19 pandemic.

Town Manager Eric Peterson said the town used to provide the budget to the board in February, which allowed the committee to review the budget. Since the town has shifted to drafting the budget later in the year, the committee does not have that opportunity. The committee is likely remembering when the town's budget team would provide insight into the water and sewer fund in the early spring.

Strandwitz said the committee has been beneficial for the town when they serve as ambassadors to the public, and members of the board agreed.

Bell said unexpected issues will arise in the future where the committee's input will be valuable to the board.

Water and Sewer Advisory Committee Member Barry Weston requested the board consider the committee meet on an as-needed basis.

Public Space and Sustainability Manager Stephanie Trueblood shared her experience with the cemetery board and the signage committee as examples for the board to consider. The town's cemetery board was folded when it was no longer needed. The signage committee meets as needed to create interpretive signage.

Utilities staff will compile the thoughts of town board members, committee members and staff to determine a path forward for the committee.

B. Rezoning request for 128 W. Margaret Lane

Planning and Economic Development Manager Shannan Campell reviewed the previous action on the rezoning request.

Despite the Planning Board voting against the rezoning, Campbell shared that staff believes the request is reasonable.

The Board of Commissioners confirmed their choice to request that the property owner remove brewery, restaurant and veterinary hospital from the list of acceptable uses he is requesting.

Andrew Lloyd Jr., the property owner, agreed to the changes the Board of Commissioners requested.

Motion: English moved to approve the request to rezone the subject property to Neighborhood Business Conditional Zoning, noting that the action is consistent with the Hillsborough Comprehensive Sustainability Plan. Ferguson seconded.

Vote: 4-1.

#### 5. **Committee updates and reports**

Board members gave updates on the committees and boards on which they serve.

Motion: Ferguson moved to go into closed session. English seconded.

Vote: 5-0.

#### 6. **Closed Session**

- A. Closed session as authorized by North Carolina General Statute Section 143-318.11(a)(3) to consult with the town attorney in order to preserve the attorney-client privilege (potential litigation)

Motion: Darab moved to return to open session. English seconded.

Vote: 5-0.

#### 7. **Adjournment**

The mayor adjourned the meeting at 9:20 p.m.

Respectfully submitted,



Sarah Kimrey

Town Clerk

Staff support to the Board of Commissioners

FY 2024-2025

TOWN OF HILLSBOROUGH  
BUDGET CHANGES REPORT

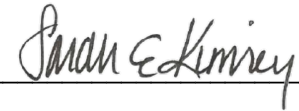
DATES: 08/26/2024 TO 08/26/2024

	<u>REFERENCE</u>	<u>CHANGE NUMBER</u>	<u>DATE</u>	<u>USER</u>	<u>ORIGINAL BUDGET</u>	<u>BUDGET CHANGE</u>	<u>AMENDED BUDGET</u>
GF	10-00-9990-5300-000 CONTINGENCY						
	Contingency To cover new agreement re: bill inserts/ne	45502	08/26/2024	JFernandez	450,000.00	-4,264.00	434,883.00
Gov. Body	10-10-4100-5300-145 MAINTENANCE - BUILDINGS						
	Move refrigerator repair to correct accoun	45500	08/26/2024	JFernandez	250.00	-2,216.00	499.00
Gov. Body	10-10-4100-5300-330 SUPPLIES - DEPARTMENTAL						
	Move refrigerator repair to correct accoun	45499	08/26/2024	JFernandez	400.00	2,216.00	2,616.00
Comms	10-10-4600-5300-451 C.S./PRINTING						
	To cover new agreement re: bill inserts/ne	45501	08/26/2024	JFernandez	2,900.00	4,264.00	7,164.00
Water Dist.	30-80-8140-5300-326 SUPPLIES - PATCH						
	To cover sidewalk replacement from main	45496	08/26/2024	JFernandez	4,000.00	2,000.00	6,000.00
Water Dist.	30-80-8140-5300-330 SUPPLIES - DEPARTMENTAL						
	To cover sidewalk replacement from main	45495	08/26/2024	JFernandez	120,000.00	-2,000.00	109,500.00
						<u>0.00</u>	

APPROVED: 5/0

DATE: 8/26/24

VERIFIED: \_\_\_\_\_





# PROCLAMATION

## Living Wage Day 2024

**WHEREAS**, chronic poverty is one of the biggest challenges to sustainable, diverse, and healthy communities; and

**WHEREAS**, the costs of housing, food, childcare, transportation, and healthcare have increased substantially since the federal minimum wage of \$7.25/hour was last raised in 2009; and

**WHEREAS**, North Carolina is one of just 16 states that have not adjusted its \$7.25/hour minimum wage, even for inflation, over the past 15 years; and

**WHEREAS**, the current living wage in Orange County is \$17.65 per hour, more than \$10/hour higher than the state and federal minimums; and

**WHEREAS**, many workers in Orange County earn less than living wages and are living in poverty despite full-time employment; and

**WHEREAS**, higher wages create more opportunities for those who work in Orange County to live here and enjoy shorter commutes that free up time for recreation, family, and community; and

**WHEREAS**, employers who pay their workers a living wage report substantially less turnover and absenteeism, better job performance, and more positive customer engagement; and

**WHEREAS**, Orange County Living Wage, a 501(c)3 charitable organization, currently has more than 260 employers on its directory who voluntarily pay a living wage and promotes them locally to build a base of engaged, informed consumers who support living-wage-certified businesses and nonprofits; and

**WHEREAS**, Labor Day is a national holiday in recognition of the contributions of workers to the economy and the broader community;

**NOW, THEREFORE**, I, Mark Bell, mayor of the Town of Hillsborough, a living-wage-certified employer, do hereby proclaim Labor Day, Sept. 2, 2024, as Living Wage Day and encourage consumers to support businesses paying their workers a living wage.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused this seal of the Town of Hillsborough to be affixed this 26<sup>th</sup> day of August in the year 2024.



*Mark Bell*

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Mark Bell, Mayor  
Town of Hillsborough

**HILLSBOROUGH BOARD OF COMMISSIONERS**  
**Consistency Statement per Section 160D-605(a)**

**Text Amendment Request from: Staff – Stormwater and Environmental Services**  
**Aug. 26, 2024**

The Hillsborough Board of Commissioners has received and reviewed the application from town Stormwater and Environmental Services staff to amend the Hillsborough Unified Development Ordinance as follows:

*Amend UDO §6.1 (Development Standards – Purpose and Intent) and §6.20.16 (Development Standards – Stormwater Management – Riparian Buffers) to conform with requested revisions from the Division of Water Resources of the North Carolina Department of Environmental Quality.*

The Hillsborough Board of Commissioners has determined the proposed action **is** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) for the following reason(s):

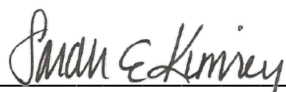
1. The amendments are consistent with the *Environment and Natural Systems* chapter goal to “Employ an integrated ecosystem approach and stewardship mentality to protect, conserve, and restore critical environmental areas and natural systems.”

Strategy: Develop and participate in programs that contribute to sustained ecological health of the environment and natural systems.

The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 26<sup>th</sup> day of August in the year 2024.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Amending the Hillsborough Unified Development Ordinance

### Sections 6.I & 6.20.I6

The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to UDO Section 6.1, *Development Standards – Purpose and Intent* and Section 6.20.16, *Development Standards – Stormwater Management – Riparian Buffers* as attached hereto.
- 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 26th day of August in the year 2024.

Ayes: 5  
 Noes: 0  
 Absent or excused: 0



Sarah E. Kimrey, Town Clerk

## 6.1 PURPOSE AND INTENT

The general intent of this section is to provide standards for development to help ensure the safe and convenient development of land on sites and in locations adequate for the uses proposed. No Zoning Compliance Permit or Certificate of Occupancy shall be issued for uses of land, structures and/or buildings, or for a change in the use, unless the requirements of this Chapter are met. The standards set forth in this section are to be used in conjunction with the other sections of this Ordinance in the development of projects and submittal of site plans.

For the purpose of *Section 6.20.16 Riparian Buffers*, “development” includes any impact or use within the riparian buffer or outside the riparian buffer with hydrological impacts on the riparian buffer.

## 6.20 STORMWATER MANAGEMENT

### 6.20.16 RIPARIAN BUFFERS

#### 6.20.16.1 Purpose and Intent

In order to minimize sedimentation and pollution of surface waters within the planning jurisdiction, riparian buffers shall be provided along all surface waters identified in *Section 6.20.16.3, Applicability*. Undisturbed natural areas along surface waters act as a filter for sedimentation control and as a stabilizing agent for the banks of surface waters. In addition, these areas filter storm water run-off which may carry significant amounts of bacteria, excess nutrients and heavy metals into surface waters. The buffer areas, along with controls on impervious surfaces, provide a good measure of water quality protection for the Eno River.

The Neuse River Basin Nutrient Sensitive Waters Management Strategy riparian buffer protection rules (Neuse Rules) of 15A NCAC 02B .0714, apply to all lands within the Town of Hillsborough’s planning jurisdiction. For the purpose of *Section 6.20.16 Riparian Buffers*, “development” includes any impact or use within the riparian buffer or outside the riparian buffer with hydrological impacts on the riparian buffer. Wherever standards of the Neuse Rules and the standards listed in this ordinance differ, the more restrictive provisions shall apply.

#### 6.20.16.2 Delegated Authority

The North Carolina Division of Water Resources (NCDWR) has jurisdiction to the exclusion of the Planning Director or designee to implement the requirements of the State’s program for the following types of activities:

- 6.20.16.2.a Activities undertaken by the State.
- 6.20.16.2.b Activities undertaken by the United States.
- 6.20.16.2.c Activities undertaken by multiple jurisdictions.
- 6.20.16.2.d Activities undertaken by local units of government; and
- 6.20.16.2.e Forestry Operations

#### 6.20.16.3 Applicability

A riparian buffer shall be established directly adjacent to surface waters (i.e. intermittent streams, perennial streams, lakes and ponds) identified by any of the following means:

- 6.20.16.3.a Surface water shown as solid blue or purple lines or as broken blue or purple lines on the most recent version of USGS Quadrangle maps.
- 6.20.16.3.b Surface water shown in the published version of the Orange County Soil Survey; or



**6.20.16.3.c** A surface water identified in a field determination made by Hillsborough staff trained in surface water identification through the North Carolina Division of Water Resources (NCDWR). If a party disputes the presence of a subject feature, then a request should be made to Hillsborough staff to conduct a field evaluation.

#### **6.20.16.4 Exemption Based upon an On-site Determination**

When a landowner or other affected party including NCDWR believes that the maps inaccurately depict surface waters, they may request an On-site determination conducted by Hillsborough staff who has successfully completed the NCDWR's Surface Water Identification Training Certification course, its successor, or other equivalent training curriculum approved by NCDWR. Any disputes over on-site determinations shall be referred to the Director of NCDWR in writing. A determination of the Director of NCDWR as to the accuracy or application of the maps is subject to review as provided in articles 3 and 4 of G.S. 150B. Surface waters that appear on the maps shall not be subject to *Section 6.20.16, Riparian Buffers* if a site evaluation reveals any of the following cases:

**6.20.16.4.a** Man-made ponds and lakes that are not part of a natural drainage way that is classified in accordance with 15A NCAC 02B .0101, including ponds and lakes created for animal watering, irrigation, or other agricultural uses. A pond or lake is part of a natural drainage way when it is fed by an intermittent or perennial stream or when it has a direct discharge point to an intermittent or perennial stream.

**6.20.16.4.b** Ephemeral streams.

**6.20.16.4.c** The absence on the ground of a corresponding intermittent or perennial stream, lake, reservoir, or pond.

**6.20.16.4.d** Ditches or other man-made water conveyances, other than modified natural streams.

#### **6.20.16.5 Exemption when Existing Uses are Present and Ongoing**

*Section 6.20.16, Riparian Buffers* does not apply to portions of the riparian buffer where a use is considered existing and ongoing according in accordance with 15A NCAC 02B .0714 (6) (a). A use is considered existing if it was present within the riparian buffer as of July 22, 1997. Existing uses shall include, but not be limited to, agriculture, buildings, industrial facilities, commercial areas, transportation facilities, maintained lawns, utility lines and on-site sanitary sewage systems. Only the portion of the riparian buffer that contains the footprint of the existing use is exempt from *Section 6.20.16, Riparian Buffers*.

#### **6.20.16.6 Calculations for Width of Riparian Buffers**

A buffer of fifty (50) feet in width as defined in *Section 6.20.16.7* is required on all sides of the surface water as identified in *Section 6.20.16.3, Applicability*. For streams within the PW and PWCA zoning districts (see *Section 4.5, Other Zoning Districts*), the width of the stream is calculated as outlined in *Section 4.5.3.8.d, Calculating Width of Riparian Buffer*.

#### **6.20.16.7 Zones of the Riparian Buffer**

**6.20.16.7.a** Zone 1 shall consist of a vegetated area that is undisturbed except for uses provided for in sections *6.20.16.8, Uses within Riparian Buffers* and *6.20.16.11, Stormwater Runoff Through the Riparian Buffer*. The location of Zone 1 shall be as follows:

- (i) For intermittent and perennial streams, Zone 1 shall begin at the most landward limit of the top of bank or the rooted herbaceous vegetation and extend landward a distance of 30 feet on all sides of the stream, measured horizontally on a line perpendicular to the stream (where an intermittent or perennial stream begins or

ends, including when it goes underground, enters or exits a culvert, or enters or exits a wetland, the required distance shall be measured as a radius around the beginning or the end).

- (ii) For ponds, lakes and reservoirs, Zone 1 shall begin at the normal water level and extend landward a distance of 30 feet, measured horizontally on a line perpendicular to the surface water.

**6.20.16.7.b** Zone 2 shall consist of a stable, vegetated area that is undisturbed except for activities and uses provided for in sections 6.20.16.8, *Uses within Riparian Buffers* and 6.20.16.11, *Stormwater Runoff Through the Riparian Buffer*. Grading and revegetating Zone 2 is allowed provided that the health of the vegetation in Zone 1 is not compromised. Zone 2 shall begin at the outer edge of Zone 1 and extend landward 20 feet as measured horizontally on a line perpendicular to the surface water. The combined width of Zones 1 and 2 shall be 50 feet on all sides of the surface water.

### 6.20.16.8 Uses Within Riparian Buffers

Uses within the riparian buffer, or outside the riparian buffer with hydrological impacts on the riparian buffer, shall be designated as deemed allowable, allowable upon authorization, allowable with mitigation upon authorization, or prohibited. Potential new uses shall have the following requirements.

- 6.20.16.8.a Deemed Allowable.** Uses designated as deemed allowable in *Table 6.20.16.8, Uses within Riparian Buffers* and 6.20.16.11, *Stormwater Runoff Through the Riparian Buffer* may occur within the riparian buffer. Deemed allowable uses shall be designed, constructed and maintained to minimize vegetation and soil disturbance and to provide the maximum water quality protection practicable, including construction, monitoring, and maintenance activities. In addition, deemed allowable uses shall meet all requirements listed in *Table 6.20.16.8, Uses within Riparian Buffers* for the specific use.
- 6.20.16.8.b Allowable Upon Authorization.** Uses designated as allowable upon authorization in *Table 6.20.16.8, Uses within Riparian Buffers* and 6.20.16.11, *Stormwater Runoff Through the Riparian Buffer* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for "No Practical Alternatives"* and *Section 6.20.16.10, Written Authorization Required*.
- 6.20.16.8.c Allowable with Mitigation Upon Authorization.** Uses designated as allowable with mitigation upon authorization in *Table 6.20.16.8, Uses within Riparian Buffers* require a written Authorization Certificate for impacts within the riparian buffer pursuant to *Section 6.20.16.9, Basis for "No Practical Alternatives"* and *Section 6.20.16.10, Written Authorization Required*. In addition, an appropriate mitigation strategy is required pursuant to *Section 6.20.16.12, Mitigation*.
- 6.20.16.8.d Prohibited.** Uses designated as prohibited in *Table 6.20.16.8, Uses within Riparian Buffers* may not proceed within the riparian buffer unless a variance is granted by the North Carolina Environmental Management Commission pursuant to 15A NCAC 02B .0226. Mitigation may be required as a condition of variance approval.

**Table 6.20.16.8 Uses within Riparian Buffers**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
a) Airport Facilities				
i) Vegetation removal activities necessary to comply with Federal Aviation Administration requirements ( <i>e.g.</i> , line of sight requirements) provided the disturbed areas are stabilized and revegetated	X			
ii) Airport facilities that impact equal to or less than one-third of an acre of riparian buffer		X		
iii) Airport facilities that impact greater than one third of an acre of riparian buffer			X	
b) Archaeological activities				
c) Bridges:				
i) Impact equal to or less than one-tenth of an acre of riparian buffer	X			
ii) Impact greater than one-tenth of an acre of riparian buffer		X		
d) Dam maintenance activities:				
i) Dam maintenance activities that do not cause additional riparian buffer disturbance beyond the footprint of the existing dam	X			
ii) Dam maintenance activities that do cause additional riparian buffer disturbance beyond the footprint of the existing dam		X		
e) Drainage of a pond subject to <i>Section 6.20.16.3, Applicability</i> provided that a new riparian buffer is established by natural regeneration or planting, within 50 feet of any stream which naturally forms or is constructed within the drained pond area. Drained ponds shall be allowed to naturalize for a minimum of six months from completion of the draining activity before a stream determination is conducted pursuant to <i>Section 6.20.16.3.c</i> .	X			
f) Fences:				
i) Fencing livestock out of surface waters	X			
ii) Installation does not result in removal of trees from Zone 1	X			
iii) Installation results in removal of trees from Zone 1		X		

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
g) Fertilizer application:				
i) One-time fertilizer application at agronomic rates in the riparian buffer to establish replanted vegetation. No runoff from this one-time application in the riparian buffer is allowed in the surface water	X			
ii) Ongoing fertilizer application				X
h) Forest harvesting – see 15A NCAC 02B .0612				
i) Grading only in Zone 2 provided that the health of existing vegetation in Zone 1 is not compromised, <i>Section 6.20.16.11, Stormwater Through the Riparian Buffer</i> is complied with, and disturbed areas are stabilized and revegetated		X		
j) Greenways, trails, sidewalks or linear pedestrian/bicycle transportation systems:				
i) In Zone 2 provided that no built-upon area is added within the riparian buffer	X			
ii) In Zone 1 provided that no built-upon area is added within the riparian buffer and the installation does not result in the removal of tree(s)	X			
iii) When built-upon area is added to the riparian buffer, equal to or less than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative		X		
iv) When built-upon area is added to the riparian buffer, greater than 10 feet wide with two foot wide shoulders. Shall be located outside Zone 1 unless there is no practical alternative			X	
k) Historic preservation	X			
l) New Landfills as defined by NC G.S. 130A-290				X
m) Maintenance access on modified natural streams or canals: a grassed travelway on one side of the waterbody when less impacting alternatives are not practical. The width and specifications of the travelway shall be only that needed for equipment access and operation. The travelway shall be located to maximize stream shading.		X		

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
n) Mining activities:				
i) Mining activities that are covered by the Mining Act provided that new riparian buffers that meet the requirements in sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> are established adjacent to any relocated channels		X		
ii) Mining activities that are not covered by the Mining Act OR where new riparian buffers that meet the requirements in sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> are not established			X	
iii) Wastewater or mining dewatering wells with approved NPDES permit	X			
o) On-site sanitary sewage systems - new ones that use ground absorption				
p) Pedestrian access trails and associated steps leading to a surface water, dock, canoe or kayak access, fishing pier, boat ramp or other water dependent structure:				
i) Equal to or less than six feet wide that does not result in the removal of tree(s) within the riparian buffer and does not result in the addition of built-upon area to the riparian buffer	X			
ii) Equal to or less than six feet wide that results in the removal of tree(s) or the addition of built-upon area to the riparian buffer		X		
iii) Greater than six feet wide			X	
q) Playground equipment:				
i) Playground equipment on single-family lots provided that installation and use does not result in removal of vegetation	X			
ii) Playground equipment on single-family lots where installation or use results in the removal of vegetation		X		
iii) Playground equipment installed on lands other than single-family lots		X		
r) Ponds created or modified by impounding streams subject to riparian buffers pursuant to Section 6.20.16.3, <i>Applicability</i> and not used as stormwater control measures (SCMs):				
i) New ponds provided that a riparian buffer that meets the requirements of sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> is established adjacent to the pond		X		
ii) New ponds where a riparian buffer that meets the requirements of sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> is NOT established adjacent to the pond			X	

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
s) Protection of existing structures and facilities when this requires additional disturbance to the riparian buffer		X		
t) Public Safety - Publicly owned spaces where it has been determined by the head of the local law enforcement agency with jurisdiction over that area that the riparian buffers pose a risk to public safety. The head of the local law enforcement agency shall notify the local government with land use jurisdiction over the publicly owned space and the Division of Water Resources of any such determination in writing	X			
u) Removal of previous fill or debris provided that <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is complied with and any vegetation removed is restored		X		
v) Residential Properties: Where application of this Rule would preclude construction or expansion of a single-family residence and necessary infrastructure, the single-family residence may encroach in the buffer if all of the following conditions are met: (1) the residence is set back the maximum feasible distance from the top of the bank, rooted herbaceous vegetation, normal high-water level, or normal water level, whichever is applicable, on the existing lot; (2) the residence is designed to minimize encroachment into the riparian buffer; (3) the residence complies with <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> ; and (4) if the residence will be served by an on-site wastewater system, no part of the septic tank or drainfield may encroach into the riparian buffer:				
i) The residence or necessary infrastructure only impact Zone 2		X		
ii) The residence or necessary infrastructure impact Zone 1			X	
iii) Impacts other than the residence or necessary infrastructure			X	
w) Restoration or enhancement (wetland, stream) as defined in 33 CFR Part 332 available free of charge on the internet at: <a href="http://water.epa.gov/lawsregs/guidance/wetlands/wetlandsmitigation_index.cfm">http://water.epa.gov/lawsregs/guidance/wetlands/wetlandsmitigation_index.cfm</a> :				
i) Wetland or stream restoration is part of a compensatory mitigation bank, nutrient offset bank, or the In Lieu Fee program	X			
ii) Wetland or stream restoration other than those listed above		X		

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
x) Road, driveway or railroad - impacts other than perpendicular crossings of streams and other surface waters subject to this Rule			X	
y) Road, driveway or railroad - perpendicular crossings of streams and other surface waters subject to this Rule				
i) Impact equal to or less than one-tenth of an acre of riparian buffer	X			
ii) Impact greater than one-tenth of an acre but equal to or less than one-third of an acre of riparian buffer		X		
iii) Impact greater than one-third of an acre of riparian buffer			X	
iv) Driveway crossings in a residential subdivision that cumulatively impact equal to or less than one-third of an acre of riparian buffer		X		
v) Driveway crossings in a residential subdivision that cumulatively impact greater than one-third of an acre of riparian buffer			X	
vi) Farm roads and forest roads that are exempt from permitting from the U.S. Army Corps of Engineers per Section 404(f) of the Federal Clean Water Act	X			
z) Road relocation of existing private access roads associated with public road projects where necessary for public safety:				
i) Less than or equal to 2,500 square feet of riparian buffer impact		X		
ii) Greater than 2,500 square feet of riparian buffer impact			X	
aa) Scientific studies and stream gauging	X			
bb) Slatted uncovered decks, including steps and support posts, which are associated with a dwelling, provided that it meets the requirements of sections 6.20.16.7, <i>Zones of the Riparian Buffer</i> and 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> and:				
i) Installation does not result in removal of vegetation in Zone 1		X		
ii) Installation results in removal of vegetation in Zone 1			X	
cc) Stormwater Control Measure (SCM) as defined in 15A NCAC 02H .1002:				
i) In Zone 2 if Section 6.20.16.11, <i>Stormwater Runoff Through the Riparian Buffer</i> is complied with		X		
ii) Installation results in removal of vegetation in Zone 1			X	

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
dd) Streambank or shoreline stabilization		X		
ee) Temporary roads, provided that the disturbed area is restored to pre-construction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295:				
i) Less than or equal to 2,500 square feet of riparian buffer disturbance	X			
ii) Greater than 2,500 square feet of riparian buffer disturbance		X		
iii) Associated with culvert installation or bridge construction or replacement		X		
ff) Temporary sediment and erosion control devices provided that the disturbed area is restored to preconstruction topographic and hydrologic conditions and replanted with comparable vegetation within two months of when construction is complete. Tree planting may occur during the dormant season. At the end of five years, any restored wooded riparian buffer shall comply with the restoration criteria in 15A NCAC 02B .0295:				
i) In Zone 2 provided that ground cover is established within the timeframes required by the Sedimentation and Erosion Control Act, vegetation in Zone 1 is not compromised, and that discharge is released in accordance with <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i>	X			
ii) In Zones 1 and 2 to control impacts associated with uses identified in this table or uses that have received an Authorization Certificate with Exception provided that sediment and erosion control for upland areas is addressed outside the riparian buffer		X		
iii) In-stream temporary erosion and sediment control measures for work within a stream channel that is authorized under Sections 401 and 404 of the Federal Clean Water Act	X			
gg) Utility Lines - Streambank stabilization for the protection of publicly owned utility lines (not including new line installation):				
i) Less than 150 feet of streambank disturbance	X			
ii) Greater than 150 feet of streambank disturbance		X		



**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
hh) Utility – Sewer lines – Sanitary Sewer Overflows:				
i) Emergency sanitary sewer overflow response activities, provided that the disturbed area within the riparian buffer outside of the existing utility line maintenance corridor is the minimum necessary to respond to the emergency overflow, is restored to pre-construction topographic and hydrologic conditions, and is replanted with comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) within two months of when disturbance is complete	X			
ii) Emergency sanitary sewer overflow response activities that do not meet the listing above. For any new proposed permanent impacts that are not a "Deemed Allowable" activity, an application for an Authorization Certificate shall be submitted to the Authority no later than 30 calendar days of conclusion of the emergency response activities		X		
ii) Utility - Sewer Lines – Vegetation maintenance activities that remove forest vegetation from existing sewer utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:				
i) Zone 2 impacts	X			
ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	X			
iii) Zone 1 impacts other than those listed above		X		
jj) Utility - Sewer Lines –Replacement/Rehabilitation of existing sewer lines within, or adjacent to, an existing right of way but outside of an existing utility line maintenance corridor provided that comparable vegetation (e.g. grass with grass, hardwoods with hardwoods) is allowed to regenerate in disturbed riparian buffers outside of the permanent maintenance corridor and riparian buffers outside of the permanent maintenance corridor are not maintained:				
i) Permanent maintenance corridor equal to or less than 30 feet wide provided there is no grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream	X			
ii) Grading and/or grubbing within 10 feet of the top of bank when the sewer line is parallel to the stream and permanent maintenance corridor equal to or less than 30 feet wide		X		

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
iii) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			X	
kk) Utility - Sewer Lines – New Line Construction/Installation Activities – Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i> , provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:				
i) Construction corridor of less than or equal to 40 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	X			
ii) Construction corridor of greater than 40 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		X		
iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			X	
iv) Permanent maintenance corridor greater than 30 feet wide. For impacts other than perpendicular crossings, mitigation is only required for Zone 1 impacts. For perpendicular crossings that disturb equal to or less than 40 linear feet, no mitigation is required. For perpendicular crossings that disturb greater than 40 linear feet, mitigation is only required for Zone 1 impacts			X	
ll) Utility - Sewer Lines – New Line Construction/Installation Activities – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:				
i) Zone 2 impacts	X			
ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		X		
iii) Zone 1 impacts other than those listed above			X	

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
mm) Utility - Non-sewer Underground Lines – Vegetation maintenance activities that remove forest vegetation from existing utility right of ways (not including new line installation) outside of the existing utility line maintenance corridor:				
i) Zone 2 impacts	X			
ii) Zone 1 impacts: For lines that have not been maintained, the vegetation can be mowed, cut or otherwise maintained without disturbance to the soil structure for a maintenance corridor that is equal to or less than 30 feet wide	X			
iii) Zone 1 impacts other than those listed above		X		
nn) Utility – Non-Sewer Underground Lines – Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i> , provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:				
i) Construction corridor of less than or equal to 50 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide	X			
ii) Construction corridor of greater than 50 linear feet wide and less than or equal to 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide		X		
iii) Construction corridor of greater than 150 linear feet wide and a permanent maintenance corridor that is equal to or less than 30 feet wide			X	
iv) Permanent maintenance corridor that is greater than 30 linear feet wide (mitigation is required only for Zone 1 impacts)			X	
oo) Utility – Non-Sewer Underground Lines – Impacts other than perpendicular crossings provided that vegetation is allowed to regenerate in disturbed areas outside of the permanent maintenance corridor:				
i) Zone 2 impacts	X			
ii) Zone 1 impacts to less than 2,500 square feet when impacts are solely the result of tying into an existing utility line and when grubbing or grading within 10 feet immediately adjacent to the surface water is avoided		X		
iii) Zone 1 impacts other than those listed above			X	

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
pp) Utilities – Non-sewer aerial lines - Perpendicular crossings of streams and other surface waters subject to <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to <i>Section 6.20.16</i> :				
i) Disturb equal to or less than 150 linear feet wide of riparian buffer provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody	X			
ii) Disturb greater than 150 linear feet wide of riparian buffer		X		
qq) Utilities – Non-sewer Aerial Lines - Impacts other than perpendicular crossings of streams and other surface waters subject to this <i>Section 6.20.16</i> , or perpendicular entry into the riparian buffer that does not cross a stream or other surface water subject to this <i>Section 6.20.16</i> :				
i) Impacts in Zone 2 only	X			
ii) Impacts in Zone 1 provided that a minimum zone of 10 feet wide immediately adjacent to the waterbody is managed such that only vegetation that poses a hazard or has the potential to grow tall enough to interfere with the line is removed, that no land grubbing or grading is conducted in Zone 1, and that poles or aerial infrastructure are not installed within 10 feet of a waterbody		X		
rr) Vegetation management:				
i) Emergency fire control measures provided that topography is restored	X			
ii) Periodic mowing and harvesting of plant products only in Zone 2	X			
iii) Placement of mulch ring around restoration plantings for a period of five years from the date of planting	X			
iv) Planting non-invasive vegetation to enhance the riparian buffer	X			
v) Pruning forest vegetation provided that the health and function of the forest vegetation is not compromised	X			
vi) Removal of individual trees, branches or limbs which are in danger of causing damage to dwellings, existing utility lines, other structures or human life, or are imminently endangering stability of the streambank provided that the stumps are left or ground in place without causing additional land disturbance	X			

**Table 6.20.16.8 Uses within Riparian Buffers (continued)**

Riparian Buffer Use/Activity	Deemed Allowable	Allowable Upon Authorization	Allowable with Mitigation Upon Authorization	Prohibited
vii) Removal of individual trees that are dead, diseased or damaged	X			
viii) Removal of poison ivy, oak or sumac. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant, then the riparian buffer shall be replanted with non-invasive species		X		
ix) Removal of understory nuisance vegetation as defined in: Smith, Cherri L. 2008. Invasive Plants of North Carolina. Dept. of Transportation. Raleigh, NC. Removal can include application of pesticides within the riparian buffer if the pesticides are certified by EPA for use in or near aquatic sites and are applied in accordance with the manufacturer's instructions. If removal is significant then the riparian buffer shall be replanted with non-invasive species		X		
x) Removal of woody vegetation in Zone 1 provided that <i>Section 6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is complied with			X	
ss) Vehicle access roads and boat ramps (excluding parking areas) leading to surface water, docks, fishing piers, and other water dependent activities:				
i) Single vehicular access road and boat ramp to the surface water but not crossing the surface water that are restricted to the minimum width practicable not to exceed 15 feet wide		X		
ii) Vehicular access roads and boat ramps to the surface water but not crossing the surface water that are restricted to the minimum width practicable and exceed 15 feet wide			X	
tt) Water dependent structures (except for boat ramps) as defined in 15A NCAC 02B .0202		X		
uu) Water supply reservoirs:				
i) New reservoirs provided that a riparian buffer that meets the requirements of sections <i>6.20.16.7, Zones of the Riparian Buffer</i> and <i>6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is established adjacent to the reservoir		X		
ii) New reservoirs where a riparian buffer that meets the requirements of sections <i>6.20.16.7, Zones of the Riparian Buffer</i> and <i>6.20.16.11, Stormwater Runoff Through the Riparian Buffer</i> is NOT established adjacent to the reservoir			X	
vv) Water wells	X			
ww) Wildlife passage structures		X		

**6.20.16.9 Basis for “No Practical Alternatives”**

Where written authorization is required in *Section 6.20.16.8, Uses Within Riparian Buffers*, the applicant must demonstrate “no practical alternatives.” The determination of “no practical alternatives” will be made by the Planning Director or designee based upon the following:

- 6.20.16.9.a** The basic project purpose cannot be practically accomplished in a manner that would better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.b** The use cannot practically be reduced in size or density, reconfigured or redesigned to better minimize disturbance, preserve aquatic life and habitat, and protect water quality.
- 6.20.16.9.c** Best management practices shall be used if necessary to minimize disturbance, preserve aquatic life and habitat, and protect water quality.

**6.20.16.10 Written Authorization Required**

Where written authorization is required in *Section 6.20.16.8, Uses Within Riparian Buffers*, proposed impacts to the riparian buffer may not commence until written authorization is provided by the Planning Director or designee. Use authorization may include conditions specific to the proposed activity. Unauthorized impacts to riparian buffers are subject to enforcement penalties as outlined in *Section 8, Enforcement*.

Prior to any land disturbing activity within a designated riparian buffer, the property owner shall provide written notification of the location and nature of the proposed use to the Planning Director or designee for review. Written notification must include the following:

- 6.20.16.9.a** The name, address and phone number of the applicant.
- 6.20.16.9.b** The nature of the activity to be conducted by the applicant.
- 6.20.16.9.c** The location of the activity.
- 6.20.16.9.d** A map of sufficient detail to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimensions of any disturbance in the riparian buffers associated with the activity, and the extent of the riparian buffers on the land; and
- 6.20.16.9.e** An explanation of why this plan for the activity cannot be practically accomplished, reduced or reconfigured to better minimize disturbance to the riparian buffer, preserve aquatic life and habitat and protect water quality.
- 6.20.16.9.f** Plans for any best management practices proposed to be used to control the impacts associated with the activity.

**6.20.16.11 Stormwater Runoff Through the Riparian Buffer**

**6.20.16.11.a** Stormwater runoff into the riparian buffer shall meet dispersed flow as defined in 15A NCAC 02H .1002 except as otherwise described in this section. Drainage conveyances include drainage ditches, roadside ditches, and stormwater conveyances.

The following stormwater conveyances through the riparian buffer are either deemed allowable or allowable upon authorization, as defined in *Section 6.20.16.8, Uses within Riparian Buffers*, provided that they do not erode through the riparian buffer and do not cause erosion to the receiving waterbody. Stormwater conveyances through the riparian buffer that are not listed below are not allowable.

**6.20.16.11.b** The following are deemed allowable as defined in *Section 6.20.16.8.a, Deemed**Allowable:*

- i. New drainage conveyances from a Primary SCM, as defined in 15A NCAC 02H .1002, when the Primary SCM is designed to treat the drainage area to the conveyance and that comply with a stormwater management plan reviewed and approved under a state stormwater program or a state-approved local government stormwater program; and
- ii. New stormwater flow to existing drainage conveyances provided that the addition of new flow does not result in the need to alter the conveyance.

**6.20.16.11.c** The following are allowable upon authorization as defined in *Section 6.20.16.8.b,**Allowable Upon Authorization:*

- i. New drainage conveyances from a Primary SCM as defined in 15A NCAC 02H .1002 when the Primary SCM is provided to treat the drainage area to the conveyance but are not required to be approved under a state stormwater program or a state-approved local government stormwater program;
- ii. New drainage conveyances when the drainage area to the conveyance is demonstrated via approved nutrient calculation methodologies to meet the nutrient loading goal of 2.2 pounds per acre per year of Nitrogen (N) and 0.33 pounds per acre per year of Phosphorus (P);
- iii. New drainage conveyances when the flow rate of the conveyance is less than 0.5 cubic feet per second during the peak flow from the 0.75 inch per hour storm;
- iv. New stormwater runoff that has been treated through a level spreader-filter strip that complies with 15A NCAC 02H .1059;
- v. Realignment of existing drainage conveyances applicable to publicly funded and maintained linear transportation facilities when retaining or improving the design dimensions provided that no additional travel lanes are added and the minimum required roadway typical section is used based on traffic and safety considerations;
- vi. Realignment of existing drainage conveyances retaining or improving the design dimensions provided that the size of the drainage area and the percent built-upon area within the drainage area remain the same;
- vii. New or altered drainage conveyances applicable to publicly funded and maintained linear transportation facilities provided that SCMs, or BMPs from the NCDOT Stormwater Best Management Practices Toolbox, are employed;
- viii. New drainage conveyances applicable to publicly funded and maintained linear transportation facilities that do not provide a stormwater management facility due to topography constraints provided other measures are employed to protect downstream water quality to the maximum extent practical; and

- ix. New drainage conveyances where the drainage area to the conveyance has no new built-upon area as defined in 15A NCAC 02H .1002 and the conveyance is necessary for bypass of existing drainage only.

#### **6.20.16.12 Mitigation**

Where mitigation is required pursuant to the permitted uses listed in *Section 6.20.16.8, Uses Within Riparian Buffers* and *Table 6.20.16.8, Uses within Riparian Buffers*, mitigation shall follow the standards set out in the state's consolidated Riparian Buffer Mitigation Rule, 15A NCAC 02B .0295.

#### **6.20.16.13 Riparian Buffer and Minimum Lot Requirements**

The riparian buffer may be used in meeting the required minimum lot areas set forth in the Ordinance.



**HILLSBOROUGH BOARD OF COMMISSIONERS**  
**Consistency Statement per Section 160D-605(a)**

**Text Amendment Request from: Staff – Planning and Economic Development Division**  
**Aug. 26, 2024**

The Hillsborough Board of Commissioners has received and reviewed the application from Planning and Economic Development Division staff to amend the Town Flood Damage Prevention Ordinance as follows:

*Amend Article 3 (General Provisions) Section 3.C (Establishment of Floodplain Development Permit) to allow certain development activities in Special Flood Hazard Areas, such as agriculture, horticulture, and private utility connections, if the proposed development complies with applicable Flood Damage Prevention Ordinance requirements and a floodplain development permit is obtained.*

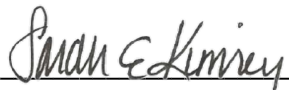
The Hillsborough Board of Commissioners has determined the proposed action **is** consistent with the Town of Hillsborough’s Comprehensive Sustainability Plan (CSP) because it **supports** the following goal:

1. Town Government & Public Services Goal 2: Adopt local laws, regulations & policies that help to achieve sustainable & equitable outcomes.

The foregoing consistency statement having been submitted to a vote, received the following vote and was duly adopted this 26<sup>th</sup> day of August in the year 2024.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk



# ORDINANCE

## Amending the Hillsborough Flood Damage Prevention Ordinance Section 3C., *General Provisions – Establishment of Floodplain Development Permit*


The Hillsborough Board of Commissioners ordains the following amendments:

- Section 1.** The amendments to Flood Damage Prevention Ordinance Section 3C, *General Provisions – Establishment of Floodplain Development Permit*, as attached hereto.
- 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 26th day of August in the year 2024.

Ayes: 5  
Noes: 0  
Absent or excused: 0



  
\_\_\_\_\_  
Sarah E. Kimrey, Town Clerk

### **3.C. ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT.**

In general, no development or development activity is allowed in Special Flood Hazard Areas. However, the following development activities may be permitted provided the activity and any related structures, including accessory/appurtenant structures and equipment, comply with all applicable provisions of this and other federal, state, and local ordinances; and receive a Floodplain Development Permit in accordance with the provisions of Article 4.B:

- 3.C.1. Construction of public or private roads, greenways, pedestrian crossings (e.g., footbridges), and hiking or horseback riding trails.
- 3.C.2. Installation of public or private utilities and facilities such as wastewater, gas, electrical and water systems, including accessory service lines.
- 3.C.3. Fences meeting all the following requirements:
  - (a) Vertical support posts do not exceed eight feet in height and six inches in width or diameter at any point,
  - (b) Vertical support posts are placed no less than six feet on center,
  - (c) The construction method is wire, post and wire (with or without top and bottom rails), post and rail (with or without wire), or post and cross rails (with or without wire), and
  - (d) The smallest dimension of wire openings is no less than one inch.
- 3.C.4. General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm and other similar agricultural, wildlife and related uses.
- 3.C.5. Lawns, gardens, play areas and other similar uses.
- 3.C.6. Picnic grounds, parks, playgrounds, open space and other similar public and private recreational uses.

**BOARD OF COMMISSIONERS  
TOWN OF HILLSBOROUGH, NORTH CAROLINA**

**Consistency Statement per Section 160D-605**

*Request to amend the Official Zoning Map for the Town of Hillsborough -  
128 W. Margaret Lane (Parcel ID Number: 9874-06-2054)*

Aug. 26, 2024

The Board of Commissioners for the Town of Hillsborough has received and reviewed the request from Mr. Andrew B. Lloyd, Jr. to amend the town's Official Zoning Map as follows:

- *Rezone the parcel identified as 128 W. Margaret Lane (PIN 9874-06-2054) from Neighborhood Business Special Use (NBSU) to Neighborhood Business, a general use zoning district.*
- *If the Board of Commissioners is not amenable to a general use rezoning, then the applicant requests to expand the list of allowable land uses under the de facto Neighborhood Business Conditional Zoning district, under which the applicant and commissioners can negotiate a list of appropriate land uses for the property.*

The Board of Commissioners has determined that rezoning the parcel to Neighborhood Business Conditional Zoning **is** with the town's Comprehensive Sustainability Plan (CSP) because:

1. The proposed amendment **is** with the *Land Use and Development* chapter goal to "Ensure that future growth and development, including infill and redevelopment, are aligned with smart growth principles and consider infrastructure constraints such as water and wastewater system capacity."

Strategy: Coordinate all plans, including land use, zoning, utility and infrastructure provision, and annexation policies to ensure that future growth and development – including infill and redevelopment – establishes and follows land use and growth preferences.

2. The proposed rezoning **does** advance identified goals and strategies found in the CSP and does not promote public health, safety, and welfare because it would allow for infill/redevelopment inconsistent with the unique character of the neighborhood.

The foregoing consistency statement, having been submitted to a vote, received the following vote and was duly adopted this 26<sup>th</sup> day of August in the year 2024.

Ayes: 4

Noes: 1

Absent or excused: 0



*Sarah E. Kimrey*

Sarah E. Kimrey, Town Clerk



## ORDINANCE

### Amending the Official Zoning Map for 128 W. Margaret Lane

The Hillsborough Board of Commissioners ordains:

- Section 1.** An application was made to amend the Official Zoning Map for the Town of Hillsborough, specifically to rezone a 0.21-acre parcel of property identified as 128 W. Margaret Lane (PIN 9874-06-2054), the legal description of which can be found in Deed Book 6229, Page 282 of the Orange County Registry.
- Section 2.** The application was referred to the town Planning Board for its recommendation, and the Planning Board has provided the town board with a written recommendation addressing the consistency of the proposed rezoning amendment with the town's comprehensive plan and such other matters as the Planning Board deemed appropriate.
- Section 3.** The town board has, prior to acting on the application, adopted a statement describing the consistency of the proposed rezoning with the town's Comprehensive Sustainability Plan and explaining why the action contemplated by the town board as reflected herein is reasonable and in the public interest.
- Section 4.** The Official Zoning Map of the Town of Hillsborough is hereby amended to rezone the 0.21-acre parcel identified as 128 W. Margaret Lane (PIN 9874-06-2054) from Neighborhood Business Special Use to Neighborhood Business Conditional Zoning.
- Section 5.** Only the following land uses are permissible in the Neighborhood Business Conditional Zoning district:
- Artisan studio
  - Building/Trade contractor's office
  - Dwelling: Accessory
  - Dwelling: Single-family
  - Gallery/Museum
  - Microbrewery (with a Special Use Permit)
  - Office and professional services
  - Personal service business
  - Pharmacy, retail
  - Retail sales/rentals of goods within wholly enclosed structure
- Section 6.** All provisions of any town ordinance in conflict with this ordinance are repealed.
- Section 7.** 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 26th day of August in the year 2024.

Ayes: 4

Noes: 1

Absent or excused: 0



A handwritten signature in black ink, reading "Sarah E. Kimrey".

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Sarah E. Kimrey, Town Clerk